

# STANDARD OPERATING PROCEDURES MANUAL

## *Dispute Resolution*

BYLAW SECTION 1.10



***2016 Handbook***

November 2016

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(Note: Throughout this document all quotations from the 2016 LCMS *Handbook* are printed in a distinct typeface.)

## I. GENERAL (BYLAWS 1.10.1—1.10.3)

### A. PREAMBLE

- 1.10.1 When disputes, disagreements, or offenses arise among members of the body of Christ, it is a matter of grave concern for the whole church. Conflicts that occur in the body should be resolved promptly (Matthew 5:23–24; Eph. 4:26–27). Parties to disputes are urged by the mercies of God to proceed with one another with “the same attitude that was in Christ Jesus” (Phil. 2:5). In so doing, individuals, congregations, and various agencies within the Synod are urged to reject a “win-lose” attitude that typifies secular conflict. For the sake of the Gospel, the church should spare no resource in providing assistance.
- 1.10.1.1 The Holy Scriptures (1 Cor. 6:1–7) urge Christians to settle their differences by laying them before the “members of the brotherhood.” Therefore, the Synod in the spirit of 1 Corinthians 6 calls upon all parties to a disagreement, accusation, controversy, or disciplinary action to rely exclusively and fully on the Synod’s system of reconciliation and conflict resolution. The use of the Synod’s conflict resolution procedures shall be the exclusive and final remedy for those who are in dispute. Fitness for ministry and other theological matters must be determined within the church. Parties to disputes are urged, in matters of a doctrinal nature, to follow the procedures as outlined in Bylaw section 1.8.
- 1.10.1.2 The words of Jesus in Matthew 18:15–20 provide the basis for church discipline for the local congregation. The same passage also grants Christ’s guidance to all Christians in seeking to settle other disputes, many of which fall outside the purview of church discipline involving the congregation. In either case, the steps of Matthew 18 should be applied lovingly in both formal and informal settings. Matthew 18 does not apply directly in cases of public sin, but face-to-face meetings are required nonetheless, even in the case of public sin, toward the goal of reconciliation and winning the brother or sister. The parties and others attempting to effect resolution of a dispute must always remain mindful that the church has been given the “ministry of reconciliation” (2 Cor. 5:18). Hence, conflict resolution in the church is to lead to reconciliation, restoring the erring member in a spirit of gentleness (Gal. 6:1). Its aim is to avoid the adversarial system practiced in society.
- 1.10.1.3 The heart and center of all Christian conflict resolution is the justification of the sinner through grace in Christ Jesus. Biblical reconciliation of persons in conflict begins with God’s truth that we are all sinners who have been reconciled to God through the death and resurrection of Christ Jesus. Christ’s “ministry of reconciliation” is one of the church’s foremost priorities.
- 1.10.1.4 Christian conflict resolution seeks to resolve disputed issues in a manner pleasing to God. Those in conflict are urged to proceed prayerfully in good faith and trust. Disputes are more likely to be resolved harmoniously if those involved in the conflict recognize one another as redeemed children of God.

- 1.10.1.5 Christians involved in conflict must always stand ready to ask for or extend forgiveness in accordance with Scripture. As the church endeavors to help bring about peace, truth, justice, and reconciliation, it always seeks to do so with a proper distinction between Law and Gospel, that is, in the context of God's judgment and mercy. We are ever to be mindful that it is God who judges the hearts of sinful men and grants His gracious word of forgiveness to us all.
- 1.10.1.6 When there is repentance and reconciliation, the body of Christ rejoices in its oneness with Christ and with one another.

## B. PURPOSE

- 1.10.2 This procedure is established to resolve, in a God-pleasing manner, disputes that involve as parties, (1) members of the Synod; (2) corporate Synod or an agency of the Synod; (3) members of congregations challenging the procedure used in their excommunications; or (4) members of congregations of the Synod elected or appointed to positions with the LCMS Board of Directors or an agency of the Synod. It shall be the exclusive remedy to resolve such disputes that involve theological, doctrinal, or ecclesiastical issues except those covered under Bylaw sections 2.14–2.17 and except as provided in Bylaw 1.10.3, and shall be binding on all parties. It is applicable whether the dispute involves only a difference of opinion without personal animosity or is one that involves ill will and sin that requires repentance and forgiveness. No person, congregation, or agency to whom or to which the provisions of this dispute resolution process are applicable because of their membership in the Synod may render this procedure inapplicable by terminating that membership during the course of the dispute resolution process.

*See section IV. General Regulations below, (B) Availability of Process.*

## C. EXCEPTIONS

- 1.10.3 This chapter provides evangelical procedures to remedy disputes only and does not set forth procedures for expulsion from membership (Constitution Art. XIII and Bylaw sections 2.14–2.17) nor does it set forth procedures for board of regents' supervision of faculty and administration as specified in Bylaws 3.10.5.7.5–3.10.5.7.9, 3.10.6.7.1, and 3.10.6.7.5–3.10.6.7.5.2. While Christians are encouraged to seek to resolve all their disputes without resorting to secular courts, this chapter does not provide an exclusive remedy for the following matters, unless such matters involve theological, doctrinal, or ecclesiastical issues, including those arising under the divine call of a member of the Synod:
  - (a) Disputes concerning property rights (e.g., real estate agreements, mortgages, fraud, or embezzlement); and
  - (b) Disputes arising under contractual arrangements of all kinds (e.g., contracts for goods, services, or employment benefits).

Even in the case of disputes concerning property rights or disputes arising under contractual arrangements, this dispute resolution process may be used if both parties to a dispute sign written statements agreeing to use and honor the outcome of the process.

## II. DEFINITIONS OF TERMS (BYLAW 1.10.4)

1.10.4 In order to communicate effectively and avoid misunderstanding, it is critical that terms be carefully defined:

(a) **Administrator:** The secretary of a district or of the Synod or an appointee (Bylaw 1.10.6) who manages the dispute resolution process but who does not take leadership, declare judgments, advise, or become involved in the matter in dispute.

(b) **Appeal Panel:** Three district presidents selected according to these bylaws to determine whether the decision of a Dispute Resolution Panel should be reconsidered or reviewed.

(c) **Blind draw:** Selection of names according to the procedures set forth in the *Standard Operating Procedures Manual*.

(d) **Complainant:** A party and/or parties to a dispute who initiate an action to settle a conflict under the provisions of the Synod's dispute resolution process.

(e) **Dispute Resolution Panel:** Three persons who are reconcilers selected according to these bylaws and one person who is a nonvoting hearing facilitator selected according to these bylaws, who shall hear matters in dispute between parties and assist in reconciliation or provide for a resolution of the dispute by rendering a final decision.

(f) **Face-to-face:** A meeting face-to-face in person between the parties in dispute in the manner described in Matthew 18:15. Email, regular mail, fax, or telephone call (or any combination thereof) does not satisfy this requirement. (Note: Failure to conduct a face-to-face meeting within 30 days or within such extension as may be established by the involved ecclesiastical supervisors shall result in dismissal if the fault lies with the complainant or movement to the next stage if the fault lies with the respondent.)

(g) **Formal:** Efforts to resolve the dispute toward reconciliation beginning with the formal reconciliation meeting.

(h) **Hearing facilitator:** One selected according to these bylaws and trained to serve as a facilitator for hearings before panels.

(i) **Informal:** All efforts toward reconciliation prior to the formal reconciliation meeting.

(j) **Party and/or parties to a dispute or the matter (Party to the matter in dispute):** A "party and/or parties to a dispute" is either a complainant or a respondent. A reconciler, panel member, hearing facilitator or ecclesiastical supervisor is not a "party and/or parties to a dispute."

(k) **Persons involved:** "Persons involved" includes the complainant, the respondent, the administrator of the process, the ecclesiastical supervisor, a reconciler, panel members, the hearing facilitator, a witness, an advisor, or any others involved in the dispute resolution process.

(l) **Reconciler:** As used in this chapter, a member of The Lutheran Church—Missouri Synod or of an LCMS congregation who is appointed to be available to assist parties to a dispute with a view toward

reconciling them or enabling them to adjust or settle their dispute and who has completed the Synod's training program. A reconciler does not judge or take sides but rather, with the help of God, assists both parties to find their own resolution to the dispute.

(m) ***Reply of Respondent***: A written response issued by a party to a dispute containing factual assertions that answer a complainant's statement of the matter in dispute.

(n) ***Respondent***: One who is named party to a dispute brought by a complainant.

(o) ***Review Panel***: Three reconcilers selected according to these bylaws and one person who is a nonvoting hearing facilitator selected according to these bylaws who shall give a final hearing when the determination of the Appeal Panel is that a decision of the Dispute Resolution Panel should be reconsidered or reviewed.

(p) ***Shall***: Retains its compulsory meaning in this bylaw section. Its use, however, in connection with time frame expectations may require exceptions at times upon good cause shown, to be allowed by the administrator of the process.

(q) ***Standard Operating Procedures Manual***: A comprehensive procedures manual developed by the Commission on Constitutional Matters in consultation with the Secretary of the Synod and the Council of Presidents to ensure uniformity and consistency in the implementation of this bylaw section.

(r) ***Statement of the Matter in Dispute***: A written concise statement containing factual assertions involving contended or conflicted issues between one or more parties. The statement may also contain a request for the type of relief to be granted.

(s) ***Time Frame***: Period of time allowed for carrying out a bylaw requirement, to be monitored by the administrator of the process, incidents of purposeful non-compliance to be reported to the President of the Synod.

(t) ***Witness***: A person called to give testimony regarding facts to a dispute before a Dispute Resolution Panel. A reconciler appointed to assist parties in dispute resolution or a person called upon by a reconciler at the formal reconciliation meeting shall not testify as a witness before a Dispute Resolution Panel in the same dispute.



### III. APPOINTMENT OF RECONCILERS AND HEARING FACILITATORS

#### A. RECONCILERS

- 1.10.10 Each district board of directors shall appoint and maintain a district roster of four reconcilers (ministers of religion—ordained, ministers of religion—commissioned, and laypersons), no more than two of whom shall be ministers of religion—ordained, from a list supplied by the circuit visitors of the district. The Synod shall provide appropriate training within six months following each national Synod convention.
- 1.10.10.1 The term of service of a reconciler shall be six years, renewable immediately following every even-numbered Synod convention (2010, 2016, etc.) without term limitations. Reconcilers shall be people “of good reputation, full of the Holy Spirit and wisdom” (Acts 6:3). Vacancies shall be filled by the district board of directors in the same manner as regular appointments. The district board of directors may add to the district roster of reconcilers a reconciler who has moved into the district from another district.
- 1.10.10.2 One of the four shall be chosen by blind draw according to the procedures set forth in the *Standard Operating Procedures Manual* (hereafter referred to as the *SOPM*) by the secretary of the district to serve as reconciler in the following situations arising in the district:
  - (a) Procedural questions involved in excommunication cases;
  - (b) Cases in which a member of the Synod shall have been removed from the position that such member holds in a congregation that is a member of the Synod;
  - (c) Cases in which a person, whether or not a member of the Synod, is removed from the position which the person holds in the district; and
  - (d) Cases involving differences between congregations within the same district or between a congregation and its district.
- 1.10.10.3 The members of the district roster of reconcilers of all the districts shall comprise the Synod’s roster of reconcilers. One member of the Synod’s roster of reconcilers shall be chosen by blind draw according to the *SOPM* by the Secretary of the Synod in all disputes except those
  - (a) enumerated in Bylaw 1.10.10.2; or
  - (b) cases under Article XIII of the Constitution, which shall follow the procedure for terminating membership set forth in Bylaw sections 2.14–2.17.
- 1.10.10.4 A reconciler may be removed for cause from a district’s roster of reconcilers by that district’s board of directors upon report of the administrator of the dispute resolution process after consultation with the president of the district.

#### ***Special Considerations for Reconcilers***

- 1.10.11 Limitations on holding multiple offices do not apply to reconcilers.

- 1.10.11.1 If a reconciler moves from the district where appointed, such reconciler shall remain as a member of the Synod's roster of reconcilers until the term of service of the reconciler expires.
- 1.10.11.2 If all of the district reconcilers are unavailable for a particular matter, the secretary of the district shall request that a reconciler from another district be chosen in the prescribed manner by the secretary of the other district.
- 1.10.16.3 An individual who has served as a reconciler in a matter shall not be a member of the Dispute Resolution Panel in the same matter.

