

**Sierra Pacific Synod
of the
Evangelical Lutheran Church in America**

**CONSTITUTION, BYLAWS,
and
CONTINUING RESOLUTIONS**

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

July 12, 1987

and

as last amended by the 2009 Synod Assembly
of the Sierra Pacific Synod
in Fresno, CA

May 30, 2009



Sierra Pacific Synod

Evangelical Lutheran Church in America

Mission Statement

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

Constitutional provisions are indicated in **bold text**. Bylaws are incorporated into the text of the Constitution where applicable and are numbered as: SBXX.XX.XX, in regular text. Continuing Resolutions are numbered as: *SX.XX.XXX* in *italic text*. A † indicates a provision required by the Constitution of the Evangelical Lutheran Church in America.

Chapter 1	NAME AND INCORPORATION	5
Chapter 2	STATUS	5
Chapter 3	TERRITORY	5
Chapter 4	CONFESSION OF FAITH	5
Chapter 5	NATURE OF THE CHURCH	6
Chapter 6	STATEMENT OF PURPOSE	6
Chapter 7	SYNOD ASSEMBLY	9
Chapter 8	OFFICERS	11
Chapter 9	NOMINATIONS AND ELECTIONS	15
Chapter 10	SYNOD COUNCIL	17
Chapter 11	COMMITTEES, DIVISIONS, AND COMMISSIONS	19
Chapter 12	CONFERENCES, CLUSTERS AND COALITIONS, OR OTHER AREA SUBDIVISIONS ...	23
Chapter 13	CONGREGATIONS	24
Chapter 14	ORDAINED MINISTERS AND ASSOCIATES IN MINISTRY	26
Chapter 15	FINANCIAL MATTERS	29
Chapter 16	INDEMNIFICATION	31
Chapter 17	ADJUDICATION	31
Chapter 18	AMENDMENTS, BYLAWS, and CONTINUING RESOLUTIONS	32
Chapter 19	INSTITUTIONS, AGENCIES, AND AFFILIATED ORGANIZATIONS	33

Synod Policies

88 - 001	Expense Reimbursement Policy	34
88 - 002	Personnel Policies	35
88 - 003	Relation of Congregations to the Synod	37
88 - 004	Guidelines for Fund Raising by Sierra Pacific Synod Institutions, Agencies and Affiliated Organizations	38
88 - 005	Alcoholism and Drug Addiction	38
88 - 006	Synod Mailing Lists	39
89 - 001	Term Calls and Appointments	39
89 - 002	Guidelines for Calls to Interim Ministry by the Synod Council	39
89 - 003	Guidelines for Financial Accountability for the Divisions, Commissions, and Committees of the Sierra Pacific Synod	40
90 - 001	Severance Benefits for Bishop and Executive Staff	41
90 - 002	Guidelines and Policy: The Affirmative Call	42
91 - 001	Warner Trust Committee	43
91 - 002	Investments	44
91 - 003	Synod Staff Support Committee	44
91 - 004	Honoraria for Synod Leaders	45
92 - 001	Sabbatical Leave Policy	45
92 - 002	Publications of Minutes of Synod Assembly	46
93 - 001	Bishop's Sabbatical Leave Policy	46
94 - 001	Criteria for Allocations of Synod Multicultural Ministries Fund	47
95 - 001	Policies and Procedures for Synodically Authorized Worshiping Communities	48
96 - 001	Executive Staff	49
97 - 001	Mission Endowment Fund	50
97 - 002	Synod Outreach Fund	54
99 - 001	Statement of Policy Regarding Sexual Misconduct by Members of the Clergy and Rostered Laypersons Not Employed by the Synod	56
02-001	Transfer of Synodically Owned Property	63
08-001	Background Checks for Nominees for Bishop and Synodical Officers	64

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 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 (ELCA or "this church"), which are recognized as having governing force in the life of this synod.
- †S2.02. 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 political subdivision and county seat 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 10.01.11. and 10.02.02.

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. 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.

Chapter 6 STATEMENT OF PURPOSE

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

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

- a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
- b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
- c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.

- d. **Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.**
- e. **Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.**
- f. **Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.**

†S6.03.

To fulfill these purposes, this synod, in partnership with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in the territory of this synod. In fulfillment of this role, this synod shall:

- a. **Provide for the pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers of this church in this synod, including:**
 - 1) **approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;**
 - 2) **authorizing ordinations and ordaining on behalf of this church;**
 - 3) **approving associates in ministry, deaconesses, and diaconal ministers of this church, which may be done through multi-synodical committees;**
 - 4) **authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and**
 - 5) **consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.**
- b. **Provide 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 or appointment review, and guidance;**
 - 4) **encouraging and supporting persons on the roster 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. **Provide for discipline of congregations, ordained ministers, and persons on the official lay roster; as well as for termination of call, appointment, adjudication, and appeals consistent with procedures established by this church in Chapter 20 of the ELCA constitution and bylaws.**
- d. **Foster organizations for youth, women, and men, and organizations for language or ethnic communities.**
- e. **Plan for the mission of this church in this synod, initiating and developing policy and implementing programs, consistent with churchwide policy, including:**
 - 1) **ecumenical guidance and encouragement;**
 - 2) **development of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;**
 - 3) **leadership and encouragement of congregations in their evangelism efforts;**

† Required Provision

- 4) development of relationships to and participation in planning for mission of social ministry organizations and ministries;
 - 5) encouragement of financial support for the work of this church by individuals and congregations.
 - 6) provision for resources for congregational life;
 - 7) assistance to the members of its congregations in carrying out their ministries in the world; and
 - 8) interpretation of social statements in a manner consistent with the interpretation given by the churchwide unit which assisted in the development of the statement, and suggestion of social study issues through (a) Synod Assembly memorials to the Churchwide Assembly or (b) resolutions for referral from the Synod Assembly through the Synod Council to the Church Council and (c) Synod Council resolutions addressed to the Church Council or for referral to a unit of the churchwide organization through the Church Council's Executive Committee.
- f. Promote interdependent relationships among congregations, synods, and the churchwide organization, and enter into partnership with other synods in the region.
 - g. Participate in churchwide programs and develop support for the ministry of the churchwide organization.
 - h. Foster the grouping of congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.
 - i. Support relationships with and provide partnership funding on behalf of colleges, universities, and campus ministries.
 - j. Foster relationships with and provide partnership funding on behalf of social ministry organizations.
 - k. Maintain relationships with and provide partnership funding on behalf of seminaries and continuing education centers.
 - l. Foster supporting relationships with camps and other outdoor ministries.
 - m. Foster supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of this synod.
 - n. Interpret the work of this church to congregations and to the public.
 - o. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - p. Provide for archives in conjunction with other synods.
 - q. Cooperate with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of this synod which can best be done cooperatively with other synods and the churchwide organization.
 - r. 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 and according to procedures specified in the bylaws of this constitution.

†S6.04.

Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60% of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, 50% of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female and 50% shall be male; and that, where possible, the representation of ordained ministers shall be both male and female. This synod shall establish processes that will enable it to reach a minimum goal that 10% of its assemblies, councils,

committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.

†SB6.04.01. It is the goal of this synod that 10% of the membership of synod assemblies, councils, committees, boards and/or other organizational units be persons of color and/or persons whose primary language is other than English.

†S6.05. Each assembly, council, committee, board, commission, task force, or other body of this synod or any synodical 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.

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 biennially.

SB7.11.01. 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 or two-thirds of the members of the Synod Council. Such a meeting shall be called with advance notice of not less than 60 days, and the purpose for a special meeting shall be stated in the notice. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.

If the special meeting of the Synod Assembly is for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the bishop of the ELCA in cooperation with the Synod Council.

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% of the voting membership shall be composed of lay persons, shall be constituted as follows:

- a. All ordained ministers under call on the roster of this synod in attendance at the Synod Assembly shall be voting members.
- b. All associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers, under call, on the official lay rosters of this synod shall have both voice and vote as lay voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item †S7.21.c.
- c. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with more than 175 baptized members related to this synod, normally one of whom shall be male and one of whom shall be female, 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, 50 percent of the lay members of the assembly shall be female and 50 percent shall be male. Additional members from each congregation normally shall be equally divided between male and female.

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

SB7.21.01. 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.

SB7.21.02 The youth from the Synod Youth Committee shall be voting members of the Assembly.

S7.22. This synod may establish processes that permit retired ordained ministers, retired associates in ministry, retired deaconesses, and retired diaconal ministers on the roster of this synod to serve as voting members of the Synod Assembly, consistent with S7.21.c. above.

