Virginia Lutherans

FAITHFUL + BOLD + SERVING

Virginia Synod, Evangelical Lutheran Church in America

Virginia Synod of the Evangelical Lutheran Church in America

Constitution,
Bylaws,
and
Continuing Resolutions

Evangelical Lutheran Church in America

God's work. Our hands.

TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER 1. NAME OF INCORPORATION	2
CHAPTER 2. STATUS	3
CHAPTER 3. TERRITORY	4
CHAPTER 4. CONFESSION OF FAITH	5
CHAPTER 5. NATURE OF THE CHURCH	6
CHAPTER 6. STATEMENT OF PURPOSE	7
CHAPTER 7 SYNOD ASSEMBLY	13
CHAPTER 8. OFFICERS	18
CHAPTER 9. NOMINATIONS	27
CHAPTER 10. SYNOD COUNCIL	29
CHAPTER 11. COMMITTEES AND ORGANIZATIONAL UNITS	33
CHAPTER 12. CONFERENCES, CLUSTERS, COALITIONS, AREA SUBDIVISIONS, AND NETWORKS	35
CHAPTER 13. CONGREGATIONS	36
CHAPTER 14. ORDAINED MINISTERS AND LAY ROSTERED MINISTERS	40
CHAPTER 15. FINANCIAL MATTERS	48
CHAPTER 16. INDEMNIFICATION	50
CHAPTER 17 CONSULTATION AND ADJUDICATION	53
CHAPTER 18. AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS	55

Introduction

June 2021 Seventh Edition

This edition of the Constitution and Bylaws of the Virginia Synod, Evangelical Lutheran Church in America supersedes all previous editions. It incorporates all amendments approved by the Synod Assemblies and by the 2007, 2009, 2011, 2013, 2016 and 2019 Churchwide Assemblies.

The provisions of the Constitution, the Bylaws, and the Continuing Resolutions that pertain to the same matter have been placed together. This arrangement requires that the three types of material be identified by means other than physical separations. The three types of provisions are identified by the following devices:

a. The numbers of all constitutional provisions are printed in **boldface** type.*
b. The numbers of all bylaw provisions are printed in regular type, with certain exceptions.
c. The numbers of all continuing resolution provisions are printed in *italics.*
d. All numerical codification indicates general subject, constitutional provisions, bylaw provisions, and continuing resolutions. For example, **†S7.01.** is a constitutional provision dealing with the synod assembly; *S7.21.A92*. is a continuing resolution adopted in 1992 dealing with the allocation of lay members of the Synod Assembly.

* All provisions and bylaws mandated by the ELCA Constitution have a "**†**" before the numerical codification (e.g., **†S1.01.** and **†S6.03.01.**).

Chapter 1. NAME AND INCORPORATION

†S1.01. The name of this synod, as determined by the Churchwide Assembly, shall be Virginia Synod of the Evangelical Lutheran Church in America.

†S1.02. For the purposes of this constitution and the accompanying bylaws, the Virginia Synod of the Evangelical Lutheran Church in America is hereafter designated as "this synod" or "the synod."

S1.02.01. For purposes of these bylaws, "this synod" shall refer to the Virginia Synod of the ELCA.

S1.02.02. For purposes of these bylaws, "bishop" shall refer to the bishop of the Virginia Synod of the ELCA

S1.02.03. For purposes of these bylaws, "full term" is more than one-half of a term.

†S1.11. This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.

†S1.21. The seal of this synod presents an open Bible in the center whence diverge rays of light, surrounded by two circles, the outer one corded, between which are the words "VIRGINIA SYNOD OF THE ELCA-1820."

Chapter 2. STATUS

†S2.01. This synod possesses the powers conferred upon it, and accepts the duties and responsibilities assigned to it, in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, which are recognized as having governing force in the life of this synod.

†S2.02. The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

†S2.03. No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.

Chapter 3. TERRITORY

†S3.01. The territory of this synod, as determined by the Churchwide Assembly, shall be: The Commonwealth of Virginia, save and except the following counties and the independent cities contained therein: Accomack, Arlington, Fairfax, Loudon, Northampton and Prince William.

†S3.02. "Determined by the Churchwide Assembly," as stipulated by **†S3.01.**, is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA bylaws S10.01.01 and S10.01.03.

Chapter 4. CONFESSION OF FAITH

†S4.01. This synod confesses the Triune God, Father, Son, and Holy Spirit.

†S4.02. This synod confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.

a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation

b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.

c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

†S4.03. This synod accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.

†S4.04. This synod accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this synod.

†S4.05. This synod accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.

†S4.06. This synod accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.

†S4.07. This synod confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 5. NATURE OF THE CHURCH

†S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.

†S5.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.

†S5.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

†S5.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world

Chapter 6. STATEMENT OF PURPOSE

†S6.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.

†S6.02. To participate in God's mission, this synod as a part of the Church shall:

a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations

b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.

c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.

d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.

e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.

f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

†S6.03. This synod, in cooperation with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in its territory. In fulfillment of this role, and consistent with policies and procedures of this church, this synod shall:

a. Provide for pastoral care of congregations and rostered ministers in the synod;

b. Plan for, facilitate. And nurture the mission of this church through congregations;

c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners.

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

†S6.03.01. The responsibilities of the synod include the following:

a. Providing for pastoral care of congregations, ministers, as in the synod, including

1. approving candidates for the of Word and Sacrament in cooperation with the appropriate seminaries of this church, which may be done through multi-synod committees;

2. authorizing ordinations and ordaining ministers of Word and Sacrament on behalf of this church;

3. approving ministers of Word and Service, which may be done through multi- synod committees; and

4. authorizing ordinations and ordaining ministers of Word and Service on behalf of this church; and

5. consulting in the call process for rostered ministers.

b. providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:

1. nurturing and supporting congregations and lay leaders;

2. seeking and recruiting qualified candidates for the rostered ministries of this church;

3. making provision for pastoral care, call review and guidance;

4. encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and

5. supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.

c. providing for discipline of congregations, ministers of Word and Sacrament, and ministers of Word and Service; as well as for termination of call, appointment, adjudication, and appeals consistent with Chapter 20 of this church's constitution.

d. providing for archives in conjunction with other synods.

†S6.03.02. In planning for, facilitating, and nurturing the mission of this church through congregations, the responsibilities of the synod include the following:

a. developing of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;

b. leading and encouraging of congregations in their evangelism efforts;

c. assisting members of its congregations in carrying out their ministries in the world;

d. encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;

e. providing resources for congregational life;

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

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

a. promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering into relationships with other synods in the region;

b. fostering organizations for youth, women, and men, and organizations for language or ethnic communities;

c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing supportive funding;

d. supporting relationships with and providing supportive funding on behalf of colleges, universities, and campus ministries;

e. maintaining relationships with and providing supporting funding on behalf of seminaries and continuing education centers;

f. fostering supporting relationships with camps and other outdoor ministries;

g. fostering supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;

h. fostering relationships with ecumenical and global companions;

i. cooperating with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.

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

a. encouraging financial support for the work of this church by individuals and congregations;

b. participating in churchwide programs;

c. interpreting social statements in a manner consistent with the interpretation given by the churchwide unit or office which assisted in the development of the statement, and suggestion of social study issues;

d. providing ecumenical guidance and encouragement.

