



# Evangelical Lutheran Church in America

God's work. Our hands.

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CONSTITUTION AND BYLAWS

of

ST. THOMAS

EVANGELICAL LUTHERAN

CHURCH

in Bloomington, Indiana

St. Thomas Evangelical Lutheran  
Church

3800 East Third Street  
Bloomington, Indiana 47401

2016

Detailed below is a letter from David Swartling, Executive Secretary of the Evangelical Lutheran Church in America during the Churchwide Assembly in 2013. The Constitution of St. Thomas Evangelical Lutheran Church in Bloomington, Indiana, is based on the Model Constitution for Congregations. The letter below explains the codification used in the constitution.

## **INTRODUCTION to the *Model Constitution for Congregations***

The *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, like the other governing documents of this church, is an ecclesial, legal, and missional document that reflects the underlying theology and doctrines of this church as well as its polity and governance structures. As the guiding document of one of the three expressions of this church, it reflects that congregations, while fully the church, are not the whole church; they are in an interdependent relationship with synods and the churchwide organization and are part of the one, holy, catholic, and apostolic Church. As such, the *Model Constitution for Congregations* is deeply rooted in the Gospel of Jesus Christ, the Lutheran Confessions, and the history of this church.

The *Model Constitution for Congregations* was adopted by the Constituting Convention of the Evangelical Lutheran Church in America, as required by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This current edition of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* contains changes adopted by all Churchwide Assemblies, including the thirteenth Churchwide Assembly in 2013. It is consistent with the requirements of the governing documents of the ELCA's churchwide organization and synods, and it provides organizational flexibility to recognize the context of local congregations.

► **Required provisions:** Sections of this constitution marked by an asterisk [\*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (i.e., neither additions nor deletions are permissible). This requirement is based on constitutional provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision requires that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. Provisions in the *Model Constitution for Congregations* identified by an asterisk [\*] are those required under ELCA constitutional provision 9.25.b.

► **Review by synod:** Each congregation of this church is to provide a copy of its governing documents, and any amendments thereto, to its synod. In accordance with ELCA bylaw 9.53.03., amendments to a congregation constitution become effective *only* when approved by the synod. This bylaw provides:

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod

has approved them. The synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate.

No governing document amendment will be approved by a synod if it conflicts with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. In order to meet constitutional requirements and to avoid potential problems, all proposed amendments to a congregation's constitutional provisions, bylaws, and continuing resolutions should be submitted to the synod for review.

► **Codification explanation:** The *Model Constitution for Congregations* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital "C." If a constitutional provision is mandatory, it will be preceded by an asterisk, "\*C."

- a. Constitutional provisions are codified with two sets of numbers, preceded by a "C": the chapter number, followed by a period and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to "Membership" in Chapter 8 is codified as "\*C8.02." A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as "C12.09." Constitutional provisions are adopted and amended in accordance with Chapter 17 titled "Amendments."
- b. Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a "C"), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to "Membership" would be codified as "C8.02.01." A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as "C12.09.01." Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation's organization, operation, and life, there is not a model set of bylaws or continuing resolutions. Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations, the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the constitution of the synod, as indicated in \*C6.03.e. Bylaws are adopted and amended in accordance with Chapter 17.
- c. Continuing resolutions are intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. They follow the relevant constitutional provision or bylaw to which they refer. Continuing resolutions also are codified with three sets of numbers, except that the third set is preceded by a capital letter. Thus, a continuing

resolution describing congregational committees in Chapter 13 might be numbered “C13.07A13.” The initial numbers “C13.07” indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers “A13” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2013. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

► **Missing numbers:** You will notice that certain numbers are missing from the numbering sequence in some chapters. These omissions are intentional. For example, in some chapters the number “.10.” and multiples thereof have been reserved for possible use as section headings in future editions.

► **Selection of options:** Alternatives are provided in some places within the *Model Constitution for Congregations*. Alternatives are noted by brackets or blank lines. For example, constitutional provision\* C9.01. offers the alternative of election of a call committee by the congregation or by the Congregation Council. Only one alternative should be chosen in each instance where brackets appear in the text. In other provisions, alternative provisions are provided. Thus, in Chapters 11 and 12, regarding “Officers” and “Congregation Council,” options are provided separated by the word “or.” Each congregation should select one of those options, subject to approval through the synod’s constitutional review process. Where a blank line appears, such as in C1.01. or C10.02., the appropriate word, phrase, or number determined by the individual congregation should be inserted.

► **References to church:** In the governing documents, “Church” with a capital letter refers to the one, holy, catholic, and apostolic Church. The words “church” or “this church” in lower case letters refer to the Evangelical Lutheran Church in America. The specific congregation may be identified, as provided in C1.02., as “this congregation.”

► **Guidelines:** A list of guidelines for a congregation engaging in review and amendment of its constitution is available through each synod office and at ELCA.org.