SB7.22.01. 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 10% 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. All retired ordained ministers, all ordained ministers on leave from call, all associates in ministry on leave from call or retired, all deaconesses of the Evangelical Lutheran Church in America on leave from call or retired, and all diaconal ministers of this church on leave from call or retired, all of whose names appear on the rosters of this synod, shall have the privilege of voice but not vote at all meetings of the Synod Assembly. The bishop of the Evangelical Lutheran Church in America and such other official representatives of this church as may be designated from time to time by the Church Council shall also 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. Ordained ministers under call on the roster 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 roster of ordained ministers of this synod. Lay members of the Synod Assembly representing congregations, and Associates in Ministry, deaconesses of the Evangelical Lutheran Church in America and diaconal ministers of this church serving under call on the rosters of this synod, 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 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 worshiping communities of the synod, under ELCA bylaw 10.02.03., to serve as voting members of the Synod Assembly, consistent with †S7.21. Such authorized worshiping communities, acknowledged under criteria and procedures of the ELCA Division for Outreach and the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall

be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

- S7.26.A00. One lay member from each synodically authorized worshipping community shall be a voting member of the Assembly.*
- S7.27. 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.**
- S7.28. 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 this synod.**
- 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 pastor who is an ordained minister of the Evangelical Lutheran Church in America.**
- †S8.12. As this synod's pastor, the bishop shall:**
- a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.**
 - b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ordained ministers, and other rostered leaders.**
 - c. Exercise solely this church's power to ordain (or provide for the ordination by another synodical bishop of) all approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of the Evangelical Lutheran Church in America.**
 - d. Commission (or provide for the commissioning of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as associates in ministry; consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as a deaconess of the ELCA; consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as diaconal ministers of this church.**
 - e. Attest letters of call for persons called to serve congregations in this synod, letters of call for persons called by the Synod Council, and letters of call for persons on the roster of this synod called by the Church Council.**
 - f. Install (or provide for the installation of):**
 - 1) the pastors of all congregations of this synod;**
 - 2) ordained ministers call to extraparish service within this church; and**

- 3) persons serving in the other rostered ministries within this synod.
- 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 ordained ministers, other rostered leaders, and congregations of this synod;
 - 3) Be the chief ecumenical officer of this synod;
 - 4) Consult regularly with other synodical bishops and the Conference of Bishops;
 - 5) Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;
 - 6) Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and
 - 7) Be ex officio a member of the Churchwide Assembly.
- i. Oversee and administer the work of this synod and in so doing:**
- 1) Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;
 - 2) Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;
 - 3) Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;
 - 4) Exercise supervision over the work of the other officers;
 - 5) Coordinate the work of all synodical 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 synodical rosters containing:
 - a) the names and addresses of all ordained ministers of this synod and a record of the calls under which they are serving or the date on which they become retired or disabled; and
 - b) the names and addresses of all other rostered persons of this synod and a record of the positions to which they have been called or the date on which they become retired or disabled;

- 9) **Annually bring to the attention of the Synod Council the names of all rostered persons on leave from call or engaged in approved graduate study in conformity with the constitution 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 and the register of congregations;**
 - b) **the issuance of certificates of transfer for rostered persons 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 register 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 parochial reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.**

- S8.14.** The 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.** As part of his or her pastoral responsibility for this synod, the bishop may from time to time request a report from each ordained minister on the roster of this synod concerning his or her ministry.
- S8.20.** Vice-President
- †S8.21.** The vice-president shall be elected by the Synod Assembly. The vice-president shall be a layperson. The vice-president shall be a voting member of a congregation of this synod. The vice-president shall not receive a salary for the performance of the duties of the office.
- S8.22.** The vice-president shall chair the Synod Council.
- S8.23.** 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 an ordained minister.
- †S8.32.** The secretary shall:
- a. **Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for the printing and distribution of such minutes, and perform such other duties as this synod may from time to time direct.**
 - b. **Be authorized and empowered, in the name of this synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.**

- c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.
- d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly.
- e. Give notice of all meetings of the Synod Assembly, as required by S7.12 and S7.13.
- f. Incorporate into this Constitution any amendments made necessary by action of the Churchwide Assembly as provided in S17.02.

S8.40. Treasurer

†S8.41. The treasurer shall be elected by the Synod Assembly. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or an ordained 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:

- a. The bishop of this synod shall be elected to a term of six years and may be reelected.
- b. The vice president, secretary, and treasurer of this synod shall be elected to a term of four years and may be reelected.

S8.52. The term of the bishop shall begin on the first day of the third month following election, and the terms of the other officers shall begin on the first day of the second month following election.

†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.

†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 ten 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 of Appeals of the Evangelical Lutheran Church in America.

†S8.58. If the bishop is to be temporarily absent from the synod for an extended period, the bishop, with the consent of the Synod Council, may appoint as acting bishop for such period an ordained minister 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.

SB9.01.01. 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 Assembly shall elect an ordained minister on the roster of this synod, one lay man and one lay woman from each electoral district. Preliminary nominations for these positions may be made by the conferences; additional nominations may be made from the floor at the Electoral District Caucus with the consent of the nominee. Each Caucus shall select two persons for each position from among those nominated by the Conferences of the Electoral District or from the floor at the time of the Caucus. The two nominees for each position selected by the Caucus 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 electoral district from which he or she was elected shall continue to hold office until the next election, provided he or she continues to hold membership in a congregation of this synod.
- c. Additional members-at-large sufficient to complete the assigned delegate 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 districts have been completed. In the event that the number of Churchwide Assembly members assigned to the Synod precludes electing three

persons from each Electoral District, the Synod Council shall determine how best to distribute the members to be elected.

- d. 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.

SB9.01.02. 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.

SB9.03.01. The Nominating Committee shall monitor the progress and make recommendations about the place of elections in achieving the goal of †SB6.04.01.

SB9.03.02. The Nominating Committee, in consultation with the Conference Cabinets and 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.

SB9.03.03. 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. All persons receiving legal votes shall be reported in written form after the first ballot, together with the number of legal votes each received. The second ballot shall list all persons who received legal votes on the first ballot, except those who have asked that their names not be considered, but members may still vote for any eligible person even if that person did not receive legal votes on the first ballot. On the second ballot, three-quarters of the legal votes cast shall be required for election, and the results shall be reported in written form. Beginning with the third ballot, only those who have received 5% of the legal votes on the previous ballot shall be listed; but through the fifth ballot members may cast a write-in vote for any eligible person, even if not listed on the ballot. All persons receiving legal votes shall be reported in written form to the Assembly, together with the number of legal votes each received. On the third ballot, 2/3 of the legal votes cast shall be required for election. On the fourth ballot, 60% of the legal votes cast shall be required for election. On the fifth and subsequent ballots, a majority of the legal votes cast shall be required for election. If no one is elected through five ballots, the sixth ballot shall be limited to the three persons (plus ties) who received the greatest number of legal votes on the fifth ballot and no votes for other persons shall be considered legal; the seventh and subsequent ballots, if necessary, shall be limited to the two persons (plus ties) who received the greatest number of legal votes on the immediately preceding ballot and no votes for other persons shall be considered legal.

SB9.04.01. 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.

SB9.04.02. 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 two persons for vice-president; additional nominations may be made from the floor.

S9.06. The Nominating Committee shall nominate two persons for secretary; additional nominations may be made from the floor.

S9.07. The Synod Council shall nominate two persons 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.

Chapter 10 SYNOD COUNCIL

- †S10.01.**
- a. **The Synod Council consisting of the four officers of this synod, 10 to 24 other members, and at least one youth shall be elected by the Synod Assembly. Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.**
 - b. **The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be three years.**

SB10.01.01. The Synod Council shall consist of the four officers of this synod, fifteen members elected from five geographical electoral districts, three members elected at-large, and one youth. The fifteen

† Required Provision

electoral district members shall be elected by the Synod Assembly from nominations made by the Electoral District Caucus to be held at the Synod Assembly. The Electoral District Caucus shall consist of all voting members of the Synod Assembly who are members of a congregation in that particular Electoral District. Each nominee shall be a voting member of a congregation in that Electoral District. The officers, members at large, and the youth representative to 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 nominees of the Nominating Committee and nominations from the floor.

