



Western North Dakota Synod

Evangelical Lutheran Church in America

God's work. Our hands.

Western North Dakota Synod Bishop Position Description

Compensation and Benefits:

Base Salary: \$65,000-75,000
Housing allowance: \$25,000
Paid time off: 4 weeks of vacation, 8 hours per month sick leave
Health, vision, dental insurance: Portico Benefit Services
Retirement: 10%
Continuing Education Allowance: \$3,000
Sabbatical policy: yes
Auto: use of synod owned vehicle
Laptop and other technology as needed
Hybrid office arrangement

Office Staffing: at the discretion of the synod bishop with approval of synod council.

Constitutional Duties:

- S7.12.** Special meetings of the Synod Assembly may be called by the bishop with the consent of the Synod Council, or at the request of the Synod Council, and shall be called by the bishop at the request of one-fifth of the voting members of the last regular Synod Assembly.
- a. The notice of each special meeting shall define the purpose for which it is to be held. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.
 - b. If the special meeting of the Synod Assembly is for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the Synod Council after consultation with the presiding bishop of the ELCA in cooperation with the Synod Council.
- S8.10. Bishop**
- †**S8.11.** The bishop shall be elected by the Synod Assembly. The bishop shall be a minister of Word and Sacrament of the Evangelical Lutheran Church in America.
- †**S8.12.** As this synod's pastor, the bishop shall:
- a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
 - b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ministers of Word and Sacrament, and its ministers of Word and Service.

- c. Exercise solely this church's power to ordain (or provide for the ordination by another synod 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. 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.
- e. Attest letters of call for persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.
- f. Install (or provide for the installation of) rostered ministers whose calls the bishop has attested.
- g. Exercise leadership in the mission of this church and in so doing:
 - 1) Interpret and advocate the mission and theology of the whole church;
 - 2) Lead in fostering support for and commitment to the mission of this church within this synod;
 - 3) Coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;
 - 4) Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work; and
 - 5) Advise and counsel this synod's related institutions and organizations.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
 - 1) Exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;
 - 2) Be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of rostered ministers and congregations of this synod;
 - 3) Be the chief ecumenical officer of this synod;
 - 4) Be a member of the Conference of Bishops and consult regularly with other synod bishops;
 - 5) Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;
 - 6) Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and
 - 7) Be *ex officio* a member of the Churchwide Assembly.
- i. Oversee and administer the work of this synod and in so doing:
 - 1) Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;
 - 2) Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;
 - 3) Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;
 - 4) Direct and guide the work of the other officers;
 - 5) Exercise supervision over the work of all synod staff members;
 - 6) Appoint all committees for which provision is not otherwise made;
 - 7) Be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;
 - 8) Provide for preparation and maintenance of synod 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 their retired or disability status took effect;

- 9) Annually bring to the attention of the Synod Council the names of all rostered ministers on leave from call or engaged in approved graduate study in conformity with the constitution, bylaws, and continuing resolutions of this church and pursuant to prior action of this synod through the Synod Council;
- 10) Provide for prompt reporting to the secretary of this church of:
 - a) additions to and subtractions from the rosters of this synod;
 - b) the issuance of certificates of transfer for rostered ministers in good standing who have received and accepted a properly issued, duly attested, regular letter of call under the jurisdiction of another synod; and
 - c) the entrance of the names of such persons for whom proper certificates of transfer have been received;
- 11) Provide for preparation and maintenance of a roster of the congregations of this synod and the names of the laypersons who have been elected to represent them; and
- 12) Appoint a statistician of the synod, who shall secure the reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.

S8.14. The synodical bishop may have such assistants as this synod shall from time to time authorize.

†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 synod bishop.

†S8.16. Conflicts of Interest

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

- a. Whenever a synod bishop determines that a matter of the kind described in †S8.16.01.b. may require the bishop's determination or action with respect to a related individual as defined in †S8.16.01.c., the synod bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synod 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 provisions 7.46. and 7.75. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (†S14.18. and †S14.43.), candidacy, reinstatement, and similar matters where determinations or actions by the synod 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 synod 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).

