

**MINUTES
COMMISSION ON HANDBOOK**

**Hilton St. Louis Airport Hotel
September 29–30, 2017**

27. Call to Order

The meeting was called to order by Chairman Dr. Dale Sattgast on September 29, 2017 at 12:45 p.m. with voting members Ms. Heidi Abegg, Mr. David Hawk, Dr. Richard Nuffer, Dr. Dale Sattgast, and the Rev. David Totsky attending. Advisory members Dr. George Gude, representative of the Commission on Constitutional Matters (CCM) and Dr. John Sias, Secretary of the Synod, were also in attendance. The position of Chief Administrative Officer was vacant at the time of the meeting

28. Welcome

Chairman Sattgast welcomed all and thanked them for their attendance.

29. Opening Devotion

Reverend David Totsky served as meeting chaplain and led the commission in prayer using Responsive Prayer 2, basing his devotion on the readings for the Feast of St. Michael and All Angels. He noted the current popularity of angels in our culture and how they are often misunderstood and take the focus off Christ. He noted how the writer to the Hebrews speaks of the angels and the superiority of Christ. The hymn “Christ, the Lord of Hosts, Unshaken” was sung.

When the commission reconvened on Saturday at 8:00 a.m., Rev. Totsky lead the commission in praying Responsive Prayer 1, basing his devotion on Matt. 20:1–16. He spoke of the marvelous grace of God Who awards the faithful with His marvelous gifts of life and salvation as He has promised through His Word. The hymn, “Lord of Glory, You Have Bought Us” was sung.

30. Review /Adoption of the Agenda

The agenda was presented. It was agreed to add, regarding Bylaw 3.10.5.7.4 (j), an item dealing with the non-renewal of non-tenured contracts on the basis of CCM Opinion 17-2821. The bylaw needs amendment. It was also agreed to add a discussion regarding Bylaw 2.11.1 (c) and 2.11.2 (b) as to whether an exception might need to be added for emeritus ordained individuals. The agenda was adopted as amended.

31. Ratification of electronically-approved Minutes

A motion was made and seconded to ratify the e-mail approval of the minutes of the Jan. 6–7, 2017 meeting of the commission. Motion carried.

A motion was made and seconded to ratify the e-mail approval of the minutes of the May 3, 2017 meeting of the commission. Motion carried.

32. Unfinished Business

The commission addressed a number of COH Issues previously identified in its tracking list.

A. Tracking COH Issues for 2016–2019 Convention / Handbook Cycle

- COH Issue 16-002: Exclude Dispute Resolution Panel members from Review Panel

It was determined that since the exclusion of previous Hearing Panel members is explicitly stated in the 2.14–2.17 processes it was suggested that Bylaw 1.10.15.1 [b] have the wording “No member shall have served in the previous Hearing Panel” appended as a non-substantial change. Likewise, appended to Bylaw 1.10.15.2 [b], “The hearing facilitator shall not have assisted the

previous Hearing Panel.” A motion was made seconded and carried to add such wording and include in the *Handbook*.

- COH Issue 16-003: Candidate status, district membership, and ecclesiastical supervision

The Clergy Call and Roster Committee (CCRC) of the Council of Presidents has, in response to a variety of needs for clarification, proposed changes to several bylaw sections dealing with candidate status, district membership, and ecclesiastical supervision. Having incorporated feedback from the Council of Presidents at its September 2017 meeting, CCRC hands the draft over to COH for further development, anticipating that COH and COP might continue to discuss the draft as work progresses, and that CCM will need to weigh in. Dr. Sias led the commission in a discussion of the proposal, which has the following main points:

- a. Bylaw section 2.5: School associations, agencies, auxiliaries, and recognized service organizations of the Synod should, along with congregations, seek the counsel of district presidents when calling. Which district president should be consulted would need to be specified.
- b. Bylaw 2.10.3 would be simplified if Bylaw section 2.12 specified clearly which district president had supervision of each called worker. That district president would perform the ordination / commissioning and /or installation.
- c. The categories of Bylaw 2.11.1 can be cleaned up and reorganized in a more sensible approach. The term “professional staff member” still calls for clarification (perhaps as related to COH Issue 16-006)
- d. Bylaw 2.11.2.2 should be clarified with regard to the criteria for granting or continuation of candidate status, in light of elimination of non-candidate status.
- e. Bylaw section 2.12 requires the most attention, as there are gaps in its coverage as well as significant uncertainty what to do with members whose multiple calls have different membership or supervision implications.
- f. Bylaws 4.4.3 and 4.4.7 are significantly simplified by the above changes, as district membership and ecclesiastical supervision would be entirely settled by earlier bylaw sections.

After discussion, it was decided to review this matter at a subsequent meeting after CCM review and presentation/discussion by the COP and LCMS Ministry to the Armed Forces.

- COH Issue 16-004: 2016 Res. 12-14 related bylaw changes

It was noted that the Bylaws 2.14–2.17 ecclesiastical supervision project is complete.