- SB10.01.02. Conferences (Chapter 12) shall be grouped in five electoral districts as follows:
- Electoral District A: Redwood, The Vineyard, Gateway, and Delta Diablo Conferences
 - Electoral District B: Northern Mountain Valley, Sierra, Foothill, and Sacramento Conferences
 - Electoral District C: San Francisco, East Bay, and Southern Alameda Conferences
 - Electoral District D: Peninsula and Monterey Bay Conferences and the Santa Clara Valley Lutheran Parish
 - Electoral District E: Sierra San Joaquin, Central Valley, Central San Joaquin, and South Valley Conferences
- SB10.01.03. The Synod Assembly shall elect to the Council one ordained minister on the roster of this Synod, one lay man, and one lay woman from each Electoral District. These Council members shall be elected for three year terms, arranged in three classes so that the term of one Council position in each Electoral District expires each year. Preliminary nominations for these positions may be made by the conferences; additional nominations may be made from the floor at the Electoral District Caucus with the consent of the nominee. Each Caucus shall select two persons from among those nominated by the Conferences of the Electoral District or from the floor at the time of the Caucus. The two nominees selected by the Caucus shall be presented to the Synod Assembly; no additional nominations shall be permitted. The Assembly shall elect one of the two nominees of each Electoral District to serve on the Synod Council. A member elected as a representative of an Electoral District who subsequently moves out of that district may continue to hold office until the end of that term, provided he or she continues to meet all other qualifications for office.
- SB10.01.04. One youth member shall be elected by the Synod Assembly for a two-year term from nominations made by the Nominating Committee. The youth member shall be eighteen years of age or younger at the time of election.
- SB10.01.05. The three 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.
- SB10.01.06. In the election of Council members, all relevant provisions of Chapters 9 and 10 of the Synod Constitution shall apply.
- SB10.01.07. 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.
- SB10.01.08. 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 SB10.01.07. Persons so elected shall meet the qualifications for the position they are filling.
- SB10.01.09. 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.
- SB10.01.10. The Council shall meet at least four times each year.

- SB10.01.11. 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.
- SB10.01.12. A majority of the members of the Synod Council shall constitute a quorum.
- SB10.01.13. Robert's Rules of Order, latest edition, shall govern parliamentary procedure of the Synod Council.
- SB10.01.14. 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.
- SB10.01.15. 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 ordained ministers and of other official rosters, 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 ordained ministers and letters of call to associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers as authorized by Chapter 7 of the constitution and bylaws of ELCA.**
 - 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. The office of a member of the Synod Council shall at once become vacant when:

- a. the member, if ordained, is removed from the clergy roster of this synod;**
- b. the member, if a layperson, ceases to be a voting member of a congregation of this synod.**

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.

SB10.07.01. 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.

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, 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.

SB11.01.01. 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.

SB11.01.02. 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.A87*. 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.

SB11.01.03. 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.

SB11.01.04. 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.

SB11.01.05. 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.

SB11.01.06. 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.

SB11.01.07. 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 ordained 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.

SB11.02.01. 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 ordained ministers and six shall be lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection.

- 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 terms of committee members shall be staggered so that the terms of four committee members (two clergy and two lay) expire every two years.**
- c. **The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.**

SB11.03.01. 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.

S11.05. 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.A87.**

S11.06. 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.

- SB11.06.01 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.
- S11.06.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.*
- S11.07. 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.**
- SB11.07.01. A Discipling Team is a unit of the synod organization to which is assigned responsibility for an identified portion of the mission of this synod. The Discipling Team, under the direction of the Synod Council, is responsible for the development, oversight, budget, implementation, and evaluation of programs approved by the Council.
- SB11.07.02. Proposals or requests for action or response may come to a Team from individuals, Conferences, congregations, the Synod Council, or the office of the Bishop.
- SB11.07.03. A total of nine persons shall constitute a Discipling Team. Each of the five Electoral Districts shall elect one member to each team; two members shall be appointed by the Synod Council one of whom may be a member of the Synod Council; one conference dean shall be appointed by the bishop of the Synod; and a chair shall be appointed by the Synod Council.
- S11.07.A01. The Nominating Committee shall present as nominees for Council's appointment to Discipling Teams persons who have been determined in consultation with the Discipling Teams and the Persons of Color Network.*
- SB11.07.04. Each Electoral District member of a Discipling Team shall be a member of a congregation within the district, and shall serve for a term of three years. Terms shall be staggered by the Synod Council and arranged in three classes 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.
- S11.07.B01. The terms of Discipling Team members appointed by the Synod Council, other than the team chairs, shall be three years in length. Term ending dates shall be staggered by Synod Council.*
- SB11.07.05. Each Discipling Team shall meet at least two times each year.
- SB11.07.06. Each Discipling Team shall be responsible to the Synod Assembly and shall report to the Synod Council in the interim.
- SB11.07.07. The Word and Sacrament Team shall be responsible for assisting congregations in equipping believers for baptismal life.
- SB11.07.08. The Witness and Service Team shall be responsible for leading and assisting congregations and individuals in public affirmation of faith through word and deed.
- SB11.07.09. 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.

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

†S12.01. This synod shall establish conferences, clusters, coalitions, or other area subdivisions within its territory as specified in the bylaws. The purpose of such groupings shall be to foster interdependent relationships among congregations, institutions, and synodical and church-wide units for mission purposes.

SB12.01.01. 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 SB12.01.02 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.*

SB12.01.02. 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.

SB12.01.03. 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.

- SB12.01.04. Each conference shall elect its own officers, which shall include a Dean. 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 to represent the conference on the Council of Deans; to assist the bishop in providing pastoral care to congregations and clergy of the conference; and to fulfill such other responsibilities as the bishop or Synod Assembly may assign. The dean may preside at meetings of the Conference Assembly and Cabinet.
- SB12.01.05. In the event that the office of the dean should become vacant, the Conference Cabinet shall appoint an interim dean; the next session of the Conference Assembly shall elect a new dean.
- SB12.01.06. There shall be a cabinet in each conference, consisting of the officers and other persons as the conference shall determine. The cabinet shall be responsible for planning the Conference Assembly and for fulfilling the purposes of the conference as listed in SB12.01.02.
- SB12.01.07. 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 SB12.01.03 and SB12.01.04 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 register of congregations of this synod, shall adopt the Model Constitution for Congregations or one acceptable to this synod, which 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 ELCA constitution and bylaws.**
 - 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, and 18 in the Model Constitution for Congregations consistent with requirements of this constitution and the constitution 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 the ELCA 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 leaders of the congregation first should consult with the appropriate**

† Required Provision

authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should make contact with the ELCA synod bishop or staff where the congregation is located.

- 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 judgement 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 register of congregations.

- †S13.02. It shall be the responsibility of each congregation of this synod annually to choose 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. 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 pastor or an associate in ministry 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 pastor or associate in ministry shall make satisfactory settlement of the obligation before calling a successor.
- S13.21. The alignment of congregations in pastoral charges, and all alterations in any alignment, shall be subject to approval by the Synod Assembly or by the Synod Council.
- †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 ELCA constitution 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. If any congregation of this synod has disbanded, or if the members of a congregation agree that it is no longer possible for it to function as such, or if it is the opinion of the Synod Council that the membership of a congregation has become so scattered or so diminished in numbers as to make it impractical for such a congregation to fulfill the purposes for which it was organized or that it is necessary for this synod to protect the congregation's property from waste and deterioration, the Synod Council, itself or through trustees appointed by it, may take charge and control of the property of the congregation to hold, manage, and convey the same on behalf of this synod. The congregation shall have the right to appeal the decision to the Synod Assembly.
- S13.25. This synod may temporarily assume administration of a congregation upon the request of or with the concurrence of the Congregation Council, or upon the written petition of two-thirds of the voting members of the congregation.
- S13.30. **Discipline**
- †S13.31. Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the ELCA constitution and bylaws.

Chapter 14 ORDAINED MINISTERS AND ASSOCIATES IN MINISTRY

†S14.01. **The time and place of the ordination of those persons properly called to congregations or extraparish service of this synod shall be authorized by the bishop of this synod.**

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

a. Every ordained minister shall:

- 1) preach the Word;**
- 2) administer the sacraments;**
- 3) conduct public worship;**
- 4) provide pastoral care; and**
- 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.**

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

- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;**
- 2) supervise all schools and organizations of the congregation;**
- 3) install regularly elected members of the Congregation Council; and**
- 4) with the council administer discipline.**

c. Every pastor shall:

- 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;**
- 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;**
- 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and**
- 4) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of this ELCA synod.**

SB14.02.01. 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.