- a. The duties of a reconciler vary according to his or her role:
  - (1) In informal reconciliation efforts, the reconciler serves in the role of coach, assisting the individual parties to consider their personal responsibilities in the dispute, and encouraging and teaching them to resolve their own dispute.
  - (2) In the formal reconciliation meeting, the reconciler serves in the role of mediator, assisting the parties to voluntarily reach a God-pleasing accord on a mutually satisfactory resolution of the dispute. As a coach and as a mediator, the reconciler does not take sides but remains impartial, acting as a facilitator of the process.
  - (3) As a Dispute Resolution Panel or Review Panel member, the reconciler serves in the role of decision-maker and is called upon to hear evidence and then participate in a just and fair decision.
  - (4) As a Hearing Panel or Final Hearing Panel member in the Bylaw sections 2.14, 2.15, and 2.17 expulsion processes, reconcilers also serve in the role of decision-maker and are called upon to hear evidence and participate in a decision.
- b. Strict adherence by reconcilers to the instructions provided in the Bylaws and *Standard Operating Procedures Manual* is essential for uniformity and good order as they do their important work. See, under *General Regulations* below, (V) *Compliance with Provisions and Right to Object* and (W) *Interpretation and Application of Standard Operating Procedures Manual Provisions*.
- c. Reconcilers shall be disqualified for service in a particular proceeding if they have personal knowledge of the parties or involvement with the matter that may, or may appear to, impair the reconciler's impartial participation. "**The standard for disqualification of a reconciler or panel member...shall be actual partiality or the appearance thereof**" (Bylaw 1.10.16). The process administrator shall explore the possibility of self-disqualification with each potential reconciler and panel member. The parties also have the opportunity to seek the disqualification of each reconciler and panel member at any time in the process. See, under *General Regulations* below, (Q) *Disqualification of Reconcilers, Panel Members, and Hearing Facilitators*.
- d. An administrator of the dispute resolution process may, after attempting to remedy a concern with the performance of a reconciler and consulting with the president of the reconciler's district, report the matter to the district's board of directors. A reconciler may be removed for cause from a district's roster of reconcilers by that district's board of directors, requiring the board also to fill the resulting vacancy. See section IV. *General Regulations* (below), (I) *Consequences of Violations*.

- e. A reconciler who is an attorney by profession shall serve only as an impartial reconciler and shall not represent or provide legal advice to any party or parties in the matter.

## B. HEARING FACILITATORS

1.10.12 After the training of the reconcilers and in consultation with the appropriate district presidents, the Secretary of the Synod shall maintain a roster of 25 hearing facilitators selected from the roster of trained reconcilers. They may be ordained ministers, commissioned ministers, or laypersons and shall exhibit skills in the proper conduct of a fair and impartial hearing'. They shall receive training for such purpose.

(a) Their term of service, monitored by the Secretary of the Synod, shall be six years, renewable without limit. Within three months after even-numbered conventions of the Synod (2010, 2016, etc.), the Secretary of the Synod shall contact all hearing facilitators to learn of their availability and willingness to continue for an additional term. Resulting vacancies on the roster of hearing facilitators shall be filled by the Secretary of the Synod from the Synod roster of reconcilers after consultation with the appropriate district presidents in time for resulting vacancies on district rosters of reconcilers to be filled by appointment by district boards of directors.

(b) Any vacancy in an unexpired term shall be filled in the same manner as described above.

1.10.12.1 Limitations on holding multiple offices do not apply to hearing facilitators.

1.10.12.2 If a hearing facilitator moves from the district where nominated, such hearing facilitator may remain on the Synod's roster of hearing facilitators.

1.10.12.3 A hearing facilitator shall not serve as a reconciler or as a voting member of a panel.

a. Hearing facilitators are trained reconcilers who have been recognized by the Secretary of the Synod to exhibit leadership and organizational skills that will make it possible for them to conduct hearings in the precise manner required by the Synod's Bylaws and *Standard Operating Procedures Manuals*. See section IV. *General Regulations* (below), (V) *Compliance with Provisions and Right to Object* and (W) *Interpretation and Application of Standard Operating Procedures Manual Provisions*.

b. The duties of a hearing facilitator are the same when serving with a Dispute Resolution Panel and with a Review Panel. The hearing facilitator is responsible for and advises regarding form but not substance, both when facilitating the hearing and when providing guidance to the panel in its preparation of its written decision. He/she shall not serve as an advisor to a party to the dispute but shall serve with total impartiality when facilitating a hearing.

c. Hearing facilitators also assist all Hearing Panels and Final Hearing Panels in the expulsion processes provided by Bylaw sections 2.14, 2.15, and 2.17.

d. Hearing facilitators may also be asked to serve as three members of a five-member panel to decide a specific type of disagreement between the Board of Directors and the Commission on Constitutional Matters (Bylaw 3.9.2.2).

- e. A hearing facilitator may also be asked to chair a review committee of five persons to investigate, hear, and act on complaints against seminary faculty or administration members (Bylaw 3.10.5.7.9 [d]).
- f. Hearing facilitators shall be disqualified for service in a particular proceeding if they have personal knowledge of the parties or involvement with the matter that may, or may appear to, impair the facilitator's impartial participation. "The standard for disqualification of a...hearing facilitator shall be actual partiality or the appearance thereof" (Bylaw 1.10.16). The process administrator shall explore the possibility of self-disqualification with a potential hearing facilitator. The parties also have opportunity to seek disqualification of a hearing facilitator at any time in the process. See section IV. *General Regulations* (below), (Q) *Disqualification of Reconcilers, Panel Members, and Hearing Facilitators*.
- g. A hearing facilitator who is an attorney by profession shall serve only as an impartial facilitator and shall not represent or provide legal advice to any party or parties in the matter.

## IV. GENERAL REGULATIONS

- A. **PURPOSE OF GENERAL REGULATIONS:** These general regulations shall serve as guidelines for Bylaw section 1.10 to ensure consistency and uniformity in the process. They also further define the rules of procedure provided in the Bylaws of the Synod (Bylaw 1.10.18.1). *If a reconciler, party, or panel has a question regarding procedure, such question shall be promptly directed via telephone, fax, or e-mail to the administrator of the process.*
- B. **AVAILABILITY OF PROCESS:** This dispute resolution process is available to members of the Synod (congregations and ordained and commissioned ministers), corporate Synod and agencies thereof to resolve all material, theological, doctrinal, and ecclesiastical issues except those covered by Bylaw sections 2.14–2.17; Bylaws 3.9.2.2 (c), 3.10.5.7.5–3.10.5.7.9, 3.10.6.7.1, and 3.10.6.7.5–3.10.6.7.5.2; and except as provided in Bylaw 1.10.3. The process is available to members of member congregations of the Synod only when they challenge the procedures used in their excommunication and to members of member congregations who are elected or appointed to positions with the LCMS Board of Directors or an agency of the Synod. In the latter case, the process is available only when disputes pertain to the position held. (Bylaw 1.10.2)  
  
The dispute resolution process is available also in the case of those disputes enumerated by paragraphs (a) and (b) of Bylaw 1.10.3 if both parties agree to use the process and honor its outcome. In such case, both parties must sign written statements to that effect.
- C. **GOVERNING AUTHORITY:** Reconcilers, parties to disputes, and members of panels shall be governed in all their actions by Holy Scripture, the Lutheran Confessions, the Constitution, Bylaws, and resolutions of the Synod, and this *Standard Operating Procedures Manual (SOPM)*.

Reconcilers, Dispute Resolution Panels, Appeal Panels, and Review Panels shall be governed in all their actions by Holy Scripture, the Lutheran Confessions, and the Constitution and Bylaws of the Synod. (Bylaw 1.10.18)

The following rules of procedure shall be followed: [...]

- (j) In consultation with the Secretary of the Synod and the Council of Presidents, the Commission on Constitutional Matters shall amend as

necessary the *Standard Operating Procedures Manual* that serves as a comprehensive procedures manual for Bylaw section 1.10, Dispute Resolution of the Synod. (Bylaw 1.10.18.1 [j])

- D. PARTIES REPRESENTATION:** If a party to a dispute is a member congregation of the Synod, the congregation shall be represented by its chairman or a designated member. If a party is a board or commission of the Synod or its districts, the board or commission shall be represented by its chairman or a designated member.

The following rules of procedure shall be followed: [...]

(e) Any party and/or parties to a dispute may seek, at its/their own personal expense, the assistance of individuals familiar with the issues involved in the dispute. They may actively participate in research and the preparation of necessary documents. At the hearing, however, each party may have an advisor present but must represent itself, with no public participation by the advisor. Any reconciler or hearing facilitator shall not serve as an advisor. If a party and/or parties to a dispute is a board or commission of the Synod or its districts, it shall be represented by its chairman or designated member. (Bylaw 1.10.18.1 [e])

- E. REQUIRED CONSULTATION:** Before this process may be initiated, consultation with an ecclesiastical supervisor is required (Bylaw 1.10.5). The purpose of this consultation is to (1) provide opportunity for the ecclesiastical supervisor to ascertain that the complainant has met face-to-face with the respondent in the manner described in Matthew 18:15; (2) offer to the complainant evangelical supervision, counsel, and care; and (3) direct the complainant to follow the correct bylaw procedure to be used, if any. (See *Flow Chart Detail* below, (1) *Informal Efforts / Consultation* [Bylaw 1.10.5].)
- F. BLIND DRAWS:** Blind draws for the selection of reconcilers, hearing facilitators, and panels are the responsibility of the administrator of that portion of the process. The pool from which names are drawn is to include all eligible names. To accomplish a blind draw, such method must be used as will accomplish a truly “blind” draw, to be carried out in the presence of at least two (2) office staff or other neutral persons. A statement attesting to the blind draw must be prepared, signed, and dated by the witnesses and included in the record of the case. Names are to be used by the administrator in the order in which they were surfaced by the blind draw. More than the immediately necessary names may be taken in the first draw and kept in order, in case additional names should later be needed.
- G. PANEL HEARINGS:** The following rules governing hearings shall be followed by a Dispute Resolution Panel or Review Panel in every case:
- (a) Hearings shall be private, attended only by the panel members, the parties to the dispute, and one (1) advisor of each party’s choice, if desired. Such advisors may be present at hearings, but shall not address the panel or directly participate in the discussions during the hearing. The advisor may, however, communicate orally or in writing with his/her party during the hearing so long as such communication is not disruptive. If a party intends to have an advisor present at a hearing, he/she shall provide to the hearing facilitator and other party the advisor’s name and address at least five (5) days in advance of the hearing.
- (b) Witnesses who can substantiate the facts relevant to the matter in dispute may be called before and address the panel, their names to be provided to the panel at least five

days prior to the hearing. Unless otherwise determined by the panel for good cause and agreed upon by both parties to the dispute, witnesses shall attend hearings only during the time that they are giving their own testimony. Witnesses intended to provide expert testimony (vs. factual testimony) shall be identified as such when their names are provided to the panel, thereby providing opportunity for the panel to judge whether such testimony will be necessary and helpful to reach a decision. The panel shall establish the process by which witnesses will be available for questioning and testify. It shall question witnesses directly and also permit the parties to do so.

(c) Each party shall be provided opportunity to fully present its position. The panel shall establish the procedure to be followed to receive testimony and evidence and to determine its relevancy to the issues of the dispute as identified by the panel. Relevance is determined by whether particular evidence will support (or not) an issue in contention.

(d) As it carries out its duties, the panel shall continue efforts to reconcile the parties on the basis of Christian love, forgiveness, and justice.

- H. COMMUNICATION WITH AND DEPARTMENT OF PANEL MEMBERS:** Except as provided in this manual, no party to a dispute nor anyone on the party's behalf shall communicate, either directly or indirectly, with the panel or a panel member without the full knowledge of the other party. All other communication shall take place at joint meetings. A panel may decide at any time during the process not to accept any communication outside of joint meetings or hearings. At the conclusion of the hearing, the panel communicates with the parties through its decision. The process does not provide for minority opinions. Panel members shall not communicate individually with parties (or their advisors or other representatives) regarding the matter or process, *until after a final decision has ended the process*. Even then, the confidentiality requirements of part S (below) apply: "all communications that take place during this dispute resolution process, including settlement negotiations, shall be confidential...This rule extends to all oral and written communications of parties and panels and includes all records, reports, letters, notes, and other documents received or produced as part of the bylaw processes."

In the interest of the integrity, trustworthiness, and credibility of the dispute resolution process in the eyes of all parties, the hearing facilitator and panel members must take care consistently to conduct themselves in a professional manner, maintaining objectivity and impartiality and avoiding all appearance otherwise, treating all parties equally and fairly, and pursuing no relationship with any of the parties to the dispute *until after a final decision has ended the process*.

The following rules of procedure shall be followed: [...]