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

†S6.04.01. *It is the goal of this synod that 10 percent of the membership of synod assemblies, councils, committees, boards and/or other organizational units be persons of color and/or persons whose primary language is other than English.*

†S6.04.02. *It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, the term "youth" means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term "young adult" means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.*

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

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

S6.06.10. **Churchwide Assemblies**

S6.06.11. In the election of voting members to the churchwide assembly of the ELCA, if the full number of either clergy or lay voting members to be elected is not elected on the first ballot, the second and succeeding ballots shall include the names of no more than twice as many persons as there are voting members yet to be elected in the two categories; provided, however, that in the event of a tie for the last place to be filled on any ballot, the succeeding ballot shall include the names of the persons tied.

S6.06.12. Alternate voting members to the churchwide assembly of the ELCA shall be chosen as follows: The Committee on Conduct of Elections shall list, separately for ordained ministers and for lay persons and in the order of number of votes received, the names of those not elected on the last and next preceding ballots for voting members. The committee shall certify these lists to the bishop, who shall thereupon declare to be elected as alternate voting members the required number of ordained ministers and lay persons so listed, in order in which their names appear.

S6.06.13. One-third of the voting members elected to a churchwide assembly of the ELCA shall not have been members of the churchwide assembly at either of the two previous churchwide assemblies of the ELCA.

S6.06.14 Should a voting member be unable to attend the churchwide assembly, the bishop of this synod shall immediately be informed. The bishop shall thereupon notify an alternate to attend. Alternates shall be notified in the order in which their names are listed.

S6.06.15. When it becomes evident that an rostered minister or lay voting member elected by this synod is unable to be in attendance prior to the afternoon session of the third day of churchwide assembly of the ELCA, and no elected alternate voting member is available, the bishop of this synod may appoint a substitute.

S6.06.16. In special churchwide assemblies of the ELCA, the voting members elected to the preceding regular churchwide assembly shall represent this synod.

S6.07.30. **Agencies and Institutions**

S6.07.31. This synod acknowledges its responsibility with such other synods of the ELCA as may be associated with it for that purpose, to support the seminaries of the ELCA to which it is assigned.

S6.07.32. This synod accepts and sustains a supporting relationship to Roanoke College as a recognized college of the ELCA, with a threefold concern for its character as an institution of learning, its academic excellence, and its material welfare.

S6.07.33. Recognition of social ministry agencies shall be granted or withheld in accordance with the standards and procedures established by the ELCA.

S6.07.34. This synod affirms its responsibility, alone or in cooperation with other synods, to support the outdoor ministry programs on its territory.

S6.07.35. The ELCA seminaries, to which this synod is assigned, the Board of Trustees of Roanoke College, the social ministry agencies and institutions, and the outdoor ministry programs, affiliated with this synod, shall report annually to the assembly. The board members, as elected by this synod, may, as a group, append comments and recommendations to such reports.

S6.08.40. **Organizations**

S6.08.41. To promote relationships of mutual benefit, this synod shall accord to the synodical units of any official organizations of the ELCA the privilege of presenting their causes through reports to regular synod assemblies.

S6.08.42. Upon invitation of these organizations, the Synod Council, in consultation with the bishop, shall appoint representatives to their assemblies and executive committees.

Chapter 7. SYNOD ASSEMBLY

†S7.01. This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions in the Articles of Incorporation, this constitution and bylaws, the assembly's own resolutions, and the constitutions and bylaws of the Evangelical Lutheran Church in triennial America.

†S7.11. A regular meeting of the Synod Assembly shall be held at least triennially.

S7.11.01 The time and place of the Virginia Synod Assembly shall be determined by Synod Council. The time and place for the next assembly shall be announced 5 months prior to the assembly

S7.12. Special meetings of the Synod Assembly may be called by the bishop with the consent of the Synod Council, and shall be called by the bishop at the request of one-fifth of the voting members of the Synod Assembly.

a. The notice of each special meeting shall define the purpose for which it is to be held. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.

b. If the special meeting of the Synod Assembly is required for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the Synod Council after consultation with the presiding bishop of the Evangelical Lutheran Church in America.

S7.13. Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.

S7.13.01 The secretary shall give notice of the date, time and place of all assemblies of this synod by mail, at least one month before the proposed assembly, to each person listed on the official rosters of this synod and to each congregation.

S7.14. One-half of the members of the Synod Assembly shall constitute a quorum.

†S7.21. The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of laypersons, shall be constituted as follows:

a. All ministers of Word and Sacrament under call on the roster of this synod in attendance at this Synod Assembly shall be voting members.

b. All ministers of Word and Service, under call, on the of roster of this synod shall be voting members in the Synod Assembly,

c. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to this synod, typically one of whom shall be a man and one of whom shall be a women, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized

members in the congregation. The Synod Council shall seek to ensure that, at least 45 percent of the lay members of the assembly shall be women and at least 45 percent shall be men.

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

†S7.21.01. Voting members shall begin serving with the opening of a regular Synod Assembly and shall continue serving until voting members are seated at the next regular Synod Assembly.

†S7.21.02. If a special Synod Assembly is called and voting members at the previous assembly are unable to serve as voting members, where permitted by state law, the congregation through the Congregation Council may elect new members who shall continue to serve until the next Synod Assembly.

S7.21.03. Each congregation related to this synod having 400 or less baptized members shall be entitled to two voting lay members of the Synod Assembly, one of whom shall be male, and one of whom shall be female. For each additional 200 baptized members or a portion thereof, the congregation shall be entitled to an additional voting member. Additional members from each congregation shall be equally divided between male and female except that the odd-numbered member, if any, may be either male or female. Each congregation, upon choosing its voting lay members, shall certify to the secretary of this synod, at least ten days before the first day of the Synod Assembly, the names of the persons chosen.

S7.21.04. The membership of the Synod Assembly also shall include members authorized by the Synod Assembly to meet this synod's inclusiveness goal consistent with **†S6.04., 6.04.A01., 6.04.B09.**

S7.21.A89. The Synod Council shall be authorized to appoint up to 10 at-large members of the annual assembly who are persons of color or whose primary language is other than English, in addition to those elected by congregations. There shall be a committee on inclusiveness, appointed by the Synod Council, composed of two members of the Synod Council and two members from the Virginia Synod who are not from the Synod Council. This committee shall report annually to the Synod Assembly.

S7.22. This synod may establish processes that permit retired rostered ministers, or those designated as disabled, or on leave from call, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. If the synod does not establish processes to permit the rostered ministers specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.

S7.22.01. Subject to S7.21., all retired rostered ministers on the roster of this synod in attendance at the Synod Assembly shall be voting members.

S7.22.02. Subject to S7.21., all on leave from call rostered ministers on the roster of this synod in attendance at the Synod Assembly shall be voting members.

†S7.23. The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of the churchwide organization as may be designated by the presiding bishop, shall have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.

S7.24. Ministers under call on the rosters of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the rosters. Lay members of the Synod Assembly representing congregations shall continue as such until replaced by the election of new members or until they have been disqualified by termination of membership. Normally, congregations will hold elections prior to each regular meeting of the Synod Assembly.

†S7.25. Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America,* each voting member of the Synod Assembly shall be a voting member of a congregation of this synod.

S7.26. This synod may establish processes through the Synod Council that permit representatives of congregations under development and authorized worshiping communities of the synod, which have been authorized under ELCA bylaw 10.02.03., to serve as voting members of the Synod Assembly, consistent with **†S7.21.**

S7.27. This synod may establish processes through the Synod Council to grant minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly of the Evangelical Lutheran Church in America the privilege of both voice and vote in the Synod Assembly during the period of that minister's service in a congregation of this church.