S14.03. **The pastor shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, and shall submit a summary of such statistics annually to this synod.**

S14.04. **Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a Lutheran congregation nearer to their place of residence.**

S14.05. **Upon the request of the bishop as provided in S8.16, each ordained minister on the roll of this Synod shall give a report of his or her ministry.**

S14.06. **The pastor shall be a member of the congregation that has extended the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.**

†S14.11. **When a congregation of this church desires to call a pastor or a candidate for the pastoral office in the ordained ministry 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 pastoral candidate by a congregation of this synod in accordance with ELCA constitutional provision 7.41., a two-thirds majority ballot vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
- c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.12. Upon receiving a call, an ordained minister on this synod's roster shall consult with the bishop of this synod or the bishop's representative and shall notify the bishop of his or her intent to accept the call prior to that acceptance. An ordained minister shall respond with an answer of acceptance or declination to a letter of call within thirty days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the chair of the Congregation Council of the congregation issuing the call, an additional fifteen days may be granted to respond to a letter of call.

- †S14.13.**
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 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, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation; or
 - 7) suspension of the congregation as a result of discipline proceedings.
 - b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office, have come to the attention of the bishop of this synod, the bishop in his or her sole discretion may, or when such allegations have been brought to this 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 shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
 - c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of this synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of this synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
 - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of this synod together with the committee described in S14.13.b shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by this synod. If either party fails to

assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority 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 simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

- e. If, in the course of the proceedings described in S14.13.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendation concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
- f. If, following the appointment of the committee described in S14.13.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

- †S14.14. Ordained ministers 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.
- †S14.15. The parochial records of each congregation shall be kept in a separate book which shall remain its property. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before:
- a. installation in another field of labor, or
 - b. the issuance of a certificate of dismissal or transfer.
- †S14.16. The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another field of labor, or
 - b. the issuance of a certificate of dismissal or transfer.
- †S14.17. 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 ordained ministers who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod that the parochial records, for the period for which the interim pastor was responsible, are in order.
- †S14.18. With the approval of the synodical 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 S14.13., 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 S14.13.

S14.21. All ordained ministers 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. Official Rosters of Laypersons

S14.31. The provisions in the churchwide documents and such provisions as may be developed by the Division for Ministry governing associates in ministry, deaconesses, and diaconal ministers of this church shall apply in this synod.

- a. When a congregation of this synod desires to call an associate in ministry, deaconess, or diaconal minister or a candidate for these official rosters of laypersons of this church:
 - 1) Such a congregation of this synod shall consult the synodical bishop before taking any steps leading to extending such a call.
 - 2) Issuance of such a letter of call shall be in accord with criteria, policies, and procedures developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
 - 3) When the congregation has voted to issue a call to an associate in ministry, deaconess, or diaconal minister, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- b. An associate in ministry, deaconess, or diaconal minister shall confer with the bishop of this synod before accepting a call within this synod.
- c. The call of a congregation, when accepted by an associate in ministry, deaconess, or diaconal minister, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the individual, shall be terminated only following consultation with the synodical bishop in accordance with policy developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
- d. Associates in ministry, deaconesses, and diaconal ministers on the roster of this synod who are serving under call shall attend meetings of the Synod Assembly.

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 units that share responsibly in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support program of the whole church. The gifts and offerings of the members of ELCA are given to support all parts of this church and thus partnership in 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 of each congregation's mission support as determined by the Churchwide Assembly to the treasurer of the Evangelical Lutheran Church in America.

- †S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to partnership funding with other synods and the churchwide organization. Unless an exception is granted upon the request of this synod by the Church Council, each budget shall include the percentage of congregational mission support assigned to it by the Churchwide Assembly.
- 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% of the sum of the amounts scheduled in the next year's budget for regular distribution to synodical causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.
- S15.21. No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.
- †S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm selected by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod. The financial reports shall be in the format approved from time to time by the Office of the Treasurer.
- †S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.
- 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. Except as otherwise provided in this constitution, indemnification of any person who is or was made or threatened to be made a party to any proceeding is prohibited. For purposes of this chapter, the term, "proceeding," means a threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding, including a proceeding in the right of this synod or any other organization. Except as otherwise required by law, (a) the term, "proceeding," does not include a proceeding by this synod and (b) indemnification for expenses incurred in a disciplinary hearing described in Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America shall be permitted only as provided in †S16.05. For purposes of this chapter, the term, "indemnification," includes advances of expenses.
- †S16.02. To the full extent permitted from time to time 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 judgments, penalties, fines, settlements, excise taxes, and reasonable attorney's fees and disbursements incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director,

officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of section †S16.03.

- †S16.03. 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 not be entitled to indemnification unless (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.
- †S16.04. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in section †S16.02. or section †S16.03.
- †S16.05. When in proceedings under Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America written charges against an ordained minister or a layperson on an official roster of this church are made by the synodical bishop or written charges against a congregation are made by the Synod Council or the synodical bishop, and the discipline hearing committee determines that no discipline shall be imposed, and such determination is not reversed or set aside if an appeal is taken, then indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be decided by the Synod Council.

Chapter 17 ADJUDICATION

- †S17.01. The synodical bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.
- †S17.02. The synodical bishop and the Executive Committee of the Synod Council shall receive expressions of concern from ordained ministers, associates in ministry, or other persons on the official lay roster 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 the matter at issue cannot be resolved in this manner, the prescribed procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to discipline of an ordained 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 among units of this synod on a substantive issue that cannot be resolved by the parties, the aggrieved party or parties may appeal to the synodical bishop and the Executive Committee of the Synod Council for a consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Synod Council requesting it to arbitrate the issue. The decision of the Synod Council shall be final.
- †S17.04. When a component or beneficiary of a synod has a disagreement it may address an appeal to the synodical bishop and the Executive Committee of the Synod Council. 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 among factions within a congregation on a substantive issue that cannot be resolved by the parties, members of a congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of this synod shall consider the matter. If the Consultation Committee of this synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose 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 simple 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. An amendment may be adopted by a two-thirds vote at a regular meeting of the Synod Assembly after having been presented in writing at the previous regular meeting of the Synod Assembly over the signatures of at least 80 members and been approved by a two-thirds vote of the voting members present and voting at such a 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.

SB18.21.01. 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 and bylaws of this church. 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.

SB18.31.01. 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.

Policy 88 - 002 Personnel Policies

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

Revised April 29, 1992 (SC92.4.14)

Equal Employment Opportunity

To ensure that the Synod's Personnel Policies and practices are administered without discrimination against anyone on the basis of race, color, religion, sex, age, national origin, handicap, or veteran status, the following guidelines are established:

1. All employees and job applicants are guaranteed equality of employment opportunity. Essentially, this means that the Synod will not discriminate against any worker or applicant on the basis of race, color, religion, sex, age, national origin, handicap, or veteran status.
2. All recruitment, selection, placement, training, and layoff decisions made by the Synod will be based solely on the job-related qualifications and abilities of candidates. In some cases, seniority may be treated as a factor in the selection process.
3. The Synod will take all steps necessary to ensure that each employee's work environment is free of unlawful discrimination or harassment.
4. Employees who have EEO-related questions, problems, or complaints should first communicate their concerns to the Associate to the Bishop for Administration and Finance. If they are dissatisfied with the response to the matter, they may pursue their complaint in the Synod's formal dispute resolution procedure.

Work Hours

The Synod office will be open Monday through Friday, 8:30 a.m. to 4:30 p.m. One half-hour is allowed for a lunch period. The telephone must be answered at all times. All employees are expected to report to work as scheduled and to work the scheduled hours. Employees will be considered tardy when they report to work more than six (6) minutes past their scheduled starting time. Employees must notify the Associate to the Bishop for Administration and Finance in advance when possible -- and in no case later than 30 minutes after their starting time -- of their inability to report to work as scheduled. In providing this notification, employees should give a reason for their absence and an estimate of when they will return to work. The Associate for Administration and Finance will maintain a written record of employees' absences and tardiness. Employees who are absent for three consecutive working days without notifying the Synod are subject to termination. In dealing with attendance problems -- especially those involving an illness or physical or mental incapacity to report to work -- the Synod will consider all the facts and circumstances of a particular case, including the employee's prospects for future improvement and maintenance of an acceptable attendance record.