†S8.32. The secretary shall:

- a. Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for distribution of such minutes, and perform such other duties as this synod may from time to time direct.
- b. Be authorized and empowered, in the name of this synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.
- c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.
- d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly.

- †S8.51.** The terms of office of the officers of this synod shall be as follows:
- a. The bishop of this synod shall be elected to a term of six years and may be re-elected.
 - b. The vice president and secretary of this synod shall be elected to a term of four years and may be re-elected. The officer shall serve until a successor takes office.
 - c. The treasurer of this synod shall be elected or appointed to a term of four years and may be re-elected or reappointed. The treasurer shall serve until a successor takes office.
- †S8.53.** Each officer shall be a voting member in a congregation or a confirmed member of a synod-authorized worshipping community of this synod, except that the bishop need not be a member of a congregation of this synod at the time of election.
- 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 four years.
- S9.04.** The bishop shall be elected by the Synod Assembly by ecclesiastical ballot. Three-fourths of the legal votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three-fourths of the legal votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of legal votes on the second ballot, and two-thirds of the legal votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of legal votes on the third ballot, and 60 percent of the legal votes cast shall be necessary for election. On subsequent ballots a majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of legal votes on the previous ballot.
- S10.03B19.** Due process for concerning the bishop's recommendation for removal from the retired roster:
- a. The Synod Vice President will chair the special meeting of the Synod Council.
 - b. The Synod Vice President will invite the minister of Word and Sacrament to attend the special meeting.
 - c. The Bishop will explain, in the presence of the minister of Word and Sacrament (if attending the special meeting) the reasons for recommending that the Synod Council revoke the minister's retired status.
 - d. The minister will then have an opportunity to respond to the Bishop's recommendation.
 - e. The Bishop will be provided a brief opportunity to reply to the minister's comments.
 - f. At the conclusion of the presentations by the bishop and the minister, the chair will ask the minister to leave the meeting.
 - g. The Bishop may remain in the special meeting during the Council's discussion but may not participate in the discussion among Council members.
 - h. If the Council has further factual questions of the Bishop concerning the minister's conduct, the minister will be invited to return to the special meeting to hear the question(s) and the Bishop's response(s). The chair will then ask the minister to again leave the meeting.
 - i. Similarly, if the Council has further questions of the minister, the minister will be invited to return to the special meeting to hear the question(s) and respond. The Bishop will be given an opportunity to comment on the minister's response(s).
 - j. At the conclusion of the discussion, the Synod Council will vote by written unsigned ballots, which will be counted by the Synod Attorney. The Bishop's recommendation may be approved only upon a two-thirds vote of the Synod Council members present and voting. The ballots will be retained with the minutes of the special meeting.

- k. The Synod Attorney will be present to advise the chair during the special meeting.
- l. The chair will designate the Council Secretary or a member of the Bishop's staff to record minutes of the special meeting.
- m. The chair shall cause the minister to be promptly informed of the Synod Council's decision.

S10.08.A24. Confidentiality.

- a. Unless required by law or a court order, a member of the Synod Council may not disclose any confidential information, during or after the member's service on the Council, unless the Synod Council or the Bishop consents in writing.
- b. The term "confidential information" means any data, information, record, or knowledge obtained by the council member in any manner from the Evangelical Lutheran Church in America (ELCA), the Western North Dakota Synod, or any congregation in the Synod. However, "confidential information" does not include information that the ELCA, the Synod, or the Synod's congregations provides to or makes available to the general public.
- c. Each council member shall annually sign a confidentiality statement by July 31.

S11.04. A Mutual Ministry Committee shall be appointed by the Executive Committee of the Synod Council to provide support and counsel to the bishop.

S11.04.01. Mutual Ministry Committee. This committee shall consist of five persons, recommended by the bishop, selected from and approved by the Synod Council. This committee shall seek to give encouragement by its concern for the spiritual, emotional, and physical well-being of the full-time salaried officers and employees of this synod. It will offer support when they are experiencing personal or pastoral stress. It will allow for open communication concerning attitudes and conditions within this synod.