S7.28. Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under **†S7.21**. shall be granted the privilege of both voice and vote as members of the Synod Assembly.

S7.30.A91. *The Assembly Committee of Reference and Counsel shall receive, consider and report to the assembly on all resolutions submitted by congregations, conferences and delegates for consideration by the annual assembly. Priority consideration will be given to resolutions received at least 30 days before the annual Synod Assembly convenes. A cut-off time close of business 30 days before the start of the assembly is established for the receipt of resolutions for consideration of the Committee of Reference and Counsel. The Assembly Committee of Reference and Counsel shall meet prior to the assembly to review resolutions which are submitted in advance. Recommendations of the committee are to be distributed to members prior to the convening of the assembly whenever possible. All resolutions will normally be considered by the committee in order of receipt. Resolutions that cannot be adequately covered during the regular assembly agenda time will be referred to the Synod Council.*

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

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

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

S7.40.10. **Organization**

S7.40.11. Prior to any assembly the secretary shall prepare the roll of the membership of the Synod Assembly, delivering a copy thereof to the Committee on Official Roll, listed as lay members shall be those persons whose credentials have been certified by the congregation to the office of the secretary. Changes in the roll of lay members shall be made only on direction of the congregation represented, or by vote of the assembly in case of a contest.

S7.40.12. During the first meeting of each regular assembly, the bishop shall announce the appointment of the assembly committees, including: Committee on Reports of Officers, Committee of Reference and Counsel, Committee on Official Roll, Committee on Minutes, Nominating Committee, Committee on Conduct of Elections, and Committee on Transportation.

S7.40.13. Any dispute as to the seating of a member shall be referred by the secretary to the Committee on Official Roll which shall, after investigation, recommend to the assembly whether the person shall be seated. The issue shall be decided by a majority vote of those persons present and voting.

S7.40.14. The assembly shall be opened and closed according to the order prescribed by the ELCA.

S7.40.15. The bishop shall appoint a chaplain who shall be responsible for the devotional periods of the assembly.

S7.40.16. The agenda and program proposed by the Synod Council, as adopted by the assembly, shall be the official agenda and program; there shall be no departure therefrom except by unanimous consent or by a two-thirds vote.

S7.40.17. If the Committee of Reference and Counsel fails to report on any resolution given it, or any matter referred to it by the assembly, the assembly may nevertheless by majority vote decide to consider such resolution or matter.

S7.40.18. Any election of officers at a regular assembly shall be held immediately after the reports of the officers have been presented.

S7.40.19. All reports and all resolutions and principal motions shall be given to the secretary in triplicate. Reports shall be typewritten.

S7.40.20. Any member of the assembly contemplating absence from an assembly shall send to the secretary a written excuse prior to the convening of the assembly. The excuse shall be referred to the Committee on Official Roll which shall determine and report to the bishop whether such absence is without good cause. Absence without good cause shall be grounds for censure to be administered by the bishop.

S7.40.21. Excuses for absences from any meeting of the Synod Assembly shall be presented to the Committee on Official Roll. The committee shall:

a. pass on the acceptability of any excuse, and

b. shall assemble the composite record of attendance and report thereon at the final meeting of the assembly.

S7.40.22. Unless otherwise determined by a two-thirds vote of the assembly, all speeches in general discussion shall be limited to five minutes.

S7.40.23. Travel expenses of the members of the assembly residing on the territory of this synod shall be paid by this synod under rules established by the Synod Council. Any members absent from any meeting, without excuse accepted by the Committee on Official Roll, shall forfeit such travel expense. Mileage shall be measured from and to the home of the member.

S7.40.24. Each congregation shall pay all other proper expenses of its pastor, associates in ministry and elected members. In the case of a pastor serving a multiple-congregation parish, such expenses shall be borne by the congregation's pro rata on the basis of members on the roll of baptized members, unless otherwise agreed by the parish.

S7.40.25. On approval of the Synod Council, the treasurer shall pay to retired pastors travel expenses and a per diem allowance from synodical funds.

S7.40.26. Graduating seminarians and ministers on leave from call in attendance at the assembly shall be entitled to travel expenses and per diem allowance under rules established by the Synod Council.

S7.40.27. The Committee on Transportation shall provide expense vouchers to all persons entitled to travel expense, check the vouchers and transmit those approved to the treasurer for payment.

S7.40.28. The Committee on Conduct of Elections shall arrange for an orderly preparation of ballots, shall tally the ballots promptly, and report the results to the assembly.

Chapter 8. OFFICERS

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

S8.01.01. Nothing in the constitution and bylaws of this synod shall be construed to prevent the officers of this synod from the delegation of assigned administrative duties to the synod office.

S8.10. Bishop

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

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

a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.

b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ministers of Word and Sacraments, and its ministers of Word and Service.

c. Exercise solely this church's power to ordain (or provide for the ordination by another synod bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of the Evangelical Lutheran Church in America).

d. Ordain (or provide for the ordination of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as ministers of Word and Service.

e. Attest letters of call for persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.

f. Install (or provide for the installation of) rostered ministers whose calls the bishop has attested.

g. Exercise leadership in the mission of this church and in so doing:

1) Interpret and advocate the mission and theology of the whole church;

2) Lead in fostering support for and commitment to the mission of this church within this synod;

3) Coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;

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

5) Advise and counsel this synod's related institutions and organizations.

h. Practice leadership ``in strengthening the unity of the Church and in so doing:

1) Exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;

2) Be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of rostered ministers, and congregations of this synod;

3) Be the chief ecumenical officer of this synod;

4) Be a member of the Conference of Bishops and consult regularly with other synod bishops;

5) Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;

6) Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and

7) Be *ex officio* a member of the Churchwide Assembly.

i. Oversee and administer the work of this synod and in so doing:

1) Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;

2) Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;

3) Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;

4) Exercise supervision over the work of the other officers;

5) Coordinate the work of all synod staff members;

6) Appoint all committees for which provision is not otherwise made;

7) Be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;

8) Provide for preparation and maintenance of synod rosters containing the names and addresses of all rostered ministers of this synod and a record of the calls under which they are serving or the date on which their retired or disability status took effect;

9) Annually bring to the attention of the Synod Council the names of all rostered persons on leave from call or engaged in approved graduate study in conformity with the constitution, bylaws, and continuing resolutions of this church and pursuant to prior action of this synod through the Synod Council;

10) Provide for prompt reporting to the secretary of this church of:

a) additions to and subtractions from the rosters of this synod

b) the issuance of certificates of transfer for rostered ministers in good standing who have received and accepted a properly issued, duly attested, regular letter of call under the jurisdiction of another synod; and

c) the entrance of the names of such persons for whom proper certificates of transfer have been received;

11) Provide for preparation and maintenance of a roster of the congregations of this synod and the names of the laypersons who have been elected to represent them; and

12) Appoint a statistician of the synod, who shall secure the parochial reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.

S8.12.01. As this synod's pastor, the bishop shall provide spiritual leadership for the people of this synod.

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

S8.14. The synodical bishop may have such assistants as this synod shall from time to time authorize. The Synod Council, on nomination of the bishop, shall approve the appointment of assistants and, if ordained, issue letters of call. Assistants may be recalled or dismissed on proper notice by action of the Synod Council. They shall be subject to the

same rules as the synodical officers regarding the age of retirement and disciplinary actions. The assignment of responsibility for each assistant shall be made by the Synod Council upon recommendation by the bishop. An assistant to the bishop shall be ineligible for membership on the Synod Council, but may attend its meetings.

