

MINUTES

COMMISSION ON HANDBOOK

Omni Hotel, Atlanta GA

November 20–21, 2015

73. Call to Order / Opening Devotion

Chairman Gordon Tresch called the meeting to order with all members present except George Gude, absent due to a schedule conflict, and called on Secretary Raymond Hartwig, devotional leader for the meeting, to provide an opening devotion.

74. Review of Convention-Related Responsibilities

Chairman Tresch led the commission in a discussion of its responsibilities over Floor Committee Weekend (May 27–30, 2016) and at the Synod convention in Milwaukee (July 9–14, 2016).

75. Approval of Overture to the 2016 LCMS Convention re Uniformity of Relationship and Asset Disposition Language in Governing Documents of Corporate Agencies of the Synod

The commission reviewed the following overture, noting that, except for minor differences, it has already been approved for submission to the 2016 LCMS convention by the Synod's Board of Directors and Council of Presidents. After discussion, a motion was introduced and carried to submit the overture to the 2016 convention as follows.

To Assure Uniformity of Relationship and Asset Disposition Language in Governing Documents of Corporate Agencies of the Synod

Rationale

As the various corporations of the Synod were established, different reversionary language was used to make clear that all property of its agencies is the "Property of the Synod" (with the exception of assets held by the Lutheran Church Extension Fund—Missouri Synod and by any agency in a fiduciary capacity such as administered by Concordia Plan Services or certain funds held by the Lutheran Church—Missouri Synod Foundation—see Synod Bylaw 1.2.1 [q]). Such variety led the 1981 LCMS convention to adopt Res. 5-07 to provide "definite procedures and policies for the establishment of additional corporations within the Synod."

More recently, legal counsel advised that it would be helpful for the unity and interests of the Synod if clear and consistent relationship and property reversionary language be included in the Articles of Incorporation of all corporate agencies, new and old. This interest resulted in the adoption by the 2004 LCMS convention of Res. 4-11, requiring the inclusion of "clear relational and property reversionary provisions in the Articles of Incorporation of all corporate agencies." Such provisions were developed by the Commission on Structure with the assistance of special legal counsel, to be included *verbatim* in the Articles of Incorporation of all corporate entities of the Synod, "not to be altered or deleted without the approval of the Synod, in convention, or the Board of Directors of the Synod."

Ongoing efforts by the Commission on Constitutional Matters (including the creation of a model articles of incorporation document) to see to it that such language is found in all agency Articles of Incorporation has resulted in unforeseen difficulties and concerns, including not-for-profit corporation laws with requirements that vary from state to state. This was a subject of discussion at a joint meeting of the Council of Presidents, Commission on Constitutional Matters, and Commission on Handbook on November 20, 2014, resulting in the naming of a "Resolution 4-11 Committee" to represent the three groups. The committee's assignment was to recommend next steps for the implementation, modification, or rescission of Res. 4-11 while continuing to honor the intentions of the resolution (and those of 1981 Res. 5-07).

As the committee reviewed its assignment, it requested comments regarding the resolution from the corporate agencies of the Synod while also examining how the provisions of Res. 4-11 impact LCMS

organizational documents. After a series of telephone conference meetings, the committee requested the assistance of the Synod's legal counsel, Thompson Coburn LLP, to consider comments received in response to the letter to the corporate agencies, to review the interaction of Res. 4-11 with provisions of the LCMS organizational documents, and to consider a new approach to the entire matter of uniformity of reversionary language.

The end result of the Resolution 4-11 Committee's work is this overture to the 2016 LCMS convention, proposed with the assistance of LCMS legal counsel. It is consistent with existing LCMS organizational documents and advocates rescinding 2004 Res. 4-11, superseding pertinent portions of 1981 Res. 5-07, and adopting a new Bylaw 1.5.3.6.

