

Sierra Pacific Synod of the Evangelical Lutheran Church in America

**CONSTITUTION, BYLAWS,
CONTINUING RESOLUTIONS,
and
POLICIES**

as adopted by the Constituting Convention
of the Sierra Pacific Synod
in San Jose, California
July 12, 1987

and

as last amended by the Sierra Pacific Synod Assembly
September 16, 2023

MISSION STATEMENT

Sierra Pacific Synod

Evangelical Lutheran Church in America

This Synod is an expression of the Church, empowered by the Holy Spirit to be a witness to God's creative, redeeming and sanctifying activity in all the world.

Recognizing that the context of this Synod reflects a great variety of ethnic traditions, languages, races, and economic groups, our mission is:

- 1) to assist congregations in proclaiming, celebrating and struggling with what it means to live out the Good News of Jesus Christ;
- 2) to support the institutions and agencies of the Church located within the territory of this Synod, and other institutions and agencies for which we have responsibility;
- 3) to meet human needs in response to God's love and to be an advocate for all who suffer injustice, with special focus on victims of racism, sexism and other forms of oppression;
- 4) to place as one of our highest priorities the commitment of synodical and churchwide budget for the intentional creation of an inclusive church;
- 5) to promote the inclusive church which Christ intended, reflecting the multicultural and economic diversity within our boundaries;
- 6) to participate in the life and global mission of the ELCA, promoting its support through our congregations;and,
- 7) to grow in our relationship with the worldwide Lutheran communion, the ecumenical church, and their religious expressions.

Adopted by the 1988 Sierra Pacific Synod Assembly
May 14, 1988
Sacramento, California

Table of Contents

Constitution, Bylaws and Continuing Resolutions. Bylaws are incorporated into the text of the Constitution where applicable and are numbered as: SXX.XX.XX. Continuing Resolutions are numbered as: SX.XX.XXX. A † indicates a provision required by the Constitution of the Evangelical Lutheran Church in America.

Chapter 1	NAME AND INCORPORATION
Chapter 2	STATUS
Chapter 3	TERRITORY
Chapter 4	CONFESSION OF FAITH
Chapter 5	NATURE OF THE CHURCH
Chapter 6	STATEMENT OF PURPOSE
Chapter 7	SYNOD ASSEMBLY
Chapter 8	OFFICERS
Chapter 9	NOMINATIONS AND ELECTIONS
Chapter 10	SYNOD COUNCIL
Chapter 11	COMMITTEES, DIVISIONS, AND COMMISSIONS
Chapter 12	CONFERENCES, CLUSTERS AND COALITIONS, OR OTHER AREA SUBDIVISIONS
Chapter 13	CONGREGATIONS
Chapter 14	ROSTERED MINISTERS
Chapter 15	FINANCIAL MATTERS
Chapter 16	INDEMNIFICATION
Chapter 17	ADJUDICATION
Chapter 18	AMENDMENTS, BYLAWS, and CONTINUING RESOLUTIONS
Chapter 19	INSTITUTIONS, AGENCIES, AND AFFILIATED ORGANIZATIONS
88 - 001	Expense Reimbursement Policy
88 - 002	Personnel Policies
88 - 003	Relation of Congregations to the Synod
88 - 004	Guidelines for Fund Raising by Sierra Pacific Synod Institutions, Agencies and Affiliated Organizations
88 - 005	Alcoholism and Drug Addiction
88 - 006	Synod Mailing Lists
89 - 001	Term Calls and Appointments
89 - 002	Guidelines for Calls to Interim Ministry by the Synod Council
89 - 003	Guidelines for Financial Accountability for the Divisions, Commissions, and Committees of Sierra Pacific Synod
90 - 001	Severance Benefits for Bishop and Executive Staff
90 - 002	Guidelines and Policy: The Affirmative Call
91 - 001	Warner Trust Committee
91 - 002	Short Term Investments
91 - 003	Synod Staff Support Committee
91 - 004	Honoraria for Voluntary Synod Leadership
92 - 001	Sabbatical Leave Policy
92 - 002	Publications of Minutes of Synod Assembly
93 - 001	Bishop's Sabbatical Leave Policy
94 - 001	Criteria for Allocations of Synod Multicultural Ministries Fund
95 - 001	Policies and Procedures for Synodically Authorized Worshiping Communities
96 - 001	Rostered Leaders under Call
99 - 001	Policy Regarding Sexual Misconduct by Members of Clergy and Rostered Lay Not Employed by the Synod
02-001	Transfer of Synodically Owned Property
11-002	Gift Acceptance Policy
11-003	Investment Policy
13-001	Policy on the Sale, Retention and Management of Real Property
15-001	Mission and Ministry Endowment Fund
21-001	Debbi and Mark Holmerud Legacy Fund
21-002	Policy on Disclosures During Public Elections
23-001	Discipline of a Rostered Minister when a Complaint is Reported

Constitution, Bylaws and Continuing Resolutions

Sierra Pacific Synod

Evangelical Lutheran Church in America

Chapter 1

NAME AND INCORPORATION

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

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 counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba in the state of CALIFORNIA; the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe, White Pine, and the consolidated municipality of Carson City in the state of NEVADA.
- †S3.02. "Determined by the Churchwide Assembly," as stipulated by †S3.01., is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA Bylaws 10.01.01. and 10.01.03.

Chapter 4

CONFESSION OF FAITH

- †S4.01. This synod confesses the Triune God, Father, Son, and Holy Spirit.
- †S4.02. This synod confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- †S4.03. This synod accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- †S4.04. This synod accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this synod.

- †S4.05. This synod accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- †S4.06. This synod accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- †S4.07. This synod confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 5 NATURE OF THE CHURCH

- †S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.
- †S5.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.
- †S5.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- †S5.04. This church, inspired and led by the Holy Spirit, participates in the Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.

Chapter 6 STATEMENT OF PURPOSE

- †S6.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- †S6.02. To participate in God's mission, this synod as a part of the Church shall:
 - a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed and committing itself to their needs.
 - d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- †S6.03. This synod, in cooperation with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in its territory. In fulfillment of this role and consistent with policies and procedures of this church, the synod shall:
 - a. Provide for pastoral care of congregations and rostered ministers in the synod;
 - b. Plan for, facilitate, and nurture the mission of this church through congregations;
 - c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners.
 - d. Interpret the work of this church to congregations and to the public on the territory of the synod.
- †S6.03.01. The responsibilities of the synod include the following:

- a. providing for pastoral care of congregations, ministers of Word and Sacrament, and ministers of Word and Service in the synod, including:
 - 1) approving candidates for rostered ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synod committees;
 - 2) authorizing ordinations and ordaining rostered ministers on behalf of this church;
 - 3) consulting in the call process for rostered ministers.
 - b. providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:
 - 1) nurturing and supporting congregations and lay leaders;
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
 - 3) making provision for pastoral care, call review, and guidance;
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
 - c. providing for discipline of congregations, ministers of Word and Sacrament, and ministers of Word and Service; as well as for termination of call, appointment, adjudication, and appeals consistent with Chapter 20 of this church's constitution.
 - d. providing for archives in conjunction with other synods.
- †S6.03.02. In planning for, facilitating, and nurturing the mission of this church through congregations, the responsibilities of the synod include the following:
- a. developing of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
 - b. leading and encouraging of congregations in their evangelism efforts;
 - c. assisting members of its congregations in carrying out their ministries in the world;
 - d. encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;
 - e. providing resources for congregational life;
 - f. grouping congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.
- †S6.03.03. In strengthening interdependent relationships among congregations, synods, and the churchwide organization, and in fostering relationships with agencies and institutions affiliated with or related to this church as well as with ecumenical partners, the responsibilities of the synod include the following:
- a. promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering into relationships with other synods in the region;
 - b. fostering organizations for youth, women, and men, and organizations for language or ethnic communities;
 - c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing supportive funding;
 - d. supporting relationships with and providing supportive funding on behalf of colleges, universities, and campus ministries;
 - e. maintaining relationships with and providing supportive funding on behalf of seminaries and continuing education centers;
 - f. fostering supporting relationships with camps and other outdoor ministries;
 - g. fostering supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;
 - h. fostering relationships with ecumenical and global companions;
 - i. cooperating with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.
- †S6.03.04. In interpreting the work of this church on the territory of the synod, the responsibilities of the synod include the following:
- a. encouraging financial support for the work of this church by individuals and congregations;
 - b. participating in churchwide programs;
 - c. interpreting social statements in a manner consistent with the interpretation given by the churchwide unit or office which assisted in the development of the statement, and suggestion of social study issues;

- d. providing ecumenical guidance and encouragement.
- †S6.04. Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60 percent of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, at least 45 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men; and that, where possible, the representation of rostered ministers shall include both men and women. This synod shall establish processes that will enable it to reach a minimum goal that 10 percent of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.
- S6.04.A16 *This synod interprets synod provision †S6.04, and ELCA constitutional provision 5.01.g, on which †S6.04 is based, as fundamentally inclusive statements of participation within the life and work of the synod. While these provisions make specific reference to “male” and “female” members, this synod acknowledges and celebrates the full spectrum of gender identities claimed by children of God throughout our church. In no way shall the binary language of “male” and “female” in any provision of this synod’s governing documents be used to exclude an individual from full participation in the life and work of this synod if they claim another gender identity. The Synod Council shall work to communicate, uphold, and implement this interpretation as necessary. The Synod Council shall update this continuing resolution and any provision of these governing documents referencing gender upon the conclusion of the 2019 ELCA Churchwide Assembly.*
- †S6.04.01. It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, the term “youth” means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term “young adult” means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.
- †S6.05. Each assembly, council, committee, board, commission, task force, or other body of this synod or any synod units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, commission, task force, or other body may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly, council, committee, board, commission, task force, or other body.
- †S6.06. References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 7 **SYNOD ASSEMBLY**

- †S7.01. This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions of the Articles of Incorporation, this constitution and bylaws, the assembly’s own resolutions, and the constitution and bylaws of this church.
- †S7.11. A regular meeting of the Synod Assembly shall be held at least triennially.
- S7.11.01. The Synod Assembly shall meet annually.
- 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 regular meetings of the Synod Assembly shall be given by the secretary of this synod not less than 60 days prior to the convening date.
- S7.14. All members present at any session of a duly-called meeting 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 lay persons, shall be constituted as follows:

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

S7.21.A23. *Congregations may determine the number of lay voting members to the Synod Assembly using one of the following formulae:*

Formula A) Each congregation shall elect two lay voting members to the synod assembly. One additional voting member shall be elected by congregations having between 351 and 525 baptized members. Two additional voting members shall be elected by congregations having between 526 and 700 baptized members. Three additional voting members shall be elected by congregations having between 701 and 875 baptized members. Four additional voting members shall be elected by congregations having more than 875 baptized members. The number of baptized members shall be determined by the most recent parochial report on file with the synod office.

or

Formula B) Each congregation shall elect two lay voting members for every rostered minister serving the congregation under a letter of call or extended service. If there is no rostered minister serving the congregation, the congregation shall elect two lay voting members.

Congregations are encouraged to include persons of color, persons whose primary language is other than English, youth (confirmed to age 17), and young adults (age 18 to 30) among their lay voting members to the synod assembly. (see †S6.04. and †S6.04.01.)

Regardless of the formula used, for congregations sending an even number of lay voting members, no more than half of the congregation's lay voting members should be of the same gender. For congregations sending one additional lay voting member (3 total), no more than two members should be of the same gender. For congregations sending three additional lay voting members (5 total), no more than three members should be of the same gender. (see †S6.04. and S6.04.A16.)

S7.21.B23. *A. Congregations may send one additional lay voting member who is a person of color or person whose primary language is other than English.*

B. Congregations may send one additional lay voting member who is a youth or young adult. 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. If a congregation is sending a youth as part of the Sierra Pacific Synod Youth Committee (see S7.21.04.), the congregation may send a young adult.

S7.21.01. *C. For any additional lay voting members, congregations should take gender balance into consideration.*

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 regular Synod Assembly.*

S7.21.03. *Congregations with fewer than 175 baptized members may send one additional lay member to the Synod Assembly beyond the minimum required by †S7.21. If such a congregation is sending only one member, they may choose either a lay male or a lay female; if sending two members, one must be male and one female. 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.*

S7.21.04. *The youth from the Synod Youth Committee shall be voting members of the Assembly.*

- S7.22. This synod may establish processes that permit retired rostered ministers, or those granted disability status, or on leave from call, on the roster of this 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.A23. *Rostered ministers on the roster of this synod who are granted disability status or on-leave-from-call are permitted but not required to serve as voting members of the synod assembly.*
- S7.22.01. Not less than 90 days prior to the convening of the Assembly, the Secretary of the Synod shall mail a letter to all retired ordained ministers, retired associates in ministry, retired deaconesses, and retired diaconal ministers on the combined rosters of the Synod, asking if they are willing to serve as a voting member of that year's Assembly. From the list of those who reply affirmatively, the secretary shall designate a number equal to 5 percent of the total number on the combined rosters who shall be selected as voting members. The names of those replying affirmatively shall be placed in alphabetical order, and the persons selected shall be chosen alphabetically, moving down the list from the alphabetical point where the previous year's list of voting members left off. Alternates shall be designated by continuing down the list in alphabetical order, but alternates who are not seated as voting members will continue to be eligible the next year. The secretary shall notify all retired rostered persons of the results of this process.
- †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 shall from time to time designate.
- S7.24. Ministers under call on the rosters of this synod shall remain as voting members of the Synod Assembly so long as they remain under call and so long as their names appear on the rosters of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until 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 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 authorized worshipping communities of the synod, which have been authorized under ELCA bylaw 10.02.04., to serve as voting members of the Synod Assembly, consistent with †S7.21.
- S7.26.A00. *Two lay members from each synod authorized worshipping community shall be voting members to the Synod Assembly.*
- S7.27. This synod may establish processes through the Synod Council to grant a minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly 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.
- S7.29. Each ordained minister on the roster of the synod who is retired or on leave from call and, at the time of an assembly, is serving a congregation as an interim pastor pursuant to a letter of agreement approved by the bishop of the Synod shall be a voting member of that assembly.
- †S7.31. Proxy and absentee voting shall not be permitted in the transaction of any business of the Synod Assembly.
- S7.32. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of the Synod Assembly.
- S7.33. "Ex officio" as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

Chapter 8

OFFICERS

- †S8.01. The officers of this synod shall be a bishop, a vice-president, a secretary, and a treasurer.
- S8.10. **Bishop**
- †S8.11. The bishop shall be elected by the Synod Assembly. The bishop shall be a minister of Word and Sacrament of the Evangelical Lutheran Church in America.
- S8.11.01. When authorized by the Synod Council in order to address special circumstances, the synod bishop may be compensated as an employee or contractor for specified services to another expression of this church. Such an arrangement may be terminated by the Synod Assembly or Synod Council if determined to be detrimental to the function of the office or if the special circumstances no longer apply.

†S8.12.

As this synod's pastor, the bishop shall:

- a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
- b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ministers of Word and Sacrament, and its ministers of Word and Service.
- c. Exercise solely this church's power to ordain (or provide for the ordination by another synod bishop of) all approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ministry of Word and Sacrament (and as provided in the bylaws of the Evangelical Lutheran Church in America).
- d. Ordain (or provide for the ordination of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as ministers of Word and Service.
- e. Attest letters of call for persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.
- f. Install (or provide for the installation of) rostered ministers whose calls the bishop has attested.
- g. Exercise leadership in the mission of this church and in so doing:
 - 1) Interpret and advocate the mission and theology of the whole church;
 - 2) Lead in fostering support for and commitment to the mission of this church within this synod;
 - 3) Coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;
 - 4) Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work; and
 - 5) Advise and counsel this synod's related institutions and organizations.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
 - 1) Exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;
 - 2) Be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of rostered ministers and congregations of this synod;
 - 3) Be the chief ecumenical officer of this synod;
 - 4) Be a member of the Conference of Bishops and consult regularly with other synod bishops;
 - 5) Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;
 - 6) Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and
 - 7) Be *ex officio* a member of the Churchwide Assembly.
- i. Oversee and administer the work of this synod and in so doing:
 - 1) Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;
 - 2) Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;
 - 3) Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;
 - 4) Direct and guide the work of the other officers;
 - 5) Exercise supervision over the work of all synod staff members;
 - 6) Appoint all committees for which provision is not otherwise made;
 - 7) Be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;
 - 8) Provide for preparation and maintenance of synod rosters containing the names and addresses of all rostered ministers of this synod and a record of the calls under which they are serving or the date on which their retired or disability status took effect;
 - 9) Annually bring to the attention of the Synod Council the names of all ministers on leave from call or engaged in approved graduate study in conformity with the constitution and bylaws 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;
 - 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, secure the reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.

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

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

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

†S8.16. **Conflicts of Interest**

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

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

S8.20. **Vice-President**

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

S8.22. In the event of the resignation, death, or disability of the bishop, the vice-president 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. If the vice-president is unable to fulfill this duty, or if the office of vice-president is vacant, the Synod Council shall meet and arrange for the conduct of the duties of the bishop.

S8.30. **Secretary**

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

†S8.32. The secretary shall:

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

- b. Be authorized and empowered, in the name of this synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.
- c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.
- d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly.

S8.40.

Treasurer

†S8.41.

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

S8.42.

The treasurer shall provide and be accountable for:

- a. Management of the monies and accounts of this synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of this synod.
- b. Investment of funds upon the authorization of the Synod Council.
- c. Receipt and acknowledgment of offerings, contributions, and bequests made to this synod, collecting interest and income from its invested funds, and paying regular appropriations and orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by this synod for the general work of this church.
- 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. Giving of corporate surety in the amount determined by the Synod Council, which shall be in the custody of the secretary, and the premium therefore shall be paid by this synod. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

S8.50.

General Provisions

†S8.51.

The terms of office of the officers of this synod shall be as follows:

- a. The bishop of this synod shall be elected to a term of six years and may be reelected.
- 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 a successor takes office.
- c. The treasurer of this synod shall be appointed to a term of four years and may be reappointed. The treasurer shall serve until a successor takes office.

†S8.52.

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

†S8.53.

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

†S8.54.

Should the bishop die, resign, or be unable to serve, the vice-president 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. If the treasurer is appointed by the 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 may be effected in accordance with the procedure established by the Committee on Appeals of the Evangelical Lutheran Church in America and the vacating of office may be effected for willful disregard or violation of the constitutions, bylaws, and continuing resolutions of this church; for such physical or mental disability as renders the officer incapable of performing the duties of office; or for such conduct as would subject the officer to disciplinary action as a rostered minister or as a member of a congregation of this church.

- a. Proceedings for the recall or dismissal of a synod bishop shall be instituted by written petition by:
 - 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting;
 - 3) at least 10 synod bishops; or
 - 4) the presiding bishop of this church.
- b. Proceedings for the recall or dismissal of an officer of a synod, other than the synod bishop, shall be instituted by written petition by:
 - 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting; or
 - 3) the synod bishop.
- c. The petition shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631) and shall set forth the specific charge or charges.
- d. Upon the filing of a written petition, the Executive Committee of the Synod Council may temporarily suspend the officer from service in the synod without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee of the synod.
- e. In the case of alleged physical or mental incapacity of an officer of the synod, the procedures outlined in †S8.56. shall be followed, and such officer shall comply with the decision of the Synod Council. If such officer fails or refuses to comply, the Synod Council may proceed to petition for recall or dismissal as follows:
 - 1) the Synod Council will submit a written report of their findings and the basis of their decision to the Committee on Appeals.
 - 2) the Committee on Appeals, exclusive of any members who are disqualified, shall review the findings and decision of the Synod Council and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.
- f. If the synod officer is a minister of Word and Sacrament, grounds for recall or dismissal include those set forth in ELCA bylaw 20.22.01. and as defined under the process described in ELCA constitutional provisions 20.21. and 20.22. as grounds for discipline. If the officer is a minister of Word and Service, grounds for recall or dismissal include those set forth in ELCA bylaw 20.23.01. and as defined under the process described in ELCA constitutional provisions 20.21. and 20.22. as grounds for discipline.
- g. If the officer is a layperson, grounds for recall or dismissal include those set forth in ELCA bylaw 20.41.01. as grounds for discipline.
- h. If the case of alleged willful disregard or violation of the constitutions, bylaws, and continuing resolutions or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:
 - 1) the petition shall be referred to the Committee on Appeals, which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in ELCA bylaw 20.22.14. except to the extent that those rules are in conflict with the provisions of this bylaw; and
 - 2) the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.