► **Consultation and concluding comments:** Each synod has a process to review proposed amendments to congregational constitutions. The work of both congregations in amending their governing documents and the synod in reviewing proposed amendments is facilitated by consultation and cooperation *before* proposed amendments are acted upon by the congregation. In addition, each congregation should establish a process for periodic review of its governing documents. You are encouraged to contact your synod office to assist your congregation in its periodic review of governing document provisions and to assess whether problems may exist with respect to proposed amendments.

The important task of amending a constitution is challenging. It is, however, an essential endeavor that merits thoughtful work. In addressing your constitutional responsibilities, may God grant you and your colleagues wisdom, discernment, and

commitment to the unity of this church in faithful witness to our Lord and Savior,  
Jesus Christ.

DAVID D. SWARTLING

Secretary

Evangelical Lutheran Church in America

September 15, 2013

**CONSTITUTION for  
ST. THOMAS EVANGELICAL LUTHERAN CHURCH  
IN BLOOMINGTON, INDIANA**

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Adopted June 9, 2016

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**\*PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

**Chapter 1.**

**NAME AND INCORPORATION**

- C1.01.** The name of this congregation shall be St. Thomas Evangelical Lutheran Church in Bloomington, Indiana.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of St. Thomas Evangelical Lutheran Church in Bloomington, Indiana is hereinafter designated as "this congregation."
- C1.04.** The seal of this congregation presents the corporate name of this congregation around the circumference of the seal; a Latin Cross appears on the center of the seal.
- C1.11.** This congregation shall be incorporated under the laws of the State of Indiana.

**Chapter 2.**

**CONFESSION OF FAITH**

- \*C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- \*C2.02.** This congregation 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.

- \*C2.03. This congregation 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.
- \*C2.04. This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- \*C2.05. This congregation 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.
- \*C2.06. This congregation 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.
- \*C2.07. This congregation 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 3.**

#### **NATURE OF THE CHURCH**

- \*C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- \*C3.02. 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. The Evangelical Lutheran Church in America, 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.
- \*C3.03. 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.

### **Chapter 4.**

#### **STATEMENT OF PURPOSE**

- \*C4.01. 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.
- \*C4.02. To participate in God's mission, this congregation as a part of the Church shall:
  - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
  - b. 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.
  - c. 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.
  - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
  - 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.
- \*C4.03. To fulfill these purposes, this congregation shall:
  - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
  - b. Provide pastoral care and assist all members to participate in this ministry.
  - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
  - d. Teach the Word of God.
  - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
  - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
  - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.

- h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
  - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- \*C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions.
- \*C4.05.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.
- \*C4.06.** 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.
- C4.07.** This congregation shall include, support and nurture non-member students at Indiana University, especially in co-operation with Lutheran Campus Ministry or its successor.

**Chapter 5.**  
**POWERS OF THE CONGREGATION**

- \*C5.01.** The powers of this congregation are those necessary to fulfill its purpose.
- \*C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- \*C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation’s governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
  - b. terminate the call of a pastor as provided in Chapter 9;
  - c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
  - d. adopt amendments to the constitution, as provided in Chapter 17, amendments to the bylaws, as specified in Chapter 16, and continuing resolutions, as provided in Chapter 18.
  - e. approve the annual budget;
  - f. acquire real and personal property by gift, devise, purchase, or other lawful means;

- g. hold title to and use its property for any and all activities consistent with its purpose;
  - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - i. elect its Congregation Council, boards, and committees, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
  - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- \*C5.04.** This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Indiana-Kentucky Synod of the Evangelical Lutheran Church in America.
- C5.05.** This congregation shall have a mission endowment fund that will operate as specified in this congregation's continuing resolutions. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

## **Chapter 6.**

### **CHURCH AFFILIATION**

- \*C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Indiana-Kentucky Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- \*C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- \*C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community.
  - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
  - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of ordained ministers of the Evangelical Lutheran

Church in America or to contracting for pastoral services with an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.

- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

**\*C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:

- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
- d. This congregation follows the procedures outlined in \*C6.05.

**\*C6.05.** A congregation may terminate its relationship with this church by the following procedure:

- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.

- d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
- f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly.
- g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
- h. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synodical approval before terminating their membership in this church.
- i. Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- j. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after that second meeting.

- \*C6.06. If this congregation considers relocation, it 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.
- \*C6.07. If this congregation considers developing an additional site to be used regularly for worship, it 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.

## **Chapter 7.**

### **PROPERTY OWNERSHIP**

- \*C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Indiana-Kentucky Synod of the Evangelical Lutheran Church in America.
- \*C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- \*C7.03. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Indiana-Kentucky Synod.
- \*C7.04. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in \*C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

**C7.05.** [Reserved]

## **Chapter 8.**

### **MEMBERSHIP**

- \***C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- \***C8.02.** Members shall be classified as follows:
  - a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
  - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
  - d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.
- C8.02.01.** A roll of Voting Members of this congregation as defined in Chapter 8.02.c of the Congregation Constitution shall be maintained by the congregation secretary. This roll shall be updated at least annually. One such update shall immediately precede the Annual Program Meeting of this congregation.
- C8.02.02.** Confirmed Members who no longer qualify as voting members under Chapter 8.2.c of the Congregation Constitution shall be classified as inactive. All Inactive Members shall remain within the continuing concern of this congregation and shall be given conscientious pastoral care. An Inactive Member shall be restored to the active roll by act of the Congregation Council when he/she again receives the Lord's Supper and makes a contribution of record to this congregation.
- C8.02.03.** Upon request of any member, a certificate of standing, membership or of transfer to another congregation shall be issued.

