Handbook
of
The Lutheran Church Missouri Synod
2004 Edition

2004
Constitution, Bylaws,
and
Articles of Incorporation
as amended by the
2004 national convention
10–15 July 2004

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Foreword

Six years ago, 1998 convention Resolution 7-01 created a new Commission on Structure to "draft revisions to the format and content of the Synod's Constitution and Bylaws (*Handbook*) which will eliminate inconsistencies and make the *Handbook* more usable to the Synod." With the publication of this 2004 *Handbook*, that project has now been completed.

Except for changes adopted by specific 2004 convention actions, the content of the *Handbook* has not been changed. Painstaking care was taken not only by the Commission on Structure that worked on this project initially, but also by the Commission on Constitutional Matters that prepared it for publication to make certain that no substantive change was introduced into its content. A "paper trail" was maintained throughout the revision process to verify that every bylaw provision in the 2001 *Handbook* was being accounted for in the 2004 *Handbook*. This paper trail was published in the booklet, "Report to the 2004 Convention: REVISED HANDBOOK," distributed as part of the 2004 *Convention Workbook*. The latter half of the report contains the 2001 *Handbook,* detailing all changes except the new changes adopted by the 2004 convention.

Although the Bylaws have been extensively reorganized in a reasonable and orderly fashion, the change that is most striking is the manner in which bylaws are now numbered. The seven chapters of the Bylaws [1–7] are divided into sections identified by a single decimal [e.g., 1.1], subsections identified by a second decimal [e.g., 1.1.1], and further paragraphs identified either by additional decimals [e.g., 1.1.1.1, etc.] or by letters in parentheses [e.g., (a), (b), (c), etc.] or numbers in parentheses [e.g., (1), (2), (3), etc.].

It will take time, of course, to become comfortable with this revised *Handbook* and its relocated contents. Reviewing the Table of Contents to notice the orderly and logical fashion in which the bylaws have been rearranged will be helpful. The detailed index at the rear of the *Handbook* will also provide assistance in locating specific subjects.

The Commission on Constitutional Matters presents this 2004 edition of the *Handbook* to the Synod with the fervent prayer that it will serve well and assist the Synod, not only in ordering its life but also in pursuing its mission, as stated so well in its mission statement:

> **In grateful response to God's grace and empowered by the Holy Spirit through Word and Sacraments, the mission of The Lutheran Church—Missouri Synod is vigorously to make known the love of Christ by word and deed within our churches, communities, and world.**

Raymond L. Hartwig, *Secretary*

Constitution of The Lutheran Church Missouri Synod

Preamble

Reason for the Forming of a Synodical Union

1. The example of the apostolic church. Acts 15:1–31.
2. Our Lord's will that the diversities of gifts should be for the common profit. 1 Cor. 12:4–31.

Article I Name

The name of the synod organized under this constitution shall be: The Lutheran Church—Missouri Synod.

Article II Confession

The Synod, and every member of the Synod, accepts without reservation:

1. The Scriptures of the Old and the New Testament as the written Word of God and the only rule and norm of faith and of practice;
2. All the Symbolical Books of the Evangelical Lutheran Church as a true and unadulterated statement and exposition of the Word of God, to wit: the three Ecumenical Creeds (the Apostles' Creed, the Nicene Creed, the Athanasian Creed), the Unaltered Augsburg Confession, the Apology of the Augsburg Confession, the Smalcald Articles, the Large Catechism of Luther, the Small Catechism of Luther, and the Formula of Concord.

Article III Objectives

The Synod, under Scripture and the Lutheran Confessions, shall—

1. Conserve and promote the unity of the true faith (Eph. 4:3–6; 1 Cor. 1:10), work through its official structure toward fellowship with other Christian church bodies, and provide a united defense against schism, sectarianism (Rom. 16:17), and heresy;
2. Strengthen congregations and their members in giving bold witness by word and deed to the love and work of God, the Father, Son, and Holy Spirit, and extend that Gospel witness into all the world;
3. Recruit and train pastors, teachers, and other professional church workers and provide opportunity for their continuing growth;
4. Provide opportunities through which its members may express their Christian concern, love, and compassion in meeting human needs;
5. Aid congregations to develop processes of thorough Christian education and nurture and to establish agencies of Christian education such as elementary and secondary schools and to support synodical colleges, universities, and seminaries;

6. Aid congregations by providing a variety of resources and opportunities for recognizing, promoting, expressing, conserving, and defending their confessional unity in the true faith;
7. Encourage congregations to strive for uniformity in church practice, but also to develop an appreciation of a variety of responsible practices and customs which are in harmony with our common profession of faith;
8. Provide evangelical supervision, counsel, and care for pastors, teachers, and other professional church workers of the Synod in the performance of their official duties;
9. Provide protection for congregations, pastors, teachers, and other church workers in the performance of their official duties and the maintenance of their rights;
10. Aid in providing for the welfare of pastors, teachers, and other church workers, and their families in the event of illness, disability, retirement, special need, or death.

Article IV Powers

The Synod shall have legal powers:

1. To purchase, hold, administer, and sell property of every description in the interest of the Synod;
2. To accept, hold, administer, and, if deemed advisable, dispose of legacies, donations, commercial papers, and legal documents of every description in the interest of its work.

Article V Membership

Membership in the Synod is held and may be acquired by congregations, ministers of religion—ordained and ministers of religion—commissioned, such as teachers, directors of Christian education, directors of Christian outreach, *[directors of family life ministry,] directors of parish music, deaconesses, parish assistants, and certified lay ministers of the Evangelical Lutheran Church who confess and accept the confessional basis of Article II.

A. Voting Members

All organized congregations that have joined the Synod hold voting membership. At the meetings of the districts of the Synod every congregation or parish is entitled to two votes, one of which is to be cast by the pastor and the other by the lay delegate. At the meetings of the Synod a number of congregations shall form a group which shall be represented by two voting delegates, one a pastor and one a lay delegate.

B. Advisory Members

Advisory members only are the following:

1. Pastors whose congregations do not hold membership in the Synod
2. Assistant pastors

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* Words in brackets will become a part of the Constitution upon ratification by the congregations of the Synod.

3. Ministers not in charge of congregations
4. Professors at the Synod's educational institutions
5. Teachers of the Evangelical Lutheran Church
6. Directors of Christian education
7. Directors of Christian outreach
*[8. Directors of family life ministry]
9. Directors of parish music
10. Deaconesses
11. Parish assistants
12. Certified lay ministers
13. Candidates for the office of the ministry, for that of a teacher of the Evangelical Lutheran Church, for director of Christian education, for director of Christian outreach, *[for director of family life ministry,] for director of parish music, for deaconess, for certified lay minister, or for parish assistant

Article VI Conditions of Membership

Conditions for acquiring and holding membership in the Synod are the following:

1. Acceptance of the confessional basis of Article II.
2. Renunciation of unionism and syncretism of every description, such as:
   a. Serving congregations of mixed confession, as such, by ministers of the church;
   b. Taking part in the services and sacramental rites of heterodox congregations or of congregations of mixed confession;
   c. Participating in heterodox tract and missionary activities.
3. Regular call of pastors, teachers, directors of Christian education, directors of Christian outreach, *[directors of family life ministry], directors of parish music, deaconesses, certified lay ministers, and parish assistants and regular election of lay delegates by the congregations, as also the blamelessness of the life of such.
4. Exclusive use of doctrinally pure agenda, hymnbooks, and catechisms in church and school.
5. A congregation shall be received into membership only after the Synod has convinced itself that the constitution of the congregation, which must be submitted for examination, contains nothing contrary to the Scriptures or the Confessions.
6. Pastors, teachers, directors of Christian education, directors of Christian outreach, *[directors of family life ministry,] directors of parish music, deaconesses, certified lay ministers, or candidates for these offices not coming from recognized orthodox church bodies must submit to a colloquium before being received.

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* Words in brackets will become a part of the Constitution upon ratification by the congregations of the Synod.

7. Congregations and individuals shall be received into membership at such time and manner, and according to such procedures, as shall be set forth in the Bylaws to this Constitution.

Article VII Relation of the Synod to Its Members

1. In its relation to its members the Synod is not an ecclesiastical government exercising legislative or coercive powers, and with respect to the individual congregation's right of self-government it is but an advisory body. Accordingly, no resolution of the Synod imposing anything upon the individual congregation is of binding force if it is not in accordance with the Word of God or if it appears to be inexpedient as far as the condition of a congregation is concerned.
2. Membership of a congregation in the Synod gives the Synod no equity in the property of the congregation.

Article VIII Synodical Meetings

A. Time and Legality of Meetings

1. The Synod convenes every three years for its regular meeting.
2. For a legal convention a constitutional convocation of the meeting and the presence of at least one-fourth of the constitutionally elected voting representatives are necessary.

B. Special Sessions of the Synod

1. The Synod may under circumstances call a special session if two-thirds of the voting representatives present so decide.
2. In cases of urgent necessity a special session may be called by the President with the consent of two-thirds of the district presidents or by three-fourths of the district presidents without the consent of the President; however, all congregations and other members of the Synod must be notified 30 days in advance and told for what purpose this extra meeting is being convened.

C. Resolutions at Synodical Meetings

All matters of doctrine and of conscience shall be decided only by the Word of God. All other matters shall be decided by a majority vote. In case of a tie vote the President may cast the deciding vote.

Article IX Representation

The synodical meetings are composed of regularly elected and delegated representatives and of certain individual persons, as specified in the Bylaws, to wit:

1. Representatives of congregations, entitled to vote;
2. Advisory representatives of the advisory members of the Synod;
3. Advisory representatives of boards, commissions, and educational institutions and such as by virtue of their office are required to attend the Synod.

Article X Officers

—A—

The officers of the Synod are:

1. A President
2. Vice-Presidents, in line of succession, as prescribed by the Bylaws
3. A Secretary
4. A Vice-President–Finance—Treasurer not in line of succession
5. A Board of Directors
6. Other officers, as specified in the Bylaws

—B—

1. The President, the vice-presidents in line of succession, and the Secretary must be ordained ministers of The Lutheran Church—Missouri Synod and, like the Vice President–Finance—Treasurer, other officers, and the members of the Board of Directors, members of voting congregations.
2. The time of service of all officers, boards, and commissions shall be fixed by the Bylaws of the Constitution of the Synod.
3. Any officer or any member of any board or commission ceases to be an officer of the Synod or a member of any board or commission as soon as he ceases to be a member of a congregation affiliated with the Synod.

Article XI Rights and Duties of Officers

A. In General

1. The officers of the Synod must assume only such rights as have been expressly conferred upon them by the Synod, and in everything pertaining to their rights and the performance of their duties they are responsible to the Synod.
2. The Synod at all times has the right to call its officers to account and, if circumstances require it, to remove them from office in accordance with Christian procedure.
3. The Synod reserves the right to abolish any office it has established.
4. Conventions of the Synod and of the districts have the right, in extraordinary cases, to elect a chairman other than the regular presiding officer.

B. Duties of the President

1. The President has the supervision regarding the doctrine and the administration of
   a. All officers of the Synod;
   b. All such as are employed by the Synod;
   c. The individual districts of the Synod;
   d. All district presidents.
2. It is the President's duty to see to it that all the aforementioned act in accordance with the Synod's Constitution, to admonish all who in

any way depart from it, and, if such admonition is not heeded, to report such cases to the Synod.

3. The President has and always shall have the power to advise, admonish, and reprove. He shall conscientiously use all means at his command to promote and maintain unity of doctrine and practice in all the districts of the Synod.
4. The President shall see to it that the resolutions of the Synod are carried out.
5. When the Synod meets in convention the President shall give a report of his administration. He shall conduct the sessions of the convention so that all things are done in a Christian manner and in accord with the Constitution and Bylaws of the Synod.
6. It is the duty of the President, or an officer of the Synod appointed by the President, to be present at the meetings of the districts, to advise them, and to report at the next session of the Synod.
7. The President shall perform all additional duties assigned to him by the Bylaws or by special resolution of the Synod in convention.
8. When matters arise between meetings of the Synod in convention which are of such a nature that action thereon cannot be delayed until the next convention, the President is authorized to submit them to a written vote of the member congregations of the Synod only after full and complete information regarding the matter has been sent to member congregations by presidential letter and has been published in an official periodical of the Synod. If such matters are related to the business affairs of the Synod, such a vote shall be conducted only after the President has consulted with the synodical Board of Directors. In all cases at least one-fourth of the member congregations must register their vote.

C. Duties of the Vice-Presidents

1. The vice-presidents shall upon request of the President represent him in all his functions.
2. In case of the disability, the deposition from office, or the death of the President, the vice-presidents, in the order of their rank of office, advance to the President's place, with full power, until the expiration of his term of office.

D. Duties of the Secretary

The Secretary shall

1. Record the proceedings when the Synod meets in convention;
2. Perform such other work as the Synod may assign to him through the Bylaws or special resolutions of the Synod.

E. Duties of the Vice-President–Finance—Treasurer

The Vice-President–Finance—Treasurer is the custodian of all moneys and records normally related to the Office of Treasurer of the Synod and shall

1. Keep an exact record of all moneys received and expended by the Synod;
2. Administer the Synod's financial affairs according to its instruction;

3. At any time submit to an examination of his books and accounts by an auditing committee when so ordered by the Synod or its officers.

F. Duties of the Board of Directors

1. The Board of Directors shall consist of not fewer than seven voting members, to wit: the President, the Secretary, one pastor, and four laymen. The First Vice-President and the Vice-President–Finance—Treasurer shall be nonvoting members.
2. The Board of Directors is the legal representative of the Synod. It is the custodian of all the property of the Synod, directly or by its delegation of such authority to an agency of the Synod. It shall exercise supervision over all the property and business affairs of the Synod except *[to the extent management authority and duties have been delegated by the Constitution, Bylaws, or resolutions of the Synod to other officers and agencies of the Synod] or where the voting members of the Synod through the adoption of bylaws or by other convention action have assigned specific areas of responsibility to separate corporate or trust entities, and as to those the Board of Directors shall have general oversight responsibility as set forth in the Bylaws.

Article XII Districts of the Synod and Their Regulation

1. The Synod is divided into districts, the geographical boundaries of which are determined by the Synod and are altered by it according to circumstances.
2. This Constitution is also the constitution of each district of the Synod; however, each district is at liberty to adopt such bylaws and pass such resolutions as it deems expedient for its conditions, provided that such bylaws and resolutions do not conflict with the Constitution and the Bylaws of the Synod.
3. The officers of the districts are:
   a. A district president
   b. District vice-presidents as the Bylaws prescribe
   c. As many circuit counselors as each district may determine upon
   d. A district secretary
   e. A district treasurer, who may be elected by the district convention or appointed in such manner as the district may prescribe.
4. Additional officers, boards, and commissions are elected by the districts as they are required for the execution of the business of the districts.

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* Words in brackets will become a part of the Constitution upon ratification by the congregations of the Synod. If not ratified, the wording of this paragraph will not have been amended and will remain as follows: "2. The Board of Directors is the legal representative of the Synod. It is the custodian of all the property of the Synod, directly or by its delegation of such authority to an agency of the Synod. It shall exercise supervision over all the property and business affairs of the Synod except in those areas where it has delegated such authority to an agency of the Synod or where the voting members of the Synod through the adoption of Bylaws or by other convention action have assigned specific areas of responsibility to separate boards or trust entities, and as to those the Board of Directors shall have general oversight responsibility as set forth in the Bylaws."

5. The election and time of service of the district officers shall be determined by the Bylaws of the Constitution of the Synod.
6. All officers of the districts have the same rights and duties as those outlined in this Constitution for the officers of the Synod but only insofar as these apply to the district and only within the boundaries of their districts.
7. The district presidents shall, moreover, especially exercise supervision over the doctrine, life, and administration of office of the ordained and commissioned ministers of their district and acquaint themselves with the religious conditions of the congregations of their district. To this end they shall visit and, according as they deem it necessary, hold investigations in the congregations. Their assistants in this work are the circuit counselors, who therefore shall regularly make their reports to the district president.
8. District presidents are empowered to suspend from membership ordained and commissioned ministers for persistently adhering to false doctrine or for having given offense by an ungodly life, in accordance with such procedure as shall be set forth in the Bylaws of the Synod.
9. Furthermore, the district presidents shall
    a. See to it that all resolutions of the Synod which concern the districts are made known to the districts and are carried out by them;
    b. Submit an annual report of their administration to the President of the Synod and, in general, permit him to obtain all necessary insight into their official activities as district presidents;
    c. Perform, either in person or by proxy, the ecclesiastical ordination of the candidates for the ministry assigned to their districts and the installation of such, as well as the installation of the candidates for the office of schoolteacher and of all ministers and teachers called by the congregations in their districts;
    d. Sign all examination papers and certificates of ordination and, in general, all official papers and documents of their district.
10. The meetings of the districts of the Synod are composed of the following:

A. Voting Representatives

The pastors of such congregations as hold voting membership in the Synod and the lay delegates elected and deputed by these congregations shall be voting representatives.

B. Advisory Members

Advisory members are:

a. Pastors whose congregations do not hold membership in the Synod
b. Assistant pastors
c. Ministers not in charge of congregations
d. Professors at the Synod's educational institutions
e. Teachers of the Evangelical Lutheran Church

f. Directors of Christian education
g. Directors of Christian outreach
*[h. Directors of family life ministry]
i. Directors of parish music
j. Deaconesses
k. Parish assistants
l. Certified lay ministers
m. Candidates for the office of the ministry, for that of a teacher of the Evangelical Lutheran Church, for director of Christian education, for director of Christian outreach, *[for director of family life ministry,] for director of parish music, for deaconess, for certified lay minister, or for parish assistant

11. The districts, when legally incorporated, are represented before the state by a board of directors composed of the president, the secretary, and the treasurer of the district, which board, however, may be constituted otherwise.
12. The districts are independent in the administration of affairs which concern their district only, it being understood, however, that such administration shall always serve the interests of the Synod.
13. The regular sessions of the districts are held in the year immediately preceding the general convention of the Synod. Only the Synod has the right to make an exception to this rule.
14. For the legal holding of the sessions of the districts a constitutional convocation of such sessions and the presence of at least one-third of the voting members represented by at least one of their respective representatives (pastor or lay delegate) are required.
15. In cases of urgent necessity the district president is empowered to convene special sessions of his district; he must, however, previously have obtained consent of at least a majority of the voting members of the district after having informed them and the President of the Synod of the purpose of the intended special session.

Article XIII Expulsion from the Synod

1. Members who act contrary to the confession laid down in Article II and to the conditions of membership laid down in Article VI or persist in an offensive conduct, shall, after previous futile admonition, be expelled from the Synod.
2. Expulsion shall be executed only after following such procedure as shall be set forth in the Bylaws of the Synod.
3. If the member expelled is a pastor or teacher in a congregation of the Synod, such congregation, unless it has already done so, is held to depose him from office and to deal with him in accordance with the Word of God, notwithstanding an appeal. If it persistently refuses to do so, the respective district is to deal with it. If all negotia-

* Words in brackets will become a part of the Constitution upon ratification by the congregations of the Synod.

tions and admonitions fail of their purpose, such congregation forfeits its membership in the Synod.

4. Because of their expulsion those so expelled forfeit their membership and all share in the property of the Synod. The latter holds good also with respect to those who for any reason themselves sever their connection with the Synod.

Article XIV Changes in, and Amendments to, the Constitution

1. Changes in the Constitution and amendments thereto may be made provided they do not conflict with the provisions laid down in Article II and in Article VI.
2. All proposed changes and amendments must be submitted in writing to the Synod assembled in convention, and each proposed change shall be voted on separately. A two-thirds majority of all votes cast shall be necessary for adoption.
3. After adoption by the convention such amendments shall be submitted to the congregations of the Synod by means of three announcements in the official periodical within three months after the close of the convention.
4. Amendments to the Constitution of the Synod shall be submitted directly to each voting congregation of the Synod on an official ballot, and the congregations shall by official action express their affirmative or negative vote and indicate the same to the Secretary of the Synod on this official ballot. The proposed amendment shall become effective at the expiration of six months from the date on which the amendment is submitted for vote, provided a two-thirds majority of the votes cast within that period shall have favored the amendment. At the end of the six-month period the Secretary of the Synod shall announce the outcome of the voting by districts in the official periodical of the Synod.

Bylaws of The Lutheran Church Missouri Synod

1. Relationships within and through the Synod

1.1 Purpose of the Synod

1.1.1 Committed to a common confession and mission, congregations of The Lutheran Church—Missouri Synod join with one another in the Synod to support one another and to work together in carrying out their commonly adopted objectives. The Synod is organized to work in support of and on behalf of congregations to assist them in carrying out their ministries as they seek to serve our Lord Jesus Christ, the members of His body, and the world which stands in need of the Word and the impact of His redeeming love.

(a) The Synod functions in support of its member congregations by providing assistance as congregations conduct their ministries locally, as well as their ministries at large.

(b) The Synod on behalf of its member congregations administers those ministries that can be accomplished more effectively in association with other member congregations through the Synod. In this way member congregations utilize the Synod to assist them in carrying out their functions of worship, witness, teaching and nurture, service, and support.

1.2 Definition of Terms

1.2.1 The following definitions apply to the entire Bylaws of The Lutheran Church—Missouri Synod:

(a) ***Agency***: An instrumentality other than a congregation, whether or not separately incorporated, which the Synod in convention or its Board of Directors has caused or authorized to be formed to further the Synod's objectives.

(1) Agencies include each board, commission, council, seminary, university, college, district, Worker Benefit Plans, and each synodwide corporate entity.

(2) The term "agency of the Synod" does not describe or imply the existence of principal and agency arrangements as defined under civil law.

(b) ***Commission***: A group of persons, elected or appointed as prescribed in the Bylaws, rendering a precisely defined service function of the Synod and responsible, as the case may be, to the Synod in convention, to the President of the Synod, or to the Board of Directors of the Synod. The commissions of the Synod are:

(1) Commission on Constitutional Matters
(2) Commission on Doctrinal Review
(3) Commission on Ministerial Growth and Support
(4) Commission on Structure
(5) Commission on Theology and Church Relations
(6) Commission on Worship

(c) ***Corporate Synod***: The Lutheran Church—Missouri Synod, the Missouri nonprofit corporation, including the departments operating under the supervision of the Board of Directors of the Synod and the program boards and commissions of the Synod.

(1) "Corporate Synod" is not an agency of the Synod.

(2) Worker Benefit Plans, while operating under the supervision of the Board of Directors, is a trust agency whose assets are not the property of corporate Synod.

(3) The Lutheran Church—Missouri Synod, in referencing the laws of the State of Missouri in these Bylaws and in the Synod's Articles of Incorporation, intends to acknowledge its responsibility to be subject to civil authority. In all such references, however, the Synod intends to retain all authority and autonomy allowed a church under the laws and Constitution of the United States and the State of Missouri.

(d) ***Council***: An officially established group elected or appointed as an advisory body. The council of the Synod is

(1) Council of Presidents.

(e) ***District***: A division of the Synod as determined by a national convention of the Synod.

(f) ***Ecclesiastical supervision***: The responsibility, primarily of the President of the Synod and district presidents, to supervise on behalf of the Synod the doctrine, life, and administration of its members, officers, and agencies. Such supervision, subject to the provisions of the Synod's Constitution, Bylaws, and resolutions, includes visitation, evangelical encouragement and support, care, protection, counsel, advice, admonition, and, when necessary, appropriate disciplinary measures to assure that the Constitution, Bylaws, and resolutions of the Synod are followed and implemented. Thus, ecclesiastical supervision is also the presenting, interpreting, and applying of the collective will of the Synod's congregations. Ecclesiastical supervision does not include the responsibility to observe, monitor, control, or direct the day-to-day activities of individual members of the Synod, whether in the conduct of their work or in their private lives (cf. Bylaw 2.13.2). Further, those constitutional articles and bylaws pertaining to ecclesiastical supervision shall determine the full definition of ecclesiastical supervision.

(g) ***Governing Board***: A board that directs an agency of the Synod and to which the staff of that agency is responsible. Governing boards are such as a board of directors, a board of trustees, a board of managers, or a board of governors.

(h) ***May***: Permissive, expressing ability, liberty, or the possibility to act.

(i) ***Member of the Synod***: See Article V of the Constitution. Members of the Synod are of two classes: corporate members (congregations who are voting members) and individual members (ordained and commissioned ministers on the roster of the Synod).

(j) ***Oversight***: For the purpose of these Bylaws, to monitor; to make inquiry and receive a response thereto; to make suggestions; to bring concerns to the attention of a higher authority.

(k) ***Praesidium***: The President and the Vice-Presidents in line of succession.

(l) ***Program Board***: An officially established group of persons elected or appointed as prescribed in the Bylaws, charged with developing policies and programs for an operating function of the Synod and supervising their implementation. The program boards of the Synod are:

(1) Board for Pastoral Education
(2) Board for University Education
(3) Board for Black Ministry Services
(4) Board for Communication Services
(5) Board for District and Congregational Services
(6) Board for Human Care Ministries
(7) Board for Mission Services

(m) ***Property of the Synod***: All assets, real or personal, tangible or intangible, whether situated in the United States or elsewhere, titled or held in the name of the Synod, its nominee, or an agency of the Synod. "Property of the Synod" does not include any assets held by the Lutheran Church Extension Fund—Missouri Synod or by an agency of the Synod in a fiduciary capacity (including, for purposes of example, the funds administered by Worker Benefit Plans and certain funds held by The Lutheran Church—Missouri Synod Foundation).

(n) ***Shall***: A word of command that must always be given an imperative or compulsory meaning.

(o) ***Subcommittee***: Persons who are voting or advisory members of a board or commission who perform a specific function and are in a reporting relationship to the parent group. Subcommittees may be standing or *ad hoc*.

(p) ***Supervision***: For the purpose of these Bylaws (other than those pertaining to ecclesiastical supervision) to have authority over, to direct actions, to control activities.

(q) ***Synod***: Refers collectively to the association of self-governing Lutheran congregations and all its agencies on the national and district levels.

(1) The Synod was incorporated on July 3, 1894, and is presently named The Lutheran Church—Missouri Synod. It includes all agencies of the Synod as defined above in paragraph (a) of this bylaw.

(2) The Synod, as defined herein, is not a civil law entity.

(r) ***Synodwide Corporate Entity***: A separate corporation established by the Synod for business and legal reasons. For the purposes of these Bylaws, the "synodwide corporate entities" of the Synod are the following corporations:

(1) Concordia Historical Institute
(2) Concordia Publishing House
(3) Lutheran Church Extension Fund—Missouri Synod
(4) The Lutheran Church—Missouri Synod Foundation
(5) Concordia University System

The term "synodwide corporate entity" is not used in these Bylaws to include foreign corporations created by the Synod in order to undertake foreign missions.

(s) ***Task Force***: An appointed group that has an *ad hoc* assignment to accomplish a specific task and whose duties have a definite expiration date.

(t) ***Voting Member***: See Article V A of the Constitution.

1.3 Synod Relationships: Congregation, National, District, Circuit

1.3.1 Individual Christians are joined together in a worshiping and serving community, the congregation. Congregations, the basic units of the Synod, have joined together to form the Synod and relate to one another through it.

1.3.2 The Synod divides itself into districts and authorizes its districts to create circuits. The criteria for the creation of districts and circuits are determined by the Synod in convention. Districts and circuits are included among the component parts of the Synod.

1.3.3 The Synod, including its component parts, is regarded as an extension of the congregations to the extent and for the purposes determined by the congregations acting through conventions. The Synod and its component parts are designed to assist congregations and their members in conserving and promoting the unity of the faith and in carrying out their mission and ministry. The Synod, including its component parts, also serves as the structure through which congregations carry out certain functions that can be performed more effectively and efficiently together with other member congregations.

1.3.4 Congregations together establish the requirements of membership in the Synod (Constitution, Art. VI). In joining the Synod, congregations and other members obligate themselves to fulfill such requirements and to diligently and earnestly promote the purposes of the Synod by word and deed. Members agree to uphold the confessional position of the Synod (Constitution, Art. II) and to assist in carrying out the objectives of the Synod (Constitution, Art. III), which are objectives of the members themselves. Thus, while congregations of the Synod are self-governing (Constitution, Art. VII), they, and also individual members, commit themselves as members of the Synod to act in accordance with the Constitution and Bylaws of the Synod under which they have

agreed to live and work together and which the congregations alone have the authority to adopt or amend through conventions.

1.3.5 Membership is held in the Synod itself. However, in accordance with the objectives of the Synod, each member enjoys certain privileges and accepts certain responsibilities also in and through the respective district and circuit.

1.3.6 Districts and circuits as component parts of the Synod are obligated to carry out resolutions of the Synod and are structures for congregations to review decisions of the Synod, to motivate one another to action, and to shape and suggest new directions.

1.3.7 The formation of any corporation by the Synod itself or any agency of the Synod involving any other church body requires the approval of the Board of Directors and the President of the Synod.

1.3.8 The Synod in convention or through the Board of Directors of the Synod may authorize holding membership in national inter-Lutheran entities. Representatives of the Synod to various national inter-Lutheran entities: (a) shall be named by the President of the Synod on recommendation of the executive directors of boards and commissions of the Synod; (b) shall participate in the activities of the respective inter-Lutheran entities according to the constitutions and bylaws of those entities and in keeping with the theological and constitutional principles of the Synod; and (c) shall submit formal reports to the President.

1.4 Synod Relationships: Conventions, Officers, Boards, Commissions, Staff

1.4.1 The delegate convention of the Synod is the legislative assembly that ultimately legislates policy, program, and financial direction to carry on the Synod's work on behalf of and in support of the member congregations. It reserves to itself the right to give direction to all officers and agencies of the Synod. Consequently, all officers and agencies, unless otherwise specified in the Bylaws, shall be accountable to the Synod for all their actions, and any concerns regarding the decisions of such officers or agencies may be brought to the attention of the Synod in convention for appropriate action. This provision does not apply to specific member appeals to Worker Benefit Plans, which has its own appeal process for such cases.

1.4.2 The delegate convention of each district of the Synod receives reports and counsel from the national Synod, makes recommendations thereto, assists in implementing decisions of the Synod, and adopts or authorizes programs to meet the unique needs of the district.

1.4.3 Elected officers of the Synod and its agencies serve in accordance with duties assigned to them or otherwise authorized by the Constitution and appropriate bylaws. Primary responsibility is given to each officer, to the extent of his jurisdiction, for implementing specific decisions of the appropriate conventions, boards, and commissions and for supervising and coordinating the day-to-day activities of the respective staffs. Elected officers are to report their activities and recommenda-

tions to the respective convention and, as appropriate, to the respective president and board.

1.4.4 The Board of Directors serves the Synod as its legal representative and as custodian of all property of the Synod, and upon it is incumbent the general management and supervision of the business affairs of the Synod, except to the extent that management authority and duties have been delegated by the Articles of Incorporation, Constitution, Bylaws, or resolutions of a convention of the Synod to other officers and agencies of the Synod or to separate corporate or trust entities. Each other board of directors, board of regents, and board of trustees also serves the Synod with respect to the property of the Synod, to the extent of its jurisdiction, as provided or authorized in these Bylaws. Upon each such board of the Synod is incumbent the general management and supervision of the business affairs of the Synod to the extent of its jurisdiction.

(a) Each board of directors, board of regents, and board of trustees shall, to the extent of its jurisdiction, between conventions and subject to the advice or direction from any other appropriate board that has been given authority by these Bylaws or by convention resolution,

(1) determine general operating policies and maintain a policy manual;
(2) approve program budgets;
(3) allocate resources for such programs;
(4) monitor program performance; and
(5) coordinate the administration of convention resolutions.

(b) Unless otherwise specified, each board of directors shall also be empowered to settle disputes within that corporate entity.

(c) Each board shall report its activities and recommendations to the respective convention.

1.4.5 All agencies that serve the Synod at the national or district level in a specific area of program or ministry in accordance with the Synod's Constitution and applicable bylaws adopt programs in their assigned areas of responsibility; administer the programs and resources as provided or authorized by the Constitution and applicable bylaws or as assigned by the respective convention or agency; and propose modifications thereto.

(a) Each also provides program policies, as well as directions, for its staff and shall establish, together with staff, evaluation criteria for its programs.

(b) Each shall report its activities to the respective convention, president, and responsible agency.

(c) National agencies obtain counsel from districts in developing programs, and districts maintain communication with and provide for utilization of national programs, as well as design programs to meet their own unique needs.

1.4.6 Each staff develops procedures, recommends and reviews programs and ministries, manages programs, and recommends policy and program modifications. It implements decisions in accordance with approved policy.

(a) It is responsible to the Synod at the national or district level in accordance with the Constitution and Bylaws of the Synod at the national or district level, resolutions of the respective convention, and the policies of a district or any other agency to which it is responsible.

(b) Staffs ordinarily serve as the liaison between the national and district levels. Staffs at the national and district levels consult with one another in developing program proposals to present to their respective boards.

(c) A staff at the national level through its executive officer shall

(1) implement decisions of its board or commission in accordance with its policies and those of its board of directors;
(2) prepare, for the chairman's approval, meeting dockets and mail them in advance of the meetings;
(3) prepare program and policy recommendations for action by the board or commission;
(4) maintain procedures manuals to implement board policies and programs;
(5) make day-to-day operating decisions in the administration of adopted programs in accordance with approved policies;
(6) provide for reports to the board or commission and the President of the Synod on staff activities and implementation of assignments;
(7) solicit information and counsel from districts, colleges, universities, and seminaries, as appropriate, to learn their needs and expectations;
(8) design, in cooperation with districts, for board approval, program resources for districts and congregations, and survey districts and congregations regarding the use of program resources;
(9) provide counsel and advice to districts and, at their request, to congregations in program areas;
(10) coordinate work with assigned auxiliaries and recognized service organizations;
(11) draft annually for board or commission approval, long- and short-range plans and budget requests for programs, and evaluate program budget performance against agreed-upon evaluation criteria;
(12) propose staffing levels and review staff performance; and
(13) normally represent the board or commission in contacts within and outside the Synod.

(d) Each executive officer shall report on staff activities and recommendations to the national Synod, district, or agency to which that officer is responsible and, as requested, to the president of the district or of the Synod.

1.5 Regulations for Corporate Synod and Agencies of the Synod

General

1.5.1 Members of all agencies shall be members of member congregations of the Synod.

1.5.2 All agencies shall organize themselves as to officers and subcommittees at the initial meeting after election or appointment and shall conduct business in accordance with accepted parliamentary rules.

1.5.3 All agencies may employ executive committees to act in times of emergency between plenary meetings and to act on delegated assignments.

(a) Executive committees may not perform acts specifically required by statute or by legislation of the Synod to be performed by the agency, nor may they overturn actions of the agency.

(b) All executive committee actions shall be reported to plenary sessions of the agency.

(c) The agencies may also delegate a specific assignment for a limited time to a committee composed of its own members.

1.5.4 Unless otherwise specified or permitted by the Bylaws, executives, faculty, and staff on either the national or district level shall not be members of the board of the agency under which they serve, nor shall any such executives or staff be members of the board of any other agency of the Synod.

1.5.5 No one, either in the Synod or in a district, or between the Synod and a district, shall hold more than one elective office; or hold more than two offices, although one or both be appointive; or ever hold two offices of which one is directly responsible for the work done by the other.

(a) An office shall be regarded as elective only if it is an office filled through election by a national or a district convention, even though a vacancy in such an office may be filled by appointment.

(b) Doubtful cases shall be decided by the President of the Synod.

1.5.6 The governing boards of all agencies shall develop policy statements regarding the relations between boards and staffs.

(a) Members of boards and commissions and officers and executive staff of the Synod and its agencies shall be sensitive in their activities to taking or giving offense, causing confusion in the Synod, or creating potential liability.

(b) Dissent to decisions made by the agencies shall ordinarily be expressed within the structure of the respective agency.

1.5.7 All agencies shall make available upon request and at a reasonable price a verbatim copy of the minutes of their meetings except for executive sessions.

1.5.8 Every agency of the Synod shall meet at least quarterly unless otherwise stipulated in the Bylaws. Exceptions require the approval at least annually of the President of the Synod.

1.5.9 Every agency of the Synod shall operate under the human resources policies of the Synod. Such policies may recognize the unique character of the operations of each.

(a) Every agency may create officer and executive staff positions and fill the same in accordance with its policies.

(b) The chief executive of each agency shall serve at the pleasure of the governing board.

(c) The governing board shall conduct an annual review of each executive and, before the expiration of five years, conduct a comprehensive review.

(d) At the conclusion of each five-year period, the appointment shall terminate unless the governing board takes specific action to continue the person in the office.

(e) In the event of a vacancy, the appropriate governing board and the President of the Synod shall act expeditiously to fill the vacancy. This board shall present its list of candidates to the President.

(f) The slate of candidates for the initial appointment of the executive officer of an agency shall be selected by the board or commission in consultation and mutual concurrence with the President of the Synod.

(g) Any interim appointments of an executive officer shall be processed in a similar manner. Such appointee must be approved by the President of the Synod, may not serve more than 18 months without the concurrence of the President of the Synod, and shall be ineligible to serve on a permanent basis without the concurrence of the President of the Synod.

(h) Executive officers shall normally attend all meetings of their agencies except when their own positions are being considered. Other staff may attend upon request of the agency.

1.5.10 Administrative and programmatic conflicts between agencies of the Synod and between such agencies and the synodwide corporate entities shall be handled by the parties concerned in a Christian manner with the assistance of the President of the Synod.

1.5.11 Boards and commissions may appoint standing committees of specialists to provide professional or technical assistance to the board or commission and may delegate certain responsibilities to such committees while retaining supervision. The creation of standing committees shall be reported to the President and the Board of Directors of the Synod.

Disclosure of Conflict of Interest

1.5.12 Every board, commission, officer, and staff member of the Synod and every agency of the Synod shall avoid conflicts of interest as described in this bylaw.

1.5.12.1 Each governing board shall maintain and monitor a conflict-of-interest policy which shall be applicable to the boards, commissions,

officers, and executive staff operating under the respective agency. Each policy shall include the following provisions:

(a) Each board or commission member shall disclose to the chairman of the agency and each staff person shall disclose to the executive officer of the agency any potential conflicts of interest. Each chairman or executive officer shall disclose personal potential conflicts of interest to the governing board.

(1) Such disclosures shall include board membership on, a substantial interest in, or employment of the individual or a relative by any organization doing business with the Synod or any of its agencies.
(2) Board members or staff persons who receive honoraria or payments for any sales or services rendered to the Synod or its agencies shall disclose such information.
(3) All such disclosures shall be reported to the respective board or commission or its designated representative(s), who shall determine whether an inapprop˘riate interest exists.

(b) Responsibilities shall be conducted in a manner reflecting the highest degree of integrity and honesty consistent with the Scriptures, the Lutheran Confessions, the Handbook of the Synod, board policies, and civil laws.

(1) Activities shall not be entered into which may be detrimental to the interests of the Synod and its agencies.
(2) Information acquired in the course of carrying out duties of the Synod shall not knowingly be used in any way that would be detrimental to the welfare of the Synod and its agencies.
(3) No board or commission member and/or staff or executive officer of the Synod or its agencies shall vote on any transaction in which the individual shall receive a direct or indirect financial gain.
(4) Gifts, entertainment, or favors in excess of $100 per person per year from any individual or outside concern which does or is seeking to do business with the Synod or its agencies shall not be accepted.
(5) Any inappropriate activity shall cease or the position will be vacated.

1.5.12.2 Individuals, prior to accepting elected or appointed office or staff positions, shall sign statements that they have received, understand, and agree to abide by this bylaw and the conflict of interest policy of the respective corporation. Each shall also sign annually a "Statement of Compliance" with the bylaw and policy.

Full Financial Disclosure

1.5.13 The Synod and each of its agencies shall fully disclose their financial books and records to any member congregation of the Synod.

(a) Full disclosure includes all information (including, but not limited to, information required to be made available under state law) recorded in any fashion, except the following:

(1) Information that would violate the expected confidentiality of donors.

(2) Personnel files or other information that would violate the expected confidentiality of officers and employees.

(3) Information that relates to in-process negotiations of financial matters.

(4) Information the disclosure of which would breach a legal obligation of the Synod or its agencies or affect pending litigation or claims against the Synod or its agencies.

(5) Information that is preliminary in nature or otherwise has not been finalized in its form and content.

(b) Salaries of elected officers of the Synod shall be published annually in an official periodical.

1.5.13.1 The accounting department of the Synod shall publish annually in an official periodical an invitation to request full, audited financial statements and summary operating budgets of the Synod or its agencies.

(a) The Synod and its agencies shall share, upon request, the quarterly financial statements as reported to the respective governing boards.

(b) All information produced for normal publication or distribution shall be provided free of charge.

1.5.13.2 Requests for detailed financial information or the inspection of financial records shall be made in writing to the respective corporate boards by a member congregation and shall state the records desired and the time period to be covered.

(a) All requests for information involving research or compilation shall be billed to the member on the basis of actual costs.

(b) Any inspection of financial records shall be done by a member(s) of the congregation or its stated authorized agent at a mutually agreeable time and place.

(c) The board may decline to provide the information requested if the board can demonstrate by clear and convincing evidence that the member's request is with the specific intent to cause harm to the Synod or one of its agencies or with the sole intent of deliberately and significantly disrupting the operations and affairs of the Synod or one of its agencies.

(d) Any declination to provide information or limit inspection shall be explained in writing.

(e) Challenges to any board decisions declining to provide information or to limit inspection may be reviewed under the Synod's dispute resolution process.

1.6 Confessional Position of the Synod

1.6.1 The confessional position of the Synod is set forth in Article II of its Constitution, to which all who wish to be and remain members of the Synod shall subscribe.

Doctrinal Resolutions and Statements

1.6.2 The Synod, in seeking to clarify its witness or to settle doctrinal controversy, so that all who seek to participate in the relationships that exist within and through the Synod may benefit and may act to benefit others, shall have the right to adopt doctrinal resolutions and statements which are in harmony with Scripture and the Lutheran Confessions.

(a) Doctrinal resolutions may be adopted for the information, counsel, and guidance of the membership. They shall conform to the confessional position of the Synod as set forth in Article II of its Constitution and shall ordinarily cite the pertinent passages of the Scriptures, the Lutheran Confessions, and any previously adopted official doctrinal statements and resolutions of the Synod. Such resolutions come into being in the same manner as any other resolutions of a convention of the Synod and are to be honored and upheld until such time as the Synod amends or repeals them.

(b) Doctrinal statements set forth in greater detail the position of the Synod especially in controverted matters. A proposed statement or a proposal for the development of such a statement shall be

(1) submitted by the Commission on Theology and Church Relations or submitted to the Commission on Theology and Church Relations by a convention of the Synod (including that of a district), a faculty of the Synod, or an official district conference of ordained and/or commissioned ministers for evaluation, refinement, development, or recommendation, as the case may be;

(2) submitted by the Commission, if it acts favorably, to the colleges, universities, seminaries, congregations, and other members of the Synod for study and suggestions for no more than one year (failure by the Commission to submit a proposed doctrinal statement within a year may be appealed to the Synod in convention through a proper overture);

(3) refined further by the Commission on the basis of suggestions received;

(4) submitted by the Commission to the Synod in convention for further consideration and possible adoption by majority vote; amendments shall require a two-thirds affirmative vote of those present and voting;

(5) resubmitted to the congregations for ratification in its final existing form;

(6) ratified and operative if a two-thirds majority of the member congregations which respond within six months registers an affirmative vote on a ballot supplied by the Secretary of the

Synod for that purpose. Failure to ratify makes the statement inoperative, and this fact shall be reported by the Secretary to the members of the Synod through an announcement in an official periodical;

(7) Such adopted and ratified doctrinal statements shall be regarded as the position of the Synod and shall be "accepted and used as helpful expositions and explanations" (FC SD Rule and Norm 10). They shall be honored and upheld ("to abide by, act, and teach in accordance with" [1971 Res. 2-21]) until such time as the Synod amends or repeals them;

(8) An overture to amend such an adopted ratified doctrinal statement shall follow the same procedure as listed in (1–6) above;

(9) An overture to repeal such an adopted and ratified doctrinal statement shall require a majority vote of the Synod in convention in answer to an overture properly submitted and be subject to the procedure of congregational approval set forth in paragraph (6) above;

(10) In the interim, those who submit overtures to amend or to repeal shall, while retaining their right to dissent, continue to honor and uphold publicly the statement as the position of the Synod, notwithstanding further study and action by the Synod in convention.

1.7 Agreements

1.7.1 The Constitution, Bylaws, and all other rules and regulations of the Synod apply to all congregational and individual members of the Synod.

1.7.2 The Synod expects every member congregation of the Synod to respect its resolutions and to consider them of binding force if they are in accordance with the Word of God and if they appear applicable as far as the condition of the congregation is concerned. The Synod, being an advisory body, recognizes the right of a congregation to be the judge of the applicability of the resolution to its local condition. However, in exercising such judgment, a congregation must not act arbitrarily, but in accordance with the principles of Christian love and charity.

1.7.3 The Synod expects congregations that have not been received into membership, but are served by the Synod, and whose ministers of religion, ordained and commissioned, hold membership in the Synod, to honor its rules and regulations.

1.8 Dissent

1.8.1 While retaining the right of brotherly dissent, members of the Synod are expected as part of the life together within the fellowship of the Synod to honor and uphold the resolutions of the Synod.

1.8.2 Dissent from doctrinal resolutions and statements is to be expressed first within the fellowship of peers and then brought to the attention of the Commission on Theology and Church Relations before finding expression as an overture to the convention calling for revision or recision. While the conscience of the dissenter shall be respected, the consciences of others, as well as the collective will of the Synod, shall also be respected.

1.9 Doctrinal Review

Definition

1.9.1 Doctrinal review is the exercise of the Synod's responsibility to determine that every doctrinal statement made in its or any of its agencies' or auxiliaries' materials is in accord with the Scriptures and the Lutheran Confessions.

Material Subject to Doctrinal Review

1.9.1.1 The following materials are subject to doctrinal review:

(a) All official periodicals and journals of the Synod, as well as any material with doctrinal content issued publicly by boards, commissions, or other subordinate groups of the Synod, except as stipulated in these Bylaws, shall be subject to doctrinal review.

(b) The right to produce study documents and exploratory material plainly designated as such and published by boards, commissions, or other subordinate groups of the Synod is recognized. When such material is to be issued publicly, it shall be subject to doctrinal review.

(c) Each district is accountable to the Synod through its respective president and board of directors for the content of all of its published materials.

(d) Each of the Synod's schools is accountable to the Synod through its respective president and board of regents for the content of its professional journals and all of its published materials that are not the official publications of the Synod (paragraph (a) of Bylaw 3.8.5.2.3). The editorial boards of such publications shall serve as their own doctrinal reviewers.

(e) Auxiliary organizations recognized by the Synod shall be held directly accountable for their material. However, in accord with his office as defined in Article XI B 1 of the Synod's Constitution, the President of the Synod shall require doctrinal review.

(f) In the case of broadcasts over the Synod's radio station by other than staff members, individuals must be held responsible for their own material since it is not feasible to apply the process of doctrinal review to such broadcasts.

(g) Official reports of the boards, commissions, task forces, and committees of the Synod prepared in response to directives from the Synod shall not be subject to doctrinal review.