S8.14.01. The number of assistants and part-time assistants shall be determined by the Synod Council subject to ratification by the next Synod Assembly.

S8.14.02. While the call of an assistant to the bishop shall be co-terminus with the call of the bishop, an assistant may be recalled or dismissed, on proper notice, by the Synod Council, upon recommendation of the bishop.

S8.14.03. An annual evaluation of these assistants shall be made by the Synod Council, or if so designated by the Executive Committee.

S8.14.04. An assistant to the bishop shall be ineligible to serve as a regular member of organizational units of this synod, but may serve in an advisory capacity. Nothing in this section shall prohibit an assistant to the bishop from serving as an officer of this synod.

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

†S8.16. Conflicts of Interest

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

a. Whenever a synod bishop determines that a matter of the kind described in **†S8.16.01.b.** may require his or her determination or action with respect to a related individual as defined in **†S8.16.01.c.,** the synod bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synod bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.

b. Matters include any proceedings under Chapter 20, proceedings under provision 7.46. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (**†S14.13.**), candidacy, reinstatement, and similar matters where determinations or actions by the synod bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.

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

(parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

S8.20. Vice President

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

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

S8.22.01. The vice president, in addition to chairing the Synod Council, shall perform such other duties as may be delegated to the vice president by the Synod Council or the bishop.

†S8.23. In the event of the death, resignation, or disability of the bishop, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the conduct of the duties of the bishop until a new bishop shall be elected or, in the case of temporary disability, until the bishop resumes full performance of the duties of the office.

S8.30. Secretary

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

†S8.32. The secretary shall:

a. Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for the printing and distribution of such minutes, and perform such other duties as this synod may from time to time direct.

b. Be authorized and empowered, in the name of this synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.

c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.

d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly.

S8.32.01. The secretary, immediately upon adjournment of the Synod Assembly, shall communicate to all persons, organizations or corporations any resolutions or actions of this synod affecting them. The secretary shall likewise notify any individual or chair of a cabinet, committee or any other organizational unit of any duty assigned by this synod and shall send to each such person a copy of the resolution or action imposing such duty. [SA91.05.30.]

S8.32.02. The secretary shall be the necrologist of this synod.

S8.32.03. The secretary shall provide for archives, either solely for this synod or in conjunction with other synods.

S8.32.04. The secretary shall provide for all appropriate record keeping in the life and work of this synod.

S8.32.05. The secretary shall perform other duties as may be assigned by the bishop.

S8.40. Treasurer

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

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

a. Management of the monies and accounts of this synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of this synod.

b. Investment of funds upon the authorization of the Synod Council.

c. Receipt and acknowledgment of offerings, contributions, and bequests made to this synod, collecting interest and income from its invested funds, and paying regular appropriations and orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by this synod for the general work of this church.

d. Maintenance of a regular account with each congregation of this synod and informing the congregation, at least quarterly, of the status of this account.

e. Rendering at each regular meeting of the Synod Assembly a full, detailed, and duly audited report of receipts and disbursements in the several accounts of this synod for the preceding fiscal year, together with the tabulation, for record and publication in the minutes, of the contributions from the congregations.

f. Obtaining a fidelity bond in the amount determined by the Synod Council for persons handling synod funds, which bond shall be in the custody of the secretary. The premium for the bond shall be paid by this synod. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

S8.42.01. The treasurer shall be the chief financial officer of this synod, provide oversight of the bookkeeping for this synod, be a member of the Finance and Budget Committee, and shall perform other duties assigned by the Synod Council or the bishop.

S.42.02. Resolutions of this synod, or of the Synod Council ad interim, or written orders from the bishop in performance thereof shall be sufficient warrant for the treasurer to expend the funds of this synod.

S8.50. General Provisions

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

a. The bishop of this synod shall be appointed to a term of six years and may be re-elected.

b. The vice president and secretary of this synod shall be elected to a term of four years and may be re-elected. The officer shall serve until his or her successor takes office.

c. The treasurer of this synod shall be appointed to a four-year term and may be re-elected or reappointed. The treasurer shall serve until his or her successor takes office.

S8.51.01. No one shall hold the same office (Other than that of Bishop) for more than two consecutive full terms, except that the persons holding such offices when this provision is adopted shall be eligible to serve up to two (2) additional consecutive full terms.

S8.52. The terms of the officers shall begin on the first day of the 3rd month following election or, in special circumstances, at a time designated by the Synod Council.

†S8.53. Each officer shall be a voting member in a congregation of this synod, except that the bishop need not be a member of a congregation of this synod at the time of election.

S8.53.01. The officers shall receive the amount of the necessary expenses incurred to the duties imposed.

†S8.54. Should the bishop die, resign, or be unable to serve, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the appropriate care of the responsibilities of the bishop until an election of a new bishop can be held or, in the case of temporary disability, until the bishop is able to serve again. Such arrangements may include the appointment by the Synod Council of an interim bishop, who during the vacancy or period of disability shall possess all of the powers and authority of a regularly elected bishop. The term of the successor bishop, elected by the next Synod Assembly or a special meeting of the Synod Assembly called for the purpose of election, shall be six years with the subsequent election to take place at the Synod Assembly closest to the expiration of such a term and with the starting date of a successor term to be governed by constitutional provision S8.52.

S8.55. Should the vice president, secretary, or treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be four years. If the treasurer is appointed by Synod Council, the Synod Council shall appoint a new treasurer to a four-year term.

†S8.56. The Executive Committee of the Synod Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior written notice of the meeting shall be given to the officer in question at least 10 calendar days prior to the meeting.

†S8.57. The recall or dismissal of an officer**†S8.57.** The recall or dismissal of an officer and the vacating of office may be effected for willful disregard or violation of the constitutions, bylaws, and continuing resolutions of this church; for such physical or mental disability as renders the officer incapable of performing the duties of office; or for such conduct as would subject the officer to disciplinary action as a rostered minister or as a member of a congregation of this church.

a. Proceedings for the recall or dismissal of a synod bishop shall be instituted by written petition by:

   1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;

   2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting;

   3) at least 10 synod bishops; or

   4) the presiding bishop of this church.

b. Proceedings for the recall or dismissal of an officer of a synod, other than the synodical bishop, shall be instituted by written petition by:

   1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;

   2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting; or

   3) the synodical bishop.

c. The petition shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631) and shall set forth the specific charge or charges.

d. Upon the filing of a written petition, the Executive Committee of the Synod Council may temporarily suspend the officer from service in the synod without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee of the synod.

e. In the case of alleged physical or mental incapacity of an officer of the synod, the procedures outlined in †S8.56. shall be followed, and such officer shall comply with the decision of the Synod Council. If such officer fails or refuses to comply, the Synod Council may proceed to petition for recall or dismissal as follows:

1) the Synod Council will submit a written report of their findings and the basis of their decision to the Committee on Appeals.