- \*C8.03. All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- \*C8.04. It shall be the privilege and duty of members of this congregation to:
  - a. make regular use of the means of grace, both Word and sacraments;
  - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
  - c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
- \*C8.05. Membership in this congregation shall be terminated by any of the following:
  - a. death;
  - b. resignation;
  - c. transfer or release;
  - d. disciplinary action in accordance with ELCA constitutional provision 20.40. and the accompanying bylaws; or
  - e. removal from the roll due to inactivity as defined in the bylaws.
 Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.
- C8.06. It shall be the further privilege and duty of members of this congregation to present their children for Holy Baptism and to nurture them in the Christian faith in the home and in schools provided by the congregation.

**Chapter 9.**  
**THE PASTOR**

- \*C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.02. Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- \*C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
  - a. Every ordained minister shall:
    - 1) preach the Word;
    - 2) administer the sacraments;
    - 3) conduct public worship;
    - 4) provide pastoral care; and

- 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
- b. Each ordained minister with a congregational call shall, within the congregation:
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
    - 2) supervise all schools and organizations of this congregation;
    - 3) install regularly elected members of the Congregation Council; and
    - 4) with the council, administer discipline.
  - c. Every pastor shall:
    - 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
    - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
    - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
    - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the Indiana-Kentucky Synod of the ELCA.
- \*C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.05.** 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 death or, following consultation with the synodical bishop, for 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 the congregation in view of local conditions;
  - 4) physical disability or mental 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 ordained ministers 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 physical disability or mental 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 in his or her sole discretion may investigate such conditions personally together with a committee of two ordained 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 ordained ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- 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. 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 majority 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 simple 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.

**\*C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.

**\*C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.

**\*C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.

**\*C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.

**C9.09.01** A pastor of this congregation may be recognized as a Campus Pastor by the Division for Education of the Evangelical Lutheran Church in America or its successor upon vote of this Congregation.

**\*C9.11.** With the approval of the bishop of the synod, the congregation may depart from \*C9.05.a. and 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 or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.

- \*C9.12. The pastor of this congregation:
  - a. shall keep accurate parochial 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 the synod; and
  - c. shall become a member of this 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.
- \*C9.13. The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14. The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

**C9.20. Ecumenical pastoral ministry**

**C9.21.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

**Chapter 10.**

**CONGREGATION MEETING**

- C10.01.** The annual meetings of this congregation shall be held at the times specified in the bylaws. The Annual Program meeting is designated as the annual meeting of the congregation.
- C.10.01.01** The Fiscal Year of this congregation shall be the calendar year.
- C.10.01.02** The Program Year of this congregation shall commence with the adjournment of the Annual Program Meeting and extend through the next Annual Program Meeting.
- C.10.01.03** The Annual Budget Meeting of this congregation shall be held on or before the third Sunday in November, at a time established by the Congregation Council. The agenda for this meeting shall include the adoption of a congregational budget for the next fiscal year. Other items may be included in the agenda.

- C.10.01.04** The Annual Program Meeting of this congregation shall be held during April or May of each year, on a date and at a time established by the Congregation Council. The agenda for this meeting shall include the election of Congregation Council members, the reports of the pastor(s) and congregation officers, and reports from each of the several congregation committees and program areas. Other items may be included in the agenda.
- C.10.01.05** Additional congregational meetings may be called from time to time in accordance with Chapter 10 of the Constitution of this congregation.
- C10.02.** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of 10 percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting.
- C10.04.** Ten (10) percent of the voting members shall constitute a quorum.
- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

## **Chapter 11.**

### **OFFICERS**

- C11.01.** The officers of this congregation shall be a president, vice-president, secretary, treasurer, and financial secretary.
- a. Duties of the officers shall be specified in the bylaws.
  - b. The officers shall be voting members of this congregation.
  - c. Officers of this congregation shall serve similar offices of the Congregation Council.
- C11.01.01.** The duties of the President of this congregation shall include, but not be limited to, the following:
- 1.) preside over all meetings of this congregation and the Congregation Council, ensuring that proper rules of order are followed at all times so as to expedite the transaction of the business of this congregation;

- 2.) represent, in cooperation with the Pastor, this congregation in its dealings with outside agencies, both within and without the Evangelical Lutheran Church in America;
- 3.) facilitate the operation of all committees and appoint such new committees and task forces as this congregation or Congregation Council may establish.