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

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

Chapter 9 NOMINATIONS AND ELECTIONS

- †S9.01. The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws. The Synod Assembly shall elect members of the Churchwide Assembly in accordance with bylaw 12.41.11. of the constitution and bylaws of the Evangelical Lutheran Church in America.
- S9.01.01. Voting members of the Churchwide Assembly shall be elected by the Synod Assembly in the following manner:
- a. The bishop shall automatically be a member, in accordance with ELCA Constitution 12.41.11.
 - b. The Vice President shall automatically be a member.
 - c. The Assembly shall elect three ordained ministers on the roster of this synod, three lay males and three lay females to serve as Churchwide Voting Members. Preliminary nominations for these positions will be made by the conferences. The particular nominations to be made by each conference (Clergy, Lay Male, Lay Female) shall be determined in the year prior to the election by means of a lottery conducted by the Synod Council Executive Committee. Two nominees for each position selected by the Conference shall be presented to the Synod Assembly; no additional nominations shall be permitted. The Assembly shall elect one person for each position to serve as a member of the Churchwide Assembly. A member who subsequently moves out of the Conference from which they were elected shall continue to hold office until the next election, provided they continue to hold membership in a congregation of this synod.
 - d. Additional members-at-large sufficient to complete the assigned delegation number shall be elected from nominations made by the Nominating Committee, with further nominations from the floor permitted. The election of the at-large members, if necessary, shall take place after the elections of the members from the conferences have been completed. In the event that the number of Churchwide Assembly members assigned to the Synod precludes electing nine persons described above, the Synod Council shall determine how best to distribute the members to be elected.
 - e. The runner-up in each election shall be the first alternate for the seat. In the event the elected voting member or alternate is unable to serve, the Synod Council or Executive Committee shall appoint additional alternates as necessary.
- S9.01.02. The Synod Council may recommend to the Assembly any alterations in the procedure of SB9.01.01 made necessary by the number of members of the Churchwide Assembly assigned to this synod.
- †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 nine members, appointed by the Synod Council in three classes for three-year terms. The new class shall take office at the close of the regular meeting of the Synod Assembly (or July 1, should the Synod Assembly not hold a regular meeting that year). The Synod Council shall designate a convener for the Committee, which shall elect its own chair. Additional nominations may be made from the floor for all elections.
- S9.03.01. The Nominating Committee shall monitor the progress and make recommendations about the place of elections in achieving the goal of †S6.04.
- S9.03.02. The Nominating Committee, in consultation with other appropriate groups, shall present nominations for Synod officials (except as otherwise provided), including at-large members of the Council and Synod Churchwide Assembly delegates, and other positions as the Synod Council may designate.
- S9.03.03. The members of the Nominating Committee shall be limited to two consecutive terms of three years each.
- S9.04. The bishop shall be elected by the Synod Assembly by ecclesiastical ballot. Three-quarters 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. The second ballot shall list all persons who received legal votes on the first ballot, except for those who have asked that their names not be included for further consideration in the election process by notifying the Chair of the Elections Committee within two hours of the announcement of the

results of the first 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.

- S9.04.01. In the year prior to an election for bishop, the Nominating Committee shall establish a process for providing this synod with information about potential candidates for bishop. The process shall be reviewed and approved by the Synod Council prior to its beginning, and shall include the following elements:
- a. Each Conference within this synod shall be invited to suggest names of those eligible persons on the clergy roster of the ELCA whom they believe to have the gifts and graces necessary for holding the office of bishop. Each conference shall submit no more than five names, no later than January 15 (or another date approved by the Synod Council). The name of each person submitted, together with the conference or conferences which submitted that name, shall be made known by the Nominating Committee to each person whose name has been submitted, as well as to the congregations and rostered professionals of the synod, through any appropriate media. Each conference may make its own decision as to the process it uses to determine the names it will submit, but that process shall include an opportunity for congregations and individuals within the conference to suggest names for consideration.
 - b. Persons so suggested shall be invited to submit brief biographical material, and to respond to questions regarding their view of the office of bishop and its role in the mission of the church. The specific questions asked shall be approved by the Synod Council.
 - c. The responses to this invitation shall be distributed to members of the Assembly along with the pre-assembly reports. They shall also be posted on the Synod's website.
 - d. Any persons receiving votes on the first ballot who did not previously submit written material shall be invited to do so immediately, and those responses shall be duplicated and made available to the voting members of the Assembly.
- S9.04.02. When the Synod Assembly begins the process of balloting for bishop, that process shall take priority over all other business.
- S9.05. The Nominating Committee shall nominate at least one person for vice president; additional nominations may be made from the floor.
- S9.06. The Synod Council shall nominate at least one person for secretary; additional nominations may be made from the floor.
- S9.07. If the treasurer is elected, the Synod Council shall nominate at least one person for treasurer; additional nominations may be made from the floor.
- S9.08. In all elections, except for the election of 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.
- †S9.12. 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.
- S9.12.A19. *The Synod Council Executive Committee shall provide for background checks for persons nominated for synod office prior to the Synod Assembly at which the election will take place or as soon as possible after the Synod Assembly for newly elected officers nominated from the floor who were not identified as nominees prior to the Assembly. The process shall be as follows:*
- a. *Prior to the Synod Assembly appropriate notice of the background check requirement and protocol will be provided to voting members, potential nominees, and others as directed by the Synod Council.*
 - b. *Nominees and newly elected officers are required to provide written consent to a background check and all information necessary to complete a background check, which should be completed prior to*

the Synod Assembly with respect to nominees and prior to assuming office for newly elected officers, if possible.

- c. *The Synod Council’s Executive Committee shall designate one Executive Committee or Synod Council member to obtain the background checks.*
- d. *Any member of the Synod Council Executive Committee or the synod staff who intends to stand for election shall not participate in any of this background check and screening process (except as a nominee). Any person who is an immediate family member of a nominee for election shall not be part of the process.*
- e. *All background checks for nominees and newly elected officers will entail a criminal background check. A financial background check will be completed for nominees for treasurer and bishop. The Executive Committee shall decide whether additional types of background checks are appropriate for each officer position.*
- f. *The background check results shall be provided to that nominee or elected officer and to the Synod Council’s Executive Committee, which shall then take action as deemed appropriate. Further disclosure of the results may be determined by the Executive Committee.*
- g. *The Executive Committee may adopt other procedures or protocols as are necessary to provide for background checks for nominees and newly elected synod officers and shall report such actions to the Synod Council.*

Chapter 10

SYNOD COUNCIL

†S10.01.

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

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

S10.01.A16.

The Synod Council shall consist of the four officers of this synod, nine members elected from the conferences, three members elected at-large, one member who is a person of color, one member whose primary language is other than English, one young adult member, and one youth member. Each nominee to represent a Conference shall be a voting member of a congregation in that Conference. The officers, members-at-large, person of color, person whose primary language is other than English, young adult, and youth positions on the Synod Council will be elected on an at-large basis at the Synod Assembly. Unless otherwise provided by the constitution and bylaws, those to be elected at-large will be chosen from among nominations made by the Nominating Committee and annual conference gatherings, and nominations from the floor of the Synod Assembly.

S10.01.B16.

The Synod Assembly shall elect to the Council three ministers on the roster of this Synod, three lay women, and three lay men. These Council members shall be elected for three-year terms. Nominations for these positions will be made by the conferences in the following manner: Each of the nine shall conferences will be represented on the Synod Council. The “classes” of those elected (Lay Woman, Lay Man, and Rostered Minister) would be rotated in a twelve-year cycle.

2021		
<i>Conferences 1,4,7</i>	<i>Conference 2, 5, 8</i>	<i>Conference 3, 6, 9</i>
<i>Lay Woman</i>	<i>Lay Man</i>	<i>Rostered Minister</i>
2024 & 2027		
<i>Conferences 1,4,7</i>	<i>Conference 2, 5, 8</i>	<i>Conference 3, 6, 9</i>
<i>Lay Man</i>	<i>Rostered Minister</i>	<i>Lay Woman</i>
2030 & 2033		
<i>Conferences 1,4,7</i>	<i>Conference 2, 5, 8</i>	<i>Conference 3, 6, 9</i>
<i>Rostered Minister</i>	<i>Lay Woman</i>	<i>Lay Man</i>

Cycle Repeats beginning in 2036

Each Conference shall select two persons as nominees presented to the Synod Assembly; no additional nominations shall be permitted. The Assembly shall elect one of the two nominees of each Conference to serve on the Synod Council. If a member elected or appointed as a representative of a Conference ceases to be a voting member of a congregation in that conference, the office shall at once become vacant. The vacancy shall be filled in accordance with S10.01.03 in conversation with the dean of said conference.

- S10.01.C16. *The Sierra Pacific Synod Youth Committee shall nominate at least one person as Youth member to be elected by the Synod Assembly for a two-year term. Additional nominations may come from the Nominating Committee, conference gatherings, or floor of the Synod Assembly. Each conference gathering may nominate one person; and nominations shall take into consideration the need to ensure diversity and representational principles in elected leadership. In accordance with †S6.04.02., 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.*
- S10.01.D16. *The three members-at-large shall be elected from nominations made by the Nominating Committee, by conference gatherings, or from the floor of the Synod Assembly. Each conference gathering may nominate one person; and nominations shall take into consideration the need to ensure diversity and representational principles in elected leadership. Members-at-large shall be elected for three-year terms, arranged in three classes so that one at-large position is elected each year. The election of the at-large Council member at each Assembly shall take place after the elections for any other Council positions are completed.*
- S10.01.A18. *One young adult member shall be elected by the Synod Assembly for a three-year term from nominations made by the Nominating Committee, by conference gatherings, or from the floor of the Synod Assembly. Each conference gathering may nominate one person; and nominations shall take into consideration the need to ensure diversity and representational principles in elected leadership. In accordance with †S6.04.02., the term “young adult” means a voting member of a congregation of this synod between the ages of 18 and 30 at the time of election or appointment for service. Should elections to Conference positions occur in the same year as the election of the young adult member, the election of the young adult Council member shall take place after elections to Conference positions.*
- S10.01.A21. *One person of color shall be elected by the Synod Assembly for a three-year term from nominations made by the Nominating Committee, by conference gatherings, or from the floor of the Synod Assembly. Each conference gathering may nominate one person; and nominations shall take into consideration the need to ensure diversity and representational principles in elected leadership. Should elections to Conference positions occur in the same year, the election of this position shall take place after elections to Conference positions.*
- S10.01.B21. *One person whose primary language is other than English shall be elected by the Synod Assembly for a three-year term from nominations made by the Nominating Committee, by conference gatherings, or from the floor of the Synod Assembly. Each conference gathering may nominate one person; and nominations shall take into consideration the need to ensure diversity and representational principles in elected leadership. Should elections to Conference positions occur in the same year, the election of this position shall take place after elections to Conference positions.*
- S10.01.01. In the election of Council members, all relevant provisions of Chapters 9 and 10 of the Synod Constitution shall apply.
- S10.01.02. Unless otherwise provided, Council members may serve no more than two consecutive terms. A partial term of two years or less shall not be considered in applying this restriction.
- S10.01.03. Unless otherwise provided, a vacancy on the Council shall be filled by the Council itself. A person elected by the Council to fill a vacancy shall serve until the completion of the unexpired term, and may be re-elected under the provisions of S10.01.02. Persons so elected shall meet the qualifications for the position they are filling.
- S10.01.04. Council members shall take office upon the adjournment of the Assembly at which they are elected. If elected by the Council to fill a vacancy, a Council member shall take office immediately upon election.
- S10.01.05. The Council shall meet at least four times each year.
- S10.01.06. Unless otherwise specified in the Synod Constitution or Bylaws, the Council shall determine its own organization and may establish any committees necessary to do its work.
- S10.01.07. A majority of the members of the Synod Council shall constitute a quorum.
- S10.01.08. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of the Synod Council.
- S10.01.09. Any action required or permitted to be taken by the Synod Council may be taken without a meeting, if all members of the Council shall individually or collectively consent in writing to such action. Such written

consent or consents shall be filed with the minutes of the Council. Such action by written consent shall have the same force and effect as the unanimous vote of the members of the Council. Any certificate or other document which relates to action so taken shall state that the action was taken by unanimous written consent of the Synod Council without a meeting and that the Bylaws of this corporation authorize the members of the Synod Council to so act.

- S10.01.10. The Synod Council shall elect or appoint from its members one person to serve with the bishop (or his/her appointee) on the Region 2 Steering Committee.
- †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 which are not in conflict with actions taken by the Synod Assembly or which are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.
- S10.03. The functions of the Synod Council shall be to:
- a. Exercise trusteeship responsibilities on behalf of this synod.
 - b. Recommend program goals and budgets to the regular meetings of the Synod Assembly.
 - c. Carry out the resolutions of the Synod Assembly.
 - d. Provide for an annual review of the roster of ministers of Word and Sacrament and the roster of ministers of Word and Service, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of ELCA, 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 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.
 - i. Arrange to have an annual audit of synod financial records conducted by a certified public accountant firm and submit the audited annual financial report to the Synod Assembly and to the churchwide Office of the Treasurer.
 - j. Elect members of synod boards, committees, or other organizational units unless otherwise specified in the bylaws.
 - k. Elect members of boards of affiliated institutions and agencies unless otherwise specified in the institution or agency bylaws or the bylaws of this synod.
 - l. Receive, review, and approve amendments to the constitutions of congregations of this synod, in accordance with provisions of those constitutions and the provisions of the ELCA.
 - m. Incur indebtedness, for terms not to exceed five years, when necessary to fund short-term needs of existing programs previously adopted by the Synod Assembly. The terms and amount of each such indebtedness shall be entered on the minutes of the Council and reported to each meeting of the Synod Assembly. The note or obligation given for such indebtedness, signed by the bishop and the secretary, shall be binding on this synod.
- S10.04. Any proposal to appropriate funds 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, except that amendments to the proposed budget which do not change the budget total may be approved by a simple majority of the Synod Assembly.
- S10.05. No elected member of the Synod Council shall receive compensation for such service. Synod Council members shall be entitled to reimbursement for approved expenses incurred in the exercise of their responsibilities as Council members.
- 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.
- S10.07.02. No officer or member of the Synod Council shall, during their term of office, serve as a member of the Board of Directors of any agency affiliated with the Synod under the provisions of Chapter 19 of this constitution, except as otherwise provided by this constitution or by the governing documents of said agency.

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

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

Chapter 11 COMMITTEES, DIVISIONS, AND COMMISSIONS

†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.

S11.01.01. There shall be an Executive Committee, which shall consist of the officers of this synod and three other Council members, elected annually by the Council. The Executive Committee shall perform those functions of the Council assigned to it by the Council. Minutes of all Executive Committee meetings shall be distributed to the full Council. The Executive Committee shall determine its own organization.

S11.01.02. There shall be a Committee on the Synod Assembly, which shall have responsibility for planning and organizing sessions of the Synod Assembly, including program, business, entertainment, worship, registration procedures, and any other matters relating to the meetings of the Synod Assembly. The Committee shall be composed of two members of the Synod Council; such members of the synod staff as may be appointed by the bishop; and four additional persons appointed by the Council to three-year staggered terms. Attention shall be given to the provisions of †S6.04. During the year preceding the Synod Assembly, this Committee may appoint to its membership additional people from the city area where the Synod Assembly will be meeting. The chairperson of the Committee on the Synod Assembly shall be designated by the Synod Council. The date, place, time, registration fees, delegate formula, and agenda of each Assembly shall be recommended to the Synod Council, to which the Committee shall be responsible.

S11.01.03. There shall be a Committee on Synod Documents, composed of the secretary of this synod and five other members appointed by the Synod Council for staggered three-year terms. The Committee shall choose its own chair and such other officers as it may deem necessary. The Committee's responsibilities shall include ongoing review of the Constitution, Bylaws, and such other Rules of Procedure as this synod may adopt; editing of those documents for clarity and consistency; assisting the Council or other groups within this synod in preparing legislation for Synod consideration; and such other related tasks that the Council or Assembly may assign to it.

S11.01.04. There shall be a Finance Committee, which shall consist of the synod treasurer and five other persons who are voting members of congregations of this synod, who may be members of the Synod Council, and who are appointed annually by the Synod Council to staggered three-year terms. The Finance Committee shall:

- a. Assist the treasurer in the development of policies governing the management and investment of the financial assets of this synod.
- b. Develop and recommend to the Synod Council the operating budget of this synod, including estimates of income and expense for all the parts of this synod's ministry, and present its budget recommendation to the Council at least three months before the Synod Assembly that will consider the budget for adoption. Preparation of the Committee's recommendation to the Council shall include opportunities for participation by the conferences, by the institutions and agencies related to this synod, by the church-wide agencies, and by each organizational unit that will carry out parts of the program to be recommended to the Synod Assembly.
- c. Prepare and recommend a spending plan to the Synod Council in the first quarter of each fiscal year. The spending plan shall propose means to accomplish the financial program adopted by the Synod Assembly in the light of the most recent estimates of Synod income.
- d. Provide continuing review of this synod's program of casualty insurance and make timely recommendations for changes in insurance coverage to the Synod Council.

S11.01.A02. *The Synod Treasurer shall be the chairperson of the Finance Committee.*

S11.01.05. The Mutual Ministry Committee shall be composed of six members, who shall serve a term of six years, concurrent with that of the bishop. One ordained minister on the roster of this synod, one lay man, and one lay woman shall be appointed by the bishop and confirmed by the Synod Council. One ordained minister on the roster of this synod, one lay man, and one lay woman shall be elected by the Synod Council after approval by the bishop. The committee shall choose its own chair and meet at least twice a year; it shall meet additionally at the call of the bishop. The Committee shall:

- a. provide support and counsel to the bishop.
 - b. annually review and evaluate the ministry of the bishop, and share with the bishop a summary of their evaluation. This evaluation shall remain confidential.
- S11.01.06. A Council of Deans, including the dean from each conference of this synod, shall serve as an advisory resource for the bishop. The deans are available to the bishop, at the bishop's request, for advice and counsel regarding such concerns as clergy awaiting call, congregations without pastor, congregations in the call process, and the general pastoral care of clergy and congregation.
- S11.01.07. There shall be a Committee on Archives and History, composed of three members appointed by the Synod Council for staggered three-year terms; the Archivist of the Synod (who shall be appointed by the Bishop), the Secretary of the Synod, and the Curator of the Region 2 Archives shall be *ex officio* members of the Committee. The Committee shall have the following responsibilities:
- a. Work with the ELCA's designated Region 2 archives to ensure that all significant archival material is collected and preserved.
 - b. Encourage and promote adequate archival and historical activity in the congregations of the synod.
 - c. Cooperate with the Lutheran History Center of the West and other societies concerned about the history of Lutheranism in the West.
 - d. Perform such other tasks as may be assigned by the Synod.
- †S11.02. The Consultation Committee of this synod shall consist of at least 6 persons and not more than 12 persons, of whom half shall be rostered ministers and half shall be lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection. 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 consisting of 8 persons who shall be nominated by the bishop and elected by the Synod Assembly. The bishop shall be a member of the committee *ex officio* except in instances where the bishop brings charges against an ordained minister. The Consultation Committee's responsibilities and procedures shall be those listed in ELCA Bylaw 20.21.05.
- †S11.03. The Committee on Discipline in this synod shall consist of 12 persons of whom six shall be rostered ministers and six shall be lay persons, 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*.
 - b. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.
- S11.03.01. Members of the Committee on Discipline shall be nominated by the bishop and elected by the Synod Assembly. Each biennium the Synod Council shall appoint the chair of the committee
- †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.
- S11.06. The Committee on Candidacy of this Synod shall have the functions and responsibilities specified in the appropriate ELCA documents. The Committee shall consist of the following members:
- a. One member of the Synod Council, appointed annually by the Council;
 - b. The Bishop of the Sierra Pacific Synod;
 - c. One additional staff member appointed by the Bishop;
 - d. One representative of Pacific Lutheran Theological Seminary, appointed by the Seminary;
 - e. Fifteen members appointed by the Synod Council, organized in three approximately equal classes and serving terms of three years. Persons appointed in this way shall serve no more than three consecutive terms, but a partial term of two years or less shall not be counted as a term for the purposes of this provision. Appointments by the Council shall be made from nominations from the Nominating Committee. Terms shall expire December 31st of the stated year. Attention shall be given to the provisions of †S6.04.
- S11.07. The committees and other organizational units of this synod shall be formed under the guidance of †S6.04. With the exception of ordained ministers on the roster 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.