Proposed Action by the Convention

Therefore be it

Resolved, That 2004 Res. 4-11 be herewith rescinded in lieu of the adoption of new Bylaw 1.5.3.6 by this convention to accomplish the same expectations but in a manner more amenable to legal and other requirements of the Synod's various corporate agencies; and be it further

Resolved, That those portions of 1981 Res. 5-07 pertaining to matters now addressed by the adoption of new Bylaw 1.5.3.6 be superseded by this convention action and its new Bylaw 1.5.3.6; and be it finally

Resolved, That new Bylaw 1.5.3.6 be adopted as follows:

PROPOSED WORDING

1.5.3.6 Notwithstanding anything in the Bylaws to the contrary, the Articles of Incorporation or other governing documents of each agency shall contain the following provisions:

(a) That in the event of dissolution other than by direction from the Synod in convention, the assets of such agency, subject to its liabilities, shall be transferred, consistent with applicable state and federal laws, as follows:

(1) In the case of a district, university, college, or seminary, to The Lutheran Church—Missouri Synod as may be more specifically described elsewhere in these Bylaws;

(2) In the case of a corporation formed by an agency (as defined in these Bylaws), to the agency that formed the dissolving corporation, or if such forming agency is not then in existence, to The Lutheran Church—Missouri Synod itself.

(b) That all provisions of its Articles of Incorporation and Bylaws are subject to the provisions of the Constitution, the Bylaws, and the resolutions of the Synod in convention.

An agency may submit any concerns related to the inclusion of subsections (a) or (b) in its governing documents to the Board of Directors of the Synod, and the Board of Directors may determine to permit the removal or modification of these provisions for an affected agency.

And be it finally

Resolved, That the agencies of the Synod accommodate the requirements of this bylaw change in time for the Commission on Constitutional Matters to report the status of compliance to the 2019 convention of the Synod.

76. To Clarify Bylaws Governing Concordia University System Faculty Policies and Dispute Resolution (13-033)

Secretary Raymond Hartwig introduced a proposed overture to the 2016 convention to provide clarity to the Synod's Bylaws regarding faculty policies and dispute resolution following action taken by the 2013 convention. After review and discussion, the following resolution was introduced and adopted for submission to the 2016 convention, a copy of the minutes for this action to be provided to the President of the Concordia University System for distribution to the Synod's colleges and universities.

To Provide Clarity to Bylaws Governing Concordia University System Faculty Policies and Dispute Resolution

Rationale

2013 Convention Res. 5-06A “To Revise Bylaw 3.10.5.6 re College and University Faculties” removed much of the content of Bylaws 3.10.5.6ff as being no longer relevant at the Synod level, thereby to allow boards of regents to set their own policies governing faculty and academic matters.

Res. 5-06A replaced the deleted bylaw paragraphs with new paragraphs requiring each educational institution to state policies and procedures related to faculty matters (3.10.5.6.1), to state terms and conditions of employment and limitations on academic freedom in appointment documents (3.10.5.6.2), and to provide a formal procedure for carrying out performance reviews on a regular basis (3.10.5.6.3).

Res. 5-06A also detailed proper causes for termination of faculty employment (3.10.5.6.4), retained bylaw language regarding consequences of the removal of faculty members from the roster of the Synod (3.10.4.6.1), and added a bylaw requiring Concordia University System dispute resolution guidelines for use by faculty members who wish to challenge a termination decision (3.10.5.6.4.2).

This process of removing former Bylaws 3.10.5.6ff resulted in newly adopted bylaws that are less than clear in their expectations for dispute resolution related to faculty employment and academic matters. In addition, Res. 5-06A also removed the former Bylaw 3.10.5.6.9 governing the handling of complaints against academic institutions’ faculty or administration.

The following proposed bylaw amendments will clarify the wording of the replacement bylaw paragraphs and essentially restore the dispute resolution process for addressing complaints against faculty or administration members.

Proposed Action

Therefore be it

Resolved, That new Bylaws 3.6.6.7 and 3.6.6.8 governing Concordia University System policy administration and dispute resolution be adopted as follows:

PRESENT/PROPOSED WORDING

Concordia University System

...

