



## Evangelical Lutheran Church in America

God's work. Our hands.

TO: Voting Members of the Church Council, liaison bishops of Church Council and related distribution

FROM: The Rev. Elizabeth A. Eaton, Presiding Bishop  
Mr. William B. Horne II, Vice President

DATE: June 26, 2020

SUBJECT: Change in venue format for the November 2020 meeting of the Church Council of the Evangelical Lutheran Church in America

This is official notification that the meeting of the Church Council of the ELCA originally scheduled to be held in-person November 12-15, 2020 at the Lutheran Center will now be held as a virtual meeting.

The decision was made after conversation with the Church Council at its June 24, 2020 meeting and in consultation with the other churchwide officers. While there was a suggestion for those who could drive to have the option of attending the meeting in person, there was concern about the equitable engagement and relationship-building during the course of the meeting for such an option. The health and safety for both participants and staff was also a contributing factor in the decision.

In the early fall, you will receive further information about the structure of the virtual multi-day meeting, what we hope to accomplish, and how we will engage one another in fruitful conversation. As staff continue to think through the structure and timing of plenary sessions, please hold the dates as is in your calendar from Nov. 12-15.

We give thanks to God for your faithfulness to the ministry of governance and for your patience as we adapt to new ways of doing God's mission through these turbulent times. Our prayers remain with you, your families, and your congregations. Peace, and be well.



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October 2020

Dear friends,

Grace and peace to you.

Once again, we are about to embark on a Spirit-led adventure of which we have never quite done before. Next month, we will meet virtually for a multi-day meeting starting on Thursday, Nov. 12 and ending on Saturday, Nov. 14. Fortunately, we as Church Council have been meeting virtually numerous times over the summer. Based on our previous digital meeting experiences, we will offer some guidelines to help provide structure for our meeting process.

Our biggest decision before us is to consider the Future Church design that you were first introduced to in July. As you recall, the design focuses on inviting new, young, and diverse people into a world experiencing God's grace in action. This new design will position the ELCA to accomplish this mission.

You will hear a presentation during Friday morning's plenary on the final proposal for the Future Church design. When the presentation moves to personnel matters, we will enter into an executive session. The following morning, on Saturday, the respective committees will bring the recommendations:

- Planning and Evaluation Committee brings the recommendation for the overall design.
- Legal and Constitutional Review Committee brings the recommendation for the amendments to the ELCA Constitution to implement the design.
- Budget and Finance Committee brings the recommendation for the budgetary implications of the design.

While centered in God's word and prayer, our business for the multi-day meeting will focus on essential matters. In addition to the Future Church design actions, we expect to welcome new Church Council members, engage in conversation around *Definitions and Guidelines* as well as an aspirational document, and hear reports from the officers and committees. All reports should be read ahead of time to maximize our conversation together. The provisional schedule will give you an idea of how the multi-day meeting will flow. The agenda will be posted about two weeks prior to the meeting.

The Microsoft Teams site has been created for Church Council to allow for improved collaboration and file sharing. If you have difficulties accessing the Church Council Teams site, I encourage you to reach out to Jodi Slattery, [Jodi.Slattery@elca.org](mailto:Jodi.Slattery@elca.org). I'm certain she will be happy to help you.

Finally, the Board Development Committee is planning a couple of evening opportunities for informal fellowship and be on the lookout for a special treat box coming your way from the committee.

Your leadership is a blessing to this church. Please stay safe and healthy.

Elizabeth A. Eaton  
Presiding Bishop

## **Standing Rules for November 2020 Church Council Meeting**

The following standing rules will serve to facilitate the work of the ELCA Church Council at its November 2020 meeting. Relevant portions of the ELCA Constitution and the *ELCA Church Council Governance Policy Manual (GPM)* are provided as background.

### ***Background information:***

#### **Members of the Church Council**

##### *Church Council Voting Members*

**14.31. The voting members of the Church Council shall consist of the four churchwide officers, the chair of the Conference of Bishops, and at least 32 and not more than 45 other persons elected by the Churchwide Assembly.**

##### *Advisory Members*

**14.32.01. The Church Council shall have as liaison members nine synod bishops, each elected by the Conference of Bishops to one four-year term. One bishop shall be elected from each region.**

**14.32.02. Liaison members of the Church Council shall have voice but not vote.**

**14.41.02. Liaison bishops, ecumenical guests, and other advisors to the Church Council may serve as advisory members to the council's committees with voice but not vote.**

##### *Visitors/Guests*

*GPM, pp. 18–19: In accordance with the Open Meetings policy, visitors are welcome to attend open sessions of meetings of the Church Council or its committees, but they do not have voice or vote. At the discretion of the chairperson and within the constraints of the agenda, the chairperson may invite comments or call upon visitors to speak. When a matter on the agenda is pending, debate and discussion ordinarily will take place among Church Council members before comments from visitors are invited.*

*Members of the Church Council, staff and guests share the responsibility to maintain good order and to not disrupt meetings. To assist in maintaining good order, persons in the meeting space are requested to mute electronic devices and to refrain from behavior that disrupts the meeting. Electronic recording or live-streaming of Church Council or committee meetings is not authorized without prior permission of the chairperson.*

#### **Meeting Procedures**

**14.12.02. The Church Council shall use parliamentary procedure in accordance with Robert's Rules of Order, latest edition, unless otherwise ordered by the council.**

*GPM, pg. 16:*      *In accordance with Robert’s Rules of Order, the Church Council may meet in executive session, either when indicated on the agenda or upon adoption of a motion to enter executive session. Prior to beginning an executive session, the chairperson shall identify which staff members and others are invited to participate in the executive session. If actions are taken in executive session that may be publicly disclosed, the chair will report those actions when the Church Council returns to open session. If confidential minutes are taken in executive session, they will remain confidential unless authorized for public distribution by the Executive Committee.*

#### *En Bloc Resolution*

The responses to certain churchwide assembly actions, synod council actions, and previous Church Council actions may be approved by an *en bloc* resolution. In addition, Church Council committees may place recommendations *en bloc*. *En bloc* resolutions requiring two-thirds vote of the voting members present will follow the proper voting procedures.

#### ***Standing Rules:***

##### *Voting Procedures*

Voting normally will take place using the “Raise your hand” feature of Microsoft Teams. Members should not click on “Lower your hand” until the chair has indicated that they may do so. As directed by the chair, voting may also take place through a poll app or by submitting an individual email vote to a designated person.

##### *Obtaining the Floor*

In plenary sessions of the Church Council, the voting members have prior right to obtain the floor, unless the chair determines that it is in the best interests of the council to call upon a liaison bishop, a churchwide staff member, or another individual with voice. Voting members may indicate their intention to speak by using the “Raise your hand” feature in Microsoft Teams. Once a voting member has been called upon, the member should click on “Lower your hand.” The conversation or chat window is not to be used for comments or questions during the meeting.

##### *Questions of Privilege*

Questions of privilege that relate to the council as a whole may be raised in the course of the meeting by using the “Raise your hand” feature. These would include such concerns as technical issues or emergencies of various sorts. Questions of personal privilege that are not urgent and do not relate to the Church Council as a whole are out of order. Requests for time in plenary session for questions of personal privilege (e.g., personal announcements, comments on matters not on the agenda, reflections on the meaning of votes after they are taken) must be submitted electronically to Joseph Schmidt at [Joseph.Schmidt@elca.org](mailto:Joseph.Schmidt@elca.org). The chair may allow such matters to be addressed at a later time.

*En Bloc Agenda and Deadlines*

To call for separate consideration of an item in *en bloc* or to submit new business, a voting member must submit notification electronically to the secretary of this church ([Sue.Rothmeyer@elca.org](mailto:Sue.Rothmeyer@elca.org)) prior to the established deadline, Friday, Nov. 13, 4:00 p.m. (CST).

*Technical Details*

Plenary sessions will be recorded for minutes purposes only. The recordings will not be made public. Electronic recording or live-streaming of Church Council or committee meetings is not authorized without prior permission of the chairperson.

Microphones should be muted unless a person is speaking or presenting.

Church Council members and liaison bishops are encouraged to use video and may wish to use a virtual background or blur their background for privacy purposes. All other meeting participants are asked to turn their video off to conserve bandwidth, unless they are invited to speak or present, at which time the individual is encouraged to turn on the video.

The conversation or chat window is to be used only by the chair and other designated individuals to make announcements or reminders. Members are not to submit any comments or questions in this space.

### **Report from the Presiding Bishop**

*“God is our refuge and strength, very present help in trouble.” – Psalm 46*

Our country and the world are still navigating through the COVID-19 pandemic. Patterns of life have changed, some irrevocably. What started out as a sprint as we first responded to the pandemic has now turned into a marathon. The insidious nature of the disease, the uncertainty about how or when it will end, the magnitude of cases, hospitalizations, and deaths, the economic impact, and job loss all contribute to anxiety in our communities and in our congregations. We are weary.

And yet... The mission of the church continues. Our congregations have proven to be creative and resilient. Worship, bible study, and service to the communities have continued. We have evidence that on-line participation in worship has reached more people and new people. Bishops have been more connected with rostered ministers and lay leaders because people can gather on-line without the time and expense of in-person meetings. Across the ELCA ecology this same resilience has been demonstrated by colleges, universities, seminaries, social ministry organizations, and other agencies and institutions. I am grateful for the many ways and the many people who serve the gospel in these strange times.

Even during the pandemic major projects have been undertaken and completed. The ELCA Worship team and 1517 Media are planning the release of *All Creation Sings*, a worship and song supplement to *Evangelical Lutheran Worship*. This resource contains two liturgies of Holy Communion with new musical settings, a Service of the Word designed especially for contemplative worship, more than 75 new prayers and liturgical forms for diverse occasions and circumstances, and 200 hymns and songs, many of them newly created over the past fifteen years supporting the church year and a wide range of topics. Some content is bilingual Spanish and English including a complete setting for Holy Communion.

The Ecumenical and Interreligious Relations/Theological Discernment team has also been active. The ELCA is resuming bilateral ecumenical dialogue with the Christian Church (Disciples of Christ). A pre-meeting held in September 2020 determined we would pick up the dialogue from 2004; “the role, place, and power of the sacraments and the Confessions in shaping our identities as church.” The appointments are in process now, and the dialogue will begin in January 2021.

As part of implementing our inter-religious policy statement, I have appointed an ad-hoc committee to develop pastoral guidelines for ministry in a multi-religious world.

- A survey was available from mid-September to mid-October to assess the experiences and needs of this church. We received 2,600 responses.
- The guidelines will be developed based on this input, and we are on track for you to receive and consider them for action in 2021.

The 2019 Churchwide Assembly directed the development of a social statement on government, civic engagement, and the relationship of church and state. Work has begun and a task force has been appointed.

The response to the pandemic at the churchwide expression and across this church has been remarkable. As noted earlier, we have all shown more resilience and creativity than we knew we possessed. We are exercising an abundance of caution for Chicago-based and deployed staff and have put in place policies that keep us safe. (It helps that we have an epidemiologist on staff, Dr. Rebecca Duerst.) We had thought we might return to in-person work by January 4, 2021. However, the surge in cases in Chicagoland and around the country necessitated the decision to move the return to office date to June 1, 2021. We are

listening to state and local officials and the Centers for Disease Control and Prevention, as well as our own Dr. Duerst. Science is a gift from God.

The COVID-19 Response Fund special appeal has been a bright spot in this pandemic. It is an example of the timely, agile response we hope to make part of our culture across the ELCA ecology in the Future Church design. The idea came from a need expressed by one of our bishops. In a matter of weeks, the special appeal was designed, grant criteria were put in place, \$1.7 million was raised and a distribution committee, ably headed by Jodi Slattery, went to work. We will be opening the seventh round of grants next week. I am grateful the Church Council offering is designated for the COVID-19 Response Fund.

This church has made public commitments to working toward authentic diversity and repudiating white supremacy. Diversity, Equity, and Inclusion (DEI) is a critical component to the Future Church design. By the middle of this century there will no longer be a white majority in the United States. This church needs to see this as an amazing opportunity. The Lutheran movement's understanding of the gospel promise of justification and grace is a liberating and leveling theology – all need to be justified so no group can claim supremacy over others and God's grace is for all – ALL. Your executive for human resources, Rhondean Johnson, is certified in DEI and is already working at this in the churchwide organization and will be working on this throughout the ELCA. A first small, but significant step is to add Juneteenth as a recognized holiday for the churchwide organization. We celebrate the Fourth of July. We should also celebrate Juneteenth.

At this meeting, the Church Council will consider the Future Church design and take action on continuing resolutions that will reflect the new design. I am hopeful and excited about the new way we can be church together. Our purpose statement is clear – “Activate each of us so more people know the way of Jesus and discover community, justice, and love.” The first part of the purpose statement is laser-focused on the gospel. The way of Jesus is life, redemption, love, and grace. We do not shy away from the reality of sin and brokenness, the truth that we are simul justus et peccator, but Christ's liberating work has set us free. And, as you will hear from Pastor Carmelo Santos in his reflection Friday morning, we are freed in Christ to serve the neighbor.

Here are the design criteria that we are proposing in the Future Church design:

- Prioritize the engagement of new, young, and diverse people
- Unite all expressions into one church – together
- Align decision-making, accountability, and leadership where best suited
- Operate in agile, flexible, and speedy ways
- Act based on data and measurable impact
- Eliminate silos and divisions

I want the Church Council to be fully aware that these are the criteria upon which and through which we will conduct and evaluate our work. It does not mean we will step away from our older, white, European descent, faithful, dear members. But this is an answer to their question, “How do we attract and bring youth and young adults to our congregations?” This is how we invite more people into the way of Jesus.

All of us are weary and feeling COVID fatigue. I hold you all in prayer. I also ask that you pray for the churchwide staff. Like you they are dealing with the stresses of the pandemic, but they are also anxious about their future and the work they so faithfully execute and hold dear. Your churchwide staff are brave, clear-eyed people. They know change is coming and nevertheless continue to carry out the mission. I am honored to work alongside such faithful people.

### **Report from the Vice President**

<sup>9</sup> Let love be genuine; hate what is evil, hold fast to what is good; <sup>10</sup> love one another with mutual affection; outdo one another in showing honor. <sup>11</sup> Do not lag in zeal, be ardent in spirit, serve the Lord. <sup>12</sup> Rejoice in hope, be patient in suffering, persevere in prayer. <sup>13</sup> Contribute to the needs of the saints; extend hospitality to strangers.

<sup>14</sup> Bless those who persecute you; bless and do not curse them. <sup>15</sup> Rejoice with those who rejoice, weep with those who weep. <sup>16</sup> Live in harmony with one another; do not be haughty, but associate with the lowly; do not claim to be wiser than you are. <sup>17</sup> Do not repay anyone evil for evil, but take thought for what is noble in the sight of all. <sup>18</sup> If it is possible, so far as it depends on you, live peaceably with all. <sup>19</sup> Beloved, never avenge yourselves, but leave room for the wrath of God; for it is written, "Vengeance is mine, I will repay, says the Lord." <sup>20</sup> No, "if your enemies are hungry, feed them; if they are thirsty, give them something to drink; for by doing this you will heap burning coals on their heads." <sup>21</sup> Do not be overcome by evil, but overcome evil with good. Romans 12:9-21

*Romans 12:9-21*

I want to begin my report as I have done in the past by saying how good it is to see you all virtually again. It is my practice to meditate on the lessons each Sunday to hear what God is up to in my life, and how I might apply the word to my work vocation and daily walk with my congregation, family and neighbors.

I don't know how you have reflected on your life since the COVID-19 pandemic and the November election cycle have dominated just about every aspect of our lives. Some people I know have had to adjust their relationships with family members, friends, co-workers and strangers to keep the peace. For me, Paul's letter to the Romans (12:9-21) has resonated with me during my reflection as I experienced the political and racial divisiveness within our community. When I distributed a letter of solidarity to our city employees that was included in the city newsletter distributed to city utility customers, I received an anonymous letter from someone that knew me. I was told to stay out of politics and do my job. I wrote the letter during peaceful protest in all the major cities in the Tampa Bay area. I guess I pushed the individual's buttons, because I stated in the letter that Black Lives Matter.

If there is a place that we can experience a sense of unity amidst the national disunity we see daily, it is in the body of Christ. Paul outlines the marks of the true Christian that gives a focus of how we might move forward after the election as we mend relationships and adapt to people who have shown their true colors in ways we haven't seen before. I'll be honest. I am not as comfortable as person of color as I once was knowing there are millions of Americans who are willing to tolerate racial insensitivities and other forms of discrimination to protect their financial interest.

To be clear, Paul is asking us to do a hard thing, and I am not sure that I can do what he has asked all the time. I must make myself more vulnerable if I am going to do what God has called me to do. The freedom that God has given me through Jesus Christ compels me to serve the neighbor and experience the consequences for doing so. I continue to hear personal stories from our siblings that highlight racism and discrimination based on sexual orientation within our church. Paul gives us ways to address these problems while maintaining our credibility and integrity as servants of the risen Lord. As we have heard repeatedly these days, be the change you want others to see.

My report will give you a brief highlight of my activities since our last church council meeting. Bishop Eaton decided not to let the pandemic slow down her desire to introduce innovation into the way are church together. She created a Future Church Implementation Team (FCIT) who ramped up quickly and began creating redesign ideas and content that would be submitted to the Church Council for approval at our November 12-14, 2020 meeting. I participated in numerous staff discussions as the FCIT created content and structure for the proposed Future Church redesign project. It is important to note that when

the FCIT gave the Church Council the high level overview of the proposed Future Church redesign proposal, numerous groups within the leadership sectors of the ELCA were disappointed that they did not get a bite of the apple and requested an opportunity to influence the redesign work at its most basic working level. The FC project work is a little like building the airplane as you are flying it. As such, the three expressions of the church as well as the Separately Incorporated Ministries will have an opportunity to influence the FC redesign as it moves forward. This is especially true given its focus on “how we work together”.

Florida went into lockdown and I worked remotely from home during March and April. In May, I brought our city workforce back to work in person for most employees. We used all the video meeting platforms but eventually Microsoft Teams and Zoom became the primary video platforms we would use the most. I was scheduled to be the Churchwide Representative at five synod assemblies: Sierra Pacific, Minneapolis Area, St. Paul Area, Northeast Ohio and Northeastern Pennsylvania Synod. Due to COVID-19 related cancellations, I was only able to physically attend the Northeastern Pennsylvania Synod Assembly virtual headquarters site and preside over the election a new bishop to replace retiring Synod Bishop Sam Zeiser. The Synod Assembly and bishop election process were conducted flawlessly. Kudos to the Northeastern Pennsylvania Synod Assembly team and our own Jim Jennings who gave a comprehensive Church Council report. I have never been to Northeastern Pennsylvania and appreciated learning about a different synod context within our church.

One leadership group within our church that has struggled with their limited governance role and inclusion in church decision making for over a decade is our Synod Vice Presidents. These lay leaders who often have active and retired careers in corporate America have consistently argued they are underutilized. There are a lot of factors that contribute to the Synod Vice President’s perspective and having been one from 2005-09 in the Florida-Bahamas Synod, I fully understand their frustration. All Synods don’t operate the same and our church governing documents don’t provide much detail regarding the role of the Synod Vice President. Therefore, there is wide variation among the sixty-five synods on how Synod Vice Presidents are utilized. When the Future Church proposal was presented to the Church Council, the Synod Vice Presidents through its listserv reached out to me and requested I meet with them to hear their concerns and grievances. This group wants to be a part of the FCIT, a more meaningful role among church leaders and greater clarity of their role in our church governing documents. The Synod Vice Presidents have monthly Zoom meetings that I have participated in during the past two months. They have formed a working group that is working on suggestions that better define their role and reflects the changes they would like to see in our church governance. I will attend their monthly meetings to help them address their most immediate and long-term concerns and goals as much as possible. I believe their work is consistent with the theme of Future Church and should lead to meaningful discussions with their Synod Bishops followed by discussions with other leadership tables.

I attended the Conference of Bishops (COB) virtual meeting in October. Their open meeting segment was focused primarily on committee reports and an update from the Committee on Appeals regarding revisions to the Discipline and Guidelines document scheduled for Church Council approval at our April 2021 meeting.

As a reminder, I had planned to retire from my position as city manager of Clearwater this fall. When I discussed my retirement plans with the newly elected Mayor and City Council in March, they unanimously asked me to stay longer and guide us through the COVID-19 Pandemic. I agreed to do so, and I am now looking at retirement in the Spring of 2021.

Finally, a few closing thoughts. I still believe that Joint Leadership Table collaboration is still the way forward to achieve the Future Directions 2025 goals. However, the Future Church project will influence what this looks like. I believe this collaboration still improves with good governance. A Church Council that fully understands its role and responsibilities and relationship to the other church expressions and Separately Incorporated Ministries of this church makes a better partner to all. I believe we need to get behind Future Church and make it work as intended and leave our egos at the door. We have no choice

but to tackle the most difficult challenges and problems that we face in the church. Church Council decision making must meet the expectations of rostered ministers, lay leaders and congregational members. God is calling the ELCA to do God's mission in the world. I believe we are all committed to getting it done in Christ's name. A question that remains in my mind following the 2019 Churchwide Assembly is. how we can be the bold church we believe God is calling us to be and balance the disagreement that exist within us. It is not an "either/or," but a "both/and." It is hard to pull that off.

**God's Work. Our Hands.**

## **Report from the Secretary**

On my second day in office, I served as the churchwide representative at the inauguration of Luther College president, Jenifer Ward. The theme of the event was “Always Becoming,” informed by Martin Luther’s familiar words: “This life therefore is not righteousness, but growth in righteousness, not health, but healing, not being but becoming, not rest but exercise. We are not yet what we shall be, but we are growing toward it, the process is not yet finished, but it is going on, this is not the end, but it is the road. All does not yet gleam in glory, but all is being purified.” As I listened to President Ward’s inaugural address that day, her words spoke poignantly to me as I began a new sense of vocation. Now, almost a year later, as the days of a global pandemic have turned to months, those words of Martin Luther speak to so many of the issues of our day from those of general concern: COVID-19, racial injustice, political tensions at home and abroad, climate change; to those that have informed our work in the Office of the Secretary: *Definitions and Guidelines for Discipline*, discipline hearings, synod assembly adaptations, Future Church. Let me share what have become areas of focus for our work in these past months.

### **SYNOD ASSEMBLIES**

The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On Friday March 13, the Conference of Bishops received recommendations from the Office of the Presiding Bishop (OB) and the Office of the Secretary (OS) regarding postponing synod assemblies. I am grateful to former Secretary David Swartling for offering his wise legal and parliamentary counsel as we formulated that initial set of recommendations. Little did we know how many times we would need to amend those initial recommendations! I am grateful also for the ways in which synods served as resource to one another as plans for virtual assemblies began to take shape. As we look to synod assembly season 2021, it seems likely that synods should begin planning now for the possibility of virtual assemblies. In October, I was part of conversation with the Conference of Bishops that shared best practices regarding virtual assemblies. OS urges synods to use the coming months to review their constitutions and consider amendments that will allow more flexibility regarding the timing of assemblies and the election and terms of officers and council members. Thankfully, where constitutions were rigid or vague, state codes provided helpful guidance. OS will be reviewing the churchwide constitution, as well as the *Constitution for Synods* and the *Model Constitution for Congregations*, to see where we need to build in greater flexibility.

### **PAYCHECK PROTECTION PROGRAM**

The Office of the Secretary, and Tom Cunniff in particular, was deeply involved in the churchwide organization’s (CWO) response to the COVID-19 pandemic. The legal team worked closely with the Office of the Treasurer (OT) on the CWO’s application for a forgivable loan under the Paycheck Protection Program (PPP). The legal team also developed an FAQ for PPP loans and worked with Portico and the Domestic Mission unit to prepare a webinar to assist synods, congregations, and other ministries with their own PPP loan applications. (One of the outgrowths of the PPP loan program was a high number of requests for group ruling letters from ministries applying for the loans.) In addition, the legal team provided resources to assist congregations with other aspects of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Families First Coronavirus Response Act (FFCRA).

### **ELECTRONIC MEETINGS**

As congregations and synods wrestled with the complexities of holding meetings during a time of pandemic, the Office of the Secretary consulted frequently with bishops, synod attorneys, and others as questions arose. In addition, OS sponsored a series of question-and-answer sessions with bishops, synod officers, and synod staff to address the legal and constitutional issues posed by the need for remote meetings. These were summarized in a resource document that was made widely available to synods and congregations on ELCA.org to help them navigate the situation. With the recent release of the 12<sup>th</sup> edition

of *Robert's Rules of Order*, we are currently updating these materials in light of Robert's new information regarding electronic meetings.

Under the leadership of Dana Adams, the meetings team is working with others in the churchwide organization regarding best practices for hosting virtual gatherings sponsored by the churchwide organization. We are sad to announce that Michala Mahoney resigned her position on the meetings team to take a new position with MedPoint Digital as a project manager. Her last day with the ELCA was October 28. We are grateful for the good skill and care Michala brought to her work and wish her well in this new role.

#### **COMMITTEE ON APPEALS/DEFINITIONS AND GUIDELINES FOR DISCIPLINE**

The members of the Committee on Appeals have become much better acquainted with one another and the task before them as they have met monthly, and now bi-monthly, since the March joint Conference of Bishops/Church Council meeting. The officers of the committee (Murray Sagsveen, chair; Pastor Fritz Fowler, vice-chair; Pastor Cheryl Meinschein, secretary) met with the Conference of Bishops in October and will meet with the Church Council in November to share an update on the process of revising *Definitions and Guidelines for Discipline* and to invite feedback.

#### **DISCIPLINE HEARING**

The ELCA had the first discipline hearing for a minister of Word and Sacrament in six years this summer. Due to the pandemic, the hearing was held via Zoom. It resulted in the removal of the charged minister from the roster of Ministers of Word and Sacrament.

#### **PREPARATIONS FOR 2022 CHURCHWIDE ASSEMBLY**

While we have become accustomed to adapting plans for synod assemblies, we are hopeful that we will be able to convene an in-person Churchwide Assembly in August 2022 in Columbus, Ohio. Given budget constraints and good stewardship, the assembly has been shortened, with voting members arriving on Monday, August 8 and departing the afternoon of Friday, August 12. Synods begin preparations for that Churchwide Assembly by electing voting members at synod assemblies in the spring of 2021. In an addendum to this report you will find the allocations per synod of voting members. These numbers are derived from the data provided in the 2019 congregation reports.

The formula for allocating voting members is defined in the ELCA constitution. Each synod will elect one voting member for every 6,000 baptized members in the synod and one voting member for every 50 congregations in the synod. The synod bishop is included as one of the rostered ministers in that total count. Unless otherwise determined by the synod, the vice president shall serve as one of the lay voting members in that count. IN ADDITION, each synod shall elect a voting member who is a youth or young adult AT THE TIME OF ELECTION and one voting member who is a person of color or a person whose primary language is other than English. The minimum number of voting members per synod is thus 4. The Church Council has the authority to allocate up to 10 additional voting members. The pattern in the past has been to grant those voting members to synods with fewer voting members with a goal that each synod have at least 6 voting members in attendance. I plan to continue that pattern and will bring a request to the Church Council that the Alaska, Arkansas-Oklahoma, Slovak Zion, and Caribbean Synods be granted 2 additional members each and West Virginia/Western Maryland 1 additional voting member.

Sixteen synods will be invited to nominate 2 individuals in specified categories to be presented to the Churchwide Assembly as a slate for election to the Church Council. The 16 synods are listed in an addendum to this report.

#### **FUTURE CHURCH**

The Office of the Secretary is working with the Future Church Implementation Team to revise continuing resolutions within the ELCA constitution to reflect changes to the churchwide organization in

light of the proposed redesign. These continuing resolutions are being reviewed by the Church Council's Legal and Constitutional Review Committee and will be brought to the Church Council in November for possible approval. Potential changes to the constitution and bylaws will be brought to the 2022 Churchwide Assembly for possible adoption.

This time in our world's life, and in our church's life, has indeed pointed to the reality that Martin Luther expressed so many years ago: "We are not yet what we shall be, but we are growing toward it, the process is not yet finished, but it is going on, this is not the end, but it is the road." I am so thankful to be "on the road" with my gifted, responsive, and adaptive colleagues in the Office of the Secretary! Our bi-weekly management team meetings and weekly staff meetings regularly remind me of the dedication of this group of faithful and faith-filled individuals. I am also grateful for deepening relationships with members of the Church Council. The need and opportunity for more frequent meetings, emails, and phone calls during these pandemic days have made me more fully appreciate the gifts and grace of this group. I look forward to welcoming two new members to the council and anticipate all that we might "become" as we walk this road together.

