



Western North Dakota Synod
Evangelical Lutheran Church in America
God's work. Our hands.

**Constitution and Bylaws of the
Western North Dakota Synod
of the Evangelical Lutheran Church in
America**

Effective May 31, 2026

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Constitution and Bylaws of the Western North Dakota Synod of the Evangelical Lutheran Church in America

Chapter 1: NAME AND INCORPORATION

- †S1.01. The name of this synod, as determined by the Churchwide Assembly, shall be Western North Dakota Synod of the Evangelical Lutheran Church in America.
- †S1.02. For the purposes of this constitution and the accompanying bylaws, the Western North Dakota Synod of the Evangelical Lutheran Church in America is hereafter designated as “this synod” or “the synod.”
- †S1.11. This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.
- S1.21. The seal of this synod is a circular representation of the Triune God. The field along the bottom two thirds of the circle represents God the Creator; the cross rising out of the fields in the upper one third of the circle represents Jesus the Christ; and the flames on the upper third of the circle represents the Holy Spirit. The name of the synod and the national church of which it is a part appear around the circumference of the circle, with name of the synod across the top of the circle and the initials of the national church across the bottom.

Chapter 2: STATUS

- †S2.01. This synod possesses the powers conferred upon it, and accepts the duties and responsibilities assigned to it, in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, which are recognized as having governing force in the life of this synod.
- †S2.02. The name Evangelical Lutheran Church in America (ELCA or “this church”) as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.
- †S2.03. No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.

Chapter 3: TERRITORY

- †S3.01. The territory of this synod, as determined by the Churchwide Assembly, shall be: The counties of Adams, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Pierce, Renville, Sheridan, Sioux, Slope, Stark, Ward, Wells, Williams in the state of NORTH DAKOTA; the congregation Leeds Evangelical, Benson County in the state of NORTH DAKOTA; the congregation in Lemmon, Perkins County, and the congregation Ralph, Harding County in the state of SOUTH DAKOTA; the congregation Trinity, Wibaux County, in the state of MONTANA.
- †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 10.01.03.

Chapter 4: CONFESSION OF FAITH

- †S4.01. This synod confesses the Triune God, Father, Son, and Holy Spirit.
- †S4.02. This synod confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God’s message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God’s Spirit speaking through their authors, they record and announce God’s revelation centering in Jesus Christ. Through them God’s Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- †S4.03. This synod accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- †S4.04. This synod accepts the Apostles’, Nicene, and Athanasian Creeds as true declarations of the faith of this synod.

- †S4.05. This synod accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- †S4.06. This synod accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- †S4.07. This synod confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 5: NATURE OF THE CHURCH

- †S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.
- †S5.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- †S5.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- †S5.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.

Chapter 6: STATEMENT OF PURPOSE

- †S6.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- †S6.02. To participate in God's mission, this synod as a part of the Church shall:

- a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
- b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
- c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed and committing itself to their needs.
- d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

†S6.03. This synod, in 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:

- a. Provide for pastoral care of congregations and rostered ministers in the synod;
- b. Plan for, facilitate, and nurture the mission of this church through congregations;
- c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners.
- d. Interpret the work of this church to congregations and to the public on the territory of the synod.

†S6.03.01. 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 rostered ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synod committees;
 - 2) authorizing ordinations and ordaining rostered ministers on behalf of this church; and
 - 3) consulting in the call process for rostered ministers.
- b. providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:
 - 1) nurturing and supporting congregations and lay leaders;
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
 - 3) making provision for pastoral care, call review, and guidance;
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
 - c. providing for discipline of congregations, ministers of Word and Sacrament, and ministers of Word and Service; as well as for termination of call, appointment, adjudication, and appeals consistent with Chapter 20 of this church's constitution.
 - d. providing for archives in conjunction with other synods.
- †S6.03.02. In planning for, facilitating, and nurturing the mission of this church through congregations, the responsibilities of the synod include the following:
- a. developing of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
 - b. leading and encouraging of congregations in their evangelism efforts;
 - c. assisting members of its congregations in carrying out their ministries in the world;
 - d. encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;
 - e. providing resources for congregational life;
 - f. grouping congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.
- †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 relationships with other synods in the region;
- b. fostering organizations for youth, women, and men, and organizations for language or ethnic communities;
- c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing supportive funding;
- d. supporting relationships with and providing supportive funding on behalf of colleges, universities, and campus ministries;
- e. maintaining relationships with and providing supportive funding on behalf of seminaries and continuing education centers;
- f. fostering supporting relationships with camps and other outdoor ministries;
- g. fostering supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;
- h. fostering relationships with ecumenical and global companions;
- i. cooperating with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.

†S6.03.04. In interpreting the work of this church on the territory of the synod, the responsibilities of the synod include the following:

- a. encouraging financial support for the work of this church by individuals and congregations;
- b. participating in churchwide programs;
- c. interpreting social statements in a manner consistent with the interpretation given by the churchwide unit or office which assisted in the development of the statement, and suggestion of social study issues;
- d. providing ecumenical guidance and encouragement.

†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, at least 45 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men; and that, where possible, the representation of rostered ministers shall 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.

†S6.04.01. It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, the term “youth” means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term “young adult” means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.

†S6.04.02. It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be members of historically underrepresented groups, in addition to the 10 percent representation of persons of color and/or persons whose primary language is other than English in †S6.04. The Synod Council shall establish a plan for implementing this goal.

†S6.05. Each assembly, council, committee, board, commission, task force, or other body of this synod or any synod 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.

†S6.06. References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 7: SYNOD ASSEMBLY

†S7.01. This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions in the Articles of Incorporation, this constitution

and bylaws, the assembly's own resolutions, and the constitutions and bylaws of the Evangelical Lutheran Church in America.