~~3.10.5.6.1~~

3.6.6.7 The Concordia University System Board of Directors shall maintain in its policies a list of subject matters that each educational institution shall state must address in its own policies and procedures, related to include faculty appointments, employment contracts, contract renewal, contract termination, faculty organization, modified service, and sabbaticals, and dispute resolution within the Concordia University System’s Standard Operating Procedures Manual for Dispute Resolution.

3.6.6.8

The Concordia University System Board of Directors shall maintain and implement the following dispute resolution process to respond to any complaint regarding an institution’s faculty or administration, including those arising out of Bylaw 3.10.5.6.4, with the exception of complaints belonging under Bylaw sections 2.14 and 2.17 that must be referred to a district president.

(a) If a board of regents receives a complaint against a member of that institution’s faculty or administration concerning any matter, it shall, except in situations which may place the complainant at personal risk, direct him/her first to meet face-to-face with the respondent in the manner described in Matthew 18:15 in an attempt to resolve the issue. The president of the institution shall ordinarily assist in this attempt. If he is the respondent, the chairman of the board of regents shall act in his stead.

(b) If the complainant is of the opinion that such informal reconciliation efforts have failed and wishes to continue to pursue the matter, he/she shall prepare a written statement of the matter in dispute and a written statement setting forth in detail the efforts that were made to achieve information reconciliation. These statements shall be provided to the board of regents and the respondent.

(c) Within 21 days after receipt of the written statements of the complainant, the respondent shall submit a written reply to the board of regents and the complainant. If the respondent fails to reply, the allegations of the statement of the matter in dispute shall be deemed accepted.

(d) If, after receipt of the respondent's reply or no reply, the board of regents determines that all informal reconciliation efforts have failed, it shall (within one month) form a Review Committee of five persons chosen as follows:

(1) The complainant and the respondent shall each select one faculty member and one regent.

(2) The Secretary of the Synod shall select the fifth member of the committee by blind draw from the Synod's roster of hearing facilitators, who shall serve as chairman of the committee.

(e) If the board decides that the matter is of such a nature that the interests of the institution will best be served by limiting the activities of the respondent, it may do so. However, contractual obligations of the institution shall continue until the matter is resolved.

(f) The review committee shall proceed as follows:

(1) The committee shall hold its first hearing no later than 60 days after the last committee member has been appointed.

(2) The chairman of the committee shall notify the complainant and the respondent, at least 28 days in advance, of the date, time, and place of the said hearing.

(3) 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 a right to an interpretation from the Commission on Constitutional Matters. The request for an opinion must be made through the Review Committee, which shall determine the wording of the question(s). The request for an opinion must be made within four weeks of the final formation of the review committee. If a party does not request such an opinion within the designated time, such a request may still be made to the Review Committee, which shall, at its discretion, determine whether the request shall be forwarded. The Review Committee

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. When an opinion has been requested, the time limitations will not apply until the opinion has been received by the parties. Any opinion received must be followed by the Review Committee.

(4) All hearings shall be private, attended only by the parties and the witnesses who can substantiate the facts relevant to the matter in dispute. The Review Committee shall follow the procedures set forth in the *Standard Operating Procedures Manual* for this bylaw to be followed in the hearing and shall establish the relevancy of evidence so that each party shall be given an opportunity to present fully its respective position. In performing its duty, the Review Committee shall continue efforts to reconcile the parties on the basis of Christian love and forgiveness. If a party is a board or commission of the Synod or one of its districts, it shall be represented by its chairman or a designated member.

(5) Within 60 days after completion of the hearing, the Review Committee shall issue a written decision which shall state the facts determined by the committee and the reasons for its decision and forward them to the parties and the board of regents. The board of regents shall then take appropriate action, which shall be final.

(g) If the committee decides that there is a valid complaint

(1) regarding matters under Bylaw 3.10.5.6.4 (a)–(c) and (g)–(j), it may take whatever action it deems appropriate, including recommendation for termination of the employment contract;

(2) regarding matters under Bylaw 3.10.5.6.4 (d)–(f), if the member of the institution's faculty or administration is a member of the Synod, it must also refer the

complaint to the district president, who shall follow the procedure set forth in Bylaw sections 2.14 or 2.17.