- S11.07.01. Except as otherwise provided by the Constitution and bylaws of this synod, no member of the Synod Council and no person employed by the Synod shall be a voting member of any Discipling Team or Committee of this Synod.
- S11.07.A99. *Except as otherwise provided by the Constitution, bylaws and continuing resolutions of this synod, the regular terms of service of members of committees and other organizational units of this synod shall end at the conclusion of the Synod Assembly in the final calendar year of the member's term.*
- S11.08. This Synod shall develop an organizational structure to carry out the mission of this synod which shall be described in the bylaws. The Synod Council shall review the actions of all organizational units so described.
- S11.08.A11. *A total of seven to nine persons shall constitute a Discipling Team. There will be seven Discipling Teams with the possibility of additional teams to be established in the future as needs arise.*
- S11.08.B11. *The Synod Council shall appoint members to each Discipling Team from the following list of nominees:*
- a. *Three to five members nominated by the Nominating Committee*
 - b. *One Dean as nominated by the Conference of Deans*
 - c. *One member nominated by the Racial and Ethnic Ministries Working Group*
 - d. *One member of the Synod Council*
 - e. *One member to serve as chair*
- S11.08.C11. *Each member of a Discipling Team shall be a member of a congregation within the synod, and shall serve for a term of three years, except the Dean, the Synod Council member and the Chair. Terms shall be staggered by the Synod Council and arranged so that approximately one-third of the terms expire each year. Team members shall serve no more than two consecutive terms; a partial term of less than two years shall not be considered a term for the purposes of this provision. The names of all committee members, as well as their designated terms of office, shall be reported by the Discipling Team chair to the Synod Secretary.*
- S11.08.D11. *The terms of the Dean, Synod Council member and Chair shall be one-year renewable terms.*
- S11.08.E11. *Each Discipling Team shall meet at least two times each year.*
- S11.08.F11. *Each Discipling Team shall be responsible to the Synod Assembly and shall report to the Synod Council in the interim.*
- S11.08.G11. *The Word Team shall be responsible for leading and assisting congregations and individuals in spiritual growth through study and personal application of scripture.*
- S11.08.H11. *The Witness Team shall be responsible for leading and assisting congregations and individuals in public affirmation of faith through word and deed.*
- S11.08.I11. *The Leadership Team shall be responsible for supporting and nurturing pastors, associates in ministry, deaconesses, and diaconal ministers on the rosters of this synod and identifying and encouraging qualified persons to prepare for the ministry of the Gospel.*
- S11.08.J11. *The Sacrament Team shall be responsible for assisting congregations in equipping believers for baptismal life.*
- S11.08.K11. *The Service Team shall be responsible for leading and assisting congregations and individuals for action the arenas of advocacy and social ministry.*
- S11.08.A12. *The Stewardship Discipling Team shall be responsible for leading and assisting congregations in growing faithful stewards of God's gifts of time, talents and resources.*
- S11.08.B12. *The Racial and Ethnic Ministries Discipling Team shall be responsible for assisting congregations and individuals in ways of dismantling racism and growing in cross cultural experience, knowledge and hospitality.*
- †S11.11. This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees and other organizational units will be persons possessing the necessary knowledge and competence to be effective members of such units, and to meet the requirements of †S6.04. With the exception of ministers on the rosters of this synod who reside outside the territory of this synod, each member of a committee of this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation of this synod.

Chapter 12 CONFERENCES, CLUSTERS AND COALITIONS, OR OTHER AREA SUBDIVISIONS

- †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.B12. *This synod shall establish conferences within its territory. Conference division shall take into account political and geographical factors. They shall be approximately equal in number of congregations and baptized members and be easily grouped into five approximately equal electoral districts. A congregation may petition the Synod Council to change the conference to which it is assigned; such a change takes effect immediately after approval by the Synod Council and shall be reported to the next Synod Assembly. The Synod Council shall maintain a current roster of conference alignments.*
- S12.01.A98. *The following procedure shall be followed when a congregation considers petitioning to change conference assignments:*
1. *The congregation seeking a change in its conference alignment will consult with:*
 - a. *other ELCA congregations in its immediate area;*
 - b. *the two conferences involved;*
 - c. *the Synod's Witness and Service Discipling Team; and*
 - d. *the Bishop's Office.*
 2. *If, after the above consultation, the congregation decides to proceed with its petition, it is, according to the synod's bylaws, free to do so. The petition shall include a rationale for the change of conference affiliation, based on fulfillment of the purpose of the conference as expressed in S12.01.02 and the mission needs of this church, and include documentation of the consultation with the partners noted in item #1 above.*
 3. *When the Synod Council receives the petition, the Council may consult with the other partners noted in item #1 above and may seek their recommendation.*
 4. *The recommendation and decision will be based on what, in the best judgment of the Synod Council, will best further the mission of this church.*
- S12.01.02. The purpose of the Conferences shall be:
- a. to deliver and support synodical and churchwide programs;
 - b. to develop mutually supportive clergy and congregational relationships.
 - c. to develop strategy for common mission;
 - d. to be a means to provide pastoral care for clergy and congregations;
 - e. to be a means for expressing needs and opinions of congregations and clergy to this synod; and
 - f. to nominate persons within each conference for synodical positions elected by the Assembly from the electoral districts, as specified in the bylaws.
- S12.01.03. Each conference shall hold an assembly at least annually, composed of such representation of the congregations as the conference shall determine. The annual assembly for each year shall be held at least 60 days prior to the meeting of that year's Synod Assembly. In instances where two or more conferences deem it useful, they may convene in a joint assembly, provided that any business (such as nominations or elections) requiring action by the conferences individually be handled separately by each conference's delegates.
- S12.01.04. Each conference shall elect a Dean and may elect its own officers at their annual Conference Assembly. The Dean shall be an ordained minister on the roster of this synod who is a member of one of the congregations of the Conference. The dean shall serve a term of three years and may serve no more than two consecutive terms. The dean's responsibilities shall be:
1. Represent the conference on the Council of Deans:
 - a) be available to the bishop at the bishop's request for advice and counsel regarding clergy awaiting call;
 - b) be available to the bishop at the bishop's request for advice and counsel regarding congregations without pastor and congregations in the call process; and
 - c) assist the bishop in the general pastoral care of the clergy and congregations.
 2. May convene regular meetings of the rostered ministers of the conference.
 3. Shall convene the annual Conference Assembly according to S12.01.03.
- S12.01.05. In the event that the office of the dean should become vacant, the Bishop, in consultation with the rostered ministers of the conference, shall appoint an interim dean; the next session of the Conference Assembly shall elect a new dean.
- S12.01.07. A coalition is a ministry of this synod implementing a strategy for mission developed by congregations, conferences or other agencies in an identified geographic area. It shall have a governing board which shall report to the Witness and Service Discipling Team of this synod. A coalition may receive funds from congregations, this synod, and/or other agencies. A coalition may employ staff, requesting the Synod Council to issue letters of call to ordained ministers and letters of appointment to associates in ministry. A coalition shall operate under constitutions and bylaws which shall be ratified by the Synod Council. Coalitions and conferences are different entities and fulfill different functions. While a coalition may include congregations

as members which are all or part of one or more conferences of this synod, provisions of S12.01.03 and S12.01.04 shall be fulfilled by each conference.

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 ELCA.

- 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 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.

S13.01.A19. *The Synod Council of the Sierra Pacific Synod approves seasonal member voting for congregations of this synod in accordance with the provisions of *C8.02.e. in the Model Constitution for Congregations.*

†S13.02.

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

S13.11.

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

S13.12.

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

†S13.20.

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

†S13.21.

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

†S13.22.

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

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

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

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

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

S13.25. This synod may temporarily assume administration of a congregation upon its request or with its concurrence. Such synod administration shall continue only so long as necessary to complete the purposes for which it was requested by the congregation or until the congregation withdraws consent to continued administration.

S13.30. **Discipline**

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

S13.40. **Synod-authorized Worshiping Communities**

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.

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

- a. Every minister of Word and Sacrament shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
 - 7) witness to the Kingdom of God in the community, in the nation and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.
- b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) relate to all schools and organizations of the congregation;
 - 3) install regularly elected members of the Congregation Council; 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*.
- S14.12.01. Consistent with the biblical faith and practice of the Evangelical Lutheran Church in America, every ordained minister shall seek to exemplify a life of grace, seek healing for those who suffer in body, mind or spirit and work for reconciliation and peace in the world.
- 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.
- S14.14. Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a congregation nearer to their place of residence.
- S14.15. Each minister of Word and Sacrament on the roster of this synod shall submit a report of 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 the ministry of Word and Sacrament of this church:
- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.
 - b. For the issuance of a letter of call to a pastor or candidate by a congregation of this synod in accordance with ELCA constitutional provision 7.41., a two-thirds vote shall be required of voting members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
 - c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- S14.17. No minister of Word and Sacrament shall accept a call without first conferring with the bishop of this synod. A minister of Word and Sacrament shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.
- †S14.18. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months
 - b. When allegations of disability or incapacity of the pastor under paragraph a.4) above or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the congregation council or by a petition signed by at least one-third of the

voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

- c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of ministers of Word and Sacrament with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

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

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

- a. installation in another call, or
- b. approval of a request for change in roster status.

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

- a. installation in another call, or
- b. approval of a request for change in roster status.

†S14.23. During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any rostered minister who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod that the congregation records, for the period for which the interim pastor was responsible, are in order.

†S14.24. With the approval of the synod bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.18., a congregation may call a pastor for a specific term of years. 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 representative 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 ordinations of those persons properly called to ministry in this synod shall be authorized by the bishop of this synod.
- †S14.32. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every Minister of Word and Service shall:
- a. Be rooted in the Word of God, for proclamation and service;
 - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - c. Speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;
 - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
 - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
 - f. Practice stewardship that respects God's gift of time, talents, and resources;
 - g. Be grounded in a gathered community for ongoing diaconal formation;
 - h. Share knowledge of this church and its wider ministry of the gospel, and advocate for the work of all expressions of this church; and
 - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- S14.33. The minister of Word and Service shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the minister of Word and Service shall hold membership in one of the congregations.
- S14.34. Each minister of Word and Service on the roster of this synod shall submit a report of 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 president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.
- †S14.43. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the minister of Word and Service, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the office effectively in view of disability or incapacity of the minister of Word and Service;
 - 5) suspension of the minister of Word and Service through discipline for more than three months;
 - 6) resignation or removal of the minister of Word and Service from the roster of ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.

- b. When allegations of disability or incapacity of the minister of Word and Service under paragraph a.4) above, or ineffective conduct of the ministry of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant and the minister of Word and Service shall be listed on the roster of ministers of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the minister of Word and Service and then to the congregation. The recommendations of the bishop's committee address whether the minister of Word and Service's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the minister of Word and Service, if appropriate. If the minister of Word and Service and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the minister of Word and Service's call, the congregation may dismiss the minister of Word and Service only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

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

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

- a. installation in another call, or
- b. approval of a request for change in roster status.

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

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

Chapter 15 FINANCIAL MATTERS

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

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

given to support all parts of this church; thus the unity of this church should be evidenced in determining each part's share of the gifts and offerings. Therefore:

- a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with congregational leaders to assist each congregation in making its determination.
- b. This synod shall receive the proportionate share of the mission support from its congregations, and shall transmit that percentage or amount of each congregation's mission support as determined in consultation with the churchwide organization and approved by the Synod Assembly as part of its budget consideration.
- c. Should the Synod Assembly not approve the proportionate share of mission support determined in consultation with the churchwide organization, a new consultation with the churchwide organization shall take place. The Synod Council is authorized to amend the budget adopted by the Synod Assembly to reflect the results of this consultation.

- †S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to supportive funding with other synods and the churchwide organization.
- S15.13. On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.
- S15.14. Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year's budget for regular distribution to synod causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.
- S15.21. No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.
- †S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod.
- †S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.
- S15.33. Congregations are encouraged to give priority in their benevolence giving to the synod budget. They are also encouraged to include in their annual budgets and allow for special appeals by those institutions and agencies of this synod that have been commended for support by the Synod Council.

Chapter 16

INDEMNIFICATION

- †S16.01. Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of †S16.02.
- a. The term "proceeding" means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise required by law, the term "proceeding" does not include (a) any action by this synod against the individual seeking indemnification, or (b) subject to †S16.04., a disciplinary hearing or related process described in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
 - b. The term "indemnification" includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys' fees, disbursements, and similar required expenditures.
- †S16.02. Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod as (or whose duties in that position involve or involved

service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall be entitled to indemnification only if (a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.

- †S16.03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in †S16.01. or †S16.02.
- †S16.04. When written charges against a rostered minister of this church are made in disciplinary proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* by the synod bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synod bishop, and the discipline hearing committee determines that no discipline shall be imposed, then if such determination is not reversed or set aside on appeal, indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be made by the Synod Council.

Chapter 17 CONSULTATION AND ADJUDICATION

- †S17.01. The synod bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.
- †S17.02. The synod bishop and the Executive Committee of the Synod Council shall receive expressions of concern from rostered ministers of this church, congregations and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When a concern relates directly to the synod bishop, the synod vice president will lead the Executive Committee's efforts at resolving the matter. When the matter at issue cannot be resolved in this manner, applicable procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to discipline of a rostered minister, or a person on the official lay roster of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- †S17.03. When there is disagreement between or among congregations of this synod on a substantive issue that cannot be resolved by the parties, the council of an affected congregation may petition the synod bishop for a consultation after informing the other affected congregation(s) of its intent to do so. If this consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the issue(s), the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The decision of the Synod Council shall be final.
- †S17.04. When conferences, clusters, coalitions, or area subdivisions of this synod have a disagreement on a substantive issue that they cannot resolve, the aggrieved party or parties may petition the synod bishop and the Executive Committee of the Synod Council requesting a consultation after informing the other affected parties of their intent to do so. In this case the decision of the Executive Committee shall prevail, except that, upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.
- †S17.10. **Adjudication in a Congregation.**
- †S17.11. When there is disagreement between or among factions within a congregation on a substantive issue which cannot be resolved by the parties, members of the congregation may petition the synod bishop for consultation after informing the president of the Congregation Council of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The Synod Council's decision shall be final.

Chapter 18 AMENDMENTS, BYLAWS, and CONTINUING RESOLUTIONS

- †S18.10. **Amendments to Constitution**

- †S18.11. Certain sections of this constitution incorporate and record therein provisions of the constitution and bylaws of this church. If such provisions are amended by this church, 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 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 and 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 eighty (80) voting members and having been approved by a two-thirds vote of the voting members present and voting at a regular meeting of the Synod Assembly, an amendment may be adopted unchanged by a two-thirds vote at the next regular meeting of the Synod Assembly.
 - b. The Synod Council may propose an amendment, with notice to be sent to the congregations of this synod at least six months prior to the next regular meeting of the Synod Assembly. Such an amendment shall require for adoption a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.
- All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.
- †S18.20. **Amendments to Bylaws.**
- †S18.21. This synod may adopt bylaws not in conflict with this constitution nor with the constitution and bylaws of this church. 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.
- S18.21.01. Proposed amendments or additions to the bylaws shall be presented by the Synod Council, or by at least fifteen members of the Assembly.
- †S18.30. **Amendments to Continuing Resolutions.**
- †S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution, bylaws, and continuing resolutions of the churchwide organization. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of the Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.
- S18.31.01. Continuing resolutions adopted by the Council or Assembly shall be reported to the congregations and pastors of the Synod through the Synod newsletter or other means within 60 days of their adoption.

Chapter 19 INSTITUTIONS, AGENCIES, AND AFFILIATED ORGANIZATIONS

- S19.01. Official organizations of the Evangelical Lutheran Church in America may exist in this synod to assist it in ministering to members of this synod and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this synod's life, affiliated organizations are subject to its oversight and direction.
- S19.02. This synod may grant affiliation to institutions, agencies, and ministries integral to its mission by a process approved by the Synod Council in consultation with the Division for Social Ministry Organizations of the Evangelical Lutheran Church in America. Through affiliation, this synod witnesses to the accountability of the institution, agency, or ministry and publicly commends it as a responsible corporate entity of the church.

POLICIES of the SIERRA PACIFIC SYNOD
Evangelical Lutheran Church in America

Policy 88-001 Expense Reimbursement Policy

Adopted by the Synod Council January 8-9, 1988 (SC88.01.28)

Revised by the Synod Council January 29, 1999 (SC99.1.5)

Revised by the Synod Council September 20, 2013

Revised by the Synod Council October 15, 2022 (SC22.10.107)

Synod Staff and Deans Expenses

All necessary and normal expenses incurred by the Synod Staff and Deans in carrying out the functions of their positions shall be reimbursed in full by the Synod (e.g. meals, lodging, taxis, air travel, etc.) Guidelines for reimbursable expenses are as follows:

Lodging, up to \$155.00 per day

Meals and Incidental Expenses, up to \$71.00 per day

Maximum Per Diem Rate \$226.00

No alcoholic beverages are to be charged to the Synod.

Expense reports submitted charging expenses beyond these allowances must include an explanation and should not exceed the Maximum Federal Per Diem Rates.

Expenses incurred for training, conferences, and conventions shall be reimbursed at the rates for the activity.

Meal expenses for business meetings must be annotated with the purpose of the meeting and number of participants.

All expenses whether charged to credit cards or paid by cash must have supporting receipts.

A cents-per-mile reimbursement rate for automobile travel expenses incurred by the Synod Staff and Deans shall be equal to the Internal Revenue allowance for business mileage. Staff members and Deans are to maintain logs of Synod-related mileage and submit log sheets with requests for reimbursement.

The Synod may provide leased or purchased automobiles for Executive Staff members provided that doing so does not increase the cost of staff travel for the Synod. The Synod is responsible for the cost of gas and oil, maintenance, and insurance for Synod owned or leased automobiles. Staff may use owned or leased automobiles for personal travel. When doing so, the staff member is responsible for gas used for personal travel.

Council, Discipling Teams, Task Forces, and Committees

1. Travel reimbursement to meetings of Committees, Task Forces, and the Synod Council shall be paid according to the following guidelines:

Member driver IRS Standard Rate for volunteer services to charities

Member driver plus 1 member passenger \$0.17/mile

Member driver plus 2 or more member passengers \$0.21/mile

A Mapquest or similar document should be submitted to support the mileage claimed.

2. IRS maximum lodging, meal, incidental expense, and per diem rates apply unless the expenses incurred are for a conference, meeting, or training in which case the costs for the activity shall apply.