S7.01A24. Synod Assembly General Rules

- a. Prior to the opening session of the Synod Assembly, the Synod Council shall disseminate to all member congregations an assembly agenda and these General Rules.
- b. These General Rules shall govern the functions of the Assembly unless amended in accordance with †S18.31.
- c. The determination by the Chairperson and Assembly Manager as to voting membership shall be final.
- d. Non-voting officials, visitors, and alternate voting members may be seated with voting members unless the Assembly votes to separate the voting and nonvoting attendees.
- e. Unless otherwise determined by a majority of the Assembly voting members, all speeches on business matters before the Assembly may not exceed two minutes and no voting member shall speak more than twice on the same subject.
- f. Except for positions that require special procedures pursuant to the ELCA or Synod Constitution, the following election process will be followed:
 1. The Nominating Committee will normally nominate one person for each office to be filled by election.
 2. Any voting member of the Assembly may nominate in writing a member in good standing of a congregation within the Synod. Such written nomination must be given to the assembly manager by 3:00 PM on the first full day of the Assembly. The nomination shall include the name of the person nominated, the name of the nominee's home congregation, a statement that the nominee agrees to serve in the position if elected, and the office the nominee is seeking.
 3. All elections must be by red or green cards unless the Assembly votes to conduct an election by written ballot. Except as otherwise provided by a majority vote of the voting members of the Assembly or the Synod Constitution, a majority of the votes cast is required for election. If more than two persons are nominated and none receive a majority, the two receiving the highest vote are the candidates on the next vote.
 4. The results of each vote in every election will be announced in detail to the Assembly.
- g. Except for announcements and comments by the chairperson or other person designated by the chairperson, only motions, resolutions, or discussion which relate to pending business, or pursuant to the agenda, shall be presented to the Assembly.
- h. The agenda for the Assembly and the considerations by the Reference and

Counsel Committee shall assign priority for consideration and action to all resolutions, motions, and proposals on the following basis:

1. First priority shall be given to written resolutions received by the Synod Council, which have been adopted by a majority vote at a congregational meeting of a member congregation and signed by the President or Secretary of that congregation.
 2. Second priority shall be given to written resolutions received by the Synod Council, which have been adopted by any standing or temporary committee of the Synod.
 3. Third priority shall be given to a written resolution initiated by the Synod Council or any officer of the Synod.
 4. If time permits, the Reference and Counsel Committee shall present to the Assembly for consideration any written proposal signed (in writing or by digital means) by twenty-five voting members of the Assembly, which is germane to any items on the agenda or of significant concern to the Synod, if electronically submitted (e.g., email or flash drive) to the Reference and Counsel Committee by 3:00 p.m. on the first full day of the Assembly.
- i. Resolutions should be prepared in accordance with the Synod Assembly Resolution Guidelines at <https://www.wndsynod.org/synod-assembly-resolution-guidelines>.
- j. The Reference and Counsel Committee shall review all resolutions offered and shall submit each to the Assembly with its recommendation that:
1. the resolution be adopted,
 2. the resolution be rejected,
 3. the resolution be amended and thereafter adopted,
 4. the resolution may be submitted without a recommendation, or
 5. If, in the opinion of the Reference and Counsel Committee, time will not permit the consideration of the resolution by the Assembly, the resolution will be returned to the sponsor or referred to the Synod Council for further consideration.
- k. The Reference and Counsel Committee may at any time:
1. grant or deny anyone permission to distribute printed matter to the voting members, or
 2. give assistance to the Assembly Chairperson as may be required.
- l. Action recommended by the Reference and Counsel Committee may be rejected by a majority of the Assembly.
- m. Any voting member may, after receiving recognition by the Chairperson, make a germane motion orally or in writing relating to the business of the Assembly.

- †S7.11. A regular meeting of the Synod Assembly shall be held at least triennially.
- S7.11.01. The time and place of the Western North Dakota Synod Assembly shall be determined by the Synod Council. The time and place for the next regular assembly normally shall be announced twelve months prior to the assembly; however, because of unforeseen circumstances, the Synod Council, by a two-thirds majority vote, may reschedule a Synod Assembly with appropriate notice to all synod congregations.
- S7.11.02. An annual meeting of the Synod Assembly may be held solely by one or more means of remote communication, if notice of the meeting is given to every member entitled to vote, and if the number of voting members participating in the meeting is sufficient to constitute a quorum at a meeting.
- 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.
- S.7.12.01. A special meeting of the Synod Assembly may be held solely by one or more means of remote communication, if notice of the meeting is given to every member entitled to vote, and if the number of voting members participating in the meeting is sufficient to constitute a quorum at a meeting. Also, a member not physically present in person at special meeting of the Synod Assembly may, by means of remote communication, participate in a Synod Assembly held at a designated place.
- S7.13. Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.
- S7.14. One-third of the members of the Synod Assembly shall constitute a quorum.
- †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:

- a. All rostered ministers, under call, on the roster of this synod shall be voting members of the Synod Assembly.
 - b. Lay voting members shall be elected by each congregation or its council as follows: A minimum of one lay member elected from each congregation with fewer than 175 baptized members and a minimum of two lay members elected from each congregation with 175 or more baptized members, typically one of whom shall be a man and one of whom shall be a woman. 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, at least 45 percent of the lay members of the assembly shall be women and, as nearly as possible, at least 45 percent shall be men.
 - c. Voting membership shall include the officers of this synod.
- S7.21.01.** Voting members shall begin serving with the opening of a regular Synod Assembly and shall continue serving until voting members are seated at the next regular Synod Assembly.
- †7.21.02.** 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 or its council may elect new members who shall continue to serve until the next regular Synod Assembly.
- S7.21.A23.** Each congregation may send voting lay members to the Synod Assembly according to this formula:¹

Baptized Membership	Voting lay members
0-500	2
501-1000	3
1001-1500	4
1501-2000	5
2001-2500	6
2501-3000	7
3001-3500	8
3501-4000	9
4001-4500	10
4501-5000	11

- S7.22.** This synod may establish processes that permit retired rostered ministers, or those designated as disabled, or on leave from call, on the

¹ The Synod Council unanimously adopted this CR on October 7, 2023.

roster of the synod to serve as voting members of the Synod Assembly, provided that such processes not result in fewer than 60% of the voting members of the Synod Assembly being laypersons in contravention of †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.

S7.22.A25. The following individuals shall have voice and vote at a Synod Assembly:

- a. Retired rostered ministers.
- b. Interim ministers of Word and Sacrament serving a synod congregation.
- c. Representatives of a synod authorized worshipping community (SAWC).
- d. A minister of Word and Sacrament from a full communion church body serving in a synod congregation.
- e. Synod Authorized Ministers (SAMs) serving a synod congregation as of the first day of the Synod Assembly.

†**S7.23.** The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of the churchwide organization as may be designated by the 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.

S7.24. Ministers under call on the roster of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the rosters of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until the opening of the next regular synod assembly, or unless replaced by the election of new members for a special synod assembly, or until they have been disqualified by termination of congregation membership.