(h) At every stage of the above-described procedure, all parties must be furnished copies of all documents filed.

(i) Any decision made pursuant to Bylaw 3.6.6.8 shall be final and binding on the parties involved with no right of further appeal.

(j) In consultation with the Commission on Constitutional Matters, the Board of Directors of Concordia University System shall maintain a *Standard Operating Procedures Manual* to accompany this process, which shall serve as a comprehensive procedures manual for this bylaw.

And be it further

Resolved, That Bylaws 3.10.5.6ff governing Concordia University System faculties administration be amended as follows:

Concordia University System Faculties

- 3.10.5.6 The faculty of each college or university of the Synod shall consist of the president, the full-time faculty, and the part-time faculty.
- 3.10.5.6.1 ~~The Concordia University System Board of Directors shall maintain in its policies a list of subject matters that Each educational institution shall state must address in its own policies and procedures, related to include faculty appointments, employment contracts, contract renewal, contract termination, faculty organization, modified service, and sabbaticals, and dispute resolution within the Concordia University System's *Standard Operating Procedures Manual for Dispute Resolution*.~~
- 3.10.5.6.2 Except as otherwise provided in these Bylaws, the board of regents, on recommendation of the president of the institution, shall appoint all full-time members of the faculty. The terms and conditions of every appointment shall be stated in writing and be in the possession of both the institution and the prospective faculty member before the appointment is consummated. Limitations of academic freedom because of the religious and confessional nature and aims of the institution shall be stated in writing at the time of the appointment and conveyed to the person being appointed. Faculty members, full- and part-time, shall pledge to perform their duties in harmony with the Holy Scriptures as the inspired Word of God, the Lutheran Confessions, and the Synod's doctrinal statements.
- 3.10.5.6.3 A formal procedure shall be in place to carry out performance reviews for all faculty on a regular basis.
- 3.10.5.6.4 Other than honorable retirement, termination of faculty employment may only be the result of the following:
- (a) professional incompetency
 - (b) incapacity for the performance of duty
 - (c) insubordination
 - (d) neglect of or refusal to perform duties of office
 - (e) conduct unbecoming a Christian
 - (f) advocacy of false doctrine (Constitution Art. II) or failure to honor and uphold the doctrinal position of the Synod as defined further in Bylaw 1.6.2 (b)
 - (g) discontinuance of an entire program (e.g., social work, business)
 - (h) discontinuance of an entire division or department (e.g., modern foreign language) of a college or university
 - (i) reduction of the size of staff in order to maintain financial viability in compliance with policies concerning fiscal viability
 - (j) discontinuance, merger, or consolidation of an entire college or university operation
- 3.10.5.6.4.1 A faculty member who is on the roster of the Synod is under the ecclesiastical supervision of the Synod. In the event a member is removed from membership in the Synod pursuant to

procedure established in these bylaws, then that member is also considered removed from the position held and shall be terminated forthwith by the board of regents.

- 3.10.5.6.4.2 An appeal process ~~following Concordia University System's Standard Operating Procedures Manual for Dispute Resolution~~ provided by the Concordia University System Board of Directors shall be in place for use by faculty members who wish to challenge a termination decision.

77. Circuit Forums v. Electoral Circuit Forums (13-047)

Current Bylaw section 5.3 fails to differentiate clearly between circuit forums and their responsibilities and the unique nature of electoral circuits, referred to in Bylaw 3.1.2 (a). After discussion, the commission agreed to the following bylaw changes, to be submitted to the 2016 convention as follows.

To Clarify Bylaws re Circuit Forums and Electoral Circuit Forums

Rationale

Current Bylaw section 5.3, which defines and details the responsibilities of visitation circuit forums, includes information regarding electoral circuit meetings (as anticipated by Bylaw 3.1.2). Removing those references from Bylaw section 5.3 and inserting them into Bylaw 3.1.2 will provide additional clarity for distinguishing between visitation and electoral circuits. The Commission on Handbook therefore proposes the following bylaw changes.