**Allocation of Voting Members for 2022 Churchwide Assembly**

	<b>Synod</b>	<b>N Congs</b>	<b>Baptized</b>	<b>/50</b>	<b>6,000</b>	<b>Formula Members</b>	<b>Add'l Members</b>	<b>CC Allocated Members*</b>	<b>Total Members</b>
1A	Alaska Synod	31	8,014	1	1	2	2	2	6
1B	Northwest Washington Synod	101	30,538	2	5	7	2		9
1C	Southwestern Washington Synod	84	24,050	2	4	6	2		8
1D	Northwest Intermountain Synod	89	19,446	2	3	5	2		7
1E	Oregon Synod	111	27,394	2	5	7	2		9
1F	Montana Synod	123	30,723	2	5	7	2		9
2A	Sierra Pacific Synod	181	35,525	4	6	10	2		12
2B	Southwest California Synod	115	23,052	2	4	6	2		8
2C	Pacifica Synod	104	25,139	2	4	6	2		8
2D	Grand Canyon Synod	89	40,890	2	7	9	2		11
2E	Rocky Mountain Synod	154	50,977	3	8	11	2		13
3A	Western North Dakota Synod	169	55,448	3	9	12	2		14
3B	Eastern North Dakota Synod	205	88,253	4	15	19	2		21
3C	South Dakota Synod	204	99,096	4	17	21	2		23
3D	Northwestern Minnesota Synod	223	83,713	4	14	18	2		20
3E	Northeastern Minnesota Synod	132	54,279	3	9	12	2		14
3F	Southwestern Minnesota Synod	237	104,698	5	17	22	2		24
3G	Minneapolis Area Synod	142	161,436	3	27	30	2		32
3H	Saint Paul Area Synod	108	106,617	2	18	20	2		22
3I	Southeastern Minnesota Synod	167	111,671	3	19	22	2		24
4A	Nebraska Synod	234	90,624	5	15	20	2		22
4B	Central States Synod	166	42,540	3	7	10	2		12
4C	Arkansas-Oklahoma Synod	50	7,499	1	1	2	2	2	6
4D	Northern Texas-Northern Louisiana Synod	97	19,776	2	3	5	2		7
4E	Southwestern Texas Synod	124	33,099	2	6	8	2		10
4F	Texas-Louisiana Gulf Coast Synod	106	32,082	2	5	7	2		9
5A	Metropolitan Chicago Synod	171	73,610	3	12	15	2		17
5B	Northern Illinois Synod	144	58,991	3	10	13	2		15
5C	Central/Southern Illinois Synod	121	35,590	2	6	8	2		10
5D	Southeastern Iowa Synod	137	82,683	3	14	17	2		19
5E	Western Iowa Synod	124	44,414	2	7	9	2		11
5F	Northeastern Iowa Synod	145	64,553	3	11	14	2		16

EVANGELICAL LUTHERAN CHURCH IN AMERICA  
 CHURCH COUNCIL  
 November 12-14, 2020  
 Addendum A: 2022 Allocation of CWA Voting Members

Page 2 of 2

5G	Northern Great Lakes Synod	79	21,956	2	4	<b>6</b>	2		8
5H	Northwest Synod of Wisconsin	196	80,239	4	13	<b>17</b>	2		19
5I	East-Central Synod of Wisconsin	123	70,440	2	12	<b>14</b>	2		16
5J	Greater Milwaukee Synod	121	63,179	2	11	<b>13</b>	2		15
5K	South-Central Synod of Wisconsin	136	84,903	3	14	<b>17</b>	2		19
5L	La Crosse Area Synod	73	30,109	1	5	<b>6</b>	2		8
6A	Southeast Michigan Synod	109	38,181	2	6	<b>8</b>	2		10
6B	North/West Lower Michigan Synod	109	30,968	2	5	<b>7</b>	2		9
6C	Indiana-Kentucky Synod	178	46,057	4	8	<b>12</b>	2		14
6D	Northwestern Ohio Synod	160	65,021	3	11	<b>14</b>	2		16
6E	Northeastern Ohio Synod	164	46,092	3	8	<b>11</b>	2		13
6F	Southern Ohio Synod	182	57,429	4	10	<b>14</b>	2		16
7A	New Jersey Synod	158	46,941	3	8	<b>11</b>	2		13
7B	New England Synod	177	41,387	4	7	<b>11</b>	2		13
7C	Metropolitan New York Synod	192	55,691	4	9	<b>13</b>	2		15
7D	Upstate New York Synod	165	45,422	3	8	<b>11</b>	2		13
7E	Northeastern Pennsylvania Synod	254	102,322	5	17	<b>22</b>	2		24
7F	Southeastern Pennsylvania Synod	149	64,138	3	11	<b>14</b>	2		16
7G	Slovak Zion Synod	20	2,986	1	1	<b>2</b>	2	2	6
8A	Northwestern Pennsylvania Synod	78	17,497	2	3	<b>5</b>	2		7
8B	Southwestern Pennsylvania Synod	161	57,160	3	10	<b>13</b>	2		15
8C	Allegheny Synod	115	29,041	2	5	<b>7</b>	2		9
8D	Lower Susquehanna Synod	229	77,518	5	13	<b>18</b>	2		20
8E	Upper Susquehanna Synod	122	26,630	2	4	<b>6</b>	2		8
8F	Delaware-Maryland Synod	163	51,945	3	9	<b>12</b>	2		14
8G	Metropolitan Washington, D.C. Synod	72	25,548	1	4	<b>5</b>	2		7
8H	West Virginia-Western Maryland Synod	59	10,119	1	2	<b>3</b>	2	1	6
9A	Virginia Synod	153	30,828	3	5	<b>8</b>	2		10
9B	North Carolina Synod	190	52,654	4	9	<b>13</b>	2		15
9C	South Carolina Synod	150	41,155	3	7	<b>10</b>	2		12
9D	Southeastern Synod	145	36,597	3	6	<b>9</b>	2		11
9E	Florida-Bahamas Synod	169	45,221	3	8	<b>11</b>	2		13
9F	Caribbean Synod	33	3,787	1	1	<b>2</b>	2	2	6
		<b>8,972</b>	<b>3,265,581</b>	<b>177</b>	<b>548</b>	<b>725</b>	<b>130</b>	<b>9</b>	<b>864</b>

\*Proposed allocations to be brought to Fall 2020 Church Council meeting for possible action.

**Paired Synods Church Council Nominations  
2022 Churchwide Assembly  
Serve: 2022–2028**

	<b>Synod</b>	<b>Category</b>
1E	Oregon Synod	Lay Woman
2E	Rocky Mountain Synod	Lay Man (YA)
3A	Western North Dakota Synod	Rostered Minister
3F	Southwestern Minnesota Synod	Lay Woman
3H	Saint Paul Area Synod	Rostered Minister (Deacon)
5A	Metropolitan Chicago Synod	Lay Man
5E	Western Iowa Synod	Lay Man
5H	Northwest Synod of Wisconsin	Rostered Minister
5L	La Crosse Area Synod	Lay Man
6D	Northwestern Ohio Synod	Lay Man
7A	New Jersey Synod	Lay Person
7F	Southeastern Pennsylvania Synod	Rostered Minister
8A	Northwestern Pennsylvania Synod	Lay Woman (YA)
8G	Metropolitan Washington, D.C. Synod	Lay Woman
9C	South Carolina Synod	Rostered Minister (PC/L)
9E	Florida-Bahamas Synod	Lay Woman (PC/L)

\*YA: Young adult (30-years-old or younger at time of election)

\*PC/L: Person of color or whose primary language is other than English

## **Report from the Treasurer**

### Operating Results

The net operating results of the churchwide organization of the Evangelical Lutheran Church in America were favorable to the budget for the eight months ended September 30, 2020 by \$4.7 million. While expenses through September exceeded revenues by \$84K for this period, this is expected as the revenues are typically stronger in the latter half of the year. Revenues were less than budget and prior year by \$2.0 million and \$6.2 million, respectively. This was more than offset by favorable spending which was \$8.0 million less than budget. Spending was \$3.9 million less than the same time in the prior year.

Mission Support has held strong through September, running at over 98 percent of budget, a shortfall of \$407K. The September results include an estimate for sixteen synods that had not reported by our closing date. We remain extremely grateful for the faithful support from our members, congregations and synods as mission support represents over 63 percent of our budgeted revenues for the first eight months of the year. The remaining revenue shortfall of \$1.5 million is primarily in fundraising categories, especially related to missionaries and YAGMS. See Revenue Summary. Given modifications to these programs due to COVID-19 and the economic and political environment that we are experiencing, this is not a surprise.

As mentioned previously, expenses were significantly below the budget, running at 82.6 percent of the spending authorization. Back in April, in anticipation of significant revenue shortfalls, the Administrative Team (officers and senior executives) agreed to reduce unrestricted spending by over \$8 million or 12 percent. Some of these savings, primarily related to programmatic grants, have been released as the numbers have been better than expected, but we continue to experience savings as travel has been suspended, filling of some vacancies has been delayed or deferred, building and other expenses have been reduced, etc. Some of the savings are also related to timing and will occur later in the year, despite being budgeted in the first half.

ELCA World Hunger revenues from Direct Giving for the eight months were nearly \$7.6 million or 93.5 percent of budget, compared to \$8.1 million last year. Total World Hunger revenues were nearly \$11.5 million, including \$2.9 million of bequest income which will be deferred to FY 2021 in accordance with the policy. One gift represented over two-thirds of the total bequests. Expenses are running behind budget and prior year primarily due to timing of grant distribution, resulting in a fund balance that is more than our target. As we plan for FY 2021, we propose spending additional funds in 2021 to balance a projected reduction in revenues yet maintain consistency of programmatic support. In the spring of 2020, over 200 congregations received Daily Bread Matching Grants and a second round of grants applications as part of this program were just received.

### Paycheck Protection Program Loan

The churchwide organization did receive a Paycheck Protection Program loan of just under \$5.7 million (our portion). The cash has been received and was spent in accordance with the requirements of the loan. This favorable impact of the loan has not been reflected in our operating results as we have not yet received forgiveness from the Small Business Administration of the U.S. government. We plan to file for forgiveness before the end of the calendar year. Just last week, the Small Business Administration

issued a notice related to a new form developed to collect information for determining the necessity of a Paycheck Protection Loan for borrowers with loans in excess of \$2 million. While the form has not yet been released, it appears the questions are extensive. It is not clear whether this form will replace the audit or if this is a part of the audit. Should forgiveness be granted, we will recognize the positive impact of this loan in the statement of summary of revenue and expenses. It is likely that we will not have an answer on this before the end of the fiscal year. The portions of the loan attributable to the separately incorporated ministries included with our application have been distributed. Our cash position remains strong.

### COVID-19 Appeal

In April 2020, a fundraising appeal to offer direct operational ministry support for congregations, synods, and local ministries was launched. \$1.7 million has been received to date and nearly \$1.2 million has been distributed to 63 synods, serving nearly 150,000 people. The most recent round of distributions was focused on COVID-19 needs in communities of color. An additional round of applications will be opened in November.

### Churchwide Organization Audit

Since the spring 2020 Church Council meeting, audit of the January 31, 2020 financial statements was completed. We received an unmodified opinion (clean) and there were no proposed adjustments or significant deficiencies noted.

### Workday Financial

On July 1, 2020, we went live with Workday Financial, our new general ledger system. We are still working through some reporting issues and training but, generally speaking, the transition went well.

Despite the challenges that the pandemic has presented, the financial results of the organization are solid for the year so far. We are grateful for the support of our members, congregations, synods, and other ministry partners and give all praise and thanks to God.

**SUMMARY OF REVENUE AND EXPENSES**  
**For the Period Ending Sept 30, 2020**

9 - Summary of Revenue and Expenses

	2020 <u>ACTUAL</u>	2020 <u>BUDGET</u>	2019 <u>ACTUAL</u>	Year-to-Date Variance	
				<u>ACTUAL vs. BUDGET</u> Favorable/ (Unfavorable)	<u>CURRENT YEAR vs. PRIOR YEAR</u> Favorable/ (Unfavorable)
<b>UNRESTRICTED</b>					
Mission Support	25,478,303	25,885,000	26,247,266	(406,697)	(768,963)
Other	8,712,125	8,989,419	10,934,999	(277,294)	(2,222,874)
<b>TOTAL UNRESTRICTED</b>	<u>34,190,428</u>	<u>34,874,419</u>	<u>37,182,265</u>	<u>(683,991)</u>	<u>(2,991,837)</u>
<b>TEMPORARILY RESTRICTED</b>					
Direct Gifts	1,651,812	2,931,170	2,899,515	(1,279,358)	(1,247,703)
Other	-	-	1,930,056	-	(1,930,056)
<b>TOTAL TEMPORARILY RESTRICTED</b>	<u>1,651,812</u>	<u>2,931,170</u>	<u>4,829,571</u>	<u>(1,279,358)</u>	<u>(3,177,759)</u>
<b>TOTAL REVENUE</b>	<b>35,842,239</b>	<b>37,805,589</b>	<b>42,011,836</b>	<b>(1,963,350)</b>	<b>(6,169,597)</b>
<b>TOTAL Designated and Restricted Funds Released</b>	<b>1,951,551</b>	<b>3,257,132</b>	<b>2,946,673</b>	<b>(1,305,581)</b>	<b>(995,122)</b>
<b>TOTAL OPERATING REVENUE AND SUPPORT</b>	<b>37,793,790</b>	<b>41,062,721</b>	<b>44,958,509</b>	<b>(3,268,931)</b>	<b>(7,164,719)</b>
<b>LESS TOTAL EXPENSES</b>	<b>37,877,873</b>	<b>45,829,678</b>	<b>41,820,480</b>	<b>(7,951,806)</b>	<b>(3,942,607)</b>
<b>NET REVENUE OVER (UNDER) EXPENSES</b>	<u><b>(84,083)</b></u>	<u><b>(4,766,957)</b></u>	<u><b>3,138,029</b></u>	<u><b>4,682,875</b></u>	<u><b>(3,222,112)</b></u>

## REVENUE SUMMARY For the Period Ending Sept 30, 2020

9 - Revenue Summary

	2020		2019	Year-to-Date Variance	
	ACTUAL	BUDGET	ACTUAL	ACTUAL vs. BUDGET Favorable/ (Unfavorable)	CURRENT YEAR vs. PRIOR YEAR Favorable/ (Unfavorable)
<b>UNRESTRICTED</b>					
Mission Support	25,478,303	25,885,000	26,247,266	(406,697)	(768,963)
Direct Gifts	2,503,317	2,548,908	1,417,534	(45,591)	1,085,783
Investment Income	343,632	553,642	3,788,243	(210,010)	(3,444,611)
Bequests and Trusts	834,590	1,146,157	2,134,968	(311,567)	(1,300,378)
Endowment	2,661,307	2,386,760	1,003,659	274,547	1,657,648
Rent	1,225,958	1,151,606	1,189,163	74,352	36,795
Service Level Agreements/Other	1,143,321	1,202,346	1,401,432	(59,025)	(258,111)
<b>TOTAL UNRESTRICTED</b>	<b>34,190,428</b>	<b>34,874,419</b>	<b>37,182,265</b>	<b>(683,991)</b>	<b>(2,991,837)</b>
<b>TEMPORARILY RESTRICTED</b>					
Global Mission - Missionaries	473,909	1,239,855	1,137,561	(765,946)	(663,652)
Global Mission - YAGM's	177,902	691,315	682,347	(513,413)	(504,445)
Bequests and Trusts *	-	-	624,060	-	(624,060)
Endowment *	-	-	1,305,996	-	(1,305,996)
Direct Gifts *	-	-	79,607	-	(79,607)
Mission Investment Fund	1,000,000	1,000,000	1,000,000	-	-
<b>TOTAL TEMPORARILY RESTRICTED</b>	<b>1,651,812</b>	<b>2,931,170</b>	<b>4,829,571</b>	<b>(1,279,358)</b>	<b>(3,177,759)</b>
<b>TOTAL REVENUE</b>	<b>35,842,239</b>	<b>37,805,589</b>	<b>42,011,836</b>	<b>(1,963,350)</b>	<b>(6,169,597)</b>
<b>TOTAL Designated and Restricted Funds Released</b>	<b>1,951,551</b>	<b>3,257,132</b>	<b>2,946,673</b>	<b>(1,305,581)</b>	<b>(995,122)</b>
<b>Net Operating Revenue and Support</b>	<b>37,793,790</b>	<b>41,062,721</b>	<b>44,958,509</b>	<b>(3,268,931)</b>	<b>(7,164,719)</b>

\* Actual and budget Temporarily Restricted Bequests and Trusts, Endowment and Direct Gifts are included in the totals for Unrestricted Bequests and Trusts, Endowment and Direct Gifts for this year.

**ACTUAL EXPENSES VS. SPENDING AUTHORIZATION** - Actual Expenses vs Spending Authorization  
**For the Period Ending Sept 30, 2020**

	<u>Actual Expenses</u>	<u>Spending Authorization</u>	<u>Variance Favorable (Unfavorable)</u>	<u>Percent of Budget</u>
<b>UNITS</b>				
Domestic Mission	13,230,171	16,531,178	3,301,007	80.03%
Global Mission	6,941,948	9,181,011	2,239,063	75.61%
Mission Advancement	2,874,687	3,323,392	448,705	86.50%
<b>OFFICES</b>				
Presiding Bishop	3,564,680	4,167,293	602,612	85.54%
Treasurer	6,298,831	6,474,921	176,089	97.28%
Secretary	2,199,659	2,827,125	627,466	77.81%
<b>OTHER</b>				
General Treasury	109,922	111,850	1,928	98.28%
Retiree Minimum Health Obligation	917,718	1,150,000	232,282	79.80%
Depreciation	1,740,257	2,062,909	322,652	84.36%
<b>TOTAL OPERATING EXPENSES</b>	<u><u>37,877,873</u></u>	<u><u>45,829,678</u></u>	<u><u>7,951,806</u></u>	<u><u>82.65%</u></u>

**SUMMARY OF REVENUE AND EXPENSES**  
**For the Period Ending Sept 30, 2020**

9 - Summary of Revenue and Expenses

	2020 <u>ACTUAL</u>	2020 <u>BUDGET</u>	2019 <u>ACTUAL</u>	Year-to-Date Variance	
				<u>ACTUAL vs. BUDGET</u> Favorable/ (Unfavorable)	<u>CURRENT YEAR vs. PRIOR YEAR</u> Favorable/ (Unfavorable)
<b>UNRESTRICTED</b>					
Mission Support	25,478,303	25,885,000	26,247,266	(406,697)	(768,963)
Other	8,712,125	8,989,419	10,934,999	(277,294)	(2,222,874)
<b>TOTAL UNRESTRICTED</b>	<u>34,190,428</u>	<u>34,874,419</u>	<u>37,182,265</u>	<u>(683,991)</u>	<u>(2,991,837)</u>
<b>TEMPORARILY RESTRICTED</b>					
Direct Gifts	1,651,812	2,931,170	2,899,515	(1,279,358)	(1,247,703)
Other	-	-	1,930,056	-	(1,930,056)
<b>TOTAL TEMPORARILY RESTRICTED</b>	<u>1,651,812</u>	<u>2,931,170</u>	<u>4,829,571</u>	<u>(1,279,358)</u>	<u>(3,177,759)</u>
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<b>TOTAL OPERATING REVENUE AND SUPPORT</b>	<b>37,793,790</b>	<b>41,062,721</b>	<b>44,958,509</b>	<b>(3,268,931)</b>	<b>(7,164,719)</b>
<b>LESS TOTAL EXPENSES</b>	<b>37,877,873</b>	<b>45,829,678</b>	<b>41,820,480</b>	<b>(7,951,806)</b>	<b>(3,942,607)</b>
<b>NET REVENUE OVER (UNDER) EXPENSES</b>	<u><b>(84,083)</b></u>	<u><b>(4,766,957)</b></u>	<u><b>3,138,029</b></u>	<u><b>4,682,875</b></u>	<u><b>(3,222,112)</b></u>

## REVENUE SUMMARY

### For the Period Ending Sept 30, 2020

9 - Revenue Summary

	2020		2019	Year-to-Date Variance	
	ACTUAL	BUDGET	ACTUAL	ACTUAL vs. BUDGET Favorable/ (Unfavorable)	CURRENT YEAR vs. PRIOR YEAR Favorable/ (Unfavorable)
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Bequests and Trusts *	-	-	624,060	-	(624,060)
Endowment *	-	-	1,305,996	-	(1,305,996)
Direct Gifts *	-	-	79,607	-	(79,607)
Mission Investment Fund	1,000,000	1,000,000	1,000,000	-	-
<b>TOTAL TEMPORARILY RESTRICTED</b>	<b>1,651,812</b>	<b>2,931,170</b>	<b>4,829,571</b>	<b>(1,279,358)</b>	<b>(3,177,759)</b>
<b>TOTAL REVENUE</b>	<b>35,842,239</b>	<b>37,805,589</b>	<b>42,011,836</b>	<b>(1,963,350)</b>	<b>(6,169,597)</b>
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<b>Net Operating Revenue and Support</b>	<b>37,793,790</b>	<b>41,062,721</b>	<b>44,958,509</b>	<b>(3,268,931)</b>	<b>(7,164,719)</b>

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**For the Period Ending Sept 30, 2020**

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Treasurer	6,298,831	6,474,921	176,089	97.28%
Secretary	2,199,659	2,827,125	627,466	77.81%
<b>OTHER</b>				
General Treasury	109,922	111,850	1,928	98.28%
Retiree Minimum Health Obligation	917,718	1,150,000	232,282	79.80%
Depreciation	1,740,257	2,062,909	322,652	84.36%
<b>TOTAL OPERATING EXPENSES</b>	<u><u>37,877,873</u></u>	<u><u>45,829,678</u></u>	<u><u>7,951,806</u></u>	<u><u>82.65%</u></u>

### **Report from the Conference of Bishops**

*“My grace is sufficient for you, for My strength is made perfect in weakness.”* - 2 Cor. 12:9

This Scripture passage grounded our Conference of Bishops gathering (via Zoom) on October 2, 2020. While we condensed our weekend to accommodate an online meeting, we still began with significant time dwelling in God’s word and pondering this promise of God to Paul and to us.

The Conference of Bishops approved a new First Call Process that will replace the Assignment Process for candidates approved for call as deacons and pastors. Beginning February 1, 2021, approved candidates will work with their home synod bishop to discern where they might begin to interview for a first call. Bishops are committed to working with each other to encourage candidates who are open to serve outside their home synod or region for first call to do so. Working with churchwide staff, the nine-member bishop task team, who developed the details of this process, will help develop appropriate forms and communication mechanisms to facilitate this new process. We are hopeful this new process will serve the church and our candidates for rostered ministry well. Thank you to Bishop Jim Hazelwood, New England Synod, for leading this effort.

The Church Council will be voting on a recommendation from the Conference of Bishops to clarify language in the Candidacy Manual regarding *Definition and Guidelines for Discipline* and how it applies to candidates for rostered ministry.

The Conference spent time with members of the Committee on Appeals as they work on updating *Definitions and Guidelines for Discipline*. The committee sought and received input to use in their ongoing work.

Most of our afternoon was spent looking at how we are living into authentic diversity goals in our synods as called for at the 2016 Churchwide Assembly and how we are carrying out the racial justice work needed in our church and the world. The Conference re-affirmed our commitment to doing the hard work necessary to make our church a place where all of God’s children are celebrated, included, and in positions of leadership. We thank churchwide staff, especially Pastor Albert Starr and Ms. Judith Roberts, for being part of each of our meetings and holding us accountable to our words. Bishop Ann Svennungsen, Minneapolis Area Synod, led a powerful presentation on what the Minneapolis Area Synod learned in the aftermath of Mr. George Floyd’s death and how they are continuing the work of racial justice. The afternoon conversations included the topic of economics, as called for in our Apology to People of African Descent. We were apprised of the ways our church is studying reparations, restitution, and jubilee for descendants of indigenous and enslaved people, including listening to those most affected. We have work to do and we are committed to doing it.

While I hope we can meet in person in the future, meeting via Zoom provided us a way to attend to business, have time for conversation, and celebrate being church together. It was good to hear the many ways this church is thriving, even during the disruption brought about by the COVID-19 pandemic. Indeed, God’s grace is sufficient.

## Update on Social Teaching Documents

### *Future Social Message Development*

“[Policies and Procedures of the ELCA for Addressing Social Concerns](#)” states that “The Church Council shall ask the Theological Discernment Team in the Office of the Presiding Bishop to review all [social message] proposals and bring a recommendation on how to address the social questions entailed in these requests. This review shall consider financial implications and alternative means for addressing the social topic, such as development of a study resource, yearlong ELCA-wide emphasis, or others.” (p. 21)

At this time, there are four pending proposals from various sources. (\*See chart below)

The November 2019 Church Council acted “To defer the questions of developing a social message on U.S. National Drug Policy, aging, gender identity, or gun policy until the Fall 2020 Church Council meeting...” [CC19.11.47x and CC19.11.47z] This occurred at the same meeting when the Council authorized the fast track development of the, now adopted, “[Government and Civic Engagement in the United States: Discipleship in a Democracy](#).” (June 2020)

It is the recommendation of the Director for Theological Ethics to defer again the questions regarding these social messages as a result of the COVID-19 pandemic and its consequences. In the past months, it simply has not been possible to do the groundwork and assessment necessary to bring a recommendation. In addition, the pending reorganization and 2021 budget questions regarding the Churchwide Office make it nearly impossible to assess next year’s staff capacity and finances. While the consequences of COVID-19 remain difficult to fully anticipate, an assessment and recommendation should be possible by the Spring 2021 meeting, barring a churchwide reorganization that eliminates staff for the development of social teaching.

\*

U.S. Drug Policy	Request for social message	The Church and Criminal Justice in an Implementing Resolution 2013	
Aging	Request for social statement	Virginia Synod resolution 2016	ELCA protocol would suggest the topic is best suited to a social message, if done
Gender Identity & Expression	Request for social message	Churchwide Assembly 2019	
U.S. Gun Policy	Request for social message	Churchwide Assembly 2019	

### **PS ACTION**

**Recommended:** *To recommend that the Church Council approve the following en bloc action*

**To defer the questions of whether and when to develop a social message on U.S. National Drug Policy, aging, gender identity, or gun policy until the Spring 2021 Church Council meeting when a new assessment of each issue, staff capacity, and finances will be made; and**

**To request that the secretary of this church notify the synods of this action.**

### ***Existing Social Message Background and Recommendation***

ELCA social messages are adopted by the Church Council (CC) as part of the council's responsibility to oversee the development of ELCA social teaching. This background provides information and a recommendation from the Director for Theological Ethics, Theological Discernment Team in the Office of the Presiding Bishop, to undertake an edit of the 1999 social message on "[Suicide Prevention](#)."

Despite the current uncertainties of the pandemic and the churchwide reorganization, it is possible to recommend an "edit, as described in "[Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns](#)." (2018, p. 23). An "edit" is described in the document as an "update of particular wording for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning." Rationale for this recommendation regarding "Suicide Prevention" is given below. The editorial work intended would be comprehensive; the illustrations are simply suggestive. (Carol Johnson, ELCA Coordinator for Disability Ministries and Grants, assisted in preparing these illustrations.) Such an edit has been encouraged informally by various members of the ELCA "ecology." Examples include the "Lutheran Suicide Prevention Ministry"—an Independent Lutheran Organization ([www.suicidepreventionministry.org](http://www.suicidepreventionministry.org))—and church leaders including several bishops, such as Bishop Kevin Strickland, Southeastern Synod. While informal, these communications support the Director's recommendation.

An edit of "Suicide Prevention" would update statistics and insert contemporary terminology that would help maintain a well-respected and frequently used ELCA social message. This work could be done with a minimum of staff capacity and budget outlays over the next six months. The only cost would arise in reprinting both the new English and Spanish versions, if adopted by Church Council. Barring the complete elimination of staff or budget for the development of social teaching, this edited message could be available for Church Council consideration in Spring 2021.

### ***Rationale for editorial reconsideration***

#### 1) Update and detail statistics

The social statement in its first sentence states that "more than 30,000 persons in the United States take their own life each year." In 2017, this number totaled over 47,000 persons; COVID-19 will likely change the way this number is heard in 2021 and beyond.

In 2014, the rate of suicides by white non-Hispanic women was found to have more than tripled from that in 1999. ("Suicide Rates for Females and Males by Race and Ethnicity: United States, 1999 and 2014" by Curtin and Warner, Division of Vital Statistics; and Hedegaard, Office of Analysis and Epidemiology)

In 2014, the suicide rate for non-Hispanic American Indian and Alaskan Native men aged 25-44 was the highest among all racial and ethnic groups and 60% higher than in 1999. (Curtin and Warner, Hedegaard)

Non-Hispanic American Indian and Alaskan Native (men and women) were among the highest age-adjusted suicide rates and the highest suicide rates aged 15-24 and 25-44. (Curtin and Warner, Hedegaard)

#### 2) Review terminology

The categories used for people of color have evolved, both in society and the ELCA since 1999, and should be reviewed. This is a matter of terminology but also of accurate reporting: American Indian and Alaska Native has been miscategorized and there is now self-reporting evidence suggesting that historical data related to Hispanic people have been misrepresented as white.

3) Continue ELCA leadership through updating this message

Several years ago, the scholar Dr. William Buckley, then teaching at Georgetown University, told the Lutheran Ethicists' Gathering that "the ELCA's 'Message on Suicide' is the *only* Christian document in the English Speaking world dedicated to the subject..." This may explain why the message, in English and, especially in Spanish, consistently is requested in print or for download in numbers larger than other ELCA social teaching documents.

The updating of the message will also aid efforts of ELCA Disability Ministries in conjunction with Suicide Prevention Ministry (aka Lutheran Suicide Prevention Ministry) for the anticipated National Summit Meeting of religious community leaders in Fall 2022 during National Suicide Awareness month. The purpose is to bring together 12 national inter-religious communities to (a) actively engage in suicide prevention work; (b) prepare efforts for doubling over the next five years the federal investment in suicide prevention research; and (c) create and staff a National Council of Religious Communities on Suicide Prevention (NCRSP).

**PS ACTION**

**Recommended:** *To recommend that the Church Council (2/3 vote needed) approve the following en bloc action*

**To reconsider the social message on Suicide Prevention (1999) for editorial changes for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning, in accordance with "Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns" (2018).**

## En Bloc Items

### I. Board Development Committee

### II. Budget and Finance Committee

#### A. Audit Committee Report

#### **CC ACTION** [EN BLOC]

##### **Recommended:**

**To approve the report of the ELCA Audit Committee describing its review of the audited financial statements, management letter, and response of management for the churchwide organization's fiscal year ended January 31, 2020.**

#### B. Update to Mission Support Experiment

The recommendation to extend the Mission Support Experiment will allow those synods in the experiment to continue its budget projections for the coming fiscal year as Church Council prepares to receive final reports and recommendations in 2021.

#### **CC ACTION** [EN BLOC]

##### **Recommended:**

**To extend the Mission Support Experiment to end January 31, 2022, in the following synods (Lower Susquehanna, Metropolitan Washington, D.C., Nebraska, New England, Texas-Louisiana Gulf Coast); and**

**To affirm the previous process outlined in the CC19.04.13 resolution:**

- **To request for final data/report from Mission Support Experiment Synods to be presented at the April 2021 Church Council meeting;**
- **To request Mission Support Experiment synods to prepare two scenarios for their FY 2022 budget (Continue or End); and**
- **To request a final report and decision from the Budget and Finance Committee to be presented for action at the November 2021 Church Council meeting.**

### III. Executive Committee

### IV. Legal and Constitutional Review Committee

#### A. Mission Investment Fund Deferred Compensation Plan

The Mission Investment Fund of the Evangelical Lutheran Church in America ("MIF"), a separately incorporated ministry of the ELCA, is presenting the MIF Deferred Compensation Plan and the MIF Supplemental Executive Retirement Plan (the "Plans") for adoption by the ELCA Church Council. The ELCA, as the employer for MIF staff, has the responsibility and authority to maintain employee benefits and will therefore be the plan sponsor. The Plans offer additional benefits that will allow MIF to retain and attract talent in a competitive marketplace.