(c) No party and/or parties to a dispute or anyone on the party's behalf shall either directly or indirectly communicate with the reconciler, the hearing facilitator, or any member of the Dispute Resolution Panel, Appeal Panel, or Review Panel without the full knowledge of the other party to the dispute. (Bylaw 1.10.18.1 [c])

- I. CONSEQUENCES OF VIOLATIONS:** Any member of the Synod who participates in this bylaw procedure and who intentionally and materially violates any of its requirements or is persistent in false accusations is subject to the disciplinary measures as set forth in Bylaw 1.10.18.1 (i). Any member of the Synod who has personal factual knowledge of a violation shall inform the appropriate ecclesiastical supervisor. Violations of the prohibition against publicity by any persons involved while a matter is still undecided or while an appeal is contemplated or

pending (see Bylaw 1.10.18.1 [d], included under *T. Publicity* below) are specifically included as a violation subject to the same disciplinary measures set forth in the Bylaws.

The following rules of procedure shall be followed: [...]

- (i) Any member participating in this bylaw procedure who intentionally and materially violates any of the requirements in this bylaw or is persistent in false accusations is subject to the disciplinary measures as set forth in the appropriate Bylaw sections 2.14–2.17. Any member of the Synod who has personal factual knowledge of the violation shall inform the appropriate district president as the ecclesiastical supervisor. Violations of the prohibition against publicity while a matter is still undecided or while an appeal is contemplated or pending (Bylaw 1.10.18.1 [d] above) by any persons involved are specifically included as a violation subject to the same disciplinary measures set forth in the Bylaws. (Bylaw 1.10.18.1 [i])

Violation of the requirements of this bylaw procedure on the part of a reconciler is cause for the reconciler's removal from the district roster of reconcilers by that district's board of directors.

A reconciler may be removed for cause from a district's roster of reconcilers by that district's board of directors upon report of the administrator of the dispute resolution process after consultation with the president of the district. (Bylaw 1.10.10.4)

The administrator of the process may require exceptions to the time frame requirements of these bylaw procedures, upon good cause shown; purposeful non-compliance with the time frame expectations of these bylaw procedures, however, is to be reported to the President of the Synod.

In order to communicate effectively and avoid misunderstanding, it is critical that terms be carefully defined: [...]

- (p) **Shall**: Retains its compulsory meaning in this bylaw section. Its use, however, in connection with time frame expectations may require exceptions at times upon good cause shown, to be allowed by the administrator of the process. [...]
- (s) **Time Frame**: Period of time allowed for carrying out a bylaw requirement, to be monitored by the administrator of the process, incidents of purposeful non-compliance to be reported to the President of the Synod. (Bylaw 1.10.4 [p], [s])

- J. TIME AND PLACE OF HEARINGS**: The preference and convenience of the parties shall be taken into consideration in determining the time, place, and other requirements of hearings. The hearing facilitators of the panels shall set the time and place of the hearings and shall provide at least ten days' written notice of the time and place of hearings unless the parties waive such notice requirement. Parties or panels are responsible for notifying their own witnesses.



- K. ADVISORS:** Parties may obtain at their own personal expense the assistance of individuals familiar with the issues involved in a dispute. Such advisors may actively participate in research and the preparation of necessary documents. While advisors may be present, parties must represent themselves without public participation by the advisors during hearings. The advisor may, however, communicate orally or in writing with his/her party during the hearing so long as such communication is not disruptive. If a party desires to have an advisor present during a hearing, such party shall notify the panel chairman and the other party at least five (5) days in advance of the hearing to provide the advisor's name and address. Reconcilers or hearing facilitators shall not serve as advisors. A person to be called upon by either party as a witness shall not serve as an advisor to either party.

The following rules of procedure shall be followed: [...]

(e) Any party and/or parties to a dispute may seek, at its/their own personal expense, the assistance of individuals familiar with the issues involved in the dispute. They may actively participate in research and the preparation of necessary documents. At the hearing, however, each party may have an advisor present but must represent itself, with no public participation by the advisor. Any reconciler or hearing facilitator shall not serve as an advisor. If a party and/or parties to a dispute is a board or commission of the Synod or its districts, it shall be represented by its chairman or designated member. (Bylaw 1.10.18.1 [e])

- L. SPECIAL OPINIONS:** If any part of the dispute involves a specific question of doctrine or doctrinal application, parties shall have the right to an opinion from the Commission on Theology and Church Relations (CTCR). If any part of the dispute involves questions of constitution or bylaw interpretation, parties shall have the right to an opinion from the Commission on Constitutional Matters (CCM). Whereas any member or agency of the Synod may at any time request guidance from the CTCR or an opinion from the CCM (Bylaws 3.9.5.2.1 and 3.9.2.2), in dispute resolution, when a panel is in place, the request for an opinion must be made through the Dispute Resolution Panel or Review Panel, which shall determine the wording of the question(s). The request for an opinion must be made within four (4) weeks after the final formation of the Dispute Resolution Panel or Review Panel. If a party does not request such an opinion within the designated time, such a request may still be made to the Dispute Resolution Panel or Review Panel that shall, at its discretion, determine whether the request shall be forwarded. The Dispute Resolution Panel or Review Panel shall also have the right, at any time, to request an opinion from the CTCR or the CCM.

Any opinion so requested shall be rendered within 30 days or such greater time as the Dispute Resolution Panel may allow. The CCM and the CTCR shall each have in place a procedure for responding within this 30-day time frame (Bylaws 1.10.18.1 [h]; 3.9.5.2.3). When an opinion has been requested, time limitations and requirements associated with the dispute resolution process will not apply until the opinion has been received by the parties. Any opinion received from the Commission on Theology and Church Relations or the Commission on Constitutional Matters must be followed by the Dispute Resolution Panel or Review Panel. An individual member of the panel can also request resource materials and personal theological assistance so as to better comprehend doctrinal matters associated with the dispute (Bylaw 1.10.18.1 [h][3]).

The following rules of procedure shall be followed: [...]



(h) If any part of the dispute involves a specific question of doctrine or doctrinal application, each party shall have the right to an opinion from the Commission on Theology and Church Relations. If it involves questions of constitution or bylaw interpretation, each party shall have the right to an interpretation from the Commission on Constitutional Matters. The request for an opinion must be made through the Dispute Resolution Panel or Review Panel, which shall determine the wording of the question(s).

(1) The request for an opinion must be made within four weeks of the final formation of the Dispute Resolution Panel or Review Panel. If a party does not request such an opinion within the designated time, such a request may still be made to the Dispute Resolution Panel or Review Panel that shall, at its discretion, determine whether the request shall be forwarded. The Dispute Resolution Panel or Review Panel shall also have the right, at any time, to request an opinion from the Commission on Theology and Church Relations or the Commission on Constitutional Matters.

(2) Any opinion so requested shall be rendered within 30 days or such greater time as the Dispute Resolution Panel may allow. The Commission on Constitutional Matters and the Commission on Theology and Church Relations shall have in place a procedure for responding within this 30-day time frame to such requests for opinions. When an opinion has been requested, the time limitations governing the dispute resolution process will not apply until the opinion has been received by the parties to the dispute. Any opinion received must be followed by the Dispute Resolution Panel or Review Panel.

(3) An individual member of the panel may, through the hearing facilitator, also request resource materials and personal assistance from the executive director of the CTCR or from a theologian recommended by the executive director, this to provide an opportunity to read about, discuss with a knowledgeable person, and better comprehend doctrinal matters associated with the dispute. The dispute resolution case itself shall not be discussed. (Bylaw 1.10.18.1 [h])

**M. WITNESSES AND EVIDENCE:** Parties shall cooperate with ecclesiastical supervisors, hearing facilitators, panels, and each other in providing documents, names of witnesses, and other information that will contribute to an understanding of the matter. They may offer any evidence that they consider fair, relevant, and pertinent, and shall produce any additional evidence that the ecclesiastical supervisors and panels deem necessary. All documentation shall be adequately authenticated.

Although oaths are not administered, every witness shall be reminded prior to his or her testimony of the importance of speaking the truth and speaking the truth in love. Witnesses intended to provide “expert testimony” (vs. factual testimony) should be identified as such when their names are provided to the panel. The panel will judge whether such testimony will be necessary and helpful to reach a decision.

Prior to the final selection of a panel, parties shall send copies of written documents or other communications intended for distribution to the panel members and other party to the Secretary of the Synod. It is the responsibility of the hearing facilitator and panel to establish the procedure to be followed to receive testimony and evidence and to determine its relevancy to the issues of the dispute as identified by the panel.

- (a) In the interest of promoting the reconciliation process, any member of the Synod, officer of a congregation, or officer of any organization owned and controlled by the Synod shall, when called upon to do so, testify or produce records related to a dispute.
- (b) A panel may reject and not consider evidence or testimony from a witness it deems unnecessary or unhelpful to its consideration of the issues in dispute.
- (c) Conformity to legal rules of evidence shall not be necessary.
- (d) Panels shall determine the number of witnesses necessary for a full and complete understanding of the facts involved in a matter. Testimony of witnesses via the Internet or other electronic means may be received at the discretion of the panel.
- (e) Except as specifically provided elsewhere in this manual, all evidence used by panels shall be taken in the presence of all panel members and both parties to the dispute, except where a party has waived the right or fails to be present.

The following rules of procedure shall be followed:

- (a) In the interest of promoting the reconciliation process, any member of the Synod, officer of a congregation, or officer of any organization owned or controlled by the Synod shall, when called upon by a Dispute Resolution Panel, Appeal Panel, or Review Panel to do so, testify or produce records related to the dispute. [...]
- (f) A Dispute Resolution Panel, Appeal Panel, or Review Panel shall determine the number of witnesses necessary for a full and complete understanding of the facts involved in the dispute. It shall question parties to the dispute and witnesses directly and shall also permit the parties to do so. (Bylaw 1.10.18.1 [a], [f])

- N. DECISIONS:** A majority of the members of a panel shall constitute a quorum. A quorum shall be required in all stages of the process provided by Bylaw section 1.10. A decision of any matter before a panel shall be decided by majority vote of the panel, excluding the hearing facilitator who shall not actively participate in the final decision-making process or vote. In the event that a majority decision cannot be reached, a new panel shall be formed immediately and the matter reheard.

The Dispute Resolution Panel, Appeal Panel, or Review Panel shall issue a decision based on a majority vote of the panel.

- (a) A majority of the panel members shall be involved in all stages of the decision-making process.
- (b) The hearing facilitator shall serve as an advisor to the panel on the form but not the substance of the decision.
- (c) In the event that a majority decision cannot be reached, a new panel shall be formed immediately in accordance with the Bylaws and the matter reheard. (Bylaw 1.10.17)

When a decision of a congregation is at issue, that decision is effective immediately. Panels may review the decision according to Holy Scripture, the Synod's Constitution and Bylaws, and the congregation's constitution and bylaws, and shall either uphold the action of the congregation or advise the congregation to review and revise its decision. If the congregation

does not revise its decision, the other congregations of the Synod shall not be required to respect the decision at issue. The district may take action with respect to the congregation as it may deem appropriate.

The congregation's right of self-government shall be recognized. However, when a decision of a congregation is at issue, a Dispute Resolution Panel may review the decision of the congregation according to the Holy Scriptures and shall either uphold the action of the congregation or advise the congregation to review and revise its decision. If the congregation does not revise its decision, the other congregations of the Synod shall not be required to respect this decision, and the district involved shall take action with respect to the congregation as it may deem appropriate. (Bylaw 1.10.9)

- O. **INVOLVEMENT OF INSURERS:** If a dispute involves an alleged injury or damage that may be covered by a party's insurance, the insurer shall be notified and may be invited to participate in the dispute resolution process in order to facilitate a prompt and equitable solution. In the event that an insurer decides to participate in the process, the insurer must also agree to be bound by its final decision.
- P. **FEES AND COSTS:** Parties and their witnesses are responsible for their own expenses. Expenses of reconcilers shall be borne by their districts when selected by a district secretary and by the Synod when selected by the Synod Secretary. The expenses of the panels shall be the responsibility of the Synod. Expenses of witnesses or evidence produced upon request of reconcilers shall be borne by their districts when serving within their districts. Expenses of witnesses or evidence produced upon request of panels or upon request of reconcilers serving upon selection by the Synod's Secretary shall be borne by the Synod.

