



Synod Policies

*Please note that these policies are currently under review by the Synod Council for updating and necessary revisions.

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POLICIES of the SIERRA PACIFIC SYNOD
Evangelical Lutheran Church in America

Policy 88 - 001 Expense Reimbursement Policy

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

Revised January 29, 1999 (SC99.1.5)

Executive Staff Expenses

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

Breakfast, up to \$6.00

Lunch, up to \$9.00

Dinner, up to \$15.00

Vouchers submitted charging expenses beyond these allowances should carry an explanation.

A cents-per-mile reimbursement rate for automobile travel expenses incurred by the Synod Executive Staff shall be established annually by the Synod Council upon the recommendation of the Bishop. The Synod may provide cars (either leased or purchased) for the Executive Staff members provided it does not increase the cost of staff travel to the Synod. Providing leased or purchased automobiles means that the synod is responsible for the cost of the auto, gas and oil, maintenance, and insurance.

The cents-per-mile reimbursement for shall be equal to the Internal Revenue Service allowance for business mileage.

Council, Discipling Teams, Task Forces, and Committees

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

Member Driver IRS Standard Rate for volunteer services to charities

1 Member Passenger \$0.17/mile

2 or more Member Passengers \$0.21/mile

2. Receipts in support of expenses vouchers will be required for the following:

Hotel/Motel Accommodations

Airport Parking

Taxi or Bus Fares

Postage in excess of \$5.00

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

Telephone Calls in excess of \$2.00

Air Fare

Car Rental

Miscellaneous Expenses

3. Airfare will be paid for travel to meetings of the Synod Council and other units only in cases where the member's one-way driving distance to the place of the meeting exceeds 175 miles.

4. Persons who, for legitimate reasons, are traveling to meetings from outside the territory of the Synod shall be reimbursed for no more than their travel expense from the boundary of the Synod. In no case shall such reimbursement exceed \$200.

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:

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|----------------------------------|-------------------------------|
| 1. January 1 | 6. Independence Day |
| 2. Martin Luther King's Birthday | 7. Labor Day |
| 3. Presidents' Day | 8. Thanksgiving Day |
| 4. Good Friday | 9. Day Following Thanksgiving |
| 5. Memorial Day | 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 EvangelicalLutheranChurch 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.

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 SynodStaff 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:

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)

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

The published form of the Minutes should be approximately 9" by 6". Any additional items may be included in the publication at the discretion of the Secretary of the Synod.

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)

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 worshipping community to be in good standing with the Synod and the ELCA. The Synod Council shall appoint or call leadership to the Synodically Authorized Worshipping 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 the 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 worshipping 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 worshipping 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 EvangelicalLutheranChurch in America expects:

1) If any real property is involved, care must be taken to assure appropriate maintenance, insurance, management, liability protection, and other matters.

2) Title to any real property is to be held in the name of the Synod, which may develop arrangements with the Division for Outreach to provide insurance coverage.

3) Each authorized worshiping community is to make provisions for bond coverage for the handling of finances in the authorized worshiping community.

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

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

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

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

Policy 96 - 001 ExecutiveStaff

(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, of 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 goodfaith, 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.

Adopted by the Synod Council, January 18, 1997 (SC97.1.12)
Amended by the Synod Council, January 29, 1999 (SC99.1.22)

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 and fresh starts.

IV. ADMINISTRATION: The stewardship of the Fund shall be exercised by a committee of five (5) persons, of whom one (1) is appointed by the Synod Council; two (2) appointed by the Bishop, one of which may be the Bishop or and Assistant to the Bishop; and two (2) members, who shall be nominated by the Witness and Service Discipling Team, or its successor, for appointment by the Synod Council, and shall serve for a term of three (3) years, except that the initial terms shall be staggered by the Synod Council. All members are limited to two (2) consecutive terms.

A. The committee shall meet as frequently as deemed in the best interest of the Fund but not less than semi-annually.

B. A quorum shall consist of four members.

C. The Committee shall elect from among its members a chairperson and secretary. The chairperson, or member designated by the chairperson, shall preside at all committee meetings.

D. The secretary of the Committee shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the Committee and to the Synod Council. Each member of the Committee shall keep a complete copy of minutes to be delivered to his or her successor.

V. 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 judgment 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 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 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.

VI. DISTRIBUTION OF INVESTMENT INCOME:

A. Until the Fund accumulates cash in the amount of \$50,000 in principal, no distribution shall be made by the Committee. Investment income during this period shall be reinvested.

B. Upon the accumulation of cash in the amount of \$50,000 in principal, the Committee shall prepare a plan of distribution of the available investment income. 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.

C. The distribution plan prepared by the Committee shall be presented to the Synod Council for approval.

D. Upon approval by the Synod Council, the Committee shall administer and distribute funds pursuant to the approved distribution plan.

E. The initial distribution of funds, for the 2000-2001 biennium shall be:

- Direct grants to ministries 60%
- Leadership development 30%
- Contingencies 7%
- Administration 3%

VII. USE OF THE CORPUS OF THE FUND:

A. If, in the opinion of the Committee, the mission needs of the synod exceed the resources of the investment income, the Committee 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 Committee 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 Committee, 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 Committee 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 Lutheran Brotherhood or Aid Association 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 Committee shall have the power:

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 Committee 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 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 or she acts in good faith and without gross negligence in discharging his or her duties.

D. Members of the Committee 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 Committee 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.

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 confidence. If the Synod or a discipline hearing committee later determines that the rostered person did not commit sexual misconduct, that conclusion will be communicated to those who were contacted by the Synod in the course of its preliminary investigation.

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 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 LAY PERSONS IN

THE SIERRA PACIFIC SYNOD

· **BISHOP DAVID G. MULLEN**
401 Roland Way, Suite 215
Oakland, CA94621
(800) 275-3522 Extension 16

· ASSISTANTS TO THE BISHOP

THE REV. F. NOREEN MEGINNESS
401 Roland Way, Suite 215
Oakland, CA94621
(800) 275-3522 Extension 11

MR. CHARLES F. RUTHROFF
401 Roland Way, Suite 215
Oakland, CA94621
(800) 275-3522 Extension 14

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