



BYLAWS
of the
EASTERN SYNOD
EVANGELICAL LUTHERAN CHURCH IN CANADA

2014

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Part I

Offices

Section 1. The registered head office of this synod shall be located in Kitchener.

Section 2. All executive offices shall be located where designated by synod council.

Part II

Organizational Relationships

Section 1. Congregations

- a. This synod shall organize, recognize, receive, release and exclude congregations, and approve or disapprove of the relocation or the merger of congregations within its geographical boundaries.
- b. Congregations may petition this synod according to the procedures set forth in these bylaws. (Synod Bylaws Part V, Section 8)
- c. During a pastoral vacancy, an interim pastor shall be appointed by the bishop after consultation with the congregational council.
- d. A lay member of a congregation who wishes to appeal discipline imposed by his/her congregation on that member shall appeal in writing to the bishop within thirty (30) days after the disciplinary action has been taken. The appellant shall send copies of the appeal to the pastor and to the secretary of the congregation. The bishop shall appoint a special committee to investigate the appeal. The decision of the committee shall be reported to the appellant, the pastor and secretary of the congregation and to the bishop. The decision of the committee shall be final.

Section 2. Synodically Recognized Ministries

- a. Synodically Recognized Ministries are groups and organizations other than congregations who promote and implement the mission of this church.
- b. This synod may organize, recognize, receive, release and exclude synodically recognized ministries within its geographical boundaries.
- c. A lay member of a synodically recognized ministry who wishes to appeal discipline imposed by his/her synodically recognized ministry on that member shall appeal in writing to the bishop within thirty (30) days after the disciplinary action has been taken. The appellant shall send copies of the appeal to the synodically recognized ministry. The bishop shall appoint a special committee to investigate the appeal. The decision of the committee shall be reported to the appellant, the synodically recognized ministry and to the bishop. The decision of the committee shall be final.

Section 3. Areas

- a. Areas are groups of congregations that work together in mission led by an Area Leadership Team.

Section 4. Area Leadership Teams

- a. The bishop, in consultation with synod council, shall appoint an Area Leadership Team for each area.
- b. The role of the Area Leadership Team is to:
 - i. Assist congregations and ministries within the area to plan, promote and implement the mission of this church;
 - ii. Maintain contact with the Synod bishop;
 - iii. Serve as the Bishop's representative, as requested, at installations, assisting with the call process, and conducting exit interviews;
 - iv. Maintain contact with Synod Mission staff;
 - v. Work with congregational leaders to create mission strategies;
 - vi. Arrange for continuing education opportunities for rostered and lay leaders to support and encourage area mission strategies;
 - vii. Encourage networking and mutual support among rostered and lay leaders;
 - viii. Provide pastoral support to area rostered leaders as required.
- c. Area Leadership Teams shall report to the bishop annually and at other times as requested by the bishop.
- d. Area Leadership Team members shall be appointed for three year terms and are eligible for reappointment. In the event an Area Leadership Team member is unable or unwilling to serve the full term, the bishop may appoint a replacement to complete the term.
- e. The appointment of an Area Leadership Team member may be rescinded mid-term only upon resolution of synod council.

Section 5. Evangelical Lutheran Church in Canada

- a. This synod shall recognize all organizations recognized by the Evangelical Lutheran Church in Canada.

Section 6. Theological Institutions

- a. The ownership of the Waterloo Lutheran Seminary shall be vested in this synod.
- b. Synod Council shall appoint members to Waterloo Lutheran Seminary Board of Governors, Waterloo, Ontario, according to the terms determined by the seminary.

Section 7. Specialized Ministries

- a. This synod may affiliate with specialized ministries such as campus ministries, camps, Lutheran Social Services agencies and health care institutions.
- b. On request of an affiliated institution or agency, synod council may call and install a pastor or chaplain to such affiliated agency or institution.

Part III

Rostered Ministers - Ordained (Constitution ARTICLE VIII)

Section 1. Ordination of approved candidates shall take place at a time and place designated by the bishop.

Section 2. This synod shall have a call process manual approved by synod council. A congregation wishing to extend a call shall follow the general procedures set out in the call process manual unless otherwise advised by the bishop due to unusual circumstances.

Section 3. Each ordained minister, except those who are retired, disabled, on leave from call, or suspended from pastoral ministry, shall be in possession of a proper call from a congregation, a synod or this church itself. Such a call may be for an indefinite or a specified length of time. Before issuing the call, the calling agency shall consult with the bishop of this synod.

