

Report of the Constitution Committee

REPORT OF THE CONSTITUTION COMMITTEE

Southeastern Pennsylvania Synod Assembly

May 2-3, 2014

AMENDMENTS TO THE CONSTITUTION OF THE SOUTHEASTERN PENNSYLVANIA SYNOD

Additions are underlined. Deletions are ~~struck through~~ in the text.

†S18.11. AMENDMENTS

Under †S18.11., required provisions are to be introduced at once into the synod's constitution upon this formal certification by the secretary of the Evangelical Lutheran Church in America.

Required provisions become effective immediately upon their adoption by the Churchwide Assembly and this subsequent formal notification of their adoption. Therefore, no vote of the Synod Assembly is needed for such required provisions; neither is such a vote to be taken.

Required provisions are those that are marked by a dagger (†) in this summary of amendments adopted by the 2013 Churchwide Assembly. Such required provisions may be amended only by the Churchwide Assembly.

Required provisions adopted by the 2013 Churchwide Assembly are now in force; the text of the amendments of required provisions should be incorporated immediately into your synod's constitution.

The text of the following amendments of required provisions has been incorporated in the Southeastern Pennsylvania Synod's constitution and is reported as information:

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

†S6.03. ~~To fulfill these purposes, this synod, in partnership with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in the territory of this synod. In fulfillment of this role, this synod shall:~~

a. ~~Provide for the pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers of this church in this synod, including:~~

1) ~~approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;~~

2) ~~authorizing ordinations and ordaining on behalf of this church;~~

- ~~3) approving associates in ministry, deaconesses, and diaconal ministers of this church, which may be done through multi-synodical committees;~~
 - ~~4) authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and~~
 - ~~5) consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.~~
- ~~b. Provide for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:~~
- ~~1) nurturing and supporting congregations and lay leaders;~~
 - ~~2) seeking and recruiting qualified candidates for the rostered ministries of this church;~~
 - ~~3) making provision for pastoral care, call or appointment review, and guidance;~~
 - ~~4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and~~
 - ~~5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.~~
- ~~c. Provide for discipline of congregations, ordained ministers, and persons on the official lay rosters; as well as for termination of call, appointment, adjudication, and appeals consistent with the procedures in Chapter 20 of the constitution of the churchwide organization.~~
- ~~d. Foster organizations for youth, women, and men, and organizations for language or ethnic communities.~~
- ~~e. Plan for the mission of this church in this synod, initiating and developing policy and implementing programs, consistent with churchwide policy, including:~~
- ~~1) ecumenical guidance and encouragement;~~
 - ~~2) development of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;~~
 - ~~3) leadership and encouragement of congregations in their evangelism efforts;~~
 - ~~4) development of relationships to and participation in planning for the mission of social ministry organizations and ministries;~~
 - ~~5) encouragement of financial support for the work of this church by individuals and congregations;~~
 - ~~6) provision for resources for congregational life;~~
 - ~~7) assistance to the members of its congregations in carrying out their ministries in the world; and~~

- ~~8) interpretation of social statements in a manner consistent with the interpretation given by the churchwide unit which assisted in the development of the statement, and suggestion of social study issues through (a) Synod Assembly memorials to the Churchwide Assembly or (b) resolutions for referral from the Synod Assembly through the Synod Council to the Church Council and (c) Synod Council resolutions addressed to the Church Council or for referral to a unit of the churchwide organization through the Church Council's Executive Committee.~~
- ~~f. Promote interdependent relationships among congregations, synods, and the churchwide organization, and enter into partnership with other synods in the region.~~
- ~~g. Participate in churchwide programs and develop support for the ministry of the churchwide organization.~~
- ~~h. Foster the grouping of congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.~~
- ~~i. Support relationships with and provide partnership funding on behalf of colleges, universities, and campus ministries.~~
- ~~j. Foster relationships with and provide partnership funding on behalf of social ministry organizations.~~
- ~~k. Maintain relationships with and provide partnership funding on behalf of seminaries and continuing education centers.~~
- ~~l. Foster supporting relationships with camps and other outdoor ministries.~~
- ~~m. Foster supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of this synod.~~
- ~~n. Interpret the work of this church to congregations and to the public.~~
- ~~o. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.~~
- ~~p. Provide for archives in conjunction with other synods.~~
- ~~q. Cooperate with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of this synod which can best be done cooperatively with other synods and the churchwide organization.~~
- ~~r. Elect members of the Churchwide Assembly in accordance with bylaw 12.41.11. of the constitution and bylaws of the Evangelical Lutheran Church in America and according to procedures specified in the bylaws of this constitution.~~

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

- a. Provide for pastoral care of congregations and rostered leaders in the synod;
- b. Plan for, facilitate, and nurture the mission of this church through congregations;
- c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners.
- d. Interpret the work of this church to congregations and to the public on the territory of the synod.

†S6.03.01. In providing for pastoral care of congregations and rostered leaders in the synod, the responsibilities of the synod include the following:

- a. providing for pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers in the synod, including:
 - 1) approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;
 - 2) authorizing ordinations and ordaining on behalf of this church;
 - 3) approving associates in ministry, deaconesses, and diaconal ministers, which may be done through multi-synodical committees;
 - 4) authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and
 - 5) consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.
- b. providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:
 - 1) nurturing and supporting congregations and lay leaders;
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
 - 3) making provision for pastoral care, call review, and guidance;
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
- c. providing for discipline of congregations, ordained ministers, and persons on the official lay rosters; as well as for termination of call, appointment, adjudication, and appeals consistent with Chapter 20 of this constitution.
- d. providing for archives in conjunction with other synods.