Procedure

1.9.2 Doctrinal reviewers shall make a careful evaluation of the doctrinal content of all items submitted.

(a) The primary responsibility for doctrinal supervision and review lies with the President of the Synod (Constitution, Art. XI B 1).

(1) Each board, commission, and other subordinate group of the Synod shall advise the President of the Synod of the number and desired competency of doctrinal reviewers needed by it and may suggest a list of qualified persons. The President shall appoint reviewers for each group according to its needs. They shall be broadly representative of the ministry of the Synod.

(2) Reviewers shall be appointed for renewable three-year terms. An appointment may be terminated prior to the completion of the appointed term if the reviewer is unable or unwilling to carry out the reviewing tasks assigned. In the event of such termination, the President of the Synod shall appoint another reviewer to complete the unexpired term.

(b) Each agency of the Synod, synodwide corporate entity, or auxiliary shall establish procedures that will insure that its material as specified in Bylaw 1.9.1 will be submitted for doctrinal review to one of the reviewers referred to in Bylaw 1.9.2 (a).

(c) Since time requirements vary according to the type of material being reviewed, the procedure in each case shall be worked out to the mutual satisfaction of the producing group and the publisher.

(d) The identity of authors and reviewers shall not be disclosed without the approval of the President. Consultation may at times be advisable, however, where clarification is necessary.

(e) The reviewer's primary concern is that items submitted to him be in agreement in their doctrinal content with the Scriptures and the Lutheran Confessions.

(f) The reviewer shall also be concerned that the items submitted do not contain statements that are inadequate, misleading, ambiguous, or lacking in doctrinal clarity.

(g) The reviewer shall further be concerned that resolutions of the Synod be honored and upheld and that positions deviating from the doctrinal resolutions of the Synod be clearly identified as such.

(h) When the author is also a reviewer, his material shall be assigned to another reviewer.

(i) The reviewer may request that specific material assigned to him also be reviewed by another reviewer.

(j) Where changes appear to be necessary, the reviewer(s) shall submit a documented critique that shall be made available to the author, the sponsoring group, and the publisher.

(k) The author shall consider the critique and make necessary revisions until there is agreement between the author and the reviewer.

(l) Should any problem arise between an author, a reviewer, the publisher, or any other party involved with respect to the material submitted for review, the sponsoring group shall endeavor to resolve it to the satisfaction of the reviewer. If it cannot do so, the problem shall be submitted to the Commission on Doctrinal Review under the appeals procedure stated in Bylaws 3.9.3.2.1.

1.10 Dispute Resolution of the Synod

Preamble

1.10.1 When disputes, disagreements, or offenses arise among members of the body of Christ, it is a matter of grave concern for the whole church. Conflicts that occur in the body should be resolved promptly (Matt. 5:23–24; Eph. 4:26–27). Parties are urged by the mercies of God to proceed with one another with "the same attitude that was in Christ Jesus" (Phil. 2:5). In so doing, individuals, congregations, and various agencies within the Synod are urged to reject a "win-lose" attitude that typifies secular conflict. For the sake of the Gospel, the church should spare no resource in providing assistance.

1.10.1.1 The Holy Scriptures (1 Cor. 6:1–7) urge Christians to settle their differences by laying them before the "members of the brotherhood." Therefore, the Synod, in the spirit of 1 Corinthians 6, calls upon all parties to a disagreement, accusation, controversy, or disciplinary action to rely exclusively and fully on the Synod's system of reconciliation and conflict resolution. The use of the Synod's conflict resolution procedures shall be the exclusive and final remedy for those who are in dispute. Fitness for ministry and other theological matters must be determined within the church. Parties are urged, in matters of a doctrinal nature, to follow the procedures as outlined in Bylaw section 1.8.

1.10.1.2 The words of Jesus in Matthew 18:15–20 provide the basis for church discipline for the local congregation. The same passage also grants Christ's guidance to all Christians in seeking to settle other disputes, many of which fall outside the purview of church discipline involving the congregation. In either case, the steps of Matthew 18 should be applied lovingly in both formal and informal settings. The parties and others attempting to effect resolution of a dispute must always remain mindful that the church has been given the "ministry of reconciliation" (2 Cor. 5:18). Hence, conflict resolution in the church is to lead to reconciliation, restoring the erring member in a spirit of gentleness (Gal. 6:1). Its aim is to avoid the adversarial system practiced in society.

1.10.1.3 The heart and center of all Christian conflict resolution is the justification of the sinner through grace in Christ Jesus. Biblical reconciliation of persons in conflict begins with God's truth that we are all sinners who have been reconciled to God through the death and resurrection of Christ Jesus. Christ's "ministry of reconciliation" is one of the church's foremost priorities.

1.10.1.4 Christian conflict resolution seeks to resolve disputed issues in a manner pleasing to God. Those in conflict are urged to proceed prayerfully in good faith and trust. Disputes are more likely to be resolved harmoniously if those involved in the conflict recognize one another as redeemed children of God.

1.10.1.5 Christians involved in conflict must always stand ready to ask for or extend forgiveness in accordance with Scripture. As the church endeavors to help bring about peace, truth, justice, and reconciliation, it always seeks to do so with a proper distinction between Law and Gospel, that is, in the context of God's judgment and mercy. We are ever to be mindful that it is God who judges the hearts of sinful men and grants His gracious word of forgiveness to us all.

1.10.1.6 When there is repentance and reconciliation, the body of Christ rejoices in its oneness with Christ and with one another.

Purpose

1.10.2 This procedure is established to resolve, in a God-pleasing manner, disputes that involve as parties, (1) members of the Synod, (2) the Synod itself, (3) a district or an organization owned and controlled by the Synod, (4) persons involved in excommunication, or (5) lay members of congregations of the Synod holding positions with the Synod itself or with districts or other organizations owned and controlled by the Synod. It shall be the exclusive remedy to resolve such disputes that involve theological, doctrinal, or ecclesiastical issues except those covered under Bylaw sections 2.14–2.17 and except as provided in Bylaw 1.10.3. It is applicable whether the dispute involves only a difference of opinion without personal animosity or is one that involves ill will and sin that requires repentance and forgiveness. No person or agency to whom or to which the provisions of this dispute resolution process are applicable because such person or agency is a member of the Synod may render these provisions inapplicable by terminating that membership.

Exceptions

1.10.3 This chapter provides evangelical procedures to remedy disputes only and does not set forth procedures for expulsion from membership (Constitution, Art. XIII and Bylaw sections 2.14–2.17) nor does it set forth procedures for board of regents' supervision of faculty and administration as specified in Bylaws 3.8.2.7.5–3.8.2.7.9 and 3.8.3.8.5–3.8.3.8.9. While Christians are encouraged to seek to resolve all their disputes without resorting to secular courts, this chapter does not provide an exclusive remedy for the following matters, unless such matters involve theological, doctrinal, or ecclesiastical issues, including those arising under the divine call of a member of the Synod:

(a) Disputes concerning property rights (e.g., real estate agreements, mortgages, fraud, or embezzlement); and

(b) Disputes arising under contractual arrangements of all kinds (e.g., contracts for goods, services, or employment benefits).

Definition of Terms as Used in This Bylaw Section 1.10

1.10.4 In order to communicate effectively and avoid misunderstanding, it is critical that terms be carefully defined:

(a) ***Administrator***: The secretary of a district or of the Synod or an appointee (Bylaw 1.10.6) who manages the dispute resolution process but who does not take leadership, declare judgments, advise, or become involved in the matter in dispute.

(b) ***Appeal Panel***: Three district presidents selected according to these bylaws to determine whether the decision of a Dispute Resolution Panel should be reconsidered or reviewed.

(c) ***Blind draw***: Selection of names according to the procedures set forth in the *Standard Operating Procedures Manual*.

(d) ***Complainant***: A party and/or parties to a dispute who initiate an action to settle a conflict under the provisions of the Synod's dispute resolution process.

(e) ***Dispute Resolution Panel***: Three persons who are reconcilers selected according to these bylaws and one person who is a nonvoting hearing facilitator selected according to these bylaws, who shall hear matters in dispute between parties and assist in reconciliation or provide for a resolution of the dispute by rendering a final decision.

(f) ***Face-to-face***: A meeting face-to-face, in person, between the parties in dispute following the guidelines of Matthew 18:15. E-mail, regular mail, fax, or telephone call (or any combination thereof) does not satisfy this requirement. (Note: Failure to conduct a face-to-face meeting within 30 days or within such extension as may be established by the involved ecclesiastical supervisors shall result in dismissal if the fault lies with the accuser or movement to the next stage if the fault lies with the accused.)

(g) ***Formal***: Efforts to resolve the dispute toward reconciliation beginning with the formal reconciliation meeting.

(h) ***Hearing facilitator***: One selected according to these Bylaws and trained to serve as a facilitator for hearings before panels.

(i) ***Informal***: All efforts toward reconciliation prior to the formal reconciliation meeting.

(j) ***Party and/or parties to a dispute or the matter*** *(Party to the matter in dispute)*: A "party and/or parties to a dispute" is either a complainant or a respondent. A reconciler, panel member, hearing facilitator or ecclesiastical supervisor is not a "party and/or parties to a dispute."

(k) ***Persons involved***: "Persons involved" includes the complainant, the respondent, the administrator of the process, the ecclesiastical supervisor, a reconciler, panel members, the hearing facili-

tator, a witness, an advisor, or any others involved in the dispute resolution process.

(l) ***Reconciler***: As used in this chapter, a member of The Lutheran Church—Missouri Synod or of an LCMS congregation who is appointed to be available to assist parties to a dispute with a view toward reconciling them or enabling them to adjust or settle their dispute and who has completed the Synod's training program. A reconciler does not judge or take sides but rather, with the help of God, assists both parties to find their own resolution to the dispute.

(m) ***Reply of Respondent***: A written response issued by a party to a dispute containing factual assertions that answer a complainant's statement of the matter in dispute.

(n) ***Respondent***: One who is named party to a dispute brought by a complainant.

(o) ***Review Panel***: Three reconcilers selected according to these Bylaws and one person who is a nonvoting hearing facilitator selected according to these Bylaws who shall give a final hearing when the determination of the Appeal Panel is that a decision of the Dispute Resolution Panel should be reconsidered or reviewed.

(p) ***Statement of the Matter in Dispute***: A written concise statement containing factual assertions involving contended or conflicted issues between one or more parties. The statement may also contain a request for the type of relief to be granted.

(q) ***Witness***: A person called to give testimony regarding facts to a dispute before a Dispute Resolution Panel. A reconciler appointed to assist parties in dispute resolution or a person called upon by a reconciler at the formal reconciliation meeting shall not testify as a witness before a Dispute Resolution Panel in the same dispute.

Informal Efforts toward Reconciliation; Consultation

1.10.5 Before any matter is submitted to the formal reconciliation process, the parties involved in a dispute must meet together, face-to-face, in a good-faith attempt to settle their dispute according to the scriptural mandate of Matthew 18:15 and may involve the informal use of a reconciler. And further, before any matter is submitted to the formal reconciliation process, the complainant must meet and consult with his or her ecclesiastical supervisor to seek advice and also so that it can be determined whether this is the appropriate bylaw procedure (Bylaw section 1.10) or whether the matter falls under Bylaw sections 1.8, 2.14, 2.15, 2.16, 2.17, or Bylaws 3.8.2.7.9 and 3.8.3.8.9. In regard to this consultation:

(a) The district president shall inform the district president of the respondent that a consultation is underway. He may also seek advice from the vice-presidents of his own district or from the district president of the respondent. The district president may also ask for an opinion of the Commission on Constitutional Matters (CCM) and/or the Commission on Theology and Church Relations

(CTCR). The district president must follow any opinion received from either the CCM or the CTCR, which shall be rendered within 30 days or such additional time as the district president may allow.

(b) The district president shall require the complainant to follow the correct bylaw provision under the circumstance, if any, and shall provide evangelical supervision, counsel, and care to the party or parties.

(c) If Bylaw section 1.10 applies, the district president shall require the complainant to carry out the mandate of Matthew 18:15 face-to-face with the respondent if the complainant has not already done so as set forth above. The reputation of all parties is to be protected as commanded in the Eighth Commandment. The goal throughout is always one of reconciliation, of repentance and forgiveness, even if the following proceedings are carried out.

Formal Efforts toward Reconciliation

1.10.6 If either party is of the opinion that informal reconciliation efforts have failed, such party, in consultation with his or her ecclesiastical supervisor, shall submit a request to the administrator of the dispute resolution process, the secretary of the Synod or district, or an appointee, as appropriate, that a reconciler be appointed to assist in seeking reconciliation. Such request shall be accompanied by

(a) a written statement of the matter in dispute; and

(b) a written statement setting forth, in detail, the informal efforts that have been made to achieve reconciliation.

If the secretary of the Synod or district is a party to the matter in dispute, has a conflict of interest, or serves as a witness, then the President of the Synod or the district president, as appropriate, shall appoint an administrator of the process in the matter.

1.10.6.1 The administrator shall promptly select the reconciler in the manner hereinafter set forth and then notify the parties to the dispute as to the name and address of the reconciler. He or she shall also forward to the chosen reconciler and the respondent the statement of the matter in dispute and the written statement of the informal reconciliation efforts.

1.10.6.2 If the reconciler determines that informal reconciliation efforts have been inadequate, the reconciler shall direct the parties to engage in further informal reconciliation efforts. Such additional time shall not exceed 60 days.

1.10.6.3 If informal reconciliation efforts do not resolve the matter, the reconciler shall direct the respondent to submit to the reconciler and the complainant a written reply responding to the statement of the matter in dispute. The reconciler shall simultaneously arrange a formal reconciliation meeting with the parties to the dispute. Such meeting shall be scheduled by the reconciler at the earliest reasonable date possible, at a location which will minimize travel for the parties to the dispute.

1.10.6.4 At the formal reconciliation meeting, the reconciler shall listen to the facts as presented by the parties to the dispute and seek to reconcile their differences on the basis of Christian love and forgiveness. With the approval of the reconciler, each party may, in the manner described in Matthew 18:16, bring one or two persons to the meeting "so that every matter may be established by their testimony." Such meeting shall not be open to the public, nor shall any formal record be made thereof. The reconciler may draw upon persons and resources that the reconciler deems necessary to assist in the reconciliation process.

1.10.6.5 Upon conclusion of the formal reconciliation meeting or meetings, the reconciler shall prepare a written report which contains the actions of the reconciler, the issues that were resolved, the issues that remain unresolved, and whether reconciliation was achieved. Attached to the report shall be

(a) the statement of the complainant as to informal reconciliation efforts;

(b) the statement of the matter in dispute; and

(c) any reply by the respondent.

No information shared in confidence shall be included in the report. The report and the attachments shall be forwarded to the parties to the dispute and the secretary of the Synod or district as appropriate.

Procedure of a Dispute Resolution Panel

1.10.7 If the parties with the assistance of the reconciler have been unable to achieve reconciliation, the complainant shall notify the Secretary of the Synod within 30 days after receiving the report from the reconciler if the matter is to be presented to a Dispute Resolution Panel.

1.10.7.1 If the complainant requests the formation of a Dispute Resolution Panel, the Secretary of the Synod, or his representative, shall, within 21 days, select such a panel in the prescribed manner and then forward to each panel member a copy of the report of the reconciler with its attachments.

1.10.7.2 Each Dispute Resolution Panel shall have a nonvoting hearing facilitator who will serve as chairman of the panel. Within 30 days after the appointment of the panel, the hearing facilitator shall confer with the parties and the Dispute Resolution Panel for the purpose of choosing a location and a date for the formal hearing of the matter.

1.10.7.3 The formal hearing before the Dispute Resolution Panel, conducted by a hearing facilitator, shall take place within 60 days after the date of final selection of the hearing facilitator, unless there is unanimous consent by the panel members for a short delay beyond such 60 days for reasons the panel deems appropriate.

1.10.7.4 The following rules for the Dispute Resolution Panel shall apply:

(a) The hearing shall be private, attended only by the parties and one adviser of each party's choice, should any party desire one. This adviser shall not address the panel or participate in the discussion at the hearing. Witnesses who can substantiate the facts relevant to the matter in dispute may be called before and address the panel. The administrator of the process shall not attend the hearing or serve as a witness. The panel shall establish the procedure to be followed in the hearing and the relevancy of evidence so that each party shall be given an opportunity fully to present its respective position. In performing its duty, the panel shall continue efforts to reconcile the parties on the basis of Christian love and forgiveness.

(b) Within 60 days after the final hearing, the panel shall issue a written decision that shall state the facts determined by the panel and the reasons for its decision.

(c) The panel shall forward a copy of its decision to

(1) each party to the matter in dispute;
(2) the Secretary of the Synod;
(3) the President of the Synod; and
(4) the president of the respective district.

(d) Subject to request for review or appeal (contemplated or pending), the final decision of a Dispute Resolution Panel shall

(1) be binding upon the parties to that dispute;
(2) have no precedential value;
(3) be carried out by the appropriate person, group, or member of the Synod; and
(4) be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod.

Reconsideration of a Dispute Resolution Panel Decision

1.10.8 Within 30 days after receiving the decision of the Dispute Resolution Panel, any party to the dispute or the President of the Synod, if a question of doctrine or practice is involved (Constitution, Art. XI B 1–3), may appeal the decision. The President may also request that an opinion of the Commission on Constitutional Matters or the Commission on Theology and Church Relations be obtained.

1.10.8.1 Such appeal shall be mailed to the Secretary of the Synod, each member of the Dispute Resolution Panel, and the other parties to the dispute and shall be accompanied by a written memorandum stating the basis of the request.

1.10.8.2 Within 30 days after receipt, an Appeal Panel shall be selected in the prescribed manner, and the Secretary of the Synod shall send the appeal to each panel member.

1.10.8.3 Within 30 days after its formation, the Appeal Panel shall issue its written decision in response to the request for reconsideration.

1.10.8.4 If an appeal is granted, the Secretary of the Synod, or his representative, shall, within 21 days, select a Review Panel in the prescribed manner. The Review Panel shall generally decide the issue on the record without further formal hearing but may follow the procedure used by a Dispute Resolution Panel if deemed necessary.

1.10.8.5 The final decision of the Review Panel shall

(a) be binding upon the parties to that dispute and not be subject to further appeal;

(b) have no precedential value;

(c) be carried out by the appropriate person, group, or member of the Synod; and

(d) be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod.

Congregation's Right of Self-Government

1.10.9 The congregation's right of self-government shall be recognized. However, when a decision of a congregation is at issue, a Dispute Resolution Panel may review the decision of the congregation according to the Holy Scriptures and shall either uphold the action of the congregation or advise the congregation to review and revise its decision. If the congregation does not revise its decision, the other congregations of the Synod shall not be required to respect this decision, and the district involved shall take action with respect to the congregation as it may deem appropriate.

District Reconcilers

1.10.10 Within three months after conventions of the Synod, each district board of directors shall appoint a district roster of four reconcilers, no more than two of whom shall be pastors, from a list supplied by the circuit counselors of the district.

1.10.10.1 The term of service shall be six years, renewable without limit. They shall be people "of good reputation, full of the Holy Spirit and wisdom" (Acts 6:3). Vacancies for an unexpired term shall be filled in the same manner by the district board of directors within 30 days following their occurrence. The district board of directors may add to the district roster of reconcilers a reconciler who moves into the district from the district where appointed.

1.10.10.2 One of the four shall be chosen by blind draw according to the procedures set forth in the *Standard Operating Procedures Manual* (hereafter referred to as the *SOPM*) by the secretary of the district to serve as reconciler in the following situations arising in the district:

(a) Procedural questions involved in excommunication cases;

(b) Cases in which a member of the Synod shall have been removed from the position that such member holds in a congregation that is a member of the Synod;

(c) Cases in which a person, whether or not a member of the Synod, is removed from the position which the person holds in the district; and

(d) Cases involving differences between congregations within the same district or between a congregation and its district.

1.10.10.3 The members of the district roster of reconcilers of all the districts shall comprise the Synod's roster of reconcilers. One member of the Synod's roster of reconcilers shall be chosen by blind draw according to the *SOPM* by the Secretary of the Synod in all disputes except those

(a) enumerated in Bylaw 1.10.10.2; or

(b) cases under Article XIII of the Constitution, which shall follow the procedure for terminating membership set forth in Bylaw sections 2.14–2.17.

Special Considerations for Reconcilers

1.10.11 Limitations on holding multiple offices do not apply to reconcilers.

1.10.11.1 If a reconciler moves from the district where appointed, such reconciler shall remain as a member of the Synod's roster of reconcilers until the term of service of the reconciler expires.

1.10.11.2 If all of the district reconcilers are unavailable for a particular matter, the secretary of the district shall request that a reconciler from another district be chosen in the prescribed manner by the secretary of the other district.

Hearing Facilitators

1.10.12 After the training of the reconcilers and in consultation with the appropriate district presidents, the Secretary of the Synod shall identify 25 of the reconcilers who exhibit skills in the proper conduct of a fair and impartial hearing to comprise the Synod's roster of hearing facilitators, who shall be trained for such purpose.

(a) The term of service shall be six years, renewable without limit.

(b) Any vacancies for an unexpired term shall be filled in the same manner as described above as needed and as requested by the Secretary of the Synod.

1.10.12.1 Limitations on holding multiple offices do not apply to hearing facilitators.

1.10.12.2 If a hearing facilitator moves from the district where nominated, such hearing facilitator, if on the roster of hearing facilitators, shall remain as a member of the Synod's roster of hearing facilitators until the term of service of the hearing facilitator expires.

1.10.12.3 A hearing facilitator shall not serve as a reconciler or as a voting member of a panel.

Dispute Resolution Panels

1.10.13 The Synod's roster of reconcilers shall comprise the list from which dispute resolution panel voting members will be selected.

1.10.13.1 Each Dispute Resolution Panel shall consist of three voting members, at least one of whom shall be a pastor and one a layperson.

(a) Nine names shall be selected by a blind draw from the dispute resolution roster.

(b) No member of a panel shall be from the district in which the dispute arose or, if it is a Synod question, from any district in which a party holds membership.

(c) The list shall be mailed simultaneously to each party, who shall be entitled to strike three names and return the list to the Secretary of the Synod within one week.

(d) The Secretary of the Synod shall correct any problem with the panel from the remaining names by blind draw according to the *SOPM*. In the event that additional names are needed, three names will be selected in the manner set forth above and those names submitted to each party who shall have a right to strike one. In the event that there is more than one remaining, the secretary shall determine the final member by a blind draw according to the *SOPM* from the remainder.

1.10.13.2 The hearing facilitator shall be selected as follows:

(a) Three names shall be selected by a blind draw according to the *SOPM* from the hearing facilitator roster.

(b) No hearing facilitator shall be from the district in which the dispute arose or from any district in which a party holds membership.

(c) The list shall be mailed simultaneously to each party, who shall be entitled to strike one name and return the list to the Secretary of the Synod within one week.

(d) The Secretary of the Synod shall correct any problem with the panel from the remaining names by blind draw according to the *SOPM*. In the event that additional names are needed, three names will be selected in the manner set forth above and those names submitted to each party, who shall have the right to strike one. In the event that there is more than one remaining, the Secretary shall determine the final member by a blind draw according to the *SOPM* from that remainder.

1.10.13.3 The hearing facilitator shall conduct the hearing, shall serve as chairman of the panel, and may draw upon persons and resources that he deems necessary for conducting a hearing in a fair and equitable manner.

1.10.13.4 The Dispute Resolution Panel shall select its own secretary from its members.

Appeal Panels

1.10.14 The Appeal Panel shall be made up of three district presidents who shall be trained for such service.

(a) One district president shall be selected by the complainant, one selected by the respondent, and the third selected by the two appeal panel members so selected.

(b) If the two appeal panel members cannot agree on a third, the Secretary of the Synod shall select the third member by blind draw according to the *SOPM* from the remaining district presidents.

Review Panels

1.10.15 Review Panel members shall be selected from the Synod's roster of reconcilers.

1.10.15.1 Each Review Panel shall consist of three voting members, at least one of whom shall be a pastor, and at least one layperson.

(a) Nine names shall be selected by a blind draw according to the *SOPM* from the roster of reconcilers of the Synod.

(b) No member shall be from the district in which the dispute arose, or, if it is a Synod question, from any district in which a party holds membership.

(c) The list shall be mailed simultaneously to each party, who shall be entitled to strike three names and return the list to the Secretary of the Synod within one week.

(d) The Secretary of the Synod shall correct any problem with the panel from the remaining names by blind draw according to the *SOPM*. In the event that additional names are needed, three names will be selected in the manner set forth above and those names submitted to each party who shall have the right to strike one. In the event that there is more than one remaining, the Secretary shall determine the final member by a blind draw according to the *SOPM* from that remainder.

1.10.15.2 The hearing facilitator shall be selected as follows:

(a) Three names shall be selected by a blind draw according to the *SOPM* from the hearing facilitator roster.

(b) No hearing facilitator shall be from the district in which the dispute arose or from any district in which a party holds membership.

(c) The list shall be mailed simultaneously to each party, who shall be entitled to strike one name and return the list to the Secretary of the Synod within one week.

(d) The Secretary of the Synod shall correct any problem with the panel from the remaining names by blind draw according to the *SOPM*. In the event additional names are needed, three names will be selected in the manner set forth above and those names submitted to each party, who shall have the right to strike one. In

the event that there is more than one remaining, the secretary shall determine the final member by a blind draw according to the *SOPM* from that remainder.

1.10.15.3 The hearing facilitator shall conduct the hearing, shall serve as chairman of the panel, and may draw upon persons and resources that he deems necessary for conducting a hearing in a fair and equitable manner.

1.10.15.4 The Review Panel shall select its own secretary from its members.

Disqualification

1.10.16 The standard for disqualification of a reconciler or panel member or hearing facilitator shall be actual partiality or the appearance thereof.

1.10.16.1 Any party and/or parties to a dispute shall have the right to request disqualification of a reconciler, panel member, or hearing facilitator. If that individual does not agree to the disqualification, the decision shall be made by a separate three-member panel of reconcilers drawn for that purpose according to the *SOPM*.

1.10.16.2 In the event that a reconciler, panel member, or hearing facilitator is disqualified, another individual shall be chosen by blind draw according to the *SOPM*.

1.10.16.3 An individual who has served as a reconciler in a matter shall not be a member of the Dispute Resolution Panel in the same matter.

Decisions

1.10.17 The Dispute Resolution Panel, Appeal Panel, or Review Panel shall issue a decision based on a majority vote of the panel.

(a) A majority of the panel members shall be involved in all stages of the decision-making process.

(b) The hearing facilitator shall serve as an advisor to the panel on the form but not the substance of the decision.

(c) In the event that a majority decision cannot be reached, a new panel shall be formed immediately in accordance with the Bylaws and the matter reheard.

Rules of Procedure

1.10.18 Reconcilers, Dispute Resolution Panels, Appeal Panels, and Review Panels shall be governed in all their actions by Holy Scripture, the Lutheran Confessions, and the Constitution and Bylaws of the Synod.

1.10.18.1 The following rules of procedure shall be followed:

(a) In the interest of promoting the reconciliation process, any member of the Synod, officer of a congregation, or officer of any organization owned or controlled by the Synod shall, when called upon by a Dispute Resolution Panel, Appeal Panel, or Review Panel to do so, testify or produce records related to the dispute.

(b) Each party and/or parties to a dispute shall assume its/their own expenses. The expenses of reconcilers, Dispute Resolution Panels, and Review Panels shall be borne by the Synod, except for those that arise under Bylaw 1.10.10.2, which shall be borne by the district.

(c) No party and/or parties to a dispute nor anyone on the party's behalf shall either directly or indirectly communicate with the reconciler, the hearing facilitator, or any member of the Dispute Resolution Panel, Appeal Panel, or Review Panel without the full knowledge of the other party to the dispute.

(d) While the matter is still undecided or while an appeal is contemplated or pending, publicity shall not be given to the issues in the matter by any of the persons involved during any part of the procedures outlined in this bylaw. However, at his discretion and as needs dictate in order to "promote and maintain unity of doctrine and practice" (Constitution, Art. XI B 3) and in order to provide counsel, care, and protection to all the members of the Synod (Constitution, Art. III 8, 9), the President of the Synod or the district president in consultation with the President of the Synod, as the case may be, may properly advise or inform the involved congregation(s) and/or the district or the Synod as to the status of the process.

(e) Any party and/or parties may seek, at its/their own personal expense, the assistance of individuals familiar with the issues involved in the dispute. They may actively participate in research and the preparation of necessary documents. At the hearing, however, each party may have an adviser present but must represent itself, with no public participation by the adviser. Any reconciler or hearing facilitator shall not serve as an adviser. If a party and/or parties is a board or commission of the Synod or its districts, it shall be represented by its chairman or designated member.

(f) A Dispute Resolution Panel, Appeal Panel, or Review Panel shall determine the number of witnesses necessary for a full and complete understanding of the facts involved in the dispute. It shall question parties and witnesses directly and shall also permit the parties to do so.

(g) All Dispute Resolution Panel, Appeal Panel, or Review Panel records of disputes in which a final decision has been rendered by the Dispute Resolution Panel, Appeal Panel, or Review Panel shall be placed in the custody of Concordia Historical Institute. All such records shall be sealed and shall be opened only for good cause shown and only after permission has been granted by a Dispute Resolution Panel, selected by blind draw for that purpose.

(h) If any part of the dispute involves a specific question of doctrine or doctrinal application, each party shall have the right to an opinion from the Commission on Theology and Church Relations. If it involves questions of constitution or bylaw interpretation, each party shall have the right to an interpretation from the

Commission on Constitutional Matters. The request for an opinion must be made through the Dispute Resolution Panel or Review Panel, which shall determine the wording of the question(s). The request for an opinion must be made within four weeks of the final formation of the Dispute Resolution Panel or Review Panel. If a party does not request such an opinion within the designated time, such a request may still be made to the Dispute Resolution Panel or Review Panel that shall, at its discretion, determine whether the request shall be forwarded. The Dispute Resolution Panel or Review Panel shall also have the right, at any time, to request an opinion from the Commission on Theology and Church Relations or the Commission on Constitutional Matters. Any opinion so requested shall be rendered within 30 days or such greater time as the Dispute Resolution Panel may allow. When an opinion has been requested, the time limitations will not apply until the opinion has been received by the parties. Any opinion received from the Commission on Theology and Church Relations and the Commission on Constitutional Matters must be followed by the Dispute Resolution Panel or Review Panel.

(i) Any member participating in this bylaw procedure who intentionally and materially violates any of the requirements in this bylaw or is persistent in false accusations is subject to the disciplinary measures as set forth in the appropriate Bylaw sections 2.14–2.17. Any member of the Synod who has personal factual knowledge of the violation shall inform the appropriate district president as the ecclesiastical supervisor. Violations of the prohibition against publicity while a matter is still undecided or while an appeal is contemplated or pending (Bylaw 1.10.18.1 (d) above) by any persons involved are specifically included as a violation subject to the same disciplinary measures set forth in the Bylaws.

(j) In consultation with the Secretary of the Synod and the Council of Presidents, the Commission on Constitutional Matters shall amend as necessary the *Standard Operating Procedures Manual* that serves as a comprehensive procedures manual for Bylaw section 1.10, Dispute Resolution of the Synod.

2. Membership

2.1 Overview

2.1.1 Included in the objectives of the Synod, as stated in its Constitution, are, under Scripture and the Lutheran Confessions, to "provide evangelical supervision, counsel, and care for pastors, teachers, and other professional church workers . . . in the performance of their official duties" and to "provide protection for congregations, pastors, teachers, and other church workers in the performance of their official duties and the maintenance of their rights" (Constitution, Article III 8, 9). In view of this, it is clear that membership in The Lutheran Church—Missouri Synod, whether individual or congregational, is viewed as a

valuable asset to be carefully monitored and managed. In order for this to occur, it is necessary for standards to be developed and maintained for the benefit of all members so that its value is not diminished or destroyed. Consequently, it is important for the Synod to establish the standards and qualifications it believes necessary for acquiring and maintaining the status of membership as well as procedures for protecting those who attain it.

2.1.2 In achieving these goals the Synod has identified certain standards which must be met before membership, whether individual or congregational, is granted and has identified those responsible for determining that such standards have been met before approving their inclusion on the official membership rosters of the Synod. Furthermore, it has identified those responsible for ecclesiastical supervision of its members, including such matters as advice and counsel as well as suspension of membership and forfeiture of it for failure to continue to meet membership requirements. In protecting the rights of members, provision has also been made for challenging those decisions by ecclesiastical supervisors that result in suspension or loss of membership and for restoration of membership when necessary conditions are met.

2.2 Eligibility of Congregations

2.2.1 To apply for membership in the Synod a congregation shall have an approved constitution and bylaws.

(a) The congregation shall submit its constitution and bylaws to the appropriate district president, who shall refer such to the standing constitution committee of the district.

(1) Every congregation is encouraged to include in its organizational structure an elected or appointed board or committee for stewardship.

(2) This board or committee shall be responsible for carrying on an adequate stewardship program in the manner prescribed by the congregation.

(b) The Constitution Committee shall examine the constitution and bylaws to ascertain that they are in harmony with Holy Scripture, the Confessions, and the teachings and practices of the Synod in order that any necessary changes may be made by the congregation before the application is acted upon.

(c) The application for membership shall not be acted upon by the district board of directors until the congregation has made such changes as may be deemed necessary.

2.3 Application by Congregations

2.3.1 Each application for membership in the Synod shall be submitted to the appropriate district president and acted upon by the board of directors of that district.

(a) It shall be the policy of the Synod to decline membership to congregations whose constitutions deny membership or other congregational privileges to any Christian because of race or ethnic origin.

(b) If an application for membership is approved, the president and secretary of the newly admitted congregation shall, as representatives of the congregation, sign the Constitution of the Synod on behalf of the congregation.

(1) In recognition of the importance of the event, the appropriate district president shall normally attend a special worship service in which the signing takes place.

(2) Such service shall occur as promptly as possible following approval of the congregation's application for membership.

(c) If an application for membership is denied by the board of directors and the congregation requests reconsideration, the district president shall submit the application and a full report concerning its denial to the next regularly scheduled convention of the district, which shall determine whether to grant the application or to affirm the denial.

2.3.2 A copy of the signed constitution shall be forwarded to the secretary of the district. Acceptance by the district board of directors shall be reported to the next regularly scheduled convention of the district. The signatures to the constitution on behalf of the congregation shall be preserved by the district secretary and the year in which the congregation is received into membership shall be noted.

2.4 Continued Eligibility of Congregations

2.4.1 A congregation desiring to retain membership in The Lutheran Church—Missouri Synod shall continue to have a constitution and bylaws approved by the Synod.

(a) A member congregation which revises its constitution or bylaws or adopts a new constitution or bylaws shall, as a condition to continued eligibility as a member of the Synod, submit such revised or new constitution and/or bylaws to the district president.

(b) The district president shall refer such to the district's constitution committee for review to ascertain that the provisions are in harmony with Holy Scripture, the Confessions, and the teachings and practices of the Synod.

(c) Upon advice of the constitution committee and recommendation by the district president, the district board of directors shall determine if the changes are acceptable to the Synod.

(d) Upon favorable action by the district board of directors, the congregation shall be notified that the changes are acceptable to the Synod and that the congregation is entitled to continue to function as a member of the Synod in good standing under the new or changed constitution or bylaws.

2.4.2 A copy of the signed constitution shall be forwarded to the secretary of the district. Acceptance by the district board of directors shall be reported to the next regularly scheduled convention of the district.

2.5 Calling Ministers of Religion by Congregations

2.5.1 Congregations shall seek the counsel of their respective district presidents when calling ordained or commissioned ministers.

2.5.2 Congregations that are members of the Synod shall call and be served only by ordained ministers who have been admitted to their respective ministries in accordance with the rules and regulations set forth in these Bylaws and have thereby become members of the Synod.

2.5.3 Congregations that are members of the Synod shall call only commissioned ministers who have been admitted to their ministries in accordance with the rules and regulations set forth in these Bylaws and have thereby become members of the Synod.

2.5.4 Congregations that violate these requirements and persist in such violation shall, after due admonition, forfeit their membership in the Synod.

2.6 Individual Membership

2.6.1 "Ministers of the Gospel," designated by the Synod as "ministers of religion–ordained" (ordained ministers) or "ministers of religion–commissioned" (commissioned ministers), are eligible for membership in the Synod.

2.6.2 Individuals who have been declared qualified for a first call and assigned first calls in accordance with Bylaw sections 2.7–2.9 shall, by the rites of both ordination or commissioning and installation in accordance with Bylaw section 2.10, become members of the Synod.

2.6.3 There is no inherent right to membership in the Synod, and the decision as to qualification for a first call and the assignment of first calls shall be at the sole discretion of the Synod.

2.7 Eligibility for Individual Membership

2.7.1 A graduate of an authorized educational institution of the Synod must be declared qualified for a first call and recommended by the faculty of the respective educational institution before the effective date of the first call to service in the church, as assigned by the Council of Presidents acting as the Board of Assignments as provided in Bylaw section 2.9.

2.7.2 Candidates who have satisfactorily completed an approved colloquy program of the Synod for the ordained or commissioned ministry must be declared qualified for a first call and be recommended by the appropriate colloquy committee (see Bylaws 3.8.2.4 and 3.8.3.5.1) before the effective date of the first call to service in the church as assigned by the Board of Assignments as provided in Bylaw section 2.9.

2.7.3 Candidates who have satisfactorily completed an approved educational program of the Synod for the ordained or commissioned ministry involving extensive use of distance learning and/or a mentoring system must be declared qualified for a first call and recommended by the faculty of one of the seminaries, colleges, or universities of the Synod before the effective date of the first call to service in the church, as assigned by the Board of Assignments as provided in Bylaw section 2.9.

2.7.4 Graduates of one of the colleges, universities, or seminaries of the Synod who desire to continue their professional studies after they have completed the prescribed undergraduate curriculum, or who for any other valid reason are not ready for first calls to service in the church, shall continue to be eligible for unqualified recommendation for first calls as long as they can be recommended by the faculty of the educational institution of the Synod from which they have graduated. The respective faculty shall annually ascertain through personal interviews with the candidate or through satisfactory testimonials that each candidate so classified is still qualified for recommendation for a first call to serve in the church.

2.7.5 A pastor emeritus from another church body, after having completed an approved colloquy program of the Synod, may be placed on the roster of the Synod without call by action of the Council of Presidents on the basis of policies adopted by the Council of Presidents.

(a) Such placement shall be acknowledged by a rite of recognition in a worship service preferably of the congregation of the Synod where he holds membership.

(b) Such rite is to be authorized by the district president.

2.8 Qualification for First Call

2.8.1 Candidates shall be declared qualified for first calls.

(a) They are those who before the effective date of the first calls will have satisfactorily completed the prescribed courses of studies and will have received diplomas from their respective educational institutions of the Synod or have fulfilled the requisites of a colloquy or other approved education program of the Synod (Bylaws 2.7.2 and 2.7.3).

(b) In addition, they must have indicated complete dedication to the ministry and evidenced a readiness for service in the church.

(c) Finally, to be declared qualified and recommended by the faculties or colloquy committees for their specific types of service in the church, the appropriate faculty or colloquy committee must be satisfied that the individual will meet all personal, professional, and the theological requirements of those who hold the office of ministry to which the individual aspires.

(d) In addition, an academic year of supervised internship (vicarage) is required of all seminary students before graduation, ordinarily in the second year before graduation.

2.8.2 It shall be the responsibility of colloquy committees or the faculties of educational institutions of the Synod to declare colloquy candidates qualified for first calls. For purposes of declaring candidates qualified for placement and recommending them for membership in the Synod, the Synod considers the "faculty" of an educational institution to be defined as follows: (a) Seminaries: all full-time faculty members who are in good standing on the Synod's roster of ordained ministers. (b) Colleges and universities: all full-time faculty members who are in good standing as individual members of the Synod or are members in good standing of a member congregation of The Lutheran Church—Missouri Synod.

2.9 Assignment of First Calls

2.9.1 The Council of Presidents, acting as the Board of Assignments, shall regularly assign to qualified graduates of educational institutions of the Synod and workers available from colloquy programs as "first calls" those calls that have been duly extended to fill active member positions as identified in Bylaw 2.11.1 for ordained and commissioned ministers if positions for which candidates are qualified are available.

(a) The placement officers of the respective institutions shall be consulted before assignments are made.

(b) The president of the district in which a candidate is to be placed shall be consulted, and his suggestions and recommendations shall be part of the final recommendation to the Board of Assignments.

2.10 Ordination, Commissioning, and Initial Installation

2.10.1 Candidates for the office of ordained minister and candidates for the office of commissioned minister shall be ordained or commissioned and initially installed according to this bylaw.

Prerequisites

2.10.2 Candidates for the offices of ordained or commissioned minister shall have

(a) been declared to be qualified as provided in Bylaw sections 2.7 and 2.8;

(b) received and accepted a call through an assignment by the Board of Assignments pursuant to Bylaw section 2.9;

(c) submitted a request for ordination or commissioning to the respective district president, who shall grant the request and schedule the ordination or commissioning when he is satisfied that all requirements for such have been fulfilled; and

(d) evidenced an intent to accept membership in the Synod promptly after the assignment of first calls and prior to ordination or commissioning by signing and filing with the president of the district in which membership will be initially held a statement to be supplied by the district president which acknowledges subscription to the Constitution of

the Synod and which, upon installation and following ordination or commissioning, shall be deemed equivalent to the member having signed the Synod's Constitution.

Rites of Ordination or Commissioning

2.10.3 The president of the district of which the calling congregation is a member or in which the eligible calling agency is located or with which it is otherwise identified shall be responsible for the rites of ordination and commissioning of candidates for the ministry called to that congregation or agency.

(a) The rite of ordination or commissioning should normally take place in the presence of the congregation or other agency to which the candidate has been called.

(b) In the case of missionaries called by the Synod, members of a faculty of an institution of the Synod, or institutional chaplains, the rite shall take place in a setting approved by the district president.

(c) If an unusual circumstance warrants it, the appropriate district president may authorize that the rite take place in the home congregation of the candidate, or other appropriate congregation, with the permission of the calling congregation or other agency.

(d) A service of celebration on the part of the candidate's home congregation is encouraged.

(e) The district president shall issue a diploma of ordination or commissioning.

Forms and Practices

2.10.4 The rites of ordination and commissioning and the rites of installation should be in accordance with forms and practices developed by the Synod for that purpose, and in all events the minister shall be solemnly pledged to the Scriptures as the inspired and inerrant Word of God and the Symbolical Books of the Lutheran Church as a true exposition of the Scriptures.

2.11 Continued Eligibility of Individual Members

Active Members

2.11.1 To remain on the roster of the Synod as an active member, an ordained or commissioned minister of religion must be a communicant member of a congregation which is a member of the Synod (except as provided in paragraph (c) below) and be regularly performing the duties of one of the following:

(a) An ordained minister serving a congregation of the Synod.

(b) A commissioned minister serving a congregation of the Synod.

(c) A minister of religion, ordained or commissioned, serving a congregation which is not a member of the Synod, provided that such is approved (on the basis of policies adopted by the Council of Presidents) by the president of the district in which the congregation is located.

(d) An elected officer of the Synod, including a district or other agency of the Synod.

(e) An executive or professional staff member serving the Synod, including a district or other agency of the Synod.

(f) An executive or professional staff member serving a national inter-Lutheran entity of which the Synod is a member.

(g) A missionary serving under a call by the Synod, including a call by a district.

(h) A person serving on the faculty or professional staff of an educational institution of the Synod.

(i) A military or institutional chaplain or other specialized ministry endorsed by the Synod, including endorsement by one of its districts.

(j) An executive or professional staff member called or appointed by a national inter-Lutheran agency as referred to in Bylaw 1.3.8.

(k) An executive or professional staff member called or appointed by an auxiliary (Bylaw section 6.1) or other recognized service organization (Bylaw section 6.2), including a person serving an educational institution, whether elementary or secondary, recognized by the Synod.

Inactive Members

2.11.2 Inactive members are advisory members of the Synod.

(a) As such, they have all the rights, privileges, and responsibilities of advisory membership in the Synod as defined in the Constitution and Bylaws of the Synod.

(b) To remain on the roster of the Synod as an inactive member, an ordained or commissioned minister of religion must be a communicant member in good standing of a congregation which is a member of the Synod and must qualify and make application for one of the following categories.

Emeritus

2.11.2.1 An "emeritus" member is one whose membership is held for retention on the roster upon retirement after reaching the age of 55 or for reasons of total and permanent disability. Any unusual case shall be decided by the Council of Presidents if the appropriate district president so requests.

Candidate

2.11.2.2 A "candidate" member is one who is eligible to perform the duties of any of the offices of ministry specified in Bylaw section 2.11 but who is not currently an active member or an emeritus member.

(a) A candidate may be continued on the roster for a period not to exceed four years by act of the president of the district through which the person holds membership.

(b) The candidate shall, by January 31, make an annual report to the district president who shall evaluate the member's eligibility for remaining on candidate status. The candidate's report shall include current contact information and address the criteria for remaining on candidate status.

(c) Among criteria for determining whether candidate status should be granted or continued are:

(1) The health of the applicant
(2) A spirit of cooperation in any efforts to address any unresolved issues involving fitness for ministry
(3) The extent of current involvement on a part-time and assisting basis in his/her respective ministry
(4) A demonstrated willingness to consider a call or appointment to any of the offices of ministry specified in Bylaw section 2.11

Non-Candidate

2.11.2.3 A "non-candidate" member is one who is eligible to perform the duties of any of the offices of ministry specified in Bylaw section 2.11 but who is not currently an active member or an emeritus member and who chooses not to be a candidate member.

(a) The member may be continued on the roster for a period of up to eight years by act of the president of the district through which the member holds membership.

(b) The non-candidate shall, by January 31, make an annual report to the district president who shall evaluate the member's eligibility for remaining on non-candidate status. The non-candidate's report shall include current contact information and the member's efforts to fulfill the responsibilities of an advisory member of the Synod.

(c) Non-candidate members are eligible to serve in ministry situations upon approval of their district presidents and according to guidelines established by the Council of Presidents.

(d) The Council of Presidents may grant an extension of non-candidate status for a second period of up to eight years upon request of the appropriate district president.

2.12 District Membership and Ecclesiastical Supervision

2.12.1 Except as otherwise provided in this section, a member shall be under the ecclesiastical supervision of the president of the district through which membership in the Synod is held.

2.12.1.1 The district through which an individual holds membership and the district through which a member is ecclesiastically supervised will not be determined in any case on the basis of district membership of the congregation to which the individual belongs.

2.12.1.2 An individual member of the Synod who is serving a congregation shall hold membership in the Synod through the district of which the congregation is a member.

2.12.1.3 An individual member of the Synod who is serving a district shall hold membership in the Synod through that district.

2.12.1.4 A missionary or chaplain serving under a call by the Synod shall hold membership in the Synod through the district designated by the missionary or chaplain if approved by the president of that district after consultation with the Board for Mission Services and the president of the district through which membership is currently held.

2.12.1.5 An individual member of the Synod who is serving an agency other than a congregation or district and other than a missionary or chaplain serving under call by the Synod shall hold membership through the district designated by that person if approved by both the president of that district and the president of the district in which the agency is located, but shall be subject to the ecclesiastical supervision of the president of the geographical district in which the agency is located. When all voting members of the agency are members of a non-geographical district, membership shall be held through that district.