Section 4. A minister shall inform the chair of the congregational council and the bishop immediately upon receipt of a call to another ministry, and shall inform the calling agency and the bishop of any decision made within thirty days unless an extension is granted by mutual consent of all the parties involved. A minister shall terminate an existing call within two months of accepting another call, unless an extension is granted by mutual consent of all the parties involved.

Section 5. When no term is specified, a regular call accepted by an ordained minister to a congregation shall constitute a relationship which may be terminated only for the following causes:

- a. Resignation of the minister;
- b. Disqualification of the minister as a result of discipline;
- c. Division, dissolution or realignment of the pastoral charge;
- d. Incapacity of the minister, either physical or mental;
- e. Continued neglect of ministry by the minister; or
- f. Inability to conduct the ministerial office satisfactorily in a congregation in view of local conditions, without reflection on the moral and spiritual character of the minister.

Where the conditions set out in Section 5 d, e, f, are alleged:

- g. The bishop may appoint an advisory committee of two ordained ministers and two lay members to investigate. Upon the request of the congregational council, or on receipt of a petition signed by at least one-third of the voting members of a congregation, the bishop shall appoint an advisory committee to investigate.
- h. With the concurrence of the congregational council, the bishop may suspend the minister from ministerial duties pending the outcome of the formal proceedings.
- i. The advisory committee shall secure medical testimony to confirm or refute an allegation of physical or mental disability. If incapacity is confirmed, the bishop may, on the advice of the committee and with the concurrence of the congregational council, declare the pastorate vacant. Should the minister be restored to health, the bishop shall take steps to enable the minister to resume ministry in the congregation last served or in another ministry.
- j. The advisory committee appointed to investigate an allegation of neglect of ministry or of local conditions that imperil the well-being of a congregation shall provide an opportunity for all concerned parties to be heard. At the conclusion of the investigation, the bishop shall bring the recommendations of the committee to the minister and the congregation for consideration and action. Such counsel shall be offered in Christian love and is not to be regarded as a disciplinary measure. If the situation cannot be resolved amicably, the minister may resign, or the congregation may terminate the call by a majority vote at a properly called congregational meeting.
- k. The foregoing procedure shall not be invoked when questions of doctrine or morality are involved. Such cases shall be treated as disciplinary matters.

Section 6. An ordained minister shall preach the Word, administer the Sacraments, and conduct public worship in harmony with the faith and practices of the church; shall baptize, confirm and marry in accordance with the teaching of the church and with the laws of the province; shall visit the sick and distressed and bury the dead; shall inculcate piety in individual and family life and provide pastoral leadership to all schools and auxiliary organizations of the congregation; shall install members of the congregational council and, with the council, administer discipline; shall seek out and encourage qualified persons to prepare for the ministry of the Gospel and strive to extend the Kingdom of God in the community, at home and abroad; and shall encourage the members to be generous in support of the ministry of the congregation, this synod and this church.

Section 7. A minister shall not preach or perform any ministerial act within the parish of another minister except at the latter's request or consent, or visit or perform ministerial acts in a time of a ministerial vacancy, except by invitation of the interim minister or congregational council.

Section 8. The minister shall ensure that the congregation keeps accurate records of membership, baptisms, confirmations, marriages, burials and communicants, and shall report such statistics annually on the forms prescribed by this church. These records shall be certified as being correct by the congregational secretary on the same forms. The congregational records shall remain the property of the congregation.

Section 9. When members move, the minister shall commend them to the ministerial care of the parish in which their new home is located.

Section 10. All ordained ministers serving under call are expected to attend all conventions of this synod.

Section 11. An ordained minister of a church with which the ELCIC has a full communion agreement serving in this synod under the provisions of the full communion agreement shall have the same rights and privileges as an ordained minister of this synod.

Part IV

Rostered Ministers – Diaconal (Constitution ARTICLE IX)

Section 1. Consecration of approved candidates shall take place at a time and place designated by the bishop.

Section 2. This synod shall have a call process manual approved by synod council. A congregation wishing to extend a call shall follow the general procedures set out in the call process manual unless otherwise advised by the bishop due to unusual circumstances.

Section 3. Each diaconal minister, except those who are retired, disabled, on leave from call, or suspended from pastoral ministry, shall be in possession of a proper call from a congregation, a synod or this church itself. Such a call may be for an indefinite or a specified length of time. Before issuing the call, the calling agency shall consult with the bishop of this synod.