The following rules of procedure shall be followed:

(b) Each party and/or parties to a dispute shall assume its/their own expenses. The expenses of reconcilers, Dispute Resolution Panels, and Review Panels shall be borne by the Synod, except for those that arise under Bylaw 1.10.10.2, which shall be borne by the district. (Bylaw 1.10.18.1 [b])

*See also Bylaw 1.10.18.1 (e), regarding expenses for assistance and advisors, found under (D) Parties Representation, above.*

**Q. DISQUALIFICATION OF RECONCILERS, PANEL MEMBERS, AND HEARING FACILITATORS:**

The standard for disqualification of a reconciler or panel member or hearing facilitator shall be actual partiality or the appearance thereof. (Bylaw 1.10.16)

- a. An overarching principle in the Constitution and Bylaws of the Synod, as well as in the SOPM for the dispute resolution process, is one of due process, fairness, and impartiality. All hearings must be conducted in a fair and equitable manner.
- b. The Commission on Constitutional Matters has clarified the meaning of "actual partiality or the appearance thereof." The CCM concludes that actual partiality "may result from a personal relationship, prior substantive contact with any of the persons involved regarding

the substance of the matter, or personal involvement in the matter itself. Such personal relationship or prior involvement in the matter might cause a panel member to disqualify himself/herself from service, or result in disqualification....Beyond 'actual partiality,' the standard for disqualification includes 'the appearance thereof.' The phrase 'the appearance thereof' modifies 'actual partiality' and so requires the appearance of some 'act' or 'action' to create and evidence partiality such as described above. Even where no actual partiality exists as a result of non-substantive contacts with one or more of the involved persons or non-substantive involvement in the issues to be considered, where such relationship or involvement would lead a reasonable person to believe that partiality likely exists, disqualification should occur." (See CCM Opinion 12-2651 for the entire text of the opinion.)

*Self-disqualification of reconcilers, panel members, and hearing facilitators*

- c. When identified by blind draw, reconcilers, hearing facilitators, and panel members shall be contacted personally by the acting administrator of the dispute resolution process (see paragraph [a] of Bylaw 1.10.4) to discuss their availability to serve. The administrator shall provide general information regarding the dispute and the parties to the dispute to surface potential conflict of interest concerns. Any reconciler or panel member may disqualify himself or herself from service. Circumstances that are thought to or are likely to affect performance of duties and the outcome of a formal process shall be disclosed to the administrator.
- d. If a hearing facilitator or panel member concludes that he/she has personal knowledge of one or other of the parties to the dispute, he/she shall, upon becoming aware of the same, disclose to the administrator the knowledge and nature thereof and his/her assessment that such will not adversely affect his/her service. The administrator shall share this information with the parties to the dispute. Undue familiarity with the party to the dispute must not be demonstrated in any manner during the panel hearing.

*Request by a party (or parties) for disqualification of a reconciler, panel member, or hearing facilitator*

- e. Any party and/or parties to a dispute shall have the right to request disqualification of a reconciler, hearing facilitator, or panel member, either during the reconciler or panel selection process or during the reconciliation or panel processes themselves.
- f. If that individual does not agree to the disqualification, the decision whether or not to disqualify shall be made by a separate three-member panel of reconcilers drawn for that purpose according to the method for blind draw provided in this manual. In the event of a disqualification, another individual shall be chosen, again by blind draw from the appropriate pool of names. If a pool of names is exhausted, a new pool shall be developed in the same manner as the former.

Any party and/or parties to a dispute shall have the right to request disqualification of a reconciler, panel member, or hearing facilitator. If that individual does not agree to the disqualification, the decision shall be made by a separate three-member panel of reconcilers drawn for that purpose.

- (a) Nine names shall be selected by blind draw from the Synod's roster of reconcilers.
- (b) The list shall be mailed simultaneously to each party, who shall be entitled to strike up to three names. The list shall be returned to the Secretary of the Synod within one week after receipt.
- (c) The Secretary of the Synod shall correct any problem with the list. No

member of the panel shall be from the district in which the dispute arose or any district of any party to the dispute. No two panel members shall be from the same district. If more names remain than are needed, the final selection shall be made by blind draw.

(d) In the event that additional names are needed, three names will be selected in the manner set forth above, which names shall be submitted to each party, who shall have the right to strike one name before returning the list to the Secretary of the Synod within one week. (Bylaw 1.10.16.1)

- g. Materials forwarded to the members of the panel considering a contested disqualification shall also be forwarded to the parties to the dispute (CCM Op. 02-2300), along with the names of the panel members (CCM Op. 02-2303).
- h. While a specific process is not prescribed for a special panel formed to determine if a challenged reconciler or panel member or facilitator should be disqualified, whatever process is followed by such a panel to reach an informed decision must ensure fairness and impartiality to all parties to the matter so that its decision is just and equitable. And, like any other phase of the Bylaw section 1.10 process, neither the decision nor the process of a special panel may contradict the Constitution and Bylaws of the Synod or the appropriate SOPM.

*Replacement of disqualified reconcilers, panel members, or hearing facilitators*

- i. A reconciler, panel member, or hearing facilitator disqualified before the process has meaningfully begun, as determined by the process administrator, is replaced using the procedure of Bylaw 1.10.16.2, below.
- j. Blind draws for the selection of panels are the responsibility of the administrator of that portion of the process. The pool from which names are drawn is to include all eligible names. To accomplish a blind draw, such method must be used as will accomplish a truly “blind” draw, to be carried out in the presence of at least two (2) office staff or other neutral persons. A statement attesting to the blind draw must be prepared, signed, and dated by the witnesses and included in the record of the case. Names are to be used by the administrator in the order in which they were surfaced by the blind draw.

In the event that a reconciler, panel member, or hearing facilitator is disqualified, another individual shall be chosen by blind draw.

- (a) Three names shall be selected by blind draw from the Synod’s roster of reconcilers or hearing facilitators as appropriate.
- (b) The list shall be mailed simultaneously to each party, which shall be entitled to strike one of the names. The list shall be returned to the Secretary of the Synod within one week after receipt.
- (c) The Secretary of the Synod shall correct any problem with the list. No member of the panel shall be from the district in which the dispute arose or any district of any party to the dispute. No two panel members shall be from the same district. If more names remain than are needed, the final selection shall be made by blind draw.
- (d) In the event that additional names are needed, three names shall again be selected in the manner set forth above, which names shall be submitted to each party with the right to strike one name before returning the list to the Secretary of the Synod within one week. (Bylaw 1.10.16.2)

- k. When a reconciler, panel member, or hearing facilitator is disqualified in the midst of a process already underway, the process administrator shall determine, in consultation with the parties and remaining panel members, whether: (1) a replacement shall be appointed by the process of Bylaw 1.10.16.2 (for example, as necessitated by the disqualification of the only reconciler or hearing facilitator involved, or as may be possible with a panel member disqualified early in the process); or (2), in a case of panel member disqualification with the process already underway (when a replacement's participation might be disadvantaged by his or her having missed the foregoing proceedings), no replacement shall be appointed (under *General Regulation R* below) and the case shall proceed with a diminished panel.
  - l. A replacement reconciler or replacement hearing facilitator, appointed by the process of Bylaw 1.10.16.2, may determine that the arrangements made by the replaced predecessor are deficient, and shall have authority to remedy such problems as are discovered, up to and including restarting the process. An appropriate deviation from time frame expectations may be sought from the process administrator to allow for such correction.
- R. INABILITY OF PANEL MEMBERS TO SERVE:** If a panel member withdraws or is unable to perform required duties after a panel has substantially begun its work, as determined by the process administrator, the remaining panel members shall continue without the vacancy being filled.
- S. CONFIDENTIALITY:** Because of its biblical nature, Christian conflict resolution encourages parties to admit their offenses openly and candidly. Thus, Christian conflict resolution requires an environment where parties may speak freely, without fear that their words may be used against them in a subsequent legal proceeding. Moreover, because of the Synod's commitment to keep parties out of court, reconcilers serving on behalf of the Synod would not do so if they believed that any party might later try to force them to testify in any legal proceeding regarding a dispute in the Synod. Therefore, all communications that take place during this dispute resolution process, including settlement negotiations, shall be confidential and inadmissible for any purpose in a court of law except as provided here following. This rule extends to all oral and written communications of parties and panels and includes all records, reports, letters, notes, and other documents received or produced as part of the bylaw processes.
- (a) Those documents that existed prior to the initiation of the bylaw process and were otherwise open to discovery apart from this process are excepted.
  - (b) Parties shall not attempt to compel panel members to divulge any documents or to testify regarding the process in any judicial or adversarial proceeding, whether by personal testimony, deposition, written interrogatory, or sworn affidavit.
  - (c) Appropriate and necessary information may be divulged under the following circumstances, for which the parties will hold panel members harmless, as when:
    - (1) as part of normal office operations, the Synod and its representatives consult with staff members or outside experts regarding particular issues or problems related to a matter;
    - (2) information is divulged when compelled by statute or court of law;
    - (3) an agreement or decision has been contested or appealed *outside the Synod's process*;
    - (4) an action has been brought against the Synod or its representatives as a result of a related matter;

(5) the Synod or its representatives deem it appropriate to discuss a case with the church leaders of parties; or

(6) the Synod or its representatives deem it necessary to contact appropriate civil authorities to prevent personal harm.

(d) In spite of these confidentiality protections, some of the information discussed during panel proceedings may become discoverable outside the process and used in other legal proceedings, for which the Synod and its representatives shall have no liability.

- T. PUBLICITY:** While a matter is still undecided or while an appeal is contemplated or pending, publicity shall not be given to the issues in the matter by any of the parties involved, the ecclesiastical supervisors, the panel members, or the Synod. Any violation of this rule shall be reported to the administrator of the dispute resolution process, who shall bring the violation to the attention of the party, panel member, or entity of the Synod that is doing the publicizing.

At his discretion and as needs dictate in order to “promote and maintain unity of doctrine and practice” (Constitution Art. XI B 3) and to provide counsel, care, and protection to all members of the Synod (Art. III 8 and 9), the President of the Synod or the district president in consultation with the President of the Synod, as the case may be, may properly advise or inform the involved congregation(s) and/or the district or Synod as to the status of the process.

The following rules of procedure shall be followed: [...]

(d) While the matter is still undecided or while an appeal is contemplated or pending, publicity shall not be given to the issues in the matter by any of the persons involved during any part of the procedures outlined in this bylaw. However, at his discretion and as needs dictate in order to “promote and maintain unity of doctrine and practice” (Constitution Art. XI B 3) and in order to provide counsel, care, and protection to all the members of the Synod (Constitution Art. III 8, 9), the President of the Synod or the district president in consultation with the President of the Synod, as the case may be, may properly advise or inform the involved congregation(s) and/or the district or Synod as to the status of the process. (Bylaw 1.10.18.1 [d])

- U. INVOLVEMENT OF A PARTY’S CONGREGATION:** Sinful words and actions of a party are a concern of that party’s congregation (Matt. 18:15–20; 1 Cor. 5:1–13; Gal. 6:1–2), as also when a party fails to acknowledge and confess a serious sin or fails to demonstrate repentance. Therefore, when a final decision is rendered that indicates that a party, including an officer of a district or the Synod, has failed to acknowledge and confess a serious sin and fails to demonstrate repentance, the ecclesiastical supervisor shall forward a copy of the decision to the party’s congregation, urging the congregation to review the matter and take appropriate steps to fulfill its scriptural and Synod-related responsibilities.

- V. COMPLIANCE WITH PROVISIONS AND RIGHT TO OBJECT:** If any party learns that any provision of this *Standard Operating Procedures Manual* (SOPM) has not been complied with and fails to object in writing within three (3) days after learning that the provision has not been complied with, the party shall be deemed to have waived the right to object.

When substantive procedural errors are found to have occurred, the hearing facilitator shall contact the process administrator for guidance. The hearing facilitator, in consultation with the process administrator, shall make every effort to correct errors that have occurred, so that the panel may proceed with due process and in fairness and impartiality, in both fact and



appearance. The hearing facilitator shall document the error and its correction in the official record of the case.

Should either the hearing facilitator or process administrator conclude, after consultation with the panel members, that a procedural error has irreparably harmed due process, fairness or impartiality, and that the panel therefore will not be able to reach a proper conclusion, “a new panel shall be formed immediately in accordance with the Bylaws and the matter reheard” (Bylaw 1.10.17 [c]).