2) the Committee on Appeals, other than those who are disqualified, shall review the findings and decision of the Synod Council and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.

f. If the synod officer is a minister of Word and Sacrament, grounds for recall or dismissal include those set forth in ELCA bylaw 20.22.01. and as defined under the process described in ELCA constitutional provisions 20.21. and 20.22. as grounds for discipline. If the officer is a minister of Word and Service, grounds for recall or dismissal include those set forth in ELCA bylaw 20.23.01. and as defined under the process described in ELCA constitutional provisions 20.21. and 20.22. as grounds for discipline.

g. If the officer is a layperson, grounds for recall or dismissal include those set forth in ELCA bylaw 20.41.01. as grounds for discipline.

h. If the case of alleged willful disregard or violation of the constitutions, bylaws, and continuing resolutions or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:

1) the petition shall be referred to the Committee on Appeals, which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in ELCA bylaw 20.22.14. except to the extent that those rules are in conflict with the provisions of this bylaw; and

2) the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.

i. Written notice of a decision by the Committee on Appeals that the charges have been sustained shall be given to the affected officer and to the Synod Council, and the office

†S8.58. If the bishop is to be temporarily absent from the synod for an extended period, the bishop, with the consent of the Synod Council, may appoint as acting bishop for such period minister of Word and Sacrament of this church. Except as limited by action of the Synod Council, an acting bishop shall possess all of the powers and authority of a regularly elected bishop other than authority to ordain or to authorize the ordination of properly approved candidates for ordination.

Chapter 9. NOMINATIONS AND ELECTIONS

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

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

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

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

S9.05. The Synod Council shall nominate at least one person for vice president. Additional nominations may be made from the floor.

S9.06. The Synod Council shall nominate at least one person for secretary. Additional nominations may be made from the floor.

S9.07. If the treasurer is elected, the Synod Council shall nominate at least one person for treasurer. Additional nominations may be made from the floor.

S9.08. In all elections, except for the bishop, the names of the persons receiving the highest number of legal votes, but not elected by a majority of the legal votes cast on a preceding ballot, shall be entered on the next ballot to the number of two for each vacancy unfilled. On any ballot when only two names appear, a majority of the legal votes cast shall be necessary for election.

S9.09. The result of each ballot in every election shall be announced in detail to the assembly.

†S9.10. When notified by the secretary of this church, on behalf of the Nominating Committee of the Churchwide Assembly, the Synod Assembly shall nominate two persons in the specified categories for possible election by the Churchwide Assembly to the Church Council.

S9.11. The Synod Council shall elect or appoint representatives to the steering committee of its region. Whenever a synodical bishop determines that a matter of the kind described in **†S8.16.01b.** may require his or her determination or action with respect to a related individual as defined in **†S8.16.01.c.,** the synodical bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synodical bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod. Matters include proceedings under chapter 20, proceedings under provision 7.46. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (**†S14.13**)., candidacy, reinstatement, and similar matters where determinations or actions by the synodical bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church. A related individual is one who, with respect to the synodical bishop, is spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, or in-law (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

†S9.12. Background checks and screening shall be required and completed for persons nominated as synod officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Synod Council.

S9.13. Region IX

S9.14. The synod Council shall elect or appoint representatives to the steering committee of its region.

S9.14.01. This synod shall participate as a partner with other synods in a region.

S9.14.02. These representatives together with the bishop or bishop's appointee shall represent this synod in the region. These representatives shall cooperate with other synods in creating, supporting and utilizing the region to carry out these functions of this synod which can best be done cooperatively with other synods in the same region.

Chapter 10. SYNOD COUNCIL

†S10.01. The Synod Council, consisting of the four officers of the synod, 10 to 24 other members, and at least one youth and at least one young adult, shall be elected by the Synod Assembly.

a. Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ministers on a roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.

b. The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be for four years.

S10.01.A19. *In accordance with bylaw S6.04.01., it is the goal of this synod that the Synod Council of this synod shall include two members who are persons of color and/or persons whose primary language is other than English. The members shall be one lay person and one lay or ordained rostered minister (**S.06.04.**). The term of these two members shall be for three years (**S10.01.**).*

S10.01.B19 *It is the goal of this synod that representation on Synod Council include one ordained rostered minister and one lay person from each conference partnership.*

S10.01.02. The youth member shall be a rising 10th, 11th or 12th grader when elected to the Synod Council. The term of the youth member of the Synod Council shall be three years without consecutive reelection.

S10.01.04. No one shall serve on the Synod Council more than two consecutive full terms.

S10.01.05. The chairs of the cabinets shall be advisory members of the council with voice but not vote.

S10.01.06. It shall be the policy of this synod that no individual, other than the bishop, shall hold more than two of the following positions at any one time: membership on this synodical council or on the Board of Trustees of the following institutions: 1. Lutheran Family Services of Virginia, Inc.; 2. National Lutheran Communities and Services; 3. Virginia Lutheran Homes, Inc.; 4. Roanoke College; and 5. The seminaries to which this synod is assigned. Any exception to this policy may be made only by action of the Synod Council.

†S10.02. The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions that are not in conflict with actions taken by the Synod Assembly or that are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.

S10.02.01. The Synod Council shall be responsible for supervising and directing the holding and administration of all property of this synod, including legacies and trust funds; to accomplish which duty its members shall serve as the board of directors of the corporation named Virginia Synod of ELCA and which corporation has been formed and exists under the law of the State of North Carolina, to take, hold and administer the property of this Synod.

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

a. Exercise trusteeship responsibilities on behalf of this synod.

b. Recommend program goals and budgets to the regular meetings of the Synod Assembly.

c. Carry out the resolutions of the Synod Assembly.

d. Provide for an annual review of the roster of ministers of Word and Sacrament and the roster of ministers of Word and Service, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the Evangelical Lutheran Church in America, and make a report to the Synod Assembly of the Synod Council's actions in this regard.

e. Issue letters of call to rostered ministers as authorized by Chapter 7 of the constitution and bylaws of the Evangelical Lutheran Church in America.

f. Fill vacancies until the next regular meeting of the Synod Assembly, except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer of this synod.

g. Report its actions to the regular meeting of the Synod Assembly.

h. Perform such other functions as are set forth in the bylaws of this synod, or as may be delegated to it by the Synod Assembly.

S10.03.10. **Additional Functions**

S10.03.11. Participate in churchwide programs and develop support for the ministry of the churchwide organization.

S10.03.12. Review and coordinate all planning proposals and establish synodical priorities except as otherwise determined by the Synod Assembly.

S10.03.13. Foster the grouping of congregations in conferences and in congregation partnerships and arrange for conference partnerships for mission purposes.

S10.03.14. Review annually the designations of conferences, conference partnerships, and congregation partnerships within this synod.

S10.03.15. Provide for effective communication between congregations and conferences, between this synod and the regional center for mission, between this synod and churchwide organization, and between this synod and the public.

S10.03.16. Elect staff officials, if and when such positions are authorized by this synod in assembly.

S10.03.17. Set the salaries of officers and staff officials of this synod.

S10.03.18. Ratify the representatives of this synod who are to serve, in addition to the bishop, ex-officio, this synod's quotas to the governing bodies of the seminaries, social ministry institutions, outdoor ministry programs, and inter-church agencies, to which this synod is related.

S10.03.19. Ratify on behalf of this synod those individuals elected to the Board of Trustees of Roanoke College.

S10.03.20. Recommend the budget of income and disbursements to the Synod Assembly.

S10.03.21. Provide for an annual examination of all investments and securities held by this synod.

S10.03.22. Determine the date, time and place for each assembly and be responsible for preparing its proposed agenda and program.

S10.03.23. Institute and oversee systems of personnel practices applicable to synod staff officials and other employees.

S10.03.24. Review the constitution of any congregation on the territory of this synod seeking membership in the church and review proposed amendments to congregation constitutions.

S10.03.25. Act in behalf of this synod in authorizing the reception of new congregations.

S10.03.26. Review any request for a special financial appeal and report its recommendation to the Synod Assembly.

