

UPDATES TO THE NORTH/WEST LOWER MICHIGAN SYNOD CONSTITUTION

Provided for the 2021 Synod Assembly¹

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Section A

This section includes mandated and recommended constitutional changes from the 2019 Churchwide Assembly. Mandated changes (those preceded by the symbol †) must be adopted as is. These changes were to have been adopted by the 2020 Synod Assembly and have been carried over to 2021.

Please Note:

†S18.12. Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended the *Constitution for Synods*, this constitution may be amended to reflect any such amendment by a majority vote at any subsequent meeting of the Synod Assembly without presentation at a prior Synod Assembly. An amendment that is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption by this synod

Official Notice of 2019 Churchwide changes to the Model Constitution for Synods Additions are underlined. Deletions are ~~struck through~~ in the text.

CHAPTER 3: TERRITORY

†S3.02. “Determined by the Churchwide Assembly,” as stipulated by †S3.01., is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA bylaws 10.01.01. and ~~10.02.02. 10.01.03.~~

CHAPTER 6: STATEMENT OF PURPOSE

†S6.03. ~~Each This~~ synod, in partnership-cooperation with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in its territory. In fulfillment of this role and consistent with policies and procedures of this church, the synod shall:

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

- a. providing for pastoral care of congregations, ministers of Word and Sacrament, and ministers of Word and Service in the synod, including:
 - 1) approving candidates for the ministry of Word and Sacrament in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;
 - 2) authorizing ordinations and ordaining ministers of Word and Sacrament on behalf of this church;
 - 3) approving ministers of Word and Service, which may be done through multi-synodical committees;
 - 4) authorizing ~~consecrations and consecrating ordinations and ordaining~~ ministers of Word and Service on behalf of this church; and

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

- a. promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering into partnership-relationships with other synods in the region;

- c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing partnership supportive funding;
- d. supporting relationships with and providing partnership supportive funding on behalf of colleges, universities, and campus ministries;
- e. maintaining relationships with and providing partnership supportive funding on behalf of seminaries and continuing education centers;
- h. fostering relationships with ecumenical and global partners companions

†S6.04. Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60 percent of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, 50 at least 45 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female-women and 50 at least 45 percent shall be male men; and that, where possible, the representation of ministers of Word and Sacrament shall be both male and female include both men and women. This synod shall establish processes that will enable it to reach a minimum goal that 10 percent of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.

†S6.05. Each assembly, council, committee, board, commission, task force, or other body of this synod or any synodical units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, commission, task force, or other body may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly, council, committee, board, commission, task force, or other body.

CHAPTER 7: SYNOD ASSEMBLY

- †S7.21. The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of laypersons, shall be constituted as follows:
- b. All ministers of Word and Service, under call, on the roster of this synod shall be voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item †S7.21.e.
 - c. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to this synod, normally typically one of whom shall be male a man and one of whom shall be female a woman, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, 50 at least 45 percent of the lay members of the assembly shall be female-women and 50 at least 45 percent shall be male men. Additional members from each congregation normally shall be equally divided between male and female.

†S7.21.02. If a special Synod Assembly is called and voting members at the previous assembly are unable to serve as voting members, where permitted by state law, the congregation through the Congregation Council may elect new members who shall continue to serve until the next Synod Assembly.

[The following provision becomes required.]

†S7.23. The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of this church the churchwide organization as may be designated from time to time by the Church Council presiding bishop, shall have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.

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

CHAPTER 8: OFFICERS

†S8.12. As this synod's pastor, the bishop shall:

- c. Exercise solely this church's power to ordain (or provide for the ordination by another **synodical** bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ministry of Word and Sacrament (and as provided in the bylaws of the Evangelical Lutheran Church in America).
- d. ~~Consecrate (or provide for the consecration of)~~ **Ordain (or provide for the ordination of)** approved candidates who have received and accepted a properly issued, duly attested letter of call for service as ministers of Word and Service of this church.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
 - 4) ~~consult be a member of the Conference of Bishops and consult~~ regularly with other **synodical** bishops ~~and the Conference of Bishops~~;
- i. Oversee and administer the work of this synod and in so doing:
 - 5) coordinate the work of all **synodical** staff members;
 - 8) provide for preparation and maintenance of **synodical** rosters containing the names and addresses of all rostered ministers of this synod and a record of the calls under which they are serving or the date on which ~~they become retired or disabled~~ **their retired or disability status took effect**;
 - 10) provide for prompt reporting to the secretary of this church of:
 - a) additions to and subtractions from the rosters of this synod ~~and the register of congregations~~;
 - 11) provide for preparation and maintenance of a ~~register-roster~~ **register-roster** of the congregations of this synod and the names of the laypersons who have been elected to represent them; and