The MIF Deferred Compensation Plan ("DCP") creates a vehicle by which the President and CEO of MIF (and potentially other staff selected by the President and CEO) can defer a broad range of compensation, as designated by the participant, to a later tax year. The DCP is considered a non-qualified deferred compensation plan. As such, it is not subject to the contribution caps of a 403(b) retirement plan. The deferred compensation is then paid out upon the occurrence of designated events, such as retirement, death, or a specified date. While the compensation deferred under the DCP remains an asset of the ELCA

until paid out, the funds are vested in the participant. The DCP was developed utilizing the expertise of employee benefits attorneys at the law firm Locke Lord LLP, in consultation with MIF's management and Corporate and Compliance Counsel. The DCP has also been reviewed by the ELCA General Counsel.

The MIF Supplemental Executive Retirement Plan ("SERP") provides tailored retirement distributions to key executives in addition to those provided by the standard retirement savings plan. The SERP is also considered a non-qualified deferred compensation plan. It will facilitate additional employee retirement distributions based on peer benchmarks appropriate to executives of non-profit financial institutions. Funding for the SERP will be provided by MIF, and distributions will be paid out of the invested principal and earnings. Participants in the SERP will be limited to MIF's key executive positions. The SERP is being developed utilizing the expertise of D. Hilton Associates Inc., a benefits consultant, and employee benefits attorneys at the law firm Ogletree Deakins, in consultation with MIF's management and Corporate and Compliance Counsel. The DCP will also be reviewed by the ELCA General Counsel. We anticipate that the plan will be provided by October 30.

By resolution, the Presiding Bishop will be appointed to act on behalf of the ELCA in administering the Plans. The Presiding Bishop may delegate the day-to-day management of the Plans to a third-party administrator with expertise in deferred compensation plan investment management and administration, the costs of which will be covered by MIF. The MIF Deferred Compensation Plan can be found [here](#) and the MIF Supplemental Executive Retirement Plan can be found [here](#).

**CC ACTION** [EN BLOC]

**Recommended:**

**RESOLVED, that the Church Council hereby adopts the Mission Investment Fund Deferred Compensation Plan and the Mission Investment Fund Supplemental Executive Retirement Plan, in the forms attached hereto as Exhibit A (the "Deferred Compensation Plan") and Exhibit B (the "Supplemental Executive Retirement Plan"), for the benefit of certain employees of the Evangelical Lutheran Church in America (the "ELCA") who provide services on a full-time basis to the Mission Investment Fund of the ELCA ("MIF"), effective as of January 1, 2021;**

**RESOLVED, that the Presiding Bishop is appointed to act on behalf of the ELCA as the "Plan Sponsor" and "Administrator" of the Deferred Compensation Plan and the Supplemental Executive Retirement Plan;**

**RESOLVED, that the Church Council retains the authority to amend or terminate the Deferred Compensation Plan and the Supplemental Executive Retirement Plan; provided, that, the Church Council delegates to the Presiding Bishop the authority to adopt any amendment that does not result in a material change in coverage, benefits, or costs and (i) is of an administrative or technical nature; or (ii) is deemed by the Presiding Bishop to be necessary or desirable in order to comply with legal requirements, including requirements of the Internal Revenue Code;**

**RESOLVED, notwithstanding any other delegation of authority by the ELCA to another person or committee with respect to similar matters, the Presiding Bishop is delegated the authority to enter into an administrative services agreement on behalf of the ELCA solely for the purpose of engaging a third-party administrator to handle the day-to-day administration of the Deferred Compensation Plan and the Supplemental Executive Retirement Plan;**

**RESOLVED, notwithstanding any other delegation of authority by the ELCA to another person or committee with respect to similar matters, the Presiding Bishop is delegated the authority to enter**

**into a trust agreement on behalf of the ELCA solely for the purpose of establishing a trust to hold the assets of the Deferred Compensation Plan and the Supplemental Executive Retirement Plan and to appoint a trustee to oversee such trust; and**

**RESOLVED, that the Presiding Bishop keep and maintain appropriate records of all actions so authorized and, upon request, report such transactions to the Church Council.**

**B. Additional Voting Members for the 2022 Churchwide Assembly**

For each Churchwide Assembly of the Evangelical Lutheran Church in America, provision for additional voting members has been made for certain synods. This has been done in keeping with this church's "Principles of Organization." Under those principles, the Church Council was assigned responsibility for ensuring that at least 60% of the members of assemblies shall be lay persons and that at least 10% of such voting members shall be people of color or people whose primary language is other than English (provision 5.01.f.).

Experience in the registration process for assemblies has demonstrated the need for allocation of additional voting members to help ensure fulfillment of the organizational principles and also to provide for broader representation in synods (for example, the Caribbean Synod) that normally would be entitled to only two voting members, one of whom would be the synod bishop.

The 2011 Churchwide Assembly passed an amendment to bylaw 12.41.11., which describes the process for determining the number of voting members for a Churchwide Assembly and includes the possibility that the Church Council may allocate up to ten additional voting members.

- 12.41.11.** Each synod shall elect one voting member of the Churchwide Assembly for every 6,000 baptized members in the synod. In addition, each synod shall elect one voting member for every 50 congregations in the synod. The synod bishop, who is *ex officio* a member of the Churchwide Assembly, shall be included in the number of voting members so determined. Unless otherwise determined by the synod, the synod vice president shall serve as an *ex officio* member of the Churchwide Assembly and be included in the number of the synod's voting members. The voting members elected by each synod shall comply with the principles of organization, commitment to inclusiveness, and interdependence as specified in Chapter 5 of this Constitution. In addition, each synod shall elect one additional voting member who is a youth or young adult at the time of the election and one additional voting member who is a person of color or a person whose primary language is other than English. The Church Council may allocate up to 10 additional voting members among synods, but no single synod may be allocated more than two additional voting members. The secretary shall notify each synod of the number of assembly members it is to elect.

**CC ACTION [EN BLOC]**

**Recommended:**

**To allocate for the 2022 Churchwide Assembly one additional voting member to the West Virginia-Western Maryland Synod (8H), making a total of six voting members; and**

**To allocate for the 2022 Churchwide Assembly two additional voting members to the Alaska Synod (1A), Arkansas-Oklahoma Synod (4C), Slovak Zion Synod (7G), and Caribbean Synod (9F), making a total of six voting members per synod.**

**C. Policy Change to Churchwide Organization Personnel Policies**

In accordance with ELCA Bylaw 14.21.06, the Church Council "shall adopt personnel policies for the churchwide organization." An amendment to add Juneteenth as a paid holiday is being proposed to the Churchwide Organization Personnel Policies.

**CC ACTION** [EN BLOC]

**Recommended:**

**To approve the policy change to the Churchwide Organization Personnel Policies.**

**D. Portico Benefit Services**

The Church Council is responsible for approving Portico Benefit Services plan amendments that involve a significant change in policy or a significant change in cost or benefits and shall approve trust amendments initiated by Portico Benefit Services [“Portico”].

Pending Portico’s Board of Trustees approval, the proposed changes are to be considered by the Church Council. A summary of the Plan and Trust amendments, including the rationale and redline versions, can be found [here](#).

**CC ACTION** [EN BLOC]

**Recommended:**

**To approve the proposed amendments to the Restated ELCA Retirement Trust, ELCA Retirement Savings Trust, ELCA Participating Annuity Trust, and Restated ELCA Master Institutional Retirement Trust as listed in the “Church Council Summary of Plan and Trust Amendments” document.**

**E. Proposed Amendments to Luther Seminary’s Articles of Incorporation**

On October 9, 2020, the Luther Seminary Board of Directors approved amendments to the Articles of Incorporation. The proposed amendments are submitted for approval by the Church Council in accordance with ELCA bylaw 8.21.02. The proposed amendments include one substantive addition which would allow Luther Seminary’s Board of Directors to act by authenticated electronic communication without actually meeting. The proposed amendments also correct an outdated statutory reference, remove obsolete language about the incorporators, and make other non-substantive edits. The proposed amendments can be found [here](#).

**CC ACTION** [EN BLOC]

**Recommended:**

**To approve the amended Articles of Incorporation of Luther Seminary.**

**F. Proposed amendments to the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America***

The Committee on Appeals recommend proposed amendments to continuing resolutions relating the committee. The process for continuing resolutions is specified in Chapter 22 of the ELCA Constitution.

**CC ACTION** [EN BLOC – two-thirds approval required]

**Recommended:**

**To adopt the following amendment to the *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America*.**

**20.61.A1320. Rules of the Committee on Appeals**

- a. Any appeal to the Committee on Appeals shall be made in writing **within 30 days after the decision of the discipline hearing committee has been delivered to the accused and the accuser(s). Appeals may be made only** by the accused or the accuser(s) or their respective designated representative. Notice of the appeal shall be given by certified or registered letter addressed to the Committee on Appeals (in care of the secretary of this church, 8765 West Higgins Road, Chicago, Illinois 60631), with a copy to the other

party. The letter containing the notice of appeal must be postmarked within 30 days after the discipline hearing committee has delivered its decision to the accused and the accuser(s).

...

- m. Meetings of the Committee on Appeals may be held in person or by conference telephone call an aural method in which all parties can participate.
- n. A majority of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business at a scheduled meeting; and three fourths of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business by conference telephone call.

## V. Planning and Evaluation Committee

## VI. Program and Services Committee

### A. Corporate Social Responsibility Documents

The Church Council is responsible for reviewing this church's ongoing work in corporate social responsibility. The Program and Services Committee reviewed three issue papers and one social criteria investment screen.

#### CC ACTION [EN BLOC]

##### **Recommended:**

**To approve the amendments to the following corporate social responsibility documents to serve as the basis for ongoing corporate social responsibility work in this church:**

- [Domestic Access to Health Care Issue Paper](#)
- [Extractive Industries Issue Paper](#)
- [Codes of Conduct Issue Paper](#)
- [Pornography Social Criteria Investment Screen](#); and

**To request that the original issue papers be archived for historical and research purposes.**

### B. Assessing the need for and feasibility of initiating social message processes

In November 2019, the Church Council postponed the question of developing a social message on U.S. National Drug Policy, aging, gender identity, or gun policy until Fall 2020 [CC19.11.47x; CC19.11.47z].

The director for theological ethics recommends deferring again the questions regarding these social messages because of the COVID-19 pandemic and its consequences. In the past months, it simply has not been possible to do the groundwork and assessment necessary to bring a recommendation to the Fall 2020 Church Council meeting. In addition, the pending reorganization and 2021 budget questions regarding the churchwide office make it nearly impossible to assess next year's staff capacity and finances. While the consequences of COVID-19 remain difficult to fully anticipate, an assessment and recommendation should be possible by the Spring 2021 Church Council meeting.

#### CC ACTION [EN BLOC]

##### **Recommended:**

**To defer the questions of developing a social message on U.S. National Drug Policy, aging, gender identity, or gun policy until the Spring 2021 Church Council meeting, when a new assessment of each issue, staff capacity, and finances will be made; and**

**To request that the secretary of this church inform the synods of this action.**

### **C. Reconsideration of a social message**

ELCA social messages are adopted by the Church Council (CC) as part of the council's responsibility to oversee the development of ELCA social teaching. Despite the current uncertainties of the pandemic and the churchwide reorganization, it is possible to recommend an "edit," as described in "Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns." (2018, p. 23). An "edit" is described in the "Policies and Procedures" document as an "update of particular wording for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning." The director for theological ethics recommends an edit to the social message on Suicide Prevention (1999). Rationale for this recommendation can be found [here](#).

#### **CC ACTION** [*EN BLOC – two-thirds approval required*]

##### **Recommended:**

**To reconsider the social message on Suicide Prevention (1999) for editorial changes for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning, in accordance with "Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns" (2018).**

### **D. Aspirational Document**

At the March 2020 Church Council meeting, the council requested that "...the Domestic Mission unit engage in conversation with the Conference of Bishops at its Fall 2020 meeting and the Church Council at its November 2020 meeting to consider the goals and purpose behind a new aspirational document;..." [CC20.03.05]

A preliminary conversation was conducted with the Conference of Bishops at its Fall 2020 meeting. Based on the feedback with the conference and other consultations, the executive director for Domestic Mission proposes a deferment on the question of developing an aspirational document.

#### **CC ACTION** [*EN BLOC*]

##### **Recommended:**

**To defer the question of developing an aspirational document until after Spring 2021 when *Definitions and Guidelines for Discipline* is further redeveloped.**

## **VII. Other Items**

### **A. Approval of the Minutes**

The minutes of the [June 24, 2020](#), meeting of the Church Council have been provided to council members electronically on Church Council Microsoft Teams. Minutes for July 20, 2020 and Aug. 26, 2020 meetings held in executive session were added to the protocol file in the Office of the Secretary.

The minutes of the council's Executive Committee meetings on [Aug. 13, 2020](#), [Sept. 15, 2020](#), and [Oct. 15, 2020](#), have been provided electronically on Church Council Microsoft Teams to members. Minutes for July 31, 2020, and Nov. 5, 2020, meetings held in executive session have been added to the protocol file in the Office of the Secretary.

Please provide in writing to the executive for Office of the Secretary administration any notations or typographical errors in the distributed text of the minutes. Proper corrections will be entered into the protocol copies of the minutes. Such corrections need not be raised in the plenary session in connection with the approval of the minutes.

**CC ACTION** [EN BLOC]

**Recommended:**

To approve the minutes of the June 24, 2020, July 20, 2020, Aug. 26, 2020, and Nov. 5, 2020, meetings of the Church Council; and

To ratify actions of the council's Executive Committee as indicated in the minutes of the July 31, 2020, Aug. 13, 2020, Sept. 15, 2020, and Oct. 15, 2020, meetings.

**B. Recommendation from Conference of Bishops on ELCA Candidacy Manual**

At its October 2020 meeting, the Conference of Bishops recommended changes for the sake of clarity to the statement for the approval form and the entrance form in the ELCA Candidacy Manual.

[CB20.10.10]

**CC ACTION** [EN BLOC]

**Recommended:**

To affirm the recommendation from the Conference of Bishops to amend the statement for the candidacy approval form and the entrance form;

To direct the Domestic Mission unit to revise the forms in the ELCA Candidacy Manual with this language, effective immediately:

“As a candidate for rostered ministry in this church, I understand I will be held accountable ~~to the synod's candidacy committee~~ regarding this church's expectations for my speech and conduct as set forward in *Definitions and Guidelines for Discipline of Rostered Ministers*. I understand that ~~my candidacy for~~ rostered ministry brings increased attention to my life. I am responsible for informing my bishop regarding any circumstance that might subject me to discipline according to *Definitions and Guidelines* were I a rostered minister. I understand that the candidacy committee may modify my candidacy status **at any time** in response to my speech and conduct.”

**C. Church Council Nominations and Elections**

The Church Council has the responsibility of electing people to fill terms on boards of Separately Incorporated Ministries (SIM), social ministry organizations, and seminaries. Bylaw 8.21.03. and 8.21.04. outlines basic parameters for the election of members to the boards of ELCA seminaries. Pursuant to 14.22. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, the Church Council is also to elect nominees to a vacancy on a board or committee of the churchwide organization.

Biographical information is provided in [Biographies](#).

**CC ACTION** [EN BLOC]

**Recommended:**

To elect to the board of trustees of the Publishing House of the ELCA — 1517 Media — to fill two vacancies with the term expiring in August 2022: Mr. Brooke Selassie and the Rev. Joy J. Moore.

**CC ACTION** [EN BLOC]

**Recommended:**

To elect to the board of directors of Wartburg Theological Seminary to a five-year term beginning Jan. 1, 2021 and expiring Dec. 31, 2026: The Rev. Michael D. Carlson and Mr. Anthony “Tony” Goodman.

**CC ACTION** [EN BLOC]

**Recommended:**

To elect to the advisory board of Pacific Lutheran Theological Seminary to a three-year term expiring in June 2023: The Rev. Jessica Crist, Mr. Justin W. Holmerud, the Rev. Sean Janssen, and the Rev. Ron C. Rucker.

**CC ACTION** [EN BLOC]

**Recommended:**

To elect to the board of trustees of United Lutheran Seminary for a term expiring in 2022: The Rev. Cean R. James; and

To re-elect to the board of trustees of United Lutheran Seminary for a term expiring in 2022: Ms. Cheryl H. Williams.

**CC ACTION** [EN BLOC]

**Recommended:**

To elect to the board of directors of Trinity Lutheran Seminary at Capital University to a three-year term expiring in 2023: Mr. Allan Bernard

**CC ACTION** [EN BLOC]

**Recommended:**

To elect to the board of directors of National Lutheran Campus Ministry, Inc. for a four-year term expiring in 2025: Mr. Thomas V. Matthews and the Rev. Paul Collinson-Streng; and

To re-elect to the board of directors of National Lutheran Campus Ministry, Inc. for a second four-year term expiring in 2025: The Rev. William E. Bentzinger II, Mr. Thomas T. Chase Jr, and the Rev. Joan A. Conroy.

**D. Synod Constitution Amendments**

Provision †S18.13. of the *Constitution for Synods* describes the processes for synods to amend non-required provisions in their constitutions. It stipulates, “All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.”

**CC ACTION** [EN BLOC]

**Recommended:**

To ratify the following amendment to the constitution of the Saint Paul Area Synod:

**S7.22.** All retired rostered ministers in this synod shall elect 40.5 percent of their number to be voting members; all others shall be advisory members, with voice, but not vote.

**CC ACTION** [EN BLOC]

**Recommended:**

To ratify the following amendments to the constitution of the Northeastern Minnesota Synod:

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

## Responses to Previous Church Council Actions

### A. Declaration of the ELCA to People of African Descent

*Church Council action [CA19.06.23]*

To adopt “A Declaration of the Evangelical Lutheran Church in America to the People of African Descent” as a statement of apology for this church’s complicity in the legacy of slavery;

To thank the African Descent Lutheran Association for their 2015 biennial assembly resolution asking for a declaration of the ELCA to the people of African descent;

To call this church into a time of study and to direct the Office of the Presiding Bishop to consider developing educational resources to support the apology and encourage congregations, synods and the churchwide organization to find ways to share this apology broadly;

To direct Planning, Research and Evaluation to measure and report progress on the discriminatory treatment within the call process and to urge Portico to assist with providing information to the churchwide organization to measure and report progress on inequitable compensation of clergy of color by the November 2021 meeting of the Church Council;

To request the presiding bishop to name a Day of Repentance for congregations, synods and churchwide organization to observe annually and to request the Office of the Presiding Bishop worship team develop a liturgical resource of lamentation and repentance to accompany this annual Day of Repentance; and

To affirm the June 2019 Lutheran World Federation Council resolution “Commemorating the 2019 Quad-centennial of the Forced Transatlantic Voyage of Enslaved African Peoples to the Americas—Human Beings Not for Sale!” and, in particular, LWF’s call to engage in anti-racism and racial justice work, work toward economic justice (including the study of reparations), and work to address and end modern forms of slavery and human trafficking.

*Response from the Office of the Presiding Bishop (November 2020)*

The Office of the Presiding Bishop continues to work with congregations, synods, and ethnic associations to raise awareness of the apology by sharing the online resource link and by mailing print copies of the [Declaration of the ELCA to People of African Descent](#). The apology also has been shared with full communion partners, including the National Council of Churches USA (NCC), Christian Churches Together (CCT), the Conference of National Black Churches (CNBC), the Lutheran World Federation (LWF), and the World Council of Churches (WCC). The question of reparations continues to be a growing topic of discussion within the ecumenical movement.

In response to the Church Council actions in 2019, the director for racial justice launched a preliminary study on reparations in early 2020. This report will be presented to members of the African Descent Strategy Team (ADST) and the African Descent Lutheran Association (ADLA) for review in early 2021. The preliminary report will serve as an outline in developing a more in-depth study proposal for engaging and educating the wider church on the history of reparations. The intent of the study is to collect existing information for the development of congregational resources. The research project will define reparations with a theological and socio-economic frame; provide an historical overview of the impact of the transatlantic slave trade; examine the current case for reparations within church and society; consider ecumenical actions of various partner churches; and align with advocacy efforts currently underway at the state, local, national, and international levels. Looking ahead to 2021 and beyond, a proposal is in development for a consultation on the study of reparations with key stake holders, scholars and various persons in leadership representing groups across this church. The reparations study will coincide with existing churchwide assembly actions and related resolutions, including “[African Descent Lutheran Lives Matter](#)” and “[Condemnation of White Supremacy & Racist Rhetoric](#).” To complete this undertaking will require the work of experts and a proposed budget.

In addition, the June 2019 Church Council action called for an ELCA Day of Repentance from Racism. In 2020, the ELCA recognized June 17 as a Day of Repentance from Racism and the Remembrance of the Mother Emanuel 9. The churchwide organization launched a live web service and

encouraged congregations, synods, and members to participate in the day. The Office of the Presiding Bishop worship team, the director for racial justice, the director for African Descent ministries, and the executive for ecumenical and inter-religious relations and theological discernment, in partnership with leaders across the Church planned and developed liturgical resources of lamentation and repentance to accompany the June 17 Day of Repentance. Conversations have been underway with the director for African Descent ministries, the director for racial justice, and the executive for worship to review the liturgical calendar for an additional date. Due to the COVID-19 pandemic, no formal date has been proposed to the presiding bishop at this time.

**CC ACTION** *[EN BLOC]*

**Recommended:**

**To receive the response from the Office of the Presiding Bishop on the implementation of the resolution of the “Declaration of the ELCA to the People of African Descent” (a statement of apology for this church’s complicity in the legacy of slavery);**

**To thank the churchwide staff for their efforts in providing educational resources to support the apology and encouraging members, congregations, and synods to find ways to share this apology broadly;**

**To encourage the continuation of the research and work toward economic justice and the study of reparations and engagement in anti-racism and racial justice work; and**

**To request a further report from the Office of the Presiding Bishop on the naming of an annual Day of Repentance, including a liturgical resource of lamentation and repentance to accompany this annual Day of Repentance, to the Spring 2021 Church Council meeting.**

## Responses to Synod Council Resolutions

### A. ELCA Disability Offset Policy for Dependents

*East-Central Synod of Wisconsin (5I) [2020]*

WHEREAS, the Synod Council of the East-Central Synod of Wisconsin received a resolution from Good Shepherd Lutheran Church in Plover, Wisconsin, with this resolve:

*Resolved, that we petition the Church to amend the current disability policy with Portico Benefits, so that a disabled member's Social Security Dependents' Benefits are not factored into the Social Security offset of Portico's financial obligation to the disabled member.*

WHEREAS, we are a church that has called ourselves "to make fresh commitments in all dimensions of its ministry and mission among people with disabilities." ("A Message on People Living with Disabilities" ELCA Social Statement, 2011).

WHEREAS, we call our congregations and ministries to "support advocacy by its members for public policies, programs, and adequate funding to benefit the needs of people with disabilities and the common good." ("A Message on People Living with Disabilities" ELCA Social Statement, 2011).

WHEREAS, Good Shepherd Lutheran Church of Plover also provides the following rationale in the WHEREAS portion:

- That the Social Security administration acknowledges and provides extra funds necessary to aid dependents of individuals living with disabilities.
- That these Social Security dependent benefits are paid to the dependent and are not considered income for the disabled individual.
- That the current disability policy with Portico does not offer extra funds because of dependents yet claims a right to offset the dependents' Social Security funds from Portico's financial obligation to the disabled member.
- That Portico Benefits ends up paying less money to individuals with dependents than those without.

THEREFORE, BE IT RESOLVED, that we request the ELCA Church Council to consult with Rev. Jeff Thiemann, President and CEO of Portico Benefits, and review the current disability policy of Portico Benefits and address the concern that a disabled member's Social Security Dependents' Benefits are factored into the Social Security offset of Portico's financial obligation to the disabled member.

#### *Executive Committee Action (EC20.04.19)*

To receive the resolution from the East-Central Synod of Wisconsin on "ELCA Disability Offset Policy for Dependents;"

To refer the resolution to Portico Benefit Services for a report or a timeline on when this resolution will receive further action; and

To request that the secretary of this church inform the synod of this action.

#### *Response from Portico Benefit Services (November 2020)*

##### **ELCA Philosophy of Benefits**

Portico Benefit Services [Portico] applauds the spirit and intent of this resolution and is always open to receiving and considering feedback and sharing information on the benefits offered. As the ELCA's benefits administrator, Portico is called to support the church's benefits as its ministry. As set forth in the ELCA Philosophy of Benefits, the guiding principles include:

- Benefits are an investment in God's ministry as carried out through the lives of rostered ministers and lay employees.
- As church together, pooling our collective purchasing power helps us support the church's unique needs in a cost-effective manner.
- Benefits are a shared responsibility of the ELCA — through sponsoring employers, plan members, and Portico.
- Benefits reflect a goal of total well-being.

### **ELCA Disability Benefits Plan**

The ELCA Disability Benefits Plan (“Plan”) is self-insured; which means that benefits are funded by the contributions made by congregations and other ELCA sponsoring employers and determined based on an actuarial estimate of the future need. The contributions are held in trust until they are needed to pay for the disabled members’ benefits. On behalf of all who receive ELCA benefits, Portico is grateful for the generosity of congregations and ELCA sponsoring employers.

The Plan provides that the ELCA Disability Benefits Trust shall make the following payments for a disabled member’s benefits:

- Monthly disability benefit payments to replace two-thirds of the member’s prior compensation, less offsets.
- Fully paid premiums for health coverage under the ELCA Medical and Dental Benefits Plan for the disabled member and all family members regardless of family size.
- Contributions to the disabled member’s retirement account under the ELCA Retirement Plan (10% contribution for clergy calculated on income prior to offsets).
- Contributions for basic group life insurance under the ELCA Survivor Benefits Plan.

Offsets include payments from the Social Security Disability Insurance (SSDI), and other government offsets, that are paid on account of the same disability for which the Plan is paying benefits. The Plan ensures a disabled member, in the aggregate, receives two-thirds of their prior income to assist with basic needs, in addition to seamless health, retirement, and survivor benefits. It is not the intent for the disabled member to receive duplicate insurance benefits for the same disability or for the member to receive more than two-thirds of the monthly income received prior to the disability. The Plan has included the SSDI offset in the Plan document since at least 2003 and it is clearly stated in the Summary Plan Description.

### **ELCA Social Message on People Living with Disabilities**

Portico supports and acts in line with the recommendations of the ELCA social message on [\*People Living with Disabilities\*](#) (2011), stating, in part:

#### **The Churchwide Organization and Ministries**

In the ELCA, people with disabilities and those who accompany them look to the churchwide organization for leadership, resource coordination and collaboration. For this reason, ***it is important for promises regarding financial resources and staff capacities to be realistic and clearly communicated*** as the churchwide organization seeks to fulfill its roles. (pg. 11, *emphasis added*)

*People Living with Disabilities* social message also encourages the ELCA to:

- work together with ELCA members, congregations, synods and affiliated organizations to advocate for public policies, programs and adequate funding to benefit the needs of people with disabilities and the common good; and
- make its policies and practices regarding ministry with and advocacy for people with disabilities substantially consistent with, whenever possible, those of its full communion partners and other ecumenical partners, both here and internationally. (pg. 12)

In line with this social message, the Plan policy to partner with Social Security Disability Insurance to fund two-thirds of prior income is consistent with the majority of the ELCA’s full communion partners.

### **Administration of Benefits**

In administering benefits, Portico practices stewardship to responsibly manage all resources entrusted to it, while providing robust and generous benefits consistent with the teaching and the compassion of the

ELCA. This is a balance, a balance between the benefits paid out and the contributions collected, with the goal striking the right balance for both plan members and congregations. Portico receives no gain from the offset of social security, as its role is to administer the Trust. If benefits are increased, Portico must provide the same increase for all members, then pass along the additional expense to the ELCA ministries that contribute their resources to fund the Plan's benefits.

**Portico Benefit Services Recommendation**

The ELCA ministries that contribute to the ELCA Disability Benefits Plan also pay payroll tax that funds Social Security Disability Insurance. With the ELCA ministries making payments to the federal government and to the ELCA Disability Benefits Trust, a fitting partnership is established in allocating resources for monthly disability benefits to be paid to disabled members to fund two-thirds of prior income. Funding health coverage, retirement contributions, and survivor benefits are generous benefits provided by this church through the ELCA Disability Benefits Plan that are generally not included in disability benefits in the United States. Portico respectfully recommends the Plan continue these generous benefits along with the SSDI offset.

**CC ACTION** *[EN BLOC]*

**Recommended:**

**To thank the East-Central Synod of Wisconsin for its resolution regarding “ELCA Disability Offset for Dependents;”**

**To receive the report and recommendation from Portico Benefit Services on this resolution;**

**To affirm that Portico Benefit Services continue to fund health coverage, retirement contributions, and survivor benefits along with the Social Security Disability Insurance offset through the ELCA Disability Benefits Plan, consistent with the ELCA Philosophy of Benefits and this church's social teachings; and**

**To request that the secretary of this church inform the synod of this action.**

## Responses to Churchwide Assembly Actions

### A. Carbon Fee and Dividend

#### *Churchwide Assembly action [CA19.02.06d]*

To receive with gratitude the memorial from the South-Central Synod of Wisconsin concerning Carbon Fee and Dividend;

To reaffirm the commitment of this church to engage in advocacy that seeks sufficient, sustainable livelihood for all; and

To refer to the Domestic Mission unit for the development of a plan that promotes educational resources on Carbon Fee and Dividend to assist in forming the basis for any potential advocacy strategy.

#### *Executive Committee action [EC19.09.28.a3]*

To refer the 2019 Churchwide Assembly action on “Carbon Fee (and Dividend)” to the Domestic Mission unit for a report or for a timeline on when this will receive further attention; and

To request that the secretary of this church inform the synod of this action.