2.12.1.6 An individual member of the Synod who is an executive or professional staff member called or appointed by an auxiliary or other recognized service organization shall hold Synod membership in the geographical district in which the member resides or the non-geographical district in which he or she holds membership.

2.12.1.7 An emeritus member shall continue to hold membership through the district through which membership was held at the inception of emeritus status unless a transfer is approved by both the president of that district and the president of the district to which membership would be transferred.

2.12.1.8 An inactive member having candidate or non-candidate status shall continue to hold membership in the Synod through the district through which membership was held at the inception of candidate or non-candidate status except when a transfer is approved by both the president of that district and the president of the district to which membership would be transferred.

2.12.1.9 A member having restricted status while not serving a congregation or other eligible agency shall continue to hold membership through the district through which membership was held at the inception of restricted status unless a transfer is approved by both the president of that district and the president of the district to which membership would be transferred.

2.12.1.10 A member having suspended status shall continue to hold membership through the district through which membership was held at the time of the suspension.

2.13 Restricting, Suspending, and Expelling Congregations or Individuals from Membership

Preamble

2.13.1 Termination of membership in the Synod is a serious matter involving both the doctrine and life of those to whom it has been granted. Such action should only be taken as a final step when it is clear that those who are being terminated after previous futile admonition have acted contrary to the confession laid down in Article II or the conditions of membership laid down in Article VI or have persisted in offensive conduct (Constitution, Art. XIII 1). For this reason the Synod establishes procedures for such action including the identification of those who are responsible for ecclesiastical supervision of its members. Such supervision includes not only suspension or termination of membership but also advice, counsel, encouragement, and, when necessary, admonition regarding teaching and/or practice. Furthermore, the procedures that may lead to termination of membership also provide for the protection of members by including provisions for challenging the decisions of ecclesiastical supervisors in these matters as well as provisions for restoration of membership that has been suspended or terminated.

General

2.13.2 Although the Constitution (see Art. VI 3 and Art. XII 7–8) deals with the "life" of ordained and commissioned ministers of the Synod and provides for dealing with "ungodly life" of ordained and commissioned ministers, this does not suggest that the Synod, including any district of the Synod, has the duty or even an opportunity to observe the activities in the life of an individual member of the Synod or has the means or authority to regulate, restrict, or control those activities. The only remedy available to the Synod in response to improper activities in the life of such a member of the Synod is, as is true with respect to violations of other conditions of membership or is otherwise appropriate under the Constitution or these Bylaws, and following the procedures set forth in these Bylaws, to take such action as may lead to termination of that membership and the attendant rights and privileges.

Restricted Status

2.13.3 An individual member of the Synod may be placed on restricted status by the district president who has ecclesiastical supervision of the member.

2.13.3.1 The district president may take this action if information with respect to such member provides a substantial basis to conclude that such member

(a) has engaged in conduct which could lead to expulsion from the Synod under Article XIII of the Constitution;

(b) is incapable of performing the duties of the office or position because of physical, mental, or emotional disability; or

(c) neglects or refuses to perform the duties of the office or position.

2.13.3.2 An individual member of the Synod on restricted status is ineligible to

(a) perform functions of ministry except in the position of service, if any, held at the inception of restricted status and otherwise only if approved by the district president; and

(b) accept a call to any other position of service in the Synod.

2.13.3.3 An individual member of the Synod shall be notified in writing as to the specific reasons for having been placed on restricted status.

(a) Such restricted status shall continue for a period of one year or a lesser period if the matter is satisfactorily resolved.

(b) In order to extend the restricted status beyond one year, the district president shall annually thereafter notify the member in writing as to the reasons for such continuance of restricted status.

2.13.3.4 While a member is on restricted status, the district president shall minister to that member either directly or through others, concern himself with the spiritual well-being of that member, and continue efforts to resolve those matters which led to the imposition of restricted status.

(a) The records maintained by the respective district president shall reflect the restricted status.

(b) The district president shall notify in writing the President of the Synod and all other district presidents of such restricted status.

Removal of Restricted Status

2.13.4 An individual member of the Synod who is placed on restricted status shall have the right to appeal the placement on or continuance of restricted status by filing a petition for removal of restricted status.

2.13.4.1 A party on restricted status may petition for removal therefrom no more than once in a 12-month period.

2.13.4.2 Such petition for removal of restricted status shall be addressed solely to the Council of Presidents through the office of the President of the Synod. The Council of Presidents shall rule on such petition within six months from the date of receipt.

(a) A hearing on the petition for removal of restricted status shall be conducted by a Hearing Panel consisting of three district presidents selected as follows:

(1) One district president selected by the petitioner.

(2) One district president selected by the district president who imposed restricted status (hereinafter referred to as the involved district president). The involved district president may not choose himself.

(3) A third district president selected by the other two Hearing Panel members. If the two Hearing Panel members cannot agree on the third Hearing Panel member, then such third member shall be chosen by blind draw from among the remaining district presidents.

(b) Upon receipt of a petition for removal of restricted status, the chairman of the Council of Presidents shall promptly notify the petitioner and the involved district president of their respective right to choose one Hearing Panel member and direct that the identity of their selection be transmitted to the chairman of the Council of Presidents within one month from the date of such notice. If either party declines to make a selection within such one-month period, such selection shall then be made by the chairman of the Council of Presidents.

(c) When two Hearing Panel members have so been chosen, the chairman of the Council of Presidents shall promptly notify them of their selection to the Hearing Panel and direct that they select the third member of the Hearing Panel and notify the chairman of the Council of their selection.

(d) After the Hearing Panel is constituted, it shall select one of its members as chairman, who shall then, after conferring with the petitioner and the involved district president, select a date and location where the Hearing Panel will consider the petition.

(e) The hearing before the panel shall be private, attended only by the parties and the witnesses who can substantiate the facts relevant to the matter in dispute. The panel shall establish the procedure to be followed in the hearing and the relevancy of evidence so that each party shall be given an opportunity fully to present its respective position.

(f) Upon completion of the hearing, the Hearing Panel shall deliberate and then issue its written decision within 60 days, a copy of which shall be mailed to the petitioner, the involved district president, and the chairman of the Council of Presidents.

(g) The decision of the Hearing Panel shall be the decision of the Council of Presidents and shall be final with no right of appeal.

Suspended Status

2.13.5 When formal proceedings have been commenced against a member of the Synod (individual or congregation) under the procedures set forth in Bylaw sections 2.14–2.17 which may lead to expulsion from the Synod under Article XIII of the Constitution, the member shall have suspended status. If such member was on restricted status at the commencement of formal proceedings, the restricted status shall become suspended status.

2.13.5.1 Suspended status shall continue until the formal proceedings are completed favorably to the member or until membership is duly terminated.

2.13.5.2 While on suspended status, the member shall continue to hold all rights under the Constitution and Bylaws except that the member shall

(a) be relieved of duties as a member of the Synod (e.g., as a delegate to a district or Synod convention or as a member of any district or Synod board or commission);

(b) be relieved of the duties and responsibilities which the member holds with the Synod, district, or other agency of the Synod; and

(c) be ineligible to accept a call to any other position of service in the Synod.

2.13.5.3 The member on suspended status shall continue to be eligible to perform those duties and responsibilities of any other position which such member held at the time when placed on suspended status, including a position with a member congregation.

(a) When a member is placed on suspended status, the district president who has ecclesiastical supervision of the member shall

(1) reflect the suspended status in the records maintained by him;
(2) notify in writing the President of the Synod and all other district presidents of the affected member's suspended status; and
(3) advise the congregation or other agency being served by the individual member of the suspended status to take appropriate action so that the rights of both the member and congregation or other agency are preserved.

(b) While a member is on suspended status, the district president shall minister to that member either directly or through others, concern himself with the spiritual well-being of such member, and continue efforts to resolve those matters which led to imposition of the suspended status.

(c) If the member on suspended status is a district president, the duties assigned to the district president under paragraphs (a) and (b) hereof shall be performed by the next proper successor district officer.

2.14 Expulsion of Congregations or Individuals from Membership in the Synod

2.14.1 The action to commence expulsion of a congregation or individual from membership in the Synod is the sole responsibility of the district president who has the responsibility for ecclesiastical supervision of such member. This Bylaw section 2.14, among others, provides the procedures to carry out Article XIII of the Constitution, "Expulsion from the Synod." However, it does not provide the procedure for the expulsion of the district presidents and the officers of the Synod (Bylaw section 2.15), the President of the Synod (Bylaw

section 2.16), or individual members in cases involving sexual misconduct or criminal behavior (Bylaw section 2.17).

Definition of Terms

2.14.2 The definitions of terms used in this bylaw are as follows:

(a) ***Accused***: The party named by the accuser as being in violation of Article XIII and under the procedural ecclesiastical supervision of Bylaw sections 2.14–2.17.

(b) ***Accuser***: The party who accuses a member under the provisions of Article XIII through the process of Bylaw sections 2.14–2.17.

(c) ***Conflict of interest***: Representation of two opposing interests. Carrying out the responsibility of ecclesiastical supervision does not give rise to conflict of interest.

(d) ***Ecclesiastical supervision***: See Bylaw 1.2.1 (f).

(e) ***Face-to-face***: A face-to-face meeting in person between the accuser and the accused following the guidelines of Matthew 18:15. E-mail, regular mail, fax, or telephone call (or any combination thereof) does not satisfy this requirement. (Note: Failure to conduct a face-to-face meeting within 30 days or within such extension as may be established by the involved ecclesiastical supervisors shall result in dismissal if the fault lies with the accuser or movement to the next stage if the fault lies with the accused.)

(f) ***Facts***: Substantiated information of an alleged accusation.

(g) ***Fails to act***: No measures initiated within the required period of time to ascertain the truth or falsity of the accusations or the stifling of a complaint by the refusal to act.

(h) ***Final Hearing Panel***: Three district presidents who when the decision of the Hearing Panel is appealed shall be selected according to these bylaws to give a final hearing.

(i) ***Formal Proceedings***: The proceedings that begin with the suspension of a member.

(j) ***Hearing Panel***: Three district presidents selected according to these bylaws to hear the matter and render a final decision unless appealed.

(k) ***Investigation Committee***: Any number of persons appointed by the ecclesiastical supervisor to thoroughly investigate to determine the facts in the matter prior to the determination whether or not to proceed.

(l) ***Own personal knowledge***: A personal witness to the alleged violation—not secondhand or hearsay information.

(m) ***Party to the matter***: A "party to the matter" is the accuser and the accused. Carrying out the responsibility of ecclesiastical supervision does not make the ecclesiastical supervisor a party to the matter, even if the accuser is the ecclesiastical supervisor.

(n) ***Persons involved***: "Persons involved" includes the accuser or whoever brings the matter to the attention of the ecclesiastical supervisor; also any parties to whom the matter is presented and who are required to thoroughly investigate whether the allegations can be substantiated, i.e., any ecclesiastical supervisor involved in the case, the accused, the Hearing Panel, the Final Hearing Panel, a witness or advisor, or any others involved in the matter.

(o) ***Publicity***: Any information or action, whether written, oral, or visual, that brings a person, cause, or alleged accusation to public notice, including information that results in public notice, whether or not the person or persons delivering it gave approval to the bringing of the information to public notice.

(p) ***Reconciliation Committee***: A small committee appointed by the ecclesiastical supervisor (prior to the determination whether or not to proceed to assist in reconciliation efforts) if the matter warrants it.

(q) ***Referral Panel***: A panel that may be formed of three circuit counselors or district presidents, who shall be selected according to these bylaws to determine, according to the facts learned from the investigation, whether or not to proceed.

(r) ***Statement of the matter***: A written concise statement containing factual assertions involved in an accusation with a request for expulsion from membership.

(s) ***Witness***: A person called to give testimony regarding facts to a matter before a Hearing Panel or Final Hearing Panel. A member of any reconciliation committee appointed by a district president or the President of the Synod shall not testify as a witness before a Hearing Panel or a Final Hearing Panel in the same matter or case.

Consultation

2.14.3 When a member congregation or individual member of the Synod is aware of information which could lead to the expulsion of a member from the Synod under Article XIII of the Constitution, prior to any formal written complaint or accusation the member shall consult with his or her respective district president to seek advice and also so that it can be determined whether this is the appropriate bylaw procedure (Bylaw section 2.14) or whether the matter falls under Bylaw sections 2.15, 2.16, 2.17, or 1.8; Bylaws 3.8.2.7.9 or 3.8.3.8.9; or dispute resolution under Bylaw section 1.10. In regard to this consultation:

(a) The district president shall inform the district president of the accused that a consultation is underway. He may also seek advice from the vice-presidents of his own district, from the district president of the accused, or from the President of the Synod. The district president may also ask an opinion of the Commission on Constitutional Matters (CCM) and/or the Commission on Theology and Church Relations (CTCR). The district president must follow any opinion received from either the CCM or the CTCR, which shall

be rendered within 30 days or such additional time as the district president may allow.

(b) The district president shall require the accuser to follow the correct bylaw provision under the circumstance, if any, and shall provide evangelical supervision, counsel, and care to the persons involved.

(c) If Bylaw section 2.14 applies, the district president shall ensure that the accuser has carried out the guidelines of Matthew 18:15 face-to-face with the accused. Even if the alleged violation of Article XIII of the Constitution is considered to be "public," this provision of Matthew 18:15 shall be followed. The reputation of all parties is to be protected as commanded in the Eighth Commandment.

(d) In consultation with the district president of the accused, the district president of the accuser may appoint a small committee to assist in reconciliation efforts. The goal throughout is always one of admonition and reconciliation, of repentance and forgiveness (even if the following proceedings result in expulsion from membership).

(e) The Synod's requirement of previous admonition called for in Article XIII of the Constitution commences at this stage if applicable.

(f) Only after all the requirements of the consultation provided in this bylaw (Bylaw 2.14.3) have been followed may the accuser bring the matter to the district president of the accused for action under the correct bylaw provision determined by the accuser's district president (paragraph (b) above).

Commencing an Action

2.14.4 Under this bylaw (Bylaw section 2.14) the district president of the accused shall commence the following action when he becomes aware of information or allegations that could lead to expulsion of a member from the Synod under the provisions of Article XIII of the Constitution. The district president may become aware of such information by his own personal knowledge. Such information or allegations may also be conveyed to him in a formal written complaint or accusation made by a member of the Synod who has carried out the above provision (Bylaw 2.14.3). In commencing such action, the district president of the accused:

(a) Shall determine whether the Bylaw 2.14.3 provisions have been carried out and shall thoroughly investigate the matter (cf. Bylaw 4.4.6) to determine whether the facts learned from his investigation form a basis for expulsion of the member under Article XIII of the Constitution. He may appoint a small investigation committee.

(b) Shall follow the guidelines of Matthew 18:15–16 as the required admonition in Article XIII of the Constitution, if applicable, continues to be carried out.

(c) May, apart from the investigation, also appoint a small committee to assist in reconciliation efforts (see Bylaw 2.14.3 (d) above).

2.14.4.1 In the event the district president is disqualified because he has a conflict of interest or is unable to act, the next qualified district officer shall function in his place. The President of the Synod, who is his ecclesiastical supervisor, shall determine any challenge to the eligibility of the district president to act that is not agreed to by the district president.

Referral Panel

2.14.5 In the determination whether or not to initiate formal proceedings, the district president may form a Referral Panel consisting of three circuit counselors of the district.

(a) If three circuit counselors from the district are not available to serve by reason of conflict of interest or otherwise, the district president may select a sufficient number from other districts to form the panel.

(b) This panel shall be formed by blind draw and shall not include the circuit counselor of the accused or the accuser. The blind draw shall be administered by the district president and audited by witnesses.

2.14.5.1 After reviewing the accusation and the results of the investigation, the Referral Panel shall make the determination whether or not to initiate formal proceedings.

2.14.5.2 Whether made by the district president or the Referral Panel, if the determination is not to initiate formal proceedings, the district president shall in writing so inform the accuser, any other district president involved, and the involved member, which shall terminate the matter.

2.14.5.3 If the district president fails to act within 60 days after receipt of the formal written complaint or accusation, the accuser may present a formal written request to the district president for the forming of the Referral Panel, which request the district president must grant. If the provisions of Bylaw 2.14.4 have not been carried out, the Referral Panel shall carry out these provisions in the process of making its determination whether or not to initiate formal proceedings.

Commencing Formal Proceedings

2.14.6 If the district president or the Referral Panel concludes that the facts form a basis for expulsion of the member under Article XIII of the Constitution, the district president in commencing the formal proceedings shall

(a) provide to the member a written notification of the member's suspended status under Bylaw 2.13.5;

(b) provide to the member a written statement of the matter which sets forth the facts and states that he is requesting expulsion of the member from the Synod in accord with Article XIII of the Constitution; and

(c) provide to the member a written notification that the member has 15 days from the date of receipt of the statement of the matter to advise his district president that there is a desire to have the matter heard and resolved.

2.14.6.1 Failure by the member to file such written request for hearing and resolution within the 15-day period shall be deemed to be consent to expulsion from membership in the Synod.

Hearing Panel

2.14.7 If the request for hearing as granted in Bylaw 2.14.6 (c) is made, the president of the district (the district president of the suspended/accused member) shall inform the chairman of the Council of Presidents who shall form a Hearing Panel of district presidents within 30 days of the request in accordance with the provisions in this bylaw.

2.14.7.1 At the time that the request for hearing is made, the district president shall forward to the chairman of the Council of Presidents the statement of the matter and a written memorandum describing the manner in which there was compliance with the mandate of Matthew 18:15–16, "previous futile admonition" (Constitution, Art. XIII), as well as all of the provisions of Bylaws 2.14.3–2.14.6.1.

2.14.7.2 A Hearing Panel consisting of three district presidents selected as follows but excluding the involved district presidents shall conduct the hearing:

(a) One district president selected by the accused.

(b) One district president selected by the district president who imposed the suspended status (a district president may not choose himself).

(c) A third district president selected by the other two Hearing Panel members. If the two Hearing Panel members cannot agree on the third Hearing Panel member, then such third member shall be chosen by blind draw from among the remaining district presidents, excluding any involved district president, with the blind draw administered by the chairman of the Council of Presidents and audited by witnesses.

2.14.7.3 Upon receipt of a request for hearing, the chairman of the Council of Presidents shall promptly notify the accused and the district president who imposed the suspended status of their respective right to choose one Hearing Panel member and direct that the identity of their selection be transmitted to the chairman of the Council of Presidents within 15 days from the date of such notice. If either party declines to make a selection within 15 days, the chairman of the Council of Presidents shall then make such selection within five days.

2.14.7.4 When two Hearing Panel members have so been chosen, the chairman of the Council of Presidents shall promptly notify them of their selection to the Hearing Panel and direct that they select the third

member of the Hearing Panel within 10 days and notify the chairman of the Council of Presidents of their selection.

2.14.7.5 Within 15 days after the Hearing Panel is constituted, it shall select one of its members as chairman, who shall then, after conferring with the accused and the district president who imposed the suspended status, select a date and location within 45 days after the Hearing Panel is constituted to determine when and where the Hearing Panel will consider the matter.

2.14.7.6 The chairman of the Council of Presidents shall forward to the Hearing Panel the statement of the matter together with the written memorandum describing the manner in which there was compliance with the mandate of Matthew 18:15–16, "previous futile admonition" (Constitution, Art. XIII), as well as all of the provisions of Bylaws 2.14.3–2.14.6.1.

2.14.7.7 The following guidelines are applicable to the Hearing Panel and all involved persons:

(a) Holy Scripture, the Lutheran Confessions, and the Constitution and Bylaws of the Synod shall govern the panel in all its actions.

(b) The hearing before the panel shall be private, attended only by the persons involved and the witnesses who can substantiate the facts relevant to the matter. The only exception is stated under paragraph (h) below.

(c) The panel shall establish the procedure to be followed in the hearing and the relevancy of the evidence so that each party involved shall be given an opportunity fully to present its respective position.

(d) Any member of the Synod, officer of a congregation, or officer of any organization owned or controlled by the Synod shall, when called upon by the panel to do so, testify or produce records related to the matter.

(e) Each party to the matter shall assume its own expenses. The expenses of the panel shall be borne by the district or the Synod.

(f) No party to the matter nor anyone on the party's behalf shall communicate either directly or indirectly with the panel or any member of the panel without the full knowledge of the other party to the matter.

(g) While the matter is still undecided or while an appeal is contemplated or pending, publicity shall not be given to the issues in the matter by any of the persons involved during any part of the procedures outlined in this bylaw. However, at his discretion and as the needs dictate in order to "promote and maintain unity of doctrine and practice" (Constitution, Art. XI B 3) and in order to provide counsel, care, and protection for all the members of the Synod (Constitution, Art. III 8–9), the President of the Synod or the district president in consultation with the President of the Synod, as the

case may be, may properly advise or inform the involved congregation(s) and/or the district or the Synod.

(h) Any party to the matter may seek, at its own personal expense, the assistance of individuals familiar with the issues involved in the matter. They may actively participate in research and the preparation of necessary documents. At the hearing, however, each party involved may have an adviser present but must represent itself, with no public participation by the adviser.

(i) The panel shall determine the number of witnesses necessary for a full and complete understanding of the facts involved in the matter. It shall question persons involved and witnesses directly and may also permit the persons involved to do so (cf. paragraph (h) above).

(j) All panel records in which the panel has rendered a final decision shall be placed in the custody of Concordia Historical Institute. All such records shall be sealed and shall be opened only for good cause shown and only after a panel of three district presidents, selected by blind draw for that purpose by the chairman of the Council of Presidents and audited by witnesses, has granted permission.

(k) If any part of the dispute involves a specific question of doctrine or doctrinal application, each party shall have the right to an opinion from the Commission on Theology and Church Relations (CTCR). If it involves questions of constitution or bylaw interpretation, each party shall have a right to an interpretation from the Commission on Constitutional Matters (CCM).

(1) The request for an opinion must be made through the panel, which shall determine the wording of the question(s).

(2) The request for an opinion must be made within 30 days of the final formation of the panel. If a party does not request such an opinion within the designated time, such a request may still be made to the panel, which shall, at its discretion, determine whether the request shall be forwarded. The panel shall also have the right, at any time, to request an opinion from the CCM or the CTCR.

(3) Any opinion so requested shall be rendered within 30 days or such greater time as the panel may allow.

(4) When an opinion has been requested, the time limitations will not apply until the parties have received the opinion. The panel must follow any opinion received from either the CCM or the CTCR.

2.14.7.8 Upon completion of the hearing, the Hearing Panel shall deliberate and then issue its written decision within 30 days, a copy of which shall be mailed to the accused, the district president who imposed the suspension, the accuser and his district president, the chairman of the Council of Presidents, and the President of the Synod.

(a) The decision of the Hearing Panel shall have no precedential value and shall be final and binding, subject to appeal by the accused or the President of the Synod as set forth in Bylaw 2.14.8 below.

(b) If not appealed, the decision shall be carried out by the district president or the President of the Synod and shall be publicized as deemed appropriate under the circumstances by the district president or President of the Synod.

Final Hearing Panel

2.14.8 Within 15 days after receiving the decision of the Hearing Panel, the accused or the President of the Synod if a question of doctrine or practice is involved (Constitution, Art. XI B 1–3) may request a final hearing.

(a) The President of the Synod may also request that an opinion of the Commission on Constitutional Matters (CCM) or Commission on Theology and Church Relations (CTCR) be obtained.

(1) Any opinion so requested shall be rendered within 30 days or such greater time as the panel may allow.
(2) When an opinion has been requested, the time limitations will not apply until the parties have received the opinion.
(3) The panel must follow any opinion received from either the CCM or the CTCR.

(b) Such request for a final hearing shall be submitted to the chairman of the Council of Presidents with copies supplied to the district president of the accuser and the accused, the chairman of the Hearing Panel, the accuser, and the President of the Synod, and shall be accompanied by a written memorandum stating the basis for the request.

2.14.8.1 Within 30 days after receipt of the request, a Final Hearing Panel shall be selected.

(a) The panel shall be constituted in the same prescribed manner as described in Bylaws 2.14.7.2–2.14.7.5, except that the three district presidents that constituted the Hearing Panel and the involved district presidents are omitted from consideration for the Final Hearing Panel.

(b) The procedures for the final hearing shall be the same as prescribed in Bylaws 2.14.7.5–2.14.7.7.

(c) The chairman of the Hearing Panel shall provide the Final Hearing Panel with a written statement of the matter and the Hearing Panel's report, minutes, records, and proceedings.

2.14.8.2 Upon completion of the hearing by the Final Hearing Panel, the panel shall deliberate and then issue its written decision within 30 days, a copy of which shall be mailed to the accused, the district president that imposed the suspension, the accuser and his district president, the chairman of the Council of Presidents, and the

President of the Synod. The final decision of the Final Hearing Panel shall

(a) be binding upon the parties and not be subject to further appeal;

(b) have no precedential value;

(c) be carried out by the district president or the President of the Synod; and

(d) be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod.

General Regulations

2.14.9 The district president of the accused/suspended member and the district president of the accuser shall take those steps necessary to attend to the spiritual needs of all those affected and shall continue efforts to resolve those matters which led to the commencement of the formal action against the accused member.

2.14.9.1 If the matter involves individual membership, the calling or contracting body is encouraged to continue financial support, existing housing, and insurance of individual members until the final decision is rendered.

2.14.9.2 Any member participating in this bylaw procedure that violates any of the requirements or procedures in this bylaw or is persistent in false accusations is subject to the same disciplinary measures as set forth in this bylaw. Violations of the prohibition against publicity while a matter is still undecided or while an appeal is contemplated or pending (Bylaw 2.14.7.7 (g) above) by any of the persons involved are specifically included as violations subject to the same disciplinary measures set forth in this bylaw.

2.14.9.3 In consultation with the Secretary of the Synod and with the concurrence of the Council of Presidents, the Commission on Constitutional Matters shall amend as necessary the *Standard Operating Procedures Manual* that serves as a comprehensive procedures manual for the provisions set forth in Bylaw section 2.14.

2.15 Expulsion of a District President or Officer from Membership in the Synod

2.15.1 The action to commence expulsion of a district president or an officer of the Synod from membership in the Synod is the sole responsibility of the President of the Synod, who has the responsibility for ecclesiastical supervision of such member (Constitution, Art. XI A and B 1). This Bylaw section 2.15, among others, provides the procedures to carry out Article XIII of the Constitution, "Expulsion from the Synod." However, it does not provide the procedure for the expulsion of a congregation or individual member of the Synod (Bylaw section 2.14), the President of the Synod (Bylaw section 2.16), or individual members in cases involving sexual misconduct or criminal behavior (Bylaw section 2.17).

Definition of Terms

2.15.2 For a definition of terms used in this bylaw, see Bylaw 2.14.2.

Consultation

2.15.3 When a member congregation or individual member of the Synod is aware of information which could lead to the expulsion of a district president or an officer of the Synod from the Synod's membership under Article XIII of the Constitution, prior to any formal written complaint or accusation the member shall consult with the member's district president or with the President of the Synod if the member's district president is the accused to seek advice and also so that it can be determined whether this is the appropriate bylaw procedure (Bylaw section 2.15) or whether the matter falls under Bylaw sections 2.14, 2.17, or 1.8, or dispute resolution under Bylaw section 1.10. In regard to this consultation:

(a) If and when the accuser's district president (if the district president is not the one accused or if the accused is an officer of the Synod) is the one consulted, the district president shall consult with the President of the Synod. Whether the President of the Synod is the one consulted directly by the accuser or by the district president, the President of the Synod may consult with the vice-presidents of the Synod, with the district president of the accused (if an officer of the Synod), with the chairman of the Council of Presidents, or with the Commission on Theology and Church Relations (CTCR). The President of the Synod may also ask an opinion of the Commission on Constitutional Matters (CCM). The President of the Synod must follow any opinion received from either the CCM or the CTCR, which shall be rendered within 30 days or such additional time as the President of the Synod may allow.

(b) The district president or the President of the Synod shall require the accuser to follow the correct bylaw provision under the circumstance, and shall provide for evangelical supervision, counsel, and care to the persons involved.

(c) If this Bylaw section 2.15 applies, the district president or the President of the Synod shall ensure that the accuser has carried out the guidelines of Matthew 18:15 face-to-face with the accused. Even if the alleged violation of Article XIII of the Constitution is considered to be "public," this provision of Matthew 18:15 shall be followed. The reputation of all parties is to be protected as commanded in the Eighth Commandment.

(d) The district president of the accuser or the President of the Synod may appoint a small committee to assist in reconciliation efforts. The goal throughout is always one of admonition and reconciliation, of repentance and forgiveness (even if the following proceedings result in expulsion from membership).

(e) The requirement of the Synod of previous admonition called for in Article XIII of the Constitution commences at this stage if applicable.

(f) Only after all of the requirements of the consultation provided in this bylaw (Bylaw 2.15.3) have been followed may the accuser bring the matter to the President of the Synod for action under the correct bylaw provision determined by the accuser's district president (paragraph (b) above).

Commencing an Action

2.15.4 Under this bylaw, the President of the Synod shall commence the following action when he becomes aware of information or allegations that could lead to expulsion of a member from the Synod under the provisions of Article XIII of the Constitution. The President of the Synod may become aware of such information by his own personal knowledge. Such information or allegations may also be conveyed to him in a formal written complaint or accusation made by a member of the Synod who has carried out the above provision (Bylaw 2.15.3). In commencing such action, the President of the Synod:

(a) Shall determine whether Bylaw 2.15.3 provisions have been carried out and shall thoroughly investigate the matter to determine whether the facts learned from his investigation form a basis for expulsion of the member under Article XIII of the Constitution. He may appoint a small investigation committee (cf. Bylaw 4.4.6). If the accused is a district president, the investigation shall include consultation with that president's district board of directors and district vice-presidents. He may also consult with the circuit counselors of the given district.

(b) Shall follow the guidelines of Matthew 18:15–16 as the requirement of "admonition" in Article XIII of the Constitution, if applicable, continues to be carried out.

(c) May, apart from the investigation, also appoint a small committee to assist in reconciliation efforts (see Bylaw 2.15.3 (d) above).

2.15.4.1 In the event the President of the Synod is disqualified because he has a conflict of interest or is unable to act, the chairman of the Council of Presidents or the next qualified officer of the Council of Presidents shall function in his place in carrying out any of the following bylaw provisions. The majority vote of the district presidents of the Council of Presidents, excluding the involved district presidents, shall determine any challenge to the eligibility of the President of the Synod to act which is not agreed to by the President of the Synod.

Referral Panel

2.15.5 In the determination of whether or not to initiate formal proceedings, the President of the Synod may form a Referral Panel consisting of three district presidents.

(a) This panel shall be formed by blind draw, shall not include the district president that is a party to the matter or the district president of an accused officer or the district president of the accuser.

(b) The blind draw shall be administered by the chairman of the Council of Presidents audited by witnesses.

2.15.5.1 After reviewing the accusation and the results of the investigation, the Referral Panel shall make the determination whether or not to initiate formal proceedings.

2.15.5.2 Whether made by the President of the Synod or the Referral Panel, if the determination is not to initiate formal proceedings, the President of the Synod shall in writing so inform the accuser, any other district president involved, and the involved member, which shall terminate the matter.

2.15.5.3 If the President of the Synod fails to act within 60 days after receipt of the formal written complaint or accusation, the accuser may present a formal written request to the President of the Synod for the forming of the Referral Panel, which request the President of the Synod must grant. If the provisions set forth in Bylaw 2.15.4 have not been carried out, the Referral Panel shall carry out these provisions in the process of making its determination whether or not to initiate formal proceedings.

Commencing Formal Proceedings

2.15.6 If the President of the Synod or the Referral Panel concludes that the facts form a basis for expulsion of the member under Article XIII of the Constitution, the President of the Synod in commencing the formal proceedings shall

(a) provide to the member a written notification of the member's suspended status under Bylaw 2.13.5;

(b) provide to the member a written statement of the matter which sets forth the facts and states that he is requesting expulsion of the member from the Synod in accord with Article XIII of the Constitution; and

(c) provide to the member a written notification that the member has 15 days from the date of receipt of the statement of the matter to advise the President of the Synod that there is a desire to have the matter heard and resolved.

2.15.6.1 Failure by the member to file such written request for hearing and resolution within the 15-day period shall be deemed to be consent to expulsion from membership in the Synod.

Hearing Panel

2.15.7 If the request for hearing as granted in Bylaw 2.15.6 (c) is made, the President of the Synod shall inform the chairman of the Council of Presidents who shall form a Hearing Panel of district presidents within 30 days of the request in accordance with the provisions in this bylaw.

2.15.7.1 At the time that the request for hearing is made, the President of the Synod shall forward to the chairman of the Council of Presidents the statement of the matter and a written memorandum describing the manner in which there was compliance with the mandate of Matthew 18:15–16 and "previous futile admonition" (Constitution, Art. XIII), as well as all of the provisions of Bylaws 2.15.3–2.15.6.1.

2.15.7.2 A Hearing Panel consisting of three district presidents (excluding the involved district presidents) selected as follows shall conduct the hearing:

(a) One district president selected by the accused (a district president, if he is the accused, may not choose himself).

(b) One district president selected by the President of the Synod.

(c) A third district president selected by the other two Hearing Panel members. If the two Hearing Panel members cannot agree on the third Hearing Panel member, then such third member shall be chosen by blind draw from among the remaining district presidents with the blind draw administered by the chairman of the Council of Presidents and audited by witnesses.

(d) If a Referral Panel was formed, the three district presidents that served in that capacity are not eligible to serve on a Hearing Panel.

2.15.7.3 Upon receipt of a request for hearing, the chairman of the Council of Presidents shall promptly notify the accused and the President of the Synod of their respective right to choose one Hearing Panel member and direct that the identity of their selection be transmitted to the chairman of the Council of Presidents within 15 days from the date of such notice. If either party declines to make a selection within 15 days, the chairman of the Council of Presidents shall then make such selection within 5 days.

2.15.7.4 When two Hearing Panel members have so been chosen, the chairman of the Council of Presidents shall promptly notify them of their selection to the Hearing Panel and direct that they select the third member of the Hearing Panel within 10 days and notify the chairman of the Council of Presidents of their selection.

2.15.7.5 Within 15 days after the Hearing Panel is constituted, it shall select one of its members as chairman, who shall then, after conferring with the accused and the President of the Synod, select a date and location within 45 days after the panel is constituted to determine when and where the Hearing Panel will consider the matter.

2.15.7.6 The chairman of the Council of Presidents shall forward to the Hearing Panel the statement of the matter together with the written memorandum describing the manner in which there was compliance with the mandate of Matthew 18:15–16 and "previous futile admonition" (Constitution, Art. XIII), as well as all of the provisions of Bylaws 2.15.3–2.15.6.1.

2.15.7.7 The Hearing Panel and all parties shall follow the guidelines as set forth in Bylaw 2.14.7.7 with the exception of paragraph (g) and instead shall follow this guideline in its place:

(g) While the matter is still undecided or while an appeal is contemplated or pending, publicity shall not be given to the issues in the matter by any of the persons involved during any part of the procedures outlined in this bylaw with one exception. Due to the fact that this bylaw procedure deals with a district president or an officer of the Synod, which necessarily means that the case will most likely have a high public exposure, as the ecclesiastical supervisor the President of the Synod, at his discretion, may carry out his duties to properly advise the Synod as the needs dictate in order to "promote and maintain unity of doctrine and practice" (Constitution, Art. XI B 3) and in order to provide counsel, care, and protection for all of the members of the Synod (Constitution, Art. III 8–9).

2.15.7.8 Upon completion of the hearing, the Hearing Panel shall deliberate and then issue its written decision within 30 days, a copy of which shall be mailed to the accused district president or officer, the President of the Synod, the accuser and his district president, and the chairman of the Council of Presidents.

(a) The decision of the Hearing Panel shall have no precedential value and shall be final and binding subject to appeal by the accused or the President of the Synod.

(b) The decision shall be carried out by the President of the Synod and be publicized as deemed appropriate under the circumstances by the President of the Synod if not appealed by the accused or by the President of the Synod.

Final Hearing Panel

2.15.8 Within 15 days after receiving the decision of the Hearing Panel, the accused, or the President of the Synod if a question of doctrine or practice is involved (Constitution, Art. XI B 1–3), may request a final hearing.

(a) The President of the Synod may also request that an opinion of the Commission on Constitutional Matters (CCM) or Commission on Theology and Church Relations (CTCR) be obtained.

(1) Any opinion so requested shall be rendered within 30 days or such greater time as the panel may allow.
(2) When an opinion has been requested, the time limitations will not apply until the parties have received the opinion.
(3) The panel must follow any opinion received from either the CCM or the CTCR.

(b) Such request for a final hearing shall be submitted to the chairman of the Council of Presidents with copies supplied to the district president of the accuser and to the accused (depending upon whether it is a district president or an officer of the Synod that is the accused), the chairman of the Hearing Panel, the accuser, and

the President of the Synod, and shall be accompanied by a written memorandum stating the basis for the request.

2.15.8.1 Within 30 days after receipt of the request, a Final Hearing Panel shall be selected.

(a) The panel shall be constituted in the same prescribed manner as described in Bylaws 2.15.7.2–2.15.7.5, except that the three district presidents that constituted the Hearing Panel and the three district presidents that constituted a Referral Panel and any other involved district presidents are omitted from consideration for the Final Hearing Panel.

(b) The procedures for the final hearing shall be the same as prescribed in Bylaws 2.15.7.5–2.15.7.7.

(c) The chairman of the Hearing Panel shall provide the Final Hearing Panel with a written statement of the matter and the Hearing Panel's report, minutes, records, and proceedings.

2.15.8.2 Upon completion of the hearing of the Final Hearing Panel, the panel shall deliberate and then issue its written decision within 30 days, a copy of which shall be mailed to the accused, any involved district president, the accuser, the chairman of the Council of Presidents, and the President of the Synod. The final decision of the Final Hearing Panel shall

(a) be binding upon the parties and not be subject to further appeal;

(b) have no precedential value;

(c) be carried out by the President of the Synod; and

(d) be publicized as deemed appropriate under the circumstances by the President of the Synod.

General Regulations

2.15.9 The President of the Synod shall take those steps necessary to assure that the spiritual needs of the respective members (accuser and accused) are attended to and shall continue efforts to resolve those matters which led to the commencement of the formal action against the accused member.

2.15.9.1 Since this matter involves individual membership, the calling or contracting body is encouraged to continue financial support, existing housing, and insurance of individual members until the final decision is rendered.

2.15.9.2 Any member participating in this bylaw procedure that violates any of the requirements or procedures in this bylaw or is persistent in false accusations is subject to the same disciplinary measures as set forth in Bylaw section 2.14 or this Bylaw section 2.15. Violations of the prohibition against publicity while a matter is still undecided or while an appeal is contemplated or pending (Bylaw 2.15.7.7 (g) above) by any of the persons involved are specifically included as violations subject to the same disciplinary measures set forth in this bylaw section or Bylaw section 2.14.

2.15.9.3 In consultation with the Secretary of the Synod and with the concurrence of the Council of Presidents, the Commission on Constitutional Matters shall amend as necessary the *Standard Operating Procedures Manual* that serves as a comprehensive procedures manual for the provisions set forth in Bylaw section 2.15.

2.16 Expulsion of a President of the Synod from Membership in the Synod

2.16.1 The action to commence expulsion of a President of the Synod from membership in the Synod is the responsibility of the district presidents of the Council of Presidents, who collectively comprise the ecclesiastical supervisors of all the respective districts of the Synod. This responsibility does not make the district presidents collectively or individually the ecclesiastical supervisor(s) of the President of the Synod. The Synod in convention reserves that right to itself alone. This Bylaw section 2.16, among others, provides the procedures to carry out Article XIII of the Constitution, "Expulsion from the Synod." While the Council of Presidents commences and facilitates the process of expulsion on behalf of the congregations of the Synod, this bylaw allows only the congregations of the Synod to expel a President of the Synod. This bylaw does not provide the procedure for the expulsion of a district president or an officer of the Synod (Bylaw section 2.15), an individual member in cases involving sexual misconduct or criminal behavior (Bylaw section 2.17), or a congregation or individual member from the Synod (Bylaw section 2.14).

Definition of Terms

2.16.2 For a definition of terms used in this bylaw, see the "Definition of Terms" under Bylaw 2.14.2.

Consultation

2.16.3 When a district president of the Synod is aware of information which could lead to the expulsion of the President of the Synod from the Synod under Article XIII of the Constitution, prior to any formal written complaint or accusation, the district president shall consult with the Council of Presidents to seek advice and also so that it can be determined whether this is the appropriate bylaw procedure (Bylaw section 2.16) or whether the matter falls under Bylaw sections 2.17 or 1.8, or dispute resolution under Bylaw section 1.10. In regard to this consultation:

(a) The Council of Presidents by 51 percent of the votes of the district presidents may ask an opinion of the Commission on Constitutional Matters (CCM) and/or the Commission on Theology and Church Relations (CTCR) and must follow any opinion received from either, which shall be rendered within 30 days or such additional time as the district president may allow.

(b) By 51 percent of the votes of the district presidents, the Council of Presidents shall require the accuser district president to follow the correct bylaw provision under the circumstance, if any, and shall provide for evangelical supervision, counsel, and care to the persons involved.

(c) If the Council of Presidents by 51 percent of the votes of the district presidents determines that Bylaw section 2.16 applies, then the Council of Presidents shall ensure that the accuser has carried out the guidelines of Matthew 18:15 face-to-face with the accused President of the Synod. Even if the alleged violation of Article XIII of the Constitution is considered to be "public," this provision of Matthew 18:15 shall be followed. The reputation of all parties is to be protected as commanded in the Eighth Commandment.

(d) The Council of Presidents may appoint a small committee to assist in reconciliation efforts. The goal throughout is always one of admonition and reconciliation, of repentance and forgiveness (even if the following proceedings result in expulsion from membership).

(e) The requirement of the Synod of previous admonition called for in Article XIII of the Constitution commences at this stage if applicable.

(f) Only after all the requirements of the consultation provided in this bylaw (Bylaw 2.16.3) have been followed may the accuser district president bring the matter to the chairman of the Council of Presidents (acting on behalf of the district presidents) for action under this bylaw provision, if so determined by the Council of Presidents (paragraph (b) above).

Commencing an Action

2.16.4 Under this bylaw (Bylaw section 2.16), the chairman of the Council of Presidents, acting on behalf of the district presidents, shall commence the following action when he becomes aware of information or allegations that could lead to expulsion of the President of the Synod from the Synod under the provisions of Article XIII of the Constitution by such information or allegations being conveyed to him in a formal written complaint or accusation made by a district president of the Synod who has carried out the above provision (paragraph 2.16.3). In commencing such action, the chairman of the Council of Presidents:

(a) Shall determine whether Bylaw 2.16.3 provisions have been carried out and shall thoroughly investigate the matter to determine whether the facts learned from his investigation form a basis for expulsion of the President of the Synod under Article XIII of the Constitution. He may appoint a small investigation committee (cf. Bylaw 4.4.6).

(b) Shall follow the guidelines of Matthew 18:15–16 as the requirement for admonition in Article XIII of the Constitution, if applicable, continues to be carried out.

(c) May, apart from the investigation, also appoint a small committee to assist in reconciliation efforts (see Bylaw 2.16.3 (d) above).

2.16.4.1 In the event the chairman of the Council of Presidents is disqualified because he is a party to the matter, has a conflict of interest, or is unable to act, the next qualified officer of the Council of Presidents shall function in his place. The majority vote of the district presidents, excluding any involved district president, shall determine any challenge to the eligibility of the chairman of the Council of Presidents to act which is not agreed to by the chairman.

Referral Panel

2.16.5 In the determination whether or not to initiate formal proceedings, the chairman of the Council of Presidents may form a Referral Panel consisting of three district presidents.

(a) This panel shall be formed by blind draw and shall not include any district president that is a party to the matter or the accuser district president.

(b) The blind draw shall be administered by the chairman of the Council of Presidents and audited by witnesses.

2.16.5.1 After reviewing the accusation and the results of the investigation, the Referral Panel shall determine its recommendation whether or not to initiate formal proceedings.

2.16.5.2 If the chairman of the Council of Presidents fails to act within 60 days after receipt of the formal written complaint or accusation, the district president who is the accuser may present a formal written request to the chairman of the Council of Presidents for the forming of a Referral Panel, which request the chairman must grant. If the provisions of Bylaw 2.16.4 have not been carried out, the Referral Panel shall carry out these provisions in the process of determining its recommendation whether or not to initiate formal proceedings.

2.16.5.3 Whether made by the chairman of the Council of Presidents or the Referral Panel, in the recommendation whether or not to initiate formal proceedings, the chairman of the Council of Presidents shall bring the matter to the full Council of Presidents for hearing the recommendation, for discussion, and for vote.

(a) An affirmative vote to proceed, by written ballot of at least 51 percent of the total number of district presidents (the collective ecclesiastical supervisors elected by the districts), shall be required for the determination to initiate formal proceedings. Any district president that is a party to the matter shall be excluded from voting.

(b) If the result of the vote is not to initiate formal proceedings, the chairman shall in writing so inform the accuser and the President of the Synod, which shall terminate the matter.

(c) If the results of the vote require the case to proceed, the chairman shall proceed as hereafter required.

Commencing Formal Proceedings

2.16.6 If the district presidents according to the procedure set forth in Bylaw 2.16.5 above conclude that the facts form a basis for expulsion of the President of the Synod under Article XIII of the Constitution, the chairman of the Council of Presidents in commencing the formal proceedings shall:

(a) provide to the President of the Synod a written notification of his suspended status under Bylaw 2.13.5;

(b) provide to the President of the Synod a written statement of the matter which sets forth the facts and states that he is requesting expulsion of the President of the Synod from membership in the Synod in accord with Article XIII of the Constitution;

(c) prepare a written memorandum describing the manner in which there was compliance with the mandate of Matthew 18:15–16 and "previous futile admonition" (Constitution, Art. XIII), as well as all of the provisions of Bylaws 2.16.3–2.16.5; and

(d) provide to the President of the Synod a written notification that he has 15 days from the date of receipt of the statement of the matter to advise the secretary of the Council of Presidents that there is a desire to have the matter heard and resolved.

2.16.6.1 Failure by the President of the Synod to file such written request for hearing and resolution within the 15-day period shall be deemed to be consent to expulsion from membership from the Synod.

Hearing Panel

2.16.7 If the request for hearing as granted in Bylaw 2.16.6 (d) is made, the secretary of the Council of Presidents shall form a Hearing Panel of district presidents within 30 days of the request, in accordance with the provisions in this bylaw.

2.16.7.1 A Hearing Panel consisting of three district presidents, excluding the chairman of the Council of Presidents and any district president that is party to the matter, shall conduct the hearing. The Panel shall be selected as follows:

(a) One district president selected by the President of the Synod.

(b) One district president selected by the vice-chairman of the Council of Presidents.

(c) The third district president selected by the other two Hearing Panel members. If the two Hearing Panel members cannot agree on the third Hearing Panel member, then such third member shall be chosen by blind draw from among the remaining district presidents, with the blind draw administered by the chairman of the Council of Presidents and audited by witnesses.