Proposed Action

Therefore be it

Resolved, That new wording be introduced into Bylaw 3.1.2 that retains and relocates the content of current Bylaw 5.3.3 regarding electoral circuit meetings, as follows:

Electoral Circuits and Voting Delegates

- 3.1.2 ~~Voting delegates shall consist of one pastor and one layman from each electoral circuit. Electoral circuits shall meet as required by the Bylaws of the Synod to elect circuit voting delegates to the Synod's national conventions.~~

(a) An electoral circuit shall consist either of one or two adjacent visitation circuits, as shall be determined by the district board of directors on the basis of the following requirements: each pair of delegates shall represent from 7 to 20 member congregations, involving an aggregate communicate membership ranging from 1,500 to 10,000.

(b) Voting delegates shall consist of one pastor and one layperson from each electoral circuit. These pastoral and lay delegates and their alternates shall be elected according to the regulations of the Synod (Bylaw 3.1.2.1).

(c) Exceptions to these requirements may be made only by the President of the Synod upon request of a district board of directors.

(d) The lay delegate shall serve throughout the triennium following the convention as an advisory member of the circuit forum.

And be it further

Resolved, That Bylaw 5.3.3 be amended to read as follows:

- 5.3.3 The circuit forum ~~shall will~~ meet at least once triennially to elect a circuit visitor (Bylaw 5.2.2). circuit delegates to the national convention. It shall elect the pastoral and lay delegates and their alternates to the national convention of the Synod according to the regulations of the Synod. The lay delegate shall, upon election, serve through the triennium following the next convention as an advisory member of the circuit forum.

78. 2016 Handbook Index Revision (13-049)

Secretary Hartwig provided a draft of a proposed revision of the Index of the *Handbook* when the 2016 edition is prepared by the commission. After review, a motion was introduced and carried to approve use of the draft and attach a copy as an *addendum* to the protocol copy of these minutes.

79. Availability of Dispute Resolution Process (13-065)

Synod Bylaw 1.10.2, which specifies the parties for whom the Synod's dispute resolution process is available lacks clarity. After discussion, the following proposed overture to the 2016 convention was adopted.

To Clarify Availability of Dispute Resolution Process

Rationale

The Synod strongly values its process for dispute resolution and requires that disputes between eligible parties be adjudicated using the process outlined in Bylaw section 1.10. Over the course of time, the current wording of Bylaw 1.10.2 has been identified as potentially causing confusion regarding who is eligible to use the process. The Commission on Handbook proposes a number of bylaw changes to update the terms used.

In addition, the bylaw includes "persons involved in excommunication" among parties for whom the Synod's conflict resolution procedures are designed. However, the only other mention in Bylaw section 1.10 of cases involving excommunication, Bylaw 1.10.10.2, which identifies four situations in which district reconcilers may be used, speaks of "[p]rocedural questions involved in excommunication cases." The current wording of Bylaw 1.10.2 often leads parties involved in excommunication to have unrealistic expectations, including the expectation that the process will deal with the issues which led to the excommunication rather than only addressing procedural questions.

Finally, because the persons involved may be lay persons who are not under "ecclesiastical supervision" as defined in Bylaw 1.2.1 (i), they have no ecclesiastical supervisor to consult with as directed by Bylaws 1.10.5 and 1.10.6. The following simple changes will help to provide clarity on both counts.