- COH Issue 16-005: Commission meeting schedule (Bylaws 3.9.1.1, 3.9.3.2, and 3.9.4)

Bylaws 3.9.1.1 and 3.9.3.2 appear to be in conflict. After discussion of the relationship between Bylaw 3.9.1.1 and Bylaws 3.9.2–3.9.5, it was moved to eliminate 3.9.1.1 and add to the end of Bylaw 3.9.4 the sentence: “The commission shall meet as it deems necessary, but at least two times a year to carry out its assigned responsibilities.” Motion was seconded and carried to note such a change for inclusion in an omnibus *Handbook* overture to the 2019 convention.

- COH Issue 16-006: Meaning of “staff” and related terms in the bylaws

Regarding Bylaw 1.5.1.1, it was noted that multiple usages of the word “staff” are utilized within the bylaws with varying levels of authority/responsibility. Often the meaning/understanding is contextual. It was determined that the meaning should be clarified in 1.5.1.1 and 3.11. It was questioned as to whether “Employment by Synod and Agencies” may be an improvement, but

this may be connected more to Bylaw 1.4.6. The history of this article needs to be studied with a focus on 1.5.1.1 and 3.11 and the clarification of these sections.

Gude will look into Bylaw 1.5.1.1 [COH Issue 16-006A] and Nuffer and Hawk will check into Bylaw 3.11 [COH Issue 16-006B].

- COH Issue 16-007: Correct Bylaws 3.1.2.1 (c) and 4.2.2 in terminology and to reflect Const. Art. V A

Clarification of the term “parish” within the *Handbook*.

Bylaw 3.1.2.1 (c) needs to be corrected to state “~~multiple~~ multi-congregation parishes.” Moved. Seconded and carried to make this non-substantive change.

Bylaw 4.2.2 needs to be corrected to “voting congregation or multi-congregation parish.” Moved. Seconded and carried to make this non-substantive change.

- COH Issue 16-009: Listing of classifications of ministers of religion— commissioned (Const. Art. V, VI, XII) is a priority item leading up to the next convention. The item was referred to Gude and Sias to work on this and report back to the COH.
- COH Issue 16-010: Updating of archaic terminology for commissioned ministers (Const. XII 9 c, etc.) should be combined with 16-009. The item was referred to Gude and Sias to work on this and report back to the COH.
- COH Issue 16-011: Attendance of advisory members at district conventions (Const. Art. XII 10 and Bylaw 4.2.3)

This item is assigned to Sattgast to look into who is to attend district conventions as advisory members. Bylaw 4.2.3 seems to be appropriate and the language might possibly be best incorporated into Const. XII_10 B.

- COH Issue 16-012: Dispute with a district president (Bylaw 1.10.5)

Based on the existing treatment in the 1.10 *Standard Operating Procedures Manual*, it was suggested that to 1.10.5 an item (f) be added: “Should the otherwise appropriate ecclesiastical supervisor be the intended respondent, or be disqualified due to conflict of interest, the next qualified district officer without such a conflict shall conduct the consultation and provide the attendant evangelical supervision, counsel, and care.” Motion, second and carried to include in omnibus for 2019 convention consideration.

- COH Issue 16-013: Which process to follow in a dispute (Bylaws 1.10.5; 2.14.3; 2.17.3; 3.10.5.7.5, 8–9; 3.10.5.7.10(b)(3); 3.10.6.7.1; 3.10.6.7.5–3.10.6.7.5.2)

Gude reported that the issue is fairly involved. The SOPM for the seminaries has been reworked and sent to the seminaries. At this point the current SOPM is sufficient. For colleges and universities, no process for faculty complaints is specified, which may be an issue going forward. Sias and Gude will work on this issue and report back to the COH.

- COH Issue 16-014: Consistency of hearing timeline among Bylaw sections 1.10 and 2.14–17

In order to bring dispute resolution processes into line, it was moved, seconded, and carried to note for submission to the 2019 convention the following change to Bylaws 1.10.7.2–3:

- 1.10.7.2 Each Dispute Resolution Panel shall have a nonvoting hearing facilitator who will serve as chairman of the panel. ~~Within 15 days after the appointment of the panel, the hearing facilitator shall confer with the parties to the dispute and the Dispute Resolution Panel for the purpose of choosing a location and a date for the formal hearing of the matter.~~

1.10.7.3 ~~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.~~The formal hearing before the Dispute Resolution Panel shall be conducted by the hearing facilitator within 45 days after the Hearing Panel was constituted. The hearing facilitator shall, within 15 days of panel formation, confer with the parties and the Dispute Resolution Panel to select the date and location of the formal hearing. The formal hearing may be delayed for a short time beyond the 45-day period with the unanimous consent of the panel members.