- W. INTERPRETATION AND APPLICATION OF STANDARD OPERATING PROCEDURES MANUAL PROVISIONS:** Reconcilers and panels shall be responsible for interpreting and applying the principles, regulations, and other provisions provided in this manual. General questions regarding the process may be discussed with the Secretary of the Synod. Specific questions may be directed to the Commission on Constitutional Matters, whose responsibility it is to maintain this manual in consultation with the Secretary of the Synod and the Council of Presidents. Should the provisions of this manual vary from the Constitution or Bylaws of the Synod, the Constitution and Bylaws shall control and supersede.
- X. EXCLUSION FROM LIABILITY:** Parties are to understand that the Synod, its reconcilers, its ecclesiastical supervisors, its process administrators, its panels, and all panel members shall be immune from any liability for any acts or omissions that occur during the processes described in Bylaw section 1.10 and this manual.
- Y. RECORDS:**

All Dispute Resolution Panel, Appeal Panel, or Review Panel records of disputes in which a final decision has been rendered by the panels shall be forwarded to the Office of the Secretary of the Synod for placement in the custody of Concordia Historical Institute. All such records shall be sealed, and shall be opened only for good cause shown and only after permission has been granted by a Dispute Resolution Panel selected by blind draw for that purpose. (Bylaw 1.10.18.1 [g])



## V. DISPUTE RESOLUTION PROCESS FLOW CHART

(Bylaw section 1.10)

### 1. Informal Efforts/Consultation (1.10.5)

- 1.1 Parties meet face-to-face in the manner described in Matthew 18:15
- 1.2 Complainant consults with the appropriate district president
- 1.3 District president helps determine correct process to follow
- 1.4 District president of the respondent is informed
- 1.5 District president may seek additional advice or ask for opinion
- 1.6 District president provides direction/supervision/counsel
- 1.7 Eighth Commandment/repentance/reconciliation remain primary goals



### 2. Formal Efforts toward Reconciliation (1.10.6–1.10.6.5)

- 2.1 Either party submits request for a reconciler
- 2.2 Administrator selects reconciler within 15 days and forwards materials
- 2.3 Reconciler determines adequacy of informal efforts (up to 60 days)
- 2.4 Reconciler obtains reply from respondent
- 2.5 Reconciler arranges formal meeting
- 2.6 Reconciler provides written report
- 2.7 Complainant may request Dispute Resolution Panel (15 days)



### 3. Dispute Resolution Panel (1.10.7–1.10.8.1)

- 3.1 Dispute Resolution Panel is formed (21 days)
- 3.2 Location and date of hearing are chosen (15 days)
- 3.3 Formal hearing takes place (45 days)
- 3.4 Panel issues written decision (30 days)
- 3.5 Decision is subject to appeal (15 days)



### 4. Appeal Panel (1.10.8.2–1.10.8.3)

- 4.1 Appeal Panel is formed (21 days)
- 4.2 Appeal Panel is informed
- 4.3 Appeal Panel issues written decision (30 days)



### 5. Review Panel (1.10.8.4–1.10.8.5)

- 5.1 Review Panel is formed (21 days)
- 5.2 Procedure of Dispute Resolution Panel may be followed (45 days)
- 5.3 Review Panel issues final decision (30 days)

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## VI. FLOW CHART DETAIL

### 1. INFORMAL EFFORTS/CONSULTATION (BYLAW 1.10.5)

#### 1.1 Parties meet face-to-face

Before any matter is submitted to the formal reconciliation process, the parties involved in a dispute must meet together, face-to-face, in a good-faith attempt to settle their dispute in the manner described in Matthew 18:15 and may involve the informal use of a reconciler. ... (Bylaw 1.10.5)

- a. The parties must try to resolve the matter between themselves and be reconciled (1 Cor. 10:31; James 4:1–3; Ps. 37:1–6; Phil. 4:2–9; Col. 3:1–4; 1 Pet. 2:12; John 14:15; James 3:17–18; Rom. 12:17–21; Mark 11:25; Matt. 7:3–5; 1 John 1:8–9; Prov. 28:13; Col. 3:5–14; Luke 19:8).
- b. The complainant(s) and respondent(s) must meet in a face-to-face, good-faith effort to settle their dispute in the manner described in Matthew 18:15. E-mail, regular mail, fax, or telephone call (or any combination thereof) do not satisfy this requirement. (See above section II. *Definitions of Terms*, (f) *face-to-face*.)
- c. A request for the informal use of a reconciler may be made to the president of the district in which the dispute is taking place, who may assign one of the district's trained reconcilers or hearing facilitators to assist in the reconciliation effort, counseling the parties individually in their efforts toward reconciliation. If more than one district is involved, assistance shall be provided by a reconciler from the complainant's district. (See section II. *Definitions of Terms*, (i) *Informal*.)
- d. A reconciler used informally cannot be selected (as the result of the blind draw) to serve as the reconciler in the case's formal reconciliation process that may follow, except when all parties agree.

#### 1.2 Complainant consults with district president

... And further, before any matter is submitted to the formal reconciliation process, the complainant must meet and consult with the appropriate ecclesiastical supervisor to seek advice ... (Bylaw 1.10.5)

- a. The right and responsibility to use the dispute resolution process is reserved for members of the Synod, for corporate Synod and its agencies, and for members of member congregations who are challenging the procedures used in their excommunications or who are elected or appointed to positions with the LCMS Board of Directors or an agency of the Synod, in disputes pertaining to their positions (Bylaw 1.10.2; see also section IV. *General Regulations*, B. *Availability of Process*). "
- b. The "appropriate ecclesiastical supervisor" for consultation with complainants who are members of the Synod is the complainant's district president. For members of member congregations of the Synod (including those challenging the procedures used

in their excommunications), it shall be the involved congregation's district president. If the complainant is Synod itself or a Synod agency, consultation shall be with the president of the Missouri District, unless the agency is under the ecclesiastical supervision of another district president.

- c. Where the (otherwise) "appropriate ecclesiastical supervisor" is himself the intended respondent, or has a conflict of interest, the next district officer in line without such a conflict shall conduct the consultation and see to the attendant supervision, counsel, and care (cf. Bylaw 2.14.4.1).
- d. A member congregation or agency board shall be represented by its chairman or a designated member.
- e. The meeting shall be private, and no formal record shall be kept of the discussion.

### ***1.3 District president determines the correct process to follow***

... and also so that it can be determined whether this is the appropriate bylaw procedure (Bylaw section 1.10) or whether the matter falls under Bylaw sections 1.8, 2.14, 2.15, 2.16, 2.17, or Bylaws 3.10.5.7.9, 3.10.6.7.1, and 3.10.6.7.5.2. In regard to this consultation: ... (Bylaw 1.10.5)

- a. It is the sole responsibility of the district president to evaluate the information that is being shared and to provide proper direction to the complainant. The matter is entirely dependent upon his good judgment as ecclesiastical supervisor. His guidance is with regard to which process is to be followed; he may not, provided conditions for proceeding are satisfied (e.g., meeting as described in Matthew 18:15), refuse to allow a case to proceed. If multiple complainants, having multiple district presidents, are involved, and uncertainty results, the process administrator shall determine how to proceed, in consultation with the involved district presidents.
- b. If Bylaw section 1.10 applies, the district president shall require the complainant(s) to meet with the respondent(s) in the manner described in Matthew 18:15 (if the complainant has not already done so). In cases of removal of church workers from office, face-to-face meetings must take place following the action taken by the congregation and with an official representative of the congregation. The reputations of all parties are to be protected in accord with the Eighth Commandment. The goal throughout this process is reconciliation, repentance, and forgiveness.
- c. If Bylaw sections 2.14, 2.15, 2.16, or 2.17 apply, that is, if the complaint is such that may result in the expulsion of a member from the Synod, the ecclesiastical supervisor will direct the attention of the complainant to those bylaws and the procedures to be followed.
- d. If Bylaws 3.10.5.7.9, 3.10.6.7.1, or 3.10.6.7.5.2 apply and the matter involves a complaint against a member of the faculty or administration of an LCMS college, university, or seminary, the complainant(s) must first meet face-to-face with the respondent(s) in an attempt to resolve the issue (in the manner described in Matt. 18:15). The president of the institution shall assist in this attempt. If the president himself is the respondent, the chairman of the board of regents shall act in his stead.

#### ***1.4 District president of the respondent is informed***

(a) From this point forward in this process, in the case of multiple complainants or multiple respondents, the district president of the respondent decides whether or not each complainant and/or respondent proceeds singly and individually, or as a group.

(b) The district president of the complainant shall inform the district president of the respondent that a consultation is underway ... (Bylaw 1.10.5 [a]–[b])

- a. The consultation shall be held in confidence by both district presidents to protect the reputations of all parties.
- b. The district president of the respondent(s) may consult with the respondent(s) upon being informed that a consultation is underway.
- c. In their conversation, the district president of the complainant(s) shall provide information regarding the complainant's allegations and shall invite input from the respondent's district president.
- d. In dispute resolution cases, multiple complainants may bring accusations against a single respondent or a single complainant may bring accusations against multiple respondents. The district president(s) of the respondent(s) are in the best position to decide how the spirit of the Matthew 18 principle requiring a face-to-face meeting "between you and him alone" can best be served in such situations. Disagreement or uncertainty as to how the condition can best be served shall be resolved by the process administrator in consultation with the district president(s) of the respondent(s).
- e. This conversation and exchange of information shall reflect a presumption of innocence. The respondent's district president shall provide all relevant information.

#### ***1.5 District president may seek additional advice or ask for opinion***

...He may also seek advice from the vice-presidents of his own district or from the district president of the respondent. The district president may also ask for an opinion of the Commission on Constitutional Matters (CCM) and/or the Commission on Theology and Church Relations (CTCR). The district president must follow any opinion received from either the CCM or the CTCR, which shall be rendered within 30 days or such additional time as the district president may allow. (Bylaw 1.10.5 [b])

- a. Because the district president has sole responsibility for providing proper direction to the complainant, he may consult with others who share such responsibility for ecclesiastical supervision prior to providing direction.
- b. When requesting an opinion from the CCM or CTCR, the district president shall represent the matter as carefully and objectively as possible, taking care that questions are not phrased in a case-specific manner and accepting any counsel received as binding.

### ***1.6 District President provides direction/supervision/counsel***

(c) Within 45 days of the conclusion of the consultation and receipt of any advice or opinions as described above, the district president shall advise the complainant and the district president of the respondent of the appropriate bylaw section to be followed, and shall provide evangelical supervision, counsel, and care to the party or parties. (Bylaw 1.10.5 [c])

- a. The direction and counsel provided by the appropriate district president(s) (as determined in step 1.2 above) is required and final if the complainant intends to proceed with the matter. Disagreement or uncertainty among district presidents of multiple complainants as to how to proceed shall be resolved by the process administrator in consultation with the district presidents.
- b. The time allotted to the appropriate district president, once he has met and consulted with the complainant and received advice or opinions as described in the bylaw, to advise the complainant regarding the appropriate bylaw section to be followed is limited to 45 days, his deadline for advising the complainant(s) and informing the president(s) of the respondent(s) of the bylaw process to be followed for resolution of the dispute.
- c. As the district president consults with the complainant, it is also his responsibility to provide counsel and care in an evangelical manner that avoids causing harm to the reputations of the parties involved in the dispute.
- d. The district president shall also be responsible for providing evangelical counsel and care to other parties involved in the matter, or seeing to its being provided.

### ***1.7 Eighth Commandment/repentance/reconciliation remain primary goals***

(d) If Bylaw section 1.10 applies, the district president shall require the complainant to meet face-to-face with the respondent in the manner described in Matthew 18:15 if the complainant has not already done so.

(e) The reputation of all parties is to be protected as commanded in the Eighth Commandment. The goal throughout is always one of reconciliation, of repentance and forgiveness, even if the following proceedings are carried out. (Bylaw 1.10.5 [d]–[e])

- a. A face-to-face meeting of the complainant with the respondent remains a primary interest in order to serve the ultimate interest, i.e., reconciliation, repentance, and forgiveness. Unwillingness on the part of the complainant to participate in such a meeting shall halt the process. Unwillingness on the part of the respondent shall become a matter of record as the process proceeds.
- b. Eighth Commandment protection of reputations is essential to this process.

## 2. FORMAL EFFORTS TOWARD RECONCILIATION (BYLAWS 1.10.6–1.10.7)

### 2.1 *Either party submits request for a reconciler*

If any party to the dispute is of the opinion that informal reconciliation efforts have failed, such party, in consultation with the appropriate ecclesiastical supervisor, shall submit a request to the administrator of the dispute resolution process, the secretary of the Synod or district, or an appointee, as appropriate, that a reconciler be appointed to assist in seeking reconciliation. Such request shall be accompanied by:

- (a) a written statement of the matter in dispute; and
- (b) a written statement setting forth, in detail, the informal efforts that have been made to achieve reconciliation.