†S8.13. The **synodical** bishop may appoint an attorney, admitted to the bar within the territory of the synod or the state where the synod is located, to be Synod Attorney. The appointment must be approved by the Synod Council and reported to the Synod Assembly and to the ~~ELCA~~ **secretary of this church**. The appointment continues until resignation or until a successor is appointed. The Synod Attorney provides legal advice and counsel to the **synodical** officers and the Synod Council. The Synod Attorney is expected to be familiar with the governing documents and policies of the synod and, as necessary, to attend meetings of the Synod Council. The Synod Attorney serves without salary but may be retained and compensated for specific legal services requested by the synod.

†S8.15. The presiding bishop of this church, or the appointee of the presiding bishop, shall install into office, in accord with the policy and approved rite of this church, each newly elected **synodical** bishop.

†S8.16. **Conflicts of Interest**

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

- a. Whenever a **synodical** bishop determines that a matter of the kind described in †S8.16.01.b. may require his or her determination or action with respect to a related individual as defined in †S8.16.01.c., the **synodical** bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another **synodical** bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.
- b. Matters include any proceedings under Chapter 20, proceedings under provision 7.46. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (†S14.18.), candidacy, reinstatement, and similar matters where determinations or actions by the **synodical** bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.
- c. A related individual is one who, with respect to the **synodical** bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

[The following provision becomes required.]

†S8.23. In the event of the death, resignation, or disability of the bishop, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the conduct of the duties of the bishop until a new bishop shall be elected or, in the case of temporary disability, until the bishop resumes full performance of the duties of the office.

S8.30. Secretary

†S8.31. The secretary shall be elected by the Synod Assembly. The secretary shall be a voting member of a congregation of this synod. The secretary may be either a layperson or a ~~rostered minister of Word and Sacrament~~.

S8.40. Treasurer

†S8.41. The treasurer may be elected by the Synod Assembly or may be appointed by the Synod Council. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or a ~~rostered minister of Word and Sacrament~~.

S8.50. General Provisions

†S8.51. The terms of office of the officers of this synod shall be ~~as follows~~:

- b. The vice president and secretary of this synod shall be elected to a term of _____ years and may be re-elected. ~~The officer shall serve until his or her successor takes office.~~
- c. The treasurer of this synod shall be [elected] [appointed] to a _____-year term and may be re-elected or reappointed. ~~The treasurer shall serve until his or her successor takes office.~~

†S8.57. The recall or dismissal of an officer and the vacating of office may be effected for willful disregard or violation of the constitutions, bylaws, and continuing resolutions of this church; for such physical or mental disability as renders the officer incapable of performing the duties of office; or for such conduct as would subject the officer to disciplinary action as a rostered minister or as a member of a congregation of this church.

- a. Proceedings for the recall or dismissal of a ~~synodical~~ bishop shall be instituted by written petition by:
 - 3) at least 10 ~~synodical~~ bishops; or
- b. Proceedings for the recall or dismissal of an officer of a synod, other than the ~~synodical~~ bishop, shall be instituted by written petition by:
 - 3) the ~~synodical~~ bishop.
- f. If the synod officer is a minister of Word and Sacrament, grounds for recall or dismissal include those set forth in ELCA bylaw ~~20.21.01, 20.22.01,~~ and as defined under the process described in ELCA constitutional provisions ~~20.20. and 20.21. and 20.22.~~ as grounds for discipline. If the officer is a minister of Word and Service, grounds for recall or dismissal include those set forth in ELCA bylaw ~~20.22.01, 20.23.01,~~ and as defined under the process described in ELCA constitutional provisions ~~20.20. and 20.21. and 20.22.~~ as grounds for discipline.
- h. If the case of alleged willful disregard or violation of the constitutions, bylaws, and continuing resolutions or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:
 - 1) the petition shall be referred to the Committee on Appeals, which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in ELCA bylaw ~~20.21.16, 20.22.14,~~ except to the extent that those rules are in conflict with the provisions of this bylaw; and

CHAPTER 9: NOMINATIONS AND ELECTIONS

†S9.12. Background checks and screening shall be required and completed for persons nominated as ~~synodical~~ officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Synod Council.