3. Receipts must accompany expense reimbursement forms for the following:

Hotel/Motel Accommodations

Meals

Airport Parking

Taxi, Bus, Train, or Other Public Transportation Fares

Office Supplies: paper, stencils, copy service, etc.

Air Fare

Air Fare

Car Rental

Incidental Expenses

Postage in excess of \$5.00

Telephone Calls in excess of \$2.00

Car Rental

Incidental Expenses

4. Airfare will be paid for travel to meetings of the Synod Council and other units only in cases where the member's one-way driving distance to the place of the meeting exceeds 175 miles.
5. Persons, who for legitimate reasons, are traveling to meetings from outside the territory of the Synod shall be reimbursed for no more than their travel expense from the boundary of the Synod. In no case shall such reimbursement exceed \$200.
6. Expense reimbursement forms must be signed by the claimant and approved by either the chairperson or Synod Executive Staff member assigned to the committee, disciplining team, or task force. Synod Council forms must be approved by an officer.

The Synod Treasurer or Business Manager shall review this policy each January to determine its alignment with the IRS Maximum Federal Per Diem Rates and submit recommended revisions to the Synod Council.

Policy 88 - 002 Personnel Policies

Adopted by the Synod Council January 8-9, 1988 (SC88.01.34)

Revised by the Synod Council April 29, 1992 (SC92.4.14)

Revised by the Synod Council December 11, 2021 (SC21.12.75)

Employee Handbook

Personnel Policies are outlined in detail in the employee handbook.

Performance Appraisals

The performance of every employee in the Synod will be periodically evaluated to make sure that all employees know how they are doing in terms of carrying out their job duties and requirements. These performance appraisals may also be used as a factor in pay-increase decision, performance improvement counseling efforts, and determinations of training needs. Performance appraisals normally will be conducted annually during the month in which the employee's anniversary date occurs. However, while formal appraisal sessions are an annual event, an employee should be provided with feedback on performance throughout the year. At the time of the formal appraisal, employees who are dissatisfied with their appraisal shall have the right to put their objections in writing and to submit their objections for review. All performance documents, including any statements of dissatisfaction, will be retained in the personnel file of the employee involved. Employees are expected to sign their performance appraisals to acknowledge their participation in the process, and are entitled to receive a copy of the appraisal.

Dispute Resolution System

The Synod's Policies, rules and practices are designated to benefit both the employee and the Synod. Employees who believe that they have been treated unfairly or in a manner inconsistent with established policies may question or challenge a decision or action through the Synod's dispute resolution system. Employees who pursue a complaint through the dispute resolution system will not be discriminated against or suffer any reprisal for using the system. A "complaint" is an allegation by an employee that there has been a specific violation, misinterpretation, or unfair application of any of the Synod's rules, policies, or procedures. Vague or general charges of "unfairness" that are not substantiated by facts will not be processed through the dispute resolution system. The dispute resolution system will consist of a three-step process as outlined below. Employees will have ten (10) working days in which to appeal a decision from one step to the next. Similarly, a decision at each step of the process must be rendered within ten (10) working days. A party's failure to meet these deadlines will result in settlement of the dispute in favor of the opposing party.

STEP 1. Employees should discuss the problem or concern with their supervisor. If the complain directly concerns the supervisor, employees may initiate the process at the second step.

STEP 2. If the conference with the supervisor does not settle the complaint, employees may pursue the matter with the Bishop.

STEP 3. If dissatisfied with the decision of the Bishop, the employee may appeal to the appropriate committee appointed by the Synod Council. At this step, the complaint must be in writing and formally reviewed at a hearing held by the committee. The decision of this committee will be final.

Notice of Resignation or Termination

Employees are expected to provide at least fifteen (15) days notice of intention to resign. Should the Synod find it necessary to involuntarily terminate the services of any employee, fifteen days notice of salary will be given by the Synod, except in the case of gross misconduct, in which case, termination may be effective immediately. Gross misconduct is defined as, but may not be limited to, behaviors listed in the *Definitions and Guidelines for Rostered Ministry*, physical violence against a co-worker, falsification of an employment application or other work documents or records, theft, willful property damage, use or possession of alcohol or illegal drugs on the job, insubordination, and violation of confidentiality.

Policy 88 - 003 Relation of Congregations to the Synod
Adopted by the Synod Council April 8-9, 1988 (SC88.04.45)

In addition to the provisions indicated in the Constitution and Bylaws of the ELCA and Synod, the following procedures shall apply:

1. Congregations are expected to notify the bishop's office when meetings of a congregation are held which pertain to the calling of a pastor.
2. Clergy shall be installed into the office of pastor of a congregation by the bishop or bishop's appointee.
3. All clergy and associates in ministry on the rosters of the Synod are expected to be members of the Pension and Benefits Plan of the ELCA. Each congregation shall include in its annual budget an amount sufficient to discharge obligation to said plan for its pastor(s) and/or associate(s) in ministry. If exceptions are necessary, if a pastor or associate in ministry decides to no participate in the ELCA plan, consultation with the bishop shall be held prior to withdrawal.

Policy 88 - 004 Guidelines for Fund Raising by Sierra Pacific Synod Institutions, Agencies and Affiliated Organizations

Adopted by the Synod Council September 9-10, 1988 (SC88.09.29)

1. Congregations and Conferences will be encouraged to emphasize giving to the whole church.
2. Congregations will be encouraged to give priority to the Synod Budget in benevolence support.
3. A list of recommended agencies, institutions and affiliated organizations will be annually distributed to congregations with the encouragement that those on the list receive priority consideration in "other benevolence" giving.
4. Congregations will be encouraged to remit all "other benevolence" through the Synod office.
5. Examples of additional support to be given recommended agencies, institutions and affiliated organizations include:
 - a. Including names of recommended groups on benevolence remittance form.
 - b. Sending letters to congregations from the bishop recommending support.
 - c. Giving priority to recommended groups for display space at Synod Assembly and in the Assembly Bulletin of Reports.
6. Acknowledging the interdependence of the Church, institutions and agencies will recognize the priority of the synod budget in their solicitation of funds from congregations.
7. Institutions and agencies will encourage all congregational gifts and offerings to be remitted through the Synod office.
8. Institutions and agencies may solicit support for their annual budgets from congregations within their service area at their own discretion. The Synod office will be informed of each fund raising and direct mail campaign as a matter of courtesy.
9. In order to coordinate campaigns and avoid possible conflicts, institutions and agencies of the Synod and those based outside the territory of the Synod must receive approval from the Synod Council for capital fund campaign solicitations of Sierra Pacific Synod congregations.

Policy 88 - 005 Alcoholism and Drug Addiction
Adopted by the Synod Council September 9-10, 1988 (SC88.09.45)

- A. It is the policy of the Sierra Pacific Synod that any pastor impaired by alcoholism or drug addiction be seen as one in need of intervention, referral for treatment, rehabilitation and pastoral care.
- B. The Synod recognizes that alcoholism and other chemical dependencies are a disease which can severely impair the pastor and pastor's ministry as described in the Synod Constitution (S14.13c).
- C. The "Statement on Alcoholism" prepared by the Sierra Pacific Synod Commission on Church and Society is recognized as a model for intervention and treatment to be developed by the Bishop in conjunction with the Synod Leadership Support Committee of the Division for Ministry.

Policy 88 - 006 Synod Mailing Lists

Adopted by the Synod Council December 9-10, 1988 (SC88.12.17)

The mailing lists and personnel directories of the Sierra Pacific Synod are to be made available only to members of the Synod, its organizational units and affiliated institutions, agencies, ministries and organizations. The use of such lists and directories for the solicitation of funds is prohibited without permission of the Synod Council.

Policy 89 - 001 Term Calls and Appointments

Adopted by the Synod Council, March 4, 1989 (SC89.03.07)

Revised by the Synod Council December 11, 2021 (SC21.12.75)

Calls to ordained ministers and deacons issued by the Synod Council are normally for a term of three years, with exceptions outlined in the Guidelines for Calls to Interim Ministry (Policy 89-002) and through consultation between the Executive Committee and the institution or agency in which the ministry will serve.

Policy 89 - 002 Guidelines for Calls to Interim Ministry
by the Synod Council
Adopted by the Synod Council, March 4, 1989 (SC89.03.34)
Revised by the Synod Council December 11, 2021 (SC21.12.75)

1. A pastor with a term call from the Synod Council to interim ministry shall be authorized to provide Word and Sacrament ministry to a congregation by the synod bishop with the concurrence of the Congregation Council or congregation. The interim pastor shall serve a minimum of 15 hours per week to the congregation they are the contract employee of and be compensated in accordance with synod guidelines. The initial interim ministry agreement with the congregation may be reviewed by the bishop or synod staff prior to the acceptance of the contractual arrangement of the interim pastor. The call to interim ministry is primarily for the benefit of the ministry served and not a means to retain clergy status for the pastor to be called.
2. Prior to being called to interim ministry, the pastor shall be approved by the credentialing committee. Pastors serving as an interim must: 1) have taken, or have a plan approved by Synod staff to take, Synodically approved workshops or trainings; 2) complete fieldwork with a mentor; and 3) have an orientation with synod staff.
3. Initial issuance of a call to interim ministry by the Synod Council shall be upon the recommendation of the Bishop. The initial interim agreement negotiated with a congregation or other ministry may be reviewed by the Council as background for issuance of the call to interim ministry.
4. Only pastors who have served in a regular called congregational ministry for a minimum of three years are eligible to serve in a called interim ministry.
5. The interim agreement between the congregation or ministry setting and the pastor will be the document to specify compensation, benefits, and specific goals and expectations provided during the period of interim service. The Letter of Call issued by the Synod Council will leave blank all salary and benefit matters, and state, "To be stipulated in the interim agreement."
6. Compensation and benefits are normally provided entirely by the congregation or ministry setting being served. Where possible, continuity of the ministerial health benefits and pension will be advocated. For legal purposes, it is to be explicitly understood that the Synod is the calling agent and not the employer of record at any time during the service of an interim pastor under call from the Synod Council.
7. Calls to interim service may be issued for a one-year to three-year term of service and may be coterminous with the duration of service within the congregation served.
8. If a pastor has not served a congregation during the previous 12 months, the call shall be terminated by the Synod Council. The Credentialing Committee shall review all Synodical calls to interim ministry each year and provide reports and recommendations to the Synod Council. When the Synod Council, as the calling source, determines that the service no longer fulfills the criteria under which a call was issued, the Synod Council shall vacate the call. A pastor may also resign the call to interim service at any time.

**Policy 89 - 003 Guidelines for Financial Accountability for the Divisions, Commissions,
and Committees of the Sierra Pacific Synod**

Adopted by the Synod Council September 22-23, 1989 (SC89.09.14)

GENERAL PLANNING AND APPROVAL

The financial accountability of all Divisions and Commissions and their committees and task forces exists through the Division Steering Committee or Commission to the Synod Council. For the purpose of these guidelines a "unit" is defined as any Division or Commission or any committee, or task force of a Division or Commission.

Whenever a unit of this Synod is involved in the sponsorship of a workshop, seminar, or event in which funds of the synod are expended, a detailed plan for the event shall be submitted to the appropriate Division Steering Committee or Commission for approval. Such a plan shall include at least the following:

- A. Statement of Purpose for the event.
- B. Goals for the event.
- C. A definition of the audience for the event.
- D. A detailed budget of anticipated income and expense.

The appropriate Steering Committee shall approve the plan, in writing, at least 90 days prior to the event, and in all cases prior to public announcement of the event. The Steering Committee shall file with the Synod Office, for distribution to the Synod Council, an approved "Proposal for Funding" and all supporting documents.

The Synod recognizes that at least three models for funding events are possible and that each present different strategies to insure financial accountability.

SYNOD UNIT AS SOLE SPONSOR OR AGENT

When a synodical unit is the sponsor or agent for an event and no funding will be solicited from outside sources, all accounting functions shall be performed by the Synod Office. Under no circumstances are units of the Synod to establish separate checking or saving accounts without the expressed, written permission of the Synod Council.

While units of the Synod are not profit centers, all excess income from such events shall accrue to the sponsoring unit, and all deficits shall likewise be charged to the unit or the related Division or Commission.

SYNOD UNIT AS SOLE SPONSOR OR AGENT WITH OUTSIDE FUNDING

In addition to the above stipulations, when a unit of the Synod will be receiving funds from other funding sources, the following shall apply:

- A. The Bishop's Associate for Finance and Administration will be invited to all planning meetings.
- B. When the Synod Office is acting as the accounting agent:
 - 1. An agreement outlining the services to be provided by the Synod will be executed by all funding partners
 - 2. Administrative costs to the Synod may be included in the cost of the event,
 - 3. The agreement shall include a plan for the distribution of excess income and funding of any deficit.
- C. As soon as practical after the close of the event, a detailed statement of all income and expense shall be provided to the funding partners.

SYNOD UNIT AS SPONSORING PARTNER

When a synodical unit is a partner with other units of the ELCA or other funding sources outside the Church, the total financial liability of the Synod shall be limited to the amount initially committed to the event by the appropriate Division Steering Committee or Commission. As soon as practical after the close of the event, a detailed statement of all income and expense shall be provided to the funding partners.

If the Synod is asked to become the fiscal agent for the event, all provisions above shall apply.

Policy 90 - 001 Severance Benefits for Bishop and Executive Staff

Adopted by the Synod Council, May 12, 1990 (SC90.08.27)

Purpose

These severance benefits are to be understood as providing support during the transition time prior to another call or employment. Severance benefits are not extended beyond such time when the individual begins work under call or finds other employment. Responsibility for notification of a call or other employment rests with the severance benefit recipient.

Eligible Persons

The persons eligible for these benefits are the bishop and executive staff members of the Sierra Pacific Synod of the Evangelical Lutheran Church in America and whose office or employment by the synod was involuntarily terminated due to action of the synod by non-election of the incumbent synodical bishop, budget restraints, change of position functions, or resignation upon request of a newly elected bishop.

Disability is not covered under these provisions, since disability is covered under the provisions of the Disability Benefits Plan of the Board of Pensions.

Persons planning retirement and, therefore, voluntarily declining election or appointment, are not eligible for these severance benefits.

Eligible persons will be hereafter referred to as severance benefits recipients.

Effective Date

The effective date of this severance benefits policy is the date of its adoption by the Synod Council.

Benefits

The severance benefits shall:

- Be effective for the severance benefits recipient who has served at least one full term as bishop or, normally, in the case of other executive synodical staff, who has served a term concurrent with the bishop's term of service.
- Begin upon vacating the synodical office or position and following the period covered by unused vacation time earned during the twelve months prior to termination.
- Be paid on the benefits recipient's regular pay periods.
- Be three months of benefits.

Amount of Benefits

Benefits recipients will receive:

- Current monthly compensation (salary, housing and FICA reimbursement, if applicable).
- Participation in the ELCA Board of Pension Plans—pensions at the designated rate, Major Medical/Dental Benefits Plan, and Disability Benefits Plan for the months of severance benefits.

Following the expiration of the severance benefits, benefits recipients may retain their participation in the Survivor Benefits, Major Medical/Dental Plan, and Disability Plan at their own expense according to the provisions of the applicable plan. Solely for the purpose of determining rights to continue benefits under those plans, the benefits recipient's termination of call/employment will be deemed to occur on the date severance benefits cease.

Disposition

In the case of a difference of opinion in interpretation of this Severance Benefits Policy, the Synod Council will make the final disposition.

Policy 90 - 002 Guidelines and Policy: The Affirmative Call
Adopted by the Synod Assembly, June 16, 1990, (SA90.06.13.01.)

PURPOSE

This policy is intended to offer guidance to call committees and synod staff as they work together in the important matter of calling pastors and Associates in Ministry. Its aim is to insure that every call process results ultimately in "the affirmative call," that is, a call free of inappropriate discrimination, unlawful bias or unjust relationships with candidates.

AREAS OF CONCERN

The vast majority of call committee members approach their task with a high commitment to fairness. They seek to be faithful representatives of the congregation that has chosen them to serve. They are likewise fair-minded and seek to serve the best interests of all who might be considered for the ministry position. Call committees recognize the many gifts for ministry among the great variety of persons God calls into service--from new seminary graduates to pastors with decades of experience; among Associates in Ministry, both male and female. Congregations are willing to grow and experience new leadership.

Nevertheless, some problem areas remain. They include:

- 1) Age discrimination: Pastors and AIMS above a certain age or within a few years of retirement find they may not be considered for a particular call because of their age. At the other end of the scale, younger persons may be dismissed as too youthful.
- 2) Gender discrimination: This most greatly, if not exclusively, adversely affects female pastors, seminary graduates and associates. Twenty five years after the ELCA's predecessor churches saw the wisdom of ordaining women, it is still heard from time to time: "Our congregation is not ready for a woman pastor."
- 3) Marital status: Some congregations or members within a congregation cling to their personal image of the "ideal pastor." Often, this includes marital status and family situation. Inappropriate discrimination is most often experienced by single pastors (including those who have never married, as well as those who have known the painful realities of divorce or death of a spouse).
- 4) Racial/ethnic discrimination: While the church, in its official statements, has championed racial justice, we are not immune from inappropriate discrimination based upon a candidate's racial or ethnic background. The ministry of the Lutheran church has been enriched in recent years by the response of persons of color and many languages to the call. Yet, these sisters and brothers sometimes face discrimination.
- 5) Physical attributes or conditions: A recent article in *The Lutheran* told the story of a blind pastor's ministry. Many congregations have been blessed down through the years by the ministry of persons who are sometimes labeled as "disabled" or "handicapped." Nevertheless, there have been instances where a candidate's physical condition was the basis of inappropriate discrimination. Personal and physical needs (as, for example, a health requirement to live in a particular climate) may be appropriate considerations in recommendation for call.

PRINCIPLES

The Sierra Pacific Synod seeks to be guided by the highest principles of justice, fairness and openness in its relationship with congregations calling pastors or Associates in Ministry. While the church is not bound by the same legal constraints as all other employers, it is our desire to avoid legalisms and strive toward even higher Biblical principles of fairness and justice than are reflected in the civil codes of the United States.

GUIDELINES AND POLICIES

- 1) While they are first and foremost Christian communities and gatherings of the people of God, congregations are also legal corporations and employers.
- 2) While age discrimination in and of itself is always inappropriate, in some cases expected tenure is an appropriate consideration. A congregation that has experienced several short term pastorates of 2-3 years, for example, may determine at the outset of a call process that the congregation can best be served by a relatively long-term pastorate of at least 7 - 10 years. That determination may result in candidates nearing retirement not being considered. Even so, the congregation will be expected to not simply assume a pastor's retirement at age 65, for example; they will be encouraged to enter into conversations with older candidates to determine whether mutual agreements concerning tenure may be worked out.

- 3) Statements such as, "we're not ready for a woman" or "our congregation wouldn't accept a person of color" will be regarded as honest expressions of feelings. Such feelings, while genuine, simply cannot govern the conduct of a call process. The only appropriate criteria for recommendation of candidates by synod staff, and their consideration by a call committee, are those which relate to educational background, ministerial experience and a positive matching of parish needs with pastoral gifts. Where strong sentiments are felt by members in a congregation, this should be shared openly with the synod staff person. Every effort will be made to provide educational resources to assist persons in gaining understanding of the ELCA's beliefs and practices relating to ordained and lay ministry.
- 4) While discrimination on the basis of marital status or family circumstances is inappropriate, call committees and synod staff are to be concerned for the holistic needs of pastoral candidates. Therefore, the synod's pastoral profile forms give opportunity for candidates to state their family situation in addition to educational and ministerial experience. Many times, the congregation and synod are asked by candidates to offer assistance in exploring opportunities for spouse employment in the area etc. In some cases, size of parsonage or resources available for housing allowance will affect candidate recommendation by the bishop's office. In all such situations, the considerations shall be openly discussed with prospective candidates. In most ministry situations residence in the local community where the congregation is located is recognized as an essential component for effective ministry. Such a determination shall be arrived at in consultation between a call committee and synod staff, and made known to all prospective candidates in advance of recommendation to the congregation.
- 5) Occasional acts of inappropriate discrimination shall be dealt with in an evangelical spirit of "guidance and counsel." Pastors or AIMS who feel they have suffered discrimination, should discuss their situation with the bishop or associates. Incidents of discrimination against candidates may be shared with any future candidates; such knowledge is relevant to their consideration of a potential call and will involve issues that need to be addressed in future ministry in that place.