S10.03.27. Provide for a contact for The Lutheran magazine and this synodical insert; encourage all congregations to subscribe to the Lutheran magazine.

S10.03.28. Provide for the development of synod-wide video programming.

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

S10.04.01. When a motion calls for: an amendment to the budget, either increasing or decreasing the total of the budget, or; an appropriation, or a special financial appeal comes before the assembly from any source other than the Synod Council, it shall be referred at once to the Synod Council for consideration. The Synod Council will report at the meeting immediately following the meeting at which the referral was made. Any referral made at the last meeting of the assembly shall be reported on during that meeting. If the Synod

Council fails to report, the assembly may proceed to consider the matter referred, but adoption shall require a two-thirds vote.

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

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

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

S10.07.01. To the extent permitted by state law, meetings of the Synod Council and its committees may be held electronically or by telephone conference, and notice of all meetings may be provided electronically.

S10.07.02. The Synod Council shall hold regular meetings at least quarterly.

S10.07.03. Special meetings may be called by the bishop of this synod or by the vice-president upon the request of two-thirds of the council.

S10.07.04. If a member of the Synod Council is absent without excuse for two consecutive regular meetings of that body, such absence shall be grounds for the Synod Council to declare that person's office vacant.

S10.07.05. A majority of the members of the Synod Council shall constitute a quorum.

Chapter 11. COMMITTEES AND ORGANIZATIONAL UNITS

†S11.01. There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry Committee, an Audit Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the composition and organizational structure of such units, shall be as set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.

S11.01.10. Executive Committee

S11.01.11. The Executive Committee shall be composed of the bishop, vice-president, secretary and treasurer and two members of the Synod Council.

S11.01.15. The two members shall be elected by the Synod Council for two-year terms commencing January 1. The terms shall be staggered to the extent possible. The election is exempt from compliance with the inclusiveness provisions of S6.04.

†S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be ministers of Word and Sacrament and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election. The functions of the Consultation Committee are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.

S11.02.01. There shall be a Consultation Committee composed of eight persons who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election. Four of these persons shall be ordained ministers and four shall be laypersons.

†S11.03. The Committee on Discipline of this synod shall consist of 12 persons, of whom six shall be ministers of Word and Sacrament and six shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election.

a. The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.* The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.

S11.03.01. Six members of the Committee on Discipline, appointed by the Executive Committee of the Synod Council will serve with the six members appointed by the Executive Committee of the ELCA Church Council in handling matters of discipline. [ELCA Constitution 20.22.08.] The bishop shall not be a member of the Committee on Discipline.

†S11.04. The Mutual Ministry Committee shall be appointed by the Executive Committee of the Synod Council to provide support and counsel to the bishop.

†S11.05. The Audit Committee of this synod shall consist of three to six persons, none of whom is a member of the synod staff. Up to half of the committee members may be Synod Council members. The Audit Committee members shall be elected by the Synod Council for a term of three years and be eligible for re-election to a second consecutive three-year term. The terms of the Audit Committee members shall be staggered. The Audit Committee shall be responsible for assisting the Synod Council in fulfilling its general oversight of the synod's accounting, financial reporting, internal control systems, and external audit processes as provided in **†S15.31.**

S11.10. General Provisions

S11.11. This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees and other organizational units will be persons possessing the necessary knowledge and competence to be effective members of such units, and to meet the requirements of **†S6.04.** With the exception of ministers on the rosters of this synod who reside outside the territory of this synod, each member of a committee of this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation of this synod.

S11.12.A91. Coordinating Cabinet and Committee Structure

CANDIDACY COMMITTEE.

The Candidacy Committee is established as a standing committee of the Synod Council. The committee shall consist of one member from each conference partnership appointed by the Synod Council. The members of the committee shall be appointed to five-year terms with one possible renewal term. Additional members may be added as necessary to carry out the tasks of the committee. The chair shall be appointed by the Synod Council for a term of two year for a maximum of two consecutive full terms.

Chapter 12. CONFERENCES, CLUSTERS, COALITIONS AND AREA SUBDIVISIONS AND NETWORKS

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

S12.01.10.A22. In consultation with the bishop, the Synod Council shall designate conferences and conference partnerships.

S12.01.20.B22. The bishop shall appoint a rostered minister to serve as dean for each conference.

S12.01.21.C22. The responsibilities, expectations, and annual stipend for deans are outlined in the conference dean position description.

S12.01.50. **Conference Partnerships**

S12.01.A19. In order to achieve balanced representation on Synod Council and committees, the conference partnerships of this synod are:

- *Coastal: Tidewater and Peninsulas*
- *Piedmont: Richmond and Germanna*
- *Valley: Northern Valley, Central Valley, and Page*
- *Blue Ridge: Southern Valley and Southern*
- *Appalachia: New River and Highlands*

S.12.01.B19 It is the goal of this synod that representation on Synod Council include one ordained rostered minister and one lay person from each of the above conference partnerships.

S12.01.51. Conference partnerships, linking two or more conferences together for a special cause, may be established by the Synod Council.

S12.01.52. The purposes of a conference partnership are to: provide for communication between this synod and conferences, promote or provide assistance for programs or projects, and provide balanced representation to certain organizational units.

Chapter 13. CONGREGATIONS

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

a. **New congregations.** A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:

1) Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the constitution and bylaws of this church.

2) Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of the constitutions, bylaws, and continuing resolutions of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the *Model Constitution for Congregations*, the constitution of this synod, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, may be adopted as described in Chapters 16 and 18 of the *Model Constitution for Congregations.*

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

b. **Congregations from another church body.** If a congregation is a member of another church body, the leadership of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should contact the ELCA synod bishop or staff where the congregation is located. The synod bishop or synod staff where the transferring or independent congregation is located shall confer with the congregation to assure its understanding and acceptance of commitment to and affiliation with this church.

c. **Recognition and reception.** Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the roster of congregations.

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

S13.02.01. Each congregation shall furnish the secretary of this synod with a current list of the names and addresses of the: officers of the congregation council, presidents of congregation organizations, and superintendent of the Sunday Church School; this information to be used only for the purposes of synodical work and otherwise to be treated as strictly confidential.

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

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

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

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

S13.21.10. **Multi-Congregation Parishes**

S13.21.11.A22. In the calling of a pastor, the congregation councils of all the congregations of the parish shall meet jointly and agree on a single nomination for election. The balloting shall be done separately in each congregation; two-thirds of the votes cast in the parish and the majority of the votes cast in each congregation shall be required for election. The joint council shall issue the call.

S13.21.12.B22. In parishes consisting of more than one congregation, the joint council shall receive the letter of resignation and report the same to the congregations and bishop.

S13.21.13.C22. No one or more congregations of a parish shall dismiss a pastor pursuant to provisions of S14.13(d) of the Constitution without the consent of each congregation in the parish ascertained by a two-thirds vote at a regularly called meeting of each congregation, said meetings to be held after consultation with the bishop.

S13.21.15.D22. No pastor shall, without the consent of the bishop, serve a part of a multi-congregation parish as a regular supply pastor, without serving the entire parish.

†S13.22. Each congregation of the Evangelical Lutheran Church in America within the territory of this synod, except those which are in partnership with the Slovak Zion Synod, shall establish and maintain a relationship with this synod.

†S13.23. Provision **9.71.** of the constitution of this church shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation, including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any way burdened or impaired any right, title, or interest in the property without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.