CHAPTER 11: COMMITTEES

†S11.05. The Audit Committee of this synod shall consist of three to six persons, none of whom ~~are members-is a~~ ~~member~~ of the synod staff.

CHAPTER 12: CONFERENCES, CLUSTERS, COALITIONS, AREA SUBDIVISIONS, AND NETWORKS

†S12.01. This synod may establish conferences, clusters, coalitions, area subdivisions, and networks as appropriate within its territory and in collaboration with other synods and ~~partners entities~~, as specified in the bylaws and continuing resolutions. The purpose of such groupings shall be to foster interdependent relationships for missional purposes among congregations, synods, the churchwide organization, and other ~~partners affiliates~~.

CHAPTER 13: CONGREGATIONS

- †S13.01. Each congregation, except those certified as congregations of the Evangelical Lutheran Church in America by the uniting churches, prior to being listed in the ~~register-roster~~ of congregations of this synod, shall adopt the *Model Constitution for Congregations* or one acceptable to this synod that is not in contradiction to the constitution and bylaws of the Evangelical Lutheran Church in America.
- a. **New congregations.** A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:
 - 1) Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the ~~ELCA~~ constitution and bylaws ~~of this church~~.
 - 3) Accept the commitments expected of all congregations of ~~the ELCA this church~~ as stated in *C6.01., *C6.02., and *C6.03. of the *Model Constitution for Congregations*.
 - b. **Congregations from another church body.** If a congregation is a member of another church body, the ~~leaders-leadership~~ of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should ~~make contact with~~ the ELCA synod bishop or staff where the congregation is located. ~~The synod bishop or synod staff where the transferring or independent congregation is located shall confer with the congregation to assure its understanding and acceptance of commitment to and affiliation with this church.~~
 - c. **Recognition and reception.** Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the ~~register-roster~~ of congregations.

†S13.02. It shall be the responsibility of each congregation of this synod ~~annually~~ to choose from among its voting members laypersons to serve as members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.

~~†S13.19.~~
~~†S13.20.~~

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

~~†S13.20.~~
~~†S13.21.~~

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

~~S13.21.~~

~~The alignment of congregations in pastoral charges, and all alterations in any alignment, shall be subject to approval by the Synod Assembly or by the Synod Council.~~

†S13.23.

Provision 9.71. of the ~~ELCA~~ constitution ~~of this church~~ shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation, including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any way burdened or impaired any right, title, or interest in the property without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.

~~S13.24.~~

~~If any congregation of this synod has disbanded, or if the members of a congregation agree that it is no longer possible for it to function as such, or if it is the opinion of the Synod Council that the membership of a congregation has become so scattered or so diminished in numbers as to make it impractical for such a congregation to fulfill the purposes for which it was organized or that it is necessary for this synod to protect the congregation's property from waste and deterioration, the Synod Council, itself or through trustees~~

appointed by it, may take charge and control of the property of the congregation to hold, manage, and convey the same on behalf of this synod. The congregation shall have the right to appeal the decision to the Synod Assembly.

- †S13.24. The Synod Council, itself or through trustees appointed by it, may take charge and control of the property of a congregation of this synod to hold, manage, and convey the same on behalf of this synod, if any of the following apply:
- a. The congregation has disbanded, ceased to worship, or otherwise ceased to exist as a congregation.
 - b. The congregation has abandoned its property.
 - c. The remaining members of the congregation decide that it is no longer possible to function as a congregation or that they are unable to provide required governance.
 - d. The Synod Council determines that the membership of a congregation has become so scattered or so diminished in numbers that it cannot provide required governance or that it has become impractical for the congregation to fulfill the purposes for which it was organized.
 - e. The Synod Council determines that it is necessary for this synod to protect and preserve the congregation's property from waste and deterioration.
- The congregation shall have the right to appeal any such decision to the next Synod Assembly.

- †S13.31. Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the ELCA constitution and bylaws, *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The synod's involvement in and responsibility for such disciplinary processes shall be as set forth in that chapter.