Policy 91 - 001 Warner Trust Committee

Adopted by the Synod Council, January 25, 1991 (SC91.1.3)
Amended by the Synod Council January 30, 2016 (SC16.1.14)

1. The Sierra Pacific Synod shall establish a Warner Trust Fund for the receipt of the proceeds of the Charles A. Warner and Mabel Shearer Warner Gift.
2. The Sierra Pacific Synod Council shall appoint, from among its members, three persons who shall form the Warner Trust Committee and whose terms shall be concurrent with their service on the Synod Council. The Bishop's Associate for Administration and Finance shall be an advisory member of the committee, without vote.
3. The corpus of the Warner Trust shall be placed in an income bearing account which shall be annually reviewed by the Trust Committee.
4. The annual income earned may be used as grants to specific programs and ministries of the Sierra Pacific Synod and/or institutions and agencies affiliated with the Evangelical Lutheran Church in America in accord with the provisions of the Trust.
5. Unexpended income in any given year may be carried over to the next year.
6. The Warner Trust Committee shall receive and review requests for grants from the income from the Trust, and shall issue any grants subject to the ratification of the Synod Council.
7. The Warner Trust Committee shall only issue grants to congregations that provide mission support to the Sierra Pacific Synod of the ELCA.
8. Upon recommendation of the Trust Committee, and with the approval of the Synod Council, loans from the corpus of the Trust may be made. Interest on such loans shall be charged to the recipient of the loan at the current 90-day Certificate of Deposit rate of Lutheran Credit Union of America.
9. The Trust Committee shall report annually in detail to the Synod Council the income and expenditures of the Trust.

Policy 91 - 002 Short Term Investments

Adopted by the Synod Council March 15, 1991 (SC91.3.4)

Revised by the Synod Council December 11, 2021 (SC21.12.75)

1. When it is determined by the Synod's Director of Finance and Stewardship that excess monies are available for investment, they should be placed in a revenue producing fund.
2. Monies needed for cash flow purposes and invested for periods of less than one year shall be invested at the discretion of the Synod's Director of Finance and Stewardship with the concurrence of the Synod Treasurer.
3. Mission Investment Fund (MIF) of the ELCA shall normally be the vehicle for Synod investments.
4. Normally, the period of investment shall not exceed one year.
5. Investments made in other than MIF shall be approved by the Synod Council.

Policy 91 - 003 Synod Staff Support Committee
Adopted by the Synod Council, May 1, 1991 (SC 91.5.6)
Revised by the Synod Council December 11, 2021 (SC21.12.75)

Purposes

1. To provide support to synod staff members and their yearly goals.
2. To assist the bishop and Synod Council in their roles of support and supervision of staff.
3. To make recommendations to the bishop and Synod Council in matters of personnel policies, compensation and benefits, continuing education and sabbatical policies and resources.
4. To help individual staff members reflect on issues of personal and professional development, continuing education needs, etc.

Structure and Function

1. The committee will consist of six persons recommended by the bishop in consultation with the staff and appointed by the Synod Council. At least one Synod Council member will serve on the committee. Terms will be 3 years, renewable once.
2. The committee will meet with staff at least annually and report recommendations to the bishop and Synod Council. The committee may choose to meet with the staff as a whole; in addition, they will give opportunity for individual meetings with staff members.
3. A typical staff support committee meeting format might be:
Morning: Individual meetings with staff members; the committee could form 2-person teams for individual meetings; each staff person may request the presence of a staff colleague and one other person (e.g. conference dean or commission/division chair) to share feedback on staff person's work areas.
Afternoon: Committee meets to share common concerns from individual meetings; to generate recommendations; to meet with staff as a whole if desirable.

Policy 91 - 004 Honoraria for Voluntary Synod Leadership
Adopted by the Synod Council May 30-31, 1991 (SC91.5.13)
Revised by the Synod Council December 11, 2021 (SC21.12.75)

One of the functions of a Synod of the ELCA is to "provide resources for congregational life" (S6.03.e(4)), and one way we carry out that function is by training leaders who, on behalf of the Synod, can assist congregations with various aspects of their ministries. Persons who volunteer their time and talents in this way are a great resource for our congregations.

It is the policy of this Synod that persons in such leadership capacities are volunteers, and that they should neither expect nor accept any honorarium for work done in congregations on behalf of the Synod. If any such honorarium is given, it should be returned to the Synod as a designated gift for the particular Committee, Cluster, or Discipling Team for which that individual is volunteering. It may be appropriate, however, for such volunteers to receive mileage, meals, and housing expense (where appropriate) from a congregation which may utilize their services.

For the purposes of this policy, "persons in leadership capacities" include Synod officers, Synod Council members, members of Synod Committees, Clusters, or Discipling Teams, and persons trained by the Synod to perform particular tasks whenever such persons are acting for or on behalf of the Synod or fulfilling the Synod's responsibility to provide resources for congregational life.

Individuals who are uncertain if they are volunteer should seek clarification from the Synod's Director of Finance and Stewardship prior to their service.

Policy 92 - 001 Sabbatical Leave Policy

Adopted by the Synod Council, September 18, 1992 (SC92.9.3)

Revised by the Synod Council December 11, 2021 (SC21.12.75)

A Bishop's Associate working as part of Synod staff may desire an extended period of time for study, personal growth, and reflection without the responsibilities of regular service to the Synod -- a sabbatical leave. The following policy guidelines are to assist the Associate requesting leave, and Staff Support Committee and Synod Council in consideration of the proposed sabbatical:

1. Associates contemplating sabbatical leaves shall consult with the Bishop and the Staff Support Committee early in the process.
2. Sabbatical leaves are intended for in-depth study on one or two topics related to the call/area of work of the Associate, and should include time for study, personal growth and reflection.
3. Sabbatical leaves normally will be for a period of up to three months and shall include one week of normally granted continuing education time.
4. Associates who have a minimum of seven years active professional service in the church, and who have served their current call or appointment for five or more years may present a proposal for sabbatical leave. A proposal shall include:
 - a. A rationale for the sabbatical, including personal goals and potential value for the Synod
 - b. A detailed outline of the intended courses of study and use of time.
 - c. A recommended plan for coverage of duties during sabbatical absence.
5. Because the Synod staff will be without the services of the Associate during the sabbatical, the Associate shall seek the consent of the Bishop and the counsel of the other Bishop's Associates before finalizing the proposal.
6. Proposals for sabbatical leaves normally shall be presented to the Staff Support Committee for endorsement and the Synod Council for approval not less than six months prior to the beginning of the requested leave.
7. Salary and benefits normally will be maintained at the current level.
8. When a sabbatical leave is granted, the Associate normally shall agree to serve on the Synod Staff for a minimum of one year following the completion of the leave.
9. Within six weeks of the completion of the sabbatical leave, the Associate shall present to the Bishop, staff colleagues, Synod Council and Staff Support Committee a detailed report on the leave.

Policy 92 - 002 Publications of Minutes of Synod Assembly
Adopted by the Synod Council, September 18, 1992 (SC92.9.7)
Amended by the Synod Council, January 19-20, 2018

The Sierra Pacific Synod shall publish annually the Minutes of the Synod Assembly. The Minutes shall be prepared for review by Synod Council no later than four months following the Assembly; and the Minutes shall be approved by Synod Council no later than six months following the Assembly. The purpose of this publication shall be to provide a complete record of the business of the Assembly, as well as various statistical and other information important for archival purposes. The publication shall include at least the following items:

1. Assembly agenda
2. Minutes produced by the Synod Secretary, including the election report and the complete text of resolutions and other actions of the Assembly.
3. Adopted budget
4. Financial reports and audit statements for previous year
5. Complete list of members of the Synod Council, boards, and commissions, including terms of office
6. Updated synod rosters, limited to name, ministry site, and roster status
7. Parochial reports and statistics
8. Reports of Synod Bishop and Officers
9. Current edition of Synod Constitution and Rules of Order, including any amendments approved at that Assembly

Any additional items may be included in the publication at the discretion of the Secretary of the Synod.

The Minutes shall be published annually in both printed and electronic form. Printed copies will be provided for members of synod staff, synod council, discipling team and committee chairs, as requested. Other persons and organizations may order printed copies, and they will be shipped after payment for printing and shipping costs are received. The electronic format shall be readily available via the synod's website and all congregations and rostered ministers shall be notified when the documents are available. The synod staff reserves the right to password protect any documents as deemed necessary. Appropriate persons will be notified of the password as needed, in a manner deemed most appropriate by the staff for security and expediency. A copy of The Minutes shall be retained in the archives of the synod, and/or churchwide, and/or other entities identified by the Synod Secretary.

Policy 93 - 001 Bishop's Sabbatical Leave Policy
Adopted by the Synod Council January 16, 1993 (SC93.1.27)

The Sierra Pacific Synod encourages a periodic sabbatical time for the Bishop and Associates. This extended time away from the regular duties and schedule will provide time for study, personal growth and reflection. Such sabbatical time will not only be of benefit to the Bishop and staff, but will likewise benefit the synod through enhancing the personal, professional and spiritual growth of its leaders.

The following are policy guidelines to assist the Bishop and synod council in planning for the Bishop's sabbatical. A separate document delineates similar guidelines for Bishop's Associates.

1. The Bishop will consult with the Mutual Ministry Committee and the Synod Council Executive Committee in planning for a sabbatical.
2. A sabbatical leave will normally be for a period of up to three months and will include one week of normally granted annual vacation.
3. A Bishop who has a minimum of seven years active professional service in the church, and who has served as Bishop for five or more years, may present a proposal for sabbatical leave. A proposal shall include:
 - a. A rationale for the sabbatical, including personal goals and potential value for the Synod;
 - b. An outline of the intended courses, study and use of time; and
 - c. A recommended plan for coverage of duties during sabbatical absence.
4. Proposals for sabbatical leaves normally shall be presented to the Mutual Ministry Committee for endorsement and the Synod Council for approval not less than six months prior to the beginning of the requested leave.
5. Salary and benefits will be provided in full during the time of the sabbatical.
6. The Bishop and synod executive committee will make provisions to assure that all responsibilities of the Bishop will be carried out during the Bishop's absence.
7. The Bishop is encouraged to share a report on the sabbatical to the mutual ministry committee and synod council.

Policy 94 - 001 Criteria for Allocations of Synod Multicultural Ministries Fund

Adopted by the Synod Council, January 15, 1994 (SC94.1.32)
Amended by the Synod Council, September 18, 1998 (SC98.9.61)

1. Ministries, congregations and conferences interested in multicultural ministries are eligible to apply.
2. Although new and existing ministries are eligible to apply, priority will be given to existing ministries of Word and Sacrament.
3. Allocations will not exceed \$4,000.00 annually.
4. Applicants must show additional financial support other than multicultural funds and must demonstrate participation in all areas of stewardship.
5. Ministries will be reviewed annually by the Witness and Service Discipling Team.

Process for Applications

1. The Witness and Service Discipling Team, at least annually, shall publicize the application process through *PRAXIS* or other appropriate means.
2. An application form may be obtained from the Synod Office.
3. Applications for funding must be mailed to the Witness and Service Discipling Team Chairperson by January 15 of each year. The allocation process will begin by March 31 of each year for the subsequent year.
4. The Witness and Service Discipling Team will consult with the Commission for Multicultural Ministry. Applicants may not participate in the allocation process.
5. The Witness and Service Discipling Team will recommend allocations to the Synod Council and the Synod Council either approves or disapproves the recommendations.
6. The Synod Secretary will inform the Witness and Service Discipling Team of the Synod Council's action on all recommendations.
7. The Witness and Service Discipling Team chairperson will inform applicants of the Synod Council's action.
8. The Synod Office will transmit approved allocations to the ministries on either a quarterly or an annual basis.

Policy 95 - 001 Policies and Procedures for Synodically Authorized Worshiping Communities

Adopted by the Synod Council, April 1, 1995 (SC95).

Amended by the Synod Council, September 18, 1998 (SC98).

Other than those congregations already approved by the Evangelical Lutheran Church in America, we recommend setting up two categories of worshiping communities to accommodate those who wish to be affiliated with the ELCA in the Sierra Pacific Synod:

1. Synodically Authorized Worshiping Communities based upon the churchwide criteria and procedures approved by the ELCA Church Council. Worshiping communities can apply for authorization by the Sierra Pacific Synod. The application should be received by the Synod Witness and Service Discipling Team 90 days prior to the January meeting of the Synod Council, reviewed by the Committee and presented to the Synod Council for approval at the January meeting. Such applications must be made yearly for the worshiping community to be in good standing with the Synod and the ELCA. The Synod Council shall appoint or call leadership to the Synodically Authorized Worshiping Community at this meeting.

The application should include agreement to:

- 1) Accept and adhere to the Confession of Faith of this church [Chapter 3. Churchwide Constitution].
- 2) Accept and adhere to the Statement of Purpose of this church [Chapter 4 of the Churchwide Constitution].
- 3) Be served by leadership appointed or called on an annual basis by the Synod under the criteria of the ELCA.
- 4) Be subject to the discipline of the ELCA.
- 5) Develop and approve an annual spending plan including the commitment to 15 percent of all regular offerings as an understood proportionate share goal to Synod.
- 6) Prepare and adopt a governing document that includes: fully and without alteration or amendment the Confession of Faith and Statement of the community's relationship to the Synod; agreement to be served by leadership appointed or called by the Synod; agreement to be subject to the discipline of this church; agreement to be reviewed by the Synod and the Division for Outreach annually to determine the next year's status; and any definition of internal organization and decision-making.

The worshiping community should also document how it provides for:

- 1) Participating worship consistent with Lutheran expectations, provided under the leadership of a pastor of this church, or a licensed lay person.
- 2) An ability to be a financially self-supporting ministry, unless other arrangements are made in accord with the Division for Outreach policies on developing ministries.
- 3) Participating in benevolent (mission support) giving to the Synod and Churchwide organization with the expectation, as with all Synod congregations that 15 percent of the offerings will be the goal as a sign of commitment to the overall ministry of this church.
- 4) Commitment to evangelical outreach to unchurched persons within the area of the worshiping community.
- 5) Maintenance by the leadership appointed or called to serve the chapel of a listing of regular participants to be filed annually with the Synod.
- 6) Proper recording of such pastoral acts as baptisms, etc.

The Evangelical Lutheran Church in America expects:

- 1) If any real property is involved, care must be taken to assure appropriate maintenance, insurance, management, liability protection, and other matters.
- 2) Title to any real property is to be held in the name of the Synod, which may develop arrangements with the Division for Outreach to provide insurance coverage.
- 3) Each authorized worshiping community is to make provisions for bond coverage for the handling of finances in the authorized worshiping community.

Synodically Authorized Worshiping Communities shall have the privilege of voice by one lay male and one lay female at the Synod Assembly.

2. In the event of the discontinuation of authorization for a worshiping community, the members may request to become a Parochial Mission of the Synod and become affiliated with an existing congregation of the Synod. Their membership records will be maintained through the existing congregation and the sponsoring congregation will make these records a part of their statistical reports.

Parochial Missions may be established or continued in the Sierra Pacific Synod by affiliating with a congregation or conference. Such Parochial Missions shall adhere to the Constitutional provisions of the ELCA and Sierra Pacific Synod including the Confession of Faith, Statement of Purpose, and discipline and leadership sections. Establishment and maintenance of a Parochial Mission shall follow the Procedures adopted by the Synod Council in February 23-24, 1990 and affirmed May, 1993.

Synod Assembly voting provisions for a Parochial Mission shall be through the parent congregation's delegation.

Policy 96 - 001 Rostered Leaders under Call

Adopted by Synod Council January 19, 1996 (SC96.1.6)

Revised by the Synod Council December 11, 2021 (SC21.12.75)

Revised by the Synod Council September 14, 2023 (SC23.09.89)

Purpose

The Synod's Constitution makes provision that the Bishop "may have such assistants as this synod shall from time to time authorize" [S8.14] The specific authority for the ministry of such assistants is, under our constitution, somewhat complex. Such persons are assistants "to the Bishop," and therefore the Bishop functions as their direct supervisor and evaluator. The Synod Assembly authorizes the positions by approving the budget to support them. The Synod Council is given responsibility for extending the calls (for rostered leaders) or letters of appointment (for lay persons). The purpose of this policy is to clarify how these entities work together cooperatively to provide ministerial staff for the Bishop.

Term of Office

Assistants to the Bishop and Directors of Evangelical Mission serve at the pleasure of the Bishop. Upon the Bishop's recommendation, their appointment or call may be authorized for a specific term only, but ordinarily such appointments or calls shall be considered to be coterminous with that of the Bishop. If changing circumstances indicate that this appointment or call no longer adequately serves the Bishop's needs, that appointment or call may be terminated by Synod Council action upon recommendation of the Bishop.

Review and Evaluation

The Bishop will make an annual review of each rostered leader's ministry, and shall report to the Council the satisfactory accomplishment of these reviews. The review process shall be conducted between September and December, and shall include the following procedures:

- (1) The Bishop and rostered leader shall set objectives together for the following year. Such objectives may include training needed, specific individual objectives, or goals for ministry or program done cooperatively with others.
- (2) The rostered leader shall do a self-evaluation based on the objectives set for the year.
- (3) The Bishop shall evaluate the ministry of the rostered leader.
- (4) The Bishop and rostered leader shall consult together, and each shall sign a written summary of the evaluation.

When There Is a New Bishop

A Bishop newly elected to office shall normally make decisions relating to rostered leaders under call within the first year of office. This process will entail both a review of and possible changes to existing job descriptions for these employees, and a decision as to whether the rostered leaders under call to the previous Bishop will be called or appointed to serve with the new Bishop.

Because a newly elected Bishop will need time to make such decisions, the appointment or call of the rostered leaders under call shall be automatically extended for a time specified by the new Bishop; but in no case shall such appointment or call be extended beyond one year without the specific recommendation of the Bishop and approval of a new letter of call or appointment by the Synod Council. When a rostered leader's call or appointment is not renewed, the provisions of Synod Policy 90-002, "Severance Benefits for Bishop and Executive Staff," shall be effective.

When a new Bishop is elected, they shall make recommendations about staff configuration and job descriptions to the Executive Committee. They may consult with others, formally or informally, in this process. After approval of the job descriptions by the Executive Committee, the positions will be announced throughout the Synod and posted at the Synod office. All qualified applications shall be considered.

The newly elected Bishop shall, in consultation with an interview committee, make decisions about the applicants and present those chosen to the Synod Council for call. All applicants shall be notified when a decision is made.

Vacancy Due to Death or Resignation of Bishop

When there is a vacancy in the office of the Bishop due to death or resignation, the calls or appointments of the rostered leaders shall automatically be extended until the election of a new Bishop.