2.16.7.2 Upon receipt of a request for the hearing from the President of the Synod, the secretary of the Council of Presidents shall promptly notify the accused and the vice-chairman of the Council of Presidents of their respective right to choose one Hearing Panel

member and direct that the identity of their selection be transmitted to the secretary of the Council of Presidents within 15 days from the date of such notice. If either party declines to make a selection within 15 days, the secretary of the Council of Presidents shall then make such selection within five days by blind draw, audited by witnesses.

2.16.7.3 When two Hearing Panel members have so been chosen, the secretary of the Council of Presidents shall promptly notify them of their selection to the Hearing Panel and direct that they select the third member of the Hearing Panel within 10 days and notify the secretary of the Council of Presidents of their selection.

2.16.7.4 Within 15 days after the Hearing Panel is constituted, it shall select one of its members as chairman, who shall then, after conferring with the accused President of the Synod and the chairman of the Council of Presidents, select a date and location within 45 days after the panel is constituted when and where the Hearing Panel will consider the matter.

2.16.7.5 The chairman of the Council of Presidents shall forward to the Hearing Panel the statement of the matter together with the written memorandum describing the manner in which there was compliance with the mandate of Matthew 18:15–16 and "previous futile admonition" (Constitution, Art. XIII) as well as all provisions of Bylaws 2.16.3–2.16.6.1.

2.16.7.6 The Hearing Panel and all parties shall follow the guidelines as set forth in Bylaws 2.14.7.7 with the exception of paragraph (g) and instead shall follow this guideline in its place:

(g) While the matter is still undecided or while a request for a final hearing is contemplated or pending, publicity shall not be given to the issues in the matter by any of the persons involved during any part of the procedures outlined in this bylaw with one exception. Due to the fact that this bylaw procedure deals with the President of the Synod, which necessarily means that the case will most likely have a broad public exposure, the chairman of the Council of Presidents, at his discretion and in consultation and concurrence with the Council of Presidents, may carry out actions to advise the Synod as the needs dictate in order to "promote and maintain unity of doctrine and practice" (Constitution, Art. XI B 3) and in order to provide counsel, care, and protection for all the members of the Synod (Constitution, Art. III 8–9).

2.16.7.7 Upon completion of the hearing, the Hearing Panel shall deliberate and then issue its recommendation to the district presidents within 30 days, a copy of which shall be mailed to the accused President of the Synod, the chairman of the Council of Presidents, and the accuser.

Final Hearing

2.16.8 Prior to acting upon the recommendation of the Hearing Panel and if requested within 15 days by the accused President of the Synod,

the district presidents shall within 45 days of the request for the final hearing grant a final hearing before the full Council of Presidents.

(a) The guidelines for this final hearing shall be the same as prescribed in Bylaw 2.16.7.6.

(b) The President of the Synod and/or the district presidents may also request that an opinion of the Commission on Constitutional Matters (CCM) or Commission on Theology and Church Relations (CTCR) be obtained. Any opinion so requested shall be rendered within 30 days or such greater time as the district presidents may allow. When an opinion has been requested, the time limitations will not apply until the parties have received the opinion. Any opinion received from either the CCM or the CTCR shall be followed.

(c) In acting upon the report and/or recommendation of the Hearing Panel, if any (a report may be given without an accompanying recommendation), an affirmative vote by written ballot of at least 75 percent of the total number of district presidents of the Council of Presidents (the collective ecclesiastical supervisors elected by the districts) shall be required to submit the matter to the member congregations of the Synod for a written vote in order to terminate the membership of the President of the Synod.

(d) If the result of the vote is not the required 75 percent of the total number of district presidents, the chairman of the Council of Presidents shall so inform the accuser and the President of the Synod, which shall terminate the matter, vacating the suspended status.

Decision by Congregations

2.16.9 Prior to submitting the matter to the congregations of the Synod, the Council of Presidents shall provide and send full and complete information regarding the matter, including such written responses as the President of the Synod may wish to make, to the member congregations of the Synod. This information shall also be published in an official periodical of the Synod.

2.16.9.1 At least one-fourth of the member congregations are required to register their vote within 45 days of the date that the matter was submitted to the member congregations of the Synod, and also a majority vote of those congregations voting is required for the termination of membership of the President of the Synod.

2.16.9.2 If the decision by the member congregations is not to terminate, suspended status shall be considered removed immediately upon the vote of the congregations.

2.16.9.3 If the decision results in the expulsion of the President of the Synod from membership, the First Vice-President of the Synod shall carry out the decision, and the decision shall be publicized as deemed appropriate under the circumstances by the First Vice-President of the Synod. Article XI C 2 of the Constitution shall take effect immediately.

General Regulations

2.16.10 The decision of the district presidents or the member congregations shall have no precedential value and shall be final and binding and not subject to further appeal.

2.16.10.1 The President of the Synod (the previous First Vice-President of the Synod) shall take those steps necessary to assure that the spiritual needs of the terminated President of the Synod are attended to and shall continue efforts to resolve those matters which led to the commencement of the formal action against him.

2.16.10.2 The Synod is encouraged to continue financial support, existing housing, and insurance of the accused President of the Synod at least until the final decision is rendered.

2.16.10.3 Any district president participating in this bylaw procedure who violates any of the requirements or procedures in this bylaw or is persistent in false accusations is subject to the same disciplinary measures as set forth in Bylaw sections 2.14 or 2.15. Violations of the prohibition against publicity while a matter is still undecided or while an appeal is contemplated or pending (Bylaw 2.16.7.6 (g) above) by any of the parties involved are specifically included as violations subject to the same disciplinary measures set forth in Bylaw sections 2.14 or 2.15.

2.16.10.4 In consultation with the Secretary of the Synod and with the concurrence of the Council of Presidents, the Commission on Constitutional Matters shall amend as necessary the *Standard Operating Procedures Manual* that serves as a comprehensive procedures manual for the bylaw provisions set forth in Bylaw section 2.16.

2.17 Expulsion of Individuals from Membership in the Synod as a Result of Sexual Misconduct or Criminal Behavior

2.17.1 The action to commence expulsion of an individual from membership in the Synod is the sole responsibility of the district president or the President of the Synod who is responsible for the ecclesiastical supervision of such member. This bylaw provides the procedure to carry out Article XIII of the Constitution, "Expulsion from the Synod," as regards "offensive conduct" of individual members of the Synod involving sexual misconduct or criminal behavior.

Definition of Terms

2.17.2 For a definition of terms used in this bylaw, see the "Definition of Terms" under Bylaw 2.14.2.

Consultation

2.17.3 Prior to any formal written complaint or accusation, when any person is aware of information or facts that could lead to the expulsion of an individual member from the Synod, including a district president, an officer of the Synod, or the President of the Synod under Article XIII of the Constitution for alleged sexual misconduct or

criminal behavior, the person shall consult with the appropriate ecclesiastical supervisor, which would be a district president of the Synod or the President of the Synod, to seek advice, direction, and spiritual ministry as the needs and circumstances dictate. If the accused is the President of the Synod, the person shall consult with the chairman of the Council of Presidents. In regard to this consultation:

(a) The appropriate ecclesiastical supervisor may consult with any others as considered appropriate under the circumstances.

(b) If the accuser is a member of the LCMS or a member of an LCMS congregation, the ecclesiastical supervisor shall discuss with the accuser whether this bylaw provision or Bylaw section 1.10 is appropriate under the circumstances.

(c) The ecclesiastical supervisor shall provide evangelical supervision, counsel, and care.

(d) The ecclesiastical supervisor shall advise the accuser that it is understood that he/she shall not be put under risk by requiring the accuser to carry out the guidelines of Matthew 18:15 face-to-face with the accused. However, the reputation of all parties, the accuser and the accused, is to be protected as commanded in the Eighth Commandment.

Commencing an Action

2.17.4 Under this bylaw (Bylaw section 2.17), the ecclesiastical supervisor of the accused shall commence the following action when he becomes aware of information or facts that could lead to expulsion of the member from the Synod under the provisions of Article XIII of the Constitution. The district president, the President of the Synod, or the chairman of the Council of Presidents may become aware of such information or facts by his own personal knowledge. Such information or facts may also be conveyed to him in a formal written complaint or accusation made by any person. In commencing such action, the ecclesiastical supervisor of the accused:

(a) Shall determine whether the provisions in Bylaw 2.17.3 have been followed and shall thoroughly investigate whether the allegations of the accuser can be substantiated. He may appoint a small investigation committee (cf. Bylaw 4.4.6).

(b) Shall inform the accused of the accusation at the earliest appropriate time (cf. Matthew 18:15).

2.17.4.1 In the event the district president has a conflict of interest or is unable to act, the next qualified officer of the district shall function in his place. The President of the Synod, who is ecclesiastical supervisor of the district president, shall determine any challenge to the eligibility of the district president to act which is not agreed to by the district president.

(a) In the event that the district president is the accused, the President of the Synod shall function in such instance.

(b) In the event that the accused is an officer of the Synod, the President of the Synod shall function in such instance.

(c) In the event that the accused is the President of the Synod, the chairman of the Council of Presidents shall function in such instance, and the matter shall thereafter proceed as set forth in Bylaws 2.16.4–2.16.10.4.

Referral Panel

2.17.5 In the determination whether or not to initiate formal proceedings, the district president may form a Referral Panel consisting of three circuit counselors of the district.

(a) If three circuit counselors from the district are not available to serve by reason of conflict of interest or otherwise, the district president may select a sufficient number from other districts in order to form the panel.

(b) This panel shall be formed by blind draw and shall not include the circuit counselor of the accused or the accuser. The blind draw shall be administered by the district president and audited by witnesses.

2.17.5.1 In the event that the accused is a district president, an officer of the Synod, or the President of the Synod, the Referral Panel shall consist of three district presidents selected by a blind draw administered by the chairman of the Council of Presidents and audited by witnesses. Such panel, which shall exclude any involved district president, shall function as set forth hereafter.

2.17.5.2 After reviewing the accusation and the results of the investigation, the Referral Panel shall make the determination whether or not to initiate formal proceedings.

2.17.5.3 Whether made by the district president or the Referral Panel, if the determination is not to initiate formal proceedings, the district president shall in writing so inform the accuser, any other district president involved, and the involved member, which shall terminate the matter.

2.17.5.4 If the district president fails to act within 60 days after receipt of the formal written complaint or accusation, the accuser may present a formal written request to the district president for the forming of the Referral Panel, which request the district president must grant. If the provisions of Bylaw 2.17.4 have not been carried out, the Referral Panel shall carry out these provisions in the process of making its determination whether or not to initiate formal proceedings.

Commencing Formal Proceedings

2.17.6 If the district president or the President of the Synod or the chairman of the Council of Presidents or the Referral Panel, whichever the case may be, concludes that the facts form a basis for expulsion of the member under Article XIII of the Constitution, the appropri-

ate ecclesiastical supervisor in commencing the formal proceedings shall

(a) provide to the member a written notification of the member's suspended status under Bylaw 2.13.5;

(b) provide to the member a written statement of the matter which sets forth the facts and states that he is requesting expulsion of the member from the Synod in accord with Article XIII of the Constitution; and

(c) provide to the member a written notification that the member has 15 days from the date of receipt of the statement of the matter to advise his or her ecclesiastical supervisor that there is a desire to have the matter heard and resolved.

2.17.6.1 Failure by the member to file such written request for hearing and resolution within the 15-day period shall be deemed to be consent to expulsion from membership in the Synod.

Hearing Panel

2.17.7 If the request for hearing as granted in Bylaw 2.17.6 (c) is made, the ecclesiastical supervisor shall inform the chairman of the Council of Presidents, who shall form a Hearing Panel of district presidents within 30 days of the request, in accordance with the provisions in this bylaw.

2.17.7.1 At the time that the request for hearing is made, the ecclesiastical supervisor shall forward to the chairman of the Council of Presidents the statement of the matter and a written memorandum describing the manner in which there was compliance with the provisions of Bylaws 2.17.3–2.17.7.

2.17.7.2 A Hearing Panel consisting of three district presidents (excluding the involved district presidents), selected as follows, shall conduct the hearing:

(a) One district president selected by the accused.

(b) One district president selected by the ecclesiastical supervisor who imposed the suspended status (a district president may not choose himself).

(c) A third district president selected by the other two Hearing Panel members. If the two Hearing Panel members cannot agree on the third Hearing Panel member, then such third member shall be chosen by blind draw from among the remaining district presidents with the blind draw administered by the chairman of the Council of Presidents and audited by witnesses.

2.17.7.3 Upon receipt of a request for hearing, the chairman of the Council of Presidents shall promptly notify the accused and the involved ecclesiastical supervisor of their respective right to choose one Hearing Panel member and direct that the identity of their selection be transmitted to the chairman of the Council of Presidents within 15 days from the date of such notice. If either party declines to make

a selection within such 15-day period, the chairman of the Council of Presidents shall then make such selection within five days.

2.17.7.4 When two Hearing Panel members have so been chosen, the chairman of the Council of Presidents shall promptly notify them of their selection to the Hearing Panel and direct that they select the third member of the Hearing Panel within 10 days and notify the chairman of the Council of Presidents of their selection.

2.17.7.5 Within 15 days after the Hearing Panel is constituted, it shall select one of its members as chairman, who shall then, after conferring with the accused and the involved ecclesiastical supervisor, select a date within 45 days after the Hearing Panel is constituted and select a location to determine when and where the Hearing Panel will consider the matter.

2.17.7.6 The chairman of the Council of Presidents shall forward to the Hearing Panel the statement of the matter together with the written memorandum describing the manner in which there was compliance with the provisions of Bylaws 2.17.3–2.17.6.

2.17.7.7 The Hearing Panel and all parties shall follow the guidelines as set forth in Bylaw 2.14.7.7 (a)–(j).

2.17.7.8 Upon completion of the hearing, the Hearing Panel shall deliberate and then issue its written decision within 30 days, a copy of which shall be mailed to the accused, the involved district president, the accuser and the ecclesiastical supervisor who initially served as consultant to the accuser, the chairman of the Council of Presidents, and the President of the Synod.

(a) The decision of the Hearing Panel shall have no precedential value and shall be final and binding, subject to appeal by the accused.

(b) The decision shall be carried out by the district president or the President of the Synod and publicized as deemed appropriate under the circumstances by the district president or the President of the Synod, if not appealed by the accused.

Final Hearing Panel

2.17.8 Within 15 days after receiving the decision of the panel, the accused may request a final hearing.

(a) Such request for a hearing shall be submitted to the chairman of the Council of Presidents with copies supplied to the ecclesiastical supervisor ministering to the accuser if applicable, the district president of the accused, the chairman of the Hearing Panel, the accuser, and the President of the Synod.

(b) A written memorandum stating the basis for the request shall accompany the request for a final hearing.

2.17.8.1 Within 30 days after receipt of the request, a Final Hearing Panel shall be selected.

(a) The panel shall be selected in the same manner as described in Bylaws 2.17.7–2.17.7.5, except that the district presidents that constituted the Referral Panel and the Hearing Panel or any other involved district presidents are omitted from consideration for the Final Hearing Panel.

(b) The procedures for the final hearing shall be the same as prescribed in Bylaws 2.17.7.5–2.17.7.7.

(c) The chairman of the Hearing Panel shall provide the Final Hearing Panel with a written statement of the matter and the Hearing Panel's report, minutes, records, and proceedings.

2.17.8.2 Upon completion of the hearing by the Final Hearing Panel, the panel shall deliberate and then issue its written decision within 30 days, a copy of which shall be mailed to the accused, the involved district president, the accuser, the ecclesiastical supervisor who initially served as consultant to the accuser, the chairman of the Council of Presidents, and the President of the Synod. The decision of the Final Hearing Panel shall

(a) be binding upon the parties and not be subject to further appeal;

(b) have no precedential value;

(c) be carried out by the district president or the President of the Synod; and

(d) be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod.

General Regulations

2.17.9 The ecclesiastical supervisor of the accused and suspended member shall take those steps necessary to attend to the spiritual needs of all those affected.

2.17.9.1 Since the matter involves individual membership, the calling or contracting body is encouraged to continue financial support, existing housing, and insurance of individual members until the final decision is rendered.

2.17.9.2 Any member participating in this bylaw procedure that violates any of the requirements or procedures in this bylaw or is persistent in false accusations is subject to the disciplinary measures as set forth in Bylaw section 2.14 or Bylaw section 2.15. Violations of the prohibition against publicity while a matter is still undecided or while an appeal is contemplated or pending (Bylaw 2.17.7.7 above) by any of the persons involved are specifically included as a violation subject to the same disciplinary measures set forth in Bylaw section 2.14 or 2.15.

2.17.9.3 In consultation with the Secretary of the Synod and with the concurrence of the Council of Presidents, the Commission on Constitutional Matters shall amend as necessary the *Standard Operating Procedures Manual* that serves as a comprehensive procedures manual for the bylaw provisions set forth in Bylaw section 2.17.

2.17.9.4 Any pending criminal or civil court proceedings permit exceptions to any of the time limits specified in this Bylaw section 2.17 at the discretion of the ecclesiastical supervisor.

2.18 Reinstatement of Individuals into Membership

2.18.1 Any person who at any time has held membership in the Synod but has resigned that membership, or whose membership in the Synod has been terminated, is eligible to seek reinstatement into membership. However, there is no inherent right to membership in the Synod, and the decision as to whether to accept or deny a request for reinstatement shall be at the sole discretion of the Council of Presidents.

Applications

2.18.2 Procedures for investigating and processing requests for reinstatement shall be the responsibility of the Council of Presidents.

(a) All applications by individuals for reinstatement into membership in the Synod shall be addressed to the president of the district in which the applicant last held membership.

(b) The president of the district shall review the matter and shall ordinarily make a recommendation to the Council of Presidents but may be excused by the council from making such a recommendation where circumstances warrant.

(c) A decision to reinstate shall require an affirmative vote of at least 75 percent of the Council of Presidents present and voting, and shall be by written ballot.

(d) If the applicant is reinstated, the district president shall publish this fact in an official periodical of the Synod.

(e) A decision not to reinstate shall be unappealable, but the individual may reapply for reinstatement three or more years after his or her last preceding application has been denied.

3. National Organization and Responsibilities

3.1 National Conventions

3.1.1 The national convention of the Synod shall afford an opportunity for worship, nurture, inspiration, fellowship, and the communication of vital information. It is the principal legislative assembly, which amends the Constitution and Bylaws, considers and takes action on reports and overtures, and handles appropriate appeals. It establishes general positions and policies of the Synod, provides overall program direction and priorities, and evaluates all such positions, programs, policies, directions, and priorities in order to provide responsible service for and on behalf of its members. Only a national convention of the Synod shall authorize affiliation or association and the discontinuance of such affiliation or association of the Synod with other church bodies, synods, or federations.

Voting Delegates

3.1.2 Voting delegates shall consist of one pastor and one layman from each electoral circuit.

(a) An electoral circuit shall consist either of one or two adjacent visitation circuits, as shall be determined by each district on the basis of the following requirements: each pair of delegates shall represent from 7 to 20 member congregations, involving an aggregate communicant membership ranging from 1,500 to 10,000.

(b) Exceptions to these requirements may be made only by the President of the Synod upon request of a district board of directors.

3.1.2.1 Elections of voting delegates shall take place in accordance with established policy and procedure.

(a) Each electoral circuit shall meet at the call of the counselor(s) to elect its delegates not later than nine months prior to the opening day of the convention.

(b) Elections shall be by written ballot.

(c) The privilege of voting shall be exercised by one pastor and one layperson from each member congregation of the circuit, both of whom shall have been selected in the manner prescribed by the congregation. Multiple parishes shall be entitled to a lay vote from each member congregation.

(d) All pastors who are not advisory members under Article V B of the Constitution shall be eligible for election.

(1) Each voter may write in the names of two pastors on the initial ballot. The three pastors (or more, in case of a tie vote) who receive the highest number of votes in this preliminary ballot shall be placed on the next ballot.

(2) Each voter shall now vote for only one candidate. Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one pastor shall have received a simple majority of all votes cast, whereupon he shall be declared the pastoral delegate.

(3) The congregation or congregations served by the elected pastoral delegate shall be removed from consideration for supplying any other voting delegate or alternate for that particular convention.

(e) Prior to the meeting of the electoral circuit, each congregation may nominate one layperson, either from its congregation or from the circuit. These names must be submitted to the circuit counselor prior to the day of the circuit meeting and shall constitute the slate of candidates. All congregational nominees, except those who have been eliminated through the election of the pastoral delegate, shall be eligible for election.

(1) Each voter may write in the name of two of the remaining lay nominees on the initial ballot. The three laypersons (or more, in

case of a tie vote) who received the highest number of votes in this preliminary ballot shall be placed on the next ballot.

(2) Each voter shall now vote for only one candidate. Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one layperson shall have received a simple majority of all votes cast, whereupon he or she shall be declared the lay delegate.

(3) The congregation from which the lay delegate has been elected shall then be removed from consideration for supplying any alternates to that particular convention.

(f) All other pastors who received votes in the initial write-in ballot, except those who were eliminated through the election of the lay delegate, shall be eligible for election as the alternate.

(1) Each voter shall now vote for only one candidate.

(2) Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one pastor shall have received a simple majority of all votes cast, whereupon he shall be declared the alternate pastoral delegate.

(3) The congregation or congregations served by him shall be removed from consideration for supplying the remaining lay alternate.

(g) All lay nominees except those who have been disqualified through the procedures listed above shall be eligible for election as the alternate lay delegate. The election of the alternate shall follow the same procedure as in paragraph (f) above.

(h) All four persons elected shall come from four different member congregations.

(i) The counselor(s) shall report the results of the election to the secretary of the district in writing immediately after said election.

(j) If neither the delegate nor the alternate (pastoral or lay) can serve, the vacancy shall be filled by the district president in consultation with the respective circuit counselor(s).

3.1.2.2 Voting delegates shall serve a three-year term beginning with the convention, shall function as advisory members of the circuit forum, shall serve as resource persons in the circuit, and shall assist in the dissemination and implementation of resolutions of the Synod in the circuit.

(a) Delegates are responsible to the circuits they represent and shall attempt to discover the sentiment of the members thereof.

(b) Congregations shall not require their delegates to vote in accordance with specific instructions, but every delegate shall be permitted to vote according to his or her own conviction.

(c) Delegates are expected to be faithful in attendance at all sessions of the convention. All duly elected voting delegates shall attend all sessions regularly until the close of the convention.

Delegates who arrive late or leave early or who do not attend at all shall present a written excuse.

(d) Delegates shall report the actions of the Synod to their circuits after each convention, preferably appearing before each of the congregations they represent.

Nonvoting Advisory Delegates

3.1.3 Advisory members of the Synod shall attend district conventions, but they shall not be elected by any congregation or by any group of congregations as lay delegates to a national convention of the Synod.

3.1.3.1 Each district shall select one advisory delegate for every 60 advisory ordained ministers and one advisory delegate for every 60 commissioned ministers on the roster of the Synod. Fractional groupings shall be disregarded except that each district shall be entitled to at least one advisory delegate in each category.

(a) Selection of district advisory delegates to conventions of the Synod shall be made by the respective groups meeting at the call of the district secretary either during the district convention or at official district conferences of ordained and/or commissioned ministers.

(b) Such selections must be completed at least nine months prior to the opening day of the convention.

(c) Individuals who are eligible for selection in any category under Bylaw 3.1.4 shall not be counted in determining the number of advisory delegates from each district, shall not be eligible to be selected as delegates from the groups defined in this bylaw, and shall not participate in the election process.

3.1.3.2 All district voting and nonvoting advisory delegates and representatives and their alternates shall be certified before attending a convention of the Synod.

(a) The names and addresses of all voting and nonvoting advisory delegates and representatives and their alternates shall be forwarded by the district secretary before the announced registration deadline to the Secretary of the Synod on registration forms provided by the latter.

(b) This procedure shall constitute certification.

Other Advisory Representatives

3.1.4 Elected officers of the Synod, including district presidents, and representatives of the Synod's boards, commissions, educational institutions, mission areas, chaplains and district boards of directors shall also serve as advisory representatives to the convention of the Synod.

3.1.4.1 Each elected and appointed board and commission of the Synod shall be represented at conventions of the Synod.

(a) Each board or commission shall be represented by its chairman or another board or commission member and by its principal staff person.

(b) Standing exceptions shall be the Board of Directors, the Commission on Constitutional Matters, and the Commission on Theology and Church Relations, who may be represented by as many of their membership as they deem necessary.

(c) Other exceptions must have the approval of the Board of Directors of the Synod prior to each convention.

3.1.4.2 Each educational institution of the Synod shall be represented at conventions of the Synod.

(a) Educational institutions of the Synod shall each be represented by one board member in addition to the district president, by its president, and by one faculty member for every 30 faculty members who are members of the Synod.

(b) Fractional groupings shall be disregarded.

3.1.4.3 Each foreign mission area, as defined and established from time to time by the Board for Mission Services, shall be represented at conventions of the Synod.

(a) Foreign mission areas shall not exceed 10 in number and may be represented by an advisory representative from within the mission area who is on home leave at the time of the convention and will return to the mission area represented.

(b) These representatives shall be elected by the Board for Mission Services in consultation with the field authority (Missionary Advisory Council) for each field and shared with the missionaries at least nine months in advance of a convention of the Synod, provided, however, that each said mission area shall be entitled to a representative, even though there may be no other than terminating missionaries on home leave at convention time.

3.1.4.4 Chaplains in each branch of the Armed Forces of the United States may be represented at conventions of the Synod.

(a) Chaplains may be represented by active-duty chaplains stationed stateside.

(b) Representatives shall be approved by the Board for Mission Services at least nine months before the convention of the Synod.

3.1.4.5 Each district board of directors shall be represented at conventions of the Synod.

(a) Each district board of directors is entitled to send one representative from the district board of directors and one from the district executive staff other than the district president.

(b) If the district has no executive staff, it may select two members of its board of directors.

3.1.4.6 Each district may be represented by two youth representatives at conventions of the Synod.

(a) Youth representatives may be selected as a district may specify.

(b) They may speak at the request of a floor committee and with the permission of the chair.

Responsibilities of Advisory Delegates and Representatives

3.1.5 Advisory delegates and representatives shall have voice but no vote and shall be entitled to the floor to express their opinion the same as voting members.

3.1.5.1 Advisory delegates and representatives shall be eligible for membership on committees and for offices of the convention unless otherwise specified.

3.1.5.2 All duly elected advisory delegates and representatives shall attend all sessions regularly until the close of the convention. Delegates who arrive late or leave early or who do not attend at all shall present a written excuse.

Reports and Overtures

3.1.6 The principal business of a convention of the Synod shall be the consideration of reports and overtures. Reports and overtures must be submitted in triplicate to the President of the Synod not later than 18 weeks prior to the opening date of the convention.

(a) No report or overture received subsequent to that date shall be accepted for convention consideration unless a committee consisting of the President, the First Vice-President, and the Secretary adjudge it to be a matter of overriding importance and urgency which is not adequately covered by documents already before the convention.

(b) Overtures and recommendations involving capital outlay or current expenditures shall be accompanied, to the extent feasible, by cost projections and the basis thereof.

Reports

3.1.6.1 Reports to a convention of the Synod may be submitted only by the President, a vice-president, the Secretary, the Vice-President–Finance—Treasurer, the Board of Directors of the Synod, a board or commission of the Synod as listed in Bylaws 3.2.2, 3.2.2.1, 3.2.3, and 3.2.3.1, and other individuals or duly constituted groups who may be required or permitted to do so by the Bylaws, by action of a prior convention of the Synod, or by the President.

(a) Reports are statements of work performed or contemplated by those who are charged with conducting the business of the Synod between conventions, communications to a convention with respect to studies that may have been made for the Synod in order to further its work, or other types of communications to the Synod.

(b) A report shall not include an overture unless the report is submitted by someone authorized to submit overtures.

Overtures

3.1.6.2 Overtures to a convention of the Synod may be submitted only by a member congregation of the Synod; a convention or board of direc-

tors of a district; an official district conference of ordained and/or commissioned ministers; the faculty of an educational institution of the Synod; the Board of Directors of the Synod; a board or commission of the Synod listed in Bylaws 3.2.2, 3.2.2.1, 3.2.3, and 3.2.3.1; a committee established by a prior convention; or a forum of a circuit.

(a) Overtures are recommendations in the form of proposed resolutions requesting action on the part of the convention.

(b) Overtures with reference to a case in which a member has been suspended and which is at present in the process of dispute resolution, as well as overtures which, upon advice of legal counsel, may subject the Synod or the corporate officers of the Synod to civil action for libel or slander or which contain libel and slander, shall not be accepted for convention consideration.

(c) The President of the Synod shall determine if any overture contains information which is materially in error or contains any apparent misrepresentation of truth or of character. He shall not approve inclusion of any such overture in the *Convention Workbook* and shall refer any such overture to the district president who has ecclesiastical supervision over the entity submitting the overture for action. If any published overture or resolution is found to be materially in error or contains a misrepresentation of truth or of character, it shall be withdrawn from convention consideration and referred by the President of the Synod to the appropriate district president for action.

Convention Committees

3.1.7 All reports and overtures accepted by the President in accordance with the foregoing paragraphs shall be referred by him to convention committees appointed by him in the name of the convention.

(a) Appointments will be made from among the voting delegates (Bylaw 3.1.2ff), advisory delegates (Bylaw 3.1.3ff), and advisory representatives (Bylaw 3.1.4ff).

(b) Ordained ministers, commissioned ministers, and laypersons shall be represented on all committees.

(c) The President shall notify committee members of their appointment and of the time and place of their first meeting no later than 12 weeks before the start of the convention.

(d) The committee rosters shall be published in an official periodical at least 10 weeks before the convention.

(e) If the President deems it advisable, he may convene any committees prior to the opening of the convention.

(f) After due consideration of the matters referred to it, each committee will report its findings and recommendations to the convention.

(g) Each proposed resolution involving expenditures, prior to its consideration on the floor of the convention, shall be presented to

the floor committee on financial matters, which in consultation with the accounting department shall attach to the recommended resolution accompanying information on estimated cost on an annual or project basis.

Pre-Convention Publications

3.1.8 A *Convention Workbook* containing a convention manual, reports and overtures, the names and mailing addresses of all voting delegates, and other information shall be published under the editorship of the Secretary, subject to approval of the President.

(a) The President shall also decide which of the matters accepted for presentation to and consideration by the convention shall be published in the *Convention Workbook*.

(b) A copy of the *Convention Workbook* shall be sent not later than 10 weeks prior to the opening date of the convention to each ordained and commissioned minister on the official rosters of the Synod, to each lay delegate and alternate, to each lay member of boards and commissions of the Synod, and to all such lay teachers and lay ministers as are designated by their district presidents.

(c) Any member of the Synod (congregation, ordained minister, commissioned minister) and any lay delegate to the convention wishing to express comments on reports and overtures appearing in the *Convention Workbook* may submit them in triplicate at least seven weeks prior to the convention to the Secretary of the Synod, who shall transmit them to the appropriate convention committee for consideration.

3.1.8.1 The first issue of *Today's Business* containing proposed resolutions shall be sent to all registered delegates of the convention and to each congregation of the Synod.

(a) Responses to the tentative resolutions contained in the first issue of *Today's Business* shall be submitted to the chairman of the appropriate floor committee at least one week prior to the convention.

(b) All floor committees shall meet at the convention site at a time prior to the opening of the convention to review such responses and reconsider their proposed resolutions accordingly.

Convention Order

3.1.9 The President shall be responsible for the overall organization and operations of the conventions of the Synod.

(a) As convention manager, the Director of General Services, within the assigned general meeting and conference planning function, shall be responsible to the President for making arrangements for and directing the externals of the convention and other major assemblies of the Synod and may assist with planning and arranging for district conventions.

(1) The convention manager shall arrange for lodging and may also provide for joint meals while the convention is in session.

(2) Rates for lodging and joint meals shall be established and published.

(b) When necessary, the President, in consultation with the convention manager, may appoint a local convention chairman and a local convention committee to assist the convention manager.

(c) The President of the Synod shall indicate which convention committees must meet before the convention opens and shall notify the convention manager, who shall provide pre-convention housing and meeting facilities for them. All direct expenses incurred by these pre-convention meetings shall be borne by the Synod.

(d) The primary sources of income which are to offset the operating costs of the conventions of the Synod are the district levy, registration fees, exhibit space rentals, and other miscellaneous receipts.

(1) The amount of the district levy per communicant member and the registration fees will be based on the convention budget submitted by the convention manager to the Board of Directors of The Lutheran Church—Missouri Synod for approval, who shall notify the district treasurers of the amount of their assessments by September 1 of the year preceding the convention of the Synod.

(2) The district treasurer shall remit the amount of the district levy to the accounting department of the Synod not later than the month of March before the convention.

(3) The accounting department of the Synod shall prescribe, install, and supervise convention accounting procedures, financial controls, and budgetary classifications for operating income and costs of the convention.

(e) All travel and convention expenses of the Synod's Praesidium, Secretary, Vice-President–Finance—Treasurer, Board of Directors of The Lutheran Church—Missouri Synod, district presidents, Commission on Constitutional Matters, and legal counsel are included in the operating cost of the convention and as such are included in the district levy.

(f) All travel and convention expenses of the delegates and representatives shall be paid by the districts, the boards, or the commissions that are represented by the respective delegates or representatives.

(g) Convention preachers, worship leaders, and essayists shall be appointed by the President prior to the convention.

(h) The President shall arrange for suitable orientation and guidance for delegates. A convention manual shall be provided for this purpose in the *Convention Workbook*.

(i) The convention shall organize at its first session on the basis of its registration and the report of the committee on credentials.

(1) The President shall then make his presidential address and submit his official report.

(2) The President shall, at the first session and during the course of succeeding sessions of the convention, announce the order of business for the day and following days.

(3) The President shall conduct the sessions according to accepted parliamentary rules and make every effort to arrange the schedule of business so that the sessions do not exceed one week in duration.

(4) Daily minutes shall be prepared by the Secretary's office for inclusion in *Today's Business*.

(j) Before adjournment the convention shall decide upon the time of the next convention.

(1) If the convention fails to do so, the President shall do so. In case of necessity, he may change the appointed time.

(2) Conventions shall be conducted in the St. Louis area, with the understanding that consideration may be given by a previous convention to other areas upon special request.

(3) Prior to submitting an invitation, a host group shall determine the minimum requirements from the convention manager and then shall submit a proposal to the Board of Directors of the Synod for evaluation and recommendation to a convention.

(4) The President may also submit a site to the Board of Directors of the Synod. Prior to submission, the district president for the area in which the site is located shall be made aware of the submission and agree to provide any needed local support.

Convention Communications

3.1.10 The Synod's Board for Communication Services shall be responsible for telling the story of the conventions of the Synod to the public.

3.1.10.1 The official *Convention Proceedings* of each convention shall be sent by Concordia Publishing House to every congregation in the Synod.

(a) All delegates (voting and advisory) and all members of boards and commissions of the Synod shall also be sent a copy.

(b) The cost shall be paid by the Synod.

3.2 Elected or Appointed Officers, Boards, and Commissions

Officers Elected by the Convention

3.2.1 The officers of the Synod elected by the convention shall be the President, five vice-presidents in line of succession, the Secretary, the Vice-President–Finance—Treasurer (who shall also be designated as Chief Financial Officer), and the Board of Directors of The Lutheran Church—Missouri Synod.

Boards

3.2.2 The boards of the Synod elected by the convention of the Synod shall be:

1. Board for District and Congregational Services
2. Board for Mission Services
3. Board of Directors of Concordia Publishing House
4. A board of regents for each seminary of the Synod

3.2.2.1 The boards of the Synod elected or appointed as otherwise prescribed in these Bylaws shall be:

1. Board for Pastoral Education
2. Board for University Education (Board of Directors of Concordia University System)
3. Board for Black Ministry Services
4. Board for Communication Services
5. Board for Human Care Ministries
6. Board of Directors of the Lutheran Church Extension Fund—Missouri Synod (Board for Church Extension)
7. Board of Managers for Worker Benefit Plans
8. Board of Trustees for The Lutheran Church—Missouri Synod Foundation
9. A board of regents for each college, university, or high school of the Synod
10. Board of Governors of Concordia Historical Institute

Commissions

3.2.3 The commissions of the Synod elected or appointed by the President or Board of Directors shall be:

1. Commission on Constitutional Matters
2. Commission on Doctrinal Review
3. Commission on Ministerial Growth and Support
4. Commission on Structure
5. Commission on Worship

3.2.3.1 The commission of the Synod constituted in part by election and in part by appointment as provided in the Bylaws is the Commission on Theology and Church Relations.

Terms of Office

3.2.4 The term of office of all elected officers of the Synod (Bylaw 3.2.1) shall be three years; of the elected members of the Board of Directors and all other boards and commissions of the Synod six years; of all members of college and university boards of regents three years; and of all appointed members of boards, commissions, and standing committees three years, unless these Bylaws specifically provide otherwise.

(a) The President, vice-presidents, Secretary, Vice-President–Finance—Treasurer, and members of all elected boards of the Synod shall assume office on September 1 following the convention and shall be inducted into office on a date subsequent to September 1 following the convention.

(b) In the interim, the newly elected President shall meet with the reelected and newly elected vice-presidents to assess the state of the

Synod, to plan for the communication and carrying out of the resolutions adopted at the convention, to assign areas of responsibility to the vice-presidents, and to gather names and obtain information helpful for making wise appointments; he shall meet with the chairman and executive directors of boards and commissions to discuss their convention reports, to assess with them the financial support they will need; he shall meet with the financial and administrative officers to assess the financial status of the Synod and the estimate of the financial resources available for the coming year.

(c) All newly appointed members of all boards and commissions shall begin their service on September 1 following each regular meeting of the Synod in convention.

(d) The newly elected members of the boards of directors and other elected boards and commissions shall attend whatever meetings are held in the interim, without vote, to become acquainted with their new responsibilities and functions.

(e) The initial meeting of boards and commissions shall ordinarily be held in association with the induction and shall begin with a combined orientation program conducted under the direction of the President.

(f) Incumbents shall serve until their successors assume office. The existing boards of directors and other elected boards and commissions shall continue to function until the newly elected and reelected members of these boards and commissions assume office. They shall continue to carry out programs initiated prior to the electing convention.

(g) No appointments to boards or commissions of the Synod shall be made and no new programs shall be initiated by the outgoing President or the boards of directors or elected or appointed boards or commissions during the interim.

(h) Emergency action that demands immediate attention may be taken in consultation with and with the consent of the newly elected President.

3.2.4.1 The offices of the President, the vice-presidents in line of succession, the Secretary, and the Vice-President–Finance—Treasurer shall be without limitation as to reelection.

(a) If the President, the First Vice-President, the Secretary, or the Vice-President–Finance—Treasurer of the Synod are not reelected or do not stand for reelection, they shall continue to receive full salary for a period of six (6) months while rendering transitional service.

(b) Such service and salary will cease at the time such person accepts another full-time position.

(c) Before his successor assumes office, the outgoing President shall use the intervening time to settle the affairs of his administration and assist the newly elected President as requested to become acquainted with the responsibilities of the office.

3.2.4.2 All members of all boards and commissions of the Synod shall be ineligible for reelection or reappointment to the same board or commission after serving a total of two successive six-year elected terms or three successive appointed or elected three-year terms, unless otherwise provided in the Bylaws.

(a) Such persons may become eligible again for election or appointment to the same office, board, or commission after an interval of three or more years.

(b) One-half or more of a term shall be regarded as a full term under limited tenure rules.

(c) Any member of a board or commission who is ineligible for reelection or reappointment may be elected or appointed to another position.

Vacancies

3.2.5 Unless otherwise specified in these Bylaws, vacancies that occur on elected boards or commissions of the Synod shall be filled by the Board of Directors of the Synod.

(a) The Secretary of the Synod shall be responsible for gathering a list of nominees from the board or commission where the vacancy occurs, the President of the Synod, the district boards of directors, and the slate of candidates from the previous convention of the Synod within 90 days of notification of the vacancy.

(b) A list of at least three but no more than five candidates shall be submitted as soon as possible to the appropriate appointing body.

(c) This list shall be determined by the chairman and two members of the Committee for Convention Nominations of the Synod as determined by the committee. The Synod's Director of Human Resources shall be consulted in developing the candidate list.

3.2.5.1 Vacancies in any appointed board or commission of the Synod shall be filled by the appointing authority unless otherwise specified in these Bylaws. The board or commission may submit suggestions to the appointing authority.

3.3 Elected Officers of the Synod

President

3.3.1 The President of the Synod shall be a full-time executive and shall serve as a voting member of the Board of Directors of the Synod.

(a) He shall not be in charge of a congregation or hold a chair at any educational institution but may be called as an assistant pastor, provided such services do not interfere with his official duties as President.

(b) He shall, with the approval of the Board of Directors of the Synod, be empowered to engage sufficient staff to carry out the duties of his office.

Powers and Duties—Ecclesiastical

3.3.1.1 As the chief ecclesiastical officer of the Synod, the President shall supervise the doctrine taught and practiced in the Synod, including all synodwide corporate entities.

3.3.1.1.1 The President of the Synod has ecclesiastical supervision of all officers of the Synod and its agencies, the individual districts of the Synod, and all district presidents.

(a) In the districts of the Synod, he shall carry out his ecclesiastical duties through the district's president.

(b) He shall at regular intervals officially visit or cause to be visited all the educational institutions of the Synod to exercise supervision over the doctrine taught and practiced in those institutions.

(c) He shall meet regularly with the Council of Presidents and, as deemed necessary, with individual district presidents or small groups of district presidents to see to it that they are in accordance with Article II of the Constitution, adopted doctrinal statements of the Synod, and doctrinal resolutions of the Synod. He shall receive regular reports on this subject from the district presidents. In cases of doctrinal dissent, Bylaw section 1.8 shall be followed.

3.3.1.1.2 The President shall be the chief ecumenical officer of the Synod.

(a) He shall represent the Synod, in consultation with the appropriate board or commission, in official contacts with all partner churches by aiding, counseling, and advising them and by strengthening the relations with and among them.

(b) He or his representative shall represent the Synod in official contacts with other church bodies.

Powers and Duties—Administrative

3.3.1.2 The President shall oversee the activities of all officers, executives, and agencies of the Synod to see to it that they are acting in accordance with the Constitution, Bylaws, and resolutions of the Synod.

(a) He shall at regular intervals officially visit or cause to be visited all the educational institutions of the Synod and thereby exercise oversight over their administration as it relates to adherence to the Constitution, Bylaws, and resolutions of the Synod.

(b) He shall meet regularly with the Council of Presidents and, as deemed necessary, with individual district presidents or small groups of district presidents, to see to it that their administration is in accordance with the Constitution, Bylaws, and resolutions of the Synod. He shall receive regular reports on this subject from the district presidents.

(c) He shall call up for review any action by an individual officer, executive, or agency that, in his view, may be in violation of the Constitution, Bylaws, and resolutions of the Synod.

(1) If he deems appropriate, he shall request that such action be altered or reversed.

(2) If the matter cannot be resolved, he shall refer it to the Synod's Board of Directors, the Commission on Constitutional Matters, and/or the Synod in convention as he deems appropriate to the issues and party/parties involved.

(3) This provision in no way alters the President's constitutional duty to report to the Synod those who do not act in accordance with the Constitution and do not heed his admonition, as prescribed in Article XI B 2 of the Constitution.

(d) He shall serve as leader of the Administrative Team (see Bylaw section 3.5) and shall report to the Board of Directors on the activities of the team.

Powers and Duties—Ecclesiastical and Administrative

3.3.1.3 The President shall have powers and duties that are both ecclesiastical and administrative.

(a) He shall report in person or through a vice-president or other officer of the Synod to all district conventions and to that end formulate the report that is to be made.

(b) He shall make provisions for new district presidents and members of boards and commissions of the Synod to be acquainted with their duties and responsibilities.

(c) He shall personally or by way of a representative have the option to attend all meetings of the Synod's program boards, the boards of all synodwide corporate entities, and Worker Benefit Plans, including executive sessions.

(1) The President's representative shall normally be a member of the administrative team.

(2) The President shall, in reasonable time, receive notice of such meetings, the proposed agenda, and minutes thereof.

(d) He shall engage in consultation with each program board, commission, and the governing board of each synodwide corporate entity to reach mutual concurrence on a slate of candidates for the position of executive director or chief executive officer.

(e) He shall consult with the vice-presidents, as elected advisers, whenever important and difficult Synod, inter-Lutheran, and partner church questions arise.

(f) He shall establish the duties and responsibilities of the First Vice-President in consultation with the First Vice-President.

(g) He shall make an official report at each meeting of the Synod in convention.

(h) He shall approve the draft of the *Convention Proceedings* before it is published by the Secretary of the Synod.

(i) He shall have the right to authorize the vice-presidents to perform the duties of his office and hold them responsible for their performance. Accountability, however, shall always remain with the President.

(j) He shall exercise executive power when the affairs of the Synod demand it and when he has been expressly invested with such power by the Synod in convention.

(k) He shall be authorized, in the event that the affairs of the Synod require the exercise of executive power for a purpose for which there is no specific directive of the Synod, to exercise such power after consultation with the vice-presidents, the Board of Directors of the Synod, or the Council of Presidents, whichever in his judgment is most appropriate. Any member of the Synod shall have the right to appeal such action to the Commission on Constitutional Matters and/or the Synod in convention, whichever is appropriate. The Lutheran Church Extension Fund—Missouri Synod is exempt from this bylaw.

(l) He shall in the interval between meetings of the Synod in convention appoint special boards or committees whenever the purpose for which the Synod has been organized requires or when conditions arising in the course of time demand such action.

Inability to Serve

3.3.1.4 When the President is unable to serve, the duties and responsibilities of the Office of President shall be assumed by the First Vice-President.

(a) The Board of Directors of the Synod shall determine when the President is unable to serve in that capacity because of prolonged illness or disability.

(b) The First Vice-President shall remain as the acting president until that board determines that such illness or disability has been removed.

Vice-Presidents

3.3.2 The vice-presidents shall be elected advisers of the President and, upon the President's request or as provided by the Synod, shall assist him in discharging his responsibilities or represent him.

3.3.2.1 The vice-presidents shall, in the order in which they have been ranked, assume the presidency if the office is vacated or perform the duties of the President if he becomes incapacitated.

3.3.2.2 The First Vice-President shall be a full-time executive and a non-voting member of the Board of Directors. He shall be responsible to the President at all times for the performance of his duties.

3.3.2.3 Four additional vice-presidents shall be ranked from two to five and are to be selected in the manner prescribed in these Bylaws. They shall serve the Synod in a part-time capacity and shall be responsible to the President for the performance of their duties.

3.3.2.4 A vacancy in any vice-presidency shall be filled by advancing the lower-ranking vice-presidents. The resulting vacancy shall remain vacant until filled by election at the next convention of the Synod.

Secretary

3.3.3 The Secretary shall perform all the customary duties of a corporate secretary and shall serve as a voting member and the secretary of the Board of Directors of the Synod.

3.3.3.1 The Secretary shall carry out all required responsibilities relating to conventions of the Synod.

(a) He shall carry out responsibilities with reference to the nomination and election of the President and vice-presidents as detailed in Bylaw section 3.12.

(b) He shall serve as consultant to the local convention committee.

(c) He shall publish the names of the members of the Committee for Convention Nominations in an official periodical of the Synod as soon as possible after they have been elected.

(d) He shall carry out responsibilities with reference to the Committee for Convention Nominations as determined in the Bylaws.