#### *Response from the Domestic Mission unit (November 2019)*

Reducing greenhouse gas (GHG) emissions into the atmosphere requires multiple approaches which include carbon pricing, setting emissions performance standards, or GHG mitigation technologies.

Carbon pricing is generally believed by economists to be the best tool for having the greatest impact in the near-term to spur GHG emission reduction mitigation efforts. Carbon pricing can take many forms, with the most familiar being an emissions trading system (ETS) or a carbon fee or tax. This memorial’s focus is on a carbon fee with dividends.

The Domestic Mission unit through ELCA Advocacy will implement this action with deliverables along the following timeline:

- 11/14/2019 Develop a primer on this memorial entitled “Carbon Pricing Basics” with principles as a basis for ELCA endorsement of potential legislation.  
Develop a Frequently Asked Questions Resource document for use by constituents in advocating for or against a carbon tax.
- 11/19/2019 Publish a blog post to introduce the carbon fee resources available for carbon fee and dividend.
- 12/1/2019 Develop criteria for comparison of the federal bills that address carbon pricing and post a comparison of the bills.
- 2/15/2020 Host a webinar on carbon pricing.

#### *Church Council action [CC19.11.47n]*

To receive the response on “Carbon Fee and Dividend” from the Domestic Mission unit;

To affirm the proposed timeline on the deliverables and to receive a final report on the implementation of the action at the Church Council’s Fall 2020 meeting; and

To request that the secretary of this church inform the synod of this action.

#### *Response from the Domestic Mission unit (November 2020)*

Reducing greenhouse gas (GHG) emissions into the atmosphere requires multiple approaches which include carbon pricing, setting emissions performance standards, and/or GHG mitigation technologies. Carbon pricing is generally believed by economists to be the best tool for having the greatest impact in the near term to spur GHG emission reduction mitigation efforts. Carbon pricing can take many forms, with the most familiar being an emissions trading system (ETS) or a carbon fee or tax. This memorial’s focus is on a carbon fee with dividends.

The Domestic Mission unit, through ELCA Advocacy, developed a primer on the focus of this memorial entitled “[Carbon Pricing Basics](#)” with principles that serve as a basis for ELCA advocacy positions pertaining to potential legislation. ELCA Advocacy also developed questions to ask legislators to help synods better analyze any carbon fee legislation that may be put forth.

While carbon tax legislation remains a favorite among economists, it has not found a place in key legislation launched by either the Democratic or the Republican Party. The Domestic

Mission unit reaffirms this church's commitment to work through ELCA Advocacy with interreligious partners and other faith leaders and will continue to engage in efforts that seek sufficient, sustainable livelihood for all in addressing climate change. The developed carbon pricing primer and a forthcoming frequently-asked-questions document serve as carbon fee with dividend educational resources that will assist in forming the basis for any potential advocacy strategy. It is the Domestic Mission unit's opinion that this proposed resolution's request has been met, and this report will serve as the final report.

**CC ACTION** [*EN BLOC*]

**Recommended:**

**To receive the final report from the Domestic Mission unit on the implementation of a plan that promotes educational resources on Carbon Fee and Dividend to assist in forming the basis for any potential advocacy strategy; and**

**To request that the secretary of this church inform the synod of this action.**

**B. Earth Charter**

*Churchwide Assembly action [CA19.02.06c]*

To receive with gratitude the memorials from the Texas-Louisiana Gulf Coast, New England, Upstate New York, and Southeastern Pennsylvania synods concerning endorsement of the "The Earth Charter";

To endorse the Earth Charter;

To reaffirm the commitment of this church to engage in creation care through principles of sufficiency, sustainability, solidarity, and participation; and

To refer to the Domestic Mission unit for implementation consistent with this memorial.

*Executive Committee action [EC19.09.28.a2]*

To refer the 2019 Churchwide Assembly action on the "Earth Charter" to the Domestic Mission unit for a report or for a timeline on when this will receive further attention; and

To request that the secretary of this church inform the synod of this action.

*Response from the Domestic Mission unit (November 2019)*

The ELCA endorsed the Earth Charter on Oct. 4, 2019. Endorsement of the Earth Charter means that the ELCA will support the charter's implementation, values, and principles and will work with others toward the same goal.

Endorsers are expected to contribute to the charter initiative and to charter-inspired action projects, implement the charter in its professional work, and agree with this endorsement statement: "We, the undersigned, endorse the Earth Charter. We embrace the spirit and aims of the document. We pledge to join the global partnership for a just, sustainable, and peaceful world and to work for the realization of the values and principles of the Earth Charter."

To raise awareness of this endorsement, the Earth Charter logo and a link will be added to the [elca.org/environment](http://elca.org/environment) webpage. In early 2020, ELCA Advocacy will convene a staff team to develop a high-level formalized plan promoting the transition to sustainable ways of living into forthcoming resource development and projects. These will center on the Earth Charter action guidelines:

1. Respect and care for the community of life
2. Ecological integrity
3. Social and economic justice
4. Democracy, nonviolence, and peace

A progress report will be brought to the Fall 2020 Church Council meeting.

*Church Council action [CC19.11.47m]*

To receive the response on "Earth Charter" from the Domestic Mission unit;

To receive a progress report at Church Council's Fall 2020 meeting; and

To request that the secretary of this church inform the synods of this action.

*Response from the Office of the Presiding Bishop (November 2020)*

The [Earth Charter's](#) ("Charter") pillars and 16 principles address equitable sustainability and sufficiency for all communities; and it aligns with ELCA social teachings. ELCA's Sustainability Table

(“Table”) conducts the implementation work to fulfill the Charter endorsement. The Table includes ELCA churchwide staff (Advocacy, Stewardship, World Hunger, Global Mission, Lutheran Disaster Response, Office of the Presiding Bishop, Lutheran Office for World Community, Campus Ministry, Outdoor Ministry, colleges and universities, Ethnic Specific and Multicultural Ministries, Mission Advancement, Faith Formation, and Young Adult ministries), Lutherans Restoring Creation, Lutheran School of Theology at Chicago, rostered ministers, and lay leaders. Listed below is ongoing implementation work.

**Pillar 1 - Respect and Care for the Community of Life:** Equip congregations and members for advocating in their communities’ interest; support #ELCAvotes initiative; advocate for child nutrition programs and housing reform; support federal disaster aid resources and equitable access programs that assist communities impacted by natural disasters; advocate for support for international antipoverty, humanitarian and global health funding; advocate for migrant rights and immigration reform both domestically and globally through Accompanying Migrant Minors with Protection, Advocacy, Representation and Opportunities (“AMMPARO”) and our international companions; advance immigration reform; train Creation Care Ambassadors (to date over 50 trained).

**Pillar 2 - Ecological Integrity:** Implement through pillar-focused leadership of the Delaware-Maryland Synod energy conservation and waste reduction (<https://youtu.be/Lo5qlVjTIVs>); explore funding options for projects with the Mission Investment Fund through the Table; lead a global interfaith “Good Trouble for a Healthy Planet” webinar with follow-ups; promote policies to protect all from the impacts of environmental degradation; received Stewardship of Life Institute grant with which synod leaders in four synods will be trained, accompanied and encouraged with skills identified by the ELCA Organized for Mission Network on local and state level stewardship of creation. (The Young Adult Ministry led efforts to give up plastics for Lent in the first quarter of 2020.)

**Pillar 3 - Social and Economic Justice:** Produce resource series on intersectionality of racism and sexism for a just society supporting global health, racial equity, hunger eradication, environment, and housing; advance intra-ELCA and social efforts for equitable compensation; foster ongoing dialogical and theological engagement across this church towards gender and racial justice; address the disproportionate impact environmental injustice and climate change have on people of color and poor communities globally; utilize a racial justice lens to end the impacts of racism and develop models of equitable sustainability for all communities; assist migrants not covered by stimulus packages as well as support state and local advocacy through the AMMPARO network, congregations and synods.

**Pillar 4 - Democracy, Nonviolence, and Peace:** Advocate for support of international funding for conflict prevention and peace-building programs; support and encourage global cooperation, such as the Paris Agreement, to protect the environment; protect human rights to defend democratic values, reject all forms of discrimination, encourage nonviolence and work for peace with the aim of creating a rich and varied space to enable sustainable development (SD); promote election integrity and voter protection; and participate in LWF’s Waking the Giant initiative focused on SD goals related to health, justice, education, reduced inequalities, and peace.

The Earth Charter implementation work is ongoing. The final report will be issued to the Fall 2021 Church Council meeting.

### **CC ACTION** [EN BLOC]

#### **Recommended:**

- To receive the progress report on “Earth Charter” from the Domestic Mission unit;**
- To request that a final report be provided at the fall 2021 Church Council meeting; and**
- To request that the secretary of this church inform the synods of this action.**

**C. Motion A “Emanuel 9” [2019 Churchwide Assembly]**

*Churchwide Assembly action [CA19.04.17]*

To adopt Motion A as amended.

RESOLVED, that the Evangelical Lutheran Church in America reaffirm its commitment to repentance from racism by:

1. Commemorating June 17th as a day of repentance in the ELCA for the martyrdom of the Emanuel 9; and
2. Having the names of the Emanuel 9 (Clementa C. Pinckney, Cynthia Marie Graham Hurd, Susie Jackson, Ethel Lee Lance, Depayne Middleton-Doctor, Tywanza Sanders, Daniel L. Simmons, Sharonda Coleman-Singleton, and Myra Thompson) added to future ELCA publications to venerate their martyrdom and lead us to repentance because of the white supremacy and racism in our church; and
3. Calling for this commemoration be grounded in prayer as the Emanuel 9 were murdered while in prayer at the end of the bible study; and
4. Directing the Office of the Presiding Bishop to help develop future worship prayers and litanies around repentance from racism; and
5. To encourage giving both prayer and financial support the memorial to be built in remembrance of the Emanuel 9 (<https://www.emanuelnine.org/>); and
6. Be in deeper conversations with the AME church on ways of reconciliation and repentance on the matters of white supremacy and racism.

*Executive Committee action [EC19.09.28.a12]*

To refer the 2019 Churchwide Assembly action on Motion A to the Office of the Presiding Bishop, in consultation with appropriate churchwide organization units, for a report or for a timeline on when this resolution will receive further attention.

*Response from the Office of the Presiding Bishop (November 2019)*

As the resolves of this motion cover a variety of areas, a team including the executive for worship, the executive for ecumenical and inter-religious relations and theological discernment, the program director for racial justice ministries, and the director for ethnic specific and multicultural ministries is coordinating action and implementation.

In early 2020, the presiding bishop will convene a consultation via video conference to include representation from churchwide staff, authors of this resolution, the African Descent Lutheran Association, the Conference of International Black Lutherans, and the European Descent Lutheran Association for Racial Justice. The purpose of this consultation will be to review and coordinate efforts in the churchwide organization and other grassroots work related to worship resource development as called for in the resolution. This work comes alongside strengthening ecumenical relations (both grassroots and church-to-church) with the African Methodist Episcopal church.

*Church Council Action [CC19.11.47bb]*

To receive the response on “Motion A: Establish June 17 as Emanuel 9 Day of Repentance” from the Office of the Presiding Bishop; and

To request that a report on the implementation of this resolution be provided at the Fall 2020 Church Council meeting.

*Response from the Office of the Presiding Bishop (November 2020)*

A churchwide staff implementation team, including the executive for worship, the executive for ecumenical and inter-religious relations and theological discernment, the program director for racial justice ministries, and the director for ethnic specific and multicultural ministries, has coordinated the implementation of this action over the last twelve months. In late January 2020, the presiding bishop convened a consultation including churchwide staff, authors of this resolution, the African Descent Lutheran Association, the Conference of International Black Lutherans, and the European Descent

Lutheran Association for Racial Justice. This consultation looked to review and coordinate efforts in the churchwide organization and other grassroots work related to worship resource development as called for in the resolution.

The consultation highlighted the need for worship resources that both commemorate the martyrdom of the Emanuel 9 and respond to the sins of racism and white supremacy. In addition, the consultation encouraged this church to find ways to lift up our ongoing ecumenical relationship with the African Methodist Episcopal Church.

In the early months of 2020, the resource of [Prayers, Litanies, and Laments for the Commemoration of the Emanuel Nine](#) was developed to include newly commissioned and crafted worship resources for use in congregations and synods on or near the June 17 commemoration. In cooperation with the Mission Advancement unit, a resource page was launched at [www.ELCA.org/EmanuelNine](http://www.ELCA.org/EmanuelNine) as a central hub for worship resources. In cooperation with Augsburg Fortress, the Emanuel Nine commemoration has been added to the *Sundays and Seasons* family of worship planning resources.

In late spring, the consultation team was reconvened to review the implementation work to date and to consider plans going forward given the reality of the unfolding COVID-19 pandemic. Out of this group grew the idea of a national virtual service to complement numerous activities in congregations and synods. This service was shared with the whole church on June 17, the fifth anniversary of the martyrdom of the Emanuel Nine, with a sermon by Presiding Bishop Elizabeth Eaton and including leaders from around the ELCA and ecumenical partners, including senior episcopal leadership from the African Methodist Episcopal (AME) Church, and executive leadership from the National Council of Churches and the Conference of National Black Churches. Over 1,500 people viewed the service together at noon Eastern Time on June 17, 2020, and over 7,000 viewed in the hours and days to follow. The service continues to be available for viewing at [www.ELCA.org/EmanuelNine](http://www.ELCA.org/EmanuelNine).

At the conclusion of the service, the [ELCA Anti-Racism Pledge](#) was launched. It outlines eight anti-racist actions individuals and congregations can take to reinforce our shared commitments in their churches and communities. Over 3,000 individuals and congregations signed the pledge within a month of the June 17 commemoration.

As this church continues to repent the sin of racism and white supremacy, ongoing worship resource development and raising awareness of this commemoration will continue to be a priority. The staff implementation team plans to convene the consultation group in late 2020 to continue this work and look to specific goals leading to the 2021 commemoration date. In addition, conversations with AME Church leaders about how we can deepen our partnership, including in future commemoration services and events, will be resumed in late October 2020.

### **CC ACTION** [EN BLOC]

#### **Recommended:**

**To receive the report on “Motion A: Establish June 17 as Emanuel 9 Day of Repentance” from the Office of the Presiding Bishop;**

**To thank the churchwide staff implementation team and the consultation team for its comprehensive efforts to commemorate June 17 as a day of repentance in the ELCA for the martyrdom of the Emanuel 9 (Clementa C. Pinckney, Cynthia Marie Graham Hurd, Susie Jackson, Ethel Lee Lance, Depayne Middleton-Doctor, Tywanza Sanders, Daniel L. Simmons, Sharonda Coleman-Singleton, and Myra Thompson);**

**To encourage the ongoing conversations with the African Methodist Episcopal Church to deepen our partnership in future commemoration services and events, including on the matters of white supremacy and racism; and**

**To urge this church to continue its efforts to repent the sin of racism and white supremacy and to raise awareness of the June 17 commemoration.**

## **D. Sanctuary**

### *Churchwide Assembly Action [CA19.03.07]*

To receive with gratitude the memorial from the Metropolitan New York Synod concerning sanctuary;

To reaffirm the long-term and growing commitment of this church to migrants and refugees and to the policy questions involved, as exemplified most recently in the comprehensive strategy “Accompanying Migrant Minors with Protection, Advocacy, Representation and Opportunities” (AMMPARO);

To recognize that the ELCA in congregations, synods and the churchwide organization are already taking the actions requested by this memorial; and

To request that appropriate staff on the AMMPARO team, LIRS, and the Domestic Mission, Global Mission, and Mission Advancement units review the existing strategies and practices by the five current sanctuary synods and develop a plan for additional tools that provide for education and discernment around sanctuary;

To declare the Evangelical Lutheran Church in America a sanctuary church body; and

To request the ELCA Church Council, in consultation with the appropriate churchwide units and offices, provide guidance for the three expressions of this church about what it means to be a sanctuary church body and provide a report to the 2022 Churchwide Assembly.

### *Executive Committee Action [EC19.09.28.a6]*

To refer the 2019 Churchwide Assembly action on Sanctuary to the Global Mission and Domestic Mission units, in consultation with the AMMPARO (“Accompany Migrant Minors with Protection, Advocacy, Representation and Opportunities”) team, LIRS and other appropriate churchwide organization units, for a report or for a timeline on when this will receive further attention; and

To request that the secretary of this church inform the synod of this action.

### *Response from the AMMPARO Team (November 2019)*

There are essentially three requests from the 2019 Churchwide Assembly for further action:

1. educational materials for congregations and synods;
2. guidance for the three expressions of this church on what it means to be a sanctuary church body from the Church Council in consultation with the churchwide organization; and
3. a report to the 2022 Churchwide Assembly.

In terms of educational materials, the churchwide office has already produced talking points, an overview of sanctuary, and a video answering frequently asked questions. A new congregational study titled “Transformed Communities: Freed for Radical Welcome,” originally produced by Lutheran Outdoor Ministries, has been edited by Lutheran Immigration and Refugee Services (LIRS) with significant input by AMMPARO (Accompanying Migrant Minors with Protection, Advocacy, Representation and Opportunities) staff as a Bible study for congregations to begin to discern their work with migrants, refugees, and asylum-seekers. More materials will continue to be produced.

In order to provide the requested guidance for the three expressions on what sanctuary means, AMMPARO staff, as well as others at the churchwide office, have reached out to other denominations who have supported sanctuary congregations to receive any materials and resolutions that they have produced. A small group of churchwide staff has been assembled as an advisory team to the AMMPARO Sanctuary team to oversee this process and recommends the following five-step process:

1. Convene the five sanctuary synods and selected sanctuary hosting congregations to receive their guidance and suggestions in January 2020. Representatives from LIRS and churchwide staff will be included.
2. Get feedback, if possible, on preliminary conclusions at the March 2020 joint meeting of the Church Council and Conference of Bishops.
3. Present a draft of the final report to the Fall 2020 Conference of Bishops meeting for feedback.
4. Present the definitions and final report to the Church Council at its fall 2020 meeting.
5. Release the definitions, together with tools for synods and congregations, to use following the Church

Council's action. These tools will be guides for those who wish to engage around sanctuary. Resources will be available shortly after the approval of the definitions by the Church Council.

A report will be presented at the Spring 2022 Church Council meeting with a final report presented to the 2022 Churchwide Assembly.

*Church Council action [CC11.19.47t]*

To receive the response on "Sanctuary" from the AMMPARO ("Accompanying Migrant Minors with Protection, Advocacy, Representation and Opportunities") team;

To affirm the timeline proposed in the response;

To request that the definitions and guidelines about what it means to be a sanctuary church body for the three expressions of this church be provided to the Church Council's Fall 2020 meeting;

To request a final report be provided to the Church Council's Spring 2022 meeting in anticipation of the 2022 Churchwide Assembly; and

To request that the secretary inform the synod of this action.

*Response from the AMMPARO Sanctuary Team (November 2020)*

The ELCA AMMPARO Team received significant input at the March 2020 joint Conference of Bishops and Church Council meeting as well as through the online feedback form for congregational members. A variety of opportunities were contemplated but were not possible to carry out as a result of the COVID-19 pandemic. To respond to these changed conditions, the online feedback survey was heavily promoted and kept open for additional time in order to receive more input. The analysis of the input timeline was modified, which has delayed the drafting of definitions and guidelines.

The current uncertainty around future policy makes the drafting of effective guidelines about what it means to be a sanctuary church body most difficult at this time. The ELCA constituency would best be served by guidelines that respond to the post-election context.

As a result of the COVID-19 pandemic and the uncertain policy future around immigration issues as a result of the fall elections, the ELCA AMMPARO Team respectfully requests the Church Council postpone its receipt of the definitions and guidelines about what it means to be a sanctuary church body until the Spring 2021 meeting of the Church Council.

**CC ACTION** [EN BLOC]

**Recommended:**

**To receive the update from the AMMPARO ("Accompanying Migrant Minors with Protection, Advocacy, Representation and Opportunities") Team on definitions and guidelines about what it means to be a sanctuary church body;**

**To extend the deadline for these definitions and guidelines to the Spring 2021 Church Council meeting; and**

**To request that the secretary inform the synod of this action.**

## Churchwide Organization Personnel Policies

*Policy Change: Addition of Juneteenth holiday*

### 6.5. Paid Holidays

The Lutheran Center will be closed on the days listed below:

New Year's Day  
Martin Luther King Jr. Day  
Good Friday  
Memorial Day  
[Juneteenth](#)  
Independence Day  
Labor Day  
Thanksgiving Day  
Day After Thanksgiving  
Christmas Eve Day  
Christmas Day

Full-time regular employees will receive their regular rate of pay for eight hours for each paid holiday. Part-time regular employees who are regularly scheduled to work at least 20 hours per week will receive holiday pay based on the ratio of their regularly scheduled hours to a 40-hour week, but only if a particular paid holiday falls on a scheduled workday. No holiday pay will be paid to a part-time employee who would not normally have worked on the day the holiday is observed.

A holiday falling on Saturday will normally be observed on the preceding Friday. A holiday falling on Sunday will normally be observed on the following Monday.

If an employee's religion requires the observance of a holiday other than those listed above and the employee is scheduled to work on that day, appropriate arrangements will be made on a case-by-case basis to accommodate the situation.

~~Name change effective July 1, 1994~~

**AMENDED ARTICLES OF INCORPORATION ~~OF~~**

**LUTHER SEMINARY**

~~The undersigned, for the purpose of forming a Corporation under and pursuant to the provisions of the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Chapter 317, and laws amendatory thereof and supplementary thereto, do hereby establish a body corporate and adopt the following Articles of Incorporation:~~

**ARTICLE 1**

The name of this Corporation shall be: LUTHER SEMINARY.

**ARTICLE 2**

This Corporation ~~is, incorporated pursuant to the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Chapter 317A, was~~ formed exclusively for charitable, religious and educational purposes, and in connection therewith, to establish and conduct a Lutheran theological seminary in the State of Minnesota, which shall provide theological education for those who are preparing for service as pastors, missionaries, teachers, and for other forms of lay or ordained ministry. Theological resources are also to be provided for those who seek theological continuing education. ~~provided for the continuing education of laity and clergy.~~

The faith and life of this seminary shall be in harmony with the Confessional Commitments of the Evangelical Lutheran Church in America, or its successors, and this seminary shall be governed by policies defined by the member of this Corporation.

Within the framework and limitations of these purposes, this Corporation is organized and shall be operated exclusively for charitable, religious and educational purposes, and for those purposes, and not ~~other-wise~~ otherwise, this Corporation shall have only such powers as are required by and are consistent with its purposes, including the power to acquire and receive funds and property of every kind and nature whatsoever, whether

by purchase, conveyance, lease, gift, grant, bequest, legacy or otherwise, and to own, hold, expand, make gifts, grants and contributions of, and to convey, transfer and dispose of any funds and property or the income therefrom for the furtherance of the purposes of this Corporation as hereinabove set forth, or any of them, and to lease, mortgage, encumber and use the same and such other powers as are consistent with the foregoing purposes and which are afforded to this Corporation by the Minnesota Nonprofit Corporation Act, and by any future laws amendatory thereof and supplementary thereto.

All of the powers of this Corporation shall be exercised only so that this Corporation's operations shall be exclusively within the contemplations of section 501 (c) (3) of the Internal Revenue Code of 1986.

### ARTICLE 3

This Corporation shall not afford pecuniary gain, incidentally or otherwise, to its members, and no part of the net income or net earnings of this Corporation shall inure to the benefit of any member, private shareholder or individual, except that this Corporation may pay reasonable compensation for services rendered to it. No substantial part of this Corporation's activities shall consist of carrying on propaganda or otherwise attempting to influence legislation. This Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

This Corporation shall not lend any of its assets to any officer, director or member of this Corporation or guarantee to any other person the payment of a loan made to an officer, director or member of this Corporation.

All references in these Articles of Incorporation to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future Internal Revenue Codes to the extent such provisions are applicable to this Corporation.

### ARTICLE 4

The period of duration of corporate existence of this Corporation shall be perpetual.

## ARTICLE 5

The registered office of this Corporation shall be located in the City of Saint Paul, State of Minnesota.

## ARTICLE 6

The management and direction of the business of this Corporation shall be vested in the Board of Directors. ~~The first Board of Directors shall consist of those persons named in Article 7 of the Articles of Incorporation. Thereafter the~~The number of Board members, terms of office, method of selection, powers, duties and authority of the directors of this Corporation, the time and place of their meetings, and such other regulations with respect to them as are not inconsistent with the express provisions of these Articles of Incorporation shall be as specified from time to time in the Bylaws of this Corporation.

~~The number, terms of office, method of selection, powers, duties and authority of the directors of this Corporation, the time and place of their meetings, and such other regulations with respect to them as are not inconsistent with the express provisions of these Articles of Incorporation shall be as specified from time to time in the Bylaws of this Corporation.~~

## ARTICLE 7

~~The first Board of Directors shall consist of six persons, each of whom shall serve until the adjournment of the first meeting of the Board of Directors of this Corporation. The names and addresses of the members of the first Board of Directors are as follows:~~

<u>Name</u>	<u>Address</u>
<del>Marlene H. Engstrom</del>	<del>4300 Philbrook Lane Edina, MN 55424</del>

~~Arnold R. Mickelson~~

~~422 South Fifth Street  
Minneapolis, MN 55415~~

~~Warren A. Sorteberg~~

~~122 West Franklin Avenue  
Minneapolis, MN 55404~~

~~Roger L. Anderson~~

~~1901 S. Hwy. 169  
P.O. Box 675  
Grand Rapids, MN 55744~~

~~George H. Cruys~~

~~Box 678  
Lindstrom, MN 55045~~

~~Roger K. Prescott~~

~~1320 5<sup>th</sup> Avenue S.  
Fargo, ND 58103~~

#### ARTICLE 8

An action, other than an action requiring approval of the member described in Article 8, may be taken by written action signed, or consented to by authenticated electronic communication, by the number of directors that would be required to take the same action at a meeting of the board at which all directors were present. The written action is effective when signed, or consented to by authenticated electronic communication, by the required number of directors, unless a different effective time is provided in the written action. When written action is permitted to be taken by less than all directors, all directors must be notified immediately of its text and effective date.

#### ARTICLE 8

The sole member of this Corporation shall be the Evangelical Lutheran church in America. This member shall have voting rights. The member of this Corporation shall not be personally liable for debts or obligations of this corporation whatsoever, nor shall any of the property of the member of this Corporation be subject to the payment of the debts or obligations of this Corporation to any extent whatsoever.

#### ARTICLE 9

This Corporation shall have no capital stock.

## ARTICLE 10

These Articles of Incorporation may be amended from time to time in the manner prescribed by the law.

## ARTICLE 11

~~The names and addresses of the incorporators of this Corporation are as~~

~~follows:~~

~~Name~~

~~Address~~

~~Marlene H. Engstrom~~

~~4300 Philbrook Lane  
Edina, MN 55424~~

~~Roger L. Anderson~~

~~1901 S. Hwy. 169  
P.O. Box 675  
Grand Rapids, MN 55744~~

## ARTICLE 12

This Corporation may be dissolved in accordance with the laws of the State of Minnesota. Upon dissolution of this Corporation, any surplus property remaining after the payment of its debts shall be disposed of in the manner prescribed by this

        Corporation's Board of Directors or, in the alternative, by action of the Church Council of the Evangelical Lutheran Church in America; provided, however, that in all events such property shall be disposed of by transfer to one or more organizations organized and operated exclusively for charitable, religious and educational purposes, and exempt from tax under section 501 (c) (3) of the Internal Revenue code of 1986.

Notwithstanding any provision herein to the contrary, nothing herein shall be construed to effect the disposition of property and assets held by this Corporation upon trust or         other condition, or subject to an executory or special limitation, and such property,

upon dissolution of this Corporation, shall be transferred in accordance with the trust, condition or limitation imposed with respect to it.

~~IN WITNESS WHEREOF, the undersigned have hereunto  
subscribed their names on this \_\_\_\_\_ day of \_\_\_\_\_, 1988.~~

\_\_\_\_\_  
David L. Tiede, President

\_\_\_\_\_  
Donna J. Campbell, ARTICLE 12

~~These Amended Articles of Incorporation were adopted by the Board of Directors on [date] and approved by the Church Council of the Evangelical Lutheran Church in America on [date].~~

\_\_\_\_\_  
Chair, Board of Directors Secretary, Board of Directors

MGS:20200822v3

## **AMENDED ARTICLES OF INCORPORATION**

### **LUTHER SEMINARY**

#### **ARTICLE 1**

The name of this Corporation shall be: LUTHER SEMINARY.

#### **ARTICLE 2**

This Corporation, incorporated pursuant to the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Chapter 317A, was formed exclusively for charitable, religious and educational purposes, and in connection therewith, to establish and conduct a Lutheran theological seminary in the State of Minnesota, which shall provide theological education for those who are preparing for service as pastors, missionaries, teachers, and for other forms of lay or ordained ministry. Theological resources are also to be provided for those who seek theological continuing education.

The faith and life of this seminary shall be in harmony with the Confessional Commitments of the Evangelical Lutheran Church in America, or its successors, and this seminary shall be governed by policies defined by the member of this Corporation.

Within the framework and limitations of these purposes, this Corporation is organized and shall be operated exclusively for charitable, religious and educational purposes, and for those purposes, and not otherwise, this Corporation shall have only such powers as are required by and are consistent with its purposes, including the power to acquire and receive funds and property of every kind and nature whatsoever, whether by purchase, conveyance, lease, gift, grant, bequest, legacy or otherwise, and to own, hold, expand, make gifts, grants and contributions of, and to convey, transfer and dispose of any funds and property or the income therefrom for the furtherance of the purposes of this Corporation as hereinabove set forth, or any of them, and to lease, mortgage, encumber and use the same and such other powers as are consistent with the foregoing purposes and which are afforded to this Corporation by the Minnesota Nonprofit Corporation Act, and by any future laws amendatory thereof and supplementary thereto. All of the powers of this Corporation shall be exercised

only so that this Corporation's operations shall be exclusively within the contemplations of section 501 (c) (3) of the Internal Revenue Code of 1986.