Vacations

Each employee shall be granted two weeks (ten working days) vacation in any year of twelve (12) months employment. After three (3) years of employment, three weeks vacation will be granted. New employees may be granted one (1) week vacation after six (6) months employment. All vacations shall be pro-rated by quarter. Vacation pay will be computed on the basis of an employee's regular wage or salary for a comparable work period. Extra payment in cash will not be made in lieu of vacation time. Employees should inform the Associate to the Bishop for Administration and Finance of their vacation scheduling requests. The Synod will try to comply with the employee's request as long as the Synod's production and staffing needs are met. In the event that the Synod cannot grant requests for the same vacation time requested by two or more employees, vacation leave will be granted on the basis of seniority. When a holiday occurs during a vacation period, an additional day will be granted.

Holidays

The following holidays will be observed:

- | | |
|----------------------------------|---------------------|
| 1. January 1 | 6. Independence Day |
| 2. Martin Luther King's Birthday | 7. Labor Day |
| 3. Presidents' Day | 8. Thanksgiving Day |

4. Good Friday
5. Memorial Day

9. Day Following Thanksgiving
10. Christmas Day

On working days prior to Christmas and New Year's Day, the office will close at twelve noon. When a designated holiday falls on Saturday or Sunday, the office will be closed on either the preceding Friday or the following Monday, as determined by the Support Staff Coordinator.

Other Leaves

1. All employees will earn one (1) day of paid sick leave for each calendar month they are on the payroll. Employees may carry over sick leave up to a maximum of twenty-four (24) days. In some cases, the Synod may advance paid sick leave to employees who have used up all their accrued sick leave.
2. Employees who request leave for pregnancy-related reasons may use a combination of accrued vacation, personal, and sick leave to cover part of their absence from work. When these types of leave are exhausted, employees are entitled to an unpaid leave of up to six months. Employees returning from leave may be placed in the same or a comparable job, but are not guaranteed the same position.
3. Employees who are required to serve on jury duty will be paid the difference between the jury pay and the regular rate of pay for their position.
4. Employees are entitled to three (3) personal days paid leave per year. This leave must be approved by the Associate to the Bishop for Administration and Finance and requested by the employee at least three days in advance. Personal leave does not accrue from year to year.
5. Employees may request an unpaid, extended leave of absence for personal reasons. The synod may grant such requests, at its discretion, for good cause.

Pension, Health and Other Benefits

All employees of the Synod shall be enrolled in the Pension and Benefits Plan of the ELCA and entitled to all benefits as determined by the Board of Pensions of the ELCA. The Synod will pay all costs of the Plan. In addition, the Synod shall be covered by Worker's Compensation Insurance and the California State Unemployment Insurance Program for all lay employees.

Overtime

Business requirements or production deadlines occasionally may require some employees to work overtime, more than forty (40) hours in a week. The Synod will try to inform employees well in advance of any overtime requirement. Employees may not work more than their scheduled weekly hours without permission of the Synod. All employees considered "non-exempt" under the Fair Labor Standards Act will be paid at the rate of one and one-half (1 1/2) times their regular rate of pay for all hours in excess of forty in one week.

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.

Compensation

Employees will be paid twice monthly, normally on the 15th and last business days of the month.

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, 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.

Miscellaneous

The Synod shall have the right to change or revise these policies from time to time at its own discretion. Any issues not specifically covered by these policies shall be governed by the personnel policies of the Evangelical Lutheran Church in America.

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)

Calls to ordained ministers and appointments to associates in ministry issued by the Synod Council are normally for a term of three years, with exceptions permitted 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)

1. Calls issued by the Synod Council to interim ministry shall meet at least the ELCA guidelines for part-time calls; an interim pastor shall provide at least half-time ministry to the congregation with commensurate compensation (in accordance with Synod salary guidelines), and shall provide full, general pastoral responsibility. The call to interim ministry shall be 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 receive training that the Synod offers. This may involve participation in an interim training workshop or individualized training and orientation by the synod staff or other interim pastors in a "mentoring" relationship.
3. Except in unusual circumstances, seminary graduates approved for ordination will not be ordained to calls in interim ministry. The ELCA constitutional requirement of at least three years of parish ministry prior to being called to interim ministry shall apply.
4. The interim agreement between the congregations 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."
5. In issuing a call to interim ministry, the Synod assumes no responsibility of guaranteeing continuous employment and compensation for the pastor under call. It is understood that compensation and benefits are provided entirely by the congregation or agency being served. Where possible, continuity of the ministerial health benefits plan will be advocated. For legal purposes, it is to be 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.
6. Calls to interim service will normally be issued for a two-year term of service, with annual review by the Roster Committee. However, if a pastor under call to interim service has not served in an interim ministry under a properly executed interim agreement for a period of one year, the call may be terminated by the Synod Council with the concurrence of the Bishop. A pastor may also resign the call to interim service at any time.
7. Initial issuance of a call to interim ministry by the Synod Council shall be upon the recommendation of the Bishop and the synod staff. 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.

**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)

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. 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.
8. The Trust Committee shall report annually in detail to the Synod Council the income and expenditures of the Trust.

Policy 91 - 002 Investments

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

1. When it is determined by the Bishop's Associate for Administration and Finance 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 Bishop's Associate for Administration and Finance with the concurrence of the Synod Treasurer.
3. Mission Certificates of the ELCA Loan Fund 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 ELCA Mission Certificates 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)

Purposes

1. To provide support to synod staff members in their ministries.
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 serve as "listening ears" and communicate to staff concerns being voiced within the synod.
5. 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:

† Required Provision

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 Synod Leaders

Adopted by the Synod Council May 30-31, 1991 (SC91.5.13)

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 an 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 Division or Commission for which that volunteer is working. 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 divisions, commissions or committees, 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.

Policy 92 - 001 Sabbatical Leave Policy

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

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 annual vacation.
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, June 26, 2004

The Sierra Pacific Synod shall publish annually the Minutes of the Synod 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. Adopted budget
3. Financial reports and audit statements for previous year
4. Election report, including terms of elected persons
5. Complete list of members of the Synod Council, boards, and commissions, including terms of office
6. Ordinations and installations, with dates and places
7. Updated synod rosters
8. Parochial reports and statistics
9. Complete text of resolutions and other actions of the Assembly
10. Reports of Synod Bishop and Officers
11. 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 a bound book form of approximately 6" by 9", with a minimum print run sufficient to provide copies required by the ELCA Office of Secretary and Archives, the Region II and Sierra Pacific Synod Archives, synodical officers, Council members, discipling team and committee chairpersons, executive and office staff members, all other persons and organizations who may order copies on a paid subscription basis, and additional recipients designated by the Secretary of the Synod. If printed copies are not provided to all congregations and rostered persons of the synod, readily accessible electronic copies shall be produced and distributed to them instead

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 worshipping community is to make provisions for bond coverage for the handling of finances in the authorized worshipping community.

Synodically Authorized Worshipping 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 worshipping 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 Executive Staff

(Adopted by Synod Council 01/19/96 SC 96.1.6)

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 ordained ministers) or letters of appointment (for lay persons). The purpose of this policy is to clarify how these entities work together cooperatively to provide executive staff for the Bishop.

Term of Office

Assistants to the Bishop serve at the pleasure of the Bishop. Upon the Bishop's recommendation, an Assistant's 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 an Assistant's 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 Assistant'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 Assistant 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 Assistant shall do a self-evaluation based on the objectives set for the year.
- (3) The Bishop shall evaluate the ministry of the Assistant.
- (4) The Bishop and the Assistant 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 staff within the first year of office. This process will entail both a review of and possible changes to existing job descriptions for Assistants, and a decision as to whether the Assistants 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 Assistants to the Bishop 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 an Assistant'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, he or she shall make recommendations about staff configuration and job descriptions to the Executive Committee. He or she 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 applications shall be acknowledged.

The newly elected Bishop shall, in consultation with an interview committee appointed by him/her, 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 Assistants shall automatically be extended until the election of a new Bishop.

Policy 97 - 001 Mission Endowment Fund

Adopted by the Synod Council, January 18, 1997 (SC97.1.11)

POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF THE SIERRA PACIFIC SYNOD MISSION ENDOWMENT FUND

I. PURPOSE OF THE FUND

The purpose of the Sierra Pacific Synod Mission Endowment Fund (the "Fund") is to encourage the concept of whole life stewardship, and to receive and manage donations, bequests, and charitable gifts from individuals, congregations, and other entities and organizations in order to enhance the mission and ministry of the Sierra Pacific Synod (SPS) in addition to, and apart from, its yearly operating budget, with emphasis on establishing new congregations, redeveloping existing congregations, developing and supporting new mission programs.