If the secretary of the Synod or district is a party to the matter in dispute, has a conflict of interest, or serves as a witness, then the President of the Synod or the district president, as appropriate, shall appoint an administrator of the process in the matter. (Bylaw 1.10.6)

- a. Cases to be administered by a district secretary are those situations arising in the district as indicated in Bylaw 1.10.10.2 (noting the general limitations on access to the process in Bylaw 1.10.2): (a) Procedural questions involved in excommunication cases; (b) Cases in which a member of the Synod shall have been removed from the position that such member holds in a congregation that is a member of the Synod; (c) Cases in which a person, whether or not a member of the Synod, is removed from the position<sup>1</sup> which the person holds in the district; and (d) Cases involving differences between congregations within the same district or between a congregation and its district. All other disputes (other than those to be addressed through the suspension / expulsion processes of Bylaws 2.14–2.17, or other bylaw processes) are to be administered by the Secretary of the Synod (Bylaw 1.10.10.3).
- b. Challenges to the impartiality of the administrator of the case shall be made to the appropriate president, who shall, if appropriate, appoint another administrator for the case.
- c. When an administrator is involved personally in a dispute, whether as a party, a witness, or someone who has a direct interest in the outcome, an alternate administrator shall be appointed. If a party intends to present testimony or evidence which would suggest the potential need for an administrator to become a witness, such intention must be raised in a timely manner so that the administrator will have opportunity to recuse himself and a replacement administrator can be appointed (see CCM Opinion 10-2585).
- d. It is essential that the “written statement of the matter in dispute” be carefully prepared to include all matters to be resolved and sufficient detail to define the parameters of the dispute. The statement should be as concise as possible, containing factual assertions associated with contended or conflicted issues. It may also contain a request for the type of relief to be granted. This statement becomes the basis of the entire matter throughout the dispute resolution process.

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<sup>1</sup> An *elected* or *appointed* position (see Bylaw 1.10.2).

- e. The request for a reconciler and the accompanying statement shall be signed and dated and shall become a part of the official record of the case. Begun by the administrator of this stage of the dispute resolution process, the official record now contains the written request for the appointment of a reconciler, the statement of the matter in dispute, and the written statement setting forth the informal efforts that had been made to resolve the dispute.
- f. The request for a reconciler will also include accurate contact information for all parties to the dispute.

## ***2.2 Administrator selects reconciler and forwards materials***

The administrator shall within 15 days select the reconciler in the manner hereinafter set forth and then notify the parties to the dispute as to the name and address of the reconciler. He/she shall also forward to the chosen reconciler and the respondent the statement of the matter in dispute and the written statement of the informal reconciliation efforts. (Bylaw 1.10.6.1)

- a. To accomplish a blind draw, such method shall be used by the administrator as will accomplish a truly “blind” draw from the eligible reconcilers, to be carried out in the presence of at least two (2) office staff or other neutral persons. A statement attesting to the blind draw shall be prepared, signed, and dated by witnesses and included in the record of the case.
- b. The administrator shall contact reconcilers in the order in which their names surfaced in the blind draw, providing sufficient information regarding the parties and the matter(s) in dispute to enable potential reconcilers to determine whether a potential conflict of interest exists.
- c. The administrator shall forward to the selected reconciler the original signed copies of the statement of the matter in dispute and the statement of informal reconciliation efforts as the official record of the case. He/she may make duplicate copies for his/her files.
- d. The administrator shall also forward to the reconciler and all parties contact information for all parties to the dispute.
- e. The administrator shall also provide to all parties copies of the Bylaw Section 1.10 *Standard Operating Procedures Manual*, calling attention to pertinent sections of the manual.
- f. The ecclesiastical supervisor(s) associated with the parties shall also be informed by the administrator of the selection of the reconciler and his/her identity.

## ***2.3 Reconciler determines if informal efforts have been adequate***

If the reconciler determines that informal reconciliation efforts have been inadequate, the reconciler shall direct the parties to engage in further informal reconciliation efforts. Such additional time shall not exceed 60 days. (Bylaw 1.10.6.2)



- a. It is the responsibility solely of the reconciler to determine whether informal reconciliation efforts have been timely and adequate and truly face-to-face in the manner described in Matthew 18:15.
- b. When a dispute is over a specific action taken by a congregation or other party, the face-to-face meeting must take place after the action has been taken.
- c. If the reconciler determines that informal efforts have been inadequate, the parties shall follow the direction and guidance of the reconciler in addressing the matter informally.

#### ***2.4 Reconciler obtains reply from respondent and arranges formal meeting***

If informal reconciliation efforts do not resolve the matter, the reconciler shall direct the respondent to submit to the reconciler and the complainant a written reply responding to the statement of the matter in dispute. ... (Bylaw 1.10.6.3)

- a. It is essential that the written reply of the respondent be acquired. The original signed copy submitted to the reconciler shall become a part of the official record of the case maintained by the reconciler.
- b. The reply to the statement of the matter in dispute must be carefully prepared, containing factual assertions to address all matters included in the complainant's statement. The statement and the respondent's reply become the basis of all that follows throughout the dispute resolution process.
- c. Prior to any initial formal reconciliation meeting, the reconciler may meet in private with each of the parties to obtain an overview of the dispute, to assess the parties' attitudes and needs, to teach relevant biblical principles, and to assign any homework that will facilitate the reconciliation process. The reconciler shall give notice of such meetings to the other party/parties to the dispute.
- d. The reconciler may eventually discuss with the other parties any information that is obtained during an individual meeting.

#### ***2.5 Reconciler arranges formal meeting***

... The reconciler shall simultaneously arrange a formal reconciliation meeting with the parties to the dispute. Such meeting shall be scheduled by the reconciler at the earliest reasonable date possible, at a location which will minimize travel for the parties to the dispute. (Bylaw 1.10.6.3)

At the formal reconciliation meeting, the reconciler shall listen to the facts as presented by the parties to the dispute and seek to reconcile their differences on the basis of Christian love and forgiveness. With the approval of the reconciler, each party may, in the manner described in Matthew 18:16, bring one or two persons to the meeting "so that every matter may be established by their testimony." Such meeting shall not be open to the public, nor shall any formal record be made thereof. The reconciler may draw upon persons and resources that the reconciler deems necessary to assist in the reconciliation process. (Bylaw 1.10.6.4)

- a. A formal reconciliation meeting will normally include: (1) an introduction and opening prayer; (2) statements by each party clarifying the issues involved; (3) the presentation of each party's claims, defenses, and witnesses, as well as an opportunity for the other party to respond; (4) questioning by the reconciler; (5) a discussion, sometimes in private at first, of each party's responsibility for the dispute; (6) the application of relevant biblical and confessional principles; (7) a discussion of appropriate solutions to the dispute; (8) agreement on a solution; and (9) closing comments and prayer.
- b. The reconciler shall listen to the facts as presented by the parties to the dispute and seek to reconcile their differences on the basis of Christian love, forgiveness, and justice.
- c. A reconciler may meet separately (caucus) with any party during the course of a formal reconciliation meeting to discuss the party's attitudes, conduct, and responsibilities, or to discuss possible solutions to the dispute. As much as possible, the discussion during a caucus shall focus on the party who is present rather than on the absent party.
- d. The reconciler may eventually discuss with other parties any information that is obtained during a caucus.
- e. There is no limitation on the number of formal reconciliation meetings that the reconciler may arrange.
- f. If in the end the parties are unable to reach a voluntary agreement, the reconciler may take time in private for review of the case, Bible study, and prayer and then issue an advisory opinion as to what each party should do to resolve the dispute and facilitate reconciliation.

## ***2.6 Reconciler provides written report***

Upon conclusion of the formal reconciliation meeting or meetings, the reconciler shall prepare a written report which contains

- (1) the actions of the reconciler;
- (2) the issues that were resolved;
- (3) the issues that remain unresolved;
- (4) a statement whether reconciliation was achieved;
- (5) the statement of the complainant as to informal reconciliation efforts;
- (6) the statement of the matter in dispute; and
- (7) any reply by the respondent.

All other communication that takes place during the reconciliation process shall be considered strictly confidential, including all oral and written communications by the parties. The report, therefore, shall not contain any such information, nor shall it contain any opinion of the reconciler regarding the dispute. The report and the attachments shall be provided only to the parties to the dispute and the secretary of the Synod or district as appropriate. (Bylaw 1.10.6.5)

- a. A succinct, timely, thorough, and accurate report by the reconciler is essential, since no formal records of the reconciliation meetings are made and since the report will play an important part in any panel proceedings that may follow. The report shall

include the documents and all other content mentioned in the bylaw above before it is accepted by the secretary of the Synod or district. The report shall not include specific information and statements shared by the parties during the reconciliation process (all communication that takes place is to be considered strictly confidential). The report also shall not include any opinion of the reconciler regarding the issues or parties to the dispute.

- b. Copies of the report and its attachments shall be provided to the parties to the dispute at the same time as the report is provided to the secretary of the district or Synod.
- c. The report shall include any agreement or settlement that was reached by the parties.
- d. The original signed copy of the report remains with other original signed documentation from the case and becomes a part of the official record of the case, to be forwarded to the secretary of the district or the Synod as appropriate. If reconciliation is reached or if the complainant chooses not to have the matter presented to a Dispute Resolution Panel, the official record of the matter shall be retained in the office of the administrator for six (6) months after its receipt, following which time it shall be destroyed.

## ***2.7 Complainant may request Dispute Resolution Panel***

If the parties with the assistance of the reconciler have been unable to achieve reconciliation, the complainant shall notify the Secretary of the Synod within 15 days after receiving the report from the reconciler if the matter is to be presented to a Dispute Resolution Panel. (Bylaw 1.10.7)

- a. The request for a Dispute Resolution Panel shall be made in writing and signed and dated by the complainant and shall be included in the official record of the case.
- b. Upon receipt of the request for the formation of a Dispute Resolution Panel, the Secretary of the Synod shall, in cases in which a district reconciler was appointed, obtain from the secretary of the district the official documentation of the case including the report of the reconciler.
- c. A copy of the request shall be provided by the Secretary of the Synod to the other party to the dispute.
- d. When the choice is made to request a hearing before a panel, the Synod is duty-bound to finish its process. Should a member of the Synod decide to withdraw from the dispute resolution process at any time after the decision to request a hearing has been made, the process shall nonetheless be continued to its conclusion, with or without the full participation of both parties to the dispute.

## ***3. DISPUTE RESOLUTION PANEL (BYLAWS 1.10.7.1–1.10.8.1)***

### ***3.1 Dispute Resolution Panel is formed***

If the complainant requests the formation of a Dispute Resolution Panel, the Secretary of the Synod, or his representative, shall within 21 days select such a panel in the

prescribed manner and then forward to each panel member a copy of the report of the reconciler with its attachments. (Bylaw 1.10.7.1)

The Synod's roster of reconcilers shall comprise the list from which dispute resolution panel voting members will be selected. (Bylaw 1.10.13)

Each Dispute Resolution Panel shall consist of three voting members, at least one of whom shall be a minister of religion—ordained and one a layperson.

- (a) Nine names shall be selected by a blind draw from the dispute resolution roster.
- (b) No member of a panel shall be from the district in which the dispute arose or, if it is a Synod question, from any district in which a party holds membership. No two members of a panel shall be from the same district.
- (c) The list shall be mailed simultaneously to each party, who shall be entitled to strike three names and return the list to the Secretary of the Synod within one week.
- (d) The Secretary of the Synod shall correct any problem with the panel from the remaining names by blind draw according to the SOPM. In the event that additional names are needed, three names will be selected in the manner set forth above and those names submitted to each party who shall have a right to strike one. In the event that there is more than one remaining, the secretary shall determine the final member by a blind draw according to the SOPM from the remainder. (Bylaw 1.10.13.1)

The Dispute Resolution Panel shall select its own secretary from its members. (Bylaw 1.10.13.4)

- a. To accomplish a blind draw, such method shall be used by the Secretary of the Synod as will accomplish a truly "blind" draw from the eligible reconcilers, to be carried out in the presence of at least two (2) office staff or other neutral persons. A statement attesting to the blind draw shall be prepared, signed, and dated by the witnesses and included in the record of the case.
- b. Taking care not to include names from the district of the dispute, nine (9) names surfaced by the blind draw shall be sent to the parties to the dispute, allowing them to delete up to three (3) names if they choose to do so.
- c. The Secretary then shall contact as many of the remaining reconcilers as necessary in the order in which their names surfaced in the blind draw, taking care to honor the requirement that no two members of the panel shall be from the same district, this to broaden district representation and avoid any appearance of unfairness or the potential for undue influence.
- d. The Secretary shall provide sufficient information regarding the parties and the matter(s) in dispute to enable the reconcilers to determine whether a potential conflict of interest exists.
- e. As soon as the request for the formation of a Dispute Resolution Panel has been made by the complainant, the parties shall provide through the Office of the Secretary a written description of the issues and the desired remedies that they wish the panel to consider.
- f. The panel shall consider the issues and desired remedies submitted by the parties in addition to any issues identified by the reconciler in his/her report upon conclusion of the formal reconciliation meeting(s).
- g. The panel shall make the final determination of the issues to be decided.