- COH Issue 16-015: Timeline for appointment and training of reconcilers (Bylaw 1.10.10) The Council of Presidents, consulted about the issue, is not overly concerned with finding a solution. Matter tabled.
- COH Issue 16-016: Timeline for appointment of replacement reconcilers after appointment of hearing facilitators (Bylaws 1.10.10–1.10.12) Again, the COP does not seem to be overly concerned. Matter tabled.
- COH Issue 16-017: Role of President in carrying out panel decisions (Bylaw 2.14.7.9 [d][3]) – It was noted that the Synod President does not expel from membership or adjust the roster. It was noted that this is done by the district president and as such the Synod President could be removed from this bylaw. It was noted that the applicable *Standard Operating Procedures Manuals* clarify sufficiently. Item declined.
- COH Issue 16-018: Inauguration date of appointees (Bylaw 3.2.4 [c]) – Nothing to report at present. Report should come by next meeting.
- COH Issue 16-019: Need for uniform standards for document retention (Bylaw 3.6.2.2.1 [c]) It was determined that CAO Simek should be involved in this matter. Sias, Simek, and CHI will deal with this issue.
- COH Issue 16-020: Appointment procedure for members of CCM and COH (Bylaw 3.9.2.1.1) The question was raised whether there is one list for all positions or a list for each position to be filled. The COH declines action in this matter.

B. Leftover Tracking Items for 2013–2016 Convention / Handbook Cycle

Dr. Sias, having reviewed with Dr. Gude the *Handbook* issues identified but ultimately left unaddressed in the 2013–2016 triennium, presented the six that might still be actionable. Five issues were considered and dismissed by the commission as not requiring attention:

- COH Issue 13-004: Bylaw 1.10.5 (a) dispute with multiples parties/districts
- COH Issue 13-007: Bylaw 2.10.2 interim placement as first call
- COH Issue 13-008: Bylaw 2.11f. need for active/inactive status
- COH Issue 13-016: Bylaw 3.1.7 (e) convening of floor committees
- COH Issue 13-017: Bylaw 3.2.2 use of the term “governing board”

One was referred to the Commission on Constitutional Matters:

- COH Issue 13-029: Bylaw 1.9.1.1 Review of reference to Bylaw 3.4.3.7 regarding materials subject to doctrinal review

33. New Business / Other Matters

A. Correspondence

- Correspondence was received from an ordained minister of the Synod regarding the requirements for election to the Boards of Regents and concerns about such qualifications.

The matter has been referred to Dr. Dean Wenthe and the Concordia University System (CUS).

- Correspondence was received from a commissioned minister of the Synod regarding the cost of mailing a hard copy of the *Handbook* to all congregations and rostered workers. Dr. Sias has addressed the issue with the commissioned minister and the COH feels that response is sufficient. It was suggested that there be a note in the next edition explaining the practice.

B. “New” Matters Concerning Possible Constitution or Bylaw Changes

The commission considered a number of newly-identified issues, numbering as indicated those it chose to track for future work:

- The suggestion involving Concordia University Wisconsin (CUW) consideration of a new “Ministers of Religion—Commissioned” category, namely, “Director of Church Ministries,” was added as an additional consideration to COH Issue 16-009.
- COH Issue 16-029: Correct “elect” to “select” in Bylaw 5.3.3

Need for corrected terminology. Change “elect” to “select” Motion, second, and carried to make non-substantive change.

- Bylaw 3.10.5.7.4 (i): Appeal process by seminary faculty concerning termination. – Covered by SOPM.
- COH Issue 16-030: Additional representation at circuit forums (Bylaw 5.3.2, etc.) There is a need for clarification concerning congregational voting representation. Sias to present proposed wording [COH Issue 16-030]
- COH Issue 16-031: Correct list structure in Bylaw 3.10.6.7.5

Due to additions to this bylaw the “and” from end of (i) should be moved to the end of (k) and punctuation corrected. Motion, second, and carried to make non-substantive change.

- Bylaws 2.14–2.17: The idea had been broached of consolidating these bylaw sections to eliminate redundancy and to reduce *Standard Operating Procedure Manual* maintenance overhead. It was noted that it is helpful to district presidents to retain the current format/SOPM process. COH declines action.
- Bylaw 1.4.1: A question was raised about the meaning of this bylaw and how it is carried out. This issue has apparently never been interpreted or contested in convention. COH declines action.
- COH Issue 16-032: Explanation of initial-level seminary appointment termination (Bylaw 3.10.5.7.4 [j])

A seminary faculty sought opinion from CCM as to what was entailed in the question indicated. CCM indicated that the response must simply state that the process was followed. There is no documentation required. It was suggested that the final portion of (j) be eliminated, *i.e.*, end at “procedures were followed.” This change is consistent with the additional bylaws and the CCM opinion. Motion, second, and carried to make non-substantive change.

- Bylaw(s) 2.11.1(c) and 2.11.2(b): It was discussed whether bylaws should be changed to allow an emeritus member to be part of a non-member congregation served by a Synod member pastor. Discussion indicated complexities involved. COH action was declined. Sias will contact the district president who raised the issue.

34. Update 2016–2019 COH Tracking Document

The commission reviewed and updated the tracking document, noting new items and those which have been completed.

35. Next Meeting

The commission has set the following dates for upcoming meetings:

March 2–3, 2018 noon to noon at Hilton St. Louis Airport Hotel

August 3–4, 2018 noon to noon at Hilton St. Louis Airport Hotel

36. Adjournment

Having concluded all the business on its present agenda, the Commission closed with Reverend Totsky closing with prayer. Meeting adjourned at 11:45 a.m.

Reverend David W. Totsky
Secretary, Commission on Handbook