†**S7.25.** Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, each voting member of the Synod Assembly shall be a voting member of a congregation or a confirmed member of a synod-authorized worshipping community of this synod.

S7.26. This synod may establish processes through the Synod Council that permit persons currently serving as synod-authorized ministers and/or lay representatives of authorized worshipping communities and/or outreach ministries of the synod, which have been authorized under ELCA bylaw 10.01.04., to serve as voting members of the Synod Assembly, consistent with †S7.21.

S7.27. This synod may establish processes through the Synod Council to grant a minister of Word and Sacrament from a church body with which a

relationship of full communion has been declared and established by the Churchwide Assembly the privilege of both voice and vote in the Synod Assembly during the period of that minister's service in a congregation of this church.

- S7.28.** Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21. shall be granted the privilege of both voice and vote as members of the Synod Assembly.
- †**S7.31.** Proxy and absentee voting shall not be permitted in the transaction of any business of the Synod Assembly.
- S7.32.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the Synod Assembly.
- S7.33.** “*Ex officio*” as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

Chapter 8: OFFICERS

- †**S8.01.** The officers of this synod shall be a bishop, a vice president, a secretary, and a treasurer.
- 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:
- Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
 - 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.
 - 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).
 - 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.
 - 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.

†S8.13. The synod 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 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 synod 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.

S8.13.A22. The synod attorney is authorized to approve constitutions submitted by congregations to the synod in accordance with chapter 16 of the *Model Constitution for Congregations*.

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).

S8.20. **Vice President**

†**S8.21.** The vice president shall be elected by the Synod Assembly. The vice president shall be a layperson. The vice president shall be a voting member of a congregation or a confirmed member of a synod-

authorized worshiping community of this synod. The vice president shall not receive a salary for the performance of the duties of the office. The vice president shall chair the Synod Council.

S8.22.

S8.30. Secretary

†**S8.31.** The secretary shall be elected by the Synod Assembly. The secretary shall be a voting member of a congregation or a confirmed member of a synod-authorized worshiping community of this synod. The secretary may be either a layperson or a rostered minister.

†**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.

S8.40. 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 or a confirmed member of a synod-authorized worshiping community of this synod. The treasurer may be either a layperson or a rostered minister.

S8.42. The treasurer shall provide and be accountable for:

- a. Management of the monies and accounts of this synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of this synod.
- b. Investment of funds upon the authorization of the Synod Council.
- c. Receipt and acknowledgment of offerings, contributions, and bequests made to this synod, collecting interest and income from its invested funds, and paying regular appropriations and orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by this synod for the general work of this church as well as any funds to support restricted programs of this church.
- d. Maintenance of a regular account with each congregation of this synod and informing the congregation, at least quarterly, of the status of this account.

- e. Rendering at each regular meeting of the Synod Assembly a full, detailed, and duly audited report of receipts and disbursements in the several accounts of this synod for the preceding fiscal year, together with the tabulation, for record and publication in the minutes, of the contributions from the congregations.

S8.50. General Provisions

- †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.
- S8.51.01. The officers of this synod may serve no more than two consecutive terms.
- †S8.52. The terms of the officers shall begin on the first day of the third month following election or, in special circumstances, at a time designated by the Synod Council.
- †S8.53. Each officer shall be a voting member in a congregation or a confirmed member of a synod-authorized worshiping community of this synod, except that the bishop need not be a member of a congregation of this synod at the time of election.
- †S8.54. Should the bishop die, resign, or be unable to serve, 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 appropriate care of the responsibilities of the bishop until an election of a new bishop can be held or, in the case of temporary disability, until the bishop is able to serve again. Such arrangements may include the appointment by the Synod Council of an interim bishop, who during the vacancy or period of disability shall possess all of the powers and authority of a regularly elected bishop. The term of the successor bishop, elected by the next Synod Assembly or a special meeting of the Synod Assembly called for the purpose of election, shall be six years with the subsequent election to take place at the Synod Assembly closest to the expiration of such a term and with the starting date of a successor term to be governed by constitutional provision S8.52.
- 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.

†S8.56. The Executive Committee of the Synod Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior written notice of the meeting shall be given to the officer in question at least 10 calendar days prior to the meeting.

†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 synod bishop shall be instituted by written petition by:
 - 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting;
 - 3) at least 10 synod bishops; or
 - 4) the presiding bishop of this church.
- b. Proceedings for the recall or dismissal of an officer of a synod, other than the synod bishop, shall be instituted by written petition by:
 - 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting; or
 - 3) the synod bishop.
- c. The petition shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631) and shall set forth the specific charge or charges.
- d. Upon the filing of a written petition, the Executive Committee of the Synod Council may temporarily suspend the officer from service in the synod without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee of the synod.
- e. In the case of alleged physical or mental incapacity of an officer of the synod, the procedures outlined in †S8.56. shall be followed, and such officer shall comply with the decision of the Synod Council. If

such officer fails or refuses to comply, the Synod Council may proceed to petition for recall or dismissal as follows:

- 1) the Synod Council will submit a written report of their findings and the basis of their decision to the Committee on Appeals.
 - 2) the Committee on Appeals, exclusive of any members who are disqualified, shall review the findings and decision of the Synod Council and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.
- f. If the synod officer is a minister of Word and Sacrament, grounds for recall or dismissal include those set forth in ELCA bylaw 20.22.01. and as defined under the process described in ELCA constitutional provisions 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 20.23.01. and as defined under the process described in ELCA constitutional provisions 20.21. and 20.22 as grounds for discipline.
- g. If the officer is a layperson, grounds for recall or dismissal include those set forth in ELCA bylaw 20.41.01. 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 20.22.14 except to the extent that those rules are in conflict with the provisions of this bylaw; and
 - 2) the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.
- i. Written notice of a decision by the Committee on Appeals that the charges have been sustained shall be given to the affected officer and to the Synod Council, and the office shall be vacated.

†S8.58. If the bishop is to be temporarily absent from the synod for an extended period not to exceed 90 days, the bishop, after consultation with the presiding bishop and with the consent of the Synod Council, may appoint as acting bishop for such period a minister of Word and Sacrament of this church. Except as limited by action of the Synod Council, an acting bishop shall possess all of the powers and authority of a regularly elected bishop other than authority to ordain or to authorize the ordination of properly approved candidates for ordination.