(e) He shall provide the Committee on Elections with copies of a manual of suggested election procedures.

(f) He shall record the proceedings when the Synod meets in convention.

(g) He shall announce daily the time and the place of committee meetings at conventions.

(h) He shall officially notify individuals elected to office of their election.

(i) He shall edit the proceedings of the Synod in convention and arrange for its distribution in harmony with the provisions of the Bylaws.

3.3.3.2 The Secretary shall perform such other work as pertains to his office or such other work as the Synod in convention, the President, or the Board of Directors of the Synod may assign to him.

(a) He shall serve as a nonvoting member and secretary of the Commission on Constitutional Matters.

(b) He shall administer the Synod's dispute resolution process.

(c) He shall serve as a voting member of the Board of Governors of Concordia Historical Institute.

(d) He shall supervise the maintenance of the official roster of member congregations and ordained and commissioned ministers on the basis of information supplied by the district presidents.

(e) He shall serve as editor of *The Lutheran Annual*.

(f) He shall keep a file of all governing instruments of all agencies of the Synod.

3.3.3.3 In the event of the death, resignation, or permanent incapacity of the Secretary, the Board of Directors of the Synod shall appoint a successor for the unexpired term.

Vice-President–Finance—Treasurer

3.3.4 The Vice-President–Finance—Treasurer shall be a layperson, shall not be an officer or staff member of a synodwide corporate entity, shall perform all customary duties of a corporate chief financial officer, and shall serve as a nonvoting member of the Board of Directors.

3.3.4.1 The Vice-President–Finance—Treasurer shall administer the financial affairs of the Synod, excluding the synodwide corporate entities, the districts, and Worker Benefit Plans.

(a) He shall carry out the duties of the office in accordance with the rules and regulations adopted by the Synod and as directed by the Board of Directors of the Synod.

(b) He shall receive and disburse the moneys of corporate Synod and keep accurate account of them under the instruction of the Board of Directors of the Synod.

(c) He shall act as the depositary for all funds in the hands of corporate Synod's boards (excluding Worker Benefit Plans), commissions, officers, and employees who by virtue of their office act as custodians or trustees of such funds.

(d) He shall keep informed about financial affairs of the synodwide corporate entities.

(e) He shall serve as a nonvoting member of the governing boards of the Concordia University System, The Lutheran Church—Missouri Synod Foundation, the Lutheran Church Extension Fund—Missouri Synod, Worker Benefit Plans, and Concordia Publishing House, and on the investment committee of Worker Benefit Plans.

(f) He shall keep on file a correct list of all devises and bequests that directly or indirectly have been given to corporate Synod. Legacies and bequests made to other agencies of the Synod shall be reported annually to the Vice-President–Finance—Treasurer as part of the audit process.

(g) He shall report regularly to the Synod through an official periodical and at every meeting of the Synod in convention on the performance of his office.

(h) He shall be authorized to borrow in the name of the Synod, provided its Board of Directors has first determined the amounts and conditions under which such moneys shall be borrowed.

(1) Instruments relative to such borrowing shall require two signators.

(2) One signator shall be the Vice-President–Finance—Treasurer and the other shall be another officer of the Synod designated by the Board of Directors of the Synod.

(i) He shall at any time submit to an audit of official books and accounts when so ordered by the Synod or its Board of Directors.

3.3.4.2 The Vice-President–Finance—Treasurer shall perform such other work as the Synod in convention, the President, or the Board of Directors of the Synod may assign.

3.3.4.3 In the event of the death, resignation, or permanent incapacity of the Vice-President–Finance—Treasurer, the Board of Directors of the Synod shall appoint a successor for the unexpired term.

Board of Directors

3.3.5 The Board of Directors of the Synod is the legal representative of the Synod and the custodian of all the property of the Synod. It shall be accountable to the Synod in convention for the discharge of its duties.

3.3.5.1 The Board of Directors shall consist of 15 voting members.

1. Thirteen members are elected by the Synod in convention and serve a maximum of two six-year terms: four ordained ministers, one commissioned minister, and eight laypersons. No more than one of these may be elected from one District.
2. The President and Secretary shall be voting members of the board.
3. The First Vice-President and the Vice-President–Finance—Treasurer of the Synod shall be nonvoting members.

3.3.5.2 The Board of Directors shall have the powers and duties that have been accorded to it by the Articles of Incorporation, Constitution, Bylaws, and resolutions of the Synod, and the laws of the State of Missouri.

3.3.5.3 The Board of Directors shall provide for the coordination of the policies and directives of the Synod authorized by the Constitution, Bylaws, and resolutions of the Synod, evaluating plans and policies and communicating to the appropriate boards and commissions suggestions for improvement.

3.3.5.4 The Board of Directors shall be responsible for the general management of the business and legal affairs of the Synod and shall be authorized to take on behalf of the Synod any action related to such business and legal affairs which has not been expressly delegated by the Constitution, Bylaws, and resolutions of the Synod to other officers or agencies of the Synod, and as to those shall have general oversight responsibility.

(a) The board shall elect its own chair and vice-chair and such operating officers as may be necessary.

(b) The board shall name those officers who have authority to sign official documents on behalf of the Synod.

(c) Members of the Administrative Team shall assist the Board of Directors in carrying out its responsibilities by completing assignments made to them by the board.

(d) The board may also designate a member of the Administrative Team other than the President or First Vice-President to function as its staff person to carry out duties and responsibilities not assigned to other team members.

(e) A person salaried by the Synod or an agency of the Synod (other than one serving by virtue of his office) may not be a voting member of the board.

3.3.5.5 The Board of Directors shall allocate available funds to the program boards, commissions, councils, and departments of corporate Synod and hold them responsible therefor.

(a) To the extent of its responsibilities relative to the general management and supervision of the business and legal affairs of the Synod:

(1) It shall receive such reports as it requests on the operations and policies of the program boards, commissions, and councils.
(2) It shall have the right to call up for review and criticism, and to request modification or revocation of, any action or policy of a program board, commission, or council, except opinions of the Commission on Constitutional Matters.

(b) The Synod's budgeting process and the budget itself shall be designed to support the worldwide mission and ministry of the Synod.

(1) The board shall establish policies and guidelines relating to the preparation of the annual budget of the Synod.
(2) The board shall adopt the annual budget of the Synod.

(c) The Board of Directors shall be responsible for providing operating and capital funds to carry out the work of the Synod and to that end provide for a department of stewardship ministry under the Board for District and Congregational Services which will promote stewardship education and nurture in accordance with the biblical principles of stewardship.

3.3.5.6 The Board of Directors shall exercise general oversight over the operations and activities of the synodwide corporate entities and Worker Benefit Plans as required of it in the Constitution of the Synod and specified in these Bylaws.

(a) It shall assure itself that their accounting, budgeting, and financial policies comply with generally accepted accounting standards.

(b) It shall assure itself that audits are performed by internal auditors or independent certified public accountants for the Synod's

(1) synodwide corporate entities;
(2) colleges, universities, and seminaries;
(3) districts; and
(4) Worker Benefit Plans.

(c) It shall be furnished with copies of these and any interim financial reports it requests.

3.3.5.7 The Board of Directors shall serve as the custodian of all the property of the Synod as defined in Bylaw 1.2.1 (m). Except as otherwise provided in these Bylaws, it shall have the authority and responsibility with respect to the property of the Synod as is generally vested in and imposed upon a board of directors of a corporation.

(a) It shall, however, delegate to district boards of directors the authority to buy, sell, and encumber real and personal property in the ordinary course of performing the functions which the district carries on for the Synod in accord with general policies (which shall be applicable to all districts) established from time to time by itself or the Synod in convention.

(b) It may, however, delegate to any agency of the Synod powers and duties with respect to property of the Synod for which such agency of the Synod has direct supervisory responsibility.

(c) Such delegation shall be in writing and shall be subject to change at any time by the Synod's Board of Directors provided that reasonable deliberations, as determined by the Board of Directors, take place with such agency prior to the change.

3.3.5.8 The Board of Directors shall be empowered to authorize the Vice-President–Finance—Treasurer of the Synod to borrow capital funds, after the board has determined the amounts and the conditions under which these capital funds shall be borrowed, for capital-fund outlay, for site acquisition, or for construction projects that are authorized by conventions of the Synod.

(a) It and the responsible officers of the Synod are empowered to do all things necessary to effect such capital-fund borrowings if and when required, including the pledging of real and other property belonging to the Synod in order to secure loans to obtain the necessary funds.

(b) The borrowed capital funds shall not be used for any operating expenditures and shall be subject to provision for amortization.

3.3.5.9 The Board of Directors of the Synod, subject to the approval of the President of the Synod, may appoint vice-presidents not in line of succession, assistant officers, and other staff required from time to time to carry out the business and legal affairs of the Synod.

3.4 Appointed Officers of the Synod

Chief Administrative Officer

3.4.1 The Chief Administrative Officer shall assist the Board of Directors of the Synod in carrying out the responsibilities given to it by the Constitution, Bylaws, and resolutions of the Synod.

3.4.2 The Chief Administrative Officer shall be an officer of the Synod and shall be appointed by the Board of Directors of the Synod in consultation and mutual concurrence with the President of the Synod.

3.4.3 The Chief Administrative Officer shall serve a three-year renewable term of office during which he/she shall serve at the pleasure of the Board of Directors.

(a) Annual reviews and evaluations shall be conducted between conventions by the Board of Directors.

(b) He/she may serve an unlimited number of terms.

(c) Each reappointment shall be with the mutual concurrence of the President and the Board of Directors of the Synod.

3.4.4 The Chief Administrative Officer shall meet regularly with the executive officers of program boards, commissions, and synodwide corporate entities as the liaison with the Board of Directors and shall provide leadership to assure that the mission and ministry activities of the Synod are being carried out in a coordinated, cooperative, and effective manner.

3.5 Administrative Team

3.5.1 The Administrative Team shall assist the President and the Board of Directors of the Synod in carrying out their respective responsibilities for oversight, supervision, management, and coordination as set forth in the Constitution, Bylaws, and resolutions of the Synod.

3.5.2 The Administrative Team consists of the President, the First Vice-President, the Secretary, the Vice-President–Finance—Treasurer, and the Chief Administrative Officer and shall be under the leadership of the President.

3.6 Synodwide Corporate Entities

General Principles

3.6.1 The Synod in convention has authorized the creation of corporate and legal entities that are to be servants of and to the Synod and its members. Their purpose, function, and assigned areas of responsibility are set forth in these Bylaws. They are referred to in the Bylaws as "synodwide corporate entities" and are as follows:

1. Concordia Historical Institute
2. Concordia Publishing House
3. The Lutheran Church Extension Fund—Missouri Synod
4. The Lutheran Church—Missouri Synod Foundation
5. Concordia University System

3.6.1.1 Formation of a synodwide corporate entity shall require the approval of the Synod in convention or the Board of Directors of the Synod.

(a) At least six months prior to such approval an announcement thereof shall be given in an official publication of the Synod together with a detailed explanation of the problems or factors which

make the formation of the proposed synodwide corporate entity advisable or necessary.

(b) The announcement shall include an invitation for members of the Synod to submit comments thereon to the Board of Directors of the Synod.

3.6.1.2 The members, if any, of a synodwide corporate entity shall be as set forth in these Bylaws.

3.6.1.3 Each synodwide corporate entity shall have a governing board.

(a) A minimum of one-third of the voting members of every governing board shall be elected by the Synod in convention as described in these Bylaws.

(b) The names of the individual members of each of these governing boards shall be reported annually in an official periodical of the Synod.

3.6.1.4 Each governing board of a synodwide corporate entity shall elect its own chair, vice-chair, and secretary and such operating officers as may be necessary.

(a) The executive officer of each synodwide corporate entity shall serve at the pleasure of the governing board.

(b) The governing board of each executive shall conduct an annual review and, before the expiration of each five-year period, the appointment shall terminate unless the governing board takes specific action to continue the person in the office.

(c) In the event of a vacancy, the appropriate governing board and the President shall act expeditiously to fill the vacancy. The board shall present its list of candidates to the President of the Synod.

(d) The slate of candidates for the initial appointment of an executive officer shall be selected by its governing board in consultation and mutual concurrence with the President of the Synod.

(e) Any interim appointments of an executive officer shall be processed in a similar manner. Such appointee must be approved by the President of the Synod, may not serve more than 18 months without the concurrence of the President of the Synod, and shall be ineligible to serve on a permanent basis without the concurrence of the President of the Synod.

3.6.1.5 Each governing board of a synodwide corporate entity shall have such powers and duties as have been assigned to it by the Constitution and Bylaws of the Synod, the resolutions of the Synod in convention, and the governing instruments of the synodwide corporate entity. Within such limitations it shall operate in accord with federal and state laws.

(a) It is vested with the supervision of the business, financial, property, personnel, and legal affairs of the Synod assigned to that synodwide corporate entity.

(b) It shall develop policies governing its operations.

(c) It shall have an independent audit.

(d) It shall provide for insurance and fidelity bonding.

(e) It shall use common policies with other synodwide corporate entities whenever possible.

(f) It shall establish and monitor long- and short-range plans and operating and capital budgets to carry out such plans in accord with the objectives of the Synod and its convention resolutions.

(g) It shall reply to inquiries and suggestions from the Synod's Board of Directors relative to its operations and activities. If the governing board and the Synod's Board of Directors do not reach an accord on such suggestions, the matter may be brought by the Synod's Board of Directors to the Synod in convention for a decision.

(h) It shall be accountable to the Synod in convention for the discharge of its assigned duties and shall submit a report relative thereto for inclusion in the *Convention Workbook*.

(i) It shall be accountable to the President of the Synod for doctrinal faithfulness.

(j) It shall respond to any questions asked by the President of the Synod as he carries out his constitutional duties.

3.6.1.6 The governing instruments of a synodwide corporate entity shall be in conformity with the Synod's Constitution, Bylaws, and applicable resolutions of the Synod in convention.

(a) Before becoming effective, such governing instruments, and any amendments thereto, shall be reviewed and approved by the Board of Directors of the Synod and the Commission on Constitutional Matters.

(b) A negative decision by either of these two bodies may be appealed to the Synod in convention, which retains the right on its own initiative to require amendments to such governing instruments.

(c) A copy of the current governing instruments of each synodwide corporate entity shall be filed with the Secretary of the Synod.

(d) A copy of its current governing instrument shall be made available by a synodwide corporate entity to any member of the Synod upon request.

3.6.1.7 Each synodwide corporate entity shall provide the following in its governing instruments.

(a) Each governing instrument shall include the provision that every member of the governing board shall be a member of a congregation that is a member of the Synod.

(b) Each governing instrument shall include the provision that it is a component part of the Synod; it is subject to the Constitution, Bylaws, and resolutions of the Synod; and its governing instruments are subordinate to the Constitution and Bylaws of the Synod.

(c) Each governing instrument shall include the provision that any amendments to a provision of its governing instruments which relate to its objects and purposes, the designating of its members, or the procedure for amending its governing instruments shall require a two-thirds affirmative vote of its members, if any, who are appointed by the Board of Directors of the Synod.

(d) Each governing instrument shall include the provision that upon dissolution of a synodwide corporate entity, its remaining assets shall be transferred to the Synod. Any amendment to this provision shall require the affirmative vote of the Synod in convention.

3.6.1.8 Dissolution of a synodwide corporate entity shall require the approval of the Synod in convention or the Board of Directors of the Synod.

Concordia Historical Institute

3.6.2 Concordia Historical Institute, a corporation, shall be the official Department of Archives and History of the Synod.

3.6.2.1 Membership in the Concordia Historical Institute is defined in the articles of incorporation and bylaws of the institute.

3.6.2.1.1 The Board of Governors of Concordia Historical Institute shall have nine members:

1. The Secretary of the Synod
2. Five members who shall be chosen by the membership of the institute
3. Three members who are elected by the Synod in convention, two of whom shall be ordained ministers

3.6.2.1.2 Members of Concordia Historical Institute may not serve more than two successive six-year terms, except the Secretary of the Synod who may serve unlimited terms.

3.6.2.2 Concordia Historical Institute shall promote interest in the history of Lutheranism in America, particularly of The Lutheran Church—Missouri Synod.

3.6.2.2.1 Concordia Historical Institute shall serve as an advisory and correlating agency for historical interests within the Synod and shall collect and preserve articles of historical value.

(a) Congregations permanently disbanding (not merging) are urged to transfer all of their records, such as registers of official acts, minutes, and other historical materials, to the institute.

(b) All records created by officers of the Synod, boards, commissions, committees, task forces, and other agencies owned or controlled by the Synod are the property of the Synod and may be disposed of only under procedures and guidelines established by the Department of Archives and History and supervised by it.

(c) The President, vice-presidents, Secretary, and Vice-President–Finance—Treasurer; the Board of Directors of The Lutheran

Church—Missouri Synod and its officers and staff; the Council of Presidents; and all other boards, commissions, committees, and other agencies of the Synod shall transfer correspondence, records, minutes, reports, and other files from their respective offices to the archives when they are no longer of current operational value.

(d) The records of retiring officers (President, First Vice-President, Secretary) not needed by their successors shall be transferred to the Department of Archives and History within six months after they leave office. Such transfer shall be done under the auspices of the staff of the Department of Archives and History and in consultation with the successor in the office.

(e) Such minutes, files, records, and reports shall ordinarily be transferred to the archives at the expiration of not more than 15 years after their creation unless such records are still currently being used by the officer or board. If the latter is the case, this shall be reported to the archives.

(f) Temporary committees, task forces, and other entities or agencies serving the Synod shall immediately on their dissolution transfer to the archives all of their files containing the correspondence, records, minutes, and reports relating to their work.

(g) Institutions, organizations, and agencies related to the Synod or to any of its structure or work that are disbanding permanently are urged to transfer their files, correspondence, records, reports, and other historical materials to the archives.

(h) All auxiliary agencies and interchurch councils and structures related to the Synod or in which the Synod holds membership shall file copies of all official documents, including articles of incorporation, constitutions, bylaws, convention proceedings, official publications, minutes, and other materials, with the archives on a regular basis.

3.6.2.2.2 Concordia Historical Institute shall stimulate historical research, publish its results, and may, at its discretion, serve as the official depository for such other groups as designate the institute as their depository.

3.6.2.2.3 Concordia Historical Institute shall provide guidelines for the establishment of an archive-historical unit by each district, seminary, college, and university and other agencies of the Synod.

(a) Copies of official documents of the districts such as articles of incorporation, constitutions, bylaws, convention proceedings, and other official publications shall be filed in the archives of the Synod. Each district shall also establish the office of "Archivist-Historian" and pattern the responsibilities of the office after those of the archives of the Synod and encourage this officer to work in close relationship with the archives of the Synod.

(b) Colleges, universities, and seminaries of the Synod shall establish departments of archives and history for the preservation of their records and shall transfer bylaws, handbooks, minutes, and

official publications to the archives of the Synod. The job description of the college or seminary archivist shall be patterned after that of the archivist of the Synod. Such archivist shall also be directed to work in close cooperation with the archives of the Synod.

Concordia Publishing House

3.6.3 The purpose of Concordia Publishing House is to proclaim the Gospel of our Lord Jesus Christ. It shall serve the Synod and its agencies by developing, producing, marketing, and distributing products for use by members of the Synod, other Christians, and the public in general.

(a) It shall supply publishing and distribution services for the agencies of the Synod as required, unless this is deemed detrimental to the agency involved.

(b) It shall consult with representatives of other boards when materials are produced in concert with them.

(c) Unless otherwise instructed by the Synod, the Board of Directors of Concordia Publishing House shall determine what is to be published by the corporation.

(d) All materials of a religious or theological nature shall be approved through the Synod's prescribed procedure for doctrinal review before publication.

(e) Surplus funds, when not needed in the operation of the publishing house and as determined by the Concordia Publishing House Board of Directors, may be ordered paid to The Lutheran Church—Missouri Synod by the Concordia Publishing House Board of Directors at any regular or special meeting.

3.6.3.1 Concordia Publishing House shall be maintained and controlled by the Synod as a corporate entity organized under the laws of the State of Missouri and shall be operated by a board of directors consisting of:

1. One ordained minister elected by the Synod in convention
2. One commissioned minister elected by the Synod in convention
3. Seven laypersons elected by the Synod in convention
4. The President of the Synod or his representative from the clergy roster who will serve as a voting member of the board
5. The Synod's Vice-President–Finance—Treasurer, who will be a nonvoting member

3.6.3.2 Board composition needs to reflect commitment to the mission of the church. Directors should have training and experience in diverse disciplines necessary for the operation of a publishing house, including product development and business management.

The Lutheran Church Extension Fund—Missouri Synod

3.6.4 The Lutheran Church Extension Fund—Missouri Synod, as established on June 15, 1978, as a corporate entity under the laws of the

State of Missouri, is operated by its members and Board of Directors, in accordance with its Articles of Incorporation and Corporate Bylaws, to further the objectives and duties of the church extension fund within the Synod. It is formed to provide financial resources and related services for ministry, witness, and outreach of The Lutheran Church—Missouri Synod.

(a) Any amendment to the Articles of Incorporation and the corporate Bylaws of the Lutheran Church Extension Fund—Missouri Synod as heretofore adopted shall be made by a two-thirds vote of the members of the Lutheran Church Extension Fund—Missouri Synod as set forth in its Articles of Incorporation and Bylaws.

(b) Amendments shall be reported to the next convention of the Synod.

3.6.4.1 The assets and liabilities of the Lutheran Church Extension Fund—Missouri Synod are separate and distinct from those of the Synod and its assets cannot be used to satisfy the liabilities and obligations of the Synod.

3.6.4.1.1 In the event the Lutheran Church Extension Fund—Missouri Synod is ever dissolved, its net assets shall be distributed to The Lutheran Church—Missouri Synod or its successor.

3.6.4.2 As established by its bylaws, the members of the Lutheran Church Extension Fund—Missouri Synod are divided into two classes.

3.6.4.2.1 One class of members consists of the President of the Synod or his representative, the Vice-President–Finance—Treasurer of the Synod, and such additional members appointed by the Board of Directors of The Lutheran Church—Missouri Synod as shall equal one for each ten members of the other class of members.

3.6.4.2.2 The second class of members consists of representatives of participating districts, the number determined according to the following formula, with any fraction rounded to the nearest whole number:

$$\frac{\text{Baptized Members}}{50{,}000} + \frac{\text{Investments}}{10{,}000{,}000} + \frac{\text{Investments}}{\text{Baptized Members}} \times .015 + \frac{\text{Fund Balance}}{100{,}000} \times .010 = \text{Number of Members per District}$$

3.6.4.3 The board of directors for the Lutheran Church Extension Fund—Missouri Synod shall consist of such number of directors as are specified in the bylaws of the Lutheran Church Extension Fund—Missouri Synod. All voting members of the board of directors of the Lutheran Church Extension Fund—Missouri Synod shall serve a maximum of four three-year terms.

1. Three directors shall be elected by the Synod in convention and shall include one ordained or commissioned minister and two laypersons.
2. The remaining voting directors shall be chosen by the members.

3. The Vice-President–Finance—Treasurer of the Synod shall also be a nonvoting member of the board.

3.6.4.3.1 All directors shall have an understanding of the church extension program and/or demonstrate an expertise in fields or areas closely related to church extension activities, such as knowledge of real estate, management, and financial planning.

3.6.4.4 Until such time that all districts of the Synod conduct their church extension activities through the Lutheran Church Extension Fund—Missouri Synod, there shall also be a Board for Church Extension of The Lutheran Church—Missouri Synod. Members of the board of directors of the Lutheran Church Extension Fund—Missouri Synod shall also serve as members of the Board for Church Extension of the Synod.

(a) The board shall aid districts in motivating individuals, congregations, and organizations in acquiring investments for church extension in a systematic manner.

(b) The board shall strive to coordinate and obtain uniformity in the church extension programs of the districts.

(c) The board shall provide leadership in advance site acquisition for further expansion.

(d) The board shall ensure that district church extension boards or committees administer the districts' church extension programs in conformity with policies established by the Synod's Board for Church Extension and in accordance with district regulations.

(e) The board shall establish policies within which districts are to operate with respect to the making of loans and the type of security required, taking into consideration the financial status of the organization to which the loan is being made and circumstances of the loan.

(f) The board shall establish policies and programs for maintaining, supervising, and enlarging the district church extension funds on a sound financial basis by

(1) periodically reviewing financial statements of all district church extension funds;
(2) conferring with districts in cooperatively promoting church extension funds and seeking greater uniformity in the policies and programs of the districts;
(3) including a complete financial statement of district funds in its report to the Synod, including money borrowed and received, the total amounts of loans outstanding, and the amounts delinquent in each district; and
(4) providing architectural advice and site selection counsel, when requested, to congregations, Synod and district boards and commissions, and agencies of the Synod and district.

3.6.4.5 The Lutheran Church Extension Fund—Missouri Synod shall raise funds primarily through the issuance of corporate notes and other debt instruments.

3.6.4.5.1 The assets of the Lutheran Church Extension Fund—Missouri Synod shall be used exclusively to provide financing and services for the acquisition of sites, for the construction of facilities, for the purchase of buildings and equipment, for operating expenses, for professional church worker education, for the residential housing needs of professional church workers, for promoting strategic ministry planning and assisting in capital campaigns, and for other purposes approved by its governing board consistent with the ministry and mission of the Synod under policies approved by the Board of Directors of the Synod.

3.6.4.5.2 The assets of the Lutheran Church Extension Fund—Missouri Synod shall also be used exclusively to provide financing for its own operations and for distribution of operating results to its member districts, congregations, and corporate Synod, as determined by its governing board.

The Lutheran Church—Missouri Synod Foundation

3.6.5 The Lutheran Church—Missouri Synod Foundation shall provide investment management services for legacies, bequests, devises, endowments, annuity gifts, and other trust funds of the Synod and its agencies as established by the Foundation bylaws.

3.6.5.1 The Lutheran Church—Missouri Synod Foundation shall also provide such services to congregations, auxiliaries, other recognized service organizations, and others under policies approved by its board of trustees.

3.6.5.1.1 The Lutheran Church—Missouri Synod Foundation shall be maintained and controlled by the Synod as a corporate entity organized under the laws of the State of Missouri and shall be operated by a board of trustees, responsible to the Synod, in accordance with the provisions of its articles of incorporation and corporate bylaws. Any amendments to the articles of incorporation shall be subject to approval by the members of the Foundation.

3.6.5.1.2 Since The Lutheran Church—Missouri Synod Foundation serves the entire Synod, no new foundations shall be established by its agencies without prior approval of the Board of Directors of The Lutheran Church—Missouri Synod.

3.6.5.2 The voting members of The Lutheran Church—Missouri Synod Foundation shall consist of two groups, one consisting of individuals appointed by the Board of Directors of The Lutheran Church—Missouri Synod and the other consisting of that number of individuals representing agencies or auxiliaries of The Lutheran Church—Missouri Synod as established by the Foundation bylaws.

3.6.5.2.1 The Board of Trustees of the Foundation shall consist of:

1. Two members elected by the Synod in convention (one ordained minister and one layperson)
2. The chairman of the Board for District and Congregational Services or his representative from that board

3. At least seven members appointed by the members, as provided in the bylaws of the Foundation
4. The President of the Synod or his representative
5. The Vice-President–Finance—Treasurer of the Synod as a nonvoting member

3.6.5.2.2 The Foundation Board of Trustees shall elect a president/chief executive officer.

(a) The board shall assemble the slate of candidates for this position in consultation and mutual concurrence with the President of the Synod.

(b) The president/chief executive officer of the Foundation shall give regular reports to the Board of Directors of the Synod.

3.6.5.3 The Foundation shall devise synodwide programs of deferred giving, including legacies, bequests, devises, endowments, foundations, and other trusts for the advancement, promotion, endowment, and maintenance of the Synod and its districts, colleges, seminaries, and other agencies, and such other causes as may be designated by its board of trustees and the Board of Directors of The Lutheran Church—Missouri Synod.

(a) It shall provide estate-planning services, materials, and training events in accordance with applicable policies established by its board of trustees to assist estate-planning counselors throughout the Synod in consummating gifts.

(b) It shall maintain on a prioritized basis a current catalog of North American and worldwide missions and social ministry, higher education, and other projects that could be funded by gifts from individuals, congregations, and auxiliaries, and shall develop prospectuses for use by counselors in making all calls.

(c) It shall provide materials and conduct training events to assist both volunteer and salaried counselors throughout the Synod.

3.6.5.3.1 The Foundation shall distribute designated funds in accordance with the contractual instructions of the donor. The distribution of undesignated funds shall be determined by the board of trustees in consultation with the Board of Directors of The Lutheran Church—Missouri Synod.

3.6.5.3.2 The Foundation shall be audited annually by independent certified public accountants selected by its board of trustees.

(a) The audit report shall be made available upon request.
(b) The auditors shall also provide an annual letter commenting on the administrative and financial controls.

Concordia University System

3.6.6 Concordia University System, as a corporation under the laws of the State of Missouri, is operated by its members and board of directors in accordance with its articles of incorporation and corporate bylaws to further the objectives and duties of the Board for University

Education within the Synod. Any amendments to these articles of incorporation shall be subject to approval by the members.

3.6.6.1 The Board for University Education shall serve as the Board of Directors of the Concordia University System. Thus, the bylaws in this section apply to the one board, both as the Board for University Education, a program board of the Synod, and as the governing board of the Concordia University System, a synodwide corporate entity.

3.6.6.1.1 As the Board of Directors of the Concordia University System, this board has authority with respect to the Synod's colleges and universities.

3.6.6.2 The members of Concordia University System shall consist of two groups, one group consisting of individuals appointed by the Board of Directors of the Synod and the Council of Presidents, and the other group consisting of individuals representing the colleges and universities, as established by the corporation's bylaws.

3.7 Synodwide Trust Entities

3.7.1 The synodwide trust entity of The Lutheran Church—Missouri Synod is Worker Benefit Plans.

Worker Benefit Plans

3.7.1.1 The Worker Benefit Plans are the Concordia Retirement Plan, the Concordia Health Plan, the Concordia Disability and Survivor Plan, the Pension Plan for Pastors and Teachers, and Support Programs, each of which is a separate trust operated under trust laws. The assets and liabilities of the respective plans are separate and distinct from those of the Synod and cannot be used to satisfy the liabilities and obligations of the Synod.

(a) The "Concordia Retirement Plan for Ministers of Religion and Lay Workers of The Lutheran Church—Missouri Synod, Its Member Congregations, Controlled Organizations, and Affiliated Agencies" is the retirement plan adopted by the Board of Directors of The Lutheran Church—Missouri Synod pursuant to Res. 10-02 of the 45th convention of the Synod, as such plan has been heretofore or may hereafter be amended. The text of the plan, as amended from time to time, shall be published in booklet form under the supervision of the Board of Managers—Concordia Retirement Plan.

(b) The "Concordia Health Plan for Ministers of Religion and Lay Workers of The Lutheran Church—Missouri Synod, Its Member Congregations, Controlled Organizations, and Affiliated Agencies" is the health plan adopted by the Board of Directors of The Lutheran Church—Missouri Synod pursuant to Res. 10-02 of the 45th convention of the Synod, as such plan has been heretofore or may hereafter be amended. The text of the plan, as amended from time to time, shall be published in booklet form under the supervision of the Board of Managers—Concordia Health Plan.

(c) The "Concordia Survivor Plan for Ministers of Religion and Lay Workers of The Lutheran Church—Missouri Synod, Its Member Congregations, Controlled Organizations, and Affiliated Agencies" is the plan adopted by the Board of Directors of The Lutheran Church—Missouri Synod in accord with directives adopted at a prior convention of the Synod (Res. 10-02 of the 45th convention) to provide for surviving widows and children those benefits previously provided under the Concordia Retirement Plan. This plan also provides for disability benefits for such workers. The text of the plan, as amended from time to time, shall be published in booklet form under the supervision of the Board of Managers—Concordia Disability and Survivor Plan.

(d) The "Pension Plan for Pastors and Teachers of The Lutheran Church—Missouri Synod" is the pension plan established by the Synod as of Oct. 1, 1937, as heretofore or hereafter amended. The text of the plan, as amended from time to time, shall be published in booklet form under the supervision of the Board of Managers—Pensions and Support.

(e) The Support Program of the Synod is a program of financial assistance to those eligible ordained ministers, commissioned ministers, and other professional church workers and their eligible dependents who are in financial need. This aid is in the form of a gift from the budget funds of the Synod. Eligibility standards shall be determined by the Board of Managers.

(f) The lists of ordained and commissioned ministers appearing in the current records of the Department of Human Resources of the Synod shall be the official lists for the purpose of the Board of Managers.

(g) National inter-Lutheran entities will be eligible to be "employers" under the various Worker Benefit Plans of the Synod unless the policies of such a plan preclude such organization as an eligible employer.

3.7.1.2 The Board of Managers of Worker Benefit Plans shall consist of 10 voting members appointed by the Board of Directors of the Synod and the Vice-President–Finance—Treasurer of the Synod as a nonvoting member. The 10 voting members shall include:

1. Two parish pastors
2. One teacher
3. Seven laypersons, at least three of whom shall be experienced in the design of employee benefit plans and the others in the management of benefit plan investments

3.7.1.3 The Board of Managers shall have all general and incidental powers and duties appropriate for the performance of its functions, including the powers and duties set forth in the respective plans, as amended from time to time. It may create or amend any plan within limits established by the Board of Directors of the Synod so long

as such changes are reported to the Board of Directors, since such power is finally vested in the Board of Directors.

(a) When the Board of Managers is carrying out its functions with respect to any such separate plan, it may be designated as the Board of Managers of such separate plan.

(b) When the board is carrying out its functions generally, it may be designated as the "Board of Managers—Worker Benefit Plans of The Lutheran Church—Missouri Synod."

(c) The board shall make investment decisions at its own discretion or select and utilize investment counsel other than the Board of Managers and select agents and actuaries, in accordance with the Synod's policies governing the investment of trust funds.

(d) It shall design for the Board of Directors of The Lutheran Church—Missouri Synod's approval benefit plans which compare favorably with other similar plans while meeting the unique needs of full-time church workers in the Synod.

(e) It shall provide copies of all audit reports to the Board of Directors of The Lutheran Church—Missouri Synod for information, advice, and counsel.

(f) It shall settle disputes which arise in enrollment in the plans and the payment of claims and benefits.

3.8 Program and Service Boards

3.8.1 The program and service boards of The Lutheran Church—Missouri Synod are the following:

1. Board for Pastoral Education
2. Board for University Education
3. Board for Black Ministry Services
4. Board for Communication Services
5. Board for District and Congregational Services
6. Board for Human Care Ministries
7. Board for Mission Services

Board for Pastoral Education

3.8.2 The Board for Pastoral Education has authority with respect to the Synod's seminaries. The board serves the members of the Synod by coordinating pre-seminary education programs, seminary education, and post-seminary continuing education, and by providing advocacy for pastoral education within the church.

3.8.2.1 The Board for Pastoral Education shall be composed of nine voting and five nonvoting members (no more than one voting member elected by the Synod shall be from the same district):

Voting Members:

1. Three ordained ministers (two shall be parish pastors) elected by the Synod
2. One commissioned minister elected by the Synod

3. Four laypersons elected by the Synod
4. The President of the Synod or his representative

Nonvoting Advisory Members:

1. A district president appointed by the Council of Presidents
2. The Vice-President–Finance—Treasurer of the Synod
3. The Concordia University System executive director
4. The two seminary presidents

3.8.2.2 The Board for Pastoral Education shall conduct its business in no fewer than three meetings per year.

3.8.2.2.1 The Board for Pastoral Education shall meet in the same location with the Board for University Education at least once a year for collaborative discussions.

3.8.2.2.2 The Board for Pastoral Education shall meet jointly on a seminary campus with the two seminaries' boards of regents once a year.

3.8.2.3 In keeping with the objectives and the Constitution, Bylaws, and resolutions of the Synod, the Board for Pastoral Education shall

(a) advise on pre-seminary education programs in the Synod's colleges and universities;

(b) coordinate institutional planning and approve master plans for each seminary;

(c) develop coordinating policies and procedures for coordinating roles and responsibilities of the seminaries;

(d) review and approve new programs and manage peer review of programs in the interest of the seminaries and the Synod;

(e) establish policy guidelines for distribution of grants from the Synod (unrestricted and restricted) and efforts for securing additional financial support from other sources;

(f) obtain data on pre-seminary, seminary, and post-seminary theological education, including current trends in pastoral education and other graduate programs;

(g) grant approval for initial appointments of seminary faculty members;

(h) approve capital projects in relation to campus property-management agreements and institutional master plans;

(i) establish and monitor criteria for determining institutional viability, fiscal and otherwise;

(j) foster continuing education for pastors;

(k) recommend to the Synod in convention actions related to consolidation, relocation, or divestiture of a seminary;

(l) visit seminaries on a periodic basis to identify strengths and weaknesses on the basis of agreed-upon standards and provide support for their growth in excellence;

(m) serve as a resource for the development of lists of potential teaching and administrative personnel.

Admission to the Pastoral Ministry by Colloquy

3.8.2.4 The Colloquy Committee for the Pastoral Ministry shall function as a standing committee of the Board for Pastoral Education.

3.8.2.4.1 The Colloquy Committee for the Pastoral Ministry shall consist of the First Vice-President of the Synod, a district president appointed by the Council of Presidents, the presidents of the seminaries, and the executive director of the Board for Pastoral Education or his representative in an advisory capacity. The First Vice-President shall be chairman of the committee.

3.8.2.4.2 The Colloquy Committee for the Pastoral Ministry shall direct activity of the Synod in matters of colloquies for the pastoral ministry. It shall establish and monitor academic, theological, and personal standards for admission to the office of the pastoral ministry by colloquy, and in the establishment of these standards shall consult the faculties of the seminaries. It may consider and approve those applicants who meet the requirements for eligibility as specified in this bylaw and concerning whom no valid objection is made pursuant to paragraph (d).

(a) Only such male applicants shall be considered eligible to apply for colloquy who are

(1) ministers who are in good standing in other Christian church bodies, are graduates of programs of study leading to ordination of no fewer than 60 semester hours or the equivalent thereof in length, and have served at least three years in a recognized ministry of their church body;

(2) in exceptional cases, laymen who have carried out the full responsibilities of the pastoral ministry for at least 10 years, who are currently licensed for such ministry by a district president, and who have been recommended by a congregation holding membership in the Synod on the basis of that congregation's observation and experience, and with the stated assurance that such congregation will extend a divine call asking the recommended individual to serve as their pastor; or

(3) men who are graduates of programs of study leading to ordination of no fewer than 60 semester hours or the equivalent thereof in length, and who have been communicant members in good standing of congregations of the Synod for at least two years.

(b) Other applicants for the ministry, such as commissioned ministers of religion, laymen of a special ethnic or linguistic group, and laymen who have fulfilled at least 10 years of significant service in a congregation, will participate in special theological education (alternate routes) under the direction of the seminaries.

(c) Applicants for colloquy shall be directed to the president of the district where the applicant resides.

(1) The district president shall refer the applicant to the District Interview Committee (for seminary applicants), who shall give a report and recommendation to the district president.

(2) The district president shall recommend qualified applicants to the chairman of the colloquy committee. Such recommendation shall be processed according to the policies and procedures adopted by the Colloquy Committee for the Pastoral Ministry.

(d) The colloquy committee shall publish notice of its intent to interview an applicant in an official periodical of the Synod unless the applicant requests such notice be delayed until after his interview.

(1) If no valid objection is received by the committee within 30 days after the publication of such notice, the applicant may be interviewed.

(2) If the applicant was interviewed first, notice shall then be published and upon publication 30 days given for valid objections to be received.

(3) The committee, in its sole discretion, shall decide whether an objection is valid. Its decision shall not be the subject of any appeal.

(e) The colloquy committee shall arrange for a personal colloquy, or discussion, with qualified applicants. The decision on each applicant shall be made on the basis of such colloquy examination and shall be the sole prerogative of the colloquy committee.

(f) The criteria by which the colloquy committee shall determine an applicant's readiness for certification are to be based on adopted standards, including, but not limited to

(1) areas of general education;

(2) understanding of and agreement with the scriptural and doctrinal positions of The Lutheran Church—Missouri Synod;

(3) studies in theology assuring a well-rounded education in the major fields of theological discipline; and

(4) positive experience in the work of the pastoral ministry.

(g) The colloquy committee, at its sole discretion, shall determine the content and amount of academic work, personal study programs, or supervised ministry that may be required prior to certification. To this end, the committee may request the assistance of the seminary faculties, or of qualified pastors or teachers in other locations, to serve as instructors or mentors.

(h) The committee, at its discretion, may require a second colloquy interview following the completion of such study and/or supervised ministry programs.

(i) The colloquy committee shall

(1) certify for placement those applicants who have satisfactorily completed the colloquy interview and any other requirements as assigned by the colloquy committee;

(2) report this action to the chairman of the Council of Presidents Placement Committee for the Pastoral Ministry, to the office of the Board for Pastoral Education of the Synod, and to the appropriate district president; and

(3) publish a report of its favorable action in an official periodical of the Synod.

(j) Every applicant whom the colloquy committee declares qualified for the pastoral ministry shall be assigned his first call by the Council of Presidents acting as the Board of Assignments.

(k) The colloquy committee shall report to the Synod in convention.

Boards of Regents

3.8.2.5 Each college, university, and seminary of the Synod, with its president and faculty, shall be governed by a board of regents, subject to general policies set by the Synod.

3.8.2.5.1 In exercising its relationship to the Board for Pastoral Education as set forth in Bylaw 3.8.2, the board of regents of each theological seminary shall consider as one of its primary duties the defining and fulfilling of the mission of the seminary within the broad assignment of the Synod.

3.8.2.5.2 The board of regents of each theological seminary shall consist of nine voting members:

1. Three ordained ministers, one commissioned minister, and three laypersons shall be elected by the convention of the Synod.
   (a) Seminary boards of regents members may be elected to serve a maximum of two consecutive six-year terms and must hold membership in a member congregation of the Synod.
   (b) Not more than two of the elected members shall be members of the same congregation.
2. A vice-president of the Synod shall be designated by the President of the Synod.
3. A district president shall be appointed by the Council of Presidents.

3.8.2.5.3 Once annually, the two seminary boards of regents shall meet in the same location on the same dates. Some of the meeting sessions shall be conducted jointly.

3.8.2.5.4 Vacancies that occur on a board of regents shall be filled in the following manner:

(a) If the vacancy occurs in a position that was previously filled by the board of regents, the board of regents shall be the appointing body.

(b) If the vacancy occurs in a position that was previously filled at a district convention, the district board of directors shall be the appointing body.

(c) If the vacancy occurs in a position that had been filled by a national convention of the Synod, the Board for Pastoral Education shall be the appointing body and shall follow the nomination procedure provided for filling vacancies on elected boards and commissions of the Synod as outlined in Bylaw 3.2.5.

3.8.2.5.5 The board of regents of each theological seminary shall become familiar with and develop an understanding of pertinent policies, standards, and guidelines of the Synod and the Board for Pastoral Education.

(a) It shall develop details of policies and procedures for governance of the seminary.

(b) It shall participate in planning for the seminary and approve the seminary's plans.

(c) It shall review and approve academic programs recommended by the administration and faculty after assessment of system policies in accordance with Board for Pastoral Education standards and guidelines and institutional interests and capacities.

(d) It shall review and approve the institutional budget.

(e) It shall approve institutional fiscal arrangements, develop the financial resources necessary to operate the seminary, and participate in its support program.

(1) Only the board of regents is authorized to establish a line of credit or to borrow for operating needs, subject to the policies of the Board for Pastoral Education and the Board of Directors of the Synod.

(2) All surplus institutional funds above an adequate working balance shall be deemed to be surplus and shall be deposited with the Vice-President–Finance—Treasurer of the Synod for investment. Earnings from such investments shall be credited to the depositing seminary.

(f) It shall establish appropriate policies for institutional student aid.

(g) It shall participate fully in the procedures for the selection and regular review of the president of the seminary and of the major administrators; approve of the appointment of faculty members who meet the qualifications of their positions; approve sabbatical and study leaves; and encourage faculty development and research.

(h) It shall take the leadership in assuring the preservation and improvement of the assets of the seminary and see to the acquisition, management, use, and disposal of the properties and equipment of the seminary within the guidelines set by the Board of Directors of The Lutheran Church—Missouri Synod.

(i) It shall operate and manage the seminary as the agent of the Synod, in which ownership is primarily vested and which exercises its ownership through the Board of Directors as custodian of the Synod's property, the Board for Pastoral Education, and the respective board of regents as the local governing body. Included in the operation and management are such responsibilities as these:

(1) Carrying out efficient business management through a business manager appointed on recommendation of the president of the seminary and responsible to him.

(2) Receiving of all gifts by deed, will, or otherwise made to the seminary and delivering them to the Vice-President–Finance—Treasurer of the Synod or such other person as may be designated by the Board of Directors of The Lutheran Church—Missouri Synod, unless precluded by law or the terms of the gift. In such case, the board of regents shall hold and administer the same, in accordance with the terms of the instrument creating such gift and in accordance with the policies of the Board of Directors of The Lutheran Church—Missouri Synod.

(3) Demonstrating concern for the general welfare of the institutional staff members and other employees, adoption of regulations governing off-campus activities, development of policies regarding salary and wage scales, tenure, promotion, vacations, health examinations, dismissal, retirement, pension, and other employee welfare benefit provisions.

(4) Determining that the charter, articles of incorporation, constitution, and bylaws of the seminary conform to and are consistent with those of the Synod.

(5) Serving as the governing body corporate of the seminary vested with all powers which its members may exercise in law either as directors, trustees, or members of the body corporate, unless in conflict with the laws of the domicile of the seminary or its articles of incorporation; in such event the board of regents shall have power to perform such acts as may be required by law to effect the corporate existence of the seminary.

(6) Establishing and placing a priority on the capital needs of the seminary and determining the plans for the maintenance and renovation of the buildings and property and purchase of needed equipment, but having no power by itself to close the seminary or to sell all or any part of the property which constitutes the main campus.

(7) Recognizing that the authority of the board of regents resides in the board as a whole and delegating the application of its policies and execution of its resolutions to the president of the seminary as its executive officer.

(8) Reviewing and approving the major policies of the seminary regarding student life and activities as developed by the faculty and recommended by the administration.

(9) Promoting the public relations of the seminary and developing the understanding and cooperation of its constituency.

(10) Requiring regular reports from the president of the seminary as the executive officer of the board and through him from other officers and staff members in order to make certain that the work of the seminary is carried out effectively.

Presidents

3.8.2.6 The president of a theological seminary shall be the executive officer of the board of regents. He shall serve as the spiritual, academic, and administrative head of the seminary.

(a) He shall represent the seminary in its relations to the Synod and its officers and boards.

(b) He shall supervise, direct, and administer the affairs of the seminary and all its departments, pursuant to the rules and regulations of the Synod and its boards and agencies, and the policies of the board of regents.

(c) He shall bring to the attention of the board of regents matters that require consideration or decision and make pertinent recommendations.

(d) He shall be the academic head of the faculty, preside at its meetings, and be an ex officio member of all standing committees of the faculty and its departments, with the exception of the standing hearings committee or of another standing committee to which the functions of such a committee have been assigned.