Section 4. A diaconal minister under call shall inform the congregational council and the bishop immediately upon receipt of a call to another ministry, and shall inform the calling agency and the bishop of any decision made within thirty days unless an extension is granted by mutual consent of all the parties involved. A diaconal minister shall terminate an existing call within two months of accepting another call, unless an extension is granted by mutual consent of all the parties involved.

Section 5. When no term is specified, a regular call accepted by a diaconal minister to a congregation shall constitute a relationship which may be terminated only for the following causes:

- a. Resignation of the diaconal minister;
- b. Disqualification of the diaconal minister as a result of discipline;

- c. Division of the pastoral charge;
- d. Incapacity of the diaconal minister; either physical or mental;
- e. Continued neglect of ministry by the diaconal minister; or
- f. Inability to conduct the ministerial office satisfactorily in a congregation in view of location conditions, without reflection on the moral and spiritual character of the minister.

Where the conditions set out in Section 5 d, e, f, are alleged:

- g. The bishop may appoint an advisory committee of two rostered ministers and two lay members to investigate. Upon the request of the congregational council or on receipt of a petition signed by at least one-third of the voting members of a congregation, the bishop shall appoint an advisory committee to investigate.
- h. With the concurrence of the congregational council, the bishop may suspend the minister from ministerial duties pending the outcome of the formal proceedings.
- i. The advisory committee shall secure medical testimony to confirm or refute an allegation of physical or mental disability. If incapacity is confirmed, the bishop may, on the advice of the committee and with the concurrence of the congregational council, declare the position vacant. Should the minister be restored to health, the bishop shall take steps to enable the minister to resume ministry in the congregation last served or in another ministry.
- j. The advisory committee appointed to investigate an allegation of neglect of ministry or of local conditions that imperil the well-being of a congregation shall provide an opportunity for all concerned parties to be heard. At the conclusion of the investigation, the bishop shall bring the recommendations of the committee to the minister and the congregation for consideration and action. Such counsel shall be offered in Christian love and is not to be regarded as a disciplinary measure. If the situation cannot be resolved amicably, the diaconal minister may resign, or the congregation may terminate the call by a majority vote at a properly called congregational meeting.
- k. The foregoing procedure shall not be invoked when questions of doctrine or morality are involved. Such cases shall be treated as disciplinary matters.

Section 6. All diaconal ministers serving under call are expected to attend all conventions of this synod.

Part V

Conventions

(Constitution ARTICLE XII)

Section 1. The regular conventions of this synod shall be held in the year preceding regular national conventions.

Section 2. The secretary shall publish the time and place of each regular convention at least three (3) months in advance. The secretary shall make available a bulletin of reports to all voting members at least thirty (30) days before each regular convention.

Section 3. The voting membership of conventions shall consist of:

- a. One lay delegate from each congregation and, from congregations having more than four hundred (400) baptized members, one lay delegate for each additional four hundred (400) baptized members. An alternate may act in the stead of a delegate who is unable to attend provided notice is given to the secretary five (5) days prior to the commencement of convention;
- b. Rostered ministers serving under call or appointment in this synod;
- c. Lay members serving under appointment in this synod;
- d. Lay members of synod council; and
- e. Six (6) youth delegates appointed by synod council.

Section 4. At least sixty (60) days prior to the opening day of the convention:

- a. Each congregation shall submit the name(s) and address(es) of its lay delegates to the synod secretary; and
- b. Each rostered minister serving under call or appointment shall submit his/her name and address to the synod secretary.

Section 5. One-third of the registered convention delegates shall constitute a quorum.

Section 6. Seat and voice at regular and special conventions shall be granted to:

- a. The Bishop of the Evangelical Lutheran Church in Canada and such other official representatives of this church as may be designated by National Church Council;
- b. Representatives chosen by synodically recognized ministries of this synod;
- c. Official guests, upon invitation of synod council.

Section 7. All arrangements for worship services or public meetings shall be made in consultation with the bishop.

Section 8. Congregations may petition this synod in convention by submitting the petition in writing to the secretary of this synod for inclusion in the bulletin of reports. If the petition is too late for inclusion in the bulletin of reports, the secretary shall deliver the petition to the Reference and Counsel Committee for

presentation to the convention.

Section 9. During the first sitting of each regular convention, the bishop shall announce the members of the Committee of Reference and Counsel, the Committee on Nominations and any other committees that Synod Council may deem necessary. Duties of all convention committees will be described in a convention manual.

Section 10. Special Conventions for specified purposes shall be called by the bishop of this synod within ninety days of receiving in writing a request for such a convention from:

- a. Synod council by at least a two-thirds majority vote; or
- b. One-fifth of the congregations of this synod and one-fifth of the rostered ministers serving under call or appointment.