Proposed Action

Therefore be it

Resolved, That Bylaws 1.10.2, 1.10.5, and 1.10.6 be amended as follows:

PRESENT/PROPOSED WORDING

- 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) the Synod itself, (3) a district or an organization owned and controlled by (2) corporate Synod or an agency of the Synod; (4) persons involved in~~ (3) members of congregations challenging the procedure used in their excommunications; or (5) lay members of congregations of the Synod ~~holding who have been elected or appointed to positions with the Synod itself or with districts and other organizations owned and controlled by the Synod.~~ LCMS Board of Directors or an agency of the Synod. It shall be....
- ...
- 1.10.5 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. And further, before any matter is submitted to the formal reconciliation process, the complainant must meet and consult with ~~his/her~~ the appropriate ecclesiastical supervisor to seek advice 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, or 2.17, or Bylaws 3.10.4.7.9 and 3.10.5.6.4.2. In regard to this consultation: ...
- 1.10.6 If any party to the dispute is of the opinion that informal reconciliation efforts have failed, such party, in consultation with ~~his/her~~ it's 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: ...

80. Calling, Ordaining or Commissioning, and Installing Missionaries (13-072)

Secretary Raymond Hartwig presented the following proposed convention overture, already approved by the Council of Presidents, for consideration by the commission. After review and minor changes, a motion was introduced and carried to adopt it for submission to the 2016 convention.

To Clarify Process for Calling, Ordaining or Commissioning, and Installing Missionaries

Rationale

The general rule that governs calls, ordinations, commissionings, and installations is that the president of the district from which a call originates provides counsel, signs documents, and authorizes ordinations or commissionings and installations of called ordained or commissioned ministers. This general rule holds true for first calls of candidates as well as second and subsequent calls and installations of rostered church workers.

The Bylaws of the Synod support this general rule, also in the case of candidates and rostered workers called to serve as missionaries in foreign mission fields. Because such calls by the Board for International Mission (and non-foreign specialized ministry calls by the Board for National Mission) originate in the Missouri District, the president of the Missouri District provides counsel and signs documents. Several current bylaws, however, take exception to the general rule when addressing authorization of ordinations or commissionings and installations of missionaries.

The introduction of this exception, while certainly well intended for such special occasions as the ordination, commissioning, and/or installation of missionaries, departs from the ecclesiastical supervisory norm that is otherwise consistent throughout the pertinent bylaws of the Synod. What appear to be conflicting requirements in these Bylaws have caused some disagreement and confusion.

Proposed Action

Therefore be it

Resolved, That the proposed changes to the following bylaws be adopted by the 2016 LCMS convention to provide uniformity throughout the ordination or commissioning and installation procedures of the Synod.

PRESENT/PROPOSED WORDING

2.9 Assignment of First Calls

Bylaw 2.9.1 The Council of Presidents, acting as the Board of Assignments, shall regularly assign to qualified graduates of educational institutions of the synod and workers available from colloquy programs as “first calls” those calls that have been duly extended to fill active member positions as identified in Bylaw 2.11.1 for ordained and commissioned ministers if positions for which candidates are qualified are available.

(a) The placement officers of the respective institutions shall be consulted before assignments are made.

(b) The president of the district in which a candidate is to be placed shall be consulted, and his ~~concurrence suggestions and recommendations~~ shall be an essential part of the final recommendation to the Board of Assignments.

2.10 Ordination, Commissioning, and Initial Installations

Bylaw 2.10.3 The president of the district of which the calling congregation is a member or in which the eligible calling agency or other calling body is located or with which it is otherwise identified shall be responsible for the rites of ordination and commissioning of candidates for the ministry called to that congregation, ~~or agency, or other calling body~~.

- (a) The rite of ordination or commissioning should normally take place in the presence of the congregation, ~~or other agency, or other calling body by~~ to which the candidate has been called.
- (b) In the case of missionaries of the Synod, members of a faculty of an institution of the Synod, or ~~institutional chaplains~~ non-foreign specialized ministers called by the Synod, the rite shall take place in a setting approved by the district president of the calling entity.
- (c) If an unusual circumstance warrants it, as in the case of missionaries and non-foreign specialized ministers, the ~~appropriate~~ district president may authorize that the rite take place in the home congregation of the candidate, or another appropriate congregation, with the permission of the calling congregation or other agency or calling body.
- (d) A service of celebration on the part of the candidate's home congregation is encouraged.
- (e) The district president shall issue a diploma of ordination or commissioning.