(e) He shall periodically visit or cause to be visited the classes of professors and instructors and in general secure conformity in teaching efficiency and subject matter to the standards and policies prescribed by the board of regents and by the Synod through the Board for Pastoral Education.

(f) He shall advise and admonish in a fraternal spirit any member of the faculty found dilatory, neglectful, or exhibiting problems in his teaching. Should this action prove ineffective, he shall request selected members of the faculty privately to engage their colleague in further fraternal discussion. If this results in failure to correct or improve the situation, the president shall report the matter to the board of regents with his recommendation for action.

(g) He shall delegate or reassign one or more of his functions to a member of the faculty or staff, although standing administrative assignments shall be made by the board of regents upon his recommendation.

(h) He shall be responsible for the provision of spiritual care and nurture for every student.

(i) He shall carefully watch over the spiritual welfare, personal life, conduct, educational progress, and physical condition of the students and in general exercise such Christian discipline, instruction, and supervision as may be expected at a Christian seminary.

(j) He shall be responsible for the employment, direction, and supervision of all employees of the seminary.

(k) He shall be responsible for the business management of the school and for the proper operation and maintenance of grounds, buildings, and equipment.

(l) He shall make periodic and special financial reports to the board of regents.

3.8.2.6.1 The president of each theological seminary shall serve a five-year renewable term of office under the terms set forth herewith under

Bylaw 3.8.2.6.1 (b), beginning with the date of his assumption of his responsibilities as president.

(a) Each president shall relinquish academic tenure upon assumption of the presidency and shall not be granted academic tenure during the time of presidential service.

(b) The president and board of regents shall develop mutually agreed upon institutional goals and priorities that give direction to the individual as he carries out the duties of the office of the presidency. The board of regents will annually evaluate presidential effectiveness based on these goals and priorities.

(c) Nine months prior to the end of each five-year term, the board of regents will conduct a formal review of the president's effectiveness in the current term of office. The president shall then be eligible for another five-year term by majority action of the board of regents, voting with a ballot containing only the current president's name.

(1) In addition to considering the evaluation report, the board of regents shall consult with the President of the Synod and the chairman of the Board for Pastoral Education.

(2) The regents may consult with other boards, commissions, and councils of the Synod as they deem wise.

(d) In the event that a president's term is not renewed, the office of the president shall be considered vacant as of the end of the term of the incumbent. A president whose term is not renewed shall continue to receive full salary and benefits for six months excepting those benefits specifically associated with the office of the president.

(e) When a president retires, the board of regents may continue the president's full salary and benefits for six months excepting those benefits specifically associated with the office of the president.

3.8.2.6.2 As soon as an impending vacancy in the office of president is known, the board of regents, with prior consent of the Board for Pastoral Education, shall issue in an official periodical of the Synod a call for the nomination of candidates for the presidency of the seminary. The call for nominations shall describe the office and qualifications desired to fill it.

(a) Candidates may be nominated by congregations of the Synod, the Board for Pastoral Education, the board of regents, and the faculty of the seminary.

(b) All nominations must be filed with the designee of the board of regents within 60 days of the date of its published request unless the request sets a later date.

(1) Persons nominated may decline to be candidates, and their names will be removed from the list of nominees.

(2) Nominees who allow themselves to be listed as candidates will be asked to pledge, if called, to render a decision within 15

days of receipt of the call, unless granted an extension by the board of regents.

(3) The designee of the board of regents shall publish in an official periodical of the Synod the names of the nominees who have permitted themselves to be candidates and the date on which the election is to be held, which shall not be less than 30 days after the date of the publication of the names of the candidates.

(c) All recommendations, statements of qualifications of any nominees, or objections to any nominee with reasons therefor, must be filed with the board of regents before the time fixed for the election. If a charge of false doctrine or offensive life is registered, the board of regents shall investigate and reach a decision on such charge before proceeding with the election.

(d) A search committee, in its first phase of activity, shall be composed of three full-time faculty members (elected by the faculty with one alternate) and three board-of-regents members (elected by the board with one alternate). The alternate members shall participate in all meetings but shall not vote while serving as alternates.

(1) The search committee shall make a written report of the needs of the seminary, the requirements of the Synod, and the required and desired qualifications of the nominees.

(2) This written report shall be shared with the electors.

(e) The search committee, in its second phase of activity, shall be composed of the original search committee, with the addition of three full-time faculty members (elected by the faculty).

(1) The search committee shall prepare reports on the credentials of the nominees. The board of regents shall make available to the search committee all information it receives regarding the candidates.

(2) The search committee shall submit to the electors a report of evaluations and recommendations regarding the candidates.

(f) Open forums shall be conducted with administrative staff, students, and other constituents as deemed essential by the search committee to gather extensive input to the process.

(g) The search committee shall prepare a list of at least five candidates that it recommends to the electors as the list from which the election slate is prepared.

(h) At a special meeting of the board of regents held to elect a president, there shall be present and voting as electors the members of the board of regents as a group with one vote (the district president on the board not voting with the board); the district president elected to the board or his official representative with a distinct vote; the President of the Synod or his official representative with one vote; and the chairman of the Board for Pastoral Education or his official representative with one vote. The executive director of the Board for Pastoral Education shall attend as an observer.

(i) At least two weeks before the election, the electors shall finalize the slate of nominees to be interviewed in the election meeting.

(1) The slate is fixed by a majority of the electors, with the members of the board of regents now voting as individuals.

(2) They may add names to the search committee's list only from the officially published list of nominees, after consultation with the search committee.

(3) The entire board of regents (voting as individuals) shall participate, and the addition or deletion of names shall require a simple majority of all electors and board-of-regents members present. The search committee shall be available to answer questions regarding potential interviewees.

(4) If there are persons placed on the slate who were not on the search committee's recommendation list, they shall complete all interviews and questionnaires prior to the election.

(j) The election shall be held on the day designated in the notice published in the official periodical of the Synod or as soon thereafter as feasible. The electors shall give due consideration to the recommendations and statements of qualifications and objections submitted on behalf of all nominees.

(k) The initial election of a president shall require three of four elector votes. If the electors are unable to finalize the slate or complete the election, they shall postpone the election and, if desirable, request the board of regents to issue a new call for nominations.

(l) The board of regents shall extend the formal call promptly after the election and submit its action to an official periodical of the Synod for publication.

(m) Whenever a call is declined, the chairman of the board of regents shall give notice in an official periodical of the Synod and shall promptly call another meeting of the electors, at which meeting the call may be reissued or another person may be elected from among the remaining candidates, or the board of regents may be requested by the electors to issue a new call for candidates.

Faculties

3.8.2.7 The faculty of each theological seminary of the Synod shall consist of the president, the full-time faculty, and the part-time faculty.

(a) Part-time or temporary faculty members are distinguished by an appropriate prefix or suffix ("visiting," "guest," "adjunct," "emeritus") or the term "graduate assistant."

(b) Part-time or temporary faculty members shall hold nonvoting membership on the faculty.

3.8.2.7.1 At each theological seminary the president shall propose creation, modification, or abolition of administrative positions to the board of regents for its approval.

(a) The board of regents at each school shall maintain clear policies for filling and vacating administrative positions.

(b) Administrative appointments shall be made by the board of regents on recommendation by the president of the seminary. The Board for Pastoral Education shall periodically review the internal administrative organization of the Synod's seminaries.

(c) Each board of regents shall maintain a clear plan of succession of administration to assure that the seminary continues to function effectively in the case of incapacity or lengthy absence of the president.

3.8.2.7.2 Each theological seminary shall have established policies and procedures related to appointments. There shall be two levels of faculty appointments: (1) Initial level, where the appointment can be terminated with no formal requirement for a show of cause; and (2) continuing level, where termination requires a formal show of cause.

(a) Seminaries are free to decide for themselves what names to apply to these two levels of appointment.

(b) Each seminary normally shall have at least 35 percent of its full-time faculty serving at the continuing appointment level.

(c) Each seminary shall require specific action by the board of regents for promotion from an initial-level appointment to a continuing-level appointment.

(d) Standards or qualifications for moving a faculty member from initial-level appointment to continuing-level appointment shall be the following:

(1) The faculty member shall ordinarily have completed four to six years of creditable service (periods of leave are not included) as a member of the faculty of one or more educational institutions of the Synod, at least the last two years of which shall have been in the seminary currently served.

(2) The faculty members shall, as determined by their academic discipline, regularly continue to demonstrate scholarly achievement that may be institutionally funded as determined by the board of regents.

(3) The faculty member's reputation, character, concern for students, and ability to honor leaders shall present a good reflection on the seminary and the church.

(4) The faculty member's aptness to teach has been demonstrated by effective communication in the classroom.

(e) Steps in moving a faculty member from an initial-level appointment to a continuing-level appointment shall be the following:

(1) If the board of regents, on recommendation of the president of the seminary, determines that a faculty member meets the above requirements and is still at the initial-level appointment, it shall either carry forward the procedure for promotion to a continuing-level appointment or inform the faculty member of its decision not to do so, in which case the individual either may continue at the initial-level appointment or be terminated. Any

continuation of employment at the initial-level appointment shall be on a year-to-year basis. Faculty employment during the initial-level appointment period may be terminated without disclosure of cause. In cases in which the decision is made to terminate the individual's contract, the contract shall be extended for at least six months beyond the time at which notice is given. If the board of regents does not take up the question of promotion to a continuing-level appointment at least nine months prior to the end of the sixth year of service, the faculty member may petition the board of regents to do so.

(2) Notice of intent to promote to a continuing-level appointment status shall be announced in an official periodical of the Synod.

(3) The faculty member shall be given the opportunity to respond to any comments or concerns that may have been raised relative to promotion to a continuing-level appointment.

(4) At least six weeks after the notice is published, consent of the electors of the seminary shall be given.

(5) If the above steps have all been met, after final review the board of regents may promote to a continuing-level appointment status.

(f) Promotion to continuing-level appointment status shall in no case be construed as requiring or indicating advancement in rank or increase in salary.

(g) Other types of faculty appointments may be established by seminaries as the need arises.

3.8.2.7.3 The board of regents on recommendation of the president of the seminary shall appoint all full-time members of the faculty. The Board for Pastoral Education shall require certification of theological and professional competency. All initial appointments to seminary faculties shall require the prior approval of the Board for Pastoral Education and shall include a thorough theological review involving the district president and selected members of the board of regents.

(a) The terms and conditions of every appointment shall be stated in writing and be in the possession of both the seminary and the prospective faculty member before the appointment is consummated. Limitations of academic freedom because of the religious and confessional nature and aims of the seminary shall be stated in writing at the time of the appointment and conveyed to the person being appointed.

(b) Ordinarily candidates for full-time teaching positions shall be rostered members of the Synod. When laypersons are employed in full-time teaching positions, they shall pledge to perform their duties in harmony with the Holy Scriptures as the inspired Word of God, the Lutheran Confessions, the Synod's doctrinal statements, and the policies of the Synod.

(c) The board of regents may decline to renew an initial-level appointment of a faculty member at its discretion and without formal statement of cause. If reappointment to the teaching staff is not contemplated, the board of regents shall so notify the faculty member in writing through the president of the seminary at least six months prior to the expiration of the current appointment. Notice of nonreappointment shall be made at least six months before the expiration of an initial-level appointment of a faculty member.

(d) The Board for Pastoral Education shall state standards of good practice that provide uniform procedures for renewing faculty employment contracts.

(e) Each seminary shall state policies regarding faculty appointments, employment contracts, contract renewal, and contract termination for all employees within Board for Pastoral Education guidelines.

3.8.2.7.4 A formal procedure shall be in place to carry out performance reviews for all faculty on a regular basis to help faculty identify their strengths as well as areas in which improvement is needed (formative) and to provide the information needed to make a decision about future employment status (summative).

(a) Performance reviews shall be based on a set of clearly articulated criteria that are shared with faculty prior to their employment and current assignment.

(b) All faculty on initial-level appointments shall be reviewed at least triennially.

(c) All faculty on continuing-level appointments shall be reviewed at least every five years.

(d) The president of a seminary may call for a formal review of any faculty member at any time.

(e) The review shall involve input from peers.

(f) A written summary of the results of the review shall be prepared.

(g) The summary shall be shared with the faculty member involved and he/she shall be given an opportunity to respond.

(h) A final decision about any action to be taken as a result of the review shall be made by the board of regents of the seminary upon recommendation of the president of the seminary.

(i) An appeal process shall be in place for use by faculty members of a continuing-level appointment (those who already have been granted continuing-level appointment status) who wish to challenge a termination decision. The appeal may be about the substance of the decision or the procedures followed in reaching the decision.

(j) Faculty members with an initial-level appointment (who have no expectation of continued employment) shall not be entitled to an appeal process following (or prior to) a decision of nonretention. The

only exception is that a faculty member with an initial-level appointment may ask the board of regents to assure that appropriate procedures were followed in reaching the decision or the basis on which the decision was made.

3.8.2.7.5 The only causes for which members of a faculty may be removed from office, other than honorable retirement, are (1) professional incompetency including, but not limited to, the failure to meet the criteria identified in Bylaw 3.8.2.7.2 (d); (2) incapacity for the performance of duty; (3) insubordination; (4) neglect of or refusal to perform duties of office; (5) conduct unbecoming a Christian; and (6) advocacy of false doctrine (Constitution, Art. II) or failure to honor and uphold the doctrinal position of the Synod as defined further in Bylaw 1.6.2 (b).

3.8.2.7.6 The board of regents may decline to renew the appointment of a faculty member during an initial-level appointment period without a formal statement of cause.

3.8.2.7.6.1 No member of the faculty on a continuing-level appointment or on an initial-level appointment except at the expiration of the term of appointment shall be removed from the faculty either by ecclesiastical authority or by the board of regents except for cause.

3.8.2.7.7 Positions of initial-level appointment as well as continuing-level appointment faculty may be terminated by the board of regents under certain institutional conditions that do not reflect on the competency or faithfulness of the individual faculty member whose position is terminated. These conditions are the following: (1) Discontinuance of an entire program; (2) discontinuance of an entire division or department of a seminary; (3) reduction of the size of staff in order to maintain financial viability in compliance with policies concerning fiscal viability; (4) discontinuance, merger, or consolidation of an entire seminary operation.

(a) In the event of termination of a faculty position by the board of regents, a minimum of six months' advance notice to initial-level appointment faculty and 12 months' advance notice to continuing-level appointment faculty must be provided the terminated faculty member in writing.

(b) The opportunity to serve the seminary in another capacity for which the terminated faculty member has credentials and qualifications shall be offered the terminated faculty member if such a vacancy exists at the time of termination or becomes available within two academic years.

(c) In identifying which specific faculty positions are to be discontinued or terminated, the board of regents shall follow the guidelines and procedures of that seminary's reduction in force policy.

(d) A terminated position may not be filled subsequently by another person during the next two academic years without first offering the last previous incumbent who held the position with continuing-level appointment status the position at his or her last previous salary plus average annual salary increases provided to that faculty during the interim.

3.8.2.7.8 A faculty member who is on a roster of the Synod is under the ecclesiastical supervision of the Synod. In the event a member is removed from membership in the Synod pursuant to procedure established in these bylaws, then that member is also considered removed from the position held and shall be terminated forthwith by the board of regents.

3.8.2.7.9 The board of regents shall have authority to investigate, hear, and act on any complaint arising out of Bylaw 3.8.2.7.5.

(a) If the board of regents receives a complaint against a member of that seminary's faculty or administration concerning any matter, including those specified under Bylaw 3.8.2.7.5, it shall direct the complainant first to meet face-to-face with the respondent in an attempt to resolve the issue (Matt. 18:15).

(1) The president of the seminary shall assist in this attempt.
(2) If the president himself is the respondent, the chairman of the board shall act in his stead.

(b) If the complainant is of the opinion that such informal reconciliation efforts have failed and there is a wish to pursue the matter, the complainant shall prepare a written statement of the matter in dispute and a written statement setting forth, in detail, the efforts that have been made to achieve informal reconciliation and forward such statements to the board of regents and to the respondent.

(c) Within 21 days after receipt of the written statement of the matter in dispute, the respondent shall submit a written reply to the board of regents and the complainant. If the respondent fails to reply, the allegations of the statement of the matter in dispute shall be deemed accepted.

(d) Upon receipt of a reply from the respondent, or if no reply is received and the board of regents determines that all informal reconciliation efforts have failed, the board of regents shall form a Review Committee of five persons (Matt. 18:16), which shall be chosen as follows:

(1) Each party shall select one faculty member and one regent.
(2) The Secretary of the Synod shall select the fifth member by blind draw from the Synod's roster of hearing facilitators, who shall serve as chairman.
(3) The selection shall be completed within one month of the date on which the board decides to form the Review Committee.

(e) If the board decides that the matter is of such a nature that the interests of the seminary will best be served, it may limit the activities of the respondent. It may do so by relieving the respondent of teaching and/or administrative duties pending final resolution of the conflict. However, contractual obligations of the seminary shall continue until the matter is resolved.

(f) The Review Committee shall proceed as follows:

(1) The committee shall hold its first hearing no later than 60 days after the last committee member has been appointed.

(2) The chairman of the committee shall notify the complainant and the respondent, at least 28 days in advance, of the date, time, and place of the said hearing.

(3) If any part of the dispute involves a specific question of doctrine or doctrinal application, each party shall have the right to an opinion from the Commission on Theology and Church Relations. If it involves questions of Constitution or Bylaw interpretation, each party shall have a right to an interpretation from the Commission on Constitutional Matters. The request for an opinion must be made through the Review Committee, which shall determine the wording of the question(s). The request for an opinion must be made within four weeks of the final formation of the Review Committee. If a party does not request such an opinion within the designated time, such a request may still be made to the Review Committee, which shall, at its discretion, determine whether the request shall be forwarded. The Review Committee shall also have the right, at any time, to request an opinion from the Commission on Theology and Church Relations or the Commission on Constitutional Matters. When an opinion has been requested, the time limitations will not apply until the opinion has been received by the parties. Any opinion received must be followed by the Review Committee.

(4) All hearings shall be private, attended only by the parties and the witnesses who can substantiate the facts relevant to the matter in dispute. The Review Committee shall follow the procedures set forth in the *Standard Operating Procedures Manual* for this bylaw to be followed in the hearing and shall establish the relevancy of evidence so that each party shall be given an opportunity to present fully its respective position. In performing its duty, the Review Committee shall continue efforts to reconcile the parties on the basis of Christian love and forgiveness. If a party is a board or commission of the Synod or its districts, it shall be represented by its chairman or a designated member.

(5) Within 60 days after completion of the final hearing, the Review Committee shall issue a written decision which shall state the facts determined by the committee and the reasons for its decision and forward them to the parties and the board of regents. The board of regents shall then take appropriate action, which shall be final.

(g) If the committee decides there is a valid complaint

(1) regarding matters under Bylaw 3.8.2.7.5 (1)–(4), it may take whatever action it deems appropriate, including recommendation for termination of the employment contract;

(2) regarding matters under Bylaw 3.8.2.7.5 (5)–(6) and if the member of the seminary's faculty or administration is a member of the Synod, it must also refer the complaint to the district president, who shall follow the procedure set forth in Bylaw sections 2.14 or 2.17.

(h) At every stage of the above-described procedure, all parties must be furnished copies of all documents filed.

(i) Any decision made pursuant to Bylaw 3.8.2.7.9 shall be final and binding on the parties involved with no right of further appeal.

(j) In consultation with the Commission on Constitutional Matters, the Board for Pastoral Education shall maintain and amend, as necessary, a *Standard Operating Procedures Manual,* which shall serve as a comprehensive procedures manual for this bylaw.

3.8.2.7.10 Each seminary shall have established policies and procedures related to salary, faculty organization, faculty involvement in establishing education policies, dispute resolution, modified service, sabbaticals, and leaves. It shall also have policies and procedures related to student discipline.

(a) The salary schedules of all institutional employees shall be fixed by the board of regents on recommendation of the president of the seminary. The salary schedules shall be established within the broad guidelines provided by the Board for Pastoral Education.

(b) The board of regents, on recommendation of the president of the seminary, shall establish an effective faculty organizational structure.

(1) The president or his designee shall preside at regular and special meetings.

(2) The faculty shall elect a secretary and provide for the election of committees, consisting of faculty members or of faculty members and other persons, who shall study, evaluate, and report to the faculty on policy matters affecting the academic activity of the seminary, the activity and welfare of the members of the faculty, and the life and welfare of the students.

(3) The faculty shall elect a standing hearings committee or assign the functions of such a committee to another standing committee.

(c) Each faculty shall recommend policy to the board of regents through the president for the admission, transfer, dismissal, or withdrawal of students, set the standards of scholarship to be maintained by students, determine criteria for graduation or failure, act on recommendations in the matter of granting certificates, diplomas, and such academic or honorary degrees as may lawfully be conferred by the seminary.

(d) Each faculty shall develop and construct curricula implementing the recognized and established purposes of the seminary and designed to attain the objectives of preparation for professional church workers and other Christian leaders approved by the Synod.

(e) Each faculty shall pursue the improvement of teaching and learning and the evaluation of their effectiveness in every segment of the seminary and its curriculum.

(f) Each faculty shall recommend policy to the board of regents through the president regarding out-of-class life and activity of its students so that the co-curricular and off-campus activities of the

students contribute to the attainment of the educational objectives of the seminary. The faculty shall recommend such policies as will be conducive to the cultivation of a Christian deportment on the part of all students, will stimulate the creation of a cultured and academically challenging atmosphere on and about the whole campus, and will make a spiritually wholesome community life possible.

(g) Each faculty shall recommend policy to the board of regents through the president regarding the maintenance of wholesome conditions of faculty service and welfare.

(h) The faculty of each seminary, because it prepares professional workers directly for service in the Synod, shall conform its placement policies to the provisions for the distribution of candidates and workers through the Board of Assignments of the Synod.

(1) An academic year of supervised internship (vicarage) is required of all seminary students before graduation.

(2) Every vicar shall be assigned by the Council of Presidents, acting as the Board of Assignments.

(i) Controversies and disagreements among faculty members or other employees (other than those involving matters described in Bylaw 3.8.2.7.5) shall be submitted to the president of the seminary for mediation.

(1) If this proves unsuccessful, he shall report the matter to the board of regents for arbitration.

(2) After hearing the parties the board will render its decision, which shall be final, without the right of appeal under the provisions of the dispute resolution process of the Synod.

(3) A record of the proceedings shall be filed with the Board for Pastoral Education.

(j) Faculty members may request early retirement under the applicable provisions of the Concordia Retirement Plan.

(1) Upon retirement, faculty members who are ordained or commissioned ministers of religion are retained on the emeritus roster of the Synod on the basis of Bylaw 2.11.2.1 and may, by action of the board of regents, be retained on the roster of their faculty as "emeriti" (Bylaw 3.8.2.7).

(2) Service loads and the conditions of service after retirement shall be determined by the board of regents.

(k) Each seminary shall state policies regarding sabbaticals for faculty and leave-of-absence procedures for all employees within Board for Pastoral Education guidelines.

(l) Each board of regents, on recommendation of the president, shall adopt a comprehensive policy statement committing the school to the principles of Christian discipline, evangelical dealing, and good order governing the students individually and collectively.

(1) Each student shall be informed regarding the disciplinary policy and procedure and under what conditions and to whom an appeal from a disciplinary decision may be made.
(2) There shall be no right of appeal under the provisions of the dispute resolution process of the Synod.

Board for University Education

3.8.3 The Board for University Education, which also serves as the board of directors of the Concordia University System, has authority with respect to all of the Synod's colleges and universities.

3.8.3.1 The Board for University Education shall have the overall responsibility to provide for the education of commissioned ministers, other professional church workers for the Synod, and others desiring a Christian Lutheran liberal arts education by supervising and coordinating the activities of the Synod's colleges and universities as a unified system of the Synod through their respective boards of regents.

3.8.3.2 The Board for University Education shall consist of nine voting and four nonvoting members (no more than one member elected by the Synod shall be from the same district):

Voting Members:

1. Two ordained ministers elected by the Synod
2. One commissioned minister elected by the Synod
3. Two laypersons elected by the Synod
4. Three laypersons appointed by the Concordia University System Council of Members
5. The President of the Synod or his representative

Nonvoting Advisory Members:

1. A district president appointed by the Council of Presidents
2. The Vice-President–Finance—Treasurer of the Synod
3. The executive director of the Board for Pastoral Education
4. One university president

3.8.3.3 The Board for University Education shall conduct its business in no fewer than three meetings per year.

3.8.3.3.1 The Board for University Education shall meet in the same location with the Board for Pastoral Education at least once a year for collaborative discussions.

3.8.3.3.2 The presidents and the interim presidents of the Synod's educational institutions shall comprise an advisory council which shall meet at the call of the Board for University Education and report the results of its studies to the board for consideration in making its decisions.

3.8.3.4 In keeping with the objectives and the Constitution, Bylaws, and resolutions of the Synod, the Board for University Education shall

(a) develop detailed coordinating policies and procedures for cooperative roles and responsibilities of the colleges and universities;

(b) coordinate institutional planning and approve master plans for each college and university;

(c) review and approve new programs and manage peer review of programs in the interest of the institution(s) and the Synod;

(d) establish policy guidelines involving distribution of grants from the Synod (unrestricted and restricted) and efforts for securing additional financial support from other sources;

(e) obtain data on liberal arts education and current trends and government regulations in higher education that impact upon collaborative efforts and relationships within the Concordia University System;

(f) grant approval for initial appointments of theological faculty;

(g) approve capital projects in relation to campus property-management agreements and institutional master plans;

(h) visit institutions periodically to identify strengths and weaknesses based upon professional standards;

(i) establish and monitor criteria for determining institutional viability, fiscal and otherwise;

(j) assist congregations and districts in student recruitment for both professional church work and lay higher education;

(k) serve as a resource for the development of lists of potential teaching and administrative personnel;

(l) monitor the ongoing faithfulness of all Concordia University System institutions to the Synod's doctrine and practices;

(m) monitor recognized service organization standards and follow up in cases of inadequacy;

(n) establish and maintain a system of colloquy and certification of commissioned ministers;

(o) foster continuing education for commissioned church workers;

(p) have authority, after receiving the consent of the Board of Directors of The Lutheran Church—Missouri Synod by its two-thirds vote and also the consent of either the Council of Presidents by its two-thirds vote or the appropriate board of regents by its two-thirds vote, to consolidate, relocate, separate, or divest a college or university.

3.8.3.4.1 The Board for University Education shall receive evidence from each institution on a regular basis that it is complying with an emphasis on mission-focused leadership and with the following key principles to guide the future of the Concordia University System: (1) Work to maintain and enhance the Christ-centered Lutheran character of its institutions; (2) provide commissioned ministers for the LCMS; (3) work to ensure a strong fiscal future for its institutions; (4) establish expectations for the quality of its institutions; (5)

implement the preceding four principles through governance structures that require more clearly focused accountability of its institutions to the system-wide board, while expecting stronger governance of the institutions by their boards of regents.

Admission to Commissioned Ministry by Colloquy—Purpose of Colloquy Programs

3.8.3.5 Colloquy programs prepare men and women who are currently serving in ministry roles for membership in the Synod.

(a) Colloquy programs ensure that those who seek to join the Synod have been educated in theology, have become oriented to service in the Synod, and have demonstrated the professional and spiritual attributes that the Synod expects of its members.

(b) Qualified applicants are competent workers in the field for which they seek colloquy; therefore, colloquy does not provide basic preparation for the field of service. For example, colloquy does not provide courses in lesson preparation; rather, it provides a theological education to professionally qualified teachers.

Colloquy Committee for Commissioned Ministry

3.8.3.5.1 The Colloquy Committee for Commissioned Ministry shall consist of a vice-president of the Synod, the executive director of the Board for University Education, and two college/university presidents. The President of the Synod shall appoint the vice-president of the Synod and the two college/university presidents serving on the committee. The vice-president appointed by the President shall be chairman of the committee.

(a) The committee shall direct the Synod activity in matters of colloquies for commissioned ministries.

(b) The committee shall also establish and monitor academic and theological standards for each of the colloquy programs. The committee shall consult the directors of the programs at the Synod's colleges and universities when establishing or reviewing the standards.

(c) The committee shall render a report on commissioned-minister colloquy activities to each convention of the Synod.

Application and Certification

3.8.3.5.2 Each individual college or university shall be responsible for acting upon applications and for establishing a prescribed program of study (including the requisite courses in theology) for each person admitted.

(a) Each of the Synod's colleges and universities shall have a colloquy examining committee.

(b) The institution's president shall appoint the committee, and it shall include the directors of the commissioned-ministry programs.

3.8.3.5.2.1 Persons seeking membership in the Synod through a colloquy program for commissioned ministry shall submit an application to one of the Concordia campuses offering the desired colloquy program or to Concordia University Education Network (CUEnet) when applic-

able. Determination of the applicant's eligibility to begin a course of study shall rest with each institution and/or with CUEnet. The student shall also be notified regarding the remaining procedures outlined in this section.

(a) After the student's application has been reviewed and accepted and a course of study has been prescribed, the student may begin taking courses.

(b) As the student begins taking the courses prescribed, the endorsement of the district president (and others, depending upon program) shall be sought by the student.

3.8.3.5.2.2 After the prescribed course of study has been completed and all endorsements have been finalized, the student shall be examined by a faculty colloquy examining committee.

(a) If the faculty colloquy examining committee finds the student satisfactorily prepared for ministry, the committee shall recommend the student to the full faculty for certification.

(b) After the student has been certified, the chairman of the colloquy examining committee for commissioned ministry shall cause the name of the student to be published in an official periodical of the Synod.

(c) The chairman of the Colloquy Committee for Commissioned Ministry shall notify the Colloquy Committee for Commissioned Ministry of any objections received from the church.

3.8.3.5.2.3 The Colloquy Committee for Commissioned Ministry, in its sole discretion, shall decide whether an objection is valid.

(a) The decision of the committee cannot be appealed.

(b) If no valid objection is submitted to the chairman of the Colloquy Committee for Commissioned Ministry within a period of four weeks following publication of notice, the student shall be declared eligible for placement.

Placement

3.8.3.5.3 When all requirements have been met, including a final oral examination, the faculty of the respective educational institution shall declare that the student is a candidate for placement as a minister of religion—commissioned.

(a) Such action shall be reported to the chairman of the Colloquy Committee for Commissioned Ministry and the appropriate district president.
(b) Notice of the action shall be published in an official periodical of the Synod.

3.8.3.5.3.1 The Council of Presidents, acting as the Board of Assignments, shall assign a call to the candidate.

Teacher Colloquy Admission and Curriculum

3.8.3.5.4 Before submitting an application to the teacher colloquy program, each prospective applicant shall have been a communicant member in good standing of a congregation of the Synod for at least the past

two years and shall possess a bachelor's degree from an accredited institution. He or she shall have completed student teaching under the supervision of a Synod institution offering a bachelor's degree in teacher education or one year of successful teaching in a school recognized by the Synod.

3.8.3.5.4.1 Students shall complete eight courses in biblical interpretation, church history, the Lutheran Confessions, doctrine, the beliefs of other religious bodies, and the ministry of the Lutheran teacher.

(a) The courses shall be taken in a traditional classroom setting from a Synod college/university, with faculty of a Synod college/university teaching via CUEnet, or in another setting with the prior approval of the Board for University Education.

(b) Students shall complete an internship under the supervision of a Synod institution offering a bachelor's degree leading to Lutheran teacher certification or one year of successful teaching in a school recognized by the Synod.

Director of Christian Education Colloquy Admission and Curriculum

3.8.3.5.5 Before submitting an application to the director of Christian education colloquy program, each prospective applicant shall have been a communicant member in good standing of a congregation of the Synod for at least the past two years and shall possess a bachelor's degree from an accredited institution. Additional admission requirements may be established by the Board for University Education in consultation with the (Synod) Colloquy Committee for Commissioned Ministry and campus program directors.

3.8.3.5.5.1 Students shall complete eight courses in biblical interpretation, church history, the Lutheran Confessions, doctrine, the beliefs of other religious bodies, and the ministry of the director of Christian education.

(a) The courses shall be taken in a traditional classroom setting from a Synod college/university, with faculty of a Synod college/university teaching via CUEnet, or in another setting with the prior approval of the Board for University Education.

(b) Students shall complete an internship under the supervision of a Synod institution offering a bachelor's degree leading to director of Christian education certification or one year of successful Christian education ministry in an LCMS congregation.

Director of Christian Outreach Colloquy Admission and Curriculum

3.8.3.5.6 Before submitting an application to the director of Christian outreach colloquy program, each prospective applicant shall have been a communicant member in good standing of a congregation of the Synod for at least the past two years and shall possess a bachelor's degree from an accredited institution. Additional admission requirements may be established by the Board for University Education in consultation with

the (Synod) Colloquy Committee for Commissioned Ministry and campus program directors.

3.8.3.5.6.1 Students shall complete eight courses in biblical interpretation, church history, the Lutheran Confessions, doctrine, the beliefs of other religious bodies, and the ministry of the director of Christian outreach.

(a) The courses shall be taken in a traditional classroom setting from a Synod college/university, with faculty of a Synod college/university teaching via CUEnet, or in another setting with the prior approval of the Board for University Education.

(b) Students shall complete an internship under the supervision of a Synod institution offering a bachelor's degree leading to director of Christian outreach certification or one year of successful Christian outreach ministry in an LCMS congregation.

Deaconess Colloquy Admission and Curriculum

3.8.3.5.7 Before submitting an application to the deaconess colloquy program, each prospective applicant shall have been a communicant member in good standing of a congregation of the Synod for at least the past two years and shall possess a bachelor's degree from an accredited institution.

(a) Each applicant shall have already received training to do the work of a deaconess and shall have served at least three years in a recognized ministry of their previous church body.

(b) Applicants who do not meet these requirements are to be directed to a Synod institution that offers a deaconess program for enrollment in an undergraduate or alternate-route program.

(c) Additional admission requirements may be established by the Board for University Education in consultation with the (Synod) Colloquy Committee for Commissioned Ministry and campus program directors.

3.8.3.5.7.1 Students shall complete eight courses in biblical interpretation, church history, the Lutheran Confessions, doctrine, the beliefs of other religious bodies, and the ministry of the deaconess.

(a) The courses shall be taken in a traditional classroom setting from a Synod college/university, with faculty of a Synod college/university teaching via CUEnet, or in another setting with the prior approval of the Board for University Education.

(b) Students shall complete an internship under the supervision of a Synod institution offering a bachelor's degree leading to deaconess certification or one year of successful deaconess ministry in an LCMS congregation or an agency recognized by the Synod.

Lay Ministry Colloquy Admission and Curriculum

3.8.3.5.8 Before submitting an application to the lay ministry colloquy program, each prospective applicant shall have been a communicant member in good standing of a congregation of the Synod for at least

the past two years and shall possess a bachelor's degree from an accredited institution. Additional admission requirements may be established by the Board for University Education in consultation with the (Synod) Colloquy Committee for Commissioned Ministry and campus program directors.

3.8.3.5.8.1 Students shall complete eight courses in biblical interpretation, church history, the Lutheran Confessions, doctrine, the beliefs of other religious bodies, and the ministry of the lay minister.

(a) The courses shall be taken in a traditional classroom setting from a Synod college/university, with faculty of a Synod college/university teaching via CUEnet, or in another setting with the prior approval of the Board for University Education.

(b) Students shall complete an internship under the supervision of a Synod institution offering a bachelor's degree leading to lay ministry certification or one year of successful lay ministry in an LCMS congregation.

Director of Parish Music Colloquy Admission and Curriculum

3.8.3.5.9 Before submitting an application to the director of parish music colloquy program, each prospective applicant shall have been a communicant member in good standing of a congregation of the Synod for at least the past two years and shall possess a bachelor's degree from an accredited institution. Additional admission requirements may be established by the Board for University Education in consultation with the (Synod) Colloquy Committee for Commissioned Ministry and campus program directors.

3.8.3.5.9.1 Students shall complete eight courses in biblical interpretation, church history, the Lutheran Confessions, doctrine, the beliefs of other religious bodies, and the ministry of the director of parish music.

(a) The courses shall be taken in a traditional classroom setting from a Synod college/university, with faculty of a Synod college/university teaching via CUEnet, or in another setting with the prior approval of the Board for University Education.

(b) Students shall complete an internship under the supervision of a Synod institution offering a bachelor's degree leading to director of parish music certification or one year of successful parish music ministry in an LCMS congregation.

**[Director of Family Life Ministry Colloquy Admission and Curriculum*

3.8.3.5.10 Before submitting an application to the director of family life ministry colloquy program, each prospective applicant shall have been a communicant member in good standing of a congregation of the

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* Inclusion of this and related bylaws is dependent upon ratification by congregations of constitutional amendment to include directors of family life ministry among commissioned ministers of the Synod.

Synod for at least the past two years and shall possess a bachelor's degree from an accredited institution. Additional admission requirements may be established by the Board for University Education in consultation with the (Synod) Colloquy Committee for Commissioned Ministry and campus program directors.

3.8.3.5.10.1 Students shall complete eight courses in biblical interpretation, church history, the Lutheran Confessions, doctrine, the beliefs of other religious bodies, and the ministry of the director of family life education.

(a) The courses shall be taken in a traditional classroom setting from a Synod college/university, with faculty of a Synod college/university teaching via CUEnet, or in another setting with the prior approval of the Board for University Education.

(b) Students shall complete an internship under the supervision of a Synod institution offering a bachelor's degree leading to family life ministry certification or one year of successful family life ministry in an LCMS congregation.]

Boards of Regents

3.8.3.6 Each college and university of the Synod, with its president and faculty, shall be governed by a board of regents, subject to general policies set by the Synod.

3.8.3.6.1 In exercising its relationship to the Synod and to the Board for University Education as set forth elsewhere under Bylaws 3.8.3, the board of regents of each institution shall consider as one of its primary duties the defining and fulfilling of the mission of the institution within the broad assignment of the Synod.

3.8.3.6.2 The board of regents of each college and university shall consist of 13 voting members:

1. One ordained minister, one commissioned minister, and three laypersons shall be elected by the conventions of the Synod.
2. One ordained minister, one commissioned minister, and one layperson shall be elected by the geographical district in which the institution is located.
3. Four laypersons shall be appointed by the board of regents in a nonconvention year.
4. The president of the district in which the college or university is located or a district vice-president as his standing representative shall serve as an ex officio member.
5. College and university boards of regents members may be elected or appointed to serve a maximum of three consecutive three-year terms and must hold membership in a member congregation of the Synod.
6. Not more than two of the elected members shall be members of the same congregation.

3.8.3.6.3 Vacancies that occur on a board of regents shall be filled in the following manner:

(a) If the vacancy occurs in a position that was previously filled by the board of regents, the board of regents shall be the appointing body.

(b) If the vacancy occurs in a position that was previously filled at a district convention, the district board of directors shall be the appointing body.

(c) If the vacancy occurs in a position that had been filled by a national convention of the Synod, the Board for University Education shall be the appointing body and shall follow the nomination procedure provided for filling vacancies on elected boards and commissions of the Synod as outlined in Bylaw 3.2.5.

3.8.3.6.4 The board of regents of each institution shall become familiar with and develop an understanding of pertinent policies, standards, and guidelines of the Synod and the Board for University Education.

(a) It shall develop details of policies and procedures for governance of the institution.

(b) It shall participate in planning for the institution and approve the institution's plans.

(c) It shall review and approve academic programs recommended by the administration and faculty after assessment of system policies in accordance with Board for University Education standards and guidelines and institutional interests and capacities.

(d) It shall review and approve the institutional budget.

(e) It shall approve institutional fiscal arrangements, develop the financial resources necessary to operate the institution, and participate in its support program.

(1) Only the board of regents is authorized to establish a line of credit or to borrow for operating needs, subject to the policies of the Board for University Education and the Board of Directors of the Synod.

(2) All surplus institutional funds above an adequate working balance shall be deemed to be surplus and shall be deposited with the Vice-President–Finance—Treasurer of the Synod for investment. Earnings from such investments shall be credited to the depositing institution.

(f) It shall establish appropriate policies for institutional student aid.

(g) It shall participate fully in the procedures for the selection and regular review of the president of the institution and of the major administrators; approve of the appointment of faculty members who meet the qualifications of their positions; approve sabbatical and study leaves; and encourage faculty development and research.

(h) It shall take the leadership in assuring the preservation and improvement of the assets of the institution and see to the acqui-

sition, management, use, and disposal of the properties and equipment of the institution within the guidelines set by the Board of Directors of The Lutheran Church—Missouri Synod.

(i) It shall operate and manage the institution as the agent of the Synod, in which ownership is primarily vested and which exercises its ownership through the Board of Directors as custodian of the Synod's property, the Board for University Education, and the respective board of regents as the local governing body. Included in the operation and management are such responsibilities as these:

(1) Carrying out efficient business management through a business manager appointed on recommendation of the president of the institution and responsible to him.

(2) Receiving of all gifts by deed, will, or otherwise made to the institution and delivering them to the Vice-President–Finance—Treasurer of the Synod or such other person as may be designated by the Board of Directors of The Lutheran Church—Missouri Synod, unless precluded by law or the terms of the gift. In such case, the board of regents shall hold and administer the same, in accordance with the terms of the instrument creating such gift and in accordance with the policies of the Board of Directors of The Lutheran Church—Missouri Synod.

(3) Demonstrating concern for the general welfare of the institutional staff members and other employees, adoption of regulations governing off-campus activities, development of policies regarding salary and wage scales, tenure, promotion, vacations, health examinations, dismissal, retirement, pension, and other employee welfare benefit provisions.

(4) Determining that the charter, articles of incorporation, constitution, and bylaws of the institution conform to and are consistent with those of the Synod.

(5) Serving as the governing body corporate of the institution vested with all powers which its members may exercise in law either as directors, trustees, or members of the body corporate, unless in conflict with the laws of the domicile of the institution or its articles of incorporation; in such event the board of regents shall have power to perform such acts as may be required by law to effect the corporate existence of the institution.

(6) Establishing and placing a priority on the capital needs of the institution and determining the plans for the maintenance and renovation of the buildings and property and purchase of needed equipment, but having no power by itself to close the institution or to sell all or any part of the property which constitutes the main campus.

(7) Recognizing that the authority of the board of regents resides in the board as a whole and delegating the application of its policies and execution of its resolutions to the president of the institution as its executive officer.

(8) Reviewing and approving the major policies of the institution regarding student life and activities as developed by the faculty and recommended by the administration.

(9) Promoting the public relations of the institution and developing the understanding and cooperation of its constituency.

(10) Requiring regular reports from the president of the institution as the executive officer of the board and through him from other officers and staff members in order to make certain that the work of the institution is carried out effectively.

Presidents

3.8.3.7 The president of the institution shall be the executive officer of the board of regents. He shall serve as the spiritual, academic, and administrative head of the institution.

(a) He shall represent the institution in its relations to the Synod and its officers and boards.

(b) He shall supervise, direct, and administer the affairs of the institution and all its departments, pursuant to the rules and regulations of the Synod and its boards and agencies, and the policies of the board of regents.

(c) He shall bring to the attention of the board of regents matters that require consideration or decision and make pertinent recommendations.

(d) He shall be the academic head of the faculty, preside at its meetings, and be an ex officio member of all standing committees of the faculty and its departments, with the exception of the standing hearings committee or of another standing committee to which the functions of such a committee have been assigned.

(e) He shall periodically visit or cause to be visited the classes of professors and instructors and in general secure conformity in teaching efficiency and subject matter to the standards and policies prescribed by the board of regents and by the Synod through the Board for University Education.

(f) He shall advise and admonish in a fraternal spirit any member of the faculty found dilatory, neglectful, or exhibiting problems in his teaching. Should this action prove ineffective, he shall request selected members of the faculty privately to engage their colleague in further fraternal discussion. If this results in failure to correct or improve the situation, the president shall report the matter to the board of regents with his recommendation for action.

(g) He shall delegate or reassign one or more of his functions to a member of the faculty or staff, although standing administrative assignments shall be made by the board of regents upon his recommendation.

(h) He shall be responsible for the provision of spiritual care and nurture for every student.

(i) He shall carefully watch over the spiritual welfare, personal life, conduct, educational progress, and physical condition of the students and in general exercise such Christian discipline, instruction, and supervision as may be expected at a Christian educational institution.

(j) He shall be responsible for the employment, direction, and supervision of all employees of the institution.

(k) He shall be responsible for the business management of the school and for the proper operation and maintenance of grounds, buildings, and equipment.

(l) He shall make periodic and special financial reports to the board of regents.

3.8.3.7.1 The president of each college or university shall serve a five-year renewable term of office under the terms set forth herewith under Bylaw 3.8.3.7.1 (b), beginning with the date of his assumption of his responsibilities as president.

(a) Each president shall relinquish academic tenure upon assumption of the presidency and shall not be granted academic tenure during the time of presidential service.

(b) The president and board of regents shall develop mutually agreed upon institutional goals and priorities that give direction to the individual as he carries out the duties of the office of the presidency. The board of regents will annually evaluate presidential effectiveness based on these goals and priorities.

(c) Nine months prior to the end of each five-year term, the board of regents will conduct a formal review of the president's effectiveness in the current term of office. The president shall then be eligible for another five-year term by majority action of the board of regents, voting with a ballot containing only the current president's name.

(1) In addition to considering the evaluation report, the board of regents shall consult with the President of the Synod and the chairman of the Board for University Education.

(2) The regents may consult with other boards, commissions, and councils of the Synod as they deem wise.

(d) In the event that a president's term is not renewed, the office of the president shall be considered vacant as of the end of the term of the incumbent. A president whose term is not renewed shall continue to receive full salary and benefits for six months excepting those benefits specifically associated with the office of the president.

(e) When a president retires, the board of regents may continue the president's full salary and benefits for six months excepting

those benefits specifically associated with the office of the president.

3.8.3.7.2 As soon as an impending vacancy in the office of president is known, the board of regents, with prior consent of the Board for University Education, shall issue in an official periodical of the Synod a call for the nomination of candidates for the presidency of the institution. The call for nominations shall describe the office and qualifications desired to fill it.

(a) Candidates may be nominated by congregations of the Synod, the Board for University Education, the board of regents, and the faculty of the institution.

(b) All nominations must be filed with the designee of the board of regents within 60 days of the date of its published request unless the request sets a later date.

(1) Persons nominated may decline to be candidates, and their names will be removed from the list of nominees.
(2) Nominees who allow themselves to be listed as candidates will be asked to pledge, if called, to render a decision within 15 days of receipt of the call, unless granted an extension by the board of regents.
(3) The designee of the board of regents shall publish in an official periodical of the Synod the names of the nominees who have permitted themselves to be candidates and the date on which the election is to be held, which shall not be less than 30 days after the date of the publication of the names of the candidates.

(c) All recommendations, statements of qualifications of any nominees, or objections to any nominee with reasons therefor, must be filed with the board of regents before the time fixed for the election. If a charge of false doctrine or offensive life is registered, the board of regents shall investigate and reach a decision on such charge before proceeding with the election.

(d) A search committee, in its first phase of activity, shall be composed of three full-time faculty members (elected by the faculty with one alternate) and three board-of-regents members (elected by the board with one alternate). The alternate members shall participate in all meetings but shall not vote while serving as alternates.

(1) The search committee shall make a written report of the needs of the institution, the requirements of the Synod, and the required and desired qualifications of the nominees.
(2) This written report shall be shared with the electors.