**C11.01.02.** The duties of the Vice-President of this congregation shall include, but not be limited to, the following: Perform the duties of the president when that officer is unable to perform his/her duties for any reason.

**C11.01.03.** The duties of the Secretary of this congregation shall include, but not be limited to, the following:

- 1.) provide for complete and accurate records of the proceedings of all congregation and Congregation Council meetings and the business transacted therein;
- 2.) make all such records available to this congregation on a timely basis following each meeting;
- 3.) maintain an accurate record of the roll of Voting Members of this congregation, updating such roll before each Annual Program Meeting.

**C11.01.04.** The duties of the Treasurer of this congregation shall include, but not be limited to, the following:

- 1.) maintain complete and accurate records of all financial transactions entered into by this congregation;
- 2.) make prompt payment, insofar as is possible, of all bills and expenses duly incurred in the operation of this congregation in accordance with its adopted budget;
- 3.) provide periodic reports to this congregation and Congregation Council concerning the financial condition of this congregation;
- 4.) report to this congregation at the Annual Budget Meeting concerning the previous fiscal year.

**C11.01.05.** The duties of the Financial Secretary of this congregation shall include, but not be limited to, the following:

- 1.) be responsible for receiving all income to this congregation, the banking of it and keeping accurate records concerning it;
- 2.) maintain the records of personal giving to this congregation, reporting at least annually to individual giving units concerning monies contributed, and weekly to the treasurer concerning income received and its relationship to established bookkeeping categories of income;
- 3.) report to this congregation at the Annual Budget Meeting concerning all income received during the previous fiscal year; and

- 4.) oversee those assistants whom the Congregation Council may appoint from time to time to aid the financial secretary in the task of counting and banking offering receipts.
- C11.01.06.** Both the treasurer and financial secretary are ex-officio members of the Finance Committee, with voice and vote. The financial secretary is also ex-officio member of the Stewardship Committee, with voice and vote.
- C11.02.** The Congregation Council shall elect its officers and they shall be the officers of this congregation. The president, vice-president, and secretary must be duly elected members of the Congregation Council. The treasurer and financial secretary, if not elected council members, shall be accorded the privilege of voice without vote at all council meetings. The officers shall be elected by written ballot at a time specified in the bylaws and shall serve for one year or until their successors are elected. The terms of the president, vice-president, and secretary shall begin at the close of the Congregation Council meeting at which they are elected. The term of the treasurer and financial secretary shall be the next fiscal year of this congregation.
- C11.02.01.** The officers of this congregation shall be elected at a special Congregation Council meeting immediately following the Annual Program Meeting of this congregation. No other council business will be transacted at that meeting.
- C11.03.** No officer shall hold more than one office at a time. No elected officer, except the treasurer and financial secretary, shall be eligible to serve more than two consecutive terms in the same office. The treasurer and financial secretary may serve up to four consecutive terms.
- C11.04.** All financial officers shall give corporate surety, in amounts determined by the Congregation Council, for which the premium shall be paid by this congregation. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

## **Chapter 12.**

### **CONGREGATION COUNCIL**

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s) and no fewer than nine and no more than 12 elected members of this congregation. Any voting members of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member
- a) ceases to be a voting member of this congregation or
  - b) is absent from three successive regular meetings of the Congregation Council without having given advance notification of absence to the president or secretary.

**C12.02.** The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for three years or until their successors are elected. Such members shall be eligible to serve no more than two full terms or six years consecutively. Their terms shall begin at the close of the annual meeting at which they are elected. No member is eligible for election to a full or partial term which would result in more than six consecutive years of council membership. No member shall be eligible for appointment or election to Council for one year from the end of his/her last term.

**C12.02.01.** Three or four council seats shall become vacant every year, to be filled in accordance with bylaw articles below. Any elections to partial terms shall not modify this basic rotation.

a). At least two months prior to the Annual Program Meeting, the Congregation Council shall appoint a Nominating Committee consisting of at least five members, including a pastor of this congregation. All outgoing Council members not standing for re-election shall be members of this committee. At least one member shall be appointed from the congregation-at-large. When the Nominating Committee has been appointed, its membership shall be announced to this congregation along with a notification of pending council vacancies.

b) The Nominating Committee shall prepare a slate of nominees. The Nominating Committee shall ensure that all nominees have been informed of the duties and responsibilities of council members and have given approval to their nomination. After the list of nominees has been reviewed by the Congregation Council, that list and a brief background statement for each nominee shall be presented to this congregation on at least three Sundays prior to the Annual Program Meeting. Additional nominations may be made by Voting Members of this congregation until the Monday preceding the meeting. At midnight on that Monday nominations shall be closed.

c) During the Annual Meeting and prior to the election of council members, the presiding officer shall appoint three tellers to collect and tabulate written ballots. A majority of the votes cast shall be necessary for election. In all cases wherein all vacancies are not filled, the ballot shall be considered a nominating ballot and the remaining nominees receiving the highest number of votes shall be the nominees on the next ballot, the number of such nominees not to exceed twice the number of vacancies remaining to be filled.