†S13.24. The Synod Council, itself or through trustees appointed by it, may take charge and control of the property of a congregation of this synod to hold, manage, and convey the same on behalf of this synod, if any of the following apply:

a. The congregation has disbanded, ceased to worship, or otherwise ceased to exist as a congregation.
b. The congregation has abandoned its property.
c. The remaining members of the congregation decide that it is no longer possible to function as a congregation or that they are unable to provide required governance.
d. The Synod Council determines that the membership of a congregation has become so scattered or so diminished in numbers that it cannot provide required governance or that it has become impractical for the congregation to fulfill the purposes for which it was organized.
e. The Synod Council determines that it is necessary for this synod to protect and preserve the congregation's property from waste and deterioration.

The congregation shall have the right to appeal any such decision to the next Synod Assembly.

S13.25. This synod may temporarily assume administration of a congregation upon its request or with its concurrence.

S13.30. Discipline

†S13.31. Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The synod's involvement in and responsibility for such disciplinary processes shall be as set forth in that chapter.

S13.40. **Synodically Authorized Worshiping Communities**

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

Chapter 14. ROSTERED MINISTERS

†S14.10 Ministers of Word and Sacrament

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

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

a. Every minister of Word and Sacrament shall:

1) preach the Word

2) administer the sacraments;

3) conduct public worship;

4) provide pastoral care; and

5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;

6) impart knowledge of this church and its wider ministry through available channels of effective communication;

7) witness to the Kingdom of God in the community, in the nation and abroad; and

8) speak publicly to the world in solidarity with the poor and oppressed calling for justice and proclaiming God's love for the world

b. Each pastor with a congregational call shall, within the congregation:

1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;

2) relate to all schools and organizations of the congregation;

3) install regularly elected members of the Congregation Council; and

4) with the council, administer discipline;

5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of this synod; and

6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.*

S14.13. The pastor (a) shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, (b) shall submit a summary of such statistics annually to this synod, and (c) shall become a member of the congregation upon receipt and

acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

S14.13.01. The congregation membership of the pastor of a multi- congregation parish shall be determined for statistical purposes only, in consultation with the bishop.

S14.13.02. In the case of a vacancy in a pastorate the annual parochial report shall be prepared and submitted by the secretary or other appropriate officer, or by the vice-pastor when one has been appointed.

S14.14. Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a Lutheran congregation nearer to their place of residence.

S14.15. Each minister of Word and Sacrament on the roster of this synod shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

†S14.16. When a congregation of this church desires to call a pastor or a candidate for ministry Word and Sacrament of this church:

a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.

b. For issuance of a letter of call to a pastor or pastoral candidate by a congregation of this synod in accord with ELCA constitutional provision **7.41.**, a two-thirds majority ballot vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.

c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.17. No minister of Word and Sacrament shall accept a call without first conferring with the bishop of this synod. A minister of Word and Sacrament shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the chair of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

†S14.18. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:

a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for the following reasons:

1) mutual agreement to terminate the call or the completion of a call for a specific term;

2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;

3) inability to conduct the pastoral office effectively in that congregation in view of local conditions;

4) physical disability or mental incapacity of the pastor;

5) suspension of the pastor through discipline for more than three months;

6) resignation or removal of the pastor from the roster of ministers of Word and Sacrament of this church;

7) termination of the relationship between this church and the congregation;

8) dissolution of the congregation or the termination of a parish arrangement; or

9) suspension of the congregation through discipline for more than six months.

b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,

1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or

2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of ministers of Word and Sacrament with disability status. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.

d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to

the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.

e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

†S14.19. Ministers of Word and Sacrament shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.

†S14.21. The parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members transferred or dismissed, members who have become inactive, or members excluded from the congregation shall be kept accurately and permanently, they shall remain the property of each congregation. At the time of the closure of a congregation, such records shall be sent to the regional archives. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before:

a. installation in another call, or

b. approval of a request for change in roaster status.

†S14.22. The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:

a. installation in another call, or

b. approval of a request for change in roaster status.

†S14.23. During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any rostered minister who may assist shall refrain from exerting influence in

the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod that the parochial records, for the period for which the interim pastor was responsible, are in order.

†S14.24. With the approval of the synod bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in **†S14.18**, a congregation may call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of **†S14.18.**

S14.25. All ministers of Word and Sacrament under a call shall attend meetings of the Synod Assembly, and the pastors of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.

†S14.30. Ministers of Word and Service

†S14.31. The time and place of the ordination of those persons properly called to ministry in this synod shall be authorized by the bishop of this synod.

†S14.32. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every Minister of Word and Service shall:

a. Be rooted in the Word of God, for proclamation and service;

b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;

c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;

d. Equip the baptized for ministry in God's world that affirms the gifts of all people;

e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;

f. Practice stewardship that respects God's gift of time, talents, and resources;

g. Be grounded in a gathered community for ongoing diaconal formation;

h. Share knowledge of this church and its wider ministry of the gospel, and advocate for the work of all expressions of this church; and

i. Identify and encourage qualified persons to prepare for ministry of the gospel.

S14.33. The minister of Word and Service shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the minister of Word and Service shall hold membership in one of the congregations.

S14.34. Each minister of Word and Service on the roster of this synod shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

†S14.41. When a congregation of this church desires to call a minister of Word and Service or a candidate for the ministry of Word and Service of this church:

a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective minister of Word and Service.

b. For issuance of a letter of call to a minister of Word and Service or candidate by a congregation of this synod in accord with ELCA constitutional provision 7.71., a two-thirds vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.

c. When the congregation has voted to issue a call to a prospective minister of Word and Service, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.42. No minister of Word and Service shall accept a call without first conferring with the bishop of this synod. A minister of Word and Service shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the chair of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

†S14.43. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:

a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by death or, following consultation with the synod bishop, for the following reasons:

1) mutual agreement to terminate the call or the completion of a call for a specific term;

2) resignation of the minister of Word and Service, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;

3) inability to conduct the office effectively in that congregation in view of local conditions;

4) physical disability or mental incapacity of the minister of Word and Service;

5) suspension of the minister of Word and Service through discipline for more than three months;

6) resignation or removal of the minister of Word and Service from the roster of ministers of Word and Service of this church;

7) termination of the relationship between this church and the congregation;

8) dissolution of the congregation or the termination of a parish arrangement; or

9) suspension of the congregation through discipline for more than six months.

b. When allegations of physical disability or mental incapacity of the minister of Word and Service under paragraph a.4) above, or ineffective conduct of the ministry of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,

1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or

2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant and the minister of Word and Service shall be listed on the roster of ministers of Word and Service with disability status. Upon removal of the disability and restoration of the minister of Word and Service to health, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.

d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the minister of Word and Service and then to the congregation. The recommendations of the bishop's committee address whether the minister of Word and Service's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the minister of Word and Service, if appropriate. If the minister of Word and Service and congregation agree to carry out such recommendations, no further action need be taken by the synod.

e. If either party fails to assent to the recommendations of the bishop's committee concerning the minister of Word and Service's call, the congregation may dismiss the minister of Word and Service only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the

committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

†S14.44. Ministers of Word and Service shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the Congregation Council.

†S14.45. The minister of Word and Service shall make satisfactory settlement of all financial obligations to a former congregation before:

a. installation in another call, or

b. approval of a request for change in roster status.

†S14.46. With the approval of the synod bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.43., a congregation may call a minister of Word and Service for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the minister of Word and Service and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.43.

S14.47. All ministers of Word and Service under a call shall attend meetings of the Synod Assembly, and the ministers of Word and Service of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.