### **ARTICLE 3**

This Corporation shall not afford pecuniary gain, incidentally or otherwise, to its members, and no part of the net income or net earnings of this Corporation shall inure to the benefit of any member, private shareholder or individual, except that this Corporation may pay reasonable compensation for services rendered to it. No substantial part of this Corporation's activities shall consist of carrying on propaganda or otherwise attempting to influence legislation. This Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

This Corporation shall not lend any of its assets to any officer, director or member of this Corporation or guarantee to any other person the payment of a loan made to an officer, director or member of this Corporation.

All references in these Articles of Incorporation to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future Internal Revenue Codes to the extent such provisions are applicable to this Corporation.

### **ARTICLE 4**

The period of duration of corporate existence of this Corporation shall be perpetual.

### **ARTICLE 5**

The registered office of this Corporation shall be located in the City of Saint Paul, State of Minnesota.

### **ARTICLE 6**

The management and direction of the business of this Corporation shall be vested in the Board of Directors. The number of Board members, terms of office, method of selection, powers, duties and authority of the directors of this Corporation, the time and place of their meetings, and such other regulations with respect to them as are not inconsistent with the

express provisions of these Articles of Incorporation shall be as specified from time to time in the Bylaws of this Corporation.

#### **ARTICLE 7**

An action, other than an action requiring approval of the member described in Article 8, may be taken by written action signed, or consented to by authenticated electronic communication, by the number of directors that would be required to take the same action at a meeting of the board at which all directors were present. The written action is effective when signed, or consented to by authenticated electronic communication, by the required number of directors, unless a different effective time is provided in the written action. When written action is permitted to be taken by less than all directors, all directors must be notified immediately of its text and effective date.

#### **ARTICLE 8**

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#### **ARTICLE 9**

This Corporation shall have no capital stock.

#### **ARTICLE 10**

These Articles of Incorporation may be amended from time to time in the manner prescribed by the law.

#### **ARTICLE 11**

This Corporation may be dissolved in accordance with the laws of the State of Minnesota. Upon dissolution of this Corporation, any surplus property remaining after the payment of its debts shall be disposed of in the manner prescribed by this Corporation's Board of Directors or, in the alternative, by action of the Church Council of the Evangelical Lutheran Church in America; provided, however, that in all events such property shall be disposed of by transfer to one or more organizations organized and operated exclusively for charitable,

religious and educational purposes, and exempt from tax under section 501 (c) (3) of the Internal Revenue code of 1986.

Notwithstanding any provision herein to the contrary, nothing herein shall be construed to effect the disposition of property and assets held by this Corporation upon trust or other condition, or subject to an executory or special limitation, and such property, upon dissolution of this Corporation, shall be transferred in accordance with the trust, condition or limitation imposed with respect to it.

#### **ARTICLE 12**

These Amended Articles of Incorporation were adopted by the Board of Directors on October 9, 2020, and approved by the Church Council of the Evangelical Lutheran Church in America on [date].

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Chair, Board of Directors

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Secretary, Board of Directors

MGS:20200822v3

**MISSION INVESTMENT FUND  
DEFERRED COMPENSATION PLAN**

**Effective January 1, 2021**

## MISSION INVESTMENT FUND DEFERRED COMPENSATION PLAN

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## **MISSION INVESTMENT FUND DEFERRED COMPENSATION PLAN**

### **RECITALS**

Effective as of January 1, 2021 (the “Effective Date”), the Evangelical Lutheran Church in America (the “ELCA”) hereby adopts this “Mission Investment Fund Deferred Compensation Plan” (the “Plan”) exclusively for the benefit of certain employees of the ELCA who provide services to the Mission Investment Fund of the ELCA (“MIF”). The ELCA is referred to herein as the “Plan Sponsor”.

The Plan is an unfunded nonqualified deferred compensation arrangement that is a church plan as described in Section 414(e) of the Internal Revenue Code of 1986, as amended (the “Code”) and Section 3(33) of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), and maintained by a church or church controlled organization under Code Section 3121(w)(3). Consequently, the Plan is exempt from Code Section 457. The Plan is intended to comply with Code Section 409A and guidance issued thereunder.

## Article I - DEFINITIONS

- 1.1 **Account.** The bookkeeping accounts established for each Participant as provided in Section 6.1 hereof. The maintenance of Accounts is for record keeping purposes only and does not require that any Participant's benefit be segregated from the benefits of other Participants or from the Employer's general assets. As of any date, the Account shall equal the sum of all Deferrals and Employer Contributions made on a Participant's behalf under the Plan and adjusted for investment performance, less any amount distributed to the Participant or withheld for taxes.
- 1.2 **Administrator.** The ELCA is the Administrator of the Plan. However, the ELCA, acting through its Board, has delegated authority over administration of this Plan to the Presiding Bishop. The Presiding Bishop will act on behalf of the ELCA as the Administrator of the Plan and to oversee the day-to-day administration of the Plan in accordance with such authority, except to the extent otherwise delegated as described herein.
- 1.3 **Base Salary.** An Eligible Participant's base salary rate or rates in effect at any time during a Plan Year, including any pretax elective deferrals from said Base Salary to any Employer-sponsored plan that includes amounts deferred under a qualified cash or deferred arrangement under Code Section 401(k) or 403(b) or cafeteria plan under Code Section 125.
- 1.4 **Beneficiary.** The person or entity designated by the Participant to receive any payments due to him that may be made following the Participant's death.
- 1.5 **Board.** The Church Council of the ELCA.
- 1.6 **Code.** The Internal Revenue Code of 1986, as amended.
- 1.7 **Committee.** With respect to the participation and any benefits under the Plan for the President/CEO, the Committee will be the Presiding Bishop. With respect to all other Participants, the Committee will be the President/CEO and any other individual designated as a member of the Committee by the Presiding Bishop.
- 1.8 **Compensation.** The Base Salary, Incentive Compensation, and any other compensation designated by the Administrator as eligible for deferral to the Plan.
- 1.9 **Deferrals.** The deferrals of Compensation by a Participant.
- 1.10 **Deferral Election.** The written agreement, submitted to the Committee, by which an Eligible Participant agrees to participate in the Plan and make Deferrals thereto.
- 1.11 **Disability.** A Participant will be considered Disabled or to have a Disability if the Participant is disabled and eligible for long-term disability benefits under the Employer's Long-Term Disability Plan, as from time to time then in effect.
- 1.12 **Effective Date.** The effective date of this Plan is January 1, 2021.

- 1.13 **Eligible Participant.** The President/CEO and any Employee of the Employer selected by the President/CEO (pursuant to Section 2.1) are eligible to participate in the Plan as an Eligible Participant who may make a Deferral Election and receive Employer Contributions under the Plan.
- 1.14 **Employee.** Any person employed by the Employer and who is providing services to MIF on a full-time basis.
- 1.15 **Employer.** The Evangelical Lutheran Church in America (the “ELCA”).
- 1.16 **Employer Contribution.** An amount equal to the difference between the employer contribution the Participant would have been allocated under the Employer’s qualified defined contribution plan for the Plan Year were it not for one or more limitations imposed under the Code and the actual amount allocated to the Participant under such plan for such Plan Year.
- 1.17 **ERISA.** The Employee Retirement Income Security Act of 1974, as amended.
- 1.18 **FICA.** The Federal Insurance Contributions Act.
- 1.19 **Incentive Compensation.** Awards issued to a Participant under the Mission Investment Fund Variable Pay Plan for plan years on or after January 1, 2021.
- 1.20 **Investment or Permitted Investment.** Each deemed investment which serves as a means to measure value, increases or decreases with respect to a Participant’s Accounts, which may be designated, from time to time, by the Committee in consultation with the Trustee.
- 1.21 **Participant.** An Eligible Participant who is a Participant as provided in Article II- and who has an Account balance under the Plan.
- 1.22 **Plan.** The Mission Investment Fund Deferred Compensation Plan.
- 1.23 **Plan Sponsor.** The ELCA.
- 1.24 **Plan Year.** The Plan Year is January 1<sup>st</sup> through December 31<sup>st</sup> of each calendar year.
- 1.25 **President/CEO.** The President/Chief Executive Officer of MIF.
- 1.26 **Presiding Bishop.** The Presiding Bishop of the ELCA.
- 1.27 **Separation from Service.** A termination of services provided by a Participant to the Employer, whether voluntarily or involuntarily, as determined by the Committee in accordance with Treasury Regulation Section 1.409A-1(h).
- 1.28 **Trust.** The trust agreement or agreements the Presiding Bishop may choose to adopt in her sole discretion, under which the assets of the Plan may be held, administered and managed. Participants will have no right or claim to Trust assets set aside to fund benefits under this Plan, and such trust assets will remain the general assets of the Employer.

- 1.29 **Trustee.** The entity or individual designated from time to time by the Presiding Bishop, to serve as trustee in accordance with the terms of the Plan.
- 1.30 **Unforeseeable Emergency.** A severe financial hardship to the Participant resulting from (i) an illness or accident of the Participant, the Participant's spouse, or a dependent of the Participant (as defined in Section 152(a) of the Code); (ii) loss of the Participant's property due to casualty; or (iii) other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant. Determination of whether a Participant has incurred an Unforeseeable Emergency will be made by the Committee, in accordance with the requirements of Section 409A of the Code and any guidance issued thereunder.
- 1.31 **Withholding Requirements.** The Employer's requirement to withhold the Participant's share of FICA taxes and other applicable taxes with respect to Deferrals and Employer Contributions as they vest and become subject to FICA taxes and other withholding requirements.

## Article II - PARTICIPATION

- 2.1 **Determination of Eligibility.** Only those Employees selected by the President/CEO are eligible to participate in the Plan. The President/CEO may determine that an Employee who was previously eligible may not continue eligibility under the Plan. A Participant who terminates employment and is subsequently re-employed (regardless of the length of his break in employment) will not be eligible to participate further in the Plan unless redesignated as a Participant by the President/CEO. The President/CEO may specify any Participant's eligibility to participate in the Plan.
- 2.2 **First Year of Eligibility.** Employees newly designated as eligible will begin participating in the Plan on the first day of the month beginning after being designated as eligible to participate.
- 2.3 **Notice of Eligibility.** Upon determining that an Employee is eligible to participate in the Plan, the Committee will provide the Employee with (a) a notice of the Employee's eligibility to participate; (b) a copy of the Plan; and (c) an opportunity to enter into a Deferral Election. Such notice and Deferral Election opportunity may be given at such time and in such manner as the Committee may determine. No Employee will be required to enter into a Deferral Election under the Plan.
- 2.4 **Termination of Eligibility.**
- (a) In the event an Eligible Participant incurs a Separation from Service, dies, or becomes Disabled, the Eligible Participant's participation in the Plan will terminate on the date of such event for purposes of future Deferrals and Employer Contributions and any amounts payable from the Eligible Participant's Account will be paid pursuant to the terms of the Plan and any elections made by such Eligible Participant.

- (b) In the event the President/CEO determines that a previously Eligible Participant may not continue eligibility under the Plan for reasons other than Separation from Service, death, or Disability, the termination of eligibility will occur as of the last day of the Plan Year in which the determination is made. Upon such a determination, the Committee will provide the Employee with a notice of termination of eligibility under the Plan for purposes of future Deferrals and Employer Contributions. Such notice will not impact the date(s) of payment of the Participant's vested Account pursuant to the terms of the Plan and any elections made by the previously Eligible Participant.

### **Article III - Participant Deferral Contributions**

#### **3.1 Deferral of Compensation.**

- (a) The Employer will credit to the Participant's Account an amount equal to the amount designated as the Participant's Deferral for that Plan Year as indicated in the Participant's Deferral Election as such amount is withheld from the Participant's Compensation. Such amounts will not be made available to such Participant, except as provided in Article VIII -, and any such Participant Deferrals will reduce such Participant's Compensation in accordance with the provisions of the applicable Deferral Election; provided, however, that all such amounts will be subject to the rights of the general creditors of the Employer as provided in Article IX -.
- (b) Each Eligible Participant will deliver a Deferral Election to the Employer before any Participant Deferrals can become effective. Such Deferral Election will be applicable only to the Compensation for services rendered in the calendar year following the calendar year in which such Deferral Election is made; provided, however, that in the year in which an Employee is first eligible to participate, such Deferral Election can be filed within thirty (30) days of the date on which an Employee is first eligible to participate, but only applicable with respect to Base Salary received for services rendered during the remainder of the calendar year.
- (c) The Deferral Election will, subject to the limitations set forth in this Section 3.1, designate the amount of the Compensation to be deferred by the Participant. A Participant may make separate Deferral Elections as to Base Salary, Incentive Compensation, and any other Compensation designated by the Administrator as eligible for deferral to the Plan. Upon making an initial Deferral Election, the Participant must also make an election regarding the time and form of payment of all amounts deferred under the Plan, in accordance with Section 7.2.

- 3.2 Modifications.** A Deferral Election relating to a Plan Year may not be modified or revoked once such Plan Year has commenced. Notwithstanding the foregoing, in the event a Participant receives a distribution from the Plan due to an Unforeseeable Emergency, the Participant's Deferral Election will be cancelled as soon as administratively feasible following approval of the distribution by the Committee.

- 3.3 **Time of Contributions of Participant Deferrals.** Deferrals will be transferred to the Trust as soon as administratively feasible. The Employer will also transmit at that time any necessary instructions regarding the allocation of such amounts among the Accounts of Participants.
- 3.4 **Form of Contributions of Deferrals.** All Deferrals to the Trust will be made in such form as is acceptable to the Trustee.
- 3.5 **Minimum Deferrals.** The Committee may, from time to time, establish minimum Deferrals for Participants.

#### **Article IV - EMPLOYER CONTRIBUTIONS**

- 4.1 **Amount of Employer Contributions.** For each Plan Year in which the Participant is an Eligible Participant, an Employer Contribution shall be credited to the Participant's Account in the form of a book entry in the Participant's name.
- 4.2 **Crediting of Employer Contributions.** Employer Contributions shall be credited to the Participant's Account on behalf of the Participant as soon as administratively practicable following December 31 of each Plan Year.

#### **Article V - VESTING**

- 5.1 **Vesting of Deferrals.** A Participant will have a 100% vested right to the portion of his or her Account representing Deferrals and any earnings on the deemed investment of such Deferrals.
- 5.2 **Vesting of Employer Contributions.** Employer Contributions and any related earnings credited to a Participant's Account shall become vested in accordance with the same schedule applicable to employer contributions under the Employer's qualified defined contribution plan. Notwithstanding the foregoing, any portion of a Participant's Account that is unvested at the time of the Participant's termination of employment for any reason shall be immediately forfeited.
- 5.3 **Loans.** No Participant may borrow any portion of his Account nor pledge any portion of his Account or the assets thereof to secure any loan or other indebtedness.

#### **Article VI - ACCOUNTS**

- 6.1 **Bookkeeping Accounts.** The Committee will maintain an Account for each Participant.
- 6.2 **Hypothetical Investment of Accounts.**
- (a) The Committee will from time to time select, add, and/or delete Permitted Investments for purposes of the hypothetical investment of Participants' Accounts. For purposes of crediting allocable earnings and losses and valuation of each Participant's Accounts, each Participant's Accounts will be deemed to be invested in the Permitted Investments designated by the Participant. Permitted Investments

may be limited by the Committee to investments that are consistent with or approved under the investment policy established by the Committee. Those limitations may include restricting investment alternatives to designated pooled funds available from one or more investment managers selected by the Committee from time to time or prohibiting investments in certain industries.

- (b) Each Participant will designate, in accordance with the procedures established from time to time by the Committee, the manner in which the amounts credited to his or her Accounts will be deemed to be invested from among the Permitted Investments. Such Participant may designate one Permitted Investment for the hypothetical investment of all the amounts credited to such Accounts, or he may allocate the hypothetical investment of the amounts credited to such Accounts among such Permitted Investments in such increments as the Committee may prescribe. Neither the Committee, the Trustee, nor the Employer will have any duty to advise the Participant on the suitability of any Permitted Investment.
- (c) The Committee will advise Participants of the limitations on investment alternatives that apply at any time. For such purpose, the Committee may cause the Plan to enter into an agreement with one or more persons or entities to make Permitted Investments available to Participants. Any provision of such agreement which is contrary to the terms of this Plan will control over the Plan and, to the extent necessary, will be considered an amendment of the Plan.
- (d) The Committee may limit the number of times that a Participant may request a change in the hypothetical investment of his Account during any Plan Year. The Committee may also require that a minimum amount or minimum percentage of the Participant's Account be invested in any Permitted Investment requested by the Participant.
- (e) The Committee may establish such additional rules and procedures as it deems appropriate to facilitate the investment of Accounts.

## **Article VII - DISTRIBUTIONS**

### **7.1 Payment of Account.**

- (a) A Participant will receive a distribution of his/her vested Account upon the occurrence of the following events:
  - (i) the Participant's Separation from Service with the Employer whether voluntary or involuntary (including death or Disability); or
  - (ii) the occurrence of an "Unforeseeable Emergency".
- (b) Payment in the case of an Unforeseeable Emergency may not be made to the extent that such emergency is or may be relieved (i) through reimbursement or compensation by insurance or otherwise, (ii) by liquidation of the Participant's assets, to the extent the liquidation of such assets would not itself cause severe

financial hardship, or (iii) by cancellation of Deferrals under the Plan. The determination of whether an Unforeseeable Emergency exists will be made by the Committee in its discretion. Withdrawals of amounts because of an Unforeseeable Emergency will be permitted only to the extent reasonably needed to satisfy the emergency need (including any federal, state, or local income taxes or penalties reasonably anticipated to result from the distribution) and will be made in a lump sum as soon as reasonably practicable following the Committee's determination that an Unforeseeable Emergency exists.

- (c) If a Participant incurs an Unforeseeable Emergency, but the Committee determines that such emergency can be relieved through the cancellation of Deferrals, the Committee will not authorize a withdrawal of the Participant's Account but will cancel all remaining Deferrals through the end of the current Plan Year. Following the cancellation, a Participant may resume Deferrals at a subsequent enrollment date by executing a new Deferral Election and delivering it to the Committee.

**7.2 Distribution Elections.** An election as to the date on which distribution is to be made or commence following Separation from Service and the form of payment will be made by the Participant at the time of the Participant's initial enrollment and may be modified only as provided in Section 7.5. The commencement of distribution and form of payment elected by the Participant pursuant to this Section 7.2 will be effective as to the Participant's entire Account.

**7.3 Default Time of Commencement of Benefits.** Subject to Section 7.5 below, and unless otherwise elected under Section 7.2, distribution of benefits from the Participant's vested Account to a Participant will commence sixty (60) days after the date on which the Participant incurs a Separation from Service with the Employer.

**7.4 Form of Payment.**

- (a) The Participant's vested Account will be payable in one of the following forms: (i) in a lump sum payment; or (ii) in annual installments over a period of up to five (5) years (as elected by the Participant). For purposes of Treasury Regulation Section 1.409A-2(b)(2)(iii) and this Article, an election for distribution in the form of installment payments will be treated as a separate election as to each payment.
- (b) The Participant's vested Account will be distributed in the form previously elected by the Participant. If the Participant fails to timely elect the form in which his or her benefit is to be distributed, distribution will be in the form of one lump sum.

**7.5 Modifications to Distribution Elections.** A Participant may amend his or her previously-made distribution election regarding his vested Account; provided, that any such amendment:

- (a) may not take effect until at least twelve (12) months after such amendment to the election is made;

- (b) except in the case of a distribution due to Disability, or the death of the Participant, must extend the period of deferral for the first payment for which such amendment is made for a period of no less than five (5) years; and
- (c) may not permit acceleration of the time or schedule of any payment under the Plan, except as may be permitted by applicable Treasury Regulations.

#### 7.6 **Designation of Death Beneficiaries.**

- (a) Each Participant may designate, upon forms to be furnished by and filed with the Committee, one or more primary Beneficiaries and one or more alternative Beneficiaries to receive all or a specified part of such Participant's vested Account in the event of such Participant's death. The Participant may by similar action change or revoke any such designation from time to time without notice to or consent from any Beneficiary (including a spouse Beneficiary). No such designation, change or revocation will be effective unless executed by the Participant and received by the Committee during the Participant's lifetime. The last such designation on file with the Committee will be controlling.
- (b) If a Participant fails to designate a Beneficiary, designates a Beneficiary and thereafter revokes such designation without designating another Beneficiary, or designates one or more Beneficiaries who do not survive the Participant, the portion of the Participant's Account as to which such Participant's designation fails will be payable to the Participant's surviving spouse, or, if no spouse survives the Participant, then to the Participant's estate.
- (c) If the Participant designates as a Beneficiary the person who is the Participant's spouse on the date of the designation, either by name or by relationship or both, and thereafter the marriage between the Participant and such person is dissolved, annulled or otherwise legally terminated prior to the Participant's death, then such person will be deemed to have predeceased the Participant. If the Participant designates such person as a Beneficiary on a form executed by the Participant and received by the Committee after the date of the legal termination of the marriage between the Participant and such person, and during the Participant's lifetime, then such person will not be deemed to have predeceased the Participant (unless such person will have in fact predeceased the Participant).
- (d) If a Participant designates more than one person as a Beneficiary, the Participant's Account (or the remainder thereof) will be paid equally and contemporaneously to all such Beneficiaries unless the Participant has designated that the Account is to be divided otherwise than equally or that the designation of one or more of such Beneficiaries is contingent on the death of one or more other Beneficiaries.
- (e) The Beneficiaries designated by the Participant, or in the absence thereof, the default Beneficiaries specified in paragraph (b), will become fixed at the time of the Participant's death. If a Beneficiary survives the Participant but dies before the

receipt of all payments due such Beneficiary hereunder, such remaining payments will be payable to the representative of such Beneficiary's estate.

- (f) Any person designated as a Beneficiary either expressly by the Participant or by default hereunder, may disclaim such benefit by providing to the Committee a written instrument satisfactory to it not later than the earlier of (i) the date the Participant's benefit becomes distributable to the Beneficiary or (ii) six (6) months following the Participant's death. In such event, the designated Beneficiary will be treated as though he had predeceased the Participant.

### **Article VIII - Funding**

- 8.1 **Unfunded Status of the Plan.** Benefits payable under this Plan may be paid from the assets set aside in a Trust to assist the Employer with meeting its obligations hereunder; provided, however, no person entitled to payment under this Plan will have any claim, right, priority, security interest, or other interest in any trust, fund, account, or other asset of the Employer that may be looked to for such payment. The amounts so deposited in Trust will remain the general assets of the Employer. It is the express intention of the parties hereto that this arrangement will be unfunded for tax purposes.
- 8.2 **Withholding.** The Committee is authorized to make any and all necessary arrangements with the Employer in order to withhold the Deferrals under Section 3.1 hereof from his or her Compensation. The Committee will determine the amount and timing of such withholding but in all events any amounts must be withheld prior to the date of which such Compensation is otherwise payable or paid to the Participant.
- 8.3 **Taxes.** The Employer will withhold from that portion of a Participant's Compensation, such Participant's share of taxes under the Federal Insurance Contributions Act ("FICA") and other applicable taxes that are required to be withheld with respect to Deferrals and Employer Contributions as they vest and become subject to FICA taxes and other withholding requirements (collectively, "Withholding Requirements"). To the extent that there is insufficient remaining Compensation otherwise due to the Participant to satisfy all applicable Withholding Requirements as they come due, the Employer reserves the right to reduce such Deferrals to the extent necessary to satisfy such Withholding Requirements. In the event there is insufficient compensation to satisfy all applicable Withholding Requirements as they come due, even after reducing a Participant's Deferrals, such Participant will be obligated to remit payment to the Employer, in such form as is acceptable to the Employer, sufficient to satisfy any remaining Withholding Requirements.

### **Article IX - Claims Administration**

- 9.1 **General.** In the event that a Participant or his or her Beneficiary does not receive any Plan benefit that is claimed, such Participant or Beneficiary will be entitled to consideration and review as provided in this Article.
- 9.2 **Claim Review.** A Participant must submit a written claim for benefits to the Committee. Upon receipt of any written claim for benefits, the Committee will give due consideration to the claim presented. If such claim for benefits is wholly or partially denied, the

Committee will notify the claimant of the denial of the claim within a reasonable period of time, but no later than ninety (90) days after receipt of the written claim, unless special circumstances require an extension of time for processing the claim. In such event, written notice of the extension will be furnished to the claimant prior to the end of the ninety (90) day period and will indicate the special circumstances requiring the extension and the date by which a final decision is expected. In no event will the extension period exceed ninety (90) days from the end of the initial ninety (90) day period. The notice of denial: (i) will be in writing; (ii) will be written in a manner calculated to be understood by the claimant; and (iii) will contain:

- (a) the specific reason or reasons for denial of the claim;
- (b) a specific reference to the pertinent Plan provisions upon which the denial is based;
- (c) a description of any additional material or information necessary for the claimant to perfect the claim; and
- (d) an explanation of the Plan's claims review procedure.

9.3 **Right of Appeal.** A claimant who has a claim denied under Section 9.2 may appeal to the Committee for reconsideration of that claim. A claimant must file a written request for reconsideration under this section within sixty (60) days after receipt by the claimant of the notice of denial under Section 9.2. An appeal must (i) request a review of the claim for benefits under the Plan, (ii) set forth all of the grounds upon which the claimant's request for review is based and any facts in support thereof, and (iii) set forth any issues or comments which the claimant deems pertinent to the appeal. If a timely appeal is not submitted, the Committee's initial determination will be final. In connection with the claimant's appeal of the denial of his or her benefit, the claimant may review pertinent documents (other than legally privileged documents) and may submit issues and comments in writing.

9.4 **Review of Appeal.** Upon receipt of an appeal, the Committee will promptly take action to make a full and fair review of each appeal and any written materials submitted in connection with the appeal. The Committee will act upon each appeal within sixty (60) days after receipt thereof unless special circumstances require an extension of the time for processing, in which case a decision will be rendered as soon as possible but not later than one hundred twenty (120) days after the appeal is received. Such consideration may include a hearing of the parties involved, if the Committee feels such a hearing is necessary. The claimant will be given the opportunity to review documents or materials (other than legally privileged documents or materials) relevant to the benefit claim upon submission of a written request to the Committee, provided the Committee finds the requested documents or materials are relevant to the benefit claim. On the basis of its review, the Committee will make an independent determination of the claimant's eligibility for benefits under the Plan. The decision of the Committee on any claim for benefits will be final and conclusive upon all parties thereto. In the event the Committee denies an appeal in whole or in part, it will give written notice of the decision to the claimant, which notice will set forth in a manner calculated to be understood by the claimant the specific reasons

for such denial and which will make specific reference to the pertinent Plan provisions on which the decision was based.

- 9.5 **Designation.** The Committee may designate one or more of its members or any other person of its choosing to make any determination required under this Article.

## Article X - General Provisions

### 10.1 **Committee.**

- (a) The Administrator has appointed the Committee to act for and on behalf of the Administrator with respect to the administration and operation of the Plan. The Board will have the authority to review all actions taken by the Committee and to appoint and remove the members of the Committee. Any action taken on any matter within the discretion of the Committee will be final, conclusive and binding on all parties. All decisions of the Committee that involve the exercise of discretion will be made upon the basis of uniform principles established in this Plan and in such manner as to avoid any discrimination among Participants.
- (b) The Plan will be administered by the Committee. The Committee will conduct business and take action in accordance with its procedures. The Committee, in its sole discretion, may delegate day-to-day administration of the Plan to a third-party administrator.
- (c) Records of the Committee will be subject to the inspection of the Plan Sponsor and of any Participant or Beneficiary, but only to the extent that the records apply to him or her.

- 10.2 **No Assignment.** Benefits or payments under this Plan will not be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, attachment, or garnishment by creditors of the Participant or the Participant's Beneficiary, whether voluntary or involuntary, and any attempt to so anticipate, alienate, sell, transfer, assign, pledge, encumber, attach or garnish the same will not be valid, nor will any such benefit or payment be in any way liable for or subject to the debts, contracts, liabilities, engagement or torts of any Participant or Beneficiary, or any other person entitled to such benefit or payment pursuant to the terms of this Plan, except to such extent as may be required by law. If any Participant or Beneficiary or any other person entitled to a benefit or payment pursuant to the terms of this Plan becomes bankrupt or attempts to anticipate, alienate, sell, transfer, assign, pledge, encumber, attach or garnish any benefit or payment under this Plan, in whole or in part, or if any attempt is made to subject any such benefit or payment, in whole or in part, to the debts, contracts, liabilities, engagements or torts of the Participant or Beneficiary or any other person entitled to any such benefit or payment pursuant to the terms of this Plan, then such benefit or payment, in the discretion of the Committee, will cease and terminate with respect to such Participant or Beneficiary, or any other such person.

- 10.3 **No Employment Rights.** Participation in this Plan will not be construed to confer upon any Participant the legal right to be retained in the employ of the Employer, or give a

Participant or Beneficiary, or any other person, any right to any payment whatsoever, except to the extent of the benefits provided for hereunder. Each Participant will remain subject to discharge to the same extent as if this Plan had never been adopted.

- 10.4 **Incompetence.** If the Committee determines that any person to whom a benefit is payable under this Plan is incompetent by reason of physical or mental disability, the Committee will have the power to cause the payments becoming due to such person to be made to another for his or her benefit without responsibility of the Committee or the Employer to see to the application of such payments. Any payment made pursuant to such power will, as to such payment, operate as a complete discharge of the Employer, the Committee and the Trustee.
- 10.5 **Identity.** If, at any time, any doubt exists as to the identity of any person entitled to any payment hereunder or the amount or time of such payment, the Committee will be entitled to hold such sum until such identity or amount or time is determined or until an order of a court of competent jurisdiction is obtained. The Committee will also be entitled to pay such sum into court in accordance with the appropriate rules of law. Any expenses incurred by the Employer, Committee, and Trust incident to such proceeding or litigation will be charged against the Account of the affected Participant.
- 10.6 **Other Benefits.** The benefits of each Participant or Beneficiary hereunder will be in addition to any benefits paid or payable to or on account of the Participant or Beneficiary under any other pension, disability, annuity or retirement plan or policy whatsoever.
- 10.7 **Expenses.** All expenses incurred in the administration of the Plan, whether incurred by the Employer or the Plan, will be paid by the Employer. Notwithstanding the foregoing, fees incurred as a result of investment activity in an individual Account will be assessed against such Account if such Account is maintained on behalf of a former Participant.
- 10.8 **Insolvency.** Should the Employer be considered insolvent (as defined by the Trust), the Employer, through the President/CEO, will give immediate written notice of such to the Presiding Bishop and the Trustee. Upon receipt of such notice, the Presiding Bishop or Trustee will comply with the applicable terms of the Trust.
- 10.9 **Amendment and Termination.**
- (a) Except as otherwise provided in this Section, the Plan Sponsor will have the sole authority to modify, amend or terminate the Plan; provided, however, that any modification or termination of this Plan will not reduce, without the consent of a Participant, a Participant's right to any vested amounts already credited to his or her Account. Following such Plan termination, payment of such credited amounts will be made at such times as provided in this subsection (a). Distributions upon Plan termination will in all events comply with guidance issued under Code Section 409A.