(e) The search committee, in its second phase of activity, shall be composed of the original search committee, with the addition of three full-time faculty members (elected by the faculty).

(1) The search committee shall prepare reports on the credentials of the nominees. The board of regents shall make

available to the search committee all information it receives regarding the candidates.

(2) The search committee shall submit to the electors a report of evaluations and recommendations regarding the candidates.

(f) Open forums shall be conducted with administrative staff, students, and other constituents as deemed essential by the search committee to gather extensive input to the process.

(g) The search committee shall prepare a list of at least five candidates that it recommends to the electors as the list from which the election slate is prepared.

(h) At a special meeting of the board of regents held to elect a president, there shall be present and voting as electors the members of the board of regents as a group with one vote (the district president on the board not voting with the board); the district president elected to the board or his official representative with a distinct vote; the President of the Synod or his official representative with one vote; and the chairman of the Board for University Education or his official representative with one vote. The executive director of the Board for University Education shall attend as an observer.

(i) At least two weeks before the election, the electors shall finalize the slate of nominees to be interviewed in the election meeting.

(1) The slate is fixed by a majority of the electors, with the members of the board of regents now voting as individuals.

(2) They may add names to the search committee's list only from the officially published list of nominees, after consultation with the search committee.

(3) The entire board of regents (voting as individuals) shall participate, and the addition or deletion of names shall require a simple majority of all electors and board-of-regents members present. The search committee shall be available to answer questions regarding potential interviewees.

(4) If there are persons placed on the slate who were not on the search committee's recommendation list, they shall complete all interviews and questionnaires prior to the election.

(j) The election shall be held on the day designated in the notice published in the official periodical of the Synod or as soon thereafter as feasible. The electors shall give due consideration to the recommendations and statements of qualifications and objections submitted on behalf of all nominees.

(k) The initial election of a president shall require three of four elector votes. If the electors are unable to finalize the slate or complete the election, they shall postpone the election and, if desirable, request the board of regents to issue a new call for nominations.

(l) The board of regents shall extend the formal call promptly after the election and submit its action to an official periodical of the Synod for publication.

(m) Whenever a call is declined, the chairman of the board of regents shall give notice in an official periodical of the Synod and shall promptly call another meeting of the electors, at which meeting the call may be reissued or another person may be elected from among the remaining candidates, or the board of regents may be requested by the electors to issue a new call for candidates.

Faculties

3.8.3.8 The faculty of each college or university of the Synod shall consist of the president, the full-time faculty and the part-time faculty.

(a) Part-time or temporary faculty members are distinguished by an appropriate prefix or suffix ("visiting," "guest," "adjunct," "emeritus") or the term "graduate assistant."

(b) Part-time or temporary faculty members shall hold nonvoting membership on the faculty.

3.8.3.8.1 At each school the president shall propose creation, modification, or abolition of administrative positions to the board of regents for its approval.

(a) The board of regents at each school shall maintain clear policies for filling and vacating administrative positions.

(b) Administrative appointments shall be made by the board of regents on recommendation by the president of the institution. The Board for University Education shall periodically review the internal administrative organization of the Synod's institutions.

(c) Each board of regents shall maintain a clear plan of succession of administration to assure that the institution continues to function effectively in the case of incapacity or lengthy absence of the president.

3.8.3.8.2 Each educational institution shall have established policies and procedures related to appointments. There shall be two levels of faculty appointments: (1) Initial level, where the appointment can be terminated with no formal requirement for a show of cause; and (2) continuing level, where termination requires a formal show of cause.

(a) Institutions are free to decide for themselves what names to apply to these two levels of appointment.

(b) Each educational institution of the Synod normally shall have at least 35 percent of its full-time faculty serving at the continuing appointment level.

(c) Each institution shall require specific action by the board of regents for promotion from an initial-level appointment to a continuing-level appointment.

(d) Standards or qualifications for moving a faculty member from initial-level appointment to continuing-level appointment shall be the following:

(1) The faculty member shall ordinarily have completed four to six years of creditable service (periods of leave are not included) as a member of the faculty of one or more educational institutions of the Synod, at least the last two years of which shall have been in the institution currently served.

(2) The faculty members shall, as determined by their academic discipline, regularly continue to demonstrate scholarly achievement that may be institutionally funded as determined by the board of regents.

(3) The faculty member's reputation, character, concern for students, and ability to honor leaders shall present a good reflection on the institution and the church.

(4) The faculty member's aptness to teach has been demonstrated by effective communication in the classroom.

(e) Steps in moving a faculty member from an initial-level appointment to a continuing-level appointment shall be the following:

(1) If the board of regents, on recommendation of the president of the institution, determines that a faculty member meets the above requirements and is still at the initial-level appointment, it shall either carry forward the procedure for promotion to a continuing-level appointment or inform the faculty member of its decision not to do so, in which case the individual either may continue at the initial-level appointment or be terminated. Any continuation of employment at the initial-level appointment shall be on a year-to-year basis. Faculty employment during the initial-level appointment period may be terminated without disclosure of cause. In cases in which the decision is made to terminate the individual's contract, the contract shall be extended for at least six months beyond the time at which notice is given. If the board of regents does not take up the question of promotion to a continuing-level appointment at least nine months prior to the end of the sixth year of service, the faculty member may petition the board of regents to do so.

(2) Notice of intent to promote to a continuing-level appointment status shall be announced in an official periodical of the Synod.

(3) The faculty member shall be given the opportunity to respond to any comments or concerns that may have been raised relative to promotion to a continuing-level appointment.

(4) At least six weeks after the notice is published, consent of the electors of the institution shall be given.

(5) If the above steps have all been met, after final review the board of regents may promote to a continuing-level appointment status.

(f) Promotion to continuing-level appointment status shall in no case be construed as requiring or indicating advancement in rank or increase in salary.

(g) Other types of faculty appointments may be established by institutions as the need arises.

3.8.3.8.3 The board of regents on recommendation of the president of the institution shall appoint all full-time members of the faculty. The Board for University Education shall require certification of theological and professional competency. All initial appointments to college/university theology faculties shall require the prior approval of the Board for University Education. All other initial full-time appointments shall require prior approval of the board of regents and shall include a thorough theological review involving the district president and selected members of the board of regents.

(a) The terms and conditions of every appointment shall be stated in writing and be in the possession of both the institution and the prospective faculty member before the appointment is consummated. Limitations of academic freedom because of the religious and confessional nature and aims of the institution shall be stated in writing at the time of the appointment and conveyed to the person being appointed.

(b) Ordinarily candidates for full-time teaching positions shall be rostered members of the Synod. When laypersons are employed in full-time teaching positions, they shall pledge to perform their duties in harmony with the Holy Scriptures as the inspired Word of God, the Lutheran Confessions, the Synod's doctrinal statements, and the policies of the Synod.

(c) The board of regents may decline to renew an initial-level appointment of a faculty member at its discretion and without formal statement of cause. If reappointment to the teaching staff is not contemplated, the board of regents shall so notify the faculty member in writing through the president of the institution at least six months prior to the expiration of the current appointment. Notice of nonreappointment shall be made at least 6 months before the expiration of an initial-level appointment of a faculty member.

(d) The Board for University Education shall state standards of good practice that provide uniform procedures for renewing faculty employment contracts.

(e) Each institution shall state policies regarding faculty appointments, employment contracts, contract renewal, and contract termination for all employees within Board for University Education guidelines.

3.8.3.8.4 A formal procedure shall be in place to carry out performance reviews for all faculty on a regular basis to help faculty identify their strengths as well as areas in which improvement is needed

(formative) and to provide the information needed to make a decision about future employment status (summative).

(a) Performance reviews shall be based on a set of clearly articulated criteria that are shared with faculty prior to their employment and current assignment.

(b) All faculty on initial-level appointments shall be reviewed at least triennially.

(c) All faculty on continuing-level appointments shall be reviewed at least every five years.

(d) The president of an institution may call for a formal review of any faculty member at any time.

(e) The review shall involve input from peers.

(f) A written summary of the results of the review shall be prepared.

(g) The summary shall be shared with the faculty member involved and he/she shall be given an opportunity to respond.

(h) A final decision about any action to be taken as a result of the review shall be made by the board of regents of the institution upon recommendation of the president of the institution.

(i) An appeal process shall be in place for use by faculty members of a continuing-level appointment (those who already have been granted continuing-level appointment status) who wish to challenge a termination decision. The appeal may be about the substance of the decision or the procedures followed in reaching the decision.

(j) Faculty members with an initial-level appointment (who have no expectation of continued employment) shall not be entitled to an appeal process following (or prior to) a decision of nonretention. The only exception is that a faculty member with an initial-level appointment may ask the board of regents to assure that appropriate procedures were followed in reaching the decision or the basis on which the decision was made.

3.8.3.8.5 The only causes for which members of a faculty may be removed from office, other than honorable retirement, are (1) professional incompetency including, but not limited to, the failure to meet the criteria identified in Bylaw 3.8.3.8.2 (d); (2) incapacity for the performance of duty; (3) insubordination; (4) neglect of or refusal to perform duties of office; (5) conduct unbecoming a Christian; (6) advocacy of false doctrine (Constitution, Art. II) or failure to honor and uphold the doctrinal position of the Synod as defined further in Bylaw 1.6.2 (b).

3.8.3.8.6 The board of regents may decline to renew the appointment of a faculty member during an initial-level appointment period without a formal statement of cause.

3.8.3.8.6.1 No member of the faculty on a continuing-level appointment or on an initial-level appointment except at the expiration of the term of appointment shall be removed from the faculty either by ecclesiastical authority or by the board of regents except for cause.

3.8.3.8.7 Positions of initial-level appointment as well as continuing-level appointment faculty may be terminated by the board of regents under certain institutional conditions that do not reflect on the competency or faithfulness of the individual faculty member whose position is terminated. These conditions are the following: (1) Discontinuance of an entire program (e.g., social work, business); (2) discontinuance of an entire division or department (e.g., modern foreign language) of a college or university; (3) reduction of the size of staff in order to maintain financial viability in compliance with policies concerning fiscal viability; (4) discontinuance, merger, or consolidation of an entire college or university operation.

(a) In the event of termination of a faculty position by the board of regents, a minimum of six months' advance notice to initial-level appointment faculty and 12 months' advance notice to continuing-level appointment faculty must be provided the terminated faculty member in writing.

(b) The opportunity to serve the college or university in another capacity for which the terminated faculty member has credentials and qualifications shall be offered the terminated faculty member if such a vacancy exists at the time of termination or becomes available within two academic years.

(c) In identifying which specific faculty positions are to be discontinued or terminated, the board of regents shall follow the guidelines and procedures of that institution's reduction in force policy.

(d) A terminated position may not be filled subsequently by another person during the next two academic years without first offering the last previous incumbent who held the position with continuing-level appointment status the position at his or her last previous salary plus average annual salary increases provided to that faculty during the interim.

3.8.3.8.8 A faculty member who is on a roster of the Synod is under the ecclesiastical supervision of the Synod. In the event a member is removed from membership in the Synod pursuant to procedure established in these bylaws, then that member is also considered removed from the position held and shall be terminated forthwith by the board of regents.

3.8.3.8.9 The board of regents shall have authority to investigate, hear, and act on any complaint arising out of Bylaw 3.8.3.8.5.

(a) If the board of regents receives a complaint against a member of that institution's faculty or administration concerning any matter, including those specified under Bylaw 3.8.3.8.5, it shall

direct the complainant first to meet face-to-face with the respondent in an attempt to resolve the issue (Matt. 18:15).

(1) The president of the institution shall assist in this attempt.

(2) If the president himself is the respondent, the chairman of the board shall act in his stead.

(b) If the complainant is of the opinion that such informal reconciliation efforts have failed and there is a wish to pursue the matter, the complainant shall prepare a written statement of the matter in dispute and a written statement setting forth, in detail, the efforts that have been made to achieve informal reconciliation and forward such statements to the board of regents and to the respondent.

(c) Within 21 days after receipt of the written statement of the matter in dispute, the respondent shall submit a written reply to the board of regents and the complainant. If the respondent fails to reply, the allegations of the statement of the matter in dispute shall be deemed accepted.

(d) Upon receipt of a reply from the respondent, or if no reply is received and the board of regents determines that all informal reconciliation efforts have failed, the board of regents shall form a Review Committee of five persons (Matt. 18:16), which shall be chosen as follows:

(1) Each party shall select one faculty member and one regent.

(2) The Secretary of the Synod shall select the fifth member by blind draw from the Synod's roster of hearing facilitators, who shall serve as chairman.

(3) The selection shall be completed within one month of the date on which the board decides to form the Review Committee.

(e) If the board decides that the matter is of such a nature that the interests of the institution will best be served, it may limit the activities of the respondent. It may do so by relieving the respondent of teaching and/or administrative duties pending final resolution of the conflict. However, contractual obligations of the institution shall continue until the matter is resolved.

(f) The Review Committee shall proceed as follows:

(1) The committee shall hold its first hearing no later than 60 days after the last committee member has been appointed.

(2) The chairman of the committee shall notify the complainant and the respondent, at least 28 days in advance, of the date, time, and place of the said hearing.

(3) If any part of the dispute involves a specific question of doctrine or doctrinal application, each party shall have the right to an opinion from the Commission on Theology and Church Relations. If it involves questions of Constitution or Bylaw interpretation, each party shall have a right to an

interpretation from the Commission on Constitutional Matters. The request for an opinion must be made through the Review Committee, which shall determine the wording of the question(s). The request for an opinion must be made within four weeks of the final formation of the Review Committee. If a party does not request such an opinion within the designated time, such a request may still be made to the Review Committee, which shall, at its discretion, determine whether the request shall be forwarded. The Review Committee shall also have the right, at any time, to request an opinion from the Commission on Theology and Church Relations or the Commission on Constitutional Matters. When an opinion has been requested, the time limitations will not apply until the opinion has been received by the parties. Any opinion received must be followed by the Review Committee.

(4) All hearings shall be private, attended only by the parties and the witnesses who can substantiate the facts relevant to the matter in dispute. The Review Committee shall follow the procedures set forth in the *Standard Operating Procedures Manual* for this bylaw to be followed in the hearing and shall establish the relevancy of evidence so that each party shall be given an opportunity to present fully its respective position. In performing its duty, the Review Committee shall continue efforts to reconcile the parties on the basis of Christian love and forgiveness. If a party is a board or commission of the Synod or its districts, it shall be represented by its chairman or a designated member.

(5) Within 60 days after completion of the final hearing, the Review Committee shall issue a written decision which shall state the facts determined by the committee and the reasons for its decision and forward them to the parties and the board of regents. The board of regents shall then take appropriate action, which shall be final.

(g) If the committee decides there is a valid complaint

(1) regarding matters under Bylaw 3.8.3.8.5 (1)–(4), it may take whatever action it deems appropriate, including recommendation for termination of the employment contract;

(2) regarding matters under Bylaw 3.8.3.8.5 (5)–(6), if the member of the institution's faculty or administration is a member of the Synod, it must also refer the complaint to the district president, who shall follow the procedure set forth in Bylaw sections 2.14 or 2.17.

(h) At every stage of the above-described procedure, all parties must be furnished copies of all documents filed.

(i) Any decision made pursuant to Bylaw 3.8.3.8.9 shall be final and binding on the parties involved with no right of further appeal.

(j) In consultation with the Commission on Constitutional Matters, the Board for University Education shall maintain and amend, as necessary, a *Standard Operating Procedures Manual*, which shall serve as a comprehensive procedures manual for this bylaw.

3.8.3.8.10 Each institution shall have established policies and procedures related to salary, faculty organization, faculty involvement in establishing institutional education policies, dispute resolution, modified service, sabbaticals, and leaves. It shall also have policies and procedures related to student discipline.

(a) The salary schedules of all institutional employees shall be fixed by the board of regents on recommendation of the president of the institution. The salary schedules shall be established within the broad guidelines provided by the Board for University Education.

(b) The board of regents, on recommendation of the president of the institution, shall establish an effective faculty organizational structure.

(1) The president or his designee shall preside at regular and special meetings.

(2) The faculty shall elect a secretary and provide for the election of committees, consisting of faculty members or of faculty members and other persons, who shall study, evaluate, and report to the faculty on policy matters affecting the academic activity of the institution, the activity and welfare of the members of the faculty, and the life and welfare of the students.

(3) The faculty shall elect a standing hearings committee or assign the functions of such a committee to another standing committee.

(c) Each faculty shall recommend policy to the board of regents through the president for the admission, transfer, dismissal, or withdrawal of students, set the standards of scholarship to be maintained by students, determine criteria for graduation or failure, act on recommendations in the matter of granting certificates, diplomas, and such academic or honorary degrees as may lawfully be conferred by the institution.

(d) Each faculty shall develop and construct curricula implementing the recognized and established purposes of the institution and designed to attain the objectives of preparation for professional church workers and other Christian leaders approved by the Synod.

(e) Each faculty shall pursue the improvement of teaching and learning and the evaluation of their effectiveness in every segment of the institution and its curriculum.

(f) Each faculty shall recommend policy to the board of regents through the president regarding out-of-class life and activity of

its students so that the co-curricular and off-campus activities of the students contribute to the attainment of the educational objectives of the institution. The faculty shall recommend such policies as will be conducive to the cultivation of a Christian deportment on the part of all students, will stimulate the creation of a cultured and academically challenging atmosphere on and about the whole campus, and will make a spiritually wholesome community life possible.

(g) Each faculty shall recommend policy to the board of regents through the president regarding the maintenance of wholesome conditions of faculty service and welfare.

(h) The faculty of each institution which prepares professional workers directly for service in the Synod shall conform its placement policies to the provisions for the distribution of candidates and workers through the Board of Assignments of the Synod.

(i) Controversies and disagreements among faculty members or other employees (other than those involving matters described in Bylaw 3.8.3.8.5) shall be submitted to the president of the institution for mediation.

(1) If this proves unsuccessful, he shall report the matter to the board of regents for arbitration.
(2) After hearing the parties the board will render its decision, which shall be final, without the right of appeal under the provisions of the dispute resolution process of the Synod.
(3) A record of the proceedings shall be filed with the Board for University Education.

(j) Faculty members may request early retirement under the applicable provisions of the Concordia Retirement Plan.

(1) Upon retirement, faculty members who are ordained or commissioned ministers of religion are retained on the emeritus roster of the Synod on the basis of Bylaw 2.11.2.1 and may, by action of the board of regents, be retained on the roster of their faculty as "emeriti" (Bylaw 3.8.3.8).
(2) Service loads and the conditions of service after retirement shall be determined by the board of regents.

(k) Each institution shall state policies regarding sabbaticals for faculty and leave-of-absence procedures for all employees within Board for University Education guidelines.

(l) Each board of regents, on recommendation of the president, shall adopt a comprehensive policy statement committing the school to the principles of Christian discipline, evangelical dealing, and good order governing the students individually and collectively.

(1) Each student shall be informed regarding the disciplinary policy and procedure and under what conditions and to whom an appeal from a disciplinary decision may be made.

(2) There shall be no right of appeal under the provisions of the dispute resolution process of the Synod.

Board for Black Ministry Services

3.8.4 The Board for Black Ministry Services exists to serve as an advocate on behalf of black ministry in the congregations and agencies of the Synod.

3.8.4.1 The Board for Black Ministry Services shall consist of nine members:

1. Three members (one ordained minister, one commissioned minister, and one layperson) shall be elected by the Synod in convention.
2. Three ordained ministers and three laypersons shall be appointed by the President of the Synod.

3.8.4.1.1 The President shall appoint from a list of at least three candidates for each vacant seat on the board.

(a) These candidates will have been reviewed, evaluated, and approved by the representatives of the black congregations, meeting in convocation.

(b) Vacancies on the board shall be filled by appointment by the President of the Synod from the remaining nominees on the same slate of candidates.

3.8.4.2 The Board for Black Ministry Services shall develop policies that will assist congregations in reaching out more effectively with the Gospel of Jesus Christ among African Americans.

(a) It shall evaluate the effectiveness and administration of plans and programs designed to coordinate and expand black ministry in the Synod.

(b) It shall function in cooperation with the convocation of black Lutheran congregations, appropriate boards, and the President of the Synod.

(c) It shall represent the interests of black ministry throughout the Synod.

Board for Communication Services

3.8.5 The Board for Communication Services exists to interpret, subject to the approval of the applicable officers and boards, the Synod's purpose and program to its members and to promote an increased understanding on the part of the church's publics of the mission of the Synod as identified in Article III of the Constitution.

3.8.5.1 The Board for Communication Services shall have seven members:

1. One ordained parish pastor and one commissioned minister shall be elected by the Synod in convention.
2. Two ordained ministers and three laypersons shall be appointed by the Board of Directors of the Synod.

3.8.5.1.1 Faculty members of colleges, universities, and seminaries of the Synod shall be eligible for board membership, including those serving as administrators. Membership shall include representatives of both print and electronic media.

3.8.5.2 The Board for Communication Services shall provide resources to the various boards, commissions, congregations, and other agencies of the Synod.

(a) It shall provide creative ideas and information along with programs, production facilities, and other assistance for print and electronic media.

(b) It shall assist the appropriate officers of the Synod in their communication responsibilities.

(c) It shall maintain liaison and cooperation with recognized service organizations and other appropriate agencies.

(d) It shall encourage and assist the Synod's colleges, universities, and seminaries in providing educational opportunities in print and electronic media.

3.8.5.2.1 The Board for Communication Services shall establish communication policies to guide the staff in organizing and coordinating communications activities at all national Synod, district, and circuit levels.

3.8.5.2.2 The Board for Communication Services shall serve the public relations needs of the Synod.

(a) It shall authorize and supervise the production of the necessary print and broadcast materials for the church and its publics.

(b) Matters relating to doctrine shall be approved under the prescribed procedure for doctrinal review before publication.

3.8.5.2.3 The Board for Communication Services shall be responsible for the official periodicals of the Synod, coordinating the Standing Committee on News and Information as appropriate.

(a) The official periodicals of the Synod are *The Lutheran Witness* and *Reporter*.

(b) The official periodicals of the Synod shall as a primary purpose promote growth and strengthen the individual Christian life, include official reports and notices, promote the Synod's work, provide current news from the Synod, transmit to the congregations information concerning the Synod's positions and programs, assist congregational leaders in developing coordinated programs, facilitate the exchange of information concerning successful methods of practical church work, serve as a forum for the responsible exchange of opinion on issues confronting the Synod, and report general church news of interest to the Synod.

(c) The Director of News and Information Services, who also serves as executive editor of the Synod's official periodicals, shall be appointed by the Board for Communication Services from a list

prepared by that board and approved by the Council of Presidents.

Board for District and Congregational Services

3.8.6 The Board for District and Congregational Services exists to enable vision and outcome development, to prepare and revise policies responsive to both current and anticipated situations, and to initiate action in order to meet the changing needs of districts and congregations.

3.8.6.1 The Board for District and Congregational Services shall consist of eight members to be elected by the Synod in convention:

1. Two ordained ministers (one of whom must be a parish pastor)
2. Two commissioned ministers currently serving in a congregation or Lutheran school (early childhood through higher education, including school associations)
3. Four laypersons

3.8.6.2 The Board for District and Congregational Services serves with districts in assisting congregations to develop and foster vibrant ministries to bring the saving, life-giving Gospel of Jesus Christ to the sinful, dying world.

(a) The board shall determine the number and nature of ministry areas necessary to meet expressed district and congregation needs.

(b) The board shall develop policies to guide the staff in providing assistance in meeting those needs.

(c) The board shall arrange and carry out a comprehensive and effective program of Christian education, especially counseling that the most effective education agencies available to the church for equipping children and youth for ministry are the Lutheran early childhood centers and full-time Lutheran elementary and secondary schools, so that the Gospel of Jesus Christ may become even more effective in the life of the individual Christian and of the congregation, helping districts help congregations in building up disciples for service in the church and to all people in today's world.

(d) In the area of stewardship support, the Department of Stewardship shall

(1) provide input to The Lutheran Church—Missouri Synod Foundation and other units of the Synod to assist them in including proper scriptural motivation in all gift programs;

(2) provide to the Board for District and Congregational Services advice and materials which will cultivate congregational members to continue to grow in living their lives as faithful stewards of Jesus Christ, effectively carrying out Christ's ministry and mission collectively through congregations and through the Synod and its agencies as well as in their day-to-day personal relationships; and

(3) provide, in consultation with districts, materials and training events to aid districts, pastors, and congregations in effectively teaching the grace of proportionate giving and in promoting their programs in the congregation and through the district and the Synod.

Board for Human Care Ministries

3.8.7 The Board for Human Care Ministries exists to provide opportunities through which the members of the Synod may express their Christian concern, love, and compassion in meeting human needs. (Constitution, Art. III 4)

3.8.7.1 The Board for Human Care Ministries shall have seven voting members:

1. One ordained parish pastor and one commissioned minister shall be elected by the Synod in convention.
2. Two ordained ministers and three laypersons shall be appointed by the Board of Directors of the Synod.

3.8.7.2 The Board for Human Care Ministries, as a witness to our faith in Jesus Christ, shall develop policies to guide the staff and others as they carry out functions that will serve as a channel for the love and compassion of the church for helping the homeless, the persecuted, the sick, and the needy.

(a) The board will assist districts in their institutional chaplaincy, pastoral counselor, and social ministry programs, and participate in social education and endeavors to remove or alleviate human suffering.

(b) The board will provide assistance to congregations and through them to their members and others in dire emergencies and disaster situations through Lutheran disaster response and domestic grant funds.

(c) The board will provide materials and programs that will assist congregations and their members in responding to human needs and providing for human care.

(d) The board will provide advisory services to the program boards in order that their materials and programs will cultivate congregation members in their concern for human care.

(e) The board will promote the health and healing ministry of the Gospel throughout the Synod.

(f) The board will sponsor and participate in world relief activities for the alleviation of human suffering, furthered through cooperation with Lutheran World Relief, Lutheran Immigration and Refugee Services, Lutheran Services in America, the Board for Mission Services, and domestic projects endorsed by districts.

(g) The board shall maintain liaison with the appropriate units of other church bodies, with approved inter-Lutheran agencies,

and with recognized service organizations and domestic projects endorsed by districts.

(h) Subject to the provisions of chapter 6 of these Bylaws, the board shall grant recognized service organization status to health, chaplaincy, and social ministry agencies and institutions to validate their merit for use and support with assurance that they meet acceptable standards.

3.8.7.3 The Board for Human Care Ministries shall be assisted by a committee dealing with sanctity of life ministry.

Board for Mission Services

3.8.8 The Board for Mission Services (LCMS World Mission) exists to strengthen congregations and their members in giving bold witness by word and deed to the love and work of God, the Father, Son, and Holy Spirit, and extend that Gospel witness into all the world. (Constitution, Art. III 2)

3.8.8.1 The Board for Mission Services shall consist of nine members who shall be elected by the national convention of the Synod:

1. Four ordained ministers
2. One commissioned minister
3. Four laypersons

3.8.8.1.1 The board of regents of each seminary shall be entitled to designate a representative on the Board for Mission Services to serve as an advisory member.

3.8.8.2 The Board for Mission Services shall formulate, recommend, review, and supervise the mission policies of the Synod and provide for an aggressive and united mission effort.

(a) It shall have a special concern for mission and ministry among minorities, among sensory impaired, and on campuses.

(b) It shall recommend and monitor budgets and review organizational effectiveness.

(c) It shall maintain liaison and cooperation with assigned auxiliary and other recognized service organizations.

3.8.8.2.2 The Board for Mission Services shall serve as the only sending agency through which workers and funds are sent to the foreign mission areas of the Synod.

(a) It shall call, appoint, assign, withdraw, and release missionaries (ordained and commissioned ministers) and other workers for the ministries and areas within its direct responsibility.

(1) It shall always safeguard the rights of the partner churches and workers involved.

(2) It shall maintain a concern for the specific training of missionaries and other workers related to the mission endeavors of the Synod.

(3) It shall establish a continuing liaison with the terminal schools of the Synod.

(b) It shall serve as the sending agency even though programs are supported by districts or other agencies.

(c) It shall counsel with the mission boards of the districts and partner churches with reference to their total mission program and supervise the planning and implementation of programs which will best utilize the Synod's resources of people and possessions.

(d) It shall provide a ministry for all of the Synod's military personnel, dependents of military personnel overseas, civilians and their dependents overseas, and patients of veterans hospitals.

(e) It shall function as a recruitment, liaison, and endorsement agency with the various governmental units involved in the Armed Forces and Veterans Administration and between these units and the Synod's chaplains and directors of religious education.

3.8.8.2.3 The Board for Mission Services shall propose formal recognition of a mission of the Synod as a self-governing partner church at a convention of the Synod with the approval of the Commission on Theology and Church Relations.

3.9 Commissions

3.9.1 The commissions of The Lutheran Church—Missouri Synod are the following:

1. Commission on Constitutional Matters
2. Commission on Doctrinal Review
3. Commission on Ministerial Growth and Support
4. Commission on Structure
5. Commission on Theology and Church Relations
6. Commission on Worship

Commission on Constitutional Matters

3.9.2 The Commission on Constitutional Matters exists to interpret the Constitution, Bylaws, and resolutions of the Synod and ensure that the governing instruments of the Synod and its agencies are in accord with the Constitution and Bylaws of the Synod.

3.9.2.1 The Commission on Constitutional Matters shall consist of

1. five voting members appointed by the President of the Synod, whose terms shall be for six years renewable once, three of whom shall be ordained ministers and two shall be lawyers;
2. the Secretary of the Synod, who shall serve as a nonvoting member of the commission and its secretary.

3.9.2.1.1 The Commission on Constitutional Matters shall be appointed in the following manner:

(a) Candidates shall be nominated only by the district boards of directors and shall be presented to the Council of Presidents through the Office of the Secretary.

(b) The Council of Presidents shall select five candidates for each vacant position and present them through the office of the Secretary of the Synod to the President of the Synod.

(c) The President of the Synod, in consultation with the vice-presidents of the Synod, shall appoint the members of the commission from the list presented by the Council of Presidents.

(d) Vacancies in appointed positions shall be filled by following the procedure set forth above.

3.9.2.2 The Commission on Constitutional Matters shall interpret the Synod's Constitution, Bylaws, and resolutions upon the written request of a member (congregation, ordained or commissioned minister), official, board, commission, or agency of the Synod.

(a) A request for an opinion may be accompanied by a request for an appearance before the commission.

(b) An opinion rendered by the commission shall be binding on the question decided unless and until it is overruled by a convention of the Synod. When opinions pertain primarily to business, legal, finance, civil rights, contracts, or property matters, the commission shall first consult with the Board of Directors of the Synod and/or the Synod's legal counsel.

3.9.2.2.1 The Commission on Constitutional Matters shall examine all reports and overtures to the Synod asking for amendments to the Constitution and Bylaws of the Synod or which in any manner affect the Constitution and Bylaws, to determine their agreement in content and language with the Constitution and Bylaws of the Synod.

3.9.2.2.2 The Commission on Constitutional Matters shall be represented at the meetings of the floor committees considering constitutional matters at the convention of the Synod.

3.9.2.2.3 The Commission on Constitutional Matters shall revise the *Handbook* of the Synod immediately after each convention of the Synod to bring it into harmony with the resolutions or changes adopted by the convention. The commission shall maintain a complete file of succeeding handbooks so that a comparison can be made between current regulations and those immediately preceding.

3.9.2.2.4 The Commission on Constitutional Matters shall examine in advance the articles of incorporation and the bylaws or regulations of every agency of the Synod and all proposed amendments of such documents to ascertain whether they are in harmony with the Constitution, Bylaws, and resolutions of the Synod.

(a) An agency of the Synod shall make such amendments to or changes in these documents as may be necessary to conform.

(b) The commission shall maintain a file of the articles of incorporation and bylaws and regu˘lations of all agencies of the Synod.

Commission on Doctrinal Review

3.9.3 The Commission on Doctrinal Review exists to assist the President of the Synod in the exercise of his responsibility that all doctrinal content in its or any of its agencies' materials be in accord with Scripture and the Lutheran Confessions.

3.9.3.1 The Commission on Doctrinal Review shall consist of five members appointed by the President of the Synod from the total number of doctrinal reviewers.

(a) The commission shall elect its own officers.
(b) The commission shall effect its own organization.

3.9.3.2 The Commission on Doctrinal Review functions in accordance with Bylaw section 1.9 and shall meet as often as necessary to provide guidelines for the work of doctrinal reviewers and to concern itself with problem areas in the procedures of doctrinal review and appeals.

Appeals Prior to Publication

3.9.3.2.1 Appeals regarding materials not yet published may be initiated by an author, the sponsoring group, or an executive staff member of that group and submitted to the chairman of the Commission on Doctrinal Review.

(a) After receipt of an appeal, the chairman of the Commission on Doctrinal Review shall inform all concerned and shall appoint three members of the commission to serve as a review panel and shall designate one as its chairman. A panel member shall disqualify himself on the basis of any kind of personal involvement in the issue.

(b) To aid objectivity, the identity of author and review panel shall ordinarily not be disclosed. However, consultation may at times be necessary for clarification.

(c) In making its recommendation, the panel shall decide whether the item in question

(1) is suitable for publication; or
(2) may be published after alteration; or
(3) may be published as a study document; or
(4) shall be denied publication.

(d) The decision of the panel shall be determined by a majority vote and shall be final so far as the Commission on Doctrinal Review is concerned. A report together with the panel's minutes shall be submitted to the chairman of the Commission on Doctrinal Review.

(e) The chairman of the commission shall report the decision to the author, the original reviewer, the sponsoring group, and the President of the Synod.

Appeals Following Publication

3.9.3.2.2 A challenge to the doctrinal review certification of a published item may be initiated by any member of the Synod and shall be submitted to the chairman of the Commission on Doctrinal Review.

(a) In order for the Commission on Doctrinal Review to consider a challenge, the challenger is obliged to provide specific references demonstrating how the published item is not in agreement with Scripture and the Lutheran Confessions.

(b) After receipt of the challenge, the chairman of the commission shall inform the President of the Synod, the sponsoring group, and Concordia Publishing House, and shall appoint three members of the commission to serve as a review panel, and shall designate one as its chairman.

(c) To aid in maintaining objectivity, the identity of the challenger and the identity of the panel will ordinarily not be disclosed.

(d) The panel shall after reviewing the published material declare

(1) that the doctrinal review certification of the published material is affirmed because the item is in agreement with Scripture and the Lutheran Confessions; or
(2) that the doctrinal review certification of the published material is revoked because the item is not in agreement with Scripture and the Lutheran Confessions.

(e) If the panel revokes the doctrinal review certification, it must identify the part(s) of the item in need of clarification, amplification, and/or deletion in order to bring it into agreement with Scripture and the Lutheran Confessions, and withdraw the publication until such agreement is reached.

(f) The panel will appoint one of its members to be the doctrinal reviewer for the recycling of the revised material to assure the item's agreement with Scripture and the Lutheran Confessions if republished.

Commission on Ministerial Growth and Support

3.9.4 The Commission on Ministerial Growth and Support exists to provide opportunity for the continuing education and vocational growth of the church's workers, to advocate and facilitate care and counsel for the church's workers to support them in the performance of their official duties, and to advocate and facilitate support for the personal well-being of the church's workers and their family members.

3.9.4.1 The Commission on Ministerial Growth and Support shall consist of 13 members appointed by the President of the Synod:

1. Three ordained ministers
2. Three commissioned ministers

3. Three laypersons
4. One district president
5. Two seminary faculty members
6. One Concordia University System faculty member

3.9.4.1.1 The Commission on Ministerial Growth shall be appointed as follows:

(a) The three ordained ministers shall be parish pastors.

(b) The three commissioned ministers shall be two teachers and one other than a teacher.

(c) One of the laypersons shall be a parish pastor's wife.

(d) One seminary faculty member shall be from each seminary.

3.9.4.2 The Commission on Ministerial Growth and Support exists to serve the individual members of the Synod in carrying out the mission and ministry of the Synod.

(a) It shall assist and encourage the church's workers in the planning of their continuing educational and vocational growth and the personal well-being of them and their family members.

(b) It shall assist and encourage congregations in assessing and promoting the continuing educational and vocational growth of the church's workers and the personal well-being of them and their family members.

(c) It shall assist and encourage districts in the development of support systems for the continuing educational and vocational growth of the church's workers and the personal well-being of them and their families.

(d) It shall provide opportunities and settings for the church's workers to continue to grow in Christ and in the knowledge, attitudes, skills, and personal well-being they need to serve Him in His church.

(e) It shall develop, sponsor, and coordinate continuing educational and vocational growth and personal well-being initiatives among the agencies of the Synod whose work impacts the church's workers and their families.

(f) It shall seek grants and maintain funds from outside sources for the support of its objectives when it deems necessary to do so.

Commission on Structure

3.9.5 The Commission on Structure exists to serve the members of the Synod in convention by providing direction for ongoing maintenance and management of the *Handbook*, that is, the Constitution, Bylaws, and Articles of Incorporation of the Synod.

3.9.5.1 The Commission on Structure shall consist of eight members, seven voting and one nonvoting:

1. Five members appointed by the Board of Directors of the Synod.

2. The Secretary and the Chief Administrative Officer of the Synod, who shall serve as voting ex officio members.
3. A voting member of the Commission on Constitutional Matters, who shall serve as an advisory member of the Commission on Structure.

3.9.5.1.1 Appointments by the Board of Directors shall be made in consultation and with the mutual concurrence of the President of the Synod and in conjunction with the first meeting of the Board of Directors following each national convention of the Synod. The member from the Commission on Constitutional Matters shall be selected by that commission.

3.9.5.2 The Commission on Structure shall assist the convention in maintaining the *Handbook* of the Synod by identifying and recommending modifications to areas of concern in the *Handbook* and for promotion of its ease of use, thereby to enable the Synod most effectively to accomplish its mission.

Commission on Theology and Church Relations

3.9.6 The Commission on Theology and Church Relations exists to assist congregations in achieving the objectives of Article III 1 and 6 of the Constitution of the Synod and to assist the President of the Synod in matters of church relationships.

3.9.6.1 The Commission on Theology and Church Relations shall consist of 16 voting and 4 advisory members:

Voting Members:

1. Two ordained ministers who are parish pastors
2. One commissioned minister who is a parish teacher
3. Two laypersons
4. Two additional ordained ministers
5. Two additional laypersons
6. Four seminary faculty members
7. Two additional members
8. A member from the faculties of the colleges and universities of the Synod

Nonvoting Advisory Members:

9. The President and the First Vice-President of the Synod
10. The presidents of the St. Louis and Fort Wayne seminaries

3.9.6.1.1 The members of the Commission on Theology and Church Relations shall be selected as follows:

(a) The two parish pastors, the parish teacher, and two laypersons shall be elected by a convention of the Synod.

(b) The two additional ordained ministers and the two additional laypersons shall be elected by ballot by the Council of Presidents (as in #4 and #5 above).

(c) The St. Louis and Fort Wayne seminary theological faculties shall each appoint or elect two members of their faculties (as in #6 above).

(d) The two additional members (as in #7 above) shall be appointed by the President of the Synod, in consultation with the vice-presidents.

(e) The member from the faculties of the colleges and universities of the Synod shall be appointed by the President of the Synod.

(f) Vacancies that occur in the positions that were filled by appointment shall be filled by the same appointing body.

(g) In the case of vacancies that occur in positions that were filled by election of a national convention of the Synod, the appointing body shall be the Board of Directors of The Lutheran Church—Missouri Synod, which shall follow the nominating procedures for filling vacancies on boards and commissions elected by the Synod as outlined in the Bylaws of the Synod.

3.9.6.2 The Commission on Theology and Church Relations shall assist the President of the Synod at his request in discharging his constitutional responsibilities for maintaining doctrinal unity within the Synod.

3.9.6.2.1 The Commission on Theology and Church Relations shall provide guidance to the Synod in matters of theology and church relations.

(a) It shall bring matters of theology and church relations through special studies and documents to the membership of the Synod and to conferences.

(b) It shall refer theological issues and questions to the proper individuals or groups of individuals for additional study.

(c) It shall suggest and provide studies of contemporary issues, including also current social issues, as they affect the church and as the church may affect such social issues.

(d) It shall foster and provide for ongoing theological education through institutes, seminars, and other means.

(e) It shall obtain and study theological treatises, conference papers, and similar documents and studies.

3.9.6.2.2 The Commission on Theology and Church Relations shall assist the President of the Synod at his request in discharging his constitutional responsibilities for maintaining doctrinal integrity as he relates to other church bodies.

(a) It shall address itself to and evaluate existing fellowship relations for the purpose of mutual admonition and encouragement.

(b) When a church body applies for formal recognition of altar and pulpit fellowship with the Synod, such recognition shall be proposed at a convention of the Synod only after the approval of the commission.

(c) When a mission of the Synod applies for formal recognition as a self-governing partner church, such recognition shall be proposed at a convention of the Synod by the Board for Mission Services with the approval of the commission.

Fraternal and Other Organizations

3.9.6.3 The Commission on Theology and Church Relations shall assist congregations and ordained and commissioned ministers of religion in fulfilling their commitment to witness publicly and privately to the one and only Gospel set forth in the Holy Scriptures specifically as they carry out their responsibilities relating to membership in societies, lodges, cults, or any organizations of an unchristian or anti-Christian character to which the Synod has declared itself firmly opposed.

(a) It shall provide information and counsel concerning organizations, philosophies, and worldviews about which ordained or commissioned ministers and congregations may make inquiry relative to objectives, tenets, programs, practices, or ceremonies.

(b) It shall seek to explain the Synod's concerns to any organizations that are involved in religion and have unchristian or anti-Christian features, with the goal of persuading them to abandon such features.

(c) It shall prepare and disseminate periodic reports concerning new organizations, philosophies, and worldviews, changes within existing agencies, and developments relative to the world religious scene in general.

(d) It shall serve as the resource center for the Synod with reference to information on religious agencies and worldviews, publish study materials, and assist pastors and congregations in providing counsel.

3.9.6.3.1 The Commission on Theology and Church Relations shall assist the pastors and congregations of the Synod in carrying out the policy of the Synod regarding fraternal organizations as set forth in the following guidelines.

(a) Pastors and congregations alike must avoid membership or participation in any organization that in its objectives, ceremonies, or practices is inimical to the Gospel of Jesus Christ or the faith and life of the Christian church. It is the solemn, sacred, and God-given duty of every pastor properly to instruct his people concerning the sinfulness of all organizations that

(1) explicitly or implicitly deny the Holy Trinity, the deity of Christ, or the vicarious atonement;
(2) promise spiritual light apart from that revealed in the Holy Scriptures;
(3) attach spiritual or eternal rewards to the works or virtues of men; and/or

(4) embrace ideologies or principles that clearly violate an express teaching of the Holy Scriptures concerning the relationships of men to one another.

(b) The responsibility of diligent and conscientious pastoral care requires that pastors of the Synod do not administer Holy Communion to nor admit to communicant membership members of such organizations who, after thorough instruction, refuse to sever their affiliation with such organizations, since Holy Communion expresses an exclusive spiritual relationship of the communicant to his Lord and to his brethren (Matt. 10:32; 1 Cor. 10:6–7; 11:25). Earnest, continuous efforts should be put forth to bring individuals to a clear-cut decision regarding their contradictory confessions, in order that they may become or remain communicant members of the congregation, as the case may be.

(c) The responsibility of conscientious pastoral care recognizes that a pastor will occasionally encounter an exceptional case in which he is called on to administer Holy Communion to a person who is outwardly connected with such an organization. Such exceptional cases ordinarily involve an individual who

(1) has accepted the pastoral care of the congregation and is being instructed by its pastor in an effort to lead that person to see the inconsistency of contradictory confession and witness; and

(2) has renounced to the pastor and/or church council the unchristian or anti-Christian character of the organization in which membership is held.

(d) In such exceptional cases the pastor should consult with his brethren in the ministry or with officials of the Synod, as the case may require. He should, furthermore, beware of procrastination and the giving of offense to members of either the congregation or sister congregations.

(e) The Synod instructs its officials to exercise vigilant care and urges all pastors and congregations to carry out these provisions and faithfully eradicate all compromise or negation of the Gospel through members' identification with objectionable organizations. It shall be the duty of every member, pastor, and especially officials of the Synod to admonish those pastors and congregations that fail to offer counter testimony and take decisive action in matters pertaining to this subject. Refusal to heed brotherly admonition shall lead to suspension and eventual expulsion from the Synod.

Commission on Worship

3.9.7 The Commission on Worship exists to serve the members of the Synod by providing guidance and materials to assist them in developing and deepening an understanding and love for the Lutheran heritage in Christian worship and for the various media of expression associated with such worship.

3.9.7.1 The Commission on Worship shall be appointed by the President of the Synod after consultation with the vice-presidents. It shall consist of seven members and include ordained and commissioned ministers and laypersons.

(a) The commission may solicit the assistance of other persons who are well qualified to render valuable and necessary service to the church through the commission.

(b) Such persons may serve as advisory members.

3.9.7.2 The Commission on Worship shall make worship literature available to congregations of the Synod to develop and deepen an understanding and love for the Lutheran heritage in Christian worship and for the various media of expression helpful to Lutheran worship.

(a) It shall consult with the practical theology and the music departments of schools of the Synod to establish and affirm principles and practices in liturgy, church music, and church art which best express the true confessional theology of worship in Word and Sacrament of the Lutheran Church.

(b) It shall clear all literature related to corporate Christian worship in liturgy and hymnody made available through the Synod's various boards, commissions, auxiliaries, and recognized service organizations and through Concordia Publishing House.

(c) It shall recommend worship materials to the church and advise and warn against the use of worship materials that are unworthy of use in the corporate worship of the Lutheran Church.

(1) All service books and hymnals that are to be accepted as official service books and hymnals of the Synod shall be given such status only by a convention of the Synod after a process of exposure and testing decided upon by the Synod in convention.

(2) Revisions in such books shall be made only by a convention of the Synod after requesting from the commission an evaluation and recommendations.

(d) It shall represent the Synod in the preparation of service books and hymnals in which the Synod may engage in cooperation with other synods.

3.10 Council

Council of Presidents

3.10.1 The President and vice-presidents of the Synod in line of succession and the district presidents shall comprise the Council of Presidents.

3.10.1.1 The council shall meet three times each year and in addition at the call of the President or at the request of one-third of the Council of Presidents.

3.10.2 The Council of Presidents shall provide opportunity for the President of the Synod to advise and counsel his representatives in the districts and for the district presidents in turn to give counsel to the President. The Council of Presidents also exists to provide opportunity for the presidents of the districts and the Praesidium of the Synod to counsel with one another on matters regarding the doctrine and administration of the Synod and its districts, to edify and support one another in the work they share, and to serve as the Board of Assignments of the Synod.

3.10.2.1 The Council of Presidents shall serve as the Board of Assignments of the Synod. It shall assign first calls to candidates for the offices of ordained and commissioned ministers and handle or assist with placement of other professional church workers.

3.10.2.2 The Council of Presidents shall carry out such assignments as the Synod in convention may give to the council from time to time.

3.11 Staff

3.11.1 Unless otherwise specified by the board of directors of the respective agency, all employees shall serve at the pleasure of the appointing authorities.

(a) Members of the Synod who are appointed to positions requiring an ordained minister or a commissioned minister shall receive a solemn call.