Chapter 15. FINANCIAL MATTERS

†S15.01. The fiscal year of this synod shall be February 1 through January 31.

S15.01.01. The treasurer's books shall close on the 10th day of February following the end of the fiscal year. All monies received on that day shall be included in the receipts of the prior year.

†S15.11. Since the congregations, synods, and churchwide organization are interdependent expressions that share in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support of the whole church. The gifts and offerings of the members of the Evangelical Lutheran Church in America are given to support all parts of this church the unity of this church should be evidenced in determining each part's share of the gifts and offerings.

Therefore:

a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with congregational leaders to assist each congregation in making its determination.

b. This synod shall receive the proportionate share of the mission support from its congregations and shall transmit that percentage or amount of each congregation's mission support as determined in consultation with the churchwide organization and approved by the Synod Assembly as part of its budget consideration.

S15.11.10. The minutes of the Synod Assembly shall include, when possible, a table showing each congregation proportionate share of this synod budget for the next year.

†S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to supportive funding with other synods and the churchwide organization.

S15.13. On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.

S15.14. Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year's budget for regular distribution to synodical causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.

S15.21. No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.

S15.21.A92 There will be no congregation-based synod-wide capital fund appeals within the Virginia Synod by institutions or agencies officially related to the synod.

†S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod. The financial reports shall be in the format approved from time to time by the churchwide Office of the Treasurer.

†S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

Chapter 16. INDEMNIFICATION

†S16.01. Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of section **†S16.02.**

a. The term "proceeding" means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise required by law, the term "proceeding" does not include (a) any action by this synod against the individual seeking indemnification, or (b) subject to **†S16.04.**, a disciplinary hearing or related process described in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

b. The term "indemnification" includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys' fees, disbursements, and similar required expenditures.

†S16.02. Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod as (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall be entitled to indemnification only if (a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.

S16.02.01 Process

a. The following process is approved by this synod to fulfill the requisite of S16.03(a): One of the principal purposes of separate incorporation is that each organization should be responsible for its own affairs and liabilities and the conduct of its own directors, officers and other persons whom the organization entrusted with responsibility. However, there are occasions when the interests of this synod are of sufficient importance that it will agree to indemnify a person who while serving as a synod council member, officer, employee, board member, or committee member of this synod is requested by the synod to serve in some capacity for another organization. Any person who desires the benefit of indemnification under S16.03 shall make written application setting forth: (i) the name of the other organization, (ii) whether or not this other organization is

incorporated, (iii) the position in the other organization that the applicant holds or will hold, (iv) a brief statement as to why the applicant's holding of this position in the other organization is in the interest of this synod, and (v) a statement that no claim has been asserted against the applicant that would or might entitle the applicant to indemnification under the indemnification right being requested. The application must be signed by the applicant and must be endorsed by either the relevant unit executive or the unit board or committee chair, or the bishop or Synod Council vice-president. The applicant may be requested to supply additional information such as the other organization's policy on indemnification, information on the other organization's insurance coverage and financial responsibility, and a description of the responsibilities that the applicant has with relation to the other organization. The application and any requested additional information should be submitted to and will first be reviewed by the Synod Council Executive Committee. The Executive Committee shall recommend to the Synod Council whether the application should be approved. The Synod Council will decide on behalf of this synod. The action of the Synod Council will be recorded in its minutes. The applicant will be notified of the Synod Council decision. No member of the Executive Committee of the Synod Council shall participate in decisions as to which such member is an applicant, unless all members of the synod council are applicants Approval may be granted on a limited basis, examples of which include but are not limited to: (i)The applicant's service as a director but not as an officer of the other organization; (ii) A period of time; (iii) Civil but not criminal liabilities; (iv) Conditioned upon the applicant first seeking indemnification or reimbursement from the other organization or its insurance carrier.

b. Unless otherwise specifically provided by the Synod Council, approval will not entitle any person to indemnification with respect to a claim asserted against her/him prior to such approval.

c. If the other organization is not a corporation, indemnification under S16.03 shall be provided only in exceptional cases.

†S16.03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in section **†S16.01.** or section **†S16.02.**

†S16.04. When written charges against a rostered minister of this church are made in disciplinary proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* by the synod bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synod bishop, and the discipline hearing committee determines that no discipline shall be imposed, then if such determination is not reversed or set aside on appeal, indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be decided by the Synod Council.

Chapter 17. CONSULTATION AND ADJUDICATION

†S17.01. The synod bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.

†S17.02. The synod bishop and the Executive Committee of the Synod Council shall receive expressions of concern from rostered ministers of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When a concern relates directly to the synod bishop, the synod vice president will lead the Executive Committee's efforts at resolving the matter. When the matter at issue cannot be resolved in this manner, applicable procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of a rostered minister of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

†S17.03. When there is disagreement between or among congregations of this synod on a substantive issue that cannot be resolved by the parties, the council of an affected congregation may petition the synod bishop for a consultation after informing the other affected congregation(s) of its intent to do so. If the consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation's Committee's efforts fail to resolve the issue(s), the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The decision of the Synod Council shall be final.

†S17.04. When conferences, cluster, coalitions, or area subdivisions of this synod have a disagreement on a substantive issue that they cannot resolve, the aggrieved party or parties may petition the synod bishop and the Executive Committee of the Synod Council requesting a consultation after informing the other affected parties of their intent to do so. In this case the decision of the Executive Committee shall prevail, except that, upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.

†S17.10. Adjudication in a Congregation

†S17.11. When there is disagreement between or among factions within a congregation on a substantive issue which cannot be resolved by the parties, members of the congregation may petition the synod bishop for consultation after informing the president of the Congregational Council of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.D. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the

Synod Council for adjudication by whatever process the council deems necessary. The Synod Council's decision shall be final.

Chapter 18. AMENDMENTS, BYLAWS AND CONTINUING RESOLUTIONS

†S18.10. Amendments to Constitution

†S18.11. Certain sections of this constitution incorporate, and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by the Churchwide Assembly, corresponding amendments shall be introduced at once into this constitution by the secretary of this synod upon receipt of formal certification thereof from the secretary of the Evangelical Lutheran Church in America.

†S18.12. Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended the *Constitution for Synods*, this constitution may be amended to reflect any such amendment by a majority vote at any subsequent meeting of the Synod Assembly without presentation at a prior Synod Assembly. An amendment that is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption by this synod. The Church Council, through the secretary of this church, shall be given prompt notification of its adoption.

†S18.13. Other amendments to this constitution may be adopted by this synod through either of the following procedures:

a. Introduced with the support of at least twenty-five voting members and having been approved by a two-thirds vote of the voting members present and voting at a regular meeting of the Synod Assembly, an amendment may be adopted unchanged by a two-thirds vote at the next regular meeting of the Synod Assembly.

b. The Synod Council may propose an amendment, with notice to be sent to the congregations of this synod at least six months prior to the next regular meeting of the Synod Assembly. Such an amendment shall require for adoption a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.

All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.

†S18.20. Amendments to Bylaws

†S18.21. Adopting or Amending Bylaws. This synod may adopt bylaws not in conflict with this constitution or with the constitution and bylaws of the churchwide organization. This synod may amend its bylaws at any meeting of the Synod Assembly by a two-thirds vote of voting members of the assembly present and voting. Newly adopted bylaws and amendments to existing bylaws shall be reported to the secretary of this church.

†S18.30. Amendments to Continuing Resolutions

†S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution, bylaws, and continuing resolutions of the churchwide organization. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.