Chapter 9: NOMINATIONS AND ELECTIONS

- †**S9.01.** The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws. The Synod Assembly shall elect members of the Churchwide Assembly in accordance with bylaw 12.41.11. of the constitution and bylaws of the Evangelical Lutheran Church in America.
- S9.02.** In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election.
- S9.03.** There shall be a Nominating Committee consisting of seven members; one elected by the Synod Council from each conference to serve for each regular meeting of the Synod Assembly. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee.
- 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 who receive the greatest number of legal votes (including ties in the final qualifying position) 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 who receive the greatest number of legal votes (including ties in the final qualifying position) 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 who receive the greatest number of legal votes (including ties in the final qualifying position) on the previous ballot.
- 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.** The Synod Council shall nominate at least one person for treasurer; additional nominations may be made from the floor.
- S9.08.** In all elections, except for the bishop, a majority vote is required for election. If no majority is achieved on the first ballot, the two persons receiving the highest number of legal votes (plus ties) shall be entered on the next ballot.
- S9.09.** The result of each ballot in every election shall be announced in detail to the assembly.

- †S9.10. When notified by the secretary of this church, on behalf of the Nominating Committee of the Churchwide Assembly, the Synod Assembly shall nominate two persons in the specified categories for possible election by the Churchwide Assembly to the Church Council.
- S9.11. The Nominating Committee shall nominate persons to be elected by the Synod Assembly to serve on the Luther Seminary board of directors. Additional nominations may be made from the floor.
- †S9.12. Background checks and screening shall be required and completed for persons nominated as synod 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.
- S9.12.A08. The Synod Council Executive Committee shall provide for background checks for persons nominated for synodical office prior to the Synod Assembly at which the election will take place or as soon as possible after the Synod Assembly for newly elected officers nominated from the floor who were not identified as nominees prior to the assembly. The process shall be as follows:
- a. Prior to the Synod Assembly appropriate notice of the background check requirement and protocol will be provided to voting members, potential nominees, and others as directed by the Synod Council.
 - b. Nominees and newly elected officers are required to provide written consent to a background check and all information necessary to complete a background check, which should be completed prior to the Synod Assembly with respect to nominees and prior to installation for newly elected officers, if possible.
 - c. The Synod Council's Executive Committee shall designate one Executive Committee or Synod Council member to obtain the background checks.
 - d. All background checks for nominees and newly elected officers will entail a criminal background check. A financial background check will be completed for nominees for treasurer. The Executive Committee shall decide whether additional types of background checks are appropriate for each officer position.
 - e. The background check results shall be provided to that nominee or elected officer and to the Synod Council's Executive Committee. Further disclosure of the results may be determined by the Executive Committee.
 - f. The Executive Committee may adopt other procedures or protocols as are necessary to provide for background checks

for nominees and newly elected synodical officers and shall report such actions to the Synod Council.

Chapter 10: SYNOD COUNCIL

- †**S10.01.** The Synod Council, consisting of the four officers of the synod and 10 to 24 other members, at least one young adult and with a goal of at least one youth, shall be elected by the Synod Assembly.
- a. Each person elected to the Synod Council shall be a voting member of a congregation or a confirmed member of a synod-authorized worshiping community of this synod, with the exception of ministers on a roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.
 - b. The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be three years.
- †**S10.02.** The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions that are not in conflict with actions taken by the Synod Assembly or that are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.
- S10.03.** The functions of the Synod Council shall be to:
- a. Exercise trusteeship responsibilities on behalf of this synod.
 - b. Recommend program goals and budgets to the regular meetings of the Synod Assembly.
 - c. Carry out the resolutions of the Synod Assembly.
 - d. Provide for an annual review of the roster of Ministers of Word and Sacrament and the roster of Ministers of Word and Service, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the Evangelical Lutheran Church in America, and make a report to the Synod Assembly of the Synod Council's actions in this regard.
 - e. Issue letters of call to rostered ministers as authorized by Chapter 7 of the constitution and bylaws of the Evangelical Lutheran Church in America.

- f. Fill vacancies until the next regular meeting of the Synod Assembly, except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer of this synod.
- g. Report its actions to the regular meeting of the Synod Assembly.
- h. Perform such other functions as are set forth in the bylaws of this synod, or as may be delegated to it by the Synod Assembly.

S10.03A18. The synod council shall, to the extent funding is available, establish, fund, staff, and support appropriate campus ministries at higher education institutions located within North Dakota. There is established a Campus Ministry Fund, which is a council restricted fund, to accept grants and donations to fund campus ministry operations throughout this State.

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.

S10.04. Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council, shall require a two-thirds vote for adoption.

S10.05. Elected members of the Synod Council shall not receive compensation solely for their service as council members. The secretary may receive compensation for such service at the discretion of the Synod Assembly.

S10.06. No person related to a synod staff member shall be eligible for nomination to or membership on the Synod Council. For this purpose, a related individual is one who, with respect to the synod employee, 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).

S10.07. If a rostered member of the Synod Council ceases to be a member in good standing on the roster of this synod, or if a layperson ceases to be a voting member of a congregation of this synod, the office filled by either member shall at once become vacant.

S10.08. The composition of the Synod Council, the number of its members, and the manner of their selection, as well as the organization of the Synod Council, its additional duties and responsibilities, and the number of meetings to be held each year shall be as set forth in the bylaws.

S10.08.01. The Synod Council shall consist of:

- a. The four officers of this synod.
- b. One clergy and one lay person nominated by the Synod Nominating Committee from each conference and elected by the Synod Assembly. The term of office shall be three years with terms of office arranged so that one-third of the terms expire annually. Each Synod Council member may serve no more than 2 full terms consecutively.
- c. One youth Synod Council member nominated by the Synod Youth Organization and elected by the Synod Assembly for a two-year term.

- d. Two lay Synod Council members at large, nominated by the Synod Nominating Committee and elected by the Synod Assembly for a three-year term.

S10.08.02. The Synod Council shall meet at least three times a year.

S10.08.03. The synod auxiliary chairpersons shall have voice on the Synod Council.

S10.08.04. The Synod Council shall determine liaison relationships between its synod teams and committees.

S10.08.05. 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.

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.