II. STATEMENT OF PRINCIPLES AND POLICIES

- A. The Fund is intended to encourage, educate, motivate, and assist individuals, congregations, and other entities and organizations in the making of donations, bequests, and other charitable gifts for the support and expansion of the mission and ministry of the Sierra Pacific Synod.
- B. Given the purpose of the Fund to enhance mission and ministry of the ELCA in the Sierra Pacific Synod, the Fund shall be partially invested in the ELCA Mission Investment Fund and/ or with The ELCA Endowment Fund, unless otherwise authorized by the SPS Council. To the extent not invested in ELCA funds, the Fund shall invest in both a "fiscally prudent and socially responsible manner." The primary investment objectives shall be the preservation of capital and the production of income.

- C. No portion of the principal or income generated by the principal of the Fund shall be used for the annual operating budget of the SPS.
- D. The Fund shall be administered by the Synod Mission Endowment Fund Committee (the "Committee").
- E. Neither members of the Committee nor the SPS officers, SPS Council, or SPS Assembly shall engage in any activity with respect to the receipt to or distribution from the Fund that would jeopardize or cause the loss of tax exempt status of, or violate any regulatory requirements for, the SPS of the Fund.
- F. The Fund shall not be a separate entity, but shall be a fund or funds of the SPS. The Fund shall be audited as part of the regular audit of the SPS.

III. THE ENDOWMENT FUND COMMITTEE

- A. The Committee shall maintain and administer the Fund.
- B. The Committee shall consist of five (5) members, who shall be:
 - The Bishop of the SPS, or the Bishop's representative;
 - The Vice President of the SPS;
 - three other persons nominated by the Bishop and ratified by the SPS Council.
 The Vice President shall chair the committee. The three members of the Committee who are not officers shall serve initial terms of one, two, and three years, with each term after the initial term being for three years. Members of the Committee who are not officers shall not serve more than two consecutive three-year terms. Members who are officers shall serve until their terms expire. After a lapse of one year, former committee members may be re-elected.
- C. The Committee shall meet at least annually, and minutes of the meeting shall be maintained and submitted to the SPS Council.
- D. The Committee shall maintain a record of Fund receipts, investments, and disbursements, and shall provide a summary annually to the SPS Assembly.
- E. The Committee shall provide endowment information to congregations and individuals.
- F. The Committee shall periodically review these Policies and Procedures, and make recommendations for any revision to the SPS Council.
- G. The Committee shall investigate and make decisions regarding the investment of the Fund assets. Unless the Synod Council directs otherwise, some or all of the assets of the Fund shall be maintained in the ELCA Mission Investment Fund and/or the ELCA Endowment Fund.
- H. In furtherance of its duties and responsibilities as custodian and administrator of the Fund, the Committee shall have the power:
 - 1) to take, have, hold, sell, exchange, rent lease, transfer, invest, reinvest, and in all other respects to handle, manage, and control the Fund, or any part thereof, as the Committee in their judgment and discretion shall deem to be in the Fund's best interests;
 - 2) To receive income, profits, rents, and proceeds of the Fund, and to pay all administrative and necessary expenses in connection therewith. Such expenses are to be repaid from Fund income;
 - 3) To make, execute, and deliver all instruments necessary or proper for the accomplishment of the purposes of the Fund, including but not limited to deeds, bills of sale, transfers, leases, mortgages, assignments, conveyances, contracts, purchase agreements, waivers, releases in settlements, except

nothing in this subparagraph shall authorize conduct inconsistent with the Constitution and Bylaws of the SPS;

- 4) To employ and reasonably compensate, from Fund income, professional advisors, including investment counselors, accountants, attorneys, insurance writers, and other persons for the purpose of providing advice to the Fund.
- I. Members of the Committee shall be fiduciaries, and shall not engage in any self-dealing. A Committee Member shall at all times refrain from any conduct in which the interests of the member or his/her immediate family would conflict with the interests of the fund.
 - J. Members of the Committee shall not be liable for any losses which may be incurred upon the investments of the assets of the Fund, except to the extent such losses are the result of the members' bad faith or gross negligence. No member shall be personally liable as long as he/she acts in good faith, and without gross negligence in discharging his/her duties.
 - K. Members of the Committee shall not receive any compensation, but may be reimbursed for expenses reasonably incurred from Fund income.

IV. GIFT DESIGNATIONS

- A. Donors may, but are not required, to designate categories or specific purposes for which the income from the gift may be used, to the extent provided herein. The following categories are available for designation:
 - 1) Undesignated mission support;
 - 2) Establishing new congregations and redeveloping existing congregations;
 - 3) Developing and supporting new programs of mission;
 - 4) Support global mission of the ELCA.
- B. Unless a specific category or purpose is designated by the donor, the gift will be placed in the undesignated gift category. The undesignated gift category income will be distributed as provided in paragraph VII.

V. PROMOTION OF THE FUND

- A. In the promotion of the Fund, the Committee shall work in close consultation with the representative of the ELCA Foundation.
- B. The Committee shall provide information about the Fund in the form of brochures, newsletters, and other information data to individuals and congregations within the Sierra Pacific Synod. The release of such information shall be timed, to the extent possible, to avoid conflict with the annual stewardship drive of congregations or other major fund appeals that may be authorized by the Synod Council.
- C. Committee members and others designated by the Committee may contact potential donors on an individuals basis to enhance awareness of the Fund and to appeal for consideration during a potential donor's financial planning process.
- D. The information distributed by the Committee will include emphasis on bequests and post-mortem gifts.
- E. Promotion costs for the Fund shall be paid from investment earnings of the Fund, except that such costs may be paid from the operating budget of the Sierra Pacific Synod upon approval by the Synod Council.

VI. ACCEPTANCE OF GIFTS

- A. The Committee will encourage donations, bequests, and charitable gifts of monetary and non-monetary assets, but the Committee reserves the right to decline to accept any gift if, in the considered judgement of the Committee, acceptance of such gift would be detrimental to the mission and proper administration of the Fund.
- B. The general policy of the Fund regarding non-monetary gifts will be to allow the retention of those which require an administrative effort acceptable to the committee, and which produce net income resulting in reasonable rates of return to the Fund in relation to the rates of return available from other investments.
- C. The general policy of the Fund will be to sell, or otherwise convert to cash, any non-monetary gift which does not produce a reasonable rate of present and/or future income. The disposition of any non-monetary gift shall be done in a commercially reasonable manner, under circumstances which, in the opinion of the Committee, will likely realize the largest cash return to the Fund. The Committee may rely upon advice from professional advisors in determining the manner, timing, and procedures to be followed in disposing of any non-monetary gift.
- D. The Committee shall promptly notify any donor of non-monetary property of the Committee's intended action with respect to any non-monetary gift, i.e., rejection, sale, or other disposition, or retention.

VII. DISTRIBUTION OF FUNDS

- A. Until the Fund accumulates cash in the amount of One Hundred Thousand Dollars (\$100,000.00) in principal, no distribution shall be made by the Committee. Income during this period shall be reinvested.
- B. Upon the accumulation of cash in the amount of One Hundred Thousand Dollars (\$100,000.00) in principal, the Committee shall prepare a plan of distribution of the available income. The plan shall target individuals, organization, entities, and programs within the areas specified in paragraph IV above. The distribution plan must be consistent with the terms of any designated gifts received and held by the Fund.
- C. The distribution plan prepared by the Committee shall be presented to the Sierra Pacific Synod Council for approval.
- D. Upon approval by the Sierra Pacific Synod Council, the Committee shall administer and distribute funds pursuant to the approved distribution plan.

VIII. FUND DISSOLUTION PROCEDURE

The Sierra Pacific Synod intends that the Fund shall be perpetual. However, it is recognized that the passage of time and changing circumstance may not make it possible to use the Fund for the purposes for which it was intended. Should that situation develop, the Sierra Pacific Synod Council may authorize other uses of the income and principal consistent with the charitable and religious purposes of the Sierra Pacific 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.

IX. AMENDMENT

These Policies and Procedures may be amended by vote of two-thirds (2/3) of the members present at a duly constituted meeting of the Sierra Pacific Synod Council.