CHAPTER 14: ROSTERED MINISTERS

- †S14.11. The time and place of the ordination of those persons properly called to congregations or non-congregational service of ministry in this synod shall be authorized by the bishop of this synod.
- †S14.12. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every minister of Word and Sacrament shall:
 - 6) impart knowledge of this church and its wider ministry through distribution of its communications and publications, available channels of effective communication;
 - b. Each pastor with a congregational call shall, within the congregation:
 - 4) with the council, administer discipline; and
 - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of this synod; and
 - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- †S14.18. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the pastor's death or, following consultation with the synodical bishop, for the following reasons:
 - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament as disabled with disability status. Upon removal of the disability and restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- †S14.24. With the approval of the synodical bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.18., a congregation may call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a

representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.18.

- †S14.31. The time and place of the consecration-ordination of those persons properly called to congregations or non-congregational service of ministry in this synod shall be authorized by the bishop of this synod.
- †S14.32. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- h. Share knowledge of the ELCA this church and its wider ministry of the gospel, and advocate for the work of all expressions of this church;
- †S14.43. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the deacon's death or, following consultation with the synodical bishop, for the following reasons:
 - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service as disabled with disability status. Upon removal of the disability and restoration of the minister of Word and Service to health, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.
- †S14.46. With the approval of the synodical bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.43., a congregation may call a minister of Word and Service for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the minister of Word and Service and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.43.

CHAPTER 15: FINANCIAL MATTERS

- †S15.11. Since the congregations, synods, and churchwide organization are interdependent units-expressions that share responsibly in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support program of the whole church. The gifts and offerings of the members of the Evangelical Lutheran Church in America are given to support all parts of this church and thus partnership in, the unity of this church should be evidenced in determining each part's share of the gifts and offerings.
- †S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to partnership-supportive funding with other synods and the churchwide organization.

CHAPTER 16: INDEMNIFICATION

- †S16.04. When written charges against a rostered minister of this church are made in disciplinary proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* by the synodical bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synodical bishop, and the discipline hearing committee determines that no discipline shall be imposed, then if such determination is not reversed or set aside on appeal, indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be decided by the Synod Council.

CHAPTER 17: CONSULTATION AND ADJUDICATION

- †S17.01. The synodical bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.

- †S17.02. The synodical bishop and the Executive Committee of the Synod Council shall receive expressions of concern from rostered ministers of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When a concern relates directly to the synod bishop, the synod vice president will lead the Executive Committee's efforts at resolving the matter. When the matter at issue cannot be resolved in this manner, the prescribed-applicable procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of a rostered minister of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- †S17.03. When there is disagreement among units of this synod on a substantive issue that cannot be resolved by the parties, the aggrieved party or parties may appeal to the synodical bishop and the Executive Committee of the Synod Council for a consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Synod Council requesting it to arbitrate the issue. The decision of the Synod Council shall be final.
When there is disagreement between or among congregations of this synod on a substantive issue that cannot be resolved by the parties, the council of an affected congregation may petition the synod bishop for a consultation after informing the other affected congregation(s) of its intent to do so. If this consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the issue(s), the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The decision of the Synod Council shall be final.
- †S17.04. When a component or beneficiary of a synod has a disagreement on a substantive issue that it cannot resolve, it may address an appeal to the synodical bishop and the Executive Committee of the Synod Council. In this case the decision of the Executive Committee shall prevail, except that upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.
When conferences, clusters, coalitions, or area subdivisions of this synod have a disagreement on a substantive issue that they cannot resolve, the aggrieved party or parties may petition the synod bishop and the Executive Committee of the Synod Council requesting a consultation after informing the other affected parties of their intent to do so. In this case the decision of the Executive Committee shall prevail, except that, upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.
- †S17.11. When there is disagreement among factions within a congregation on a substantive issue that cannot be resolved by the parties, members of a congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of this synod shall consider the matter. If the Consultation Committee of this synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.
When there is disagreement between or among factions within a congregation on a substantive issue which cannot be resolved by the parties, members of the congregation may petition the synod bishop for consultation after informing the president of the Congregation Council of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The Synod Council's decision shall be final.

CHAPTER 18: AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS

- †S18.13. Other amendments to this constitution may be adopted by this synod through either of the following procedures:

- a. ~~An amendment may be adopted by a two-thirds vote at a regular meeting of the Synod Assembly after having been presented in writing at the previous regular meeting of the Synod Assembly over the signatures of at least _____ members and having been approved by a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.~~
Introduced with the support of at least _____ voting members and having been approved by a two-thirds vote of the voting members present and voting at a regular meeting of the Synod Assembly, an amendment may be adopted unchanged by a two-thirds vote at the next regular meeting of the Synod Assembly.