S11.06a21.5. Administration. The board of the WNDS LYO shall consist of the officers of the WNDS Lutheran Youth Organization; the bishop of this synod (or the bishop's representative); one conference advisor (an adult age [21 or over] from each conference appointed for a two-year term by the conference dean) from each conference who may serve three consecutive terms; and one youth in grades 9 through 11 from each conference. All members of the board must be a member of an ELCA congregation of WNDS.

- A. Should a member of this council become unable or unwilling to fulfill his/her respective duties, this council shall be empowered to declare the office vacant and to appoint a successor to complete the unexpired term. Such successor may be eligible to apply for reappointment to the same office.
- B. Between Gatherings, this board shall be the governing body of this organization.
- C. The WNDS LYO Board shall meet as often as it deems necessary to fulfill its functions, normally 3 times a year. Meetings may be called by the WNDS LYO president, a majority of the board, or the bishop's representative on the board.

S11.06a21.6.C. All applications [for LYO officers] will be reviewed by a selection committee consisting of 2 conference advisors, the bishop or bishop's representative, and youth members of the board who are completing the last year in their term of service. After review, the committee will nominate candidates for all open positions. These nominations will be brought forward to the full LYO board for appointment. The terms of officers shall be as follows: president, one year; vice-president, one year; secretary, two years, elected in even numbered years; treasurer, two years, elected in odd numbered years. Conference representatives shall serve a single two-year term.

S11.06.B25. Growing in Faith to Serve (GIFTS) Committee

2. Members.

- a. There shall be six voting committee members nominated by the bishop and appointed by the Synod Council for staggered three-year terms. The aspirational goal will be four lay members, two rostered ministers, and an equal number of male and female members.
- b. The bishop shall designate one staff member, who will have voice but no vote, to support the committee, coordinate schedules, and help with suggested training needs.

- c. The Synod Council shall designate one council member as a committee liaison who shall have voice but no vote.

S11.06.C25. Reference and Counsel Committee

1. Purpose. The Committee's primary purpose is to supervise elections during the Synod Assembly, manage the submission of resolutions to the Synod Assembly, and assist the vice president and bishop during the Synod Assembly.
2. Members. There shall be six committee members nominated by the bishop and appointed by the Synod Council for staggered three-year terms. The bishop will designate the committee chair who may have consecutive one-year terms. The aspirational goal will be four lay members, two rostered members, and an equal number of male and female members.
3. Support. The bishop shall designate a staff member to support the committee.

†S13.01.b.

- b. **Congregations from another church body.** If a congregation is a member of another church body, the 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 contact the ELCA synod bishop or staff where the congregation is located. The synod bishop of 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 of additional congregations into this church is based upon the judgment of the synod that the congregations satisfy the criteria of 9.21 and 9.25. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the roster of congregations.
 - 1) Recognition and reception of congregations newly formed by this church is accomplished by action of the Synod Council.
 - 2) Recognition and reception of transferring or independent congregations is accomplished by the action of the Synod Assembly upon the recommendation of the Synod Council.
 - a. If a congregation is a member of another church body, the 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 contact the synod bishop or synod staff in this church where the congregation is located.
 - b. 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 the Evangelical Lutheran Church in America.

S13.11. When a rostered minister resigns, the Congregation Council shall receive the letter of resignation, report it to the congregation, and at once notify the bishop of this synod

†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.

†S13.21. 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.

†S14.11. The time and place of the ordination of those persons properly called to ministry in this synod shall be authorized by the bishop of this synod.

S14.15. Each minister of Word and Sacrament on the roster of this synod shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

†S14.16. When a congregation of this church desires to call a pastor or a candidate for the ministry of Word and Sacrament of this church:

- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.
- b. For issuance of a letter of call to a pastor or candidate by a congregation of this synod in accord with ELCA constitutional provision 7.41., a two-thirds vote shall be required of voting

members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.