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

- a. developing of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
- b. leading and encouraging of congregations in their evangelism efforts;
- c. assisting members of its congregations in carrying out their ministries in the world;
- d. encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;
- e. providing resources for congregational life;
- f. grouping congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.

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

- a. promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering into partnership with other synods in the region;
- b. fostering organizations for youth, women, and men, and organizations for language or ethnic communities;
- c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing partnership funding;
- d. supporting relationships with and providing partnership funding on behalf of colleges, universities, and campus ministries;
- e. maintaining relationships with and providing partnership funding on behalf of seminaries and continuing education centers;
- f. fostering supporting relationships with camps and other outdoor ministries;
- g. fostering supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;
- h. fostering relationships with ecumenical and global partners;
- i. cooperating with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.

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

- a. encouraging financial support for the work of this church by individuals and congregations;
- b. participating in churchwide programs;

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

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

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

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

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

†S8.13. The synodical bishop may appoint an attorney, admitted to the bar within the territory of the synod or the state where the synod is located, to be Synod Attorney. The appointment must be approved by the Synod Council and reported to the Synod Assembly and to the ELCA secretary. The appointment continues until resignation or until a successor is appointed. The Synod Attorney provides legal advice and counsel to the synodical officers and the Synod Council. The Synod Attorney is expected to be familiar with the governing documents and policies of the synod and, as necessary, to attend meetings of the Synod Council. The Synod Attorney serves

without salary but may be retained and compensated for specific legal services requested by the synod.

†S8.16. **Conflicts of Interest**

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

...

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

†S13.19. A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate ~~program~~ unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

†S13.20. A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located and the appropriate ~~program~~ unit of the churchwide organization before any steps are taken leading to such action.

†S14.13. a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, ~~except in the case of the death of the pastor,~~ shall be terminated only by death or, following consultation with the synodical bishop and for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
- 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
- 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions, ~~without reflection on the competence or the moral and spiritual character of the pastor;~~
- 4) ~~the~~ physical disability or mental incapacity of the pastor;
- 5) suspension ~~disqualification~~ of the pastor through discipline for more than three months on grounds of doctrine, morality, or continued neglect of duty;
- 6) resignation or removal of the pastor from the roster of ordained ministers of this church;
- 7) termination of the relationship between this church and the congregation;
- 8) ~~the~~ dissolution of the congregation or the termination of a parish arrangement; or

- 9) suspension of the congregation through as a result of discipline proceedings for more than six months.
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may, or when such allegations have been brought to this synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one third of the voting members of the congregation, the bishop shall investigate such conditions personally together in company with a committee of two ordained ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the congregation council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition ~~testimony shall be obtained.~~ When a such disability or incapacity is evident to the committee, the bishop of this synod may with the advice of the committee shall declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and the restoration of the a disabled-pastor to health, the bishop of ~~this synod~~ shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from ~~;~~ all concerned persons ~~shall be heard,~~ after which the bishop of ~~this synod~~ together with the committee ~~described in †S14.13.b.~~ shall present their recommendations first decide on the course of action to be recommended to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation they agree to carry out such recommendations, no further action need shall be taken by the this synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- ef. If, in the course of proceedings described in paragraph c. or paragraph d. above †S14.13.d., the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action ~~to the synodical bishop who may bring charges,~~ in accordance with the provisions of the this church's constitution, and bylaws, and continuing resolutions of the Evangelical Lutheran Church in America and the constitution of this synod.
- f. ~~If, following the appointment of the committee described in †S14.13.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of this synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).~~

†S18.12. AMENDMENTS

Amendments that are not required (*i.e.*, those not marked by a dagger) may be adopted by the Synod Assembly on a majority vote at one assembly under †S18.12. The Church Council, through the secretary of this church, shall be given prompt notification of adoption.

The Constitution Committee recommends approval of the following amendments, for which a majority vote at one synod assembly is required:

- S7.23.** The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of this church as may be designated from time to time by the Church Council shall ~~also~~ have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.
- S7.26.** This synod may establish processes through the Synod Council that permit representatives of ~~mission settings formed with the intent of becoming recognized~~ congregations under development and authorized worshipping communities of the synod, which have been authorized under ELCA bylaw 10.02.03., to serve as voting members of the Synod Assembly, consistent with †S7.21.

BYLAW AMENDMENT

Provision †**S18.21.** of the Southeastern Pennsylvania Synod's constitution states:

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

The Constitution Committee recommends the approval of the following amendment, for which a two-thirds vote at one synod assembly is required:

S12.01.02. The synod shall be divided into ~~nine~~ conferences in accordance with Chapter 12 of the synod constitution in order to foster interdependent relationships among congregations, institutions and synodical and churchwide units for mission purposes.

REQUEST FOR COPIES OF CONGREGATIONS' CONSTITUTIONS

In support of †**C6.03.e.** of the *Model Constitution for Congregations* and on the recommendation of the synod's Legal Counsel, the Synod Council's Executive Committee requests that congregations send copies of their constitutions to the synod office. Copies may be sent in either digital or hard copy form. Please mark them to the attention of the synod's Director of Operations.

January 2014

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