Policy 99 - 001 Statement of Policy Regarding Sexual Misconduct by Members of the Clergy and Rostered Laypersons Not Employed by the Synod

Adopted by the Synod Council January 29, 1999 (SC99.1.27)

Revised by the Synod Council December 11, 2021 (SC21.12.75)

I. INTRODUCTION

The Sierra Pacific Synod ("Synod") of the Evangelical Lutheran Church in America ("ELCA") is committed to preventing sexual misconduct within the Church and to responding with justice and compassion when such misconduct occurs. This Statement of Policy describes how the Synod intends to fulfill these commitments. The Synod recognizes that responding to allegations of sexual misconduct requires determination, sensitivity, flexibility, respect and care for all persons affected, including the victim, the rostered person, their families and friends, the congregation, the synod, and the whole church. This policy is intended to provide a framework for guidance in dealing with these cases while preserving the synod's discretion to treat each person and each case in the manner necessitated by differing facts, circumstances, and the needs of those affected. This policy cannot be imposed as rigid law, binding the synod and others to its dictates; it must be interpreted and applied compassionately in accordance with the theological and biblical principles of the Gospel. It must always be remembered, however, that any suspected sexual contact with a minor must be reported to the appropriate governmental agency as required by state laws concerning reporting of child abuse.

A. Sexual Misconduct

The Synod is concerned about all types of inappropriate sexual behavior by rostered leaders, regardless of whether or how the misconduct is characterized by the law or by the governing documents of the ELCA. Federal and state laws make distinctions among various types of sexual misconduct, such as "sexual harassment," "sexual abuse," and "sexual assault." Similarly, the governing documents of the ELCA define sexual misconduct resulting in a rostered person being disciplined. This policy is intended to address sexual misconduct leading to the discipline of a pastor or rostered layperson under Chapter 20 of Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. These distinctions should not concern a person who is troubled about the sexual conduct of a pastor or rostered layperson. Any inappropriate sexual behavior should be reported to the church.

When this policy refers to "rostered" persons or leaders, it includes pastors, clergy, associates in ministry, rostered laypersons, and others on the official rosters of the ELCA. This Statement of Policy assumes that the rostered person who is accused of sexual misconduct is under call to a congregation, but it may also be adapted to calls in other circumstances. Any sexual misconduct committed by one of these persons should be reported to the Synod, including, but not limited to, any sexual contact between the rostered person and a congregant, counselee, employee, or volunteer. As noted above, any suspected sexual contact with a minor must be reported to the appropriate state agency or law enforcement authority as required by the state child abuse reporting laws.

B. The Role of Congregations

The Synod and its member congregations have different responsibilities and thus different roles to play in preventing and responding to complaints of clergy sexual misconduct. Each ELCA congregation governs itself and exercises control over its internal practices and policies and the use of its property. The congregation is responsible for its mission and ministry to the community and for its life together. The congregation elects its leadership, employs and supervises its own staff. In addition, each congregation calls its own pastor, determines its pastor's specific duties and responsibilities, sets the pastor's salary and benefits, and supervises its pastor's day-to-day ministry. The Synod has neither the authority nor the ability to make those decisions for a congregation.

In accordance with the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, it is the congregation, in consultation with the Synod that finally decides whether to terminate the pastor's call. The congregation is also authorized to initiate disciplinary action against its rostered leaders as well as its members. Obviously, then, the church cannot be a safe place unless every one of its member congregations shares its commitment to preventing clergy sexual misconduct.

This Statement of Policy is the Synod's; it says little specifically about the important role played by congregations in preventing and responding to reports of clergy sexual misconduct. This should not obscure the fact that congregations have a vital role to play. The Synod strongly urges its member congregations to develop their own sexual misconduct policies. Early in the life of the Evangelical Lutheran Church in America this church expressed clearly its intention to take whatever measures it could to help prevent sexual abuse and misconduct within the ELCA. In other words, the church is *Called to be a Safe Place*. The ELCA

Vocation and Education Program unit has developed resources for congregations available for viewing/downloading at www.elca.org/safeplace.

It should be noted that the Synod may not be able to assume primary responsibility for addressing all allegations of clergy sexual misconduct. For example, if a pastor who is under call to a congregation is accused of sexually harassing another of the congregation's employees, civil law may require that the congregation, as employer, take timely and appropriate action; the law may prevent the Synod from interfering in the situation. Nevertheless, the synod should be consulted in all cases involving rostered persons.

C. Role of the Synod

The Synod's role is essentially twofold. First, the bishop is responsible for providing pastoral care and leadership to the Synod's congregations and rostered persons. Reports of sexual misconduct invariably create an acute need for such care and leadership. Second, rostered persons who commit sexual misconduct may be disciplined, leading to possible removal from the roster of the ELCA. The bishop is primarily responsible for overseeing the preliminary or consultation stage of the disciplinary process and, typically, the bishop initiates the formal stage of the disciplinary process if necessary. When the bishop provides pastoral care and leadership in the wake of clergy sexual misconduct, they truly engaged in the Synod's ministry.

In every sexual misconduct case, the bishop and their staff will attempt to provide for the pastoral care of the victim of the misconduct, the victim's family, the pastor who committed the misconduct, the pastor's family, and members of the pastor's present or former congregation, the pastor's colleagues, and others. However, the bishop and the bishop's staff do not themselves function as a pastor, counselor, advocate, attorney, or other care giver to any of these individuals. The ultimate responsibility of the bishop and their staff is to the Synod, and not to any individual within the Synod. If a conflict arises between what is in the Synod's interests and what is in the interests of someone else, the bishop and the bishop's staff are obligated to act on the Synod's behalf. In unusual circumstances, the fact that the bishop and bishop's staff are responsible to the Synod may require that they act contrary to the wishes of the complainant.

Every report of sexual misconduct involves unique people and unique circumstances. This Statement of Policy merely describes the general approach that the Synod will follow in responding to reports of clergy sexual misconduct. It will not be appropriate or even possible for the Synod to follow this approach in every case. The Synod reserves the right to depart from this Statement of Policy at any time and for any reason.

The freedom of the Synod to decide for itself how God has called it to minister to those affected by sexual misconduct is a precious one that is constitutionally protected from governmental interference. The same is true of the Synod's freedom to decide who will be on its roster, and of the freedom of each congregation to decide who will preach and teach from its pulpit or will serve in its ministry as a layperson. Nothing in this Statement of Policy is intended to diminish these freedoms in any respect or to create any rights or responsibilities under civil law.

II. SYNOD POLICY

An ELCA Strategy for Responding to Sexual Abuse in the Church (Nov. 1992) recommended that nine elements be included in any synodical policy regarding clergy sexual misconduct. This Synod has decided to incorporate those nine elements as follows:

A. Adequate Preparation

The Synod is committed to take action to prevent clergy sexual misconduct. The Synod will make this clear in educational opportunities, in the manner in which it responds to complaints of sexual misconduct, in discussions it has with seminarians and others who seek to join its roster, and in its public and private statements regarding this issue.

First, the Synod will not tolerate sexual misconduct by pastors or by any rostered leaders. This means, the Synod will not ignore reports, will act upon substantiated allegations, and will properly disclose findings of clergy sexual misconduct. This is not to say that the Synod will treat every case exactly the same. Sexual misconduct varies greatly by type, by degree, and by its effect on those involved. The Synod will attempt to respond appropriately to each case while not tolerating any misbehavior discovered to exist.

Second, the Synod intends to provide or promote ongoing educational opportunities regarding sexual misconduct for rostered persons, congregations, and others. Education will focus on such subjects as prevention of clergy sexual misconduct and the

impact of such misconduct on its victims. The Synod strongly urges its pastors, other rostered persons, and congregations to take advantage of these opportunities, as well as appropriate educational programs offered by others.

In addition, the bishop and the bishop's staff will continue to take advantage of educational opportunities that are available to them. The Synod recognizes that society generally and churches particularly have much to learn about clergy sexual misconduct. As the Synod's understanding of this problem changes, this Statement of Policy and educational efforts may change as well.

This Synod's preventative efforts are intended to complement similar efforts that have been or will be made by the Synod's member congregations, by the churchwide organization, by ELCA seminaries, and by other entities affiliated with the ELCA.

B. Initial Contact -- First Response

Even the best preventive measures cannot completely eliminate sexual misconduct. The Synod must always be prepared to respond to complaints of alleged misconduct. The more open it is to receiving such complaints, the more often sexual misconduct will be reported, and thereby deterred.

Anyone who knows or suspects that a rostered person may have been involved in sexual misconduct should report that knowledge or suspicion to the bishop or an assistant to the bishop, then the complainant should contact one of the other people listed in the attachment. Those people -- who may include men and women, clergy and laypersons, Lutherans and non-Lutherans -- have agreed to be available to receive reports of sexual misconduct from complainants who are uncomfortable contacting the bishop directly. However, it must be stressed that these people are acting on behalf of the Synod, and any information that they are given will be shared with the bishop (unless it is the bishop who is being accused of sexual misconduct, in which case the presiding bishop of the ELCA will be contacted).

A contact may be made with the bishop or other authorized person in writing, by telephone, or in person. The complainant need not identify themselves when they contact the Synod. The complainant may anonymously ask questions about how the Synod would respond to a particular complaint of misconduct. However, the Synod can do little about a complaint of sexual misconduct until the complainant identifies themselves and the rostered person involved in the misconduct.

The bishop or designated bishop's assistant contacted by the complainant may: (1) assure the complainant that the Synod does not tolerate sexual misconduct and takes seriously all complaints of such misconduct; (2) explain the Synod's process for responding to complaints of sexual misconduct and offer to provide a copy of this Statement of Policy; (3) answer the complainant's questions about the policies and procedures of the Synod; (4) express care and concern for the complainant; (5) when the complainant is anonymous, encourage the complainant to identify herself or himself and the rostered person involved in the misconduct.

C. First Response

After a report of clergy sexual misconduct has been received from an identified complainant, the bishop or bishop's designee will interview the complainant in person or, if that is not possible, by telephone. This interview may continue through a series of meetings, calls, and correspondence. The bishop or bishop's designee will ask the complainant to provide as much detailed information about the sexual misconduct as the complainant is comfortable sharing. The complainant will be asked to reduce the information to writing or to sign a written statement prepared by the Synod. The bishop or bishop's designee will also ask the complainant what she or he is seeking in coming forward and whether the complainant is prepared to participate in the disciplinary process if necessary. The complainant should be given a copy of this Statement of Policy if she or he has not already received it.

In all meetings with Synod personnel, the complainant may be accompanied by a friend, family member, support person, or advocate of their choice. The complainant may contact an advocate and may be accompanied by that advocate through the reporting, investigative, and, if necessary, disciplinary processes. Under no circumstances will any employee of the Synod function as the complainant's advocate; however, at the complainant's request, the Synod will contact an advocate for her or him. The bishop or other person contacted by the complainant may also offer to provide the complainant with a list of advocates who are available to provide support and to help interpret the Synod's policies and procedures. This list may include advocates who are affiliated with the ELCA and advocates who are not. The complainant is welcome to use an advocate who does not appear on the Synod's list -- such as a friend or family member -- or to decline to use an advocate.

The bishop or bishop's designated assistant will discuss with the complainant how they feel about the possibility that their identity may become known to persons other than the accused. Insofar as possible, the Synod will respect the wishes of the

complainant regarding confidentiality. However, at some point, the Synod may be required by civil law or by the governing documents or procedures of the ELCA to disclose the identity of the complainant. Also, in certain circumstances, the fact that the bishop or bishop's designated assistant is responsible to the Synod may require that they act contrary to the wishes of the complainant. Finally, the identity of the complainant may become known despite the best efforts of the Synod to protect it. The Synod cannot guarantee confidentiality to a complainant.

The bishop or bishop's designee will discuss with the complainant her or his needs for pastoral care and may suggest professional counseling. If the complainant requests, the bishop or bishop's designee will help to put the complainant in touch with persons who can provide pastoral care or professional counseling. No employee of the Synod can function as the complainant's pastor, therapist or counselor.

The bishop or bishop's designee will appoint a contact person within the Synod. That contact person (who may be the bishop or bishop's designee) will keep in regular contact with the complainant and will inform the complainant of significant developments. That contact person will also be available to respond to the complainant's questions and concerns about the process.

If the bishop or bishop's designated assistant learns that a child or vulnerable adult may have been neglected or physically or sexually abused, the bishop or bishop's designated assistant may in certain instances be legally required to report that information to law enforcement authorities. If possible, the complainant will be notified before such a report is made by the Synod.

D. Initial Investigation of the Complaint

After interviewing the complainant, the bishop or bishop's designated assistant will carefully review the information provided by the complainant. If the report appears credible and involves sexual misconduct for which the perpetrator might be disciplined, the bishop or bishop's designee may conduct a preliminary investigation to determine whether information either supporting or contradicting the report exists. This preliminary investigation may include (1) further discussions with the complainant; (2) a review of the records of the Synod, another ELCA synod, the ELCA, or an entity affiliated with the ELCA; or (3) interviews of former bishops of the pastor, those who served as assistants to former bishops of the pastor, pastors who succeeded the pastor at congregations that he or she served, pastors who served on the same staff with the pastor at congregations that he or she served, pastors who presently serve on the same staff with the pastor, respected members of congregations that the pastor served, respected members of the congregation that the pastor now serves; or (4) persons identified by the complainant, or friends, family members, pastors, or counselors of the complainant.

This preliminary investigation will be conducted as quickly and as discreetly as is possible under the circumstances. All of those contacted will be asked to keep the contact in strictest confidence. If the Synod or a discipline hearing committee later determines that the rostered person did not commit sexual misconduct, that conclusion will be communicated to those who were contacted by the Synod in the course of its preliminary investigation.

If a criminal investigation, or other official investigation by law enforcement authorities, is underway, the Synod may need to postpone its own investigation pending the outcome of the government's inquiry or prosecution. However, a final determination in a related civil or criminal legal proceeding does not necessarily dictate the necessity for, or the outcome of, the church's disciplinary process.

E. Conversation with the Rostered Person

The bishop will usually meet with the accused rostered person before the preliminary investigation is concluded. The bishop should be accompanied by the bishop's designee or another person. In some cases -- such as when the pastor is aware of the complainant's report or when the pastor may pose an immediate danger to members of his or her congregation -- the bishop or bishop's designee may meet with the pastor immediately after or perhaps even before meeting with the complainant. If the bishop meets alone with the pastor, the bishop will clarify that the meeting is not confidential, and that the bishop may disclose anything that he or she is told.

At their meeting, the bishop will provide the rostered person with information regarding the complaint and ask the rostered person to respond. The bishop may ask the rostered person to reduce his or her response to writing. The bishop will also: (1) assure the rostered person that, while the Synod does not tolerate sexual misconduct, the Synod will give any rostered person who denies an allegation of sexual misconduct a full and fair opportunity to contest it; (2) explain the Synod's process for responding to reports of sexual misconduct and provide a copy of this Statement of Policy; (3) answer the rostered person's questions about the policies and procedures of the Synod; (4) express care and concern for the rostered person, the rostered

person's family, and the affected congregation; (5) strongly discourage the rostered person from having any contact with the complainant, either directly or indirectly; and (6) invite the rostered person to contact an advocate and to be accompanied by that advocate through the investigative, and, if necessary, disciplinary processes. If the rostered person requests, the Synod will assist the rostered person in finding an advocate. The rostered person may decline to use an advocate.

In appropriate cases, the bishop may ask the pastor to resign his or her call or resign from the clergy roster of the ELCA. The bishop cannot force the pastor to submit a resignation. In most cases, only a discipline hearing committee can remove the pastor from the clergy roster involuntarily.

Depending upon the circumstances, the bishop may ask the pastor to voluntarily agree to certain restrictions upon his or her ministry until the investigation and/or disciplinary proceedings are concluded. If the pastor refuses, the bishop may ask the congregation council to impose the restrictions upon the pastor. The bishop may also ask the pastor to take a leave of absence -- either with or without pay -- until the investigation and/or disciplinary proceedings are concluded. Again, if the pastor refuses, the bishop may ask the congregation to place the pastor on an involuntary leave of absence. In extreme circumstances, the bishop may consider temporarily suspending the pastor without prejudice.

The bishop or bishop's designatee will discuss with the rostered person their needs for pastoral care or professional counseling, as well as the care of the rostered person's family. If the rostered person requests, the bishop or bishop's designated assistant will help to put the rostered person in touch with persons who can provide such care or counseling. Under no circumstances will any employee of the Synod function as advocate, pastor, or counselor to the rostered person or their family.

The bishop or bishop's designate will appoint a contact person within the Synod. That contact person (who may be the bishop or bishop's designatee) will keep in regular contact with the rostered person and will also be available to respond to the rostered person's questions and concerns about the process.

F. Assess the Information

After meeting with the rostered person, the bishop will carefully review the information provided by the complainant, discovered during the preliminary investigation, and provided by the rostered person. The bishop will then decide upon a course of action, keeping in mind that changed circumstances may require changes in direction as the matter progresses. Among options available to the bishop are the following: taking no further action at this time; pursuing further investigation; requesting the pastor to undergo a psycho-diagnostic evaluation; seeking a resolution by consulting directly with the parties; requesting the pastor's congregation to take some action; convening a consultation or advisory panel; initiating the formal disciplinary process. These latter two options are discussed further below. Depending upon the circumstances, additional options may be considered as well, including inviting the pastor to resign from the call, from the roster, or both.

G. Consultation or Advisory Panel

Reports of sexual misconduct always present a bishop with difficult decisions. To assist them in making these decisions, a bishop may, at their sole discretion, appoint a consultation or advisory panel. The function of a consultation or advisory panel is described at length in the Constitution and Bylaws of the ELCA and in the *Rules Governing Disciplinary Proceedings Against an Ordained Minister, a Rostered Layperson, or a Congregation of the Evangelical Lutheran Church in America* (Nov. 20, 1995). Both of these documents are available from the Synod, as amended from time to time.

Essentially, a consultation or advisory panel is a small group of clergy and laypersons who are asked to recommend a course of action to the bishop. Before making that recommendation, the panel may interview the complainant, the rostered person, the bishop, the bishop's designated assistant, and/or others. If possible, the panel will seek to resolve the controversy through recommendations that are pastoral and therapeutic and that will eliminate the need for disciplinary proceedings if they are accepted by all concerned. If such a resolution does not appear possible, the panel will advise the bishop whether it believes that the disciplinary process should be initiated.

Whether to employ the advisory or consultation process is always discretionary with the bishop. Use of such panels may be beneficial in a variety of circumstances. For example, a bishop may be confronted with "one person's word against another's" -- that is, a situation in which both the complainant's report and the rostered person's denial of the complaint appear credible, and there is no corroborating evidence supporting either version. Numerous other reasons may also cause the bishop to call for a consultation or advisory panel or the bishop may decide to utilize such panels routinely.

H. Formal Hearing

Disciplinary proceedings are the process by which the ELCA determines if a rostered person is guilty of the charges and, if so, what the penalty should be. The process is governed by Chapter 20 of the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and by the Rules Governing Disciplinary Proceedings. A pastor may be disciplined for committing “conduct incompatible with the character of the ministerial office,” which according to *Definitions and Guidelines for Discipline of Ordained Ministers* includes “[a]dultery, promiscuity, the sexual abuse of another or the misuse of counseling relationships for sexual favors.” *Definitions and Guidelines* is available from the Synod.

To briefly summarize the disciplinary process, usually the bishop as “accuser” will initiate the proceedings against a rostered person by filing written charges setting forth the offense that the rostered person is accused of committing – e.g., sexual misconduct – and the alleged facts supporting the charge – e.g., the name of the person involved in the rostered person's misconduct and the date, place, time, and other circumstances of the alleged misconduct. A committee of twelve persons is appointed to hold a hearing on the charges. The hearing resembles a court trial. The bishop presents testimony and other evidence in support of the charges, and then the rostered person presents testimony and other evidence in opposition to the charges. A bishop generally will not initiate formal disciplinary proceedings unless the complainant agrees to testify against the rostered person. The governing documents of the ELCA provide for certain rights for the accuser, the accused, and the witnesses. Typically, a bishop will not initiate formal disciplinary proceedings unless the complainant agrees to be a witness against the pastor, but that is not always the case.