The Plan Sponsor may terminate the Plan at the discretion of the Plan Sponsor, provided that all of the following requirements are satisfied:

- (i) The termination does not occur proximate to a downturn in the financial health of the Plan Sponsor or an Employer;
- (ii) All arrangements sponsored by the Plan Sponsor that would be aggregated with any terminated arrangement under Treasury Regulation Section 1.409A-1(c) if the same Participant participated in all of the arrangements are terminated;
- (iii) No payments other than payments that would be payable under the terms of the arrangements if the termination had not occurred are made within twelve (12) months of the termination of the arrangements;
- (iv) All payments are made within twenty-four (24) months of the termination of the arrangements; and
- (v) The Plan Sponsor does not adopt a new arrangement that would be aggregated with any terminated arrangement under Treasury Regulation Section 1.409A-1(c) if the same Participant participated in both arrangements, at any time within three (3) years following the date of termination of the arrangement.

The Plan Sponsor can also terminate the Plan pursuant to such other events and conditions as the Commissioner of Internal Revenue may prescribe in generally applicable guidance published in the Internal Revenue Bulletin.

- (b) A Participant will have a right to the vested portion of his or her Account in the event of the termination of the Plan.

10.10 **Determinations.** Any determinations, actions or decisions of the Plan Sponsor will be made by the Presiding Bishop on behalf of the ELCA in accordance with its established procedures or by the Committee, to the extent it has been properly delegated by the Administrator to make such determination or decision. Notwithstanding the foregoing, decisions regarding Plan amendments or Plan termination must be made by the Board; provided, that, a Plan amendment that does not result in a material change in coverage, benefits, or costs and (i) is of an administrative or technical nature; or (ii) is deemed by the Presiding Bishop to be necessary or desirable in order to comply with legal requirements, including requirements of the Code, may be adopted by the Presiding Bishop on behalf of the ELCA in accordance with the Board's delegation of authority.

10.11 **Construction.** All questions of interpretation, construction or application arising under or concerning the terms of this Plan will be decided by the Committee, in its sole and final discretion, whose decision will be final, binding and conclusive upon all persons.

10.12 **Governing Law.** This Plan will be governed by, construed and administered in accordance with the applicable provisions of Code Section 409A, and any other applicable federal law and any applicable guidance issued under any such law, provided, however, that to the extent not preempted by federal law, this Plan will be governed by, construed and

administered under the laws of the State of Minnesota, other than its laws respecting choice of law.

- 10.13 **Severability.** If any provision of this Plan is held invalid or unenforceable, its invalidity or unenforceability will not affect any other provision of this Plan and this Plan will be construed and enforced as if such provision had not been included therein.
- 10.14 **Headings.** The Article headings contained herein are inserted only as a matter of convenience and for reference and in no way define, limit, enlarge or describe the scope or intent of this Plan nor in any way will they affect this Plan or the construction of any provision thereof.
- 10.15 **Entire Agreement.** This instrument contains the entire terms of the Plan and supersedes any prior understandings or written documents which have heretofore set forth the terms of the Plan and/or any oral agreements between the Employer and any of the Participants respecting the within subject matter. No modification, amendment, change, or discharge of any term or provision of this Plan will be valid or binding unless the same is in writing and signed by a duly authorized officer of the Employer.
- 10.16 **Terms.** Capitalized terms will have meanings as defined herein. Singular nouns will be read as plural, masculine pronouns will be read as feminine, and vice versa, as appropriate.
- 10.17 **Compliance with Internal Revenue Code.** This Plan is intended to be a nonqualified deferred compensation plan within the definition of Code Section 409A, and is intended to meet all the requirements of that and any other applicable Code sections. The Plan may be amended to ensure compliance with such laws.

**IN WITNESS WHEREOF**, the ELCA has caused this Plan to be executed in its name and on its behalf this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**THE EVANGELICAL LUTHERAN CHURCH  
IN AMERICA**

By: \_\_\_\_\_  
Elizabeth Eaton, Presiding Bishop

**MISSION INVESTMENT FUND  
SUPPLEMENTAL EXECUTIVE RETIREMENT PLAN**

This Supplemental Executive Retirement Plan (the “Plan”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the Evangelical Lutheran Church in America (the “Church”).

RECITALS

Effective as of January 1, 2021 (the “Effective Date”), the Evangelical Lutheran Church in America (the “Church”) hereby adopts this Mission Investment Fund Supplemental Executive Retirement Plan (the “Plan”) exclusively for the benefit of certain employees of the Church who provide services to the Mission Investment Fund of the Evangelical Lutheran Church in America (“MIF”).

The terms of this Plan are intended to exempt from Section 457(f) of the Internal Revenue Code of 1986, as amended (the “Code”), pursuant to Code Section 457(e)(11). The benefits provided under the terms of this Plan are intended to constitute a short- term deferral, within the meaning of Subsection (b)(4) of Treasury Regulation Section 1.409A-1. The Plan is intended to be an unfunded arrangement maintained by the Church for members of a select group of management or highly compensated employees, as set forth in Department of Labor Regulations Section 2520.104-23, performing services for the MIF.

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## **SECTION 1** **DEFINITIONS**

Whenever used in the Plan, the following terms shall have the meanings set forth below and, when such meaning is intended, the initial letter of the word is capitalized. Capitalized words which are not defined herein have the meaning set forth in the Participant's Participation Agreement.

1.1 "Accrued Benefit" means the benefit to which the Participant is entitled at any given time and which is defined in the Participant's Participation Agreement.

1.2 "Administrator" The Church is the Administrator of the Plan. However, the Church, acting through its Church Council, has delegated authority over administration of this Plan to the Presiding Bishop. The Presiding Bishop will act on behalf of the Church as the Administrator of the Plan and to oversee the day-to-day administration of the Plan in accordance with such authority, except to the extent otherwise delegated as described herein.

1.3 "Base Salary" means the annual base compensation payable to the Participant by the Church for the calendar year of death or Separation from Service, as applicable. Base Salary shall be determined before any reduction for deferrals or contributions by the Participant with respect to any Church sponsored benefit plan (including any qualified retirement plan or cafeteria plan).

1.4 "Beneficiary" means the person the Participant has designated in the most recent designation filed with the MIF; provided, that if no designated person is alive and no successor Beneficiary has been designated and is alive, the term "Beneficiary" shall mean (a) the spouse of the deceased Participant; (b) if no spouse is alive, the surviving children of the deceased Participant; or (c) if no children are alive, the legal representative of the deceased Participant's estate.

1.5 "Benefit Payment Date" has the meaning set forth in the Participant's Participation Agreement.

1.6 "Change in Control" has the meaning set forth in the Participant's Participation Agreement.

1.7 "Church" means the Evangelical Lutheran Church in America.

1.8 "Committee" With respect to the participation and any benefits under the Plan for the President/CEO of the MIF, the Committee will be the Presiding Bishop. With respect to all other Participants, the Committee will be the President/CEO of the MIF and any other individual designated as a member of the Committee by the Presiding Bishop.

1.9 "Deemed Account" means the bookkeeping account maintained on behalf of the Participant which reflects the sum of amounts credited pursuant to Section 2 of this Plan, as reduced by any payments previously made to the Participant or the Participant's Beneficiary under this Plan (except that in no event shall any offset to an Accrued Benefit for prior distributions under this Plan serve to duplicate any reduction already reflected in the Deemed Account for such prior distributions).

1.10 "Deemed Earnings" means the amount, determined in the discretion of the Committee, which is credited from time to time to the Participant's Deemed Account. If the value of the Participant's Deemed Account is used by the Committee in its discretion to purchase an investment, the Committee may take the deemed earnings and losses on such investment into consideration in determining "Deemed

Earnings.” If the amount credited is not attributable to an actual investment, “Deemed Earnings” shall not exceed a reasonable rate of interest, determined in accordance with Treasury Regulation Section 31.3121(v)(2)-1(d)(2)(i)(C).

1.11 “Disability” and “Disabled” A Participant will be considered Disabled or to have a Disability if the Participant is disabled and eligible for long-term disability benefits under the Employer’s Long-Term Disability Plan, as from time to time in effect.

1.12 “Final Benefit Payment Date” has the meaning set forth in the Participant’s Participation Agreement.

1.13 “For Cause” means the Participant: (a) fails to materially perform the duties assigned to the Participant; (b) engages in conduct that materially impairs the interests of the MIF; (c) materially breaches the terms of any employment agreement between the Participant and the Church or the MIF; (d) commits a felony of any nature, commits any crime acting in the Participant’s capacity as an officer of the MIF, or commits any crime that reflects adversely on the Church or the MIF; (e) fails to adhere to any written policies of the Church or the MIF of which the Participant has reasonable notice; (f) engages in a material act of dishonesty, disloyalty, or fraud with respect to the MIF, auditors, or any of the MIF vendors, contributors, beneficiaries, or employees; (g) grossly mismanages the financial concerns of the MIF; (h) is determined to have caused damage to the Church or the MIF as a result of the Participant’s actions or reputation in the community; (i) loses any required bond; or (j) engages in conduct which is in violation of the Participant’s common law duty of loyalty or other fiduciary duty to the Church or the MIF. Whether an event constituting “For Cause” exists shall be determined in the discretion of the Administrator.

1.14 “Good Reason” means the Participant’s Separation from Service following the initial existence of one or more of the following conditions arising without the Participant’s consent:

- (a) a material diminution in the Participant’s base compensation;
- (b) a material diminution in the Participant’s authority, duties, or responsibilities;
- (c) a material diminution in the authority, duties, or responsibilities of the supervisor to whom the Participant is required to report or, for a Participant who reports jointly to the Board of Trustees of the MIF and the Presiding Bishop, a requirement that the Participant report to another employee instead of reporting directly to the Board of Trustees of the MIF or the Presiding Bishop;
- (d) a material diminution in the percentage of the budget over which the Participant retains authority; or
- (e) a material change in the geographic location at which the Participant must perform services.

Within 60 days following the initial existence of a condition described in (a) through (e) above, the Participant must provide written notice to the Church of the existence of the condition, and the Church must fail to remedy the condition within 30 days of receipt of such notice (or, if such condition is not susceptible to cure within such 30-day period, the Church has not taken all reasonable steps to cure the condition). Within 30 days of the end of the 30-day cure period, the Participant must Separate from Service with the Church. If the Participant does not Separate from Service with the Church within such 30-day period, the Participant will not have incurred a Separation from Service for Good Reason.

1.15 “Highest Average Total Compensation” means the annual average of the compensation paid to the Participant by the Church during the Participant’s five (5) consecutive calendar years of employment (or, if less than five, the number of consecutive years during any part of which the Participant was employed) with the Church during which the Participant’s annual compensation was the greatest. For purposes of this Plan, “compensation” shall include any minister’s housing allowance described in Section 107 of the Code and shall exclude benefits, expenses, amounts paid under this Plan, any reportable portion of the Participant’s car allowance, and payments for unused paid time off, and shall be determined before any reduction for deferrals or contributions by the Participant with respect to any Church or MIF sponsored benefit plan (including any qualified retirement plan or cafeteria plan).

1.16 “Life Expectancy Table” means the life expectancy table used by the Social Security Administration to calculate an individual’s life expectancy pursuant to the calculator located at [ssa.gov/OACT/population/longevity.html](http://ssa.gov/OACT/population/longevity.html) at the time the Participant’s Accrued Benefit becomes payable, or, if the calculator is not in existence at the time the Participant’s Accrued Benefit becomes payable, the life expectancy table used by the Social Security Administration to determine projected life expectancies at the time the Participant’s Accrued Benefit becomes payable.

1.17 “MIF” means the Mission Investment Fund of the Church.

1.18 “Offsets” shall mean:

(a) any payments previously made or otherwise payable to the Participant or the Participant’s Beneficiary under this Plan,

(b) the Participant’s vested account balance attributable to contributions by the Church or the MIF (excluding any contributions made on behalf of the Participant based on the Participant’s election to defer a portion of the Participant’s compensation) under any tax-qualified or non-tax-qualified deferred compensation arrangement (other than this Plan) sponsored by the Church or the MIF, including, but not limited to, any 401(k) or 403(b) plan, and the present value at the interest rate and the mortality table used in any tax-qualified or non-tax-qualified defined benefit retirement plan (as applicable) sponsored by the Church or the MIF for calculating lump sum distributions of any vested accrued benefit under the plan (all such plans collectively referred to as the “Deferred Compensation Arrangements”),

(c) any distributions previously paid to the Participant under the Deferred Compensation Arrangements which are attributable to contributions by the Church or the MIF (excluding any contributions made on behalf of the Participant based on the Participant’s election to defer a portion of the Participant’s compensation), and

(d) the Participant’s Projected Social Security Benefit, assuming commencement at Social Security Retirement Age and no further cost of living adjustments beyond Social Security Retirement Age.

All Offsets (other than the Projected Social Security Benefit) will be determined as of the date the Accrued Benefit becomes payable.

1.19 “Participant” means members of a select group of management or highly compensated Church employees, as set forth in Department of Labor Regulations Section 2520.104-23, performing services for the MIF, designated as eligible to participate in the Plan and notified of selection by receiving a Participation Agreement, including the President and CEO of MIF and any other Church employee performing services for MIF selected by the President and CEO of MIF that meet the Department of

Labor Regulations criteria.

1.20 “Participation Agreement” means the written agreement evidencing the Participant’s participation in the Plan. Participation Agreements shall, in the discretion of the Administrator, contain terms and conditions consistent with the terms and conditions of the Plan.

1.21 “Plan” means this Supplemental Executive Retirement Plan, as may be amended from time to time.

1.22 “Projected Social Security Benefit” means the product of:

(a) (i) the Participant’s projected monthly Social Security benefit determined pursuant to the “Social Security Quick Calculator” (expressed in future (inflated) dollars at the Participant’s Social Security Retirement Age) located at <http://ssa.gov/OACT/quickcalc/>, or, if that website is not in existence at the time that the Participant’s Accrued Benefit becomes payable, the Participant’s projected monthly Social Security benefit as determined by the Social Security Administration at the time the Participant’s Accrued Benefit becomes payable (expressed in future (inflated) dollars at the Participant’s Social Security Retirement Age), multiplied by

(ii) 12, multiplied by

(b) the Participant’s additional projected life expectancy (in years and fractions thereof) at Social Security Retirement Age pursuant to the Life Expectancy Table.

1.23 “Separation from Service” or “Separate from Service” means separation of the Participant from the service of the Church within the meaning of Treasury Regulation Section 1.409A-1(h).

1.24 “Social Security Retirement Age” means the age upon which the Participant becomes entitled to begin receiving full (normal) Social Security retirement benefits pursuant to the “Retirement Planner Chart” located at <https://www.ssa.gov/planners/retire/agereduction.html> at the time the Participant’s Accrued Benefit becomes payable, or, if the Retirement Planner Chart is not in existence at the time the Participant’s Accrued Benefit becomes payable, the Social Security Act and applicable federal regulations.

## **SECTION 2**

### **CREDITING OF DEEMED ACCOUNT**

2.1 The Participant’s Deemed Account shall be credited with a principal amount as set forth in the Participation Agreement.

2.2 The Participant’s Deemed Account shall be credited with Deemed Earnings as may be determined from time to time in the discretion of the Committee.

## **SECTION 3**

### **FORFEITURE OF ACCRUED BENEFIT**

3.1 In the event the Participant Separates from Service with the Church for any reason other than death, Disability, or an event described in Section 4.2 or 4.3 of this Plan prior to a Benefit Payment

Date, the Participant's unpaid Accrued Benefit shall be forfeited, and no further payment shall be made under this Plan to the Participant or the Participant's Beneficiary.

3.2 If the Participant ceases providing services to the MIF due to a transfer from the MIF to another position within the Church, the Participant's unpaid Accrued Benefit shall be forfeited, and no further payment shall be made under this Plan to the Participant or the Participant's Beneficiary.

#### **SECTION 4** **PAYMENT OF BENEFIT**

4.1 If the Participant is serving as an employee of the Church upon the attainment of the Benefit Payment Date, the Participant's Accrued Benefit shall be payable pursuant to Section 7 below, with payment made within thirty (30) days following the Benefit Payment Date.

4.2 Notwithstanding anything in this Plan to the contrary, in the event a Change in Control occurs, and within the 24-month period following the date of the Change in Control, the Participant:

- (a) Separates from Service for Good Reason, or
- (b) Separates from Service due to a termination by the Church other than For Cause,

on a date (other than a Benefit Payment Date) which occurs before the Final Benefit Payment Date, the Participant's Accrued Benefit shall be payable as set forth in Section 7 below within 30 days following the date on which the Participant Separates from Service.

4.3 Notwithstanding anything in this Plan to the contrary, in the event the Participant:

- (a) Separates from Service for Good Reason, or
- (b) Separates from Service due to a termination by the Church other than For Cause,

on a date (other than a Benefit Payment Date) which occurs before the Final Benefit Payment Date and at a time other than within the 24-month period set forth in Section 4.2 of the Plan following a Change in Control, the Participant's Accrued Benefit shall be payable as set forth in Section 7 below within 30 days following the date on which the Participant Separates from Service.

4.4 The benefit to which the Participant may become entitled under this Plan will not be subject to reduction following the occurrence of a Change in Control.

#### **SECTION 5** **DEATH BENEFIT**

5.1 Upon the death of the Participant prior to the Final Benefit Payment Date, the Church shall pay the Accrued Benefit to the Participant's Beneficiary pursuant to Section 7 below within 30 days of the Participant's death, provided the Participant is serving as an employee of the Church on the date of death.

5.2 If, subsequent to the death of the Participant, the Participant's Beneficiary dies while entitled to receive benefits under this Plan and no other Beneficiary listed under Subsection (a) or (b) of Section 1.4 of this Plan is alive, the balance of the Accrued Benefit to which the Participant was entitled which has not been distributed pursuant to this Plan shall be paid by the Church to the personal representative of the deceased Beneficiary's estate rather than the personal representative of the deceased Participant's estate, within 30 days of the Beneficiary's death.

## **SECTION 6** **DISABILITY**

If the Participant Separates from Service as a result of a Disability prior to the Final Benefit Payment Date, the Church shall pay the Participant the Accrued Benefit pursuant to Section 7 below within 30 days of the Participant's Separation from Service.

## **SECTION 7** **FORM OF PAYMENT**

The payment of an Accrued Benefit to the Participant or the Participant's Beneficiary shall be in the form of a lump sum to the Participant or the Participant's Beneficiary, as applicable.

## **SECTION 8** **LIMITATION OF RIGHTS**

Neither this Plan nor participation in this Plan shall give the Participant or other person any right or claim except to the extent that the right is specifically fixed under the terms of this Plan. The establishment of this Plan shall not be considered an employment contract with the Participant and shall not be construed to give the Participant a right to continued employment with the Church or continued service to MIF or to interfere with the right of the Church to terminate the Participant's employment.

## **SECTION 9** **INTERPRETATION OF PLAN**

Any determinations, approvals, or actions that are performed or taken by the Bishop, the Administrator, the Committee, the MIF, or the Church shall be deemed to be performed in the sole discretion of such entity. The Administrator retains the right to determine, at its discretion, eligibility for benefits and to construe, at its discretion, all terms of this Plan and all facts surrounding claims for benefits under this Plan and to determine questions arising in the administration, interpretation, and application of this Plan, with the determination and construction being final and binding; accordingly, benefits under this Plan shall be paid only if the Administrator decides in its discretion that an applicant is entitled to benefits.

## **SECTION 10** **CLAIMS PROCEDURES**

10.1 The claims procedures of this Section 10 of this Plan, including the rules related to requesting a review of a denied claim, must be exhausted prior to initiating any legal action.

10.2 (a) Any person who believes that he or she is entitled to a benefit under this Plan shall have the right to file with the Administrator a written notice of claim for the benefit. The decision on the claim shall be made by an agent designated by the Administrator to review and issue a determination on the claim. In the event the claim is denied, a notice of denial shall be furnished to the claimant within 90 days after the notice is filed (and under special circumstances as set forth in Department of Labor Regulation Section 2560.503-1(f)(1) 180 days). Any delay in arriving at a decision shall not adversely affect benefits payable under a granted claim and the failure to pay interest on the value of the Participant's Deemed Account during the processing of a claim shall not be deemed to be an adverse effect attributable to delay.

(b) The written notice of denial shall set forth:

- (1) the specific reason for the denial;
- (2) specific reference to the pertinent Plan provisions on which the denial is based;
- (3) a description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why the material or information is necessary; and
- (4) an explanation of this Plan's claim review procedure set forth in Plan Section 10.3, applicable time limits, and a statement of the claimant's right to bring a civil action under Section 502(a) of ERISA following an adverse benefit determination on review.

10.3 (a) Any person who makes a claim that is denied under Plan Section 10.2 shall have the right to appeal the denial of his or her claim to the Administrator for a full and fair review at any time within 60 days after the claimant receives written notice of the denial. In the event of an appeal, the Administrator shall afford the claimant or his or her duly authorized representative the opportunity:

- (1) to review documents relevant to the claim and be provided, upon request and free of charge, access to all documents relevant to the claim;
- (2) to submit issues and comments in writing to the Administrator; and
- (3) to discuss such documents and issues with the Administrator.

(b) On review, the Administrator shall take into account all comments, documents, records, and other information submitted by the claimant relating to the claim, without regard to whether such information was submitted or considered in the initial benefit determination.

(c) The final decision of the Administrator shall be made not later than 60 days after its receipt from the claimant of a request for review, unless special circumstances, such as the need to hold a hearing, require an extension of time for processing, in which case a decision shall be made as soon as possible but not later than 120 days after receipt of the request for review and only after appropriate notice to the claimant of the extension is given before the end of the initial 60-day period.

(d) The decision on review shall be made in writing and shall set forth:

- (1) the specific reason(s) for the decision;

(2) the specific references to Plan provisions on which any adverse determination is based;

(3) a description of the claimant's right to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claim; and

(4) a statement of the claimant's right to bring an action under Section 502(a) of ERISA.

10.4 Before legal action may be brought against the Church or the MIF, all claims procedures in this Section 10 of this Plan must be exhausted. No legal action may be commenced against the Church or the MIF more than 90 days after the Administrator's decision on review pursuant to Plan Section 10.3.

#### **SECTION 11** **LIMITATION OF ASSIGNMENT AND PAYMENTS** **TO LEGALLY INCOMPETENT DISTRIBUTE**

11.1 No benefit which is payable under this Plan to any person will be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of the same will be void; and no benefit will in any manner be subject to the debts, contracts, liabilities, engagements, or torts of any person, nor will it be subject to attachment or legal process for, or against, the person, and the same will not be recognized under this Plan, except to such extent as may be required by law.

11.2 If any person who is entitled to any benefit under this Plan becomes bankrupt or attempts to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of his or her benefit under this Plan, then the payment of the benefit in the event the Participant or the Participant's Beneficiary is entitled to payment will, in the discretion of the Administrator, cease and terminate and in that event the payor will hold or apply the payment for the benefit of the person, his or her spouse, children, other dependents, or any of them in any manner and proportion as the Administrator determines.

11.3 Whenever any benefit which is payable under this Plan is to be paid to or for the benefit of any person who is then a minor or determined to be incompetent by qualified medical advice, the payor need not require the appointment of a guardian or custodian, but will be authorized to cause the payment to be made to the person having custody of the minor or incompetent, or to cause the payment to be made to the minor or incompetent without the intervention of a guardian or custodian, or to cause the payment to be made to a legal guardian or custodian of the minor or incompetent if one has been appointed or to cause the payment to be used for the benefit of the minor or incompetent.

#### **SECTION 12** **AMENDMENT AND TERMINATION**

12.1 Unless the Administrator and the Participant mutually agree to extend the term of this Plan, all obligations to pay benefits under this Plan shall terminate immediately following the earliest of (a) payment of the Accrued Benefit on the Final Benefit Payment Date, (b) payment of the Accrued Benefit due upon the Participant's Separation from Service or death, or (c) if no Accrued Benefit is payable to the Participant, the Participant's Separation from Service.

12.2 The Administrator shall review this Plan on a regular basis and in the event that the

Participant continues employment beyond the Final Benefit Payment Date, changes status, or changes responsibilities. The Church and the Participant may mutually agree at any time by written instrument to modify, suspend, amend, withdraw, or terminate this Plan in whole or in part. The Church may amend this Plan without the Participant's consent to the extent necessary or appropriate to comply with applicable law or regulation.

### **SECTION 13** **FUNDING**

13.1 All benefits under this Plan shall be paid directly from the general funds of the Church or the MIF, and no special or separate fund shall be established and no other segregation of assets shall be made to assure payment. Neither the Participant nor the Participant's Beneficiary shall have any right, title, or interest whatsoever in or to any investments which the Church or the MIF may make to aid it in meeting its obligations hereunder. Nothing contained in this Plan, and no action taken pursuant to its provisions, shall create or be construed to create a trust of any kind, or a fiduciary relationship, between the Church or the MIF and the Participant or the Participant's Beneficiary.

13.2 To the extent that any person acquires a right to receive payments hereunder, such rights shall be no greater than the right of an unsecured creditor of the Church or the MIF. Any investment acquired by the Church or the MIF in connection with the liabilities assumed hereunder shall not be deemed to be held in trust for the benefit of the Participant or the Participant's Beneficiary or to be considered security for the performance of the obligations of the Church or the MIF, but shall be, and remain, as to this Plan, a general, unpledged, unrestricted asset of the Church or the MIF.

### **SECTION 14** **MISCELLANEOUS**

14.1 If the Church or the MIF chooses, in its discretion, to purchase a life insurance policy or policies to assist in the funding of any obligations under this Plan, or to purchase a "key man" life insurance policy or policies on the life of the Participant, the Participant may, within 45 days of a Separation from Service, purchase the life insurance policy or policies from the Church or the MIF, assuming the terms of the insurance policy or policies allow it (or them) to be sold to the Participant, for the greater of the premiums paid by the Church or the MIF on the life insurance policy or policies or the cash surrender value of the life insurance policy or policies on the date of the Participant's Separation from Service.

14.2 This Plan shall be binding upon any successor of the Church, and any successor shall be deemed substituted for the Church under the terms of this Plan. As used in this Plan, the term "successor" shall include any person, firm, corporation, or other business entity which at any time, whether by merger, purchase, or otherwise, acquires all or substantially all of the assets or the mission of the Church.

14.3 The Church, at its discretion, may recover, or "claw back," any amounts previously paid pursuant to this Plan if, following payment to the Participant or the Participant's Beneficiary of all or any part of the Accrued Benefit, the Bishop subsequently becomes aware that circumstances existed on the date of payment that could reasonably have been grounds for the Church to have Separated the Participant from Service For Cause. The exercise of the clawback and repayment provisions of this Section is subject to the Church providing notice of exercise within ninety (90) days of the Bishop becoming aware of the circumstances that could reasonably have been grounds for the Participant's Separation from Service For Cause. In addition, notice of the Church's demand for repayment must be given no later than twenty-four (24) months following payment of the Accrued Benefit.

14.4 No employee of the Church or the MIF, member of the Church Council or the Board of

Trustees of the MIF, or member of any committees thereof shall be subject to any liability with respect to his or her duties under this Plan unless the person acts fraudulently or in bad faith. To the extent permitted by law and the Church's governing documents, the Church shall indemnify, defend, and hold harmless any employee of the Church or the MIF, each member of the Church Council or the Board of Trustees of the MIF, and any committees thereof, and any other officer or agent of the Church or the MIF with duties under this Plan, who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed proceeding, whether civil, criminal, administrative, or investigative, by reason of the person performing his or her duties under this Plan.

14.5 Neither the Church nor the MIF guarantees, promises, or implies any particular tax consequences as a result of the Participant participating in this Plan. It shall be the sole obligation of the Participant, or the Participant's Beneficiary, to pay any and all taxes imposed on the Participant (including any excise taxes, fees, or penalties) due now or in the future on benefits received under this Plan, whether or not the Participant or the Participant's Beneficiary has received a cash benefit under this Plan at the time the taxes become due. In the event of regulatory changes impacting the tax treatment of this Plan or of benefits under this Plan, or in the event that the Internal Revenue Service reviews this Plan for compliance with or exception from applicable tax laws, the Administrator will assist the Participant in obtaining tax counsel as it shall determine, in its discretion, is necessary and appropriate.

14.6 Nothing contained herein shall be deemed to exclude the Participant from any pension, defined contribution, insurance, health, vacation, sick leave, or other benefit to which the Participant might be, or might become, entitled to as a result of the Participant's relationship with the Church or the MIF.

14.7 This Plan shall be subject to and construed under the laws of the State of Minnesota, to the extent Minnesota law is not preempted by federal law.

## **SECTION 15** **COMPLIANCE WITH FEDERAL LAW**

Amounts payable under this Plan are intended to comply with the short term deferral exception from Code Section 409A, specified in Treasury Regulations Section 1.409A-1(b)(4) (or any successor provision), and shall be interpreted in a manner consistent with the applicable exception. To the extent that any amounts payable in accordance with this Plan are subject to Code Section 409A, this Plan shall be interpreted and administered in such a way as to comply with Code Section 409A to the maximum extent possible. In the event this Plan becomes subject to Code Section 409A and the applicable guidance issued thereunder and fails to satisfy the short-term deferral exception to the application of Code Section 409A (as defined in Treasury Regulations Section 1.409A-1(b)(4)), and if the Church consummates a sale, transfer, merger, or other transaction of the Church wherein the surviving entity has any stock which is publicly traded on an established securities market or otherwise (within the meaning of Treasury Regulations Section 1.409A-1(i)(1)), then the rules regarding specified employees (as defined in Treasury Regulations Section 1.409A-1(i)) in Treasury Regulations Section 1.409A-3(i)(2) shall apply.