(b) Other ordained or commissioned ministers appointed to positions in the Synod shall be affirmed by the respective board or commission through a solemn call.

(c) All positions requiring called ministers shall be filled in consultation with the President of the Synod subject to all appropriate provisions of the Constitution and Bylaws as well as the respective board of director's policy manual.

3.12 Nominations and Elections

President and Vice-Presidents

3.12.1 Nominations for the offices of President, First Vice-President, and other vice-presidents in line of succession shall be made by the member congregations of the Synod.

(a) Each member congregation shall be entitled to nominate from the clergy roster of the Synod two ordained ministers as candidates for President and two ordained ministers as candidates for First Vice-President, and four ordained ministers as candidates for other vice-presidents in line of succession.

(b) The Secretary of the Synod shall mail to each congregation of the Synod ballots for nominating these candidates.

(c) Each nominating ballot shall be signed by the president and the secretary of the member congregations and shall be sent to

the Secretary of the Synod not later than four months prior to the opening date of the convention.

(d) The Secretary of the Synod, with the approval of the Board of Directors of The Lutheran Church—Missouri Synod, may engage an external auditing firm to tabulate the nominations and shall report to the convention by means of the *Convention Workbook* the names and tallies of all ordained ministers who have received nominating votes for the offices of President, First Vice-President, and other vice-presidents in line of succession.

(e) Groups and individuals within and without the Synod are urged to refrain from circularizing the Synod or areas thereof relative to favoritism in nominations for President, First Vice-President, and other vice-presidents in line of succession.

3.12.1.1 Candidates for the offices of President and First Vice-President shall be in each instance the five ordained ministers receiving the highest number of votes in the nominating ballots of the congregations, and the candidates for the offices of vice-presidents two through five shall be the 20 ordained ministers receiving the highest number of votes in nominating ballots of the congregations for other vice-presidents in line of succession.

(a) The Secretary of the Synod shall notify each candidate and shall secure his approval in writing for inclusion of his name on the convention ballot. Each candidate shall reply within 10 days as to his willingness to serve if elected.

(b) In the event of the death, declination, or unavailability of any candidate, the nominee having the next highest number of votes shall become a candidate.

(c) In the event of a tie for the final candidate position, all names involved in the tie shall be listed as candidates.

3.12.1.2 The Secretary of the Synod shall publish in the *Convention Workbook* brief biographies of the five candidates for President, the five candidates for First Vice-President, and the 20 candidates for vice-presidents two through five. This report shall contain such pertinent information as age, residence, number of years in the Synod, present position, offices previously held in a district or the Synod, year of ordination, former pastorates, involvement in community, government, or interchurch affairs, and any other specific experience and qualification for the office.

3.12.1.3 The convention shall have the right to alter each slate at the proper time by amendment.

(a) The amendment procedure shall include merely a motion, a second, and a vote on the amendment, deliberately excluding verbal characterizations and discussion of the motion (except for the chair to ascertain that the requirements have been met as to eligibility, consent, and the filing of the biographical form).

(b) Delegates making nominations from the floor shall have secured prior written consent of the candidates they wish to nominate.

(c) Such delegates shall immediately submit to the Secretary of the Synod this document and written pertinent information concerning their nominee(s) as detailed in Bylaw 3.12.1.2.

(d) After all such amendments have been voted on, the convention shall ratify the slate of candidates prior to each election.

3.12.1.4 Each voting delegate shall be entitled to vote for one of the candidates for President. The candidate receiving a majority of the votes cast shall be declared elected.

(a) If no candidate receives a majority of the votes cast, the four candidates receiving the highest number of votes shall be retained on the ballot, and another vote shall be taken.

(b) Thereafter, the candidate receiving the smallest number of votes shall be eliminated on each subsequent ballot until one candidate receives a majority of the votes cast.

3.12.1.5 After the results of the presidential election have been announced, the convention shall then elect the First Vice-President according to the procedures outlined for the election of President in Bylaws 3.12.1.3 and 3.12.1.4.

3.12.1.6 After the results of the election of the First Vice-President have been announced, the convention shall then elect vice-presidents two through five as outlined in Bylaw 3.12.1.3. The rank of vice-presidents shall be determined by the order of their election or, if more than one is elected in the same voting, by the number of votes received by each.

(a) Should one or more of the candidates be elected to the office of President or First Vice-President, their names shall be removed from the ballot without requiring the addition of other names to the ballot.

(b) In the election, each voting delegate shall be entitled to vote for as many candidates as there are offices to be filled. A candidate whose total vote equals or exceeds a majority of the number of delegates voting shall be declared elected.

(c) If more candidates receive a majority than there are offices to be filled, those receiving the greatest number of votes shall be declared elected.

(d) If not all offices are filled in such voting, the candidate or candidates receiving the least number of votes shall be eliminated so that two candidates remain for each office to be filled and another vote shall then be taken.

(e) This procedure shall be followed until all the offices have been filled.

Vice-President–Finance—Treasurer

3.12.2 The nominee or slate of nominees for the election of the Vice-President–Finance—Treasurer/Chief Financial Officer shall be provided by the Board of Directors of The Lutheran Church—Missouri Synod after consultation with the other boards on which he or she serves. The Vice-President–Finance—Treasurer shall be elected by the convention and shall not be in line of succession to the presidency of the Synod.

(a) Any additional nominations from the floor must meet the requirements of Bylaw 3.3.4.

(b) The Board of Directors shall serve as the committee for nominations for this position.

Committee for Convention Nominations

3.12.3 The Committee for Convention Nominations is to be regarded as an *ad hoc* convention committee, to which limitations on holding multiple offices do not apply.

3.12.3.1 In preparation for a convention of the Synod, one-half of the districts shall elect through their regular election procedures at the district convention one member to the Committee for Convention Nominations and an alternate:

Atlantic	North Wisconsin
California-Nevada-Hawaii	Northern Illinois
Central Illinois	Northwest
Florida-Georgia	Oklahoma
Indiana	SELC
Iowa West	South Dakota
Minnesota South	Southern
Missouri	Wyoming
Nebraska	

3.12.3.2 In preparation for the following convention, the remaining districts shall elect in the same manner:

Eastern	New Jersey
English	North Dakota
Iowa East	Ohio
Kansas	Rocky Mountain
Michigan	South Wisconsin
Mid-South	Southeastern
Minnesota North	Pacific Southwest
Montana	Southern Illinois
New England	Texas

3.12.3.3 One-half of the electing districts shall be designated by the Secretary of the Synod to elect a professional church worker and the other half a layperson, with roles reversed every six years.

3.12.3.4 The Secretary of the Synod shall handle the preliminary work for the Committee for Convention Nominations.

(a) He shall begin to solicit names of potential nominees from officers, boards, commissions, and agencies of the Synod and its districts at least 24 months prior to the convention.

(b) Approximately 24 months before a regular meeting of the Synod in convention, he shall solicit from the program boards and the synodwide corporate entity boards descriptions of criteria for qualified candidates to serve on those boards.

(c) With such criteria in view, the Secretary shall issue the first call for nominations through a publication of the Synod 18 months before the convention, soliciting names from program boards and synodwide corporate entity boards, as well as congregations, district presidents, district boards of directors, circuit counselors, and other likely sources.

(d) All incumbents eligible for re-election shall be considered for nominations.

(e) Qualifications of each candidate suggested are to be submitted together with the names.

(f) All suggested names and information for consideration by the Committee for Convention Nominations shall be submitted to the committee no later than nine months prior to the convention of the Synod.

(g) The Secretary shall present the names and information gathered to the Committee for Convention Nominations at its first meeting.

3.12.3.5 The first meeting of the Committee for Convention Nominations shall be at the call of the Secretary of the Synod within nine months prior to the convention of the Synod.

(a) The Secretary shall not serve as a member of the committee, but he shall convene the initial meeting of the committee and be available, upon call, for consultation.

(b) The committee shall elect its own chairman, vice-chairman, and secretary and shall organize its work in whatever way it deems necessary.

(c) The committee shall inform itself as to the duties and requirements of each position to be filled and thereby be guided in its selection of nominees.

(d) In the case of the boards of regents of educational institutions of the Synod, the committee shall consult with the Board for Pastoral Education and Board for University Education and receive their nominations for the various boards of regents for the committee's consideration.

3.12.3.6 The Committee for Convention Nominations shall nominate candidates for all elective offices, boards, and commissions except President, vice-presidents, and Vice-President–Finance—Treasurer.

(a) At least two candidates shall be nominated for each position.

(b) At least five months prior to the convention, the committee shall determine its complete list of candidates and alternates, obtain the consent of the persons it proposes to nominate, and transmit its final report to the Secretary of the Synod in ample time to provide for its publication in a pre-convention issue of an official periodical of the Synod and also in the *Convention Workbook*.

(c) The committee's report shall list the qualifications of various positions used in the solicitation of candidates and contain pertinent information concerning each candidate, such as age, occupation or profession, district affiliation, residence, specific experience, and qualifications for the office in question, and if the candidate so desires, also a brief personal statement.

3.12.3.7 The chairman of the Committee for Convention Nominations shall submit the committee's report in person to the convention at one of its earliest sessions.

(a) The convention may amend the slate by nominations from the floor.

(b) Floor nominations shall be brought individually before the convention for approval before being added to the ballot. No floor nominations shall be accepted which would preclude, by virtue of election limitations of such office, election of any pending nominee already on the slate of candidates received from the Committee for Convention Nominations without disclosing such potential effect immediately to the convention.

(c) Such floor nominations may only be made from the list of names which have previously been offered to the Committee for Convention Nominations prior to the final deadline established and published by the committee, unless the convention shall otherwise order by a simple majority vote.

(d) If the convention approves the receipt of such additional nominations, any delegate making such a nomination shall have secured prior written consent of the candidate being nominated and shall immediately submit it to the chairman of the Committee for Convention Nominations along with required pertinent information concerning the nominee as detailed in Bylaw 3.12.3.6 (c).

(e) The chairman of the Committee for Convention Nominations shall have on hand at the convention a reserve list of nominees, approved by the committee, for use if required.

(f) Whenever possible the Committee for Convention Nominations should be informed in advance if any new board or commission is likely to be established at a convention of the Synod, so that it may have a slate of candidates in readiness.

3.12.3.8 The Committee for Convention Nominations, in consultation with officials of the Synod, shall maintain a description of the desirable expertise required for each elected board and shall transmit this

information together with suggestions for improvement of procedures to the next committee through the Secretary of the Synod.

Committee on Elections

3.12.4 Prior to the convention of the Synod, the President shall appoint a Committee on Elections, which shall make the necessary arrangements for the elections, shall be responsible for the preparation and distribution of ballots, and shall supervise the elections and the tabulation of the votes.

(a) The President shall designate a chairman for the committee.

(b) The Secretary of the Synod shall provide the chairman with a current manual of suggested election procedures.

(c) The committee shall be empowered to adopt procedures and methods that will insure efficiency and accuracy, including the use of mechanical, electronic, or other methods of casting, recording, or tabulating votes.

(d) All ballots in each election shall be preserved by the chairman of the committee until the close of the convention and shall then be destroyed.

3.12.4.1 The names and district affiliation of the candidates in all elections—at least two for each position—shall be placed on the election ballot in alphabetical order. All names shall be listed without any distinctive mark, except where regional representation is a preference or requirement of the Synod.

3.12.4.2 The President shall determine and announce a period of time during the convention for the election of the members of all elective boards and commissions.

(a) After the election of the President, the First Vice-President, and the other vice-presidents in that order, and the election by ballot of the Secretary, the Vice-President–Finance—Treasurer, and the elective members of the Board of Directors of the Synod, the members of all elective boards and commissions shall be elected.

(b) A majority of all votes cast shall be required for election to all elective offices and elective board positions. Candidates receiving a majority on the first ballot shall be declared elected.

(c) Except in the elections of President and vice-presidents, when a second or succeeding ballot is required for a majority, the candidate receiving the fewest votes and all candidates receiving less than 15 percent of the votes cast shall be dropped from the ballot, unless fewer than two candidates receive 15 percent or more of the votes cast, in which case the three highest candidates shall constitute the ballot.

(d) The tally of the votes cast for each candidate shall be announced after each ballot in all elections.

3.12.4.3 The Committee on Elections shall report the official results of each election to the convention and shall file a written report of

the tabulation of votes of each election, certified by the chairman and at least one other member of the committee, with the convention chairman and the Secretary of the Synod.

4. District Organization

4.1 Governing Principles

4.1.1 The Synod is not merely an advisory body in relation to a district, but establishes districts in order more effectively to achieve its objectives and carry on its activities.

4.1.1.1 A district is the Synod itself performing the functions of the Synod. Resolutions of the Synod are binding upon the districts.

4.1.1.2 The Constitution of the Synod is also the constitution of each district. The Bylaws of the Synod shall be primarily the bylaws of the district.

(a) A district may adopt additional bylaws, regulations, and resolutions necessary or proper for its own administration or for effectively carrying on the work of the Synod. These shall not conflict with the Constitution and Bylaws of the Synod.

(b) The bylaws and regulations of the district and any subsequent change therein shall be submitted to the Commission on Constitutional Matters of the Synod for review and approval.

4.1.1.3 The Synod decides when and whether a district shall be formed, divided, realigned, or merged with another or other districts, or dissolved; determines the boundaries of a district; and approves the name of a district.

(a) A proposal calling for the formation, division, realignment, merger, or dissolution of a district or districts may be initiated by a national convention of the Synod or the Board of Directors of the Synod.

(b) Such proposals shall

(1) be submitted to the President at least six months prior to a convention of the Synod;

(2) be produced in consultation with the Department of Planning and Research;

(3) include a substantiated description of the nonviable aspects of the current district(s) on the basis of general principles of viability adopted from time to time by conventions of the Synod, and shall specify the problems or factors which make the adoption of the proposal advisable or necessary;

(4) provide evidence that the proposed change is the best of the options available;

(5) provide a specific and realistic development plan for the proposed district(s), including detailed proposals for staff personnel and financial operations; and

(6) be the object of an evaluation prepared by the Board of Directors of the Synod and submitted to the convention.

4.1.1.4 Transfer of congregations between districts is completed upon approval of the respective district boards of directors at the request of the congregation.

4.1.1.5 Transfer of congregations between partner churches requires the additional approval of the governing boards of the church bodies.

4.1.2 The membership of a district consists of all those members of The Lutheran Church—Missouri Synod (congregations, ordained and commissioned ministers) who have been received into the district at the time of joining the Synod, who have been transferred from another district, or who have been assigned to the district by the Synod.

4.1.2.1 Termination of membership in the Synod terminates membership in a district.

4.1.3 A district may incorporate or adopt such other convenient form of association as may be permitted by the civil laws under which the district carries on its activities. The form of incorporation or association and any subsequent proposed change thereof shall be submitted to the Commission on Constitutional Matters of the Synod for review and approval before adoption by the district and before presentation to the proper civil authorities.

4.1.4 Upon dissolution of a district, all property and assets to which the district holds title or over which it has control shall be transferred immediately to the Synod or its nominee.

4.1.4.1 Upon dissolution of a corporation controlled by a district (through its board of directors or its member congregations), the assets of such corporation shall be distributed to the district, or, if the district is not in existence, to The Lutheran Church—Missouri Synod.

4.1.5 Jurisdiction with respect to everything that is administered by or for the entire Synod resides in the national Synod itself. Jurisdiction includes but is not limited to general supervision of doctrine and practice; foreign missions; institutions of the Synod; qualification for ordination, commissioning, and installation of ordained and commissioned ministers and requirements for individual as well as congregational membership in the Synod; publication of official religious periodicals; conduct of negotiations and affiliations with other church bodies; and the like.

4.1.6 The relationship of a congregation to the district is the same as the relationship of a congregation to the Synod as defined in Article VII of the Constitution of the Synod and Bylaw sections 1.3, 1.6, 1.7, and 1.8.

4.1.6.1 Relationships on the district level are those as defined in Bylaw section 1.4.

4.1.7 Officers of the district shall have primary responsibility for district implementation of decisions of the Synod at the national level as they apply at the district level and within the boundaries

of the respective district and for implementation of decisions of the district convention and district agencies.

4.1.7.1 Communications between national and district levels shall be maintained in order to carry out the most effective and coordinated programs possible.

4.2 District Conventions

4.2.1 Conventions of the districts shall afford opportunities for worship, nurture, inspiration, fellowship, and the communication of vital information. They are the principal legislative assemblies, which amend the district's articles of incorporation and bylaws, consider and take action on reports and overtures, and handle appropriate appeals.

(a) The conventions of the districts shall be governed by the bylaws adopted by the Synod for its conventions, insofar as these may be applicable.

(b) Each district may adopt other regulations, provided these are not contrary to the Constitution and Bylaws of the Synod.

(c) The president of the district shall conduct the sessions according to accepted parliamentary rules and shall so arrange the schedule of business that the sessions do not extend beyond six business days.

4.2.2 The delegates of a voting congregation to a district convention shall be accredited.

(a) They shall be entitled to vote upon presenting to the secretary at the opening of the convention the proper credentials provided by the district secretary and signed by two of the congregation's officers.

(b) All duly elected voting delegates shall attend all sessions of the convention regularly until the close of the convention.

4.2.3 All nonvoting ordained and commissioned ministers who are members of the Synod within the district shall serve as advisory delegates.

(a) They are entitled to voice and vote on a floor committee, if appointed, and to voice in the convention.

(b) All advisory members are expected to attend all sessions of the convention.

(c) Those advisory members whose office in the Synod, district, or other agency imposes professional or service requirements on which full and regular convention attendance makes undue demands, shall nevertheless, in consultation with their supervisory boards, arrange for their own partial or occasional attendance and participation in accordance with policies established by their supervisory boards.

4.2.4 The President of the Synod or his representative shall report on the condition and affairs of the Synod. He shall also deliver the sermon at the opening or convention service.

4.3 District Officers

4.3.1 The following officers shall be elected from the clergy roster of the Synod by each district: a president, two or more vice-presidents, a secretary, and a circuit counselor for each circuit established by the district.

4.3.2 Each district shall have a treasurer who shall be a layperson and shall be elected or appointed as the bylaws of the district may provide.

4.3.3 All officers and members of boards shall be members of member congregations of the district upon assuming office and during the course of their tenure.

4.4 District President

4.4.1 The district president is the chief executive officer of the district.

(a) Upon him is incumbent the responsibility that the resolutions of the district are implemented.

(b) He shall report to the district convention.

4.4.2 The district president shall represent the Synod in his district.

(a) He shall cause the resolutions of the Synod to be implemented in the district.

(b) He shall regularly report to the President of the Synod.

(c) He shall serve the congregations of the district as liaison between the congregations, district, and the Synod.

4.4.3 The district president shall represent the Synod in connection with all ordinations, commissionings, and installations.

(a) ***First calls:*** Ordinations, commissionings, and initial installations shall be conducted by or at the direction of the district president when the requirements of Bylaw 2.10.2 (a) have been satisfied.

(b) ***Missionaries:*** The authorization for the ordination or commissioning and the installation of a missionary called into the foreign fields, whether as a first or subsequent call, shall be issued upon the request of the Board for Mission Services by the president of the district in which the missionary resides. The authorization with respect to the ordination or commissioning and the installation for service within a district of the Synod, whether as a first or subsequent call, shall be issued by the president of that district.

(c) ***Synod staff members:*** Ordained and commissioned ministers who are members of the Synod called or appointed to serve

the national Synod shall be installed, in accordance with forms and practices developed by the Synod for that purpose, by the president of the Missouri District, or by his representative.

(d) ***Professors and instructional staff members:*** Ordained and commissioned ministers who are members of the Synod called or appointed to serve at the Synod's educational institutions as professors and instructional staff members shall be installed, in accordance with forms and practices developed by the Synod for that purpose, by the president of the district in which the institution is located, or by his representative.

(e) ***Second and subsequent installations of ministers:*** Except as provided in the foregoing paragraphs, ordained ministers and commissioned ministers who have been duly called to a position of full-time service shall be installed upon authorization by the appropriate district president. Each installation shall be conducted, in accordance with forms and practices developed by the Synod for that purpose, by the district president or by an ordained minister designated by the district president.

4.4.4 The district president shall, in accordance with the Constitution of the Synod, in his ministry of ecclesiastical supervision visit the congregations of the district.

(a) He shall arrange in advance for an official visit to each congregation of his district at least once every three years and otherwise as he deems it necessary. He may call upon the circuit counselors and vice-presidents to assist him with the triennial visitation of congregations.

(b) In his official visits he shall seek to bring about to the greatest possible degree the achievement of the Synod's objectives as expressed in Article III of its Constitution.

(c) He shall conduct his official visits in an evangelical manner.

(d) He shall come to the pastor and the congregation as a brotherly advisor, reminding them of the joy of serving in the mission and ministry of the church.

(e) In his visits he shall include fraternal discussion in regard to worship and Communion attendance; participation by the congregation in missions and the work of the church at large; the congregation's evangelism and education endeavors; its cultivation of sound stewardship principles; all aspects of compensation for professional church workers; the need for maintenance of purity of doctrine; the strengthening of the bond of Christian fellowship; and the provision of resources, opportunities, and assistance so God's people can grow in their faith, hope, and love.

(f) The jurisdiction of the district president shall include nonmember congregations whose pastors are members of the Synod. However, for the purpose of official visits in such a congregation the consent of the congregation shall first be secured. The district

president may appoint the circuit counselor in whose circuit such a congregation is located to be his official representative.

4.4.5 Each district president, in accordance with the Constitution of the Synod, shall supervise the doctrine, the life, and the official administration on the part of the ordained or commissioned ministers who are members through his district or are subject to his ecclesiastical supervision, and shall inquire into the prevailing spiritual conditions of the congregations of his district.

(a) As often as possible he shall attend the conferences of pastors and teachers held in his district, advise the congregations of his district as to the calling of pastors and teachers, give counsel, and respond to requests and inquiries.

(b) He may call upon circuit counselors to assist him.

4.4.6 The district president, even without formal request therefor, may through the proper channels arrange for an official visit or investigation when a controversy arises in a congregation or between two or more congregations of the district or when there is evidence of a continuing unresolved problem in doctrine or practice.

(a) He shall ask for a full report on the case in order that he may have a clear understanding of the situation.

(b) If he authorizes anyone to represent him in such matters, his representative shall be accorded the same rights as the district president.

4.4.7 The district president shall be responsible for maintaining the official rosters of his district.

(a) He shall add the names of those ordained or commissioned ministers initially placed in the district and those accepting a call to or otherwise transferring to the district.

(b) He shall remove the names of those who have died or have resigned their membership or have had their membership in the Synod duly terminated.

(c) An ordained or commissioned minister accepting a call to a congregation in a sister district or to an institution which relates to such district shall immediately report such decision to his district president and ask for a transfer of membership. The district president shall forward such transfer to the president of the sister district.

(d) Upon receipt of the transfer and of a request for installation from the minister of religion, the district president of the sister district shall install or authorize installation of such minister.

(e) He shall regularly forward roster reports to the Secretary of the Synod.

4.4.8 The district president shall revise annually the official rosters of ordained ministers and of commissioned ministers for publication in *The Lutheran Annual.*

4.5 District Board of Directors

4.5.1 Each district shall elect a board of directors, the size and composition of which shall be determined by the bylaws of the district. It shall have such powers and duties as are accorded to it by the Constitution, Bylaws, Articles of Incorporation, resolutions, and policies of the Synod, as well as those of the district.

(a) Subject to such limitations, it shall operate within the applicable federal and state laws.

(b) It shall be vested with the general management and supervision of the district's business and legal affairs and shall adopt policies and require procedures which assure that said management and supervision is effected.

(c) In fulfilling its functions and in coordinating its work with the Synod, the board shall be guided generally by the functions of the Board of Directors of the Synod as defined in Bylaws 3.3.5ff as these apply to districts.

(d) Between conventions it shall provide for implementation within the district of the decisions of the national and district conventions and allocate necessary funds for the support of the national and district budgets.

4.6 District Committee or Board for Stewardship

4.6.1 Each district shall elect or appoint a committee or board for stewardship.

(a) This board shall cooperate with the Synod's Department of Stewardship and shall assist and advise local congregations in the development and promotion of an adequate stewardship program.

(b) Districts are advised to provide for the systematic supervision and qualified guidance and promotion of stewardship education, where possible establishing and maintaining the office of a stewardship counselor or secretary, who shall be responsible to the district stewardship board.

(c) Each district may invite a representative of the Synod to meet for mutual assistance in budget planning for mission and ministry.

(d) Each district shall arrange for adequate time at its convention for a report on the mission and ministry program of the Synod, made by a representative of the Synod assigned by the President of the Synod.

4.7 District Nominations, Elections, and Appointments

4.7.1 Each district may adopt regulations for the nomination and election of its president, the nomination, election, and ranking of its

vice-presidents, and the succession in case of vacancies, as long as these provisions do not conflict with the Bylaws of the Synod.

4.7.2 A nominating committee of each district shall be elected by the district convention. Nominating committees may not be employed in the election of the president and vice-presidents.

4.7.3 A majority of all votes cast shall be required in every election to all elective offices and elective board positions. Except in the election of the president and the vice-presidents, the following regulations shall apply:

(a) Candidates receiving a majority on the first ballot shall be declared elected.

(b) When a second or succeeding ballot is required for a majority, the candidate receiving the fewest votes and all candidates receiving less than 15 percent of the votes cast shall be dropped from the ballot, unless fewer than two candidates receive 15 percent or more of the votes cast, in which case the three highest candidates shall constitute the ballot.

(c) In every election balloting shall continue until every position has been filled by majority vote.

4.7.4 Terms of office shall be as follows: (1) Elected officers, appointed boards and commissions—three years. (2) Elected board and commission members—three years. However, districts may adopt bylaws setting such terms at six years instead of three years.

4.7.5 Limitation of tenure, if any, may be determined by a district.

4.8 Official District Conferences

4.8.1 Official conferences shall be conducted for the spiritual and professional growth of their members.

(a) Conferences, whether official or unofficial, provide a means for ordained and commissioned ministers to relate together on a regular basis.

(b) Matters pertaining to Christian doctrine and practice, to professional problems, to the proper conduct in office, to private study, to the welfare of the respective congregations and schools, to the work of the Synod, including the district, or to any other professional matter should at all times receive due and sympathetic attention.

(c) The minutes and essays or a reasonably comprehensive summary of the essays accepted by the pastoral conference and by the teachers conference in plenary and sectional meetings shall be mailed to the office of the district president for review and for the district's record within one month following such conference.

(d) Professional conferences have no administrative functions in the Synod.

4.8.2 Official conferences for all ordained and commissioned ministers on the respective rosters of the Synod shall meet, if possible, in plenary sessions at least once each year.

(a) The members of official conferences are to aim to cultivate positive relationships, to be mutually helpful in every way possible, and to encourage, instruct, and admonish one another in a spirit of sincerity and Christian love.

(b) Such conferences may meet more frequently in major sections (not more than four sections) whose geographical boundaries shall be established by the district in convention.

(c) Such major sectional meetings shall be regarded as sessions of the official conference.

(d) All ordained and commissioned ministers on the district rosters are expected to attend meetings of their official conference or present a valid excuse.

(1) Attendance at the official conferences shall be obligatory for ordained and commissioned ministers serving in congregations and parishes.

(2) Those whose offices in the Synod, district, or other agency impose professional or service requirements on which full and regular conference attendance makes undue demands shall, nevertheless, in consultation with their supervisory boards, arrange for their own partial or occasional attendance and participation in their own official conferences in accordance with policies established by their supervisory boards.

4.8.3 The plenary and any sectional conferences may adopt and submit overtures to conventions of the Synod, including those of districts.

4.9 Other District Meetings

4.9.1 Other meetings also may exist to consider matters of doctrine, exegesis, and practical theology, and may be used for promotion of the basic activities of the church. Such meetings, including circuit conferences, shall not be regarded as official conferences.

(a) Pastors, teachers, directors of Christian education, directors of Christian outreach, *[directors of family life ministry,] directors of parish music, deaconesses, certified lay ministers, and parish assistants are encouraged to meet also jointly for the purpose of discussing doctrinal, professional, and practical matters.

(b) Ordained and commissioned ministers are also encouraged to organize smaller meetings in addition to their official conferences.

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* Inclusion of directors of family life ministry into this paragraph is dependent upon ratification by a two-thirds majority of the congregations of the Synod of the constitutional amendment adding directors of family life ministry to the list of commissioned minister members of the Synod.

(c) Intersynodical conferences for the study of theology are desirable and are encouraged on a regular basis. They also are not official conferences.

5. Circuit Organization

5.1 Visitation Circuits

5.1.1 Each circuit shall consist of 7 to 20 member congregations involving an aggregate communicant membership from 1,500 to 10,000.

(a) Exceptions to these requirements and limitations can be made only by the President of the Synod.

(b) Exceptions must be requested by the district board of directors.

5.2 Circuit Counselors

5.2.1 The circuit counselor is the principal officer of the circuit and serves in accordance with the duties assigned to this position in the Constitution and Bylaws of the Synod and the bylaws of the districts.

(a) The circuit may select such other officers as it deems necessary.

(b) The circuit may create such other offices as may be desirable and also appoint committees for specific assignments.

(c) The circuit counselor may appoint from member congregations of the circuit, with the approval of the district president, pastors, teachers, or laypersons to assist him in fulfilling his responsibilities.

5.2.2 The circuit counselor shall hold his position by virtue of his election by action of the district convention.

(a) Every voting congregation of each circuit shall be entitled to nominate as a candidate for the office of circuit counselor either one or two individual pastors of the member congregations of the circuit or from among the emeriti who hold membership in one of the member congregations of that circuit.

(1) The nominations shall be made at least four months prior to the elections and shall be submitted to the nominating committee through the secretary of the district.

(2) The pastor who receives a majority of votes cast on the nominating ballot shall be the nominee.

(b) If no candidate has received a majority, the district secretary shall forward to each congregation in that circuit an additional ballot with the names of the two men, or more in case of a tie, receiving the highest number of votes in the initial balloting.

(1) The congregations shall then mark their ballot with one name and return it to the district secretary by the date specified by him.

(2) The pastor who receives the majority of votes cast shall be the nominee.

(c) If no pastor has received a majority in the voting, a circuit caucus shall be held during an early session of the convention at a specified time on the agenda. Balloting shall take place by the pastors and lay delegates of the circuit until one pastor receives the majority of votes.

(d) Should the candidate(s) no longer be available for this office, the circuit caucus shall have the right to act on behalf of the congregations to nominate a replacement.

(e) The convention shall have the right to alter the slate by amendment.

(f) The convention shall then ratify the slate of circuit counselors, which ratification shall constitute election.

5.2.2.1 Vacancies that occur in the office of circuit counselor between conventions shall be filled by appointment by the district president.

5.2.3 Each circuit counselor shall assist the district president within the circuit.

(a) He shall serve under the direction of and be accountable to the district president and shall serve as his spokesman when so authorized and directed, and shall assist him in doctrinal and spiritual supervision.

(b) He shall serve in a servant role.

(c) He shall seek to remind and encourage members of the circuit of their responsibilities as God's people and the privilege they have in being about His mission.

(d) He and any other officers of the circuit shall have the primary responsibility for maintaining liaison between the circuit and the Synod at the national and district levels.

(e) He shall be conversant with and supportive of synodwide and district resolutions and programs.

(f) He shall seek to strengthen the spirit of cooperation among pastors, commissioned ministers, and congregations.

(g) He may, when requested to do so by the district president, serve as a mediator to effect reconciliation of disputes within the circuit not under dispute resolution of the Synod as outlined in section 1.10 of these Bylaws.

(h) He shall regularly convene the pastors of his circuit for circuit conferences.

(i) He shall regularly report on his activities to the district president.

(j) The district president shall meet with the circuit counselors of the district at least once per year to discuss their work, to encourage them, and to conduct ongoing training for congregational and pastoral visits.

(k) The circuit counselor is authorized to draw on the district treasury for his expenses.

5.2.3.1 The circuit counselor shall, when requested to do so by the district president, serve as his representative in the triennial visitation of the congregations of the circuit.

(a) In doing so, he should keep in mind the glory and responsibility of the universal priesthood of all believers as it applies to the congregations. He shall remind them that they are "a chosen generation, a royal priesthood, a holy nation, a peculiar people to show forth the praises of Him who has called them out of darkness into His marvelous light."

(b) He shall endeavor to strengthen the spirit of unity among circuit congregations to effect mission and ministry and shall seek to strengthen and support the spirit of fellowship.

(c) When he is requested to make an official visit to a congregation by the district president, he shall arrange for such visits in advance with the respective pastor and congregation, except under extraordinary circumstances.

5.2.3.2 The circuit counselor shall serve the pastors of the circuit as a collegial and brotherly adviser, reminding them of the joy of the ministry and of its great responsibilities.

(a) He shall encourage the fellow pastors of the circuit in their preaching and teaching; in the exercise of church discipline in an evangelical manner; and in the proper supervision of Christian education and training in the parish.

(b) He shall encourage, in a brotherly manner, the pastors of the circuit in their spiritual and family life.

(c) He shall encourage the pastors of the circuit to continue both formal and informal continuing professional education.

5.2.3.3 The circuit counselor shall assist the district president, as assigned, in the ecclesiastical supervision of the other members of the Synod in the circuit.

5.3 Circuit Forums

5.3.1 The circuit forum is the group which aids the process of keeping congregations, particularly the lay leaders, commissioned ministers, and pastors, supportive of one another in their common confession and mutually active in developing programs for the good of member congregations, in considering and recommending new work, and in suggesting improvements for services and programming at the national and district levels and is encouraged to meet at least twice a year.

(a) The circuit counselor shall endeavor to provide resources, opportunities, and assistance so God's people can grow in their faith.

(b) Among the functions which the circuit forum may perform are the following:

(1) To study the Scriptures and the Confessions in order to promote an evangelical spirit in our walking together.

(2) To develop and adopt within existing policies of the respective district complementary and sometimes joint plans for mission outreach in the circuit area.

(3) To devise and develop programs and services relevant to the needs of circuit congregations, lay leaders, teachers, and pastors.

(4) To receive and respond as appropriate to advice, guidance, resolutions, and programs in other sections of the Synod as such may be addressed to it from other circuits, the respective district, and the general Synod.

(5) To serve as a setting to review and evaluate programs, plans, and long-range directions of the district and the Synod.

5.3.2 The circuit forum consists of a pastor of each congregation and one member of each congregation designated by the congregation.

(a) Depending on each circuit's adopted objectives, the circuit may provide for additional representation from each congregation.

(b) The circuit counselor and any other officers shall have the primary responsibility of preparing the agenda for the circuit forum.

(c) The circuit counselor shall ordinarily serve as chairman of the circuit forum.

5.3.3 The circuit forum will meet at least once triennially to elect circuit delegates to the national convention. It shall elect the pastoral and lay delegates and their alternates to the national convention of the Synod according to the regulations of the Synod. The lay delegate shall, upon election, serve through the triennium following the next convention as an advisory member of the circuit forum.

5.3.4 The circuit forum shall be qualified to submit overtures to national and district conventions.

5.4 Circuit Convocations

5.4.1 The circuit convocation is a larger gathering of members from circuit congregations during a year in which there is no national or district convention.

5.4.2 The purpose of a circuit convocation is to provide a setting in which congregational members may know of and celebrate the ministry pursued by each congregation, may review and discuss the work of the circuit forum, and may receive information on various phases of the work pursued through districts and the Synod.

(a) Its emphasis should be on inspiration, education, and motivation.

(b) The circuit counselor shall serve as chairman of the circuit convocation and other circuit gatherings.

(c) The circuit counselor and any other officers shall have the primary responsibility of preparing the agenda for the circuit convocation.

6. Auxiliary and Recognized Service Organizations

6.1 Auxiliaries

6.1.1 An auxiliary exists as an arm of the Synod and has as its primary function aiding the Synod, specifically in programs that extend the ministry and mission of the Synod. Auxiliary status is presently limited to the International Lutheran Laymen's League and International Lutheran Women's Missionary League.

6.1.2 An organization desiring to be recognized as an auxiliary of the Synod shall apply for that status to a convention of the Synod through the Board of Directors of The Lutheran Church—Missouri Synod.

6.1.2.1 An organization desiring to be recognized as an auxiliary of the Synod shall satisfy the following requirements:

(a) Be national in scope and voluntary in membership and participation.

(b) Identify itself with the Synod but not be a part of the Synod's constitutional structure.

(c) Operate with freedom and self-determination as a ministry and be independent of the Synod in its organization and administration, in the establishment and evaluation of its own objectives, activities, and programs, and in financial matters, while complying with the responsibilities outlined in this bylaw.

(d) Coordinate plans and programs with those of the Synod through regular sharing and contact with representatives of those boards to which the Synod has assigned specific responsibilities (boards of the Synod will share with the auxiliaries in a similar manner).

(e) Be classified by the Internal Revenue Service as a 501 (c) (3) corporation.

(f) Have membership made up of persons who are baptized members of congregations that are members of The Lutheran Church—Missouri Synod and all partner churches.

6.1.2.2 Auxiliaries shall continue to meet the above requirements for continued recognition.

6.1.3 An auxiliary assumes the following responsibilities:

(a) It reports annually, through its president, to the President of the Synod and, upon his request, to conventions of the Synod.

(b) It provides the Synod, through its president, with an annual program report for sharing with the appropriate boards.

(c) It keeps the Synod advised of any new program under consideration.

(e) It submits all material of a biblical or theological nature to the Synod for doctrinal review.

(f) It is responsible for its own debts and liabilities and so indicates in all of its agreements of a financial nature, statements of ownership, financial offers, and other legal documents, agreements, and promotional materials, and all other communications of a financial nature in accordance with criteria determined by the Board of Directors of the Synod, so that it is clear that being an auxiliary is not regarded as an endorsement by the Synod of its organization and administration, or as a guarantee on the part of the Synod for the fiscal solvency of, or any financial responsibility for, the organization or for services expressly offered or implied.

(g) It honors and upholds the doctrine and practice of The Lutheran Church—Missouri Synod as set forth in the Scriptures and the Lutheran Confessions.

6.1.4 Being a recognized auxiliary of the Synod offers the following privileges:

(a) Eligibility of ordained and commissioned ministers of the Synod serving such organizations to remain on the membership rosters of the Synod as "active members," if otherwise eligible.

(b) Eligibility for obtaining church extension loans from the Lutheran Church Extension Fund—Missouri Synod (LCEF), unless the policies of LCEF preclude such organization as an eligible borrower.

(c) Eligibility to be an "employer" under the various Worker Benefit Plans of the Synod unless the policies of such a plan preclude such organization as an eligible employer.

(d) Recognition of the auxiliary in the *Handbook* of the Synod and listing of the organization in *The Lutheran Annual* as an auxiliary of the Synod, provided that such listing shall be prefaced by a statement that recognition is not a guarantee on the part of the Synod for the fiscal solvency of the auxiliary, or any financial responsibility for such organization or for services expressly or impliedly offered.

(e) The opportunity to report to conventions of the Synod.

(f) The opportunity to raise funds within the Synod to support the auxiliary's programs.

6.2 Recognized Service Organizations

6.2.1 The granting of recognized service organization status by the Synod signifies that a service organization, while independent of the Synod, fosters the mission and ministry of the church, engages in program activity that is in harmony with the programs of the boards of the Synod, and respects and does not act contrary to the doctrine and practice of the Synod.

(a) Under the governance and policies of its own board, a recognized service organization operates with freedom and self-determination as a ministry organization independent of the Synod or districts or congregations of the Synod in the establishment and evaluation of its own objectives, activities, and programs, in organization and administration, and in financial matters.

(b) The Board of Directors of The Lutheran Church—Missouri Synod shall adopt common policies for granting recognized service organization status.

(c) Each operating board of the Synod may also adopt policies and criteria to assure that its unique needs are met and shall report these to the Board of Directors.

6.2.2 Recognized service organization status may be granted to a service organization (other than an auxiliary) that extends the mission and ministry of the Synod but is not part of the Synod as defined by its Constitution and Bylaws.

(a) Requests for recognized service organization status shall be made to the board of the Synod to which the organization desires to relate.

(b) Within the area of its responsibility, each board of the Synod may determine those organizations to which recognized service organization status will be granted.

6.2.3 Each board of the Synod shall adopt policies requiring each recognized service organization to give its assurance in its governing documents that recognition as a service organization is not an endorsement by the Synod or a guarantee of financial responsibility for the debts and obligations of the organization or for services provided or offered.

7. Amendments to Bylaws

7.1 Amendments to the Bylaws may be made using one of two procedures, provided they are not contrary to the Constitution of the Synod.

7.1.1 Amendments may be made by conventions of the Synod.

(a) They shall be presented in writing to a convention of the Synod.

(b) They shall be specified as bylaw amendments and considered by a convention floor committee.

(c) They shall be examined by the Commission on Constitutional Matters prior to presentation to the convention to determine that they are not in conflict with the Constitution and Bylaws of the Synod.

(d) They shall be adopted by the affirmative vote of a majority of the delegates present and voting.

7.1.2 In exceptional circumstances and upon the express direction of a convention of the Synod, amendments may be made by a two-thirds majority of the Board of Directors.

(a) Such amendments to the Bylaws shall be necessary to implement resolutions adopted by a convention of the Synod.

(b) Such amendments shall be drafted by the Secretary of the Synod and shall be reviewed by the Commission on Constitutional Matters.

ARTICLES OF INCORPORATION

Article I Name, Duration, Registered Office, and Agent

a. The name of this corporation shall be "The Lutheran Church—Missouri Synod."

b. The period of duration of the corporation is perpetual.

c. The address of the registered office of the corporation is 1333 S. Kirkwood Road, St. Louis, Missouri.

d. The name of the registered agent of the corporation is CT Corporation System.

Article II Objectives

The objectives of this corporation shall be:

a. To unite in a corporate body the congregations of the Evangelical Lutheran Church that acknowledge and remain true to the *Book of Concord* of the year of our Lord 1580 as a true exhibition of sound Christian doctrine.

b. To train ministers and teachers for service in the Evangelical Lutheran Church.

c. To assist and advise congregations, pastors, and teachers affiliated with The Lutheran Church—Missouri Synod and to exercise supervision over such pastors and teachers as to doctrine, practice, and performance of their official duties.

d. To establish, build, conduct, and maintain theological seminaries, colleges, academies, schools, and other institutions of learning.

e. To assist in the establishment of Lutheran congregations and preaching stations.

f. To spread the Gospel by means of radio and television broadcasting, visual education, and all other forms of missionary endeavor throughout the world.

g. To print, publish, purchase, sell, and otherwise disseminate Bibles, books, periodicals, literature, music, and other supplies for congregations, schools, Sunday schools, preaching stations, and institutions.

h. To establish and conduct all such enterprises and endeavors and to exercise such further power as may be necessary or expedient to carry out the objectives stated in the Constitution of The Lutheran Church—Missouri Synod.

Article III Membership

Membership in the corporation is held and may be acquired by congregations, ministers of religion–ordained and ministers of religion–commissioned, as defined by the Constitution and Bylaws, who confess and accept the confessional basis of Article II of the Constitution of The Lutheran Church—Missouri Synod. The member congregations of The Lutheran Church—Missouri Synod shall be the voting members of the corporation. Congregations shall exercise their voting power through clergy and lay delegates distributed among the member congregations in such number as may be determined from time to time by the Bylaws of The Lutheran Church—Missouri Synod.

Article IV Meetings

This corporation shall have general meetings, called synodical conventions, at least once every three years, or as often as may be determined by resolution of the corporation. Special meetings may be called in such manner as may be provided by the Constitution or Bylaws of The Lutheran Church—Missouri Synod. All officers, the Board of Directors of corporate Synod, and all corporations, boards, and other subordinate bodies defined in such Constitution or Bylaws shall be responsible to the synodical convention which is the ultimate authority of the corporation.

Article V Officers

The corporation shall have a board of directors of such number and qualifications and who shall be elected in such manner and for such terms of office as shall be set forth in the Constitution or Bylaws of The Lutheran Church—Missouri Synod. In addition, the corporation shall have officers having such qualifications and who shall be elected or appointed in such manner and for such terms of office as provided for in the Constitution or Bylaws of The Lutheran Church—Missouri Synod.

The management authority and duties of the Board of Directors of the Synod shall be limited to the extent such authority and duties are delegated by the Constitution and Bylaws of The Lutheran Church—Missouri Synod to other officers and agencies of the Synod. The management authority and duties of the Board of Directors and such other officers and agencies shall be defined in the Constitution and Bylaws, and each of them shall be responsible to the Synod for the proper and prudent fulfillment of the authority and duties so designated to them. In the case of any conflict or uncertainty in determining the authority and duties of the Board of Directors and such other officers and agencies, the opinions of the Commission on Constitutional

Matters interpreting the Constitution and Bylaws of The Lutheran Church—Missouri Synod shall be binding, unless and until overruled by a synodical convention.

Article VI Property

This corporation shall have power to acquire by gift, grant, demise, devise, bequest, purchase, or otherwise, property of every kind and description, real, personal, or mixed; to hold and use such property and deal with, or dispose of, any or all such property by sale, exchange, or gift, when necessary or expedient to carry out the objects and purposes of the corporation; to receive, maintain, and administer endowments, legacies, pension funds, retirement funds, and such other general or trust funds as may be necessary for the operation of said corporation or for the accomplishment of its purposes; provided that all such property shall be acquired, dealt with, or disposed of in a manner not in conflict with the laws of the State of Missouri or of the laws of any state in which said property is located.

Article VII Bylaws

This corporation shall have and make such bylaws as may be necessary to accomplish its purposes and shall have power to create such corporations, boards, offices, and other subordinate bodies as may be necessary to accomplish its general and special objectives and in such bylaws assign responsibilities to those bodies.

Article VIII Amendments*

Amendments to these Articles of Incorporation may be made at any time at a regular called meeting of this corporation by the affirmative vote of a two-thirds majority of the delegates present and voting or by a simple majority of all delegates, whichever is less, provided such amendments are not inconsistent with the Constitution of The Lutheran Church—Missouri Synod or Constitution and laws of the United States or the State of Missouri.

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* The Articles of Incorporation of the Synod were approved July 3, 1894. They were amended in their entirety by the synodical convention of 1956. Article IV was amended by the 1962 synodical convention and Article V, paragraph 2, by the 1965 convention. Both of the amendments were approved by the Circuit Court of the City of St. Louis.

The Synod at its 1967 convention, on advice of counsel, resolved to accept the provisions of the Missouri "General Not-for-Profit Corporation Act" enacted in 1959. This act simplifies corporate procedure and makes it unnecessary to apply to the Circuit Court of the City of St. Louis for approval of amendments. Only two changes were needed. In Article I, sections b, c, and d were added, and the clause in Article VIII for court approval of amendments was deleted.

In 1998 changes were made in Articles I and V deleting references to specific officers, incorporating the objectives of the Synod by reference in Article II, and clarifying Articles III and IV regarding congregations as the voting members of the Synod and the conventions of the Synod as its general meetings. The Constitution and Bylaws were referenced in Articles VII and VIII.

In 2004 a change was made to Article III by deleting references to specific categories of ministers of religion–commissioned and referring to definitions provided in the Constitution and Bylaws. A second change, adding a second paragraph to Article V, clarifies that limitations are placed upon the Board of Directors and other officers and agencies of the Synod by its Constitution and Bylaws.

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