Policy 97 - 002 Synod Outreach Fund

Adopted by the Synod Council, January 18, 1997 (SC97.1.12)
Amended by the Synod Council, January 29, 2005 (SC05.01.06)
Amended by the Synod Council, January 23, 2009 (SC09.01.09)

- I. NAME: The Sierra Pacific Synod Outreach Fund
- II. SOURCE: This Fund shall consist of the principal and accumulated interest from the sale of the real property and furnishings of congregations of the Synod that have been deeded to the Sierra Pacific Synod and gifts from individuals, congregations, or other entities directed to the Fund by the donor.
- III. MISSION: The Fund shall support the outreach ministry of the Sierra Pacific Synod, including, but not limited to: the establishment of new congregations, fresh starts, redeveloping of and/or strengthening of existing ministries within the Synod, and the leadership development of lay and clergy members of the Synod. Primary emphasis shall be given to starting new congregations, redevelopments and new ministries.
- IV. ADMINISTRATION: The stewardship of the Fund shall be exercised by the Witness and Service Discipling Team,.
- V. ACCEPTANCE OF GIFTS:
 - A. The Witness and Service Discipling Team will encourage donations, bequests, and charitable gifts of monetary and non-monetary assets, but the Discipling Team reserves the right to decline to accept any gift if, in the considered judgment of the Discipling Team, acceptance of such gift would be detrimental to the mission and proper administration of the Fund.
 - B. The general policy of the Fund regarding non-monetary gifts will be to retain those which require an acceptable administrative effort and which produce net income resulting in a reasonable rate of return to the Fund in relation to the rates of return available from other investments.
 - C. The general policy of the Fund will be to sell or otherwise convert to cash any non-monetary gift which does not produce a reasonable rate of income. The disposition of any non-monetary gift shall be done in a commercially reasonable manner under circumstances which, in the opinion of the Discipling Team, will likely realize the largest cash return to the Fund. The Discipling Team may rely upon advice from professional advisors in determining the manner, timing, and procedures to be followed in disposing of any non-monetary gift.
 - D. The Discipling Team shall promptly notify any donor of non-monetary property of the Committee's intended action with respect to any non-monetary gift, i.e., rejection, sale, or other disposition, or retention.
- VI. DISTRIBUTION OF INVESTMENT INCOME:
 - A. The Discipling Team shall prepare a plan of distribution of the available investment income, including the percentage of the annual value of the fund for distribution. The plan shall target individuals, organizations, entities, and programs within the areas specified in the mission of the Fund. The distribution plan must be consistent with the terms of any designated gifts received and held by the Fund.
 - B. Annual distributions will be a percentage of the annual value of the Synod Outreach Fund balance, and may include interest and dividends received, realized gains, and/or unrealized gains.
 - C. The distribution plan prepared by the Discipling Team shall be presented to the Synod Council for approval.
 - D. Upon approval by the Synod Council, the Discipling Team shall administer and distribute funds pursuant to the approved distribution plan.

E. The initial distribution of funds, for the 2009-2010 biennium shall be:

Direct grants to ministries	75%
Leadership development	15%
Contingencies	7%
Administration	3%

The percentage of the value of the fund for distribution in the 2009-2010 biennium shall not exceed 3% annually

VII. USE OF THE CORPUS OF THE FUND:

- A. If, in the opinion of the Discipling Team, the mission needs of the synod exceed the resources of the investment income, the Discipling team may, upon a 4/5ths majority vote with 2/3rds of the Synod Council concurring, recommend the use of up to 5% of the corpus of the Fund for expenditure in any one calendar year.
- B. The Discipling team may recommend to the Synod Council that up to 25% of the corpus be used for loans to congregations of this synod for programs consistent with the Mission of the Fund, at rates comparable to the prevailing interest rates for real estate mortgages, and with maturities not to exceed 15 years.
- C. If, in the opinion of the Discipling Team, the financial circumstances of the synod are so dire and of such an emergency nature that the future of the synod is at stake and that the only recourse seems to be the use of the Fund principal, the Discipling Team may, upon a 4/5ths majority vote with 2/3rds of the Synod Council concurring, utilize such portion of the principal as is necessary to meet the potential emergency situation.

VIII. ACCOUNTING: The Synod treasurer shall oversee the investing of the Fund. The Treasurer shall provide quarterly reports to the Bishop and Synod Council, and an annual report to the Synod Assembly. The funds are to be invested with the ELCA Mission Investment Fund, the ELCA Endowment Fund, or investment instruments managed by Thrivent Financial for Lutherans.

IX. FUND DISSOLUTION PROCEDURE: The Sierra Pacific Synod intends that the Fund shall be perpetual. However, it is recognized that 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 Sierra Pacific Synod and consistent with federal and state law.

X. OTHER MATTERS:

- A. In furtherance of its duties and responsibilities as custodian and administrator of the Fund, the Witness and Service Discipling Team shall have the power, subject to the approval of Synod Council:
 - 1. To take, have, hold, sell, exchange, rent, lease, transfer, invest and reinvest, and in all other respects to handle, manage, and control the Fund, or any part thereof, as the Committee, in their judgment and discretion, shall deem to be in its best interests;
 - 2. To receive income, profits, rents, and proceeds of the Fund, and to pay all administrative and necessary expenses in connection with it. Such expenses are to be repaid from Fund income;
 - 3. To make, execute, and deliver all instruments necessary or proper for the accomplishment of the purposes of the Fund, including but not limited to deeds, bills of sale, transfers, leases, mortgages, assignments, conveyances, contracts, purchase agreements, waivers, releases in settlements, except nothing in this subparagraph shall authorize conduct inconsistent with the Constitution and Bylaws of the Sierra Pacific Synod; and
 - 4. To employ and reasonably compensate from Fund income professional advisors, including investment counselors, accountants, attorneys, insurance writers, and other persons for the purpose

- of providing advice to the Fund.
- B. No member of the Discipling Team shall engage in any self-dealing and shall at all times refrain from any conduct in which the interests of the member or his or her immediate family would conflict with the interests of the fund.
 - C. Members of the Discipling Team shall not be liable for any losses which may be incurred upon the investments of the assets of the Fund, except to the extent such losses are the result of the members' bad faith or gross negligence. No member shall be personally liable as long as he or she acts in good faith and without gross negligence in discharging his or her duties.
 - D. Members of the Discipling Team shall not receive any compensation, but may be reimbursed either from Fund income or synod budget for expenses reasonably incurred.
- XI. AMENDMENT: These Policies and Procedures shall be reviewed by the Discipling Team every 6 years at the beginning of the bishop's term. Any recommendations for amendment shall be reported to the Synod Council for ratification. These Policies and Procedures may be amended by vote of two-thirds of the members present at a duly constituted meeting of the Synod Council.

**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)

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 is intended to provide guidance in dealing with allegations or admissions of sexual misconduct by clergy and laypersons rostered, but not employed, by the Synod. This Statement of Policy is not intended as a description of the congregational response to sexual misconduct.

The Synod recognizes that responding to allegations of sexual misconduct requires determination, sensitivity, flexibility, and respect for all persons affected, including the complainant, the rostered person, their families and friends, the congregation, the Synod, and the whole church. This policy is intended to provide guidance in dealing with these cases while preserving the Synod's discretion to treat each person and each case in accordance with the Synod's understanding of the differing facts, circumstances, and needs of those affected.

The theological basis for this Statement of Policy is the Word of God as expressed in the Scriptures of the Old and New Testaments, the Ecumenical Creeds of the Church, the confessional writings in the Book of Concord, and other expressions of its faith and religious doctrine, including the Confession of Faith expressed in Chapter 2 of the ELCA Constitution and Chapter 4 of the Synod Constitution.

This Statement of Policy is intended solely for the internal use of the Synod in performing its functions as a religious body. It is not a contract, agreement, promise, or undertaking by the Synod to do or refrain from doing anything. It is not intended that the policy described in the statement be imposed as rigid law, binding the Synod or others; rather, the policy must be interpreted and applied compassionately in accordance with the theological and biblical principles of the Gospel. Any actions or decisions by the Synod in connection with the statement are to be undertaken in the Synod's sole discretion, in accordance with the theology and ecclesiology of the ELCA, and in the exercise of the Synod's constitutional rights as a religious body.

A. Definitions

1. "Sexual Misconduct." This policy is intended to address those types of sexual misconduct that may lead to discipline of a rostered person under Chapter 20 of *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. It is not a civil law document and does not make legal distinctions or use terms that may have specialized legal definitions such as "sexual harassment," "sexual abuse," or "sexual assault."

2. "Complainant." As used in this Statement of Policy, "complainant" means a person who complains of alleged sexual misconduct to the Synod or who is involved in the events or occurrences giving rise to the complaint.

3. "Rostered Person." As used in this Statement of Policy, "rostered person" includes ordained ministers and rostered laypersons such as associates in ministry, deaconesses, and diaconal ministers. This Statement of Policy will assume 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.