- c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

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 of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

†**S14.18.** 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 synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged disability or 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 with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. In the bishop's sole discretion, the bishop's committee may also present, as may be appropriate, either a report or report summary to the pastor and to the congregation together with the recommendations. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- †S14.21. The records of all baptisms, confirmations, marriages, burials, communicants, members received, members transferred or dismissed, members who have become inactive, or members excluded from the congregation shall be kept accurately and permanently. They shall remain the property of each congregation. At the time of the closure of a congregation, such records shall be sent to the regional archives. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in the secretary's hands in good order by a departing pastor before:
- a. installation in another call, or
 - b. approval of a request for change in roster status.
- †S14.23. During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any rostered minister who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod that the congregation records, for the period for which the interim pastor was responsible, are in order.
- †S14.24. With the approval of the synod 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 ordination of those persons properly called to ministry in this synod shall be authorized by the bishop of this synod.
- S14.34. Each minister of Word and Service on the roster of this synod shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- †S14.41. When a congregation of this church desires to call a minister of Word and Service or a candidate for the ministry of Word and Service of this church:
- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective minister of Word and Service.
 - b. For issuance of a letter of call to a minister of Word and Service or candidate by a congregation of this synod in accord with ELCA constitutional provision 7.71., a two-thirds vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
 - c. When the congregation has voted to issue a call to a prospective minister of Word and Service, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- 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 of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.
- †S14.43. 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 death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the minister of Word and Service, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the office effectively in view of disability or incapacity of the minister of Word and Service;
 - 5) suspension of the minister of Word and Service through discipline for more than three months;
 - 6) resignation or removal of the minister of Word and Service from the roster of Ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the minister of Word and Service under paragraph a.4) above, or ineffective conduct of the ministry of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged disability or 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 with disability status. Upon resumption of the ability to conduct the office effectively, 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.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the minister of Word and Service and then to the congregation. The recommendations of the bishop's committee address whether the minister of Word and Service's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the minister of Word and Service, if appropriate. If the minister of Word and Service and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the minister of Word and Service's call, the congregation may dismiss the minister of Word and Service only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

†S14.46. With the approval of the synod 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.

S15.40.05. The Endowment Fund shall be managed by the Endowment Fund Committee.

1. The Endowment Fund Committee consists of the following, all of whom must be voting members of Synod congregations:
 - a. Nine appointed members, who may not serve concurrently on the Synod Council, and who are appointed by the Endowment Fund Committee, with the approval of the Synod Council, for three-year terms. The Endowment Fund Committee, in consultation with the Synod Council, shall maintain rotating terms by appointing or reappointing three committee members each year. No appointive member may serve more than two consecutive full three-year terms.
 - b. The Bishop of the Synod, the Assistant to the Bishop for Endowment and Development (or successor position), and a Synod Council member designated by the Synod Council, as ex officio voting members.
2. Vacancies shall be filled by the remaining members of the Endowment Fund Committee with the approval of the Synod Council.
3. All Endowment Fund Committee members shall endeavor to maintain a high degree of communication with the Synod Council, conferences of the Synod, and other teams and committees within the Synod to nurture the total life and ministry of the Synod and of the Endowment Fund.
4. The Committee shall annually elect from its membership a chairperson, a vice-chairperson, and a treasurer/secretary.
5. The Committee shall hold regular meetings.
6. Special meetings may be called on twenty-four hours written or oral notice to the members of the Committee by the chairperson or any two members.
7. A quorum shall consist of a majority of Committee members. The affirmative vote of a majority present and voting shall carry any motion or resolution.
8. The Committee may establish written policies as may be necessary for the conduct of its business. It shall adopt a budget as a guide for the committee's operational expense.
9. The Committee shall maintain accounts with such financial institutions as it may authorize. All checks and other documents transferring or expending any funds or assets in the Endowment Fund shall be executed, at the request of the Endowment Fund Committee, by the Synod financial administrator and signed by the bishop.
10. The Committee may ask other members of Synod congregations to serve as advisory members.
11. The Committee shall maintain complete and accurate books of accounts.
12. The secretary/treasurer shall maintain complete and accurate minutes of all meetings of the Committee and provide a copy to each member within seven days after the meeting.
13. No member of the Committee shall engage in any self dealing or transactions with the Endowment Fund in which the Committee member has direct or indirect financial interest and shall at all times refrain from any conduct in which his/her personal financial interests would conflict, or appear to conflict, with the interests of the fund.
14. The Committee may appoint an executive subcommittee composed of the chair, the vice-chair, the secretary/treasurer and one additional committee member to handle delegated management responsibilities. The Committee may also appoint other subcommittees to address specific committee functions.
15. The Endowment Fund Committee shall make recommendations to the Synod Council Executive Committee concerning the best use of Endowment Fund income. Also, members of the Synod congregations may make written suggestions to the Committee.