The hearing described in the preceding paragraph is the usual process for hearing the written charges. There is an alternative process described in the *ELCA Bylaws* 20.23.01. through 20.23.09., that is invoked when the written charges specify that the accuser will not seek removal or suspension for a period exceeding three months. In such cases, the proceedings are conducted before a hearing committee of six members with less formality and without all of the procedural requirements of the full hearing process.

Under either process, the discipline hearing committee decides whether the charges are true, and, if so, what discipline should be imposed. The options available (except under the alternative process described in the preceding paragraph) are private censure and admonition, suspension from the roster of the ELCA for a designated period of time or until the rostered person complies with specified conditions, or removal from the roster. The discipline hearing committee's decision is generally made about four months after charges are filed. There is a process for appeals to the churchwide Committee on Appeals.

I. Disclosure

Except in unusual circumstances, the Synod will disclose all serious allegations of sexual misconduct. Experience has demonstrated that disclosure speeds the healing of the primary and secondary victims of the misconduct, empowers unknown victims to come forward and seek help, protects others from being victimized by the same pastor, starts the congregation on the path to new health, and demonstrates the commitment of the ELCA to deal openly and honestly with the problem.

Decisions regarding who will make what disclosure to whom and when will vary from case to case. In general, though, the Synod will abide by the following guidelines:

1. Typically, disclosure of clergy sexual misconduct will be made to the leadership of the pastor's congregation, to the members of the pastor's present congregation, to synods where the pastor was previously rostered, and to other pastors within the Conference or the entire Synod. In some situations, wider disclosure to previous congregations, to the entire Synod, or even to the news media may be made as well.
2. In most cases, disclosure will be made when (1) the rostered leader admits to committing sexual misconduct; (2) the rostered leader resigns their call or from the clergy roster of the ELCA after being accused of sexual misconduct; (3) the rostered leader is placed on leave of absence or temporarily suspended in response to an allegation of sexual misconduct; (4) the rostered leader is suspended or removed from the roster as a result of formal disciplinary proceedings; or (5) secular legal proceedings (civil or criminal) are initiated against the rostered leader. Other events may give rise to the need for disclosure as well.
3. The Synod intends to work closely with the congregational leaders regarding appropriate disclosure to the members of the congregation. The victim's concerns regarding disclosure will be considered as well. The actual announcement to the congregation will be made by one or more of the leaders, or by the bishop, and usually to the adult members only.

4. To protect the privacy of those harmed by the misconduct, only the following will be disclosed: (1) the fact that the pastor has been accused of, admitted to, resigned, or been found guilty of committing sexual misconduct; (2) the gender of the complainant; (3) whether the complainant was an adult or a minor at the time of the misconduct; and sometimes (4) whether the complainant was a member of the pastor's congregation or a person to whom the pastor was providing pastoral care. Disclosure should never include the name of the complainant or facts from which she or he could readily be identified. If the pastor has denied the allegations, that fact will also be disclosed.

5. Persons who believe that they have been harmed (directly or indirectly) by the pastor will be invited to contact the leaders of the congregation, the Synod, or others who have agreed to be available to those persons.

J. Follow-up

The Synod will work with congregations and others to help ensure that care and support are available to those harmed by sexual misconduct. As noted above, Synod personnel cannot provide this individual care themselves, but it will assist the primary and secondary victims of sexual misconduct to find resource persons and materials that might help them on their journey to healing. The Synod will assist the congregation in dealing with the pain and disruption caused by the pastor's misconduct and will help the congregation continue in its mission and ministry for the sake of the Gospel.

Policy 02-001 Transfer of Synodically Owned Property
Adopted by the Synod Council, September 21, 2002 (SC02.09.69)

WHEREAS the Sierra Pacific Synod of the Evangelical Lutheran Church in America (ELCA) has a stewardship responsibility to ensure that its property is used to further the mission of this church as defined in the ELCA governing documents; and

WHEREAS the Synod is committed to make use of its property and resources to proclaim the Gospel in this time and place in accordance with the Holy Scriptures, the Lutheran Confessions, and the principles of the ELCA as articulated in its governing documents;

THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. Any Synod real property transferred to a congregation shall be so transferred only in an express revocable trust allowing the Synod to reclaim all right, title, and interest in the property if, in its sole discretion, the Synod Council determines the property is not being used in accordance with the church's mission. The transfer of any Synod real property to a congregation shall be effective only if the following two conditions are met:
 - a. The deed from the Synod contains the restriction and reversionary provisions set forth below; and
 - b. The congregation signs an agreement with the Synod, in the form set forth below, duly approved by the congregation's members, accepting the restriction and reversionary provisions.
2. The Synod Council, acting in its sole discretion, may remove the deed restrictions and cancel the agreement whenever it determines that removal and waiver will further the mission of this church.

Agreement

(Proper/corporate name of grantee congregation), a congregation of the Evangelical Lutheran Church in America, duly acting at a validly called congregational meeting by a vote in accordance with all applicable constitutional, bylaw, and other rules and provisions governing the congregation, hereby agrees to accept transfer of real property from the Sierra Pacific Synod of the Evangelical Lutheran Church in America and to hold that property in trust for the benefit of the Synod and subject to all conditions and restrictions set forth in the deed or other document of conveyance. This agreement is a self-accepted, legally binding, and enforceable restriction on property within the meaning of section 9.71 of the ELCA Constitution and shall control over any inconsistent provision of any other governing document.

To induce the Synod to grant the subject property, the congregation warrants and represents to the Synod that it will abide by all conditions and restrictions in the deed or other document of conveyance.

Congregation President

Congregation Secretary

Required Deed Restriction

The Sierra Pacific Synod of the Evangelical Lutheran Church in America (the "Synod") hereby conveys the property described herein to the congregation known as (proper/corporate name of grantee congregation), in trust for the benefit of Synod, subject to the following right of reversion: If the Synod Council of the Synod or its successor in interest, 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, hypothecated, 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 shall, upon written demand, reconvey the property to the Synod.

Dated: Month _____, 200x.

Secretary, Sierra Pacific Synod

Vice-President, Sierra Pacific Synod

Policy 11-002 Gift Acceptance Policy
Adopted by the Synod Council June 24, 2011 SC11.06.47

I. **STATEMENT OF INTENT:** The Sierra Pacific Synod of the Evangelical Lutheran Church in America (“Synod”), a not for-profit corporation organized under the laws of the State of California, encourages the solicitation and acceptance of gifts for purposes that will help further and fulfill its mission. The following policies and guidelines govern the acceptance of gifts made to the Synod or for the benefit of any of its programs.

II. **PURPOSE:** The purpose of this policy is to govern the acceptance of gifts and to provide guidance to donors and their professional advisors when making gifts to the Synod.

III. **CONFLICT OF INTEREST:** To avoid conflicts of interest, the Synod urges all donors to consult with personal legal and financial advisors in matters relating to their gifts and the resulting tax and estate planning consequences.

IV. **COMMITTEE**

1. The Gift Acceptance Committee shall consist of:

- a. The Bishop or Bishop’s designee
- b. The Treasurer (chair)
- c. Two Synod Council members appointed by the Vice President
- d. Director of Finance and Administration

2. Membership of the Committee shall be in accord with the representational principles for such committees incorporated into the Sierra Pacific Synod Constitution and Bylaws.

The Gift Acceptance Committee is responsible for reviewing all gifts made to the Synod, properly screening those gifts, seeking legal counsel as needed, accepting gifts as per this policy, and making recommendations to the Synod Council on gift acceptance issues when appropriate.

V. **USE OF LEGAL COUNSEL:** The Synod will retain legal counsel to review gifts in the following circumstances:

1. To review certain gifts, such as stock subject to buy-sell agreements or other restrictions
2. To review all transactions governed by contracts or legal documents
3. To review all transactions with potential conflicts of interest
4. To review documents naming the Synod as a Trustee
5. To review transactions in which the Gift Acceptance Committee or Synod Council members believe that the use of counsel is appropriate
6. In other instances in which the use of counsel is deemed appropriate by the Gift Acceptance Committee

VI. **TEMPORARILY AND PERMANENTLY RESTRICTED GIFTS:** The Synod will accept unrestricted gifts, and gifts to specific programs and purposes, provided that such gifts are not inconsistent with the Synod’s stated values, mission, and vision. The Synod will not accept gifts that are too restrictive in purpose. Gifts that are too restrictive are those that violate terms of the Synod’s bylaws, gifts that are too difficult to administer, or gifts that are for purposes outside the mission of the Synod.

VII. **TYPES AND FORMS OF GIFTS:** The Sierra Pacific Synod encourages these types of gifts:

1. Cash
2. Tangible personal property
 - a. The Synod will accept gifts of tangible personal property only when the property can be directly used by the Synod or can be sold and thus quickly converted in cash. The decision of types of property that meet these requirements will be made by the Gift Acceptance Committee.
3. Securities
 - a. It is the Synod’s policy to sell any securities received as gifts. Furthermore, Synod staff will inform donors that it is the Synod’s policy to sell any securities that are gifted. The Synod accepts gifts of publicly traded securities. Gifts of closely held securities will be considered on a case by case basis by the Gift Acceptance Committee.
4. Charitable Bequests

- a. When arranging to make a bequest, the Synod encourages donors to use broad language in recognition that the Synod's needs, policies, and circumstances can change over time. Additionally, if in the opinion of the Synod all or part of the funds cannot be applied in strict conformance with the purpose(s) previously stated, the Synod may use these funds for other appropriate purposes as nearly aligned to the original intent of the donor as good conscience and need dictate within the authorized powers of the Synod.
- b. Suggested language for a bequest: *"I give and bequeath \$____ from my estate to The Sierra Pacific Synod of the Evangelical Lutheran Church in America, a California non-profit corporation, for its general purposes."*
- c. Suggested language for a remainder gift: *"I give and bequeath all (or ___%) of the rest, residue, and remainder of my estate to The Sierra Pacific Synod of the Evangelical Lutheran Church in America, a California non-profit corporation, for its general purposes."*

5. Real Estate

- a. Gifts of real estate will be considered on a case by case basis by the Gift Acceptance Committee. The Synod has no intention of holding or managing real property unless it is deemed significantly appropriate for future mission development.

6. Retirement Plan and Life Insurance Designations

- a. The Synod strongly encourages donors to make designations on the Synod's behalf. The Synod requests a copy of designation paperwork when it is completed, in order to confirm that it is completed properly and includes all the necessary waivers from the donor's spouse.

7. Synod staff shall take the lead in promoting and encouraging these gifts to the Synod.

VIII. REPORTING REQUIREMENTS: The Synod strives to meet all reporting obligations, both of donors and the Internal Revenue Service (IRS).

- 1. To Donors: All individual donors who give a gift valued at \$250 or greater will receive written acknowledgement of the gift. The acknowledgment will make a good faith estimate of the value of goods or services, if any, provided by the Synod in exchange for the gift and will describe any property the donor donates, but will not assign a value to gifts of property. Acknowledging gifts is the responsibility of the Synod's staff.
- 2. To the IRS: The Synod will provide all information necessary regarding gifts to the IRS when filing taxes. When the charitable deduction value of an item is more than \$5,000, the Synod's staff is responsible for filing IRS Form 8282 upon the sale or disposition of any asset sold within two years of receipt by the Synod. The Synod must file this form within 125 days of the date of sale or disposition of the asset. It is against the Synod's policy to agree with a donor to delay the sale or liquidation of property solely for the purpose of avoiding the filing of the Form 8282.

IX. ETHICAL STANDARDS: The Synod will adhere to the *Donor Bill of Rights* and *Code of Ethical Principals and Standards* published by the Association of Fundraising Professionals.

Policy 11 – 003 Investment Policy

Adopted by the Synod Council June 24, 2011 SC11.06.40

Revised by the Synod Council September 21, 2019 SC19.09.42

Revised by the Synod Council December 14, 2019 SC19.12.48

- I. **PURPOSE:** The Sierra Pacific Synod, ELCA (“Synod”) has received various endowment-type gifts over the years. Some of these monies have been permanently restricted by the donor, in which case the Synod is required to retain the original historic gift value (the principal). Other assets are unrestricted but have been designated by the Synod Council as quasi endowment. It is the Synod’s intent to retain the principal (historic gift value) over the long term of these assets, both the permanently restricted and quasi endowment. In managing its assets the Synod shall balance short and long term needs by adhering to prudent investment strategies and sustainable endowment spending. The Synod’s Investment Committee (or Finance Committee acting as the Investment Committee) is responsible for managing the Synod’s assets within the parameters of this policy.
- II. **OBJECTIVES:** The objectives of the Synod’s investment program are:
1. To maximize total investment returns within reasonable and prudent levels of risk over the long term;
 2. To ensure that current and future spending requirements are supported; and
 3. To maintain the real purchasing power of the assets.
- III. **COMMITTEE:** The Investment Committee shall consist of:
1. The Bishop or Bishop’s designee
 2. The Synod Treasurer
 3. The Director of Finance and Administration
 4. Two members elected by the Synod Council
- Membership of the Committee shall be in accord with the representational principles for such committees incorporated into the Sierra Pacific Synod Constitution and Bylaws.
- IV. **AUTHORITY:** The Investment Committee may delegate its authority to carry out day-to-day management of the portfolio to an investment manager.
- V. **INVESTMENTS:**
1. Assets may be deposited or invested with one or more of the following:
 - a. ELCA Endowment Fund
 - b. Lutheran Community Foundation
 - c. ELCA Mission Investment Fund
 - d. ELCA Credit Union
 - e. America’s Christian Credit Union
 - f. U.S. Treasury instruments
 - g. High-quality investment-grade corporate bond funds with a bond rating by Standard & Poor’s and Moody’s bond rating agencies of A or better.
 2. The Investment Committee may recommend additions or deletions to the above list of organizations, subject to the approval of the Synod Council.
 3. The following securities and transactions are not authorized:
 - a. Unregistered securities
 - b. Short sales and margin transactions
 - c. Derivatives
 - d. Other securities not mentioned in this policy, except by Synod Council approval.
 4. The portfolio will be managed to accommodate quarterly draw withdrawals.

5. A securities brokerage account will be set up in the name of the Sierra Pacific Synod. The Investment Committee will make recommendations to the Sierra Pacific Synod Council on the brokerage company to be used and what securities to purchase or sell through the brokerage account, in accordance with the Investment Policy.

VI. INVESTMENT RETURN:

1. Total investment return recognizes all earnings derived from portfolio investments, plus realized and realized capital gains and losses, less applicable investment management expenses, as confirmed and reported in the annual audit report.
2. The rate of return objective is to maximize a total investment return consistent with prudence, discretion, intelligence and regard for the safety of capital as well as income.
3. Investment decisions shall be made in accord with, but not limited to, the following factors:
 - a. Possible market risks leading to fluctuations of value
 - b. Rates of interest, dividends or expected returns
 - c. Diversification of investments
 - d. Income versus capital appreciation
 - e. Social responsibility
 - f. Liquidity
 - g. Need for insurance of investments
4. Special care shall be taken to ensure that restrictions on gifts will be maintained through the intended lifetime of the asset.
5. Investment assets are pooled and maintained similar to a mutual fund in that each individual fund maintains a separate identity yet is commingled with all funds for purposes of investment and accounting efficiencies. Pooling these assets provides the opportunity to develop a more diversified investment portfolio which in the long term should maximize investment performance.

VII. CONTROLS: The following procedures must be followed in order to maintain controls over inflows and outflows:

1. All transfers out of the investment accounts shall be done by check or by wire transfer into the designated Synod checking account.
2. The investment manager(s) shall send to the Synod Treasurer and Synod Director of Finance and Administration all trade confirmations.
3. All transfers out of the investment account shall be authorized in writing by individuals designated to do so by the Synod Council (for example, authorized check signers).
4. The Synod Council will designate signers who are authorized to execute transactions through the brokerage account. Those individuals would be named in the account documents, similar to required authorizations to conduct business at commercial banks, e.g., authorized check signers.

VIII. REPORTING: The Investment Committee shall report to the Synod Council at least twice each year, and to the Synod meeting in Assembly.

IX. REVIEW AND CHANGES TO POLICY: This investment policy shall be reviewed annually to determine whether it remains effective and appropriate. It is not expected that this policy will change frequently. In particular, short term changes in the financial markets should not require adjustments to this policy. This policy may be changed by recommendation of the Investment Committee, with approval of the Synod Council.

X. PREVIOUS ACTIONS AND RESOLUTIONS: All prior actions, resolutions and policies of the Synod Council that are in conflict with this policy are rescinded by adoption of this policy.

Policy 13-001 Policy on the Sale, Retention and Management of Real Property

Adopted by the Synod Council September 21, 2013 SC13.09.88

Revised by the Synod Council December 14, 2019 SC19.12.49

Revised by the Synod Assembly June, 4, 2022 Resolution 2022-3

1. Within three (3) months of receipt of deeded property, the Synod's Executive Committee or its delegate shall consult with the Witness Discipling Team, the Director for Evangelical Mission, and/or the Investment Committee as to the property's importance for mission and ministry. Following the consultation, the Synod's Executive Committee may recommend to the Synod Council that the property be retained as important to the Synod's ongoing mission and ministry. Without such a recommendation, the property will proceed to sale.
2. Specific action of the Synod Council is required to block, prevent, or terminate the sale of property under this policy. Real property determined to be important to the Synod's ongoing mission and ministry may be retained by specific action of the Synod Council.
3. The Synod's Executive Committee shall be responsible for the sale or liquidation of property and may delegate this responsibility to synod staff, a property management team, or locally hired professionals.
4. Property marked for sale may be held and managed by the Synod until such a time as the market is favorable to the sale of the property.
5. Upon sale of any property, 10% of the net proceeds shall be forwarded to the ELCA, 15% of the net proceeds shall be deposited into the Synod's general fund, 10% of the net proceeds shall be deposited into the Synod's Reparations Fund, up to 5% of the net proceeds shall be deposited into the Property Management Fund (not to exceed a balance of \$250,000-See 9f.), and the remainder shall be deposited in the Sierra Pacific Synod Mission and Ministry Endowment Fund.
6. Retained properties shall be evaluated for a renewable term of one year. All properties owned by the synod shall be evaluated by December of each year. Absent a decision to renew the term for one year, the property will proceed to sale.
7. All properties owned by the Synod at the time this policy is adopted shall be evaluated within three months of adoption in terms of their importance to the Synod's mission and ministry. The Synod may choose to sell or otherwise dispose of these properties at this time. Otherwise, they will be automatically retained for a period of one year and shall be included in the annual evaluation process.
8. The Synod's Executive Committee shall be responsible for the maintenance and management of retained property and may delegate this responsibility to Synod staff, a property management team, or locally hired professionals in order to:
 - a. Provide for minor repairs and maintenance under this policy
 - b. Report regularly on the maintenance of each property
 - c. Recommend to the Synod Council expenditures for major maintenance or property improvement
 - d. Property values from the most recent audit shall be used for budgeting purposes
 - e. Prepare an annual maintenance and management report for the Synod Council of all properties owned by the Synod
9. A Property Management Fund shall be established to account for the income and expenses related to the regular maintenance and management of property owned by the Synod.
 - a. An initial amount of \$100,000 shall be transferred from the New and Renewing Congregation Fund.
 - b. All rents collected by the Synod from any retained property shall be deposited into the Synod's Property Management Fund. All mortgages related to retained properties shall be paid from this fund.
 - c. Minor repairs (up to \$5,000) and regular maintenance shall be paid for out of this fund and shall be arranged by the Executive Committee or its delegate.
 - d. Major repairs (over \$5,000) or improvements require the approval of the Synod Council.
 - e. An annual accounting of the Synod's Property Management Fund shall be prepared and published by the Synod Treasurer and shall be made available to the Synod Assembly.
 - f. The Property Management Fund shall be maintained at a minimum of \$100,000 not to exceed \$250,000.