**C12.03.** Should a member's place on the Congregation Council be declared vacant and if that vacancy results in the Congregation Council having fewer than nine members, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting. Vacancies

which occur within three months prior to the Annual Program Meeting may remain unfilled until that meeting.

**C12.03.01** Congregation Council vacancies that arise during the program year shall be filled by vote of the Congregation council if the vacancy results in a Council having fewer than nine elected members. Council may appoint such person(s) as it considers to be best qualified. Such appointments shall be effective until the next Annual Program Meeting, at which time the vacancy shall be filled by vote of this congregation in accordance with the bylaw articles above.

**C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all participants of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America and Lutheran Campus Ministry at Indiana University or its successor, as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
- i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

**C12.04.01.** The Congregation Council shall oversee any standing agreement or covenant entered into by this congregation. The council shall have

authority to amend such an agreement from time to time insofar as such amendments do not substantially alter the key provisions or fundamental character of the agreement, in which instance a vote by the congregation in assembly shall be required.

**C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Indiana, except as otherwise provided herein.
- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council may enter into contracts of up to 3 percent of anticipated annual receipts for items not included in the spending plan (i.e. budget and restricted funds) approved by this congregation at its Annual Budget Meeting. In cases of clear emergency involving physical structures and systems, the Council may enter into reasonable and necessary financial arrangements to meet the emergency without regard to this paragraph or paragraph C12.05d. In such instances, the Council must report actions taken to this congregation as soon as practical.
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur total obligations of more than 3 percent in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

**C12.05.01.** All disbursements by the treasurer shall be authorized in writing. The Budget of this congregation and specific action of the Congregation Council shall be the standing written authorization for such fixed expense items as benevolences, personnel compensation, and contractual obligations such as Insurance premiums, loan repayments, and utility expenses. Disbursements for other expenses shall be made

only upon receipt of an invoice, provider's statement or voucher submitted by the appropriate committee chairperson or church staff member. Such disbursements shall be made only within the constraints of this congregation's Budget or after specific directive from the Congregation Council.

- C12.05.02.** Only officers of this congregation shall be authorized to enter into any contract which obligates this congregation's fiscal and/or real assets in all situations which involve more than \$500 or which are not clearly of a routine nature. In any case, authorization to enter into such contracts must be specifically granted by this congregation or Congregation Council.
- C12.06.** The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out.
- C12.07.** The Congregation Council shall provide for an annual review of the membership roster.
- C12.08.** The Congregation Council shall be responsible for the employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.
- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

### **Chapter 13.**

### **CONGREGATION COMMITTEES**

- C13.01.** The officers of this congregation and the pastor shall constitute the *Executive Committee*.
- C13.01.01.** The Executive Committee specified in C13.01. of the Constitution of this Congregation shall develop agendas for each Congregation Council meeting, act on behalf of the council when critical action must be taken on a timely basis and a special council meeting is precluded, and perform such assignments as may be given it by the full council from time to time. When acting within these limitations, the Executive Committee shall have the full authority of the Congregation Council insofar as this is not in conflict with the Constitution or these Bylaws.
- C13.01.02.** All actions of the Executive Committee shall be reported to the Congregation Council at its next meeting.
- C13.01.03.** Meetings of the Executive Committee may be called by the president or the pastor(s) if all persons eligible to attend such meetings are given at least 24 hours' notice. Three members of the Executive Committee, one of whom must be a pastor of this congregation, present at a duly called meeting shall constitute a quorum.
- C13.02.** A *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election.
- C13.03.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.
- C13.03.01.** There shall be an Audit Committee, as stipulated in C13.03. of the Constitution of this congregation. As soon as practical after the close of each fiscal year, the committee shall perform and/or oversee an audit of the financial records of the congregation and all groups associated with it to ensure that such records are complete and accurate representations of the financial transactions of this congregation. The committee shall report its findings on a timely basis so as to permit the filing of the synodical audit report by its due date. The committee shall present its written report for the previous fiscal year at the Annual Program Meeting of the congregation.
- C13.04.** A *Mutual Ministry Committee* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed by the Council, based upon recommendations from the president, the pastors(s), and the Mutual Ministry Committee. Term of office shall be three years, with two members to be appointed each successive year. This committee shall work to ensure a mutuality of ministry among congregation and pastoral staff, especially by

encouraging open communications among all members of the staff and congregation. The committee shall appraise and evaluate the mission and ministries of this congregation and recommend changes as it sees fit. The committee shall seek to provide for the spiritual, emotional, and physical needs of all pastoral staff members of this congregation, including continuing education for pastoral staff.