Section 11. The secretary shall give written notice of a special convention to each congregation, each rostered minister serving under call or appointment, and to each synodically recognized ministry, and shall publish the same at least thirty days prior to the opening date of the special convention.

Section 12. The voting members at a special convention shall consist of:

- a. Lay delegates who were seated in the preceding regular convention provided that they have not been disqualified by termination of membership in the congregation they represented. Vacancies in the lay delegates shall be filled by the congregations affected at a regular or specially called congregational meeting. Vacancies thus filled shall be reported to the secretary of the synod not less than five days before the special convention;
- b. Lay members of the current synod council;
- c. Rostered ministers serving under call or appointment in this synod at the time of the special convention; and
- d. Youth delegates who were seated in the preceding regular convention. Vacancies in youth delegates shall be filled by synod council.

Section 13. Nominations and Elections

- a. The Committee on Nominations shall nominate two persons for each position to be filled by election except for the officers of the synod. Additional nominations may be made from the floor for all elections for which the nominations are made by the Committee on Nominations.
- b. The Committee on Nominations shall provide the following information for each nominee: address, occupation, area, church/community involvement and vision for the church.
- c. All elections shall be by ballot. In all elections, except for the officers of synod, a majority of the votes cast on any ballot shall elect. If an election does not occur on a first ballot for any position except that of the bishop and vice-chairperson, voting on the second ballot shall be limited to the

two persons per position receiving the highest number of votes cast on the first ballot. In the case of a tie vote, the tie being substantiated by recount, another election shall be held with only the names of the candidates whose votes were equal on the ballot.

- d. The election of bishop and vice-chairperson of this synod shall proceed in this order without oral nominations. If the first ballot does not result in election, it shall be considered a nominating ballot.
- e. The nomination of the treasurer and secretary shall be made by synod council and elected by majority vote.
- f. Balloting for bishop and vice-chairperson shall proceed as follows:
 - i. On the first ballot for bishop and vice-chairperson, three-fourths of the votes cast shall elect. Thereafter, only such votes as are cast for persons who have received votes on the first or nominating ballot shall be valid;
 - ii. On the second ballot, two-thirds of the votes cast shall elect. If the second ballot does not result in an election, voting shall be limited to the four persons receiving the highest number of votes cast;
 - iii. On the third ballot, a majority of the votes cast shall elect. If the third ballot does not result in an election, voting shall be limited to the three persons receiving the highest number of votes cast;
 - iv. On the fourth ballot, a majority of the votes cast shall elect. If the fourth ballot does not result in an election, voting shall be limited to the two persons receiving the highest number of votes cast;
 - v. On the fifth ballot, a majority of the votes cast shall elect.
- g. The result of each ballot in every election shall be announced in detail to the convention.
- h. The terms of all elected persons, other than the bishop, shall commence immediately after synod convention. The term of the bishop shall commence on the first day of the third month following election.

Section 14. In order to provide representation to national church convention, this synod shall elect the number of delegates as defined in the Administrative Bylaws of this church.

Section 15. The convention procedures shall be published in a convention manual approved by synod council.

Part VI

Synod Council

(Constitution ARTICLE XIII)

Section 1. The membership of synod council shall be the officers of the synod

together with twelve (12) additional members consisting of an equal number of rostered ministers serving under call or appointment and lay persons. These additional persons representing a variety of separate regions shall be elected by the convention to serve until the next regular convention. No elected member, other than the officers, shall be eligible to serve more than three (3) consecutive terms. However, a term of less than 18 months shall not be deemed to be a term of office for this purpose.

Section 2. Synod council shall:

- a. Plan, coordinate, supervise and evaluate the activities of this synod in carrying out its mission and ministry, including development of appropriate policies for synod council;
- b. Be the directors of the corporation and trustees for this synod;
- c. Issue letters of call to rostered ministers who are officers or staff officials of this synod, or who are called to special service, as required;
- d. Determine the time and place for each convention and prepare its proposed agenda and programs;
- e. Recommend annual budgets to the regular conventions;
- f. Report its actions to the regular conventions;
- g. Set the salaries of the bishop and staff of this synod;
- h. Fill vacancies until the next convention except as otherwise provided;
- i. Determine the fact of the incapacity of an officer of this synod according to the procedures in the bylaws of this church; (ELCIC Bylaws Part XI)
- j. Approve candidates for call, ordination and admission to the rosters of ordained and diaconal ministers;
- k. Appoint a committee on nominations;
- l. Appoint all committees for which there is no other provision;
- m. Carry out duties in good faith with a reasonable degree of diligence, care, and skill;
- n. Expect the same standard of conduct from lay and rostered members;
- o. Make and enforce its own policies, including the discipline of its members; and
- p. Perform such additional duties as prescribed in the constitution, the bylaws, or by resolutions of this synod in convention.