S.10.09. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of the Synod Council

†**S10.09.01.** To the extent permitted by state law, meetings of the Synod Council and its committees may be held through electronic means such as the Internet or by telephone, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 11: COMMITTEES

(names of other organizational units)

†**S11.01.** There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, an Audit Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the composition and organizational structure of such units, shall be as set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions

or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.

- S11.01.01.** Executive Committee. This committee shall consist of the four officers of this synod, and three other members of the Synod Council (two clergy, one layperson), as elected by the Synod Council.
- †**S11.02.** The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be rostered ministers and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election. The functions of the Consultation Committee are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.
- †**S11.03.** The Committee on Discipline of this synod shall consist of 12 persons, of whom six shall be rostered ministers and six shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election.
- a. The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
 - b. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.
- 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.
- †**S11.05.** The Audit Committee of this synod shall consist of three to six persons, none of whom is a member of the synod staff. Up to half of the committee members may be Synod Council members. The Audit Committee members shall be elected by the Synod Council for a term of three years and be eligible for re-election to a second consecutive three-year term. The terms of the Audit Committee members shall be staggered. The Audit Committee shall be responsible for assisting the Synod Council in fulfilling its general oversight of the synod's

accounting, financial reporting, internal control systems, and external audit processes as provided in †S15.31.

S11.06. This synod shall establish Synod Teams which will coordinate the ministries of this synod in cooperation with the Synod Council.

S11.06.01. Each Synod Team will consist of ten members, one layperson from each conference and three at-large clergy, elected by the Synod Council for a term of three years, and may be re-elected one time.

S11.06.02. The following synod teams shall be established:

- a. Discipleship Team (Bringing In Team) whose purpose will be to help people recognize that they are disciples who are gifted by God and called by the Holy Spirit to serve in the world.
- b. Congregational Life Team (Building up Team) whose purpose will be to build up God's people and enhance their God given gifts.
- c. Outreach Team (Sending Out Team) whose purpose will be to send God's people out into the world, proclaiming the gospel in word and deed.

S11.06.06. With the exception of the Executive committee, the Consultation Committee, the Committee on Discipline and the Mutual Ministry Committee, the synod council may establish committees and appoint or provide for the election of their members.

S11.06A21. Lutheran Youth Organization.

1. Name. The name of this organization shall be Lutheran Youth Organization of Western North Dakota Synod of the Evangelical Lutheran Church in America. Hereafter, it shall be referred to as the WNDS LYO.

2. Objectives. The purpose of this organization shall be to provide a structure through which the youth of the Western North Dakota Synod shall be able to:

- A. Provide a context through which youth shall be able to share in the oneness of Christ by proclaiming in word, deed and fellowship the Gospel of Jesus Christ our Lord.
- B. Encourage and support the membership of this organization to be full participants in the programs and activities of the entire church and those of this organization.
- C. Cooperate with other youth ministries, youth serving agencies and the boards and officers of the synod church in planning and implementing programs, publications and events to provide for the needs of young people.
- D. Assist providing resources, training and guiding of youth for ministry.

- E. Enable youth to grow as stewards in the church.
- F. Assure that the voice of youth is heard in various arenas of decision making in the church.
- G. Provide opportunities for study and action on global issues from a theological perspective.
- H. Foster inclusivity in all aspects of its work.
- I. Provide opportunities for growth through worship, fellowship and education.
- J. Establish and maintain channels of communication among itself, the conferences, and the congregations of the synod.
- K. Provide for an annual Gathering of the youth organization.
- L. Provide opportunities for youth, as full members of the body of Christ to explore the meaning of Christian vocation.

3. Organization. The WNDS LYO will collaborate with the appropriate boards and committees of WNDS and the ELCA involved in youth ministry

4. Membership. The membership of this organization shall be open to all youth of the ELCA congregations of WNDS, with the primary focus on the young people between the ages of 14 and 18 and/or in grades 9 through 12.

- A. Individuals belong to this organization by virtue of their membership in a local congregation of the ELCA.
- B. Individuals shall not be denied rights of membership because of race, color, disability, sex, sexual orientation, or national or social origin.

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.

6. Selection of officers and conference representatives.

- A. The WNDS LYO Board shall solicit applications from within congregations of the synod for the offices of president/vice-president, secretary, and treasurer, and for conference representatives.
- B. Application forms will be provided in registration materials of the annual gathering, made available on the LYO website, and distributed electronically to congregations. . All application forms must be received by the date designated on the application form in order to be considered.
- C. All applications 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.
- D. At the conclusion of a one-year term as vice-president, this person shall automatically become the WNDS LYO president for a one-year term.

7. Duties of officers. The officers of this organization shall consist of:

- A. The president who shall:
 - 1. Preside over all meetings of the WNDS LYO Board.
 - 2. Prepare an agenda for all meetings of the WNDS LYO Board.
 - 3. Exercise general supervision of this organization's activities and affairs in collaboration with the WNDS LYO Board.

4. Visit (as feasible) local congregations to support present youth ministries and encourage the development of youth ministries in congregations where none are established.
 5. Represent the WNDS LYO at functions of the synod or the ELCA where appropriate or requested, specifically the WNDS Assembly and WNDS Synod Council Meetings.
 6. Submit reports to the WNDS Assembly, the WNDS Council and the annual youth gathering.
 7. Be in grade 11 or under at time of election.
 8. Participate in the Annual Youth Leadership Summit of the ELCA or equivalent event sponsored by the ELCA.
- B. The vice-president who shall:
1. Act in the absence of the president, assuming the responsibilities assigned of the same.
 2. Support the president by accepting, where possible, duties and responsibilities assigned by the same.
 3. Be in grade 11 or under at time of election.
 4. At the conclusion of a one-year term as vice-president, this person shall automatically become the WNDS LYO president for a one-year term.
- C. The secretary who shall:
1. Keep accurate minutes of all board meetings.
 2. Send advance notices reminding all board members of upcoming meetings.
 3. Handle correspondence as needed for the organization.
 4. Be in grade 11 or under at time of election.
- D. The treasurer who shall:
1. Be responsible for promoting stewardship and support for the ministries of this organization.
 2. Be responsible for the deposit and disbursement of any special monies of the organization through the WNDS Financial Specialist.
 3. Be in grade 11 or under at time of election.
- 8. Advisors.** The WNDS LYO Board may appoint advisory councils, task forces, or ad hoc committees to serve the needs of the organization. These councils and/or committees shall normally have youth as the majority of their membership.