CHAPTER 7: SYNOD ASSEMBLY

- S7.22.** This synod may establish processes that permit retired rostered ministers, or those ~~designated as disabled~~ granted disability status, or on leave from call, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. If the synod does not establish processes to permit the rostered ministers specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.
- S7.26.** This synod may establish processes through the Synod Council that permit representatives of congregations under development and authorized worshipping communities of the synod, which have been authorized under ELCA bylaw ~~10.02.03, 10.01.04,~~ to serve as voting members of the Synod Assembly, consistent with †S7.21.

CHAPTER 8: OFFICERS

- S8.11.01.** When authorized by the Synod Council in order to address special circumstances, the synod bishop may be compensated as an employee or contractor for specified services to another expression of this church. Such an arrangement may be terminated by the Synod Assembly or Synod Council if determined to be detrimental to the function of the office or if the special circumstances no longer apply.
- S8.14.** The synodical bishop may have such assistants as this synod shall from time to time authorize.

CHAPTER 10: SYNOD COUNCIL

- S10.08.** Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of the Synod Council.
- S10.078.01.** To the extent permitted by state law, meetings of the Synod Council and its committees may be held electronically or by telephone conference, and notice of all meetings may be provided electronically.

CHAPTER 13: CONGREGATIONS

- S13.25.** This synod may temporarily assume administration of a congregation upon its request or with its concurrence. Such synod administration shall continue only so long as necessary to complete the purposes for which it was requested by the congregation or until the congregation withdraws consent to continued administration.
- S13.40.** Synodically Authorized Synod-authorized **Worshipping Communities**

CHAPTER 14: ROSTERED MINISTERS

- S14.14.** Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a Lutheran congregation nearer to their place of residence.
- S14.17.** No minister of Word and Sacrament shall accept a call without first conferring with the bishop of this synod. A minister of Word and Sacrament shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the chair-president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.
- S14.42.** No minister of Word and Service shall accept a call without first conferring with the bishop of this synod. A minister of Word and Service shall respond with an answer of acceptance or declination to a letter of call

within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the **chair-president** of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call

CHAPTER 15: FINANCIAL MATTERS

S15.14. Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year’s budget for regular distribution to **synodical** causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.

Section B

The following updates are from the North/West Lower Michigan Synod Constitution Committee to bring the current synod constitution into compliance with the Model Constitution for Synods and to place bylaws and continuing resolutions where they more appropriately belong. These changes were to have been adopted by the 2020 Synod Assembly and have been brought forward to this year.

Please Note:

- †**S18.13.** Other amendments to this constitution may be adopted by this synod through either of the following procedures:
- a. Introduced with the support of at least **25** voting members and having been approved by a two-thirds vote of the voting members present and voting at a regular meeting of the Synod Assembly, an amendment may be adopted unchanged by a two-thirds vote at the next regular meeting of the Synod Assembly.
 - b. The Synod Council may propose an amendment, with notice to be sent to the congregations of this synod at least six months prior to the next regular meeting of the Synod Assembly. Such an amendment shall require for adoption a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.

All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.

†**S18.21.** This synod may adopt bylaws not in conflict with this constitution or with the constitution and bylaws of the churchwide organization. This synod may amend its bylaws at any meeting of the Synod Assembly by a two-thirds vote of voting members of the assembly present and voting. Newly adopted bylaws and amendments to existing bylaws shall be reported to the secretary of this church.

Continuing resolution (Those provisions ending with a letter and number) are adopted by the Synod Council and do not require approval by the Synod Assembly.

Paragraph *S1.21. has had “the Synod” replaced with “this Synod” to keep reference protocol. Only the first sentence is in the model – each synod adds the description appropriate for them.

†**S1.21.** The seal of this synod is a pair of concentric circles. The name of **this** Synod is printed in the outer circle of the seal. The inner circle contains the official logo of the Evangelical Lutheran Church in America with the year of the constituting convention.

Bylaw S7.01.01. was previously S7.33.01. This places the description of the required committees within the requirement of having a Synod Assembly. No changes have been made to the wording.