16. The Endowment Fund Committee, at each Synod Assembly, shall submit a report of the administration of the Trust Fund for the preceding year.
17. The Endowment Fund Committee may receive funds through gifts, memorials, bequests, wills, estates, etc., from any individual, corporation, or organization or from any other source in cash or in other acceptable property. All funds and property shall be kept and maintained separate, distinct and independent from the funds and property of the Synod.
18. The Endowment Fund Committee may commingle the assets of the Ministry Fund, the Mission Fund and any other assets held in the Endowment Fund, and administer such assets as a single fund, so long as the committee records accurately reflect the receipts, disbursements, and assets properly allocated to each fund within the Endowment Fund. The Endowment Fund Committee shall not be required to make physical segregation of the assets of the Trust Fund in order to conform to the direction of any individual donor but may establish separate accounts in its accounting records.

S15.40A21. Windfall policy

1. Definitions:
 - a. “Windfall” means an unrestricted, unbudgeted contribution or bequest of an amount equal to or greater than the threshold amount.
 - b. “Bequest” means any gift, intended to take effect at or after death, by a donor, through a will, a trust, an IRA, a pension plan or similar benefit plan, an annuity or insurance policy of any type, any type of survivorship account, or similar wealth transfer document or plan.
 - c. “Threshold amount” means any amount equal to or greater than \$5,000. Generally, any unrestricted gift, bequest, or grant below the threshold amount may be used as need to meet the needs of the organization as determined by the Bishop and executive staff and approved by the Council through the normal budgeting process.
2. It is the Organization’s policy that any Windfall be allocated as set forth below, in the order and priority indicated.
 - a. When an unrestricted, undesignated, unbudgeted gift in the threshold amount or above is received in the synod office, the Associate to the Bishop will be contacted in order to determine if this contribution was expected. If not, the donor will be contacted as to their intent.
 - b. If the donor specifies “as needed, to be determined by staff” then the following will occur:
 - 1) Not less than eighty percent (80%) of all Windfall gifts during any budget year will be allocated to the Endowment Fund.
 - 2) Not more than twenty percent (20%) of all Windfall gifts during any budget year will be allocated to non-endowment needs of the organization as recommended by the Bishop and Executive Staff, and approved by the Synod council as part of the regular budget management process.
 - c. Specific allocations shall be made at the recommendation of the Bishop, with the approval of the Synod Council, within the allocation guidelines specified above.
 - d. Exceptions to this policy allowing less than an eighty percent (80%) allocation to the Endowment Fund will require a conversation between the Synod Endowment Committee, the Synod Council, and Executive staff. Followed by approval of the Synod Endowment Committee, followed by a two-thirds majority vote of the Synod Council.
 - e. During the duration of a Capital Campaign, the windfall gift policy may be suspended for the duration of the campaign, at the recommendation of the Bishop, Executive Staff and approved by the Synod Council, allowing Windfall gifts in their entirety or portions thereof to be allocated to the active Capital Campaign. Such suspension of policy will require a two-thirds majority vote of the Synod Council and must be limited to the duration set forth in an approved capital campaign.

†**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 synod bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synod 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 made by the Synod Council.

- †S17.01. The synod bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.
- †S17.02. The synod bishop and the Executive Committee of the Synod Council shall receive expressions of concern from rostered ministers, 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, applicable procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of a rostered minister 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 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 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.
- †S17.10. **Adjudication in a Congregation**
- †S17.11. When there is disagreement between or among factions with 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.

Ex-officio responsibilities:

- a. Conference of Bishops
- b. Board of Directors, Lutheran Social Services of North Dakota Foundation
- c. Other opportunities as invited