IN WITNESS WHEREOF, the Church has caused this indenture to be executed as of the day and year first above written.

**EVANGELICAL LUTHERAN CHURCH IN AMERICA**

By: \_\_\_\_\_  
Elizabeth Eaton  
Title: Presiding Bishop

44466534.4

# Summary of Plan and Trust Amendments

## ELCA Church Council

The ELCA Church Council shall approve plan amendments involving a significant change in policy or a significant change in cost or benefits and shall approve trust amendments initiated by Portico Benefit Services. When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

Portico Benefit Services' proposed changes received the approval of the Board of Trustees Meeting November 6, 2020. In accordance with the approval requirements, the changes are summarized below for approval of the ELCA Church Council.

### PLAN AMENDMENTS

#### ELCA Flexible Benefits Plan

##### 1. Amendment: Eliminate wellness dollar provisions and references.

- Description: As part of the ELCA-Primary Health Plan we've been awarding wellness dollars since 2008. For the 2020 plan year, we reduced wellness dollars in half from \$400 to \$200 earned per qualified adult. For the 2021 plan year, we will remove wellness dollar rewards for wellness activities.
- Rationale: It's time to transition to intrinsic rewards for healthy lifestyles. We have established a very meaningful suite of tools, in which continued investment in these tools will do more for improved health outcomes and lower costs for the health plan than wellness dollars.

#### ELCA Medical and Dental Benefits Plan

##### 2. Amendment: Eliminate wellness dollar provisions and references. *See above*

##### 3. Amendment: Clarification of the Plan's provision of providing the Gold+ option to ELCA-Primary health benefits members and the Standard option for ELCA Medicare-Primary health benefits members.

- Description: If disabled members are or should be eligible for Medicare as primary coverage, the Plan pays for the ELCA Medicare-Primary Standard option coverage. Members who are 65+ or have been on Social Security Disability and have satisfied the qualifying period for Medicare, but are not eligible for Medicare as primary coverage due to opting out of Social Security or failing to enroll timely in Medicare, are not eligible for ELCA Health Plan coverage paid for by the ELCA Disability Benefits Plan.
- Rationale: The amendment protects the Plan from a higher health plan contribution rate for ELCA-Primary coverage and the potential for high costs claims for which Medicare,

not ELCA-Primary, should pay primary. If members are eligible for Medicare, the Plan shouldn't pay a higher contribution and allow ELCA-Primary coverage due to the disabled member's failure to enroll in Medicare. Also, the ELCA Medical and Dental Benefits Plan shouldn't pay primary for members for whom Medicare is responsible as primary.

#### 4. Amendment: Add voluntary vision insurance coverage.

- **Description:** Add an optional 100% member-paid vision offering for those members that have access to the ELCA-primary health plan. In partnership with a nationwide leading vision provider, we will offer a robust vision plan design to cover exams and materials. In order to ensure we create a good member experience and understand early member feedback, we will pilot this first with a smaller group in 2021 before making available to the larger population in 2022.
- **Rationale:** Besides "lowering costs", requests for a vision plan is the most common piece of member feedback through our annual survey process. We believe this will be very much appreciated by our membership and continue to promote our total well-being philosophy. 83% of firms with more than 200 employees offer a vision benefit, so we believe this is an industry standard as well.

#### 5. Amendment: Add a hearing aid benefit for children.

- **Description:** Add coverage for hearing aids, limited to one aid per ear every 36 months and limited to no more than \$3,000 per hearing aid, for children under the age of 18 years with hearing loss due to illness, injury or congenital disorder, and approved in advance by Care Coordinators.
- **Rationale:** While the ELCA Medical and Dental Benefits Plan is not subject to state mandates, it is important to be aware of state mandates and how that influences what members may expect to be covered as part of health insurance. Children hearing aid coverage is mandated in half of the states, including three key states that have significant ELCA presence: Illinois, Minnesota and Wisconsin. We've also often heard from our members the request to include this hearing benefit within our health plan.

### ELCA Disability Benefits Plan

#### 6. Amendment: Add clarifying language about the health plan options the ELCA Disability Benefits Trust will pay for disabled members.

- **Description:** The ELCA Disability Benefits Trust pays the ELCA Health Plan contributions for disabled members and their family members. The ELCA Disability Benefits Plan provides the Gold+ option to ELCA-Primary health benefits members and the Standard option for ELCA Medicare-Primary health benefits members.
- **Rationale:** The amendment is not a change in practice, instead it is to provide clarity of the ELCA Disability Benefits Plan's intent and current practice.

**ELCA Survivor Benefits Plan**

**7. Amendment: Add Non-Qualified Church-Controlled Organizations (Non-QCCOs) under a separate fee structure for a new Class 3 and Class 4 Life Insurance Group Policy.**

- **Description:** The amendments add a new life insurance product that is tailored to large employers. It is inclusive of two new classes of coverage (skilled nursing and general social services), two different levels of basic group life (\$50k and \$250k), as well as removal of the lump-sum survivor benefit. Employees still have the option to selection supplemental life insurance, and dependent life insurance (including child life).
- **Rationale:** Our large employer populations are significantly different than that of the traditional employers’ members under the ELCA Survivor Benefits Plan, in terms of age, occupation, and pay, which necessitated the addition of two new Classes of coverage with a separate fee schedule. Further, we found that large employers wanted more choice in coverage levels, hence two levels of basic group life - \$50,000 and \$250,000 – from which to choose. Finally, the lump-sum survivor benefit is not common in the industry for these employers and would significantly increase the cost of the plan, making it uncompetitive.

**TRUST AMENDMENTS**

**ELCA Retirement Trust  
ELCA Retirement Savings Trust  
ELCA Participating Annuity Trust**

**1. Amendment: The Trusts were amended to clarify fiduciary obligations as shown on the attached redlined documents.**

	<u>Sections</u>
ELCA Retirement Trust	1.03, 2.04, 3.02, 3.05, 4.01, 4.02, 4.03, 4.04, 6.04, 6.14
ELCA Retirement Savings Trust	1.03, 2.04, 3.02, 3.05, 4.01, 4.02, 4.03, 4.04, 6.04, 6.14
ELCA Participating Annuity Trust	1.03, 2.04, 3.02, 3.04, 4.01, 4.02, 4.03, 6.04, 6.14

**ELCA Master Institutional Retirement Trust**

**2. Amendment: The Trust was amended to clarify fiduciary obligations as shown on the attached redlined document.**

**3. Amendment: The Trust was amended to remove references to The Evangelical Lutheran Good Samaritan Society as shown on the attached redlined document.**

<u>Sections</u>
1.02, 1.04, 1.05, 2.03, 2.04, 3, 2.04, 3.02, 3.05, 4.01, 4.02, 4.03, 4.04, 6.04, 6.14

# Restated ELCA Retirement Trust

~~February 26, 2018~~ January 1, 2021

Board of Trustees ~~99107~~ Approval

**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA  
RETIREMENT TRUST**

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**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA  
RETIREMENT TRUST**

**Preamble**

This Amendment and Restatement of this ELCA Retirement Trust ("Trust"), is made and entered into effective ~~August 1, 2012~~January 1, 2021, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, doing business as Portico Benefit Services ("Portico Benefit Services" or "Portico"), a Minnesota nonprofit corporation, in its capacity as the administrator of a church retirement income account plan under Section 403(b)(9) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations issued pursuant thereto, and Portico Benefit Services, in its capacity as the corporate trustee of this Trust (the "Trustee").

WITNESSETH:

WHEREAS, pursuant to the merger of the ELCA Regular Pension Plan and the ELCA Optional Pension Plan into the ELCA Retirement Plan on January 1, 2003, the ELCA Board of Pensions and the trustees of both the Regular Pension Trust and the Optional Pension Trust transferred all assets in the Optional Pension Trust to the Regular Pension Trust, and the resulting trust was renamed the Evangelical Lutheran Church in America Retirement Trust; and

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the ELCA Retirement Trust; and

WHEREAS, during the 2009 legislative session, Section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of this Trust appointed the ELCA Board of Pensions as corporate trustee of this Trust, transferred and delivered the Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Section 5.06 herein, and then resigned their positions as individual trustees; and

WHEREAS, provisions of this Trust were amended to reflect the new trustee structure; and

WHEREAS, in November 2011 the Board of Pensions of the Evangelical Lutheran Church in America began doing business as Portico Benefit Services; and

WHEREAS, Portico Benefit Services desires to amend the trust to reflect this name change.

WHEREAS, this Trust provides that it may be amended as set forth in Article VII.

WHEREAS, the Investment Department of Portico Benefit Services desires to invest in one or more collective investment trusts; and the trust was amended to accommodate that request in February 2018.

WHEREAS, language in the Trust has been updated to clarify fiduciary obligations.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, this Trust is amended and restated as follows:

**ARTICLE I: GENERAL**

Section 1.01 Name of Trust. This trust shall be known as the “Restated Evangelical Lutheran Church in America Retirement Trust” (the “Trust”).

Section 1.02 Acceptance of Trust Responsibilities. The Trustee accepts its appointment as such, and agrees to hold, manage and disburse all the property received by it, pursuant to this Trust and applicable law.

Section 1.03 Purpose. This Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing pension benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member congregations, colleges, schools, nursing homes, hospitals, and social service organizations), ordained ministers on the ELCA roster, ELCA rostered laypersons, other eligible employees, and to other Section 501(c)(3) organizations operated exclusively for religious purposes.

~~This Trust shall not afford pecuniary gain, incidentally or otherwise, to the Trustee, and no part of the net income or net earnings of this Trust shall inure to the benefit of the Trustee or any other individual, and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that~~  
Nothing in this Section 1.03 shall preclude any individual, ~~including the Trustee,~~ from receiving any benefit to which he or she may be entitled as a member of, or beneficiary in, the Retirement Plan so long as the benefit is computed and paid on a basis which is consistent with the terms of the Retirement Plan, as applied to all other members and beneficiaries. This Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Section 1.04 Part of Retirement Plan. This Trust will form a part of the ELCA Retirement Plan (the “Retirement Plan”) and will be used to fund benefits thereunder. The Retirement Plan provides that Portico Benefit Services has certain duties, authorities, and responsibilities in connection with the Retirement Plan, including the responsibility to direct the Trustee as to disbursement of Trust assets for purposes of the Retirement Plan. To the extent that this Trust conflicts with any provision in the Retirement Plan, the Retirement Plan document shall control.

Portico Benefit Services agrees that promptly upon the adoption of any amendment to the Retirement Plan it will furnish the Trustee with a copy of the amendment and with an appropriate certificate evidencing its due adoption. Portico Benefit Services further agrees that no amendment of the Retirement Plan shall have the effect of changing the rights, duties, and liabilities of the Trustee without its written consent. The Trustee may rely on the latest Retirement Plan documents furnished as above provided without further inquiry or verification.

Section 1.05 Church Plan Trust. Portico Benefit Services intends by this document to have created a trust forming part of the Retirement Plan which shall be exempt from federal income tax pursuant to Code Section 501(a) as provided for in section 1.403(b)-9(a)(7) of the Treasury Regulations issued under Code Section 403(b)(9). This Trust and the Retirement Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust

or the Retirement Plan, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Section 1.06 Certifications. The Secretary of Portico Benefit Services, or such other corporate officer as is designated by the Board of Trustees of Portico Benefit Services, shall certify to the Trustee the name of the person or persons who have authority on behalf of Portico Benefit Services to direct the Trustee as to disbursements from this Trust for purposes of the Retirement Plan and the name of the person or persons who have authority on behalf of Portico Benefit Services to communicate with the Trustee with respect to any other matter or matters relating to this Trust, and shall provide the Trustee with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Trustee may rely on the latest relevant certificate without further inquiry or verification.

**ARTICLE II: RETIREMENT TRUST**

Section 2.01 Composition. This Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent this Trust's interest in the Retirement Plan account balances of members, in each case pursuant to the Retirement Plan, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. This Trust shall be administered in accordance with the provisions of this Trust document and the Retirement Plan. The assets with respect to this Trust shall be held by a custodian designated by the Trustee.

Section 2.02 Contributions. The Trustee shall have no duty to require any contributions to be made to it, to determine that the contributions received comply with the provisions of the Retirement Plan, or to collect any contributions payable pursuant to the Retirement Plan. The responsibility of the Trustee shall be limited to the sums of money, securities, and other property actually received.

Section 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Retirement Plan, or required by law, the interests of members and their beneficiaries under the Retirement Plan or this Trust may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.

Section 2.04 No Diversion. ~~This Trust shall be for the exclusive purpose of providing benefits to members under the Retirement Plan and their beneficiaries, and defraying reasonable expenses of administering or operating the Retirement Plan.~~ For purposes of this Trust, the expenses of administering or operating the Retirement Plan shall be paid from contributions made to the Retirement Plan or from assets held in this Trust under the Retirement Plan. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of Retirement Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Retirement Plan (including the costs associated with a change in the persons or organizations from time to time providing services to the Retirement Plan). Such expenses may also include premiums for the bonding of officials of the Retirement Plan as required by any applicable law. ~~No part of the corpus or income of this Trust may be used for, or diverted to, purposes other than for the exclusive benefit of members or their beneficiaries.~~

Notwithstanding the foregoing, if any contribution or portion thereof is made by a Participating Employer by a mistake of fact, the Trustee shall, upon written request of Portico Benefit Services, return such contribution to the Participating Employer.

**ARTICLE III: TRUSTEE**

Section 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Trustee shall be as follows:

- (a) The Trustee shall have exclusive authority and discretion to manage and control the assets of the Retirement Plan held in this Trust subject to the provisions of Section 3.03 and Article IV.
- (b) The Trustee shall hold, administer, invest and reinvest the principal and income of this Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Trustee shall disburse monies and other properties from this Trust on direction of Portico Benefit Services pursuant to the provisions of the Retirement Plan to the payee or payees specified by Portico Benefit Services in directions to the Trustee in such form as the Trustee may reasonably require. The Trustee shall be under no liability for any distribution made by it pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by it pursuant to any such direction is made pursuant to the provisions of the Retirement Plan. The payee's receipt of the distributions shall constitute a full acquittance to the Trustee.
- (d) The Trustee shall have the responsibilities, if any, expressly allocated to it by the Retirement Plan and this Trust. Except as responsibilities may be expressly so allocated, the Trustee in its capacity as such shall have no responsibility or authority with respect to the operation and administration of the Retirement Plan, and the rights, powers and duties of the Trustee shall be governed solely by the terms of this Trust provided, however, that to the extent this Trust conflicts with a provision in the Retirement Plan, the provisions of the Retirement Plan shall control.
- (e) The Trustee may commingle for investment purposes the assets of this Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of this Trust in the commingled assets.

Section 3.02 Powers of the Trustee. ~~As provided in Section 4.01(b) hereof, it is the intention of Portico Benefit Services in establishing this Trust that the Trustee be, at all times, a directed trustee of this Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of this Trust assets unless such discretion is delegated by Portico Benefit Services.~~—The Trustee shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to this Trust that may be necessary or advisable to discharge its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Trustee, the Trustee shall have the following powers and authorities to be exercised in its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Trustee such securities and properties shall constantly be shown to be a part of the appropriate Investment Funds selected by Portico Benefit Services, as provided in accordance with Section 4.02, and no such registration or holding by the Trustee shall relieve it from liability for the safe

custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.

- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising this Trust not subject to member investment direction under Section 3.03 at such prices and on such terms and in such manner as it may deem proper, and for terms within or extending beyond the duration of this Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by it; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Trustee may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that it may deem advisable in its absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as it may in its absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid on property in foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies with respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the appropriate Investment Fund any and all liens, charges, or encumbrances upon the same, in its absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.
- (e) To borrow such sums of money for the benefit of this Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as it may determine; to secure any loan so made by pledge or mortgage of the Trust property; and to renew existing loans.
- (f) To use the assets of this Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by this Trust, and to pay, compromise, and discharge with the assets of this Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Retirement Plan from time to time and to deposit the same in its name as Trustee in such depositories as it may select.
- (h) To receive, collect, and give receipts for every item of income or principal of this Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning this Trust or the assets thereof, at the sole cost and expense of this

Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of this Trust or of the Trustee; but the Trustee shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless it shall have been indemnified to its satisfaction against any and all loss, cost, expense, and liability it may sustain or anticipate by reason thereof.

- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in this Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Trustee cannot delegate its right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as it may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of this Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in this Trust in the same manner and to the same extent as any individual owner and holder thereof might do.
- (k) To make application for any contract issued by an insurance company to be purchased under the Retirement Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent a Participating Employer or Portico Benefit Services) deemed by the Trustee to be necessary or proper for the administration of this Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustee under the terms of this Trust; and to pay reasonable expenses and compensation for services to this Trust from this Trust. The Trustee shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustee has exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the appropriate Investment Fund all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against such Investment Fund, without need to seek any approval or direction from Portico Benefit Services.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Trustee's opinion, it shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Trustee shall deem necessary for its protection.
- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.

- (p) To serve not only as Trustee but also in any other fiduciary capacity with respect to the Retirement Plan, including any other fiduciary capacity allocated to Portico Benefit Services, pursuant to such agreements or practices as the Trustee considers necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Trustee.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation and administration of this Trust.
- (s) To take into account the investment objectives, policies, fiduciary responsibilities, and restrictions of Portico Benefit Services in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and Portico Benefit Services with respect to the investments of Trust assets.

All of the powers of this Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Section 501(c)(3) of the Internal Revenue Code of 1986.

Section 3.03 Member Investment Direction. To the extent permitted under the Retirement Plan, the Trustee shall permit individual members and, if applicable, beneficiaries to direct the investment of contributions into specified Investment Funds, established pursuant to the provisions of Article IV in accordance with procedures established by Portico Benefit Services.

Neither the Trustee, Portico Benefit Services nor any Participating Employer under the Retirement Plan shall be liable or responsible for any loss resulting to the accounts of a member or beneficiary because of any sale or investment directed by the member or beneficiary or because of the failure to take any action regarding an investment acquired pursuant to such elective investment. The Trustee, Portico Benefit Services, and any Participating Employer under the Retirement Plan shall be indemnified by the member or beneficiary from and against any liability to which the Trustee, Portico Benefit Services, or any Participating Employer under the Retirement Plan may be subjected due to carrying out an elective investment directed by the member or beneficiary or investment in a default investment option in the absence of instructions from the member or beneficiary. If a member or beneficiary who has investment authority under the terms of the Retirement Plan fails to provide investment direction, the Trustee shall invest such member's or beneficiary's Retirement Plan assets in accordance with the default investment option of the Retirement Plan.

Section 3.04 Appointment of Ancillary Trustee. In the event that any property which is or may become a part of this Trust is situated in a state or states in which the Trustee acting hereunder is prohibited from holding real estate as trustee, or in a foreign country, the Trustee is hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Trustee. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Trustee, but shall exercise and discharge the same subject to such limitations or directions of the Trustee as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Trustee

for all monies, assets, or other property entrusted to it or received by it in connection with the administration of this Trust. The Trustee may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to this Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Trustee hereunder, in the exercise of its discretion, may deem appropriate and consistent with the provisions of this Trust.

Section 3.05 Expenses. The Trustee shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by it in the performance of its services as Trustee or in any other capacity in connection with the Retirement Plan ~~as may be agreed upon with Portico Benefit Services, including, but not limited to, those reasonable and necessary costs, expenses, and disbursements incurred in defending a claim arising from the Trustee's performance of its services as Trustee or in any other capacity in connection with the Retirement Plan.~~ Such reimbursements shall be paid from this Trust if not paid directly by ~~Portico Benefit Services or~~ the Participating Employers in such proportions as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid.

Without limiting the foregoing, Portico Benefit Services shall be entitled to reimbursement for all reasonable and necessary costs, expenses and disbursement incurred by it in fulfilling its duties under the Trust or the Retirement Plan, including, but not limited to, those reasonable and necessary costs, expenses, and disbursements incurred in defending a claim arising from Portico Benefit Services' performance of its duties under this Trust or the ELCA Retirement Plan. Such reimbursement shall be paid from the Trust if not paid directly by the Participating Employers in such proportions as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid.

Notwithstanding the foregoing, no reimbursement shall be paid from the Trust to a party seeking reimbursement under this Section 3.05 for costs, expenses, or disbursements incurred as result of that party's bad faith or reckless indifference to the purposes of the Trust or the interest of the Retirement Plan members and beneficiaries.

Section 3.06 Records and Accountings. The Trustee shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by Portico Benefit Services at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of this Trust, and as soon as reasonably practicable after the resignation or removal of the Trustee has become effective, the Trustee shall determine the fair market value of this Trust, such determination to be made at least annually. At the same time, the Trustee shall file with Portico Benefit Services a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by it during such year for each Investment Fund, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period in each Investment Fund, and the cost of each item thereof as carried on the books of the Trustee. The accounting shall also furnish Portico Benefit Services such other information as the Trustee may possess and as may be necessary for Portico Benefit Services to comply with the reporting requirements of applicable law. If the fair market value of an asset in this Trust is not available, when necessary for accounting or reporting purposes the fair value of such asset shall be determined in good faith by the Trustee, assuming an orderly liquidation at the time of such determination. If

there is a disagreement between the Trustee and anyone as to any act or transaction reported in an accounting, the Trustee shall have the right to have this Trust's account settled by a court of competent jurisdiction.

Section 3.07 Record Retention. The Trustee shall retain the records relating to this Trust including records relating to each Investment Fund, as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

## ARTICLE IV: INVESTMENTS

### Section 4.01 General.

- (a) The Trustee is vested with title to all assets of this Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in this Trust except as provided in the Retirement Plan. Prior to the time of distribution, no member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in this Trust except as permitted under the Retirement Plan or as required by law or directed by a court of competent jurisdiction.
- (b) Portico Benefit Services shall direct the Trustee as to the investment of the assets of this Trust. Except for those Trust assets that are under the investment control of an investment manager or insurance company, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of Portico Benefit Services and any member investment direction described in Section 3.03. Accordingly, Portico Benefit Services shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of this Trust, ~~and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith.~~ Consistent with applicable law and provided that the direction is made in accordance with the terms of the Retirement Plan, the Trustee shall promptly comply with any direction given by Portico Benefit Services. ~~The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of this Trust under the management and control of Portico Benefit Services in the absence of investment directions regarding such assets.~~
- (c) Portico Benefit Services may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of Portico Benefit Services. Any such delegation shall be made in accordance with the terms of the Retirement Plan and not contrary to the standards set forth in Section 6.04.
- (d) Except as otherwise expressly provided herein, the Trustee shall have exclusive authority and discretion to invest and reinvest the principal and income of this Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with the objectives of each fund described in Section 4.02, the Trustee shall diversify the investments of this Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Trustee shall not be limited by the laws of any state proscribing or limiting the investment of Trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of Trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (i) The Trustee may invest and reinvest principal and income of this Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; real estate leases and real estate partnerships; and other asset classes approved by Portico Benefit Services in accordance with this Article IV.
- (ii) The Trustee may invest and reinvest the principal and income of this Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (iii) The Trustee may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of this Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Trustee may not sell uncovered call options or sell put options nor invest so as to leverage the size of this Trust.
- (iv) Notwithstanding any other provisions of this Trust, assets of this Trust may be invested in any collective investment fund or funds, including common and group trust funds presently in existence or hereafter established which are maintained by a bank or trust company supervised by a state or federal agency, notwithstanding that the bank or trust company is the Trustee, Investment Manager, or is otherwise a party-in-interest of the Plan. The assets so invested shall be subject to all the provisions of the instruments establishing such funds as they may be amended from time to time. Such instruments of group trusts as they may be amended from time to time are hereby incorporated and made a part of this Trust as if fully set forth herein. The combining of money and other assets of this Trust with money and other assets of other trusts and accounts in such fund or funds is specifically authorized.

Section 4.02 Investment Funds. Notwithstanding the provisions of Section 4.01 above, the Trustee shall establish separate funds (herein sometimes referred to as "Investment Funds") in accordance with directions given by Portico Benefit Services. Each of these separate Investment Funds shall be subject to the terms of this Trust ~~unless otherwise modified by Portico Benefit Services. The Trustee shall comply with the directions of~~ Portico Benefit Services ~~will direct the Trustee~~ regarding the current investment policy and certain specific investment decisions for each of the Investment Funds selected, provided that the directions are made in accordance with the terms of the Retirement Plan and are not contrary to the standards set forth in Section 6.04. The assets of any Investment Fund cannot be used to satisfy the liabilities of any other Investment Fund as determined in accordance with the provisions of the Retirement Plan.

Section 4.03 Investment Managers.

- (a) Portico Benefit Services has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of this Trust under its management in accordance with the provisions of the Retirement Plan and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.

- (b) If Portico Benefit Services elects to delegate investment authority for all or any portion of the assets of this Trust to an investment manager pursuant to Section 4.03(a), Portico Benefit Services will inform the Trustee in writing of such designation and such written notice shall describe the portion of this Trust affected. Upon receipt of such notice, and provided that the designation is made in accordance with the terms of the Retirement Plan, the Trustee will ~~be obligated to~~ follow the investment directions of the investment manager with respect to the assets of the specified portion of this Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by Portico Benefit Services.
- (c) ~~The Trustee~~Portico Benefit Services shall have ~~no~~the duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not ~~be subject to or otherwise have the responsibility to~~ manage any assets of the Retirement Plan which is subject to management of such duly-appointed investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by this Trust, except to the extent paid by any Participating Employer ~~or by Portico Benefit Services.~~

Section 4.04 Insurance Contracts.

- (a) Portico Benefit Services or an investment manager duly appointed pursuant to Section 4.03, shall have the power and authority to direct the Trustee to invest all or any portion of the assets of the Trust in contracts issued by insurance companies, including contracts under which the insurance company holds Trust assets in a separate account or commingled separate account managed by the insurance company.
- (b) The Trustee will follow the direction of Portico Benefit Services or the duly-appointed investment manager to invest all or any portion of the assets of the Trustee in contracts issued by insurance companies pursuant to Section 4.04(a).
- (c) The Trustee is entitled to rely upon directions of Portico Benefit Services or the duly-appointed investment manager and, except with respect to investments for which the Trustee has discretionary responsibility, the Trustee shall not be responsible for the terms of any insurance contract that it is directed to purchase and hold or for the selection of the issuer thereof or for performing any functions under such contract. For purposes of the Trust agreement, an insurance company that issues a contract in which assets of the Trust have been invested pursuant to Section 4.04(a) shall be considered to be an investment manager with regard to the assets subject to its control.

**ARTICLE V: APPOINTMENT AND CHANGE IN TRUSTEE**

- Section 5.01 Appointment of Trustee. The ELCA Church Council or Portico Benefit Services may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Section 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.
- Section 5.02 Resignation. The Trustee may resign at any time by delivering to the ELCA Church Council and Portico Benefits Services (or if Portico Benefit Services is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by Portico Benefit Services (or by the ELCA Church Council if Portico Benefit Services is resigning as Trustee).
- Section 5.03 Removal. A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or Portico Benefit Services may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of this Trust in accordance with Section 5.01 above. Before removing a Trustee, Portico Benefit Services shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with Portico Benefit Services. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.
- Section 5.04 Successor. Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Section 5.01 above, and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.
- Section 5.05 Failure to Appoint Successor Trustee. If no appointment of a successor is made by Portico Benefit Services or the ELCA Church Council in accordance with Section 5.01 above within a reasonable time after resignation or removal of the Trustee, any court of competent jurisdiction may appoint successor Trustee, after notice, to Portico Benefit Services or the ELCA Church Council and to the retiring Trustee, as such court may deem proper and suitable. The retiring Trustee shall be furnished with written notice from Portico Benefit Services or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee cease to be Trustee.
- Section 5.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in this Trust except as hereinafter provided in the case of the replacement of the Trustee. Upon the appointment and acceptance of successor Trustee, the predecessor Trustee shall transfer and deliver the assets of this Trust to the successor, after reserving such reasonable amount as such Trustee shall deem necessary to provide for fees and expenses and any sums chargeable against this Trust for which such Trustee may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this Trust shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustee hereunder, subject to the right of amendment of this Trust. No person or entity becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to acceptance of the trusteeship, nor shall such person or entity have any duty to examine the administration of this Trust prior to such acceptance.

## ARTICLE VI: MISCELLANEOUS

Section 6.01 Incompetent Payee. If, in the opinion of Portico Benefit Services, a person to whom the Trustee is directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due to such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing Portico Benefit Services with evidence satisfactory to Portico Benefit Services of such status. Prior to the furnishing of such evidence, Portico Benefit Services may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then in the opinion of Portico Benefit Services caring for or maintaining the person who is under the disability. The Trustee shall have no liability with respect to payments made to an individual designated by Portico Benefit Services. The Trustee shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.

Section 6.02 Evidence. Evidence required of anyone under this Trust may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.

Section 6.03 Dealings of Others With Trustee. No person (corporate or individual) dealing with the Trustee shall be required to see to the application of any money paid or property delivered to the Trustee or to determine whether the Trustee is acting pursuant to any authority granted to it under this Trust.

Section 6.04 Fiduciary Standards. ~~Each fiduciary shall discharge her/his duties with respect to this Trust, solely in the interests of the Members and in accordance with the following requirements~~To the extent strictly required by applicable law, each fiduciary shall discharge her/his duties with respect to this Trust solely in the interests of the Members and in accordance with the following requirements:

- (a) ~~For the exclusive purpose of providing benefits to members in the Retirement Plan and their beneficiaries and defraying reasonable expenses of administering this Trust~~ In good faith, in accordance with the terms and purposes of the Trust and the interests of Members, and without placing the Trustee's own interests above those of the Members, and,
- (b) ~~With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,~~ As a prudent person would, by considering the purposes, terms and distribution requirements of the Trust and relevant circumstances, and by exercising reasonable care, skill and caution, and
- (c) By diversifying the investments of this Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
- (d) In accordance with the provisions of this Trust and the Retirement Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering any Investment Fund, in accordance with the investment objectives and policies from time to time established for such Investment Fund, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies. Further, nothing herein shall be construed or applied to limit the availability of member investment direction as provided under Section 3.03.