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

1. **Purpose.** The Committee's primary purpose is to plan, implement, and promote educational opportunities to help equip lay people to better serve congregations and communities within the synod, including church ministries and pulpit supply.
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.
3. **Officers.** The voting committee members shall elect a chair, vice chair, and secretary for one-years terms.
4. **Finances.**
 - a. The Synod financial specialist shall serve as treasurer.
 - b. All committee funds for lay ministry training shall be held in a restricted synod account.
 - c. All disbursements shall be approved by a committee officer upon committee approval.
 - d. The committee shall annually submit a proposed budget, which shall be incorporated into the synod budget for approval by the Synod Assembly.
5. **Strategic plan.** The committee shall adopt a biennial strategic plan, which shall be submitted to the Synod Council by December in each odd-numbered year.

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.

- †S11.11. This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees and other organizational units will be persons possessing the necessary knowledge and competence to be effective members of such units, and to meet the requirements of †S6.04. With the exception of ministers on the rosters of this synod who reside outside the territory of this synod, each member of a committee of this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation or a confirmed member of a synod-authorized worshipping community of this synod.

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 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 affiliates.
- S12.01.01.** Conferences, Clusters and Coalitions. The congregations of this synod shall be grouped into the following seven conferences:
- The Badlands Conference
 - The East Missouri Conference
 - The Upper Missouri Conference
 - The Heart River Conference
 - The Lonetree Conference
 - The Turtle Mountain Conference
 - The Western Prairie Conference
- S12.01.02.** The boundaries of the respective conferences shall be set forth in the diagram, attached as Exhibit A, which is hereby incorporated by reference into these bylaws.
- S12.01.03.** Where a minor fraction of the multiple-congregation parish is situated outside the otherwise defined boundaries of the conference within which the major fraction lies, the territory of such conference shall be understood as embracing the entirety of said parish. The number of congregations shall be the governing factor in determining the majority or minority. If the number of congregations is equally divided, the majority of the baptized membership of the parish shall decide its conference alignment.

- S12.01.04.** Any congregation desiring a change in conference affiliation shall make application to the Synod Council stating the reasons for its request. The Synod Council shall be authorized to take action which is deemed to be in the best interests of the congregation, the conference, and this synod.
- S12.01.05.** A conference is a geographically defined grouping of congregations which work together to foster interdependent relationships among the congregations and with this synod in support of the mission of the Church in that geographically defined area.
- S12.01.06.** Conferences have responsibilities for:
 - a. joint worship, inspiration and study;
 - b. offering resources for congregational ministry.
- S12.01.07.** Each Conference shall establish a Conference Council, which has responsibility for planning the meetings, assemblies, and work of its conference. Membership of this group shall include conference officers, synod team members of the conference, and consultants called to meet for a specific purpose. Such a group shall also include members from synod auxiliaries. The conference may include other members as may be appropriate.
- S12.01.08.** Each Conference will normally meet in assembly at least once a year. Each Conference Council shall determine the formula for appropriate congregational representation at its conference assemblies.
- S12.01.09.** The Synod Nominating Committee shall nominate and the Synod Council shall elect a Dean and a secretary who shall serve no more than two full two-year terms consecutively. If the Dean is a minister on the roster of this synod, then the Secretary shall be a layperson of this synod. If the Secretary is a minister on the roster of this synod, then the Dean shall be a layperson of this synod.
- S12.01.10.** Conference programming and regular meetings are funded by assessing conference congregations for the cost. A Treasurer shall be elected by each Conference.
- S12.01.11.** The Dean shall be responsible for presiding over Conference Assemblies and Conference Council meetings.

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 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 constitution and bylaws of this church.
 - 2) Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of the constitutions, bylaws, and continuing resolutions of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the *Model Constitution for Congregations*, the constitution of this synod, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, may be adopted as described in Chapters 16 and 18 of the *Model Constitution for Congregations*.
 - 3) Accept the commitments expected of all congregations of 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 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 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 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.

†S13.02. It shall be the responsibility of each congregation of this synod to elect 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. Normatively, congregations should hold elections prior to each regular meeting of the Synod Assembly. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.

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.

S13.12. A congregation under financial obligation to its former rostered minister shall make satisfactory settlement of the obligation before calling a successor.

†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.

†S13.22. Each congregation of the Evangelical Lutheran Church in America within the territory of this synod, except those which are in partnership with the Slovak Zion Synod, shall establish and maintain a relationship with this synod.

†S13.23. Provision 9.71. of the 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. 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 the 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 such decision to the next Synod Assembly.

S13.24A19. Upon the recommendation of the Synod Attorney, the synod bishop is authorized to convey to the North Dakota Lutheran Heritage Foundation any undisposed property of a former Lutheran congregation that the Synod may now own.

S13.25. This synod may temporarily assume administration of a congregation upon its request or with its concurrence.

S13.30. Discipline

†S13.31. Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran*

Church in America. The synod's involvement in and responsibility for such disciplinary process shall be as set forth in that chapter.

- S13.40.** Synod-Authorized Worshiping Communities and Outreach Ministries
S13.41. Worshiping communities and outreach ministries, authorized by the synod and acknowledged under criteria, policies, and procedures approved by the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

Chapter 14: ROSTERED MINISTERS

†S14.10. **Ministers of Word and Sacrament**

†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.

†S14.12. Consistent with the faith and practice of the Evangelical Lutheran Church in America,

a. Every minister of Word and Sacrament shall:

- 1) preach the Word;
- 2) administer the sacraments;
- 3) conduct public worship;
- 4) provide pastoral care;
- 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
- 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
- 7) witness to the Kingdom of God in the community, in the nation and abroad; and
- 8) speak publicly to the world in solidarity with the poor and oppressed, proclaiming God's love for the world, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.

b. Each pastor with a congregational call shall, within the congregation:

- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
- 2) relate to all schools and organizations of the congregation;
- 3) install regularly elected members of the Congregation Council;
- 4) with the council, administer discipline;

- 5) endeavor to increase the support given by the congregation to the work of the 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*.
- S14.13.** The pastor (a) shall keep accurate records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, (b) shall submit a summary of such statistics annually to this synod, and (c) shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- 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.
- S14.15.** 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.
- S14.15.A23.** A minister of Word and Sacrament on the roster of this synod may have voice but not vote at a Synod Assembly if the minister has not complied with S14.15.
- †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.