- C13.04.01.** There shall be a Mutual Ministry Committee, as stipulated in C13.04. of the Constitution of this congregation. Committee members will be recommended to the St. Thomas Council for affirmation. Terms shall be three years and renewable upon mutual consent of the member and the Committee. Committee members will hold no other elected position in the congregation during their term. In the absence of a Mutual Ministry Committee, its duties shall be fulfilled by the St. Thomas Council Executive Committee.
- C13.05.** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by this congregation. Term of office will terminate upon installation of the newly called pastor.
- C13.05.01.** In accordance with paragraphs \*C9.01. and C13.05. of the constitution of the congregation a Call Committee shall be elected by the congregation. To effect this election the Congregation Council shall prepare a slate of at least six, but no more than twelve, voting members of the congregation. This slate of nominees to the Call Committee shall be announced to the congregation at least two Sundays prior to a special congregation meeting called for the purpose of electing and instructing the Call Committee. Additional nominations may be added to the slate by members of the congregation until the Monday preceding the congregation meeting; at midnight on that Monday nominations shall be closed. The election of Call Committee members shall follow the procedures for electing members of the Congregation Council, as specified in Bylaw C12.02.01.c).
- C13.05.02.** At the time the Congregation Council prepares its slate of nominees, it shall give notice of the formation of a Call Committee to all agencies which, by virtue of covenantal agreement with the congregation, are entitled to representation on the Call Committee.
- C13.05.03.** The Congregation Council shall be empowered to fill any vacancy occurring in the Call Committee due to the resignation, death or discontinuance of active membership in the congregation of any committee member elected by the congregation; such action to be reported to the congregation as soon as feasible.
- C.13.05.4.** The Call Committee shall elect its own chairperson, which position may be held only by a committee member elected to represent the membership of the congregation.
- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

- C13.06.01.** At its first regular meeting in each program year and in accordance with these bylaws, the Congregation Council shall appoint such committees as the local and wider concerns of this congregation shall require. Each such committee shall be composed of at least one member of the council and other Voting or Associate Members of this congregation. In no instance shall Associate Members constitute more than 25% of the membership of a committee. Although appointed by and responsible to the Congregation Council, these committees shall be recognized as representative of the interest of and performing essential services for, this congregation as a whole. The pastor(s) and president of the congregation shall be ex-officio members of all committees, with voice and vote, except that no more than one pastor may vote in any single committee meeting.
- C13.06.02.** There shall be a Committee on Church Property. It shall see to the proper maintenance and protection of all property of the congregation and shall take care that the same is kept in good order and repair. This committee shall establish and periodically review guidelines and appropriate payment schedules for the use of all property of the congregation by members and by non-members, such guidelines and schedules to be in effect only after approval by the Congregation Council. This committee shall prepare and annually review a prioritized list of major needs in the areas of facilities, grounds, furnishings and equipment, which list shall be reported annually to the Congregation Council.
- C.13.06.03.** There shall be a Committee on Finance. It shall prepare a draft budget for each succeeding year and submit such budget to the Congregation Council for its action and later presentation at the Annual Budget Meeting. The committee shall exercise oversight of all the financial affairs of the congregation, giving particular attention to the prompt payment of all obligations and benevolence. Subject to council approval, it shall be responsible for the congregation's investments and total insurance program. This committee shall take initiative for long-range planning concerning the financial life of the congregation. It shall periodically review and revise the fiscal policies and procedures of the congregation as seems most reasonable and efficient.
- C13.06.04.** There shall be a Committee on Worship. It shall assist the Congregation Council in seeing that the services of God's house are conducted regularly and within the liturgical traditions of the Lutheran church, that assisting ministers are recruited and trained to serve in the several needed capacities, and that Service books and devotional materials are provided and properly cared for. It shall supervise, and strive to advance the welfare and effective service of the choirs of this congregation. It shall arrange for the care of paraments, vestments, and musical instruments; and in consultation with the pastor, the organist and choir director(s), it shall furnish music supplies appropriate for use

in the worship of a congregation of the ELCA. It shall see that a nursery for pre-kindergarten age children is established, staffed and supplied as needed during worship services.”

**C13.06.05.** There shall be a Personnel Committee. This committee shall work on behalf of the Congregation and Congregational Council to locate qualified people to hire as salaried staff when vacancies exist. It shall ensure that position descriptions are current and truly descriptive of the work to be performed. It shall be the primary communication link between the Pastor, Council, other committees and the applicants for positions advertised. It shall advertise position vacancies, screen applicants, interview applicants and recommend persons to hire to the Congregational Council. It shall produce and maintain a manual of personnel policies and procedures that will be approved by the Congregational Council, and the Committee shall, from time to time, revise, update and improve this manual. The Committee shall be the first point of contact to resolve questions from employees regarding personnel matters.

**C13.06.06.** There shall be a Committee on Mission. It shall assist the Congregation Council in overseeing the mission work of the congregation, including all mission-related organizations within the congregation. It shall establish and maintain communication with all functioning small groups within the Congregation for the purpose of fostering and supporting mission. It shall inform the Congregation of the relationship of the gospel to the pressing needs for assistance and justice at local, national and global levels. It shall execute social action programs within the structures of this Congregation. It shall encourage volunteers from the Congregation to work out their ministries in service with the non-profit agencies in the community that strive to improve the health and welfare of the people. It shall exhort and encouraging participation in and support of various ELCA social response organizations such as Lutheran World Relief and the ELCA World Hunger Appeal. It shall provide information about the local, national and global ministries of the Congregation and the ELCA to members of the Congregation.