4.4 District President

...

Bylaw 4.4.3 The district president of the calling congregation, agency, or other calling body (e.g., in the case of corporate-Synod-issued calls, the president of the Missouri District) shall represent the Synod in connection with all ordinations, commissionings, and installations.

- (a) **First calls:** Ordinations, commissionings, and initial installations shall be conducted by or at the direction of the district president when the requirements of Bylaw 2.10.2 (a) have been satisfied.
- (b) **Missionaries and non-foreign specialized ministers:** The authorization for the ordination or commissioning and the installation of a missionary called into the foreign fields, whether as a first or subsequent call, shall be ~~provided~~issued upon the request of the Board for International Mission by the president of the ~~district in which the missionary resides~~ Missouri District. The authorization ~~with respect to~~ for the ordination or commissioning and ~~the installation for service of Synod-called non-foreign specialized ministers within a district of the Synod~~, whether as a first or subsequent call, shall be ~~issued~~provided upon the request of the Board for National Mission by the president of ~~that district~~ the Missouri District.
- (c) **Synod staff members:** Ordained and commissioned ministers who are members of the Synod called ~~or appointed~~ by the Synod to serve the national Synod shall be installed, in accordance with forms and practices developed by the Synod for that purpose, by the president of the Missouri District, or by his representative.
- (d) **Professors and instructional staff members:** Ordained and commissioned ministers who are members of the Synod called ~~or appointed~~ to serve at the Synod's educational institutions as professors and instructional staff members shall be installed, in accordance with forms and practices developed by the Synod for that purpose, by the president of the district in which the institution is located, or by his representative.
- (e) **Second and subsequent installations of ministers:** ~~Except as provided in the foregoing paragraphs, Rostered~~ ordained ministers and commissioned ministers who have been duly called to a positions of full- or part-time service shall be installed upon authorization provided by the ~~appropriate district~~ of the district from which the call originates. Each installation shall be conducted, in accordance with forms and practices developed by the Synod for that purpose, by the district president or by an ordained minister designated by the district president.

81. Commissions Quarterly Meeting Requirement (13-077)

In carrying out its *Handbook* responsibilities, the Commission on Handbook recognized that, given the nature of its responsibilities, it does not have a need to meet quarterly as required by Bylaw 1.5.3. It noted that other boards and commissions may also find the bylaw's quarterly meeting requirement over-expectant. During the discussion, the commission also noted the additional meeting requirements for Synod agencies provided in the Board of Directors Policy Manual and asked the Secretary to contact the chairman of the Council of Presidents' Clergy Call and Roster Committee to make certain that these policies are included in the Council of Presidents Manual.

With regard to the quarterly meeting requirement and after discussion of the following overture for consideration by the 2016 Synod convention, a motion was introduced and carried to submit the proposed action as follows.

To Stipulate Commissions Meeting Requirement

Rationale

Synod Bylaw 1.5.3 requires every Synod agency to meet at least quarterly unless otherwise stipulated in the Bylaws, exceptions requiring approval at least annually by the President of the Synod. In the case of the Commission on Handbook and possibly other commissions, responsibilities vary considerably from year to year depending upon business to be addressed.

It is in the fiduciary interest of the Synod that groups such as commissions do not incur unnecessary meeting expenses. The following proposed overture would introduce a stipulation into the Bylaws (new Bylaw 3.9.1.1) that would reduce the quarterly meeting requirement for commissions of the Synod to at least two times per year.

Proposed Action

Therefore be it

Resolved, That a new Bylaw 3.9.1.1 be inserted in Bylaw section 3.9 as follows:

PROPOSED WORDING

3.9.1 The commissions of The Lutheran Church—Missouri Synod are the following:

1. Commission on Constitutional Matters
2. Commission on Doctrinal Review
3. Commission on Handbook
4. Commission on Theology and Church Relations

3.9.1.1 Commissions of The Lutheran Church—Missouri Synod shall meet as they deem necessary but at least two times per year to carry out their assigned responsibilities.