Section 3. Synod council shall hold at least two meetings annually.

Section 4. Special meetings of the synod council may be called by the bishop or vice-chairperson of this synod when circumstances warrant.

Section 5. A majority of the members of synod council shall constitute a quorum.

Section 6. Every member of synod council and officer and their heirs, executors and administrators and estate and effects, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of this synod and this church from and against all costs, charges and expenses whatsoever that any such member or officer sustains or incurs or about any action, suit or proceeding that is brought, commenced or prosecuted against any of the aforementioned for or in respect of any act, deed, omission, matter or thing whatsoever made, done or permitted by them in or about the execution of the duties of their office; and all other costs, charges and expenses that any sustain or incur in or about or in relation to the elected position to synod council or office of this synod, except such costs, charges or expenses as are occasioned by their own wilful neglect or default.

Part VII

Duties of the Synod Officers

Section 1. The bishop of this synod shall:

- a. Provide pastoral leadership and counsel to ordained and diaconal ministers, congregations, synodically recognized ministries and areas of this synod;
- b. Ordain approved candidates for ministry, consecrate approved candidates for diaconal ministry and provide for the installation into office;
- c. Oversee the call process as outlined in the Call Process Manual;
- d. Attest to all official documents of this synod as may be required;
- e. Appoint the synod archivist/necrologist to maintain historical records on behalf of this synod;
- f. Convene and preside over conventions of this synod and meetings of synod council;
- g. Report to synod council and the synod convention all significant matters affecting the mission and ministry of this synod; and
- h. Perform other duties as prescribed in the constitutions and bylaws of this church and this synod, and the synod council governance and policy manuals. (ELCIC Constitution Article XIII, ELCIC Bylaws Part X, Section 1; Synod Constitution Article XV)

Section 2. The secretary shall:

- a. Oversee all secretarial and record keeping duties on behalf of this synod; and
- b. Perform additional duties as prescribed in the synod council governance and policy manuals.

Section 3. The treasurer shall:

- a. Oversee all financial affairs and accounts of this synod, including deeds, mortgages, contracts, trust funds, investments, etc.;
- b. Be bonded under the fidelity coverage provided by this synod; and
- c. Perform additional duties as prescribed in the synod council governance and policy manuals.

Section 4. The vice-chairperson shall:

- a. Convene the synod council to provide for the discharge of the bishop's duties in the event of the resignation, incapacity or death of the bishop, pending the election of a new bishop at the next regular or specially called synod convention; and
- b. Perform additional duties as prescribed in the synod council governance and policy manuals.

Part VIII

Standing Committees

Section 1.

- a. Standing committees of this synod will have continued existence, formed to do their assigned work on an ongoing basis.
- b. No person shall be a member of more than one standing committee at the same time.
- c. Standing committees shall be accountable to synod council and shall report to council through the office of the Bishop.

Part IX

Theological Institutions

(Constitution ARTICLE XVII)

Section 1. The property of Waterloo Lutheran Seminary, both real and personal, shall be held by the board of governors in trust for and under the guidance of Atlantic Great Lakes Synod.

Section 2. Financial support for the seminary shall be determined by a process of consultation between the board of governors and synod council.

Section 3. The board of governors shall make a report to each regular convention of this synod.

Part X

Financial Matters

Section 1. The fiscal year and the budget year of this synod shall be the calendar year.

Section 2. The annual budget and financial reports of this synod shall reflect the entire range of its activities. The income listed shall include support from all sources.

Section 3. Each budget shall approve an amount for contingency not to exceed 7% of the budget.

Section 4. There shall be an operating reserve, determined by the synod council, of no more than 15% of the following year's budget.

Section 5. Representatives of synod council shall meet with representatives appointed by National Church Council to agree upon the synod's commitment goal for support of the budget of this church during the next fiscal year. These representatives shall recommend for approval by Synod Council and National Church Council the amount of support to be transmitted through this synod to this church.

Section 6. Special appeals to congregations for the raising of funds shall require the consent of the convention or synod council.

Section 7. The financial accounts of this synod shall be submitted annually for audit to a professionally designated accountant named by synod council.

Adopted: July 2012

Last Amended: June 2014