Each Dispute Resolution Panel shall have a nonvoting hearing facilitator who will serve as chairman of the panel. ... (Bylaw 1.10.7.2)

The hearing facilitator shall be selected as follows:

- (a) Three names shall be selected by a blind draw according to the *SOPM* from the hearing facilitator roster.
- (b) No hearing facilitator shall be from the district in which the dispute arose or from any district in which a party holds membership or from any of the panel members' districts.
- (c) The list shall be mailed simultaneously to each party, who shall be entitled to strike one name and return the list to the Secretary of the Synod within one week.
- (d) The Secretary of the Synod shall correct any problem with the panel from the remaining names by blind draw according to the *SOPM*. In the event that additional names are needed, three names will be selected in the manner set forth above and those names submitted to each party, who shall have the right to strike one. In the event that there is more than one remaining, the Secretary shall determine the final member by a blind draw according to the *SOPM* from that remainder. (Bylaw 1.10.13.2)

- h. To accomplish a blind draw, such method shall be used by the Secretary of the Synod as will accomplish a truly "blind" draw from the eligible hearing facilitators, to be carried out in the presence of at least two (2) office staff or other neutral persons. A statement attesting to the blind draw shall be prepared, signed, and dated by the witnesses to the blind draw.
- i. Taking care not to include names from the districts of the disputants, three (3) names surfaced by the blind draw shall be sent to the parties to the dispute, allowing them to delete one of the names if they choose to do so.
- j. The Secretary shall then contact as many of the remaining hearing facilitators as necessary in the order in which their names surfaced in the blind draw, taking care to honor the requirement that no two members of the panel or its hearing facilitator shall be from the same district, this to broaden district representation and avoid any appearance of unfairness or the potential for undue influence.
- k. The Secretary shall provide sufficient information regarding the parties and the matter(s) in dispute to enable the hearing facilitators to determine whether a potential conflict of interest exists.

The hearing facilitator shall conduct the hearing, shall serve as chairman of the panel, and may draw upon persons and resources that he deems necessary for conducting a hearing in a fair and equitable manner. (Bylaw 1.10.13.3)

- l. The hearing facilitator administers the hearing of the panel by (1) communicating with the parties and the panel members to establish the date and location of the hearing, (2) arranging a preliminary conference with the parties, if necessary, for exchange of information and lists, (3) making arrangements for facilities and services essential to the hearing, (4) drawing upon persons and resources necessary for conducting a hearing in a fair and equitable manner, (5) overseeing provision of documentation to the panel members and other parties by the parties to the dispute, (6) establishing the agenda of the hearing, including the scheduling of the testimony

of witnesses, (7) chairing and facilitating the hearing, (8) acquiring and maintaining a complete record of all documents provided to the panel prior to and during the hearing, and (9) making certain that all rules and procedures are followed by all involved in the hearing.

### ***3.2 Location and date of hearing are chosen***

...Within 15 days after the appointment of the panel, the hearing facilitator shall confer with the parties and the Dispute Resolution Panel for the purpose of choosing a location and a date for the formal hearing of the matter. (Bylaw 1.10.7.2)

- a. There shall be no oral or written communication between the parties and panel members except as specifically provided in this manual.
- b. The hearing facilitator shall confer with the parties and the panel to arrange the time and place of the hearing, taking into particular consideration the needs and preferences of the parties. The facilitator shall also, as appropriate, help to determine the time, place, and other conditions of any subsequent meetings.
- c. The hearing facilitator shall provide at least ten (10) days' written notice of the time and place of a hearing unless the parties waive such notice.
- d. The parties are responsible for notifying their witnesses of the time and place of a hearing. The hearing facilitator shall be responsible for notifying the panel's witnesses.

### ***3.3 Formal hearing takes place***

The formal hearing before the Dispute Resolution Panel, conducted by a hearing facilitator, shall take place within 45 days after the selection of the location and date of the formal hearing, unless there is unanimous consent by the panel members for a short delay beyond such 45 days for reasons the panel deems appropriate. (Bylaw 1.10.7.3)

The following rules for the Dispute Resolution Panel shall apply:

(a) The hearing shall be private, attended only by the parties and one advisor of each party's choice, should any party desire one. This advisor shall not address the panel or participate in the discussion at the hearing. Witnesses who can substantiate the facts relevant to the matter in dispute may be called before and address the panel. The administrator of the process shall not attend the hearing or serve as a witness. The panel shall establish the procedure to be followed in the hearing and the relevancy of evidence so that each party shall be given an opportunity fully to present its respective position. In performing its duty, the panel shall continue efforts to reconcile the parties on the basis of Christian love and forgiveness. (Bylaw 1.10.7.4 [a])

- a. At the request of the parties or at the discretion of the panel, a preliminary conference of the hearing facilitator and the parties may be scheduled to arrange for an exchange of information and the stipulation of uncontested facts to expedite the panel proceedings.

- b. In large or complex cases and at the discretion of the panel, a preliminary hearing of the hearing facilitator and the parties may be scheduled for the production of relevant evidence, to identify potential witnesses, to schedule further hearings, and to consider other matters that will expedite the panel proceedings.
- c. The panel may require the parties, at their own expense, to deliver to the panel and to the other parties a list of the witnesses they plan to call and copies of the documents they plan to introduce (other than those already provided through the Office of the Secretary). A person to be called as a witness by either party may not serve as the advisor to either party. Expert witnesses are to be designated as such in the witness list provided. When expert witnesses are listed, the panel will determine whether such testimony will be helpful or necessary for resolution of the dispute.
- d. All documents shall be delivered in person, by electronic means, by United States mail, or by private carrier to the addresses of the parties provided to the Secretary of the Synod and forwarded to the panel and parties. Notice and other documents shall be considered to have been received on the day that they were personally received or transmitted electronically.
- e. The hearing facilitator shall be in charge of the formal hearing and shall serve as its moderator, facilitating the discussion during the meeting.
- f. A hearing before a Dispute Resolution Panel will normally include: (1) an introduction and opening prayer; (2) statements by each party clarifying the issues involved; (3) the presentation of each party's claims, defenses, and witnesses, as well as an opportunity for the other party to respond; (4) questioning by the panel members; (5) a discussion of each party's responsibility for the dispute; (6) the application of relevant biblical and confessional principles; (7) a discussion of appropriate solutions to the dispute; (8) closing arguments by the parties; and (9) closing comments by the panel members followed by prayer.
- g. Subject to other specific provisions of this manual, all evidence used by the panel shall be taken in the presence of all of the panel members and all of the parties, except when any of the parties has waived the right to be present, when a hearing proceeds in the absence of a party that fails to be present after due notice, or when one of the panel members is unable to continue to perform required duties.
- h. The panel may proceed with its hearing in the absence of any party who, after due notice, fails to be present or fails to obtain a postponement. The panel's final decision shall not be made solely on the basis of the default of a party. The panel shall request the party who is not present to submit such evidence as the panel may require for the making of its decision. The panel may, but need not, allow the absent party an opportunity to appear at a subsequent hearing attended by all parties.
- i. At its discretion, the panel may make an audio recording of the proceedings for its own use. No other recording of the proceedings aside from the participants' notes may be made by the parties in any manner.
- j. Closing comments shall include advising the parties of the right to appeal the decision of the panel, clarifying that an appeal that only asks for a review of evidence and a change of decision will not be considered. An appeal based upon a possibility that the panel has deviated from the Constitution and Bylaws of the Synod, or has failed to address an issue, or has made a decision beyond the issues previously determined by the panel, or has made a mistake of calculation or identification will be given consideration (Bylaw 1.10.8.2 [d]).

### 3.4 Panel issues written decision

(b) Within 30 days after the final hearing, the panel shall issue a written decision that shall state the facts determined by the panel and the reasons for its decision.

(c) The panel shall forward a copy of its decision to

- (1) each party to the matter in dispute;
- (2) the Secretary of the Synod;
- (3) the President of the Synod; and
- (4) the president of the respective district. (Bylaw 1.10.7.4 [b–c])

- a. The decision of the panel shall restate the issues decided and also state the facts determined by the panel and the reasons for its decision. [*See Appendix A and section IV, General Regulations, (D) Decisions.*]
- b. If the panel wishes to offer additional encouragement or counsel, this should be done via letter apart from the decision of the panel. This letter shall not become a part of the official record of the dispute case.
- c. If a party to a dispute or an ecclesiastical supervisor desires clarification of the panel decision, such request must be made in writing by the party or ecclesiastical supervisor to the chairman of the panel through the Office of the Secretary, with copies also provided to the other members of the panel. To the extent that a panel finds it necessary or appropriate to issue a clarification, such clarification, signed by the chairman of the panel, will then be returned to the Office of the Secretary, who shall forward copies to the parties to the dispute and their ecclesiastical supervisor(s). Such clarification becomes a part of the official record. Such request for clarification does not affect the 15-day deadline for an appeal.
- d. In its decision, the panel may award any remedy or relief that is deemed scriptural, just, and equitable. It must remain within the scope of the issues defined by the panel, including but not limited to specific performance of a contract. In making its decision, the panel should consider but is not limited by remedies requested by the parties. Any monetary award in a decision should clearly set forth the party that is obligated to pay such monetary award and the manner in which it is to be paid.
- e. If the parties settle their dispute during the course of the panel hearing or prior to the rendering of a decision, the panel should set forth the terms of the agreed-upon settlement in the decision.
- f. The written decision must be signed by all members of the panel who participated in the hearing and decision. In the interest of meeting time requirements, the decision should be circulated via overnight mail. When properly signed, it is the responsibility of the hearing facilitator to forward the decision to the required recipients (see bylaw text above).
- g. The original copy of the decision with signatures attached becomes a part of the official record of the case. The entire record should be forwarded to the Secretary of the Synod with his copy of the decision.



### ***3.5. Decision is subject to appeal***

(d) Subject to request for review or appeal (contemplated or pending), the final decision of a Dispute Resolution Panel shall

- (1) be binding upon the parties to that dispute;
- (2) have no precedential value;
- (3) be carried out by the appropriate person, group, or member of the Synod; and
- (4) be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod. (Bylaw 1.10.7.4 [d])

- a. The decision of the panel is not final until the 15-day period of time for appealing the decision has expired. The prohibition against publicity applies during the 15-day period.
- b. Clarification of an opinion may be requested (see under 3.4 above); such request for clarification does not affect the 15-day deadline for an appeal.
- c. If there is no appeal of the decision, the Secretary of the Synod shall transfer the entire record of the case to Concordia Historical Institute as a permanent record.

### ***3.6 Parties or President of the Synod may appeal the decision***

Within 15 days after receiving the decision of the Dispute Resolution Panel, any party to the dispute or the President of the Synod, if a question of doctrine or practice is involved (Constitution Art. XI B 1–3), may appeal the decision. The President may also request that an opinion of the Commission on Constitutional Matters or the Commission on Theology and Church Relations be obtained. (Bylaw 1.10.8)

Such appeal shall be mailed to the Secretary of the Synod, each member of the Dispute Resolution Panel, and the other parties to the dispute and shall be accompanied by a written memorandum stating the basis of the request. (Bylaw 1.10.8.1)

- a. An appeal request must be made in writing and must be postmarked or otherwise delivered to meet the 15-day deadline.
- b. In keeping with his responsibility for overall ecclesiastical supervision, the President of the Synod may wish to pursue any concerns with the decision with one of the mentioned commissions, as appropriate.
- c. A party appealing a decision of a Dispute Resolution Panel shall include with the appeal request a memorandum providing the basis for the request. Such basis should be specific and should relate to the standards of review provided under 4.1 below.
- d. The Secretary of the Synod shall provide a copy of the request to the hearing facilitator for distribution to the Dispute Resolution Panel.

## 4. APPEAL PANEL (BYLAWS 1.10.8.2–1.10.8.3)

### 4.1 Appeal Panel is formed

Within 21 days after receipt, an Appeal Panel shall be selected in the prescribed manner, ... (Bylaw 1.10.8.2)

The Appeal Panel shall be made up of three district presidents who shall be trained for such service.

(a) One district president shall be selected by the complainant, one selected by the respondent, and the third selected by the two appeal panel members so selected.