**C13.06.07.** There shall be a Committee on Outreach. It shall assist the Congregation Council in overseeing the Congregation’s work of hospitality and evangelism. It shall promote a sense of community in the Congregation by assisting new members in becoming integrated into the life of the Congregation and encouraging personal involvement of those who appear not to be integrated into congregational life. It shall guide the Congregation in extending Christian compassion and assistance to the ill, the aged, the underprivileged, the imprisoned and all persons in need of justice, mercy, and assistance on all levels by enlisting the efforts of as many as possible of the individuals and groups within the Congregation to further this effort, and establishing programs and methods of inviting persons to affiliate with this

Congregation and to encourage lapsing and inactive members to return to full participation in congregational life. It shall provide information to various information media about the programs and activities of the Congregation, causing the Congregation to present itself more effectively as a welcoming, inclusive community of believers.

**C13.06.08.** There shall be a Committee on Stewardship. It shall assist the Congregation Council in overseeing matters related to stewardship in the congregation. It shall promote the example and expression of Christian faith in daily living through the appropriate use of money and other personal and congregational resources. It shall actively promote the concept of proportional giving and encourage all members to achieve responsible levels of giving. It shall ensure that an adequate annual program that emphasizes informed, grateful giving is maintained, continued and adapted to the needs of the Congregation. It shall foster the giving of time, talent and energies by the members of the Congregation to serve in the various ministries of the Congregation. It shall survey the talents and skills of the members of the Congregation on a periodic basis so that the needs of the Congregation may be readily met with people willing to donate their skills and effort.

**C13.06.09.** There shall be a Committee on Christian Education. It shall oversee, in the interests of lifelong Christian Education, the activities of all educational organizations within the congregation. This shall be accomplished by:

- Ensuring that Sunday Church School is maintained and operated for all school aged children in the Congregation
- Striving to establish and maintain Christian educational opportunities for all ages of congregation members on a continuing, weekly basis.
- Fostering and promoting the study of scripture by members of the Congregation.
- In coordination with the Pastor, staff and Congregation Council, ensuring that confirmation instruction is maintained, promoted and adapted to the changing needs of our youth.
- Encouraging the use of teaching and worship materials published or approved by the ELCA and striving to introduce periodicals and books of family devotion into the homes of the members of the Congregation.
- Promoting and facilitating the distribution of the official news magazine of the ELCA to all households or members of the Congregation.
- Publicizing the call to the Ministry of the Gospel and to other full-time church vocations to qualified members of the Congregation.

**C13.06.10.** There shall be a Mission Endowment Fund Committee, whose purpose, governance, and operational procedures shall be defined in a continuing

resolution. The Congregation Council of the congregation shall nominate for the committee. The committee shall report on a quarterly basis to the Congregation Council and shall render annually to the Congregation Council a full and audited account of the administration of the Mission Endowment Fund during the previous year.

**C13.06.A16.** The Mission Endowment Fund Committee is defined as follows:

a. **MISSION ENDOWMENT FUND COMMITTEE MEMBERSHIP**

1. The committee shall consist of as many as 9, but not less than 5 members, all of whom shall be voting members of St. Thomas Lutheran Church. The members shall be elected to serve for three years. Such members shall be eligible to serve no more than two full terms or six years consecutively. Their terms shall begin at the close of the annual meeting at which they are elected. No member is eligible for election to a full or partial term which would result in more than six consecutive years of membership. No member shall be eligible for appointment or election for one year from the end of his/her last term. One to three seats shall become vacant every year. The Congregation Council shall nominate for the committee. In the event of a vacancy, the Congregation Council shall appoint a member to fill the vacancy until the next annual meeting of the congregation, at which time the congregation shall elect a member to fulfill the term of the vacancy.
2. The committee shall meet at least quarterly, or more frequently as deemed by it to be in the best interest of the fund.
3. A quorum shall consist of a majority of the current voting members. A majority of the current voting shall be required to carry any motion or resolution.
4. The committee shall elect from its membership a chairperson, recording secretary, and financial secretary. The chairperson, or member designated by the chairperson, shall preside at all committee meetings.
5. The recording secretary shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the committee. Each member shall keep a complete copy of minutes to be delivered to his or her successor. The recording secretary shall also supply a copy of the minutes to the Congregation Council.
6. The financial secretary shall work with the congregation's treasurer in maintaining and coordinating complete and accurate accounts for the fund and shall sign checks and all other necessary documents on behalf of the congregation. The books shall be audited annually by a certified public accountant, or other appropriate person who is not a member of the committee.
7. The committee shall report on a quarterly basis to the Congregation Council and, at each annual meeting or duly called special meeting

of the congregation the agenda of which calls for such report, shall render a full and audited account of the administration of the fund during the previous year.