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 calls its own pastors, establishes the pastor's duties and responsibilities, determines and pays the pastor's salary and other compensation, is responsible for its pastor's ministry, and can decide whether to terminate its pastor's call. Each congregation also functions as the sole employer of pastors under call to the congregation. Since congregations, not the Synod, employ pastors under call to a congregation, the Synod has neither the authority nor the ability to make decisions for a congregation. The same principles apply to other rostered persons who work in congregations.

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 may initiate the formal stage of the disciplinary process.

Every report of sexual misconduct involves unique circumstances. This Statement of Policy merely describes the general approach that the Synod follows as a matter of policy in responding to complaints of sexual misconduct by rostered persons. 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.

When the Synod provides pastoral care and leadership under this policy in the wake of alleged clergy sexual misconduct, it is performing acts of ministry. 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 legal rights or responsibilities.

The ultimate responsibility of the bishop and his or her 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 a complainant, accused or someone else, the bishop and the bishop's staff are obligated under this policy and the ELCA Church law to act on the Synod's behalf.

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 does not tolerate 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.

The Synod intends to provide ongoing educational opportunities regarding sexual misconduct for rostered persons, congregations, and others. Those efforts will focus on such subjects as the dynamics of sexual misconduct and the impact of such misconduct on complainants. The Synod strongly urges its rostered persons and congregations to take advantage of these educational opportunities, as well as appropriate educational programs offered by others.

The Synod recognizes that society generally and churches particularly have much to learn about sexual misconduct. As the Synod's understanding of this problem changes, its Statement of Policy and educational efforts may change as well.

† Required Provision

These preventive 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 designated assistant to the bishop. The names, addresses, and telephone numbers of the bishop and his or her designated assistants are attached to this Statement of Policy. A current list of these persons may be obtained from the Synod office.

A contact may be made with the bishop or designated bishop's assistant by mail, by telephone, or in person. The complainant need not identify herself or himself when she or he first contacts 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 herself or himself 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.

In all meetings with Synod personnel, the complainant may be accompanied by a friend, family member, support person, or advocate of her or his choice. The bishop or bishop's designated assistant 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. The complainant will be invited to contact an advocate and to be accompanied by that advocate through the reporting, investigative, and, if necessary, disciplinary processes. If the complainant requests, the Synod will contact an advocate for her or him. The complainant is welcome to use an advocate who does not appear on the list – such as a friend or family member – or to decline to use an advocate.

After a complaint of sexual misconduct has been received from an identified complainant, the bishop and/or bishop's designated assistant will interview the complainant. This interview may occur through a combination of meetings, telephone calls, and/or correspondence. The bishop or

bishop's designated assistant may ask the complainant to provide as much information about the sexual misconduct as the complainant is comfortable sharing. The complainant may be asked to reduce the information to writing or to sign a written statement prepared by the Synod. The bishop or bishop's designated assistant may 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.

The bishop or bishop's designated assistant may discuss with the complainant how she or he feels about the possibility that her or his 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 he or she 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.

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.

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

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

C. 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 complaint appears credible and involves sexual misconduct for which the rostered person might be disciplined, the bishop or bishop's designated assistant may conduct a preliminary investigation to determine whether information either supporting or contradicting the report exists.

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 confi-

† Required Provision

dence. 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.

D. Conversation with the Rostered Person

The bishop will usually meet with the rostered person before the preliminary investigation begins. The bishop should be accompanied by the bishop's designated assistant or another person. At the meeting, the bishop will clarify that the meeting and any communications regarding the complaint are 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.

The bishop or bishop's designated assistant will discuss with the rostered person his or her 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 or counselor to the rostered person or his or her family.

The bishop or bishop's designated assistant will appoint a contact person within the Synod. That contact person (who may be the bishop or bishop's designated assistant) 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.

E. Assess the Information

After meeting with the rostered person and conducting any preliminary investigation, 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. Among options available to the bishop are the following: no further action;

further investigation; requesting the rostered person to undergo a psycho-diagnostic evaluation; requesting the rostered person's congregation to take some action; convening a consultation or advisory panel; or initiating the formal disciplinary process.

F. Consultation or Advisory Panel

Complaints of sexual misconduct always present a bishop with difficult decisions. To assist him or her in making these decisions, a bishop may, at his or her 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 no one but the complainant and the rostered person can know for certain who is being truthful. The consensus of a panel may be the best indicator of who to believe.

G. Formal Hearing

The bishop cannot force a pastor to resign either from his or her call or from the clergy roster. Only the congregation, acting under its constitutional authority, may terminate a pastor's call. Only a discipline hearing committee can remove the pastor from the clergy roster. The same principles generally apply to other rostered persons.

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 the Constitution and Bylaws of the ELCA and by the Rules Governing Disciplinary Proceedings, as amended from time to time.

A pastor may be disciplined for committing "conduct incompatible with the character of the ministerial office," which is defined in *Definitions and Guidelines for Discipline of Ordained Ministers* (Dec. 5, 1993) to include "adultery, promiscuity, the sexual abuse of another, or the

† Required Provision

misuse of counseling relationships for sexual favors." *Definitions and Guidelines* is available from the Synod.

To briefly summarize the disciplinary process, usually the bishop 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 complainant and the accused.

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* 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.

H. Disclosure

Except in unusual circumstances, the Synod will disclose all serious allegations of sexual misconduct. 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. Disclosure of sexual misconduct will be made to the leadership of the rostered person's congregation, the members of the rostered person's present congregation, the members of the rostered person's family, and other rostered persons within the Synod. In some situations, wider disclosure to previous congregations or even to the news media may be made as well.
2. Disclosure will be made when: (1) the rostered person admits to committing sexual misconduct; (2) the rostered person resigns his or her call or from the clergy roster of the ELCA after being accused of sexual misconduct; (3) the rostered person is placed on leave of absence or temporarily suspended in response to an allegation of sexual misconduct; (4) the rostered person

is suspended or removed from the clergy roster as a result of formal disciplinary proceedings; or (5) secular legal proceedings (civil or criminal) are initiated against the rostered person.

3. The Synod intends to work closely with the congregational leaders regarding appropriate disclosure to the members of the congregation. Disclosure to the members will usually be made by one or more of the leaders or by the bishop.

4. To protect the privacy of those harmed by the misconduct, only the following will be disclosed: (1) the fact that the rostered person 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 (4) whether the complainant was a member of the rostered person's congregation or a person to whom the rostered person was providing pastoral care. Disclosure usually does not include the name of the complainant or facts from which she or he could readily be identified. If the rostered person 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.

I. 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, the Synod cannot provide this care itself, but it will assist complainants in finding resource persons and materials that might help them on their journey to healing.

ATTACHMENT

LIST OF PERSONS DESIGNATED TO RECEIVE COMPLAINTS OF SEXUAL MISCONDUCT BY MEMBERS OF THE CLERGY AND ROSTERED LAYPERSONS IN THE SIERRA PACIFIC SYNOD

- **BISHOP MARK W. HOLMERUD**
401 Roland Way, Suite 215
Oakland, CA 94621
(800) 275-3522 Extension 16
- **BISHOP'S ASSOCIATE NANCY FENIUK NELSON**
401 Roland Way, Suite 215
Oakland, CA 94621
(800) 275-3522 Extension 14

† Required Provision

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 08-001 Background Checks for Nominees for Bishop and Synodical Officers

Adopted by the Synod Council, January 26, 2008 (SC08.01.15)

The Synod Council Executive Committee shall provide for background checks for persons nominated for bishop and synodical officers 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 installation 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. 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. The Executive Committee shall decide whether additional types of background checks are appropriate for each officer position.
- e. The background check results shall be provided to that nominee or elected officer and to the Synod Council's Executive Committee. Further disclosure of the results may be determined by the Executive Committee.
- f. The Executive Committee shall adopt protocols as are necessary to provide for background checks for nominees and newly elected synodical officers, ensuring confidentiality, and shall report such actions to the Synod Council.

Authorization and Release

I authorize any reference, supervisors, ELCA agencies, or any other person or organization to give the Sierra Pacific Synod of the Evangelical Lutheran Church in America any information (including opinions) regarding my character and fitness for ministry. I also release any individual, employer, reference, synod, congregation, ELCA agency, institution, organization, or official, or any other person or organization providing information, from any liability for damages of whatever kind or nature that may exist at any time on account of compliance or any attempts to comply with this authorization, excepting only the communication of knowingly false information.

I authorize any prospective employer to conduct reference and background checks, and I agree to supply additional information or consents as requested.

A signed facsimile, electronic version, or photocopy of the Authorization and Release shall be as valid as the original.

Date: _____

Signature

Printed Name