†S14.19. Ministers of Word and Sacrament shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.

†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.

†S14.22. The pastor shall make satisfactory settlement of all financial obligations to a former congregation 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.

S14.25. All ministers of Word and Sacrament under a call shall attend meetings of the Synod Assembly, and the pastors of congregations shall also attend the meetings of the conference, cluster, or coalition to which the congregation belongs.

†S14.30. **Ministers of Word and Service**

†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.

†S14.32. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every Minister of Word and Service shall:

- a. Be rooted in the Word of God, for proclamation and service;

- b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
- c. Speak publicly to the world in solidarity with the poor and oppressed, proclaiming God's love for the world, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;
- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
- e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
- f. Practice stewardship that respects God's gift of time, talents, and resources;
- g. Be grounded in a gathered community for ongoing diaconal formation;
- h. Share knowledge of this church and its wider ministry of the gospel, and advocate for the work of all expressions of this church; and
- i. Identify and encourage qualified persons to prepare for ministry of the gospel.

S14.33. The minister of Word and Service shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the minister of Word and Service shall hold membership in one of the congregations.

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.

S14.34.A23. A minister of Word and Service on the roster of this synod may have voice but not vote at a Synod Assembly if the minister has not complied with S14.34.

†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.

- †S14.44. Ministers of Word and Service shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the Congregation Council.
- †S14.45. The minister of Word and Service shall make satisfactory settlement of all financial obligations to a former congregation before:
 - a. installation in another call, or
 - b. approval of a request for change in roster status.
- †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.
- S14.47. All ministers of Word and Service under a call shall attend meetings of the Synod Assembly, and the ministers of Word and Service of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.

Chapter 15: FINANCIAL MATTERS

- †S15.01. The fiscal year of this synod shall be February 1 through January 31.
- †S15.11. Since the congregations, synods, and churchwide organization are interdependent expressions that share in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support 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; thus the unity of this church should be evidenced in determining each part's share of the gifts and offerings. Therefore:
 - a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with congregational leaders to assist each congregation in making its determination.

- b. This synod shall receive the proportionate share of the mission support from its congregations, and shall transmit that percentage or amount of each congregation's mission support as determined in consultation with the churchwide organization and approved by the Synod Assembly as part of its budget consideration.
 - c. Should the Synod Assembly not approve the proportionate share of mission support determined in consultation with the churchwide organization, a new consultation with the churchwide organization shall take place. The Synod Council is authorized to amend the budget adopted by the Synod Assembly to reflect the results of this consultation.
- †S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to supportive funding with other synods and the churchwide organization.
- S15.13. On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.
- S15.13A23. Each elected or appointed volunteer of the Synod shall be reimbursed for mileage expenses at the rate authorized for synod employees. However, a volunteer may opt to be reimbursed for mileage expenses at the statutory rate for volunteers or may decline any reimbursement for mileage expenses.
- 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.
- S15.21. No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.
- †S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod.
- †S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide

organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

S15.40.00. Western North Dakota Synod Endowment Fund

S15.40.01. The Synod shall maintain a fund, known as the Western North Dakota Synod Endowment Fund ("Endowment Fund") to receive and administer bequests, estates, insurance, memorials, gifts and other assets, which will be used to support the further growth and strengthening of ministry and Endowment opportunities in the Synod. The Endowment Fund shall include a "Ministry Fund," a "Mission Fund," an Accompaniment Fund, and any other fund that the Endowment Fund Committee may establish.

S15.40.02. The Ministry Fund exists to provide scholarships to seminary students from Western North Dakota whose goal is to enter rostered ministry, debt relief to pastors who are called to serve congregations/ministries in the Synod, and other activities recommended by the Endowment Fund Committee.

S15.40.03. The Mission Fund exists to provide for mission opportunities in congregations in and ministries associated with the Synod.

S15.40.04. The Accompaniment Fund exists to fund work with people discerning their calls and with congregations in need of assistance.

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.

S15.40.06. In the administration of this Endowment Fund, the Committee shall have all the powers and authority necessary to carry out the purposes of the Endowment Fund, including the following powers and authority on behalf of the Synod:

1. To take, have, hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects to handle, manage and control the Endowment Fund, or any part thereof, as it shall deem wise and prudent.
2. To retain any property in the form in which received; to convert and reconvert the Endowment Fund, or any part thereof, into other kinds and forms of property, real or personal or mixed; and to invest or reinvest the Endowment Fund as it shall deem wise and prudent, including in such common or preferred stocks, bonds, debentures, mortgages, notes or other securities, investments, or property whether real or personal, which it may select or determine and including, without limitation, savings deposits of any bank, mutual savings bank, federal home loan bank or savings and loan association, or in any common trust fund, mutual fund,

or any like fund, subject to the usual standard of prudence required of trustees of similar funds.

3. To receive the income, profits, rents and proceeds of the Endowment Fund and to collect and receipt of the same and pay all administrative and necessary expenses in connection with it.
4. To receive gifts, both designated and undesignated. The function of any undesignated gift shall be at the discretion of the Endowment Fund Committee, so long as such gifts are managed and used in accordance with the terms and purpose stated herein.
5. To make, execute and deliver all instruments necessary or proper for the accomplishment of the purposes of the Endowment Fund or of any of the foregoing powers, including deeds, bills of sale, transfers, leases, mortgages, assignments, conveyances, contracts, purchase agreements, waivers, releases and settlements.
6. To contribute, donate, support or distribute, from time to time, such payments or amounts as the Endowment Fund Committee in its discretion shall determine.
7. To determine what is principal and income according to accounting procedures.
8. To hold investments in the name of the Endowment Fund on behalf of the Synod and to sign checks and all other necessary documents on behalf of the Synod in furtherance of the Endowment Fund purposes.
9. To employ and reasonably compensate an Endowment Fund Development Director.
10. To contract with and reasonably compensate such professional counseling on investments, accounting principles, fund development, and legal matters, to assist and advise in the execution of the Endowment Fund, without liability for their omission or neglect, but using reasonable care in their selection, and to rely on the advice of the person so employed.
11. The Committee shall not be liable for any losses which may be incurred upon investments of the Endowment Fund except to the extent that such losses shall have been caused by bad faith or gross negligence of the committee members. No member shall be personally liable as long as they act in good faith and with ordinary prudence in discharging the duties of the office. Each committee member shall be liable only for their own willful misconduct or omissions in bad faith. No committee member shall be liable for the acts or omissions of any other committee member, or of any

accountant, agent, attorney or custodian selected with reasonable care.