8. The committee may request that other members of the congregation serve as advisory members and, at the expense of the fund income, may provide for such professional counseling on investments or legal matters as it deems to be in the best interest of the fund. The committee may also use fund income for the promotion of the fund.
9. Members of the committee shall not be liable for any losses which may be incurred upon the investments of the assets of the fund except to the extent such losses shall have been caused by bad faith or gross negligence. No member shall be personally liable as long as he/she acts in good faith and with ordinary prudence. Each member shall be liable only for his/her own willful misconduct or omissions and shall not be liable for the acts or omissions of any other member. No member shall engage in any self-dealing or transactions with the fund in which the member has direct or indirect financial interest and shall at all times refrain from any conduct in which his/her personal interests would conflict with the interests of the fund.
10. All assets are to be held in the name of the St. Thomas Mission Endowment Fund.

b. DISTRIBUTION OF INCOME

1. The committee shall determine what is principal and income according to accepted accounting procedures.
2. Income from the fund may be distributed annually and at such other times as deemed necessary and/or feasible to accomplish the following purposes:
  - For outreach into the local community and the Indiana Kentucky Synod
  - For mission beyond the local community and the Indiana Kentucky Synod
  - For special programs, capital improvements, debt reduction, or a building program at St. Thomas
3. Programs for support shall be recommended by the committee and ratified by the Congregation Council for funding according to the guidelines established by the congregation.
4. Distribution of income from the fund need not occur annually in the event causes and programs have not been approved by the committee sufficient to utilize total income available, or if in the judgment of the committee total annual distribution of income is not recommended.

c. DISTRIBUTION OF PRINCIPAL

When in the opinion of the committee circumstances are so dire and of such an emergency nature that the future of the congregation is at stake, and that the only recourse seems to be the use of the fund principal, the committee may, upon a two-thirds majority vote, recommend such authorization to the congregation.

d. AMENDING THE RESOLUTION

Any amendment to this resolution which will change, alter, or amend the purpose for which the fund is established shall be adopted by a two-thirds vote of the members present at an annual meeting of the congregation or at a special meeting called specifically for the purpose of amending this resolution.

e. DISPOSITION OR TRANSFER OF FUND

In the event that St. Thomas ceases to exist either through merger or dissolution, disposition or transfer of the fund shall be at the discretion of the Congregation Council in conformity with the approved congregation constitution and in consultation with the bishop of the Indiana-Kentucky Synod of the Evangelical Lutheran Church in America (ELCA) or its successor body. Consultation with the ELCA may be desirable for continuation of Mission Endowment Fund obligations.

f. ADOPTION OF RESOLUTION

This resolution, recommended by the Congregation Council, was adopted originally on June 14, 1998 and amended on May 1, 2005.

**C13.07.** Duties of committees of this congregation shall be specified in the bylaws.

**C13.07.01.** Except as stipulated in these bylaws, the duties of all committees shall be assigned by the Congregation Council, along with such instructions as in its judgment are in the best interests of this congregation. All actions of committees are subject to review by the Congregation Council.

**C13.08.** The pastor(s) and president of the congregation shall be *ex-officio* members of all committees, with voice and vote, except that no more than one pastor may vote in any single committee meeting.

**Chapter 14.**

**ORGANIZATIONS WITHIN THE CONGREGATION**

**C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. The Congregation Council shall approve their policies, guide their activities, and receive reports concerning their membership, work, and finances.

- C14.02.** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council.

## **Chapter 15.**

### **DISCIPLINE OF MEMBERS AND ADJUDICATION**

- \*C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.
- \*C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two clergy). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- \*C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the

vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

- \*C15.04. The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C15.05. By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
  - a. suspension from the privileges of congregation membership for a designated period of time;
  - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
  - c. termination of membership in the congregation; or
  - d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.
- \*C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- \*C15.07. No member of the congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- \*C15.10. **Adjudication**
- \*C15.11. When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## **Chapter 16.**

### **BYLAWS**

- \***C16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- \***C16.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- \***C16.03.** Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- \***C16.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

## **Chapter 17.**

### **AMENDMENTS**

- \***C17.01.** Unless provision \*C17.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least ten (10) voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- \***C17.02.** An amendment to this constitution, proposed under \*C17.01., shall:
  - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
  - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
  - c. have the effective date included in the resolution<sup>2</sup> and noted in the constitution.

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<sup>2</sup> Such an effective date must be stated in relation to the requirements of \*C17.03. to allow time for synodical review of the amendment.

- \*C17.03. Any amendments to this constitution that result from the processes provided in \*C17.01. and \*C17.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- \*C17.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of ten (10) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

**Chapter 18.**

**CONTINUING RESOLUTIONS**

- \*C18.01. The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- \*C18.02. Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

**Chapter 19.**

**INDEMNIFICATION**

- \*C19.01. Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.