(b) If the two appeal panel members cannot agree on a third, the Secretary of the Synod shall select the third member by blind draw according to the SOPM from the remaining district presidents. (Bylaw 1.10.14)

- a. Reception of the appeal request by the Secretary of the Synod establishes its receipt date and the starting date for the 21-day deadline for the selection of the Appeal Panel.
- b. The Secretary of the Synod shall provide the communications necessary to accomplish the selection of the panel in the prescribed manner.
- c. If either party fails to make a selection, the Secretary of the Synod shall make the necessary selection by blind draw, names to be used in the order surfaced. To accomplish a blind draw when necessary, such method shall be used by the Secretary of the Synod as will accomplish a truly “blind” draw from the eligible district presidents, to be carried out in the presence of at least two (2) office staff or other neutral persons. A statement attesting to the blind draw shall be prepared, signed, and dated by witnesses and included in the record of the case.
- d. After the selection of the Appeal Panel, the Secretary shall name one member to serve as convener of the panel, which shall select a chairman during its initial meeting, usually via conference call.

### 4.2 Appeal Panel is informed

... [T]he Secretary of the Synod shall send the appeal to each panel member.

(a) Copies of the entire record of the case, including the full report of the reconciler, the decision and all documentary evidence considered by the Dispute Resolution Panel, and the written request shall be provided to the members of the panel. The panel shall make its decision on the basis of the minutes and written decision of the Dispute Resolution Panel and the documentary evidence received and reviewed.

(b) The panel shall concern itself only with those issues originally addressed by the Dispute Resolution Panel, unless issues were identified by the Dispute Resolution Panel for which it did not make a decision.

(c) The panel shall decide only whether to approve reconsideration of the decision of the Dispute Resolution Panel. The panel shall not approve a request for a new hearing on the basis of newly discovered evidence unless such evidence was clearly

not available to the Dispute Resolution Panel and was not the fault of the party requesting the reopening of the case, and unless it is clear that the absence of such evidence resulted in a gross miscarriage of justice.

(d) The standards of review, which define the parameters for the panel's consideration of an appeal, limit the panel's review to three basic areas.

(1) Factual findings: The Appeal Panel shall review factual finds of the Dispute Resolution Panel only to determine if they are supported by evidence. The Appeal Panel shall not ordinarily sit in judgment of the Dispute Resolution Panel's conclusions regarding evidence, since that panel was in the best position to judge factual issues. The Appeal Panel must be convinced that a mistake has been committed, that is, that the evidence is such that reasonable minds could not disagree.

(2) Conclusions on authority: The Appeal Panel may approve an appeal if the Dispute Resolution Panel was clearly outside its authority, e.g., a decision that the panel had no authority to make under the Constitution and Bylaws, or a decision on an issue not identified by the Dispute Resolution Panel, or a decision on a theological question that the panel had no authority to make.

(3) Discretionary acts: The Appeal Panel may approve an appeal if there was a clear abuse of discretion impacting the decision of the Dispute Resolution Panel, resulting in a gross miscarriage of justice, or that involves an obvious and inappropriate bias or prejudice. (Bylaw 1.10.8.2)

- a. After studying the materials and meeting to discuss the matter, usually via conference call, the Appeal Panel makes no other decision than whether or not to grant the appeal request that the Dispute Resolution Panel decision be reconsidered by a Review Panel.
- b. The appeal request shall be granted only under limited circumstances, thereby to prevent a miscarriage of justice due to a significant and obvious error by the Dispute Resolution Panel.
- c. The standards of review, which define the parameters for the panel's consideration of an appeal, limit the panel's review to the three basic areas outlined in the bylaw.
- d. The Appeal Panel may deny a request for reconsideration if it determines that the decision of the Dispute Resolution Panel is correct, even though it may have been based on erroneous grounds.

#### ***4.3. Appeal Panel issues written decision***

Within 30 days after its formation, the Appeal Panel shall issue its written decision in response to the request for reconsideration. (Bylaw 1.10.8.3)

- a. The decision of the Appeal Panel (*Appendix B*) shall be sent by the chairman of the panel in writing to the Secretary of the Synod for distribution to the members of the Dispute Resolution Panel, the parties to the dispute, the President of the Synod, and any involved district president(s).
- b. The decision of the panel becomes a part of the official record of the case.
- c. If the request for reconsideration is not granted, the decision of the Dispute Resolution shall be regarded as final and binding upon the parties to the dispute.

- d. The Secretary of the Synod shall transfer the entire record of the case to Concordia Historical Institute as a permanent record (Bylaw 1.10.18.1 [g]).

## 5. REVIEW PANEL (BYLAWS 1.10.8.4–1.10.8.5)

### 5.1 Review Panel is formed

If an appeal is granted, the Secretary of the Synod, or his representative, shall, within 21 days, select a Review Panel in the prescribed manner. ... (Bylaw 1.10.8.4)

Review Panel members shall be selected from the Synod's roster of reconcilers. (Bylaw 1.10.15)

Each Review Panel shall consist of three voting members, at least one of whom shall be a minister of religion--ordained, and at least one layperson.

(a) Nine names shall be selected by a blind draw according to the SOPM from the roster of reconcilers of the Synod.

(b) No member shall be from the district in which the dispute arose, or, if it is a Synod question, from any district in which a party holds membership. No two members of a panel shall be from the same district.

(c) The list shall be mailed simultaneously to each party, who shall be entitled to strike three names and return the list to the Secretary of the Synod within one week.

(d) The Secretary of the Synod shall correct any problem with the panel from the remaining names by blind draw according to the SOPM. In the event additional names are needed, three names will be selected in the manner set forth above and those names submitted to each party who shall have the right to strike one. In the event that there is more than one remaining, the Secretary shall determine the final member by a blind draw according to the SOPM from that remainder. (Bylaw 1.10.15.1)

The hearing facilitator shall be selected as follows:

(a) Three names shall be selected by a blind draw according to the SOPM from the hearing facilitator roster.

(b) No hearing facilitator shall be from the district in which the dispute arose or from any district in which a party holds membership or from any of the panel members' districts.

(c) The list shall be mailed simultaneously to each party, who shall be entitled to strike one name and return the list to the Secretary of the Synod within one week.

(d) The Secretary of the Synod shall correct any problem with the panel from the remaining names by blind draw according to the SOPM. In the event additional names are needed, three names will be selected in the manner set forth above and those names submitted to each party, who shall have the right to strike one. In the event that there is more than one remaining, the Secretary shall determine the final member by a blind draw according to the SOPM from that remainder. (Bylaw 1.10.15.2)

The Review Panel shall select its own secretary from its members. (Bylaw 1.10.15.4)

The hearing facilitator shall administrate the hearing, shall serve as chairman of the panel, and may draw upon persons and resources that he/she deems necessary for conducting a hearing in a fair and equitable manner. (Bylaw 1.10.15.3)

- a. See sections 3.1 and 3.2 above detailing the procedure for the formation of a Dispute Resolution Panel for the procedure to be used for the formation of a Review Panel.

## ***5.2 Procedure of Dispute Resolution Panel may be followed***

...The Review Panel shall generally decide the issue by following the procedure used by a Dispute Resolution Panel (Bylaws 1.10.7ff.) but may decide the issue on the record without further formal hearing if deemed sufficient and appropriate. (Bylaw 1.10.8.4)

- a. In most cases, a serious error by the Dispute Resolution Panel is the reason for granting a request for reconsideration by a Review Panel, which error may call into question the reliability of the existing record. In addition, the written record cannot convey the oral testimony and conversation that necessarily takes place during a hearing. For these reasons, the bylaw establishes the norm that the Review Panel will conduct a formal hearing unless the existing record is judged by the Review Panel to be sufficient and appropriate.
- b. See sections 3.3 and 3.4 above detailing the procedure used by a Dispute Resolution Panel for the procedure to be used by a Review Panel to conduct its own formal hearing.

## ***5.3 Review Panel issues final decision***

The final decision of the Review Panel shall

- (a) be binding upon the parties to that dispute and not be subject to further appeal;
- (b) have no precedential value;
- (c) be carried out by the appropriate person, group, or member of the Synod; and
- (d) be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod. (Bylaw 1.10.8.5)

- a. The decision of the panel shall be in writing, shall restate the issues decided, and shall state the facts determined by the panel and the reasons for its decision. If the panel wishes to offer additional encouragement or counsel, this should be done via letter apart from the decision of the panel. This letter shall not be considered a part of the official record of the dispute case.
- b. The panel's decision may award any remedy or relief that is deemed scriptural, just, and equitable. It must remain within the scope of the issues defined by the panel, including but not limited to specific performance of a contract. In making its decision, the panel should consider but is not limited by remedies requested by the parties. Any monetary award in a decision should clearly set forth the party that is obligated to pay such monetary award and the manner in which it is to be paid.
- c. If the parties settle their dispute during the course of the panel hearing or prior to the rendering of a decision, the panel should set forth the terms of the agreed-upon settlement in the decision.
- d. The written decision must be signed by all members of the panel who participated in the hearing and decision. In the interest of meeting time requirements, the decision

should be circulated via overnight mail. When properly signed, it shall be forwarded to the required recipients (see Bylaw 1.10.7 [c], included above, under 3.4) by the hearing facilitator.

- e.* The original copy of the decision with signatures attached becomes a part of the official record of the case, to be forwarded to the Secretary of the Synod with his copy of the decision.
- f.* The decision of the Review Panel is final and without opportunity for appeal.
- g.* If a party to a dispute or an ecclesiastical supervisor desires clarification of the panel decision, such request must be made in writing by the ecclesiastical supervisor to the chairman of the panel through the Office of the Secretary, with copies also provided to the other members of the panel. To the extent that a panel finds it necessary or appropriate to issue a clarification, such clarification, signed by the chairman of the panel, will then be returned to the district president through the Office of the Secretary, with copies provided to the parties to the dispute. Such clarification becomes part of the official record of the dispute case.
- h.* The Secretary of the Synod shall transfer the entire record of the case to Concordia Historical Institute as a permanent record (Bylaw 1.10.18.1 [g]).

## APPENDIX A: DECISION OF DISPUTE RESOLUTION PANEL / REVIEW PANEL

### Names of Parties Involved

Complainant(s): \_\_\_\_\_

Respondent(s): \_\_\_\_\_

### Hearing Information

*[Date, place, and time of hearing(s); persons present; names of witnesses, if any; general outline of hearing(s).]*

### Issues to Be Decided

*[Issue(s) identified by parties]*

*[Additional issue(s) identified by panel]*

### Summary of Decisions on the Issues

*[Final decision regarding issue(s) identified by parties]*

*[Final decision regarding issue(s) identified by panel]*

### Basis for Panel Decisions

*[Repeat each final decision, provide facts to support decision, and summarize reason(s) for conclusion reached]*

*[A panel decision should also include information regarding possible appeal of the panel's decision.]*

### Signature of Panel Members

This concludes the decision of this panel.

Respectfully submitted,

Signature of Panel Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Panel Member: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Panel Member: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Hearing Facilitator: \_\_\_\_\_ Date: \_\_\_\_\_

*Panel Secretary: Circulate via overnight mail to acquire signatures of all panel members participating in the hearing and the decision.*

*Hearing Facilitator: Send, by a means allowing the date of receipt to be verified, a copy of the signed decision to each party to the matter in dispute and to the President of the Synod. Send a copy of the signed decision to the district president(s) of the parties. Send fully signed original with the record of the case by overnight mail to the Secretary of the Synod. An advance electronic copy of the decision is appreciated.*

## APPENDIX B: DECISION OF APPEAL PANEL

### Names of Parties Involved

Complainant(s): \_\_\_\_\_

Respondent(s): \_\_\_\_\_

### Meeting Information

*[Provide date, time, and manner in which the panel conferred.]*

### Issue to be Decided

*[The only decision to be made by the Appeal Panel will be whether to approve reconsideration of the Dispute Resolution Panel decision.]*

### Standards of Review

*[The standards of review of the Dispute Resolution Panel decision are limited to three areas (Bylaw 1.10.8.2[d]). Indicate that / how the three were considered.]*

*[If a review panel is granted, the appeal panel may choose (but is not required) to support its decision by identifying the area(s) and cause(s) that prompted the decision.]*

### Decision of the Panel

*[State clearly the decision of the panel, whether it*

\_\_\_ *approves*

\_\_\_ *does not approve*

*reconsideration of the Dispute Resolution Panel decision by a Review Panel.]*

### Signature of Appeal Panel Chairman

Respectfully submitted, \_\_\_\_\_ *[Signature of Panel Chairman]* Date: \_\_\_\_\_

Names of Appeal Panel Members: \_\_\_\_\_, Chairman

\_\_\_\_\_

\_\_\_\_\_

*Send original signed decision to: Secretary of the Synod. An advance, faxed or e-mailed signed copy is helpful, as the Secretary of the Synod will forward copies to: (1) Dispute Resolution Panel members; (2) the parties to the dispute; (3) the President of the Synod; (4) any involved district president(s).*