12. The Committee members shall not receive any compensation but may be reimbursed from the Endowment Fund for expenses reasonably incurred.
13. While the Synod has every intention of using the Endowment Fund as originally authorized, it does recognize that with the passage of time and changing circumstances there may be a time when it is not feasible to utilize the Endowment Fund as was intended. Should that situation develop, the Synod or its successors in interest shall then be free to make such other use of the income and principal as is consistent with the charitable and religious purposes of the Synod, in accordance with the provisions of the laws of the applicable state law, and preserving the principal of those gifts designated to be perpetual, carrying out the donors' wishes.
14. The Trust Fund may be dissolved in accordance with the Constitution of the Synod and in accordance applicable state law.

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.

Chapter 16: INDEMNIFICATION

- †S16.01.** Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of †S16.02.
- a. The term "proceeding" means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise

required by law, the term “proceeding” does not include (a) any action by this synod against the individual seeking indemnification, or (b) subject to †S16.04., a disciplinary hearing or related process described in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

- b. The term “indemnification” includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys’ fees, disbursements, and similar required expenditures.

†S16.02. Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod as (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall be entitled to indemnification only if (a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.

†S16.03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in †S16.01. or †S16.02.

†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.

Chapter 17: CONSULTATION AND ADJUDICATION

†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.

Chapter 18: AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS

†S18.10. Amendments to Constitution

†S18.11. Certain sections of this constitution incorporate and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by the Churchwide Assembly, corresponding amendments shall be introduced at once into this constitution by the secretary of this synod upon receipt of formal certification thereof from the secretary of the Evangelical Lutheran Church in America.

†S18.12. Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended any non-required provision of 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. The Church Council, through the secretary of this church, shall be given prompt notification of its adoption.

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

- a. Introduced with at least one-fifth of its 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 ratified 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.

†S18.20. Amendments to Bylaws

†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.

†S18.30. **Amendments to Continuing Resolutions**

†S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution, bylaws, and continuing resolutions of the churchwide organization. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of the Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.

History:

Provisions amended on June 2, 2017 (in addition to the required constitutional provisions indicated by “†”) : S7.11.01., S7.23., S7.24., S7.26., S7.27., S7.32., S8.14., S8.23., S8.42., S8.52., S10.03., S10.06., S10.07.01., S10.07.05., S11.11., S12.01.06., S12.01.09., S13.11., S13.12., S14.15., S14.17., S14.25., S14.33., S14.34., S14.42., and S14.47.

The Western North Dakota Synod Endowment Fund was established on June 5, 2010, and amended on June 17, 2016. On June 3, 2017, S15.40.01., S15.40.02., S15.40.03., S15.40.04., S15.40.05., and S15.40.06., when S15.40.01. amended, S15.40.04. was added, and the former S15.40.04. was renumbered S15.40.05.

The Synod Council proposed an amendment to S8.51.01. to allow the Synod Assembly to elect the synod bishop to more than two consecutive terms. On June 3, the Synod Assembly did not approve the proposed amendment.

On February 9-10, 2018, the Synod Council adopted S10.03.A18 directing the Synod Council to establish, fund, staff, and support campus ministries in North Dakota.

On October 26, 2019, the Synod Council adopted Continuing Resolution S13.24A19 and S10.03B19.

On July 7, 2020, the Synod Council approved a continuing resolution, effective immediately and continuing through July 18, 2020, which stated:

The special meeting of the Synod Assembly scheduled for July 17, 2020, may be held solely by remote communication. Notice that the special meeting will be by remote means shall be promptly given to every member entitled to vote. The number of voting members participating in the meeting must be sufficient to constitute a quorum at a meeting.

On July 7, 2020, the Synod Council also adopted S.7.21.A20.

On July 17, 2020, the Synod Assembly approved the recommended amendments to the Synod constitution, which the Churchwide Assembly adopted in August 2019. The Synod Assembly also approved an amendment to bylaw S7.11.01 and the adoption of bylaws S.7.11.02 and S7.12.01.

On October 16, 2021, the Synod Council approved the Windfall Policy as a continuing resolution at S15.40A21.

On October 16, 2021, the Synod Council approved continuing resolution S11.05A21 concerning the Lutheran Youth Organization.

On February 26, 2022, the Synod Council approved continuing resolution S8.13A22 concerning authority of the synod attorney.

On May 10, 2022, the Synod Council approved continuing resolution S7.01A22, the standing rules for the Synod Assembly.

On September 1, 2022, the ELCA Secretary notified all synods concerning the amendments related to required provisions in the Synod constitution, which were approved by the Churchwide Assembly in August. This updated constitution includes all amendments related to required provisions.

On February 25, 2023, the Synod Council approved continuing resolution S15.13A23, which addressed the mileage reimbursement rate.

On June 3, 2023, the Synod Assembly amended S7.14., S7.24., S7.26., S7.27., S8.42., S9.11., S14.13., S14.15., and S14.34. These amendments, except for S9.11., conformed to the 2022 version of the *Model Constitution for Synods*.

On October 7, 2023, the Synod Council adopted S14.15.A23. and S14.34.A23.

On October 5, 2024, the Synod Council updated the Synod Assembly General Rules, renumbered as S7.01A24.

On November 12, 2024, the Synod Council adopted S10.07.A24, which established a confidentiality requirement for Synod Council members.

On March 8, 2025, the Synod Council adopted S11.06.B25., which re-established the GIFTS program as a council committee.

On May 30, 2025, the Synod Council:

- added provision “e” to S7.22.A20. and renumbered the CR S7.22.A25, which authorized Synod Authorized Ministers to have voice and vote at the Synod Assembly; and
- added CR S11.06.C25, which established a standing Reference and Counsel Committee.

On August 25, 2025, the ELCA Secretary notified the Synod concerning amendments approved by the Churchwide Assembly concerning required provisions. This document has been updated to include all required amendments.

On September 23, 2025, the ELCA Secretary notified the Synod that the words “a Mutual Ministry Committee,” should be deleted from †S11.01.

On May 31, 2026, the Synod Assembly approved amendments to S7.26., S9.04., S10.05., S13.40., and S13.41. and added S10.06. and S10.09.

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