- Section 6.05 Administrative Fee Paid to Portico Benefit Services. Portico Benefit Services shall be paid a reasonable fee by this Trust for the administrative services provided by Portico Benefit Services to the Retirement Plan and this Trust, including a fee for informing the employees and employers of the availability of the Retirement Plan. The fee charged to this Trust shall constitute a lien upon this Trust until paid.
- Section 6.06 Audits. Portico Benefit Services shall have the right to cause the books, records, and accounts of the Trustee that relate to the Retirement Plan to be examined and audited by independent auditors designated by Portico Benefit Services at such times as Portico Benefit Services may determine, and the Trustee shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from this Trust, if not paid by the Participating Employers, in such proportion as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid.
- Section 6.07 Successors. The provisions of this Trust shall be binding on each Participating Employer and its successors. If a successor to a Participating Employer or a purchaser of all or substantially all of an Participating Employer's assets is eligible to, and elects to, continue participation in the Retirement Plan, such successor or purchaser shall be substituted for the Participating Employer under this Trust.
- Section 6.08 Waiver of Notice. Any notice required under this Trust may be waived by the person entitled thereto.
- Section 6.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust, and shall not influence its construction.
- Section 6.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust unless the context clearly indicates otherwise.
- Section 6.11 Construed as a Whole. The provisions of this Trust shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Section 6.12 Severability. In the event any provision of this Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Trust, but shall be fully severable, and this Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Section 6.13 Counterparts. This Trust may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Section 6.14 Indemnification of Trustee and Portico Benefit Services. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify the Trustee for and to hold it harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the Trustee at any time by reason of the Trustee's service under this Trust if the Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost, or expense arises. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify Portico Benefit Services for and to hold it harmless against any and all liabilities, losses, costs, or expenses (including legal

fees, costs and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against Portico Benefit Services at any time by reason of Portico Benefits Services' service under this Trust if Portico Benefit Services did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost or expense arises.

Section 6.15 Internal Revenue Code of 1986. All references in this Trust to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this Trust.

Section 6.16 Applicable Law. This Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.

Section 6.17 Deemed Compliance With Terms of Trust. If, at any time, Portico Benefit Services serves as the Trustee hereunder, then any requirement in this Trust that either Portico Benefit Services or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.

Section 6.18 Parties to this Trust. Any Participating Employer that contributes to the Retirement Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Retirement Plan and this Trust, as then in effect and as may thereafter be amended. The Trustee shall invest and administer this Trust as a single fund for investment and accounting purposes, provided that, at all times, the interests of members and beneficiaries shall be accounted for separately.

Any corporation or other participating entity, other than Portico Benefit Services, shall cease to be a party to this Trust upon delivering to the Trustee or to Portico Benefit Services a certified copy of a resolution terminating its participation in the Retirement Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by Portico Benefit Services, shall continue to hold, in accordance with the provisions of this Trust, that portion of this Trust which, pursuant to the determination of Portico Benefit Services, is attributable to the participation in the Retirement Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Section 6.19 Necessary Parties to Legal Actions. Only Portico Benefit Services and the Trustee will be considered necessary parties in any legal action or proceeding with respect to this Trust, and no member, beneficiary or other person having an interest in this Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Section 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

## ARTICLE VII: AMENDMENTS AND TERMINATION

Section 7.01 Amendments. This Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of this Trust to be diverted to purposes other than the payment of benefits to members under the Retirement Plan and their beneficiaries, or reasonable expenses of administration of the Retirement Plan:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to Portico Benefit Services for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to Portico Benefit Services for recommendation before final action by the ELCA Church Council, ~~or-~~
- (c) Portico Benefit Services may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of Portico Benefit Services who are authorized by the Board of Trustees of Portico Benefit Services to take such action and the Trustee.

Section 7.02 Termination. This Trust may be terminated at any time in accordance with the amendment procedure set forth in Section 7.01. Upon termination of this Trust, any surplus property remaining after the payment of all benefits of this Trust attributable to the Retirement Plan, and all of the debts of the Retirement Plan and Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the Trustee shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Trust upon specific trust or other condition, or subject to an executorial or special limitation, and such other property, upon dissolution of this Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

**(Signature page follows on next page)**

IN WITNESS WHEREOF, Portico Benefit Services has caused this Restated Trust to be executed as of the day and year written below.

PORTICO BENEFIT SERVICES

Dated: ~~February~~November \_\_, ~~2020~~2018

By: \_\_\_\_\_  
Jeffrey Thiemann, President and Chief Executive Officer

Dated: ~~February~~November, ~~2020~~2018

By: \_\_\_\_\_  
Stacy Kruse, Chief Operating and Chief Financial Officer

IN WITNESS WHEREOF, Portico Benefit Services accepts its appointment as corporate trustee of this Restated ELCA Retirement Trust.

PORTICO BENEFIT SERVICES

Dated: ~~February~~November \_\_, ~~2020~~2018

By: \_\_\_\_\_  
Jeffrey Thiemann, President and Chief Executive Officer

Dated: ~~February~~November \_\_, ~~2020~~2018

By: \_\_\_\_\_  
Stacy Kruse, Chief Operating and Chief Financial Officer

(Notary page follows on next page)

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ~~HENNEPIN~~ \_\_\_\_\_)

On this \_\_\_ day of ~~February~~ November 2018~~2020~~, before me personally appeared JEFFREY THIEMANN, to me personally known, who, being by me duly sworn, did say that he is PRESIDENT AND CHIEF EXECUTIVE OFFICER of PORTICO BENEFIT SERVICES, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20 \_\_\_\_

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ~~HENNEPIN~~ \_\_\_\_\_)

On this \_\_\_ day of ~~February~~ November 2018~~2020~~, before me personally appeared STACY KRUSE, to me personally known, who, being by me duly sworn, did say that she is CHEIF OPERATING AND CHIEF FINANCIAL OFFICER of PORTICO BENEFIT SERVICES, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and she acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20 \_\_\_\_

## SUMMARY OF AMENDMENTS

### **Restated ELCA Retirement Trust (Formerly known as the ELCA Regular Pension Trust; Optional Pension Trust merged into this trust and renamed as ELCA Retirement Trust 1/1/2003)**

Trust effective 1/1/1988.

Amendment Effective: 1/01/1988

Approval: ELCA Board of Pensions-6/02/1988; CC-7/11/1988

Amended Section 7.02, Incompetent Payee, to include “physical” condition and remove “age” to read: “If in the opinion of the ELCA Board of Pensions a person to whom the trustees are directed to make one or more payments is disabled from caring for her/ his affairs because of mental or physical condition, ~~or age~~...”

Amendment Effective: 7/01/1989

Approval: ELCA Board of Pensions-10/08/1988; CC-11/13/1988

Added ‘Whereas’ clause to Preamble, “The ALC maintained The ALC Pension Plan for Clergy and The ALC Pension Plan for Lay Workers (“The ALC Plans”). Also, amended Section 1.01 to add reference to a new Appendix F, implementing the Social Purpose Balanced Fund; Section 1.03 to add “The ALC Plans”; a new Section 1.06, stating that the RPT will also form a part of, and used to fund benefits of, The ALC Pension Plan for Clergy and The ALC Pension Plan for Lay Workers; and the addition of Appendix F-1 and F-2.

Amendment Effective: 1/01/1990

Approval: ELCA Board of Pensions-6/24/1989; CC-8/22/1989

Added Section 3.02(l), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Amendment Effective: 1/01/1991

Approval: ELCA Board of Pensions-6/22/1990; CC-8/02/1990

Section 1.01, added reference to new Appendix G, “ALC Balanced Fund,” new Appendix H, “LCA Fixed Income Pension Fund,” and new Appendix I, “LCA Variable Income Pension Fund;” Sections 1.03, 2.02, 3.01, 3.02(g), 3.02(p), 3.04, 5.04, 7.01, 7.05, 7.06, 7.07, 7.08 and 8.01, to remove references to “LCA Plans and/or The ALC Plans;” and deleted Sections 1.05 & 1.06. Amended Appendices A, B, C, D, E, and F, and added Appendices G, H and I.

Amendment Effective: 1/01/1991

Approval: ELCA Board of Pensions-10/20/1990; CC-10/22/1990

The Executive Committee of the Church Council, on August 2, 1990, approved in concept the merger of the predecessor ALC plans and predecessor LCA plans into the ELCA Regular Pension Plan and adopted the “Proposed Amendments Reflecting Merger of Predecessor Plans into ELCA Plan” and related amendments to the ELCA Regular Pension Trust, but expressly recognized the need for technical corrections and other relevant documentation. See resolution attached to Oct 8, 1990 ELCA Board of Pensions minutes, to: provide for the transfer of assets from the predecessor church pension plans to the RPP; to confirm that the trustees of the RPT accept the assets from the predecessor plans; and to appoint the president as agent for the trustees to effectuate the transfer of assets from the predecessor plans as of Jan 1, 1991.

Amendment Effective: 7/01/1991

Approval: ELCA Board of Pensions-6/22/1990; CC-8/02/90 ??

Addition of new Appendix J, "South Africa Free Bond Fund," new Appendix K, "South Africa Free Balanced Fund," and new Appendix L, "South Africa Free Equity Fund." These funds would be implemented July 1, 1991 (and eliminated April 15, 1995).

Amendment Effective: 7/01/1991

Approval: ELCA Board of Pensions-7/12/90 ??; CC-8/02/90 ??

Section 1.01, added reference to new Appendices J, K & L; and Section 7.05, added to "Fiduciary Standards," to reflect that nothing shall be construed to prohibit the fiduciaries from administering any of the funds.

Amendment Effective: 7/01/1991

Approval: ELCA Board of Pensions-4/07/1991; CC-4/15/1991

Amendments to Appendices A-L, to conform to the addition of the South Africa Free Funds; to the renaming of the Regular Funds to Alternative Bond Funds; and to the changes in the investment guidelines.

Amendment Effective: 1/01/1994

Approval: ELCA Board of Pensions-7/18/1993; CC-8/24/1993

Added Section 7.06, "Administrative Fee Paid to the ELCA Board of Pensions." To provide for a reasonable fee paid to the ELCA Board of Pensions for administrative services provided to the plans and trusts.

Approval: ELCA Board of Pensions-8/26/1994

CC-11/14/1994 - eliminated the South Africa Free Funds.

Amendment Effective: 12/01/1994

Approval: ELCA Board of Pensions-8/26/1994; CC-11/14/1994

Section 1.01, reference to Appendices A, C & D. Amended Appendix A by substituting the "ELCA Bond Fund" for "ELCA Alternative Bond Fund;" Appendix C by substituting the "ELCA Balanced Fund" for "ELCA Alternative Balanced Fund;" and Appendix D by substituting the "ELCA Bond Fund" for "ELCA Alternative Bond Fund."

Amendment Effective: 1/01/1995

Approval: ELCA Board of Pensions-8/26/1994; CC-11/14/1994

Eliminated Appendices J, K & L (three South Africa Free funds); and amended Section 7.05 (deleting South Africa Free fund language).

Amendment Effective: 1/01/1997

Approval: ELCA Board of Pensions-2/11/1996; CC-4/14/1996

Renamed the equity funds as stock funds, re-ordered the fund descriptions, and added the investment objective and policy of the new Money Market Fund as Appendix G.

Amendment Effective: 1/01/1997

Approval: ELCA Board of Pensions-8/02/1996; CC-11/11/1996

Minor changes in the implementation plan for the pension and investment strategy and incorporated technical corrections.

Amendment Effective 1/01/1997

Approval: ELCA Board of Pensions-11/03/1996; CC-11/11/1996

To retain language for the balanced funds allowing a range of 15-50% as the permissible allocation for fixed income securities in the Balanced Fund and Institutional Balanced Fund, and 20-50% in the Social Purpose Balanced Fund and Institutional Social Purpose Balanced Fund.

Amendment Effective: 1/01/1998

Approval: ELCA Board of Pensions-2/09/1997; CC-8/13/1997

Modified the investment funds, i.e., (1) expand the minimum-to-maximum allocation ranges for the asset classes in the balanced funds in order to increase flexibility in managing the effective asset class exposures due to the potential transfers of prior accumulations by plan members into and out of the balanced funds; (2) clarify the role of the social criteria in the social purpose funds; (3) modify provisions for the bond funds in order to achieve greater consistency with guidelines approved by the Investment Committee; and (4) utilize consistent language in provisions for the private equity portion in the stock component of the balanced and stock funds.

Amendment Effective: 1/01/2003

Approval: ELCA Board of Pensions-8/02/2002; CC-11/17/2002

With the merger of the Regular Pension Plan and Optional Pension Plan, it was no longer necessary to have two trusts; therefore, the Regular Pension Trust and Optional Pension Trust were merged into one trust (the ELCA Retirement Trust) to form a funding vehicle for the ELCA Retirement Plan.

Amendment Effective Retro to 1/01/2003

Approval: ELCA Board of Pensions-8/02/2002; CC-11/17/2002

Amendments were made to more accurately reflect the ELCA Board of Pensions current operation, specifically:

(1) Preamble amended to reflect the current trustees.

(2) Fourth "whereas" clause amended to more accurately reflect the method by which the trusts may be amended.

(3) Section 1.01 amended to eliminate the naming of the specific investment funds, as well as the appendices describing the funds. The individual funds are now set forth in the plan documents and the rules governing their investment are set forth in the Investment Guidelines.

(4) Article IV amended to more accurately reflect the current investment strategies of the ELCA Board of Pensions, specifically to correctly reflect the ELCA Board of Pensions utilization of futures, forwards, options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure. It also makes it clear that the trustees may not invest so as to leverage the size of each trust.

(5) Article VI substantially rewritten to more accurately reflect the method by which trustees are elected and how the Board of Trustees deals with the resignation, removal and election of successor trustees. Since all of the trustees of the trusts are members of the Board of Trustees of the ELCA Board of Pensions, the section now incorporates the procedures for election of trustees which is set forth in the ELCA Constitution, Bylaws and Continuing Resolutions and the ELCA Board of Pensions Bylaws.

(6) Article IX rewritten to more accurately reflect the operation of the Board of Trustees and its Investment Committee, and clarify that the Board of Trustees had delegated certain responsibilities to the Investment Committee and staff, consistent with the ELCA Constitution, Bylaws and Continuing Resolutions and the Board of Pensions Articles and Bylaws.

Amendment Effective: 1/01/2006

Approval: ELCA Board of Pensions-11/06/2005; CC-11/13/2005

The "Purpose" section in the trust was amended to coincide with the intent and purpose of the changes to each plan document and to the change in Article II of the ELCA Board of Pensions Restated Articles of Incorporation which expand the ELCA Board of Pensions ability to provide services and benefits to other organizations exclusively for religious purposes.

Amendment Effective: 1/1/2010

Approval: ELCA Board of Pensions-8/01/2009; CC-11/15/2009

Restated Trusts - See Bob Rydland memo dated July 23, 2009

**Amendments to former ELCA Optional Pension Trust** (merged into ELCA Retirement Trust 1/1/2003)  
Trust effective 1/1/1988.

Amendment Effective: 1/01/1988

Approval: ELCA Board of Pensions-6/02/1988; CC-7/11/1988

Section 7.02, amended Incompetent Payee to include “physical” condition and remove “age” to read: “If in the opinion of the ELCA Board of Pensions a person to whom the trustees are directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, ~~or age~~...”

Amendment Effective: 1/01/1990

Approval: ELCA Board of Pensions-6/24/1989; CC-8/22/1989

Amended Section 3.02(l), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Amendment Effective: 1/01/1994

Approval: ELCA Board of Pensions-7/18/1993; CC-8/24/1993

Added Section 7.06, “Administrative Fee Paid to ELCA Board of Pensions.” To provide for a reasonable fee paid to the ELCA Board of Pensions for administrative services provided to the plans and trusts.

Amendment Effective: 1/01/1998

Approval: ELCA Board of Pensions-2/09/1997; CC-8/13/1997

Modified the investment funds, i.e., (1) expand the minimum-to-maximum allocation ranges for the asset classes in the balanced funds in order to increase flexibility in managing the effective asset class exposures due to the potential transfers of prior accumulations by plan members into and out of the balanced funds; (2) clarify the role of the social criteria in the social purpose funds; (3) modify provisions for the bond funds in order to achieve greater consistency with guidelines approved by the Investment Committee; and (4) utilize consistent language in provisions for the private equity portion in the stock component of the balanced and stock funds.

Amendment Effective: 1/01/2003

Approval: ELCA Board of Pensions-8/02/2002; CC-11/17/2002

Merged this trust into the Regular Pension Trust and renamed ELCA Retirement Trust.

Church Council

Approval: ELCA Board of Pensions-8/01/2009 & 10/30/2009; CC-11/15/2009

Restated Trusts - see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009

Upon Approval of the Board of Trustees/President

ELCA Board of Pensions – 8/1/2012

Modified name in trust documents to Portico Benefit Services. The ELCA Board of Pensions began doing business as Portico Benefit Services in November 2011.

Upon Approval of the Board of Trustees (Resolution)

Portico Benefit Services – 02/23/2018

Language is being added to Section 4.01 stating that the trusts can invest in collective investment trusts.

Upon Approval of the Board of Trustees (Resolution)

Portico Benefit Service – 11/2020

Language updated to clarify fiduciary obligations.

# ELCA Retirement Savings Trust

~~February 26, 2018~~ January 1, 2021

Board of Trustees ~~99-107~~ Approval

**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA  
RETIREMENT TRUST**

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**EVANGELICAL LUTHERAN CHURCH IN AMERICA  
RETIREMENT SAVINGS TRUST**

**Preamble**

This ELCA Retirement Savings Trust ("Trust"), is made and entered into effective ~~January 1, 2017~~January 1, 2021, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, doing business as Portico Benefit Services ("Portico Benefit Services" or "Portico"), a Minnesota nonprofit corporation, in its capacity as the administrator of a church retirement income account plan under Section 403(b)(9) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations issued pursuant thereto, and Portico Benefit Services, in its capacity as the corporate trustee of this Trust (the "Trustee").

**WITNESSETH:**

**WHEREAS**, to provide greater flexibility in benefit options for employers who elect to sponsor lay employees in benefits offered the Evangelical Lutheran Church in America, the ELCA Retirement Savings Plan will be established, effective January 1, 2017; and

**WHEREAS**, assets in the ELCA Retirement Savings Plan will be segregated and held in trust for the benefit of its members; and

**WHEREAS**, separate investment accounts will be established to accommodate member directed investments; and

**WHEREAS**, to facilitate the segregation of assets and separate investment accounts, a new trust will be established; and

**WHEREAS**, pursuant to Section 317A.909 of the Minnesota Statutes, a church benefits board may act as trustee; and

**WHEREAS**, the Board of Pensions of the Evangelical Lutheran Church in America, doing business as Portico Benefit Services, is a church benefits board that may serve as trustee; and

**WHEREAS**, the trustee of this trust shall be the Board of Pensions of the Evangelical Lutheran Church in America, doing business as Portico Benefit Services.

**WHEREAS**, the Investment Department of Portico Benefit Services desires to invest in one or more collective investment trusts; and the trust was amended to accommodate that request in February 2018.

**WHEREAS**, language in the Trust has been updated effective January 1, 2021, to clarify fiduciary obligations.

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants and agreements herein contained, this Trust is established as follows:

**ARTICLE I: GENERAL**

Section 1.01 Name of Trust. This trust shall be known as the “Evangelical Lutheran Church in America Retirement Savings Trust” (the “Trust”).

Section 1.02 Acceptance of Trust Responsibilities. The Trustee accepts its appointment as such, and agrees to hold, manage and disburse all the property received by it, pursuant to this Trust and applicable law.

Section 1.03 Purpose. This Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing pension benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member congregations, colleges, schools, nursing homes, hospitals, and social service organizations), ordained ministers on the ELCA roster, ELCA rostered laypersons, other eligible employees, and to other Section 501(c)(3) organizations operated exclusively for religious purposes.

~~This Trust shall not afford pecuniary gain, incidentally or otherwise, to the Trustee, and no part of the net income or net earnings of this Trust shall inure to the benefit of the Trustee or any other individual, and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that~~  
Nothing in this Section 1.03 shall preclude any individual, ~~including the Trustee,~~ from receiving any benefit to which he or she may be entitled as a member of, or beneficiary in, the Retirement Savings Plan so long as the benefit is computed and paid on a basis which is consistent with the terms of the Retirement Savings Plan, as applied to all other members and beneficiaries. This Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Section 1.04 Part of Retirement Savings Plan. This Trust will form a part of the ELCA Retirement Savings Plan (the “Retirement Savings Plan”) and will be used to fund benefits thereunder. The Retirement Savings Plan provides that Portico Benefit Services has certain duties, authorities, and responsibilities in connection with the Retirement Savings Plan, including the responsibility to direct the Trustee as to disbursement of Trust assets for purposes of the Retirement Savings Plan. To the extent that this Trust conflicts with any provision in the Retirement Savings Plan, the Retirement Savings Plan document shall control.

Portico Benefit Services agrees that promptly upon the adoption of any amendment to the Retirement Savings Plan it will furnish the Trustee with a copy of the amendment and with an appropriate certificate evidencing its due adoption. Portico Benefit Services further agrees that no amendment of the Retirement Savings Plan shall have the effect of changing the rights, duties, and liabilities of the Trustee without its written consent. The Trustee may rely on the latest Retirement Savings Plan documents furnished as above provided without further inquiry or verification.

Section 1.05 Church Plan Trust. Portico Benefit Services intends by this document to have created a trust forming part of the Retirement Savings Plan which shall be exempt from federal income tax pursuant to Code Section 501(a) as provided for in section 1.403(b)-9(a)(7) of the Treasury Regulations issued under Code Section 403(b)(9). This Trust and the Retirement Savings Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as

to any provision of this Trust or the Retirement Savings Plan, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Section 1.06 Certifications. The Secretary of Portico Benefit Services, or such other corporate officer as is designated by the Board of Trustees of Portico Benefit Services, shall certify to the Trustee the name of the person or persons who have authority on behalf of Portico Benefit Services to direct the Trustee as to disbursements from this Trust for purposes of the Retirement Savings Plan and the name of the person or persons who have authority on behalf of Portico Benefit Services to communicate with the Trustee with respect to any other matter or matters relating to this Trust, and shall provide the Trustee with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Trustee may rely on the latest relevant certificate without further inquiry or verification.

**ARTICLE II: RETIREMENT TRUST**

Section 2.01 Composition. This Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent this Trust's interest in the Retirement Savings Plan account balances of members, in each case pursuant to the Retirement Plan, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. This Trust shall be administered in accordance with the provisions of this Trust document and the Retirement Savings Plan. The assets with respect to this Trust shall be held by a custodian designated by the Trustee.

Section 2.02 Contributions. The Trustee shall have no duty to require any contributions to be made to it, to determine that the contributions received comply with the provisions of the Retirement Savings Plan, or to collect any contributions payable pursuant to the Retirement Savings Plan. The responsibility of the Trustee shall be limited to the sums of money, securities, and other property actually received.

Section 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Retirement Plan, or required by law, the interests of members and their beneficiaries under the Retirement Plan or this Trust may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.

Section 2.04 No Diversion. ~~This Trust shall be for the exclusive purpose of providing benefits to members under the Retirement Savings Plan and their beneficiaries, and defraying reasonable expenses of administering or operating the Retirement Savings Plan.~~ For purposes of this Trust, the expenses of administering or operating the Retirement Plan shall be paid from contributions made to the Retirement Savings Plan or from assets held in this Trust under the Retirement Savings Plan. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of Retirement Savings Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Retirement Plan (including the costs associated with a change in the persons or organizations from time to time providing services to the Retirement Savings Plan). Such expenses may also include premiums for the bonding of officials of the Retirement Savings Plan as required by any applicable law. ~~No part of the corpus or income of this Trust may be used for, or diverted to, purposes other than for the exclusive benefit of members or their beneficiaries.~~

Notwithstanding the foregoing, if any contribution or portion thereof is made by a Participating Employer by a mistake of fact, the Trustee shall, upon written request of Portico Benefit Services, return such contribution to the Participating Employer.

**ARTICLE III: TRUSTEE**

Section 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Trustee shall be as follows:

- (a) The Trustee shall have exclusive authority and discretion to manage and control the assets of the Retirement Savings Plan held in this Trust subject to the provisions of Section 3.03 and Article IV.
- (b) The Trustee shall hold, administer, invest and reinvest the principal and income of this Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Trustee shall disburse monies and other properties from this Trust on direction of Portico Benefit Services pursuant to the provisions of the Retirement Savings Plan to the payee or payees specified by Portico Benefit Services in directions to the Trustee in such form as the Trustee may reasonably require. The Trustee shall be under no liability for any distribution made by it pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by it pursuant to any such direction is made pursuant to the provisions of the Retirement Plan. The payee's receipt of the distributions shall constitute a full acquittance to the Trustee.
- (d) The Trustee shall have the responsibilities, if any, expressly allocated to it by the Retirement Savings Plan and this Trust. Except as responsibilities may be expressly so allocated, the Trustee in its capacity as such shall have no responsibility or authority with respect to the operation and administration of the Retirement Savings Plan, and the rights, powers and duties of the Trustee shall be governed solely by the terms of this Trust provided, however, that to the extent this Trust conflicts with a provision in the Retirement Savings Plan, the provisions of the Retirement Savings Plan shall control.
- (e) The Trustee may commingle for investment purposes the assets of this Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of this Trust in the commingled assets.

Section 3.02 Powers of the Trustee. ~~As provided in Section 4.01(b) hereof, it is the intention of Portico Benefit Services in establishing this Trust that the Trustee be, at all times, a directed trustee of this Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of this Trust assets unless such discretion is delegated by Portico Benefit Services.~~ The Trustee shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to this Trust that may be necessary or advisable to discharge its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Trustee, the Trustee shall have the following powers and authorities to be exercised in its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Trustee such securities and properties shall constantly be shown to be a part of the appropriate Investment Funds selected by Portico Benefit Services, as provided in accordance with Section 4.02, and no such registration or holding by the Trustee shall relieve it from liability for the safe

custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.

- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising this Trust not subject to member investment direction under Section 3.03 at such prices and on such terms and in such manner as it may deem proper, and for terms within or extending beyond the duration of this Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by it; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Trustee may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that it may deem advisable in its absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as it may in its absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid on property in foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies with respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the appropriate Investment Fund any and all liens, charges, or encumbrances upon the same, in its absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.
- (e) To borrow such sums of money for the benefit of this Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as it may determine; to secure any loan so made by pledge or mortgage of the Trust property; and to renew existing loans.
- (f) To use the assets of this Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by this Trust, and to pay, compromise, and discharge with the assets of this Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Retirement Savings Plan from time to time and to deposit the same in its name as Trustee in such depositories as it may select.
- (h) To receive, collect, and give receipts for every item of income or principal of this Trust.

- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning this Trust or the assets thereof, at the sole cost and expense of this Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of this Trust or of the Trustee; but the Trustee shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless it shall have been indemnified to its satisfaction against any and all loss, cost, expense, and liability it may sustain or anticipate by reason thereof.
- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in this Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Trustee cannot delegate its right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as it may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of this Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in this Trust in the same manner and to the same extent as any individual owner and holder thereof might do.
- (k) To make application for any contract issued by an insurance company to be purchased under the Retirement Savings Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent a Participating Employer or Portico Benefit Services) deemed by the Trustee to be necessary or proper for the administration of this Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustee under the terms of this Trust; and to pay reasonable expenses and compensation for services to this Trust from this Trust. The Trustee shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustee has exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the appropriate Investment Fund all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against such Investment Fund, without need to seek any approval or direction from Portico Benefit Services.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Trustee's opinion, it shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Trustee shall deem necessary for its protection.

- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Trustee but also in any other fiduciary capacity with respect to the Retirement Savings Plan, including any fiduciary capacity allocated to Portico Benefit Services, pursuant to such agreements or practices as the Trustee considers necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Trustee.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation and administration of this Trust.
- (s) To take into account the investment objectives, policies, fiduciary responsibilities, and restrictions of Portico Benefit Services in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and Portico Benefit Services with respect to the investments of Trust assets.

All of the powers of this Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Section 501(c)(3) of the Internal Revenue Code of 1986.

Section 3.03 Member Investment Direction. To the extent permitted under the Retirement Savings Plan, the Trustee shall permit individual members and, if applicable, beneficiaries to direct the investment of contributions into specified Investment Funds, established pursuant to the provisions of Article IV in accordance with procedures established by Portico Benefit Services.

Neither the Trustee, Portico Benefit Services nor any Participating Employer under the Retirement Savings Plan shall be liable or responsible for any loss resulting to the accounts of a member or beneficiary because of any sale or investment directed by the member or beneficiary or because of the failure to take any action regarding an investment acquired pursuant to such elective investment. The Trustee, Portico Benefit Services, and any Participating Employer under the Retirement Savings Plan shall be indemnified by the member or beneficiary from and against any liability to which the Trustee, Portico Benefit Services, or any Participating Employer under the Retirement Plan may be subjected due to carrying out an elective investment directed by the member or beneficiary or investment in a default investment option in the absence of instructions from the member or beneficiary. If a member or beneficiary who has investment authority under the terms of the Retirement Savings Plan fails to provide investment direction, the Trustee shall invest such member's or beneficiary's Retirement Savings Plan assets in accordance with the default investment option of the Retirement Savings Plan.

Section 3.04 Appointment of Ancillary Trustee. In the event that any property which is or may become a part of this Trust is situated in a state or states in which the Trustee acting hereunder is prohibited from holding real estate as trustee, or in a foreign country, the Trustee is hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Trustee. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Trustee, but shall exercise and discharge the same subject to

such limitations or directions of the Trustee as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Trustee for all monies, assets, or other property entrusted to it or received by it in connection with the administration of this Trust. The Trustee may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to this Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Trustee hereunder, in the exercise of its discretion, may deem appropriate and consistent with the provisions of this Trust.

Section 3.05 Expenses. The Trustee shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by it in the performance of its services as Trustee or in any other capacity in connection with the Retirement Savings Plan ~~as may be agreed upon with Portico Benefit Services, including but not limited to, those reasonable and necessary costs, expenses, and disbursements incurred in defending