S7.01.01 Committees for each Synod Assembly shall be appointed by the Synod Council in accordance with the criteria established by *S6.04. of the synod constitution, as follows:

- a. Credentials Committee. This committee shall determine the eligibility of the members of the Synod Assembly.
 - b. Reference and Resolutions Committee. This committee shall receive resolutions and memorials to Churchwide, assure that such resolutions and memorials are in accordance with approved standard format, ascertain that the author/signatory or an authorized representative of such will be present on the floor of the Synod Assembly to present and defend the resolution or memorial, and recommend the placement of resolutions on the agenda for action by the Synod Assembly. It shall review other items submitted which are not germane to items contained in the adopted agenda of the Synod Assembly. Having reviewed resolution, memorials and other items for format compliance, the committee shall have such distributed to the members of the Synod Assembly along with committee recommendations at least one session prior to the session that they are to be acted upon. No resolution that contradicts or violates required provisions of the current synod or congregation constitutions shall be brought before the Assembly.
 - c. Elections Committee. This committee shall prepare, distribute, collect and count ballots of all elections and shall announce the results to the Synod Assembly. The members shall be appointed from congregations local to the Synod Assembly meeting place and be supervised by a voting member or members of the Synod Assembly.
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Continuing Resolution S7.01.A19 was S7.33.A19 This places the signature requirement following the bylaw describing the Assembly committees.

S7.01.A19 Resolutions presented to the Reference and Resolution Committee for referral to the Synod Assembly for action shall be supported by at least 25 Confirmed members of the North/West Lower Michigan Synod whose signatures appear on the resolution as submitted.

Bylaw S7.11.03. was S9.03.04. This puts the bylaw in the paragraph describing the makeup of the synod voting member delegation.

S7.11.03. The vice-president of this synod shall be a voting member of the Churchwide Assembly, maintaining the provisions of S7.11.02. Should the vice-president be unable to attend a Churchwide Assembly, the Executive Committee may select a substitute from among its members and reserve one position of the voting members from this synod for this substitute.

Continuing Resolution S7.21.A19 was S7.21.B17 – Numbers have been updated to eliminate confusion and to cover gap in the 1400-1500 member size.

S7.21.A19 Additional voting members from congregations shall be apportioned according to the baptized membership on the statistical report for that calendar year (1000-1500: one additional voting member; 1501-2000: two additional voting members; 2001 or more: three additional voting members). These additional voting members shall be equally divided between female and male, except odd-numbered voting members, if any, may be either male or female.

Original wording: (1000-1400: one additional voting member; 1500-2000: two additional voting members; 2000 or more: three additional voting members).

Paragraph S7.22. has had the reference to S7.21.c. changed to reference the entire paragraph S7.21. since that entire paragraph delineates the makeup of the Voting Members of the Synod Assembly.

Continuing Resolution S7.22.A19 was S7.21.A08 Paragraph S7.22. refers to allowing retired rostered ministers to vote – Paragraph S7.21. defines the composition of the Assembly’s voting membership.

S7.22.A19 All retired rostered leaders of this synod, in attendance at the Synod Assembly, shall be voting members as long as the distribution is consistent with *S7.21.

Bylaw S8.32.01. has had “Synod Council” removed since that is noted in *S8.32.a.

S8.32.01. The secretary shall also keep the meeting minutes of the Synod Executive Committee.

Original wording: S8.32.01. The secretary shall keep the minutes of the Synod Council and the Executive Committee.

Paragraph S8.32.a. reads:

- a. Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for the printing and distribution of such minutes, and perform such other duties as this synod may from time to time direct.
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Bylaw S7.33.02 has been renumbered as S8.32.02. There has been no change to the wording.

S8.32.02. The secretary of the synod shall take minutes of all proceedings of the Synod Assembly and shall prepare these minutes for review by the Executive Committee and for approval by the Synod Council, and shall present all resolutions adopted at a Synod Assembly to the Synod Council for disposition and implementation.

Bylaw S8.41.01. has had “or Synod Council” added to be consistent with *S8.41. Wording has been updated to reflect “election or appointment” rather than “selection”.

S8.41.01 The Synod Assembly or Synod Council shall be responsible for the election or appointment of an individual who is highly qualified, experienced and skilled in fiscal and investment matters.

Paragraph *S8.41. reads:

†**S8.41.** The treasurer may be elected by the Synod Assembly or may be appointed by the Synod Council. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or a rostered minister.