10. Upon the eventual sale of each property previously retained, the Synod shall reimburse the Property Management Fund from the cash assets received after the sale for all expenses related to the retention of the property, including maintenance, management and contract expenses. To this end, an ongoing ledger of expenses related to maintenance and management of each property owned by the Synod shall be kept by the Synod Treasurer.
11. Synod ministry partners which own real property and whose property has a direct relationship to the ministry of the Synod may apply to the Property Management Fund for financial support for repairs and improvements to their property. An application, consisting of a project proposal and detailed budget, should be submitted to the Executive Committee. Approval for minor repairs or improvements (up to \$5,000) requires a two-thirds vote of the Executive Committee members present and voting at a duly called meeting. Approval for major repairs or improvements (over \$5000) requires a 75% vote of the Synod Council members present and voting at a duly called meeting.
12. Membership of any committee or working group created by this policy shall be in accord with the representational principles for such committees incorporated into the Sierra Pacific Synod Constitution and Bylaws.
13. This policy shall be reviewed by the Synod Council. This review shall be completed by the end of the first year after each Bishop election.
14. This Policy may be amended by vote of two-thirds (2/3) of the members present at a duly constituted meeting of the Synod Council.

All prior actions, resolutions and policies of the Synod Council that are in conflict with this policy are rescinded by the adoption of this policy.

Policy 15-001 Mission and Ministry Endowment Fund
Adopted by the Synod Council September 26, 2015 SC15.9.66

1. NAME: The name of this fund shall be The Sierra Pacific Synod Mission and Ministry Endowment Fund (the “Endowment Fund”).
2. PURPOSE: The purpose of the Endowment Fund is to support the mission and ministry of the Sierra Pacific Synod into perpetuity.
3. ENDOWMENT FUND ASSETS
 - (a) All assets formerly held in the Sierra Pacific Synod Outreach Fund and the Sierra Pacific Synod Fund for New and Renewing Congregations and Innovative Ministries shall be added to all assets held in the Endowment Fund prior to the adoption of this revised and restated policy. Thereafter, all such assets shall be retained as one fund to be managed and governed under the terms and conditions set forth herein.
 - (b) It is the intent of the Synod Council to treat the Synod’s real property holdings as a part of the Endowment Fund. However, the market value of such real estate assets shall not be considered when determining distributions to be made from the fund. The Endowment Fund shall receive the principal and accumulated interest from the sale of real property and furnishings of congregations of the Synod that have been deeded to the Sierra Pacific Synod. Distributions of proceeds at sale of real property will be according to Policy 13-001, “Policy on the Sale, Retention and Management of Real Property.”
 - (c) The Endowment Fund shall receive other gifts and bequests as determined by the Synod Council. Acceptance of gifts is governed by Policy 2011-002, Gift Acceptance Policy.
4. ENDOWMENT FUND COMMITTEE: Management and oversight of the Endowment Fund shall be conducted by the Endowment Fund Committee (the “Committee”). The Committee shall consist of five voting members, one of which is the Synod Treasurer. The Synod Bishop and Vice-President are ex-officio members. All voting members shall be appointed by the Synod Council to staggered three year terms and the Committee shall choose its own chair from among the voting members. Membership of the Committee shall be in accord with the representational principles for such committees incorporated into the Sierra Pacific Synod Constitution and Bylaws.

The duties of the Endowment Fund committee shall include the following:

- (a) To encourage gifts to the Endowment Fund through education and promotion of the fund and its purpose.
- (b) To receive and celebrate gifts to the Endowment Fund in accordance with the criteria set forth in the Sierra Pacific Synod Gift Acceptance policy; and maintain a permanent book of remembrance of donors to the Endowment Fund. An annual list of gifts shall be published each year as part of the Committee’s report to the Sierra Pacific Synod Assembly, and may be published as part of any Endowment Fund annual or special giving appeal.
- (c) To have the discretion to decline acceptance of a gift if deemed not to be in the best interests of the Endowment Fund and of the Synod.
- (d) To meet as needed, but no less than twice each calendar year, to conduct the business of the Endowment Fund, and report quarterly to the Synod Council on any and all activity within the Endowment Fund. Such reporting shall include balances, additions, distributions, and other activity. The Endowment Fund shall be audited as part of the regular audit of the Synod. Actions of the committee must be agreed to by at least three of the voting members.
- (e) Investments by the Endowment Fund committee shall be in accordance with the criteria set forth in the Sierra Pacific Synod Investment policy. Wise investment of the Endowment Fund will maintain the proper balance between income and growth, and will ensure the security of the invested principal. The Committee may consult with Synod staff, members of the Investment and Finance Committees, and other advisors as needed in order to accomplish their work.

(f) Members of the Committee shall not engage in any activity with respect to the receipt of donations to, or distributions of funds from the Endowment Fund that would jeopardize or cause the loss of tax exempt status of, or violate any regulatory requirements for, the Synod or the Endowment Fund; nor shall they engage in any self-dealing, and shall refrain from any conduct in which the interests of the member, their immediate family, or the congregation to which they belong would conflict with the interests of the Endowment Fund.

5. **USE OF THE CORPUS OF THE FUND:** The Endowment Fund is intended to be a sustainable fund. To that end, every effort shall be made to preserve the corpus of the Endowment Fund.
6. **DISTRIBUTIONS:** Each year, up to 5% of the value as of June 30 of the prior fiscal year may be distributed. In addition the Committee may use up to 1% to cover promotional expenses and investment administration. To distribute more than 5% of prior year end fiscal value requires approval of 75% of the Synod Council members present at a duly called meeting. Uses of the funds shall include but not be limited to support for synod mission, support for congregations under development, support for revitalization of existing congregations, seminary scholarships, debt retirement grants, continuing education for rostered leaders, and endowed positions. This Committee shall make recommendations to the Synod Council of specific allocation for the fund distribution. This Committee shall also determine procedures for grant applications and funding requests.
7. **REVIEW AND CHANGES TO POLICY:** This policy shall be reviewed annually to determine whether it remains effective and appropriate. It is not expected that this policy will change frequently. This policy may be changed by the recommendation of the Endowment Committee, with approval of the Synod Council.
8. **FUND DISSOLUTION PROCEDURE:** The passage of time and changing circumstances may not make it possible to use the Endowment Fund for the purposes for which it was intended. Should that situation develop, the Synod Council may authorize other uses of the income and principal consistent with the charitable and religious purposes of the Synod and consistent with federal and state law, while, at the same time, preserving the principal of those gifts designated to be perpetual by donors.
9. **PREVIOUS ACTIONS AND RESOLUTIONS:** This policy specifically supersedes policies 11-001 and 13-002, respectively, in their entirety. Any prior action, resolution, and/or policy of the Synod Council that is in direct conflict with this policy is superseded by this policy but only to the extent that any such prior action, resolution or policy directly conflicts with this policy.

Policy 21-001 Debbi and Mark Holmerud Legacy Fund
Adopted by the Synod Council May 4, 2021 (SC21.05.23)

Purpose

An Endowment Fund (“the Fund”) is an account that can hold funds from both current and estate gifts, from which distributions are made for ministry. Ideally, as distributions are made from the earnings of the Fund, the principal of the Fund grows over time, primarily from additional gifts, but also from investment returns. This document defines who will be involved in making decisions regarding the Fund, outlines the overall management of the Fund, and describes how the Sierra Pacific Synod will use the Fund to make distributions for ministry.

Operation

- I. Endowment Committee
- II. Investment Policy
- III. Distribution Policy

Endowment Committee (“the Committee”)

- 1) For the purposes of this Endowment Fund, management and oversight shall be conducted by the Endowment Fund Committee of the Mission and Ministry Endowment Fund, as established by Policy 15-001 of the Sierra Pacific Synod’s Constitution, Bylaws, Continuing Resolutions, and Policies.
- 2) This Policy will be reviewed at least every 2 years to determine whether it remains effective and appropriate. The next review date is December 2023.

Investment Policy

- 3) For the purposes of this Endowment Fund, the investment policy will adhere to the guidelines laid out by Policy 11-003 of the Sierra Pacific Synod’s Constitution, Bylaws, Continuing Resolutions, and Policies.

Distribution Policy

- 4) The Fund is intended to be a fund that will continue in perpetuity. To that end, every effort shall be made to preserve the corpus of the Endowment Fund.
- 5) Distributions will be made using a defined schedule as recommended by the Investment Manager.
- 6) If no defined schedule is recommended or available, the Fund’s distributions will be limited to no more than 4% of the Fund balance as of June 30th of the previous year, which includes all interest, dividends, and capital gains from the previous year. Any distribution that is larger requires approval of 75% of the Synod Council members present at a duly called meeting.
- 7) The Committee is limited to the following portions of each distribution, unless amended by Synod Council:
 - a) 10% to ELCA Churchwide, Where Needed Most
 - b) 30% to ELCA Federal Chaplaincy Scholarship Fund for Leaders Endowment
 - c) 30% to Rwamagana Leaders’ School for student scholarships
 - d) 30% to New Starts and renewing congregations with strategic ministry priorities for multicultural, ethnic specific & justice work, as validated by the Mission Table and Director for Evangelical Mission
- 8) The passage of time and changing circumstances may not make it possible to use the Fund for the purposes for which it was intended. Should that situation develop, the Synod Council may authorize other uses of the income and principal consistent with the charitable and religious purposes of the Synod and consistent with federal and state law, while, at the same time, preserving the principal of those gifts designated to be perpetual by donors.

Policy 21-002 Policy for Disclosures During Public Elections
Adopted by the Synod Council December 11, 2021 (SC21.12.76)

Seeking to be good stewards of the resources of our Synod, the Sierra Pacific Synod uses background checks as one of the tools we use in reflection of the high standards the Evangelical Lutheran Church in America has for elected leaders of the church.

For example, prior to the public election of rostered leaders, call committees are provided the following disclosure information:

- Have you ever engaged in, been accused of, charged with, or convicted of illegal conduct or a crime, including conduct resulting in suspension or revocation of your driver's license?
 Yes No If yes, explain below.
- Do you have any health conditions (physical or psychological) or any addictive behavior, including a history of drug, alcohol, or pornographic addictions that might interfere with your ability to serve or continue serving as a leader?
 Yes No If yes, explain below.
- Have you ever engaged in, been accused of, investigated for, sued, or charged with sexual misconduct, sexual harassment, substance abuse, child or spousal neglect or abuse, or financial improprieties?
 Yes No If yes, explain below.
- While on the roster, have you ever engaged in, been accused of, investigated for, charged with, or disciplined for any conduct proscribed in *Definitions and Guidelines for Discipline*?
 Never Rostered Yes No If yes, explain below.
- Have you ever engaged in any behavior or been involved in any situations that, if they became known, might seriously damage your ability to begin or continue in leadership and ministry?
 Yes No If yes, explain below.

The Sierra Pacific Synod celebrates God's love and care for all individuals regardless of their background. The transformational nature of God's grace reminds us that we are all equal in our need for reconciliation and forgiveness. The disclosure of background check information is not meant to publicly shame or unduly influence an election.

When background check information needs to be shared about nominees, it shall be shared prior to their speaking so that the nominee can provide context, lessons learned and the resiliency they have gained from the experience(s) being disclosed. Individuals seeking election to offices that require a background check, particularly those who are concerned that information may be disclosed publicly, are encouraged to prayerfully discern if they are willing and able to put their name forward for election.

The purpose of this policy is to provide information for voting members, nominees and the newly elected about the disclosure of background check information during a public election (S9.12.A19.).

When it is determined that background check information about a nominee needs to be disclosed prior to an election:

- The Bishop, or the Executive Committee when the results pertain to the election of a Bishop, shall inform the nominee about the results of the background check. When possible, the information will be provided prior to the election.
- For each election that requires a background check, the chair of the nominating committee, or election committee when there is an election of a bishop, the following information shall be shared prior to any speaking by nominees:
 - The candidates who have and who have not completed a background check.
 - Any disclosures that need to be shared.

When it is determined that background check information about a newly elected officer needs to be disclosed after an election:

- The Bishop, or the Executive Committee when the results pertain to the election of a bishop, shall inform the nominated individual about the results of the background check.

The Synod Council's Executive Committee shall take action as deemed appropriate.

**Policy 23-001 Policy Procedure for the Sierra Pacific Synod of the ELCA for
Discipline of a Rostered Minister when a Complaint is Reported**
Adopted by the Synod Council April 15, 2023 (SC23.04.54.)

Introduction

As an expression of its life in the gospel of Jesus Christ, this church embraces disciplinary processes of counseling, admonition, and correction, with the objective of forgiveness, reconciliation, and healing. Simultaneously, out of deep concern for effective extension of the gospel, this church remains alert to the high calling of discipleship in Jesus Christ. The rostered ministers of this church, as persons charged with special responsibility for the proclamation of the gospel, are to seek to reflect the new life in Christ, avoiding that which would make them stumbling blocks to others. To that end, this church recognizes that there is behavior that is deemed to be incompatible with ordained ministry and that calls for disciplinary action.¹

Public ministry is a position of trust and responsibility.

This document provides general policy statements and guidelines to be followed by the Sierra Pacific Synod of the ELCA in dealing with behavior that is incompatible with ordained ministry and that calls for disciplinary action. It must be emphasized that these policies and guidelines are not binding, rigid rules, but they are created to ensure that every ROSTERED MINISTER is treated equally and is provided an understanding of the procedures that will be followed if an official complaint is made against him/her/them. The synod encourages our member congregations work with the synod to implement this document. Every discipline case is unique, and therefore the synod reserves the right to depart from these policies and guidelines whenever the bishop deems necessary and appropriate.

The Synod Council will review this policy every three years and make updates if needed.

Responding to Concerns of Behavior that is Incompatible with Ordained Ministry

The bishop will hear and be involved with the oversight and consideration of all reported allegations of behavior that is incompatible with ordained ministry and that calls for disciplinary action.

The bishop encourages the complainant to have an Advocate. The Advocate's purpose is to serve as support, and to provide assistance for the care of the complainant and his/her/their family. The Advocate is normally not involved in the investigation of the complaint, but simply in supporting the complainant.

Generally, the bishop shall call upon a trusted person, lay or rostered, or upon another trained and qualified individual to serve as an Advisor. The Advisor is recognized by the bishop as the bishop's professional assistant. Because of the nature, sensitivity and seriousness of this reporting, whenever possible the bishop shall be assisted by this Advisor throughout the entire process. The purpose of the Advisor is to help the bishop navigate the questioning, the listening, the documentation, and the filing and to assist with the resolution of the complaint.

Allegations implicating the synodical bishop with behavior that is incompatible with ordained ministry, and that calls for disciplinary action should be brought to the attention of the synodical vice president, who in turn will notify the churchwide bishop of the Evangelical Lutheran Church in America.

When allegations of behavior that is incompatible with ordained ministry, and that calls for disciplinary action are made to the congregational council of the congregation that has called the ROSTERED MINISTER, because of the possibility that the synod will become involved in a disciplinary proceeding, the congregation council should seek the assistance of the synodical bishop.

¹ *Definition and Guidelines for Discipline: Evangelical Lutheran Church in America (ELCA), March 2020, p. 1.*

Reporting an Allegation of Behavior that is Incompatible with Ordained Ministry

Allegations of behavior that is incompatible with ordained ministry by rostered persons should be reported to the office of the bishop. The initial contact shall be made either by telephoning, emailing, writing, a zoom meeting, or speaking in person with the bishop. In all cases the bishop will schedule a formal meeting, where a full written or recorded report can be made, at a time that is mutually convenient with the complainant, the Advocate, the Advisor and with the bishop. If the complaint is made by a person whose primary language is other than English, it is advisable for him/her/them to make it in the language they prefer and it will be translated for the bishop.

The bishop, with the assistance of the Advisor, will hear the complainant's allegations. The bishop shall listen to the complainant with sensitivity and care. More than one meeting with the complainant and Advocate may be necessary to establish the degree of trust and rapport necessary for the complainant to understand and agree to cooperate with the procedures described in this document and with the ELCA disciplinary process.

Meeting with the ROSTERED MINISTER

If the bishop has determined that there is enough evidence indicating that conduct incompatible with the character of the ministerial office may have occurred, the bishop will arrange for a meeting with the ROSTERED MINISTER to provide an opportunity for an initial response to the complaint(s). The bishop will make every effort to conduct this meeting with sensitivity and in a way that assures support, care and Christian love. The ROSTERED MINISTER has the right to ask questions or make any observations that he/she/they so desires. The ROSTERED MINISTER is also free not to make any comments regarding innocence or guilt at this initial meeting. At this meeting the bishop will inform the ROSTERED MINISTER that this is not a time of confessional privilege and explain that anything said by the ROSTERED MINISTER may be disclosed to others by the bishop. Further follow up interviews with other people involved in any way with the complaint should be considered.

A Fair and Equitable Response

Following an administrative inquiry and after consultation with the Advisor, the bishop will determine a fair and equitable response to the complaint. The decision will reflect, among other things, the seriousness of the offense and the opinions of those involved in the situation and those consulted by the bishop. The bishop may choose one or more of the following options:

1. Appropriate follow-up and closure of the case
2. Further administrative inquiry
3. Letter of reprimand
4. Recommend therapy without leave from call
5. Recommend education
6. Recommend leave of absence with therapy
7. Recommend resignation from call
8. Recommend resignation from the roster
9. Convening a Consultation Panel or Advisory Panel (See ELCA 20.21.04 a,b; 20.21.05; 20.21.06 a, b, c, d, e, f,)
10. Proceeding directly to written charges and a formal hearing before a Disciplinary Hearing Committee

If the ROSTERED MINISTER decides not to accept the bishop's recommendation, the bishop may then initiate disciplinary proceedings against the ROSTERED MINISTER.

If the bishop chooses to present a description of disciplinary charges, the ROSTERED MINISTER will be given 72 hours upon receipt of written charges to consult with family, or other advocates or advisors to determine a course of action in response to the allegations. Failure of the ROSTERED MINISTER to respond within 72 hours may result in signing the charges, thereby initiating the formal disciplinary proceedings.

If the ROSTERED MINISTER chooses to accept the bishop's recommendation, the bishop will disclose the complaint report according to his/her/their best judgment. The complaint report will then be added to the permanent file of the ROSTERED MINISTER.

If the ROSTERED MINISTER decides not to accept the bishop's recommendation, the bishop may then initiate disciplinary proceedings against the ROSTERED MINISTER.

If the ROSTERED MINISTER has objections to the process that the Synod Bishop chooses and the decisions made regarding the resolution of the complaint, he/she/they may request a full investigation through the Synod Vice President, who in turn will appoint an advisor for assistance.

Formal Hearing

If the ROSTERED MINISTER, rejects the Recommendation by the Synod Bishop the process moves to the process outlined in the ELCA Constitution chapter 20.; Consultation, Discipline, Appeals, and Adjudication.

Disclosure

When there is admission of guilt, resignation from the congregation, and/or the ELCA roster, or a finding of guilty in disciplinary proceedings, then disclosure is essential. Except in the most unusual circumstance, the healing process of all parties concerned is necessary. Disclosure needs to be made to the congregation, or the Synod in case the ROSTERED MINISTER is the bishop, and others who need to know the nature of the ROSTERED MINISTER misconduct. Unless the consent of the complainant(s) is given, disclosure should never involve revealing the identity of the complainant(s) or of facts that would make the complainant(s) readily identifiable.

Please note that the recommended action and disclosure will be documented in written form before it is publicly disclosed and shared with the ROSTERED MINISTER. The bishop and Advisor will make sure that the complainant is informed of the resolution.

Selected Resources:

Definition and Guidelines for Discipline: Evangelical Lutheran Church in America (ELCA), March 2020

ELCA Constitution for Synods. 2019 particularly Chapter 14 Rostered Ministers

Manual of Policies and Procedures for Management of the Rosters of the Evangelical Lutheran Church in America. Adopted March 8, 2020 by the Church Council