82. Theological Resources for Reconcilers

Secretary Raymond Hartwig requested that the commission review a proposed overture prompted by 2013 Res. 7-18, noting that the content of the overture has already been approved by the Commission on Constitutional Matters for submission to the 2016 convention, with the concurrence of the Council of Presidents. After discussion of the resolution, the Commission on Handbook also concurred with its content, as follows.

To Provide Assistance to Lay Reconcilers Serving on Dispute Resolution, Hearing, and Final Hearing Panels

Rationale

2013 Res. 7-18 “To Study Doctrinal Training for Reconcilers” responded to a request in Part 2 of the Synod President’s Report “to consider doctrinal training for reconcilers” to assist them when they are asked to serve on panels that are called upon to decide matters of doctrine or doctrinal application. The resolution’s single resolve paragraph referred this request to the Council of Presidents, the Commission on Constitutional Matters, and the Secretary of the Synod “for appropriate study and recommendations, giving particular attention to Bylaw 2.14.7, especially 2.14.7.8 (k).”

After discussions during the current triennium that included the Council of Presidents and Commission on Constitutional Matters, as well as the Commission on Handbook and the reconcilers themselves during late-2014 regional training meetings, it was generally agreed that providing such comprehensive doctrinal training for lay reconcilers as would be necessary to cover all potential doctrinal issues would not be a reasonable solution.

The bylaws governing dispute resolution and suspension/expulsion processes already contain resource assistance to the parties to a dispute to help them understand and apply our Synod's confessional Lutheran doctrines and practices (Bylaws 1.10.18.1 [h]; 2.14.7.8 [I]). The same resource opportunity is available to a Dispute Resolution, Hearing, or Final Hearing Panel as a whole (Bylaws 1.10.18.1 [h]; 2.14.7.8 [I]). In the interest of providing lay reconciler panel members with a resource for personal assistance (*i.e.*, to talk through a doctrinal matter with a knowledgeable person), the addition of a subparagraph (3) to Bylaw 1.10.18.1 [h] and a subparagraph (5) to paragraph (I) of Bylaw 2.14.7.8, as follows, will provide such opportunity.

Proposed Action

Therefore be it

Resolved, That the following bylaw additions be adopted by the 2016 convention of the Synod to offer to panel members ready access to resources that may assist them in understanding confessional Lutheran doctrines and doctrinal applications that are being discussed in dispute resolution and suspension/expulsion cases.

PROPOSED WORDING

- 1.10.18.1 (h) If any part of the dispute involves a specific question of doctrine or doctrinal application,
...
(3) An individual member of the panel may 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 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.
- 2.14.7.8 (I) If any part of the dispute involves a specific question of doctrine or doctrinal application,
...
(5) The lay reconciler member of the panel may 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 opportunity to read about, discuss with a knowledgeable person, and better comprehend doctrinal matters associated with the suspension. The suspension case itself shall not be discussed.

83. Tabled Matters

Recognizing that certain issues brought to the commission's attention will require more time to address than remains in the current triennium, the commission tabled the following items for consideration by the Commission on Handbook during the 2016–2019 triennium:

- Constitutional amendment to clarify binding nature of dispute resolution decisions for congregations (13-070)
- Development of a convention action to restate content of 1981 Res. 5-07 not superseded by convention action on 2004 Res. 4-11 by 2016 convention (13-075)
- Southern Illinois District overture re removal of officers (13-059)

84. Tasks Remaining for Current Triennium

- Add definition of *Standard Operating Procedures Manual*
- Develop overture refining Bylaw 1.10.12 paragraphs regarding hearing facilitators
- Review and respond to CCM-prompted bylaw issues
- Organize the commission's proposed convention actions into omnibus resolutions

85. Close of Meeting

With all business to come before the commission having been addressed, the meeting was closed with prayer.

Raymond L. Hartwig, Secretary

Addendum

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