Bylaw S8.51.02. has had grammatical edits – “year. Therefore” is now “year; therefore,”

S8.51.02 The normal terms of office of the Secretary and the Vice President shall not begin and end in the same calendar year; therefore, these terms shall not end at the same Synod Assembly.

Paragraph S8.55. and Bylaw S8.55.01. have been combined to correspond to the model with the designation of a 4-year term for the treasurer if appointed by the Synod Council.

S8.55. Should the vice president, secretary, or treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be the unfulfilled term of the previously elected officer. If the treasurer is appointed by the Synod Council, the Synod Council shall appoint a new treasurer to a 4 - year term.

Original Paragraph and bylaw:

S8.55. Should the vice president or secretary die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be the unfulfilled term of the previously elected officer.

S8.55.01. Should the treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the treasurer until such time as the Synod Assembly shall elect a successor treasurer or until the treasurer is able to serve again. The term of a successor treasurer shall be four years.

Bylaw S9.03.01. has been eliminated and Bylaws S9.03.02. and S9.03.03. have been renumbered to S9.03.01. and S9.03.02. respectively. Punctuation has been cleaned up for readability. Paragraph S9.03. states that the Nominating Committee is appointed by the Synod Council and has had the phrase **in accordance with the criteria established by *S6.04.** included to allow deletion of the bylaw.

S9.03. There shall be a Nominating Committee consisting of **at least 3** members who shall be appointed by the Synod Council **in accordance with the criteria established by *S6.04.** to serve for each regular meeting of the Synod Assembly. Additional nominations may be made from the floor of the Synod Assembly, with the consent of the proposed nominees, for all elections for which nominations are made by the Nominating Committee.

Deleted bylaw:

S9.03.01. The Nominating Committee shall be appointed by the Synod Council in accordance with the criteria established by *S6.04. of the synod constitution.

Paragraph S9.05. is recommended to be updated as the council requested in December 2018. The current paragraphs S9.06. and S9.07. are recommended to become bylaws and the inclusion of model paragraphs S9.06. and S9.07. is not recommended since these are covered in the N/WLM paragraph S9.05.

S9.05. The Nominating Committee shall nominate at least one person for vice president, at least one person for secretary; and shall nominate as many candidates for treasurer as are found appropriate for this office. Additional nominations may be made from the floor with the consent of the proposed nominees.

S9.05.01 The Synod Council may make recommendations for Vice President, Secretary, and Treasurer to the Nominating Committee.

S9.05.02. The Nominating Committee shall nominate at least one person for each vacancy on a Board of an ELCA related institution of higher learning to be filled by the Synod Assembly

Paragraphs S9.06. and S9.07. from the model are not used in this constitution. Their wording has been incorporated in S9.05.

Current N/WLM Constitution:

- S9.05. The Nominating Committee shall nominate at least one person for vice president and two persons for secretary, and shall nominate as many candidates for treasurer as are found appropriate for this office. Additional nominations may be made from the floor with the consent of the nominees.
- S9.06 The Synod Council may submit recommendations for vice-president, secretary and treasurer to the Nominating Committee.
- S9.07 The Nominating Committee shall nominate at least two persons for each vacancy on a Board of an ELCA-related institution of high learning to be filled by the Synod Assembly.

Model Synod Constitution reads:

- S9.05. The Nominating Committee shall nominate at least one person for vice president; additional nominations may be made from the floor.
- S9.06 The Synod Council shall nominate at least one person for secretary; additional nominations may be made from the floor.
- S9.07 If the treasurer is elected, the Synod Council shall nominate at least one person for treasurer; additional nominations may be made from the floor.

Bylaw S10.07.05. has had “appoint any person” changed to “appoint any council member present” to clarify that the acting secretary is chosen from the council members present at the meeting. Specifying it this way also eliminates any confidentiality problem that could arise if someone other than a council member acted in this capacity.

- S10.07.05. The vice-president shall preside at all meetings of the Synod Council, but in the absence of the vice-president, a chair shall be elected from the members present. The secretary of the synod shall act as secretary of all meetings of the Synod Council; but in the absence of the secretary, the chair may appoint any **council member present** to act as secretary of the meeting.

Continuing Resolution S11.01.A17 has been relocated following Bylaw S11.01.03. since that Bylaw refers to the committees established by the council. No changes have been made to the wording of this CR.

Bylaw S11.01.05.c.3) has been updated to reflect “Samaritas” rather than LSSM. The initial description of forming Samaritas has been updated for clarity

- S11.01.05 The Synod Council shall cause this synod to **become a member of an association of participating ELCA synods, exercising ownership of and responsibility for Samaritas, the Lutheran social service agency in Michigan.**
 - a. The Association shall be composed of three (3) representatives from each synod. These representatives shall be nominated by the bishop and elected by the Synod Council. The members shall serve a two (2) year term and may be re-elected two (2) times.

- b. The Association shall choose its chair annually and the chair shall rotate among the synods holding membership in the Association.
- c. The duties of the Association are as follows:
 - 1) To elect the judicatories' portion of the membership of the board of Directors as provided for in the Bylaws of Samaritas;
 - 2) To recommend to the synods occasional major fund-raising campaigns of Samaritas; and
 - 3) To consult with the Board of Directors of Samaritas in the election of the president of Samaritas.

Current N/WLM Constitution:

- S11.01.05 The Synod Council shall cause the synod to form and join an Association of Judicatories with other synods of the Evangelical Lutheran Church in America having responsibility for Samaritas, upon the agreement of the other synods. The Association of Judicatories shall function as the owners of Samaritas.
- a. The Association shall be composed of three (3) representatives from each synod. These representatives shall be nominated by the bishop and elected by the Synod Council. The members shall serve a two (2) year term and may be re-elected two (2) times.
 - b. The Association shall choose its chair annually and the chair shall rotate among the synods holding membership in the Association.
 - c. The duties of the Association are as follows:
 - 1) To elect the judicatories' portion of the membership of the board of Directors as provided for in the Bylaws of Samaritas;
 - 2) To recommend to the synods occasional major fund-raising campaigns of Samaritas; and
 - 3) To consult with the Board of Directors of LSSM in the election of the president of Samaritas.

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Section C

The following updates to the Synod Constitution are continuing resolutions adopted by Synod Council and presented to the 2021 Synod Assembly. These continuing resolutions do not require a vote of the Synod Assembly for adoption.

Campus Ministry and Deletion of Continuing Resolution S11.01.A16.

Campus Ministry has been restructured with each synod (N/WLM and SEMI) handling interactions between congregations and a local campus ministry rather than a single corporation providing grants to only a few campus ministry locations. No funds have been received and no reports have been filed with the State of Michigan since the review of functionality was undertaken beginning in 2016. The current structure (each synod responsible for their own campus ministry support) has led to a more robust campus ministry program within each synod.

The Executive Committee recommended that this Continuing Resolution be deleted from the Synod Constitution. This action required a 2/3 vote of the council for passage. A roll-call vote was held to determine approval which was unanimous.

The resolution states:

S11.01.A16. The Synod Council in partnership with the Southeast Michigan ("SEMI") Synod shall maintain a corporation under the title of Michigan Lutheran Campus Ministry, Inc. Its purpose and management shall be to provide for the distribution of any funds, contributions or bequests received in support of ELCA Lutheran campus ministry within the communities of higher education in the lower peninsula of Michigan.

Resolutions and Memorials for 2021 Synod Assembly

The following resolution applies only to the Resolutions and Churchwide Memorials presented to consideration at the 2021 Synod Assembly. It was enacted to encourage discussion prior to the assembly and allow the Voting Members time to consider their vote. This will allow the 2021 Synod Assembly to focus on the business in an expeditious manner.

S11.01.A21

Due to the assembly restrictions imposed by the Covid-19 pandemic, protocols for the presentation and consideration of resolutions and churchwide memorials presented to the Resolutions Committee for the 2021 Synod Assembly only are:

1. All resolutions and churchwide memorials shall be submitted to the chair of the Resolutions Committee by April 7, 2021.
2. All resolutions and churchwide memorials shall be included in the pre-Assembly packet. No additional resolutions or churchwide memorials will be considered during the 2021 Synod Assembly.
3. Prior to the 2021 Synod Assembly, ZOOM meetings shall be scheduled during which resolutions and churchwide memorials, correctly submitted for consideration by the 2021 Synod Assembly, will be discussed.

¹ The North/West Lower Michigan Synod Constitution currently provided on the mittensynod.org website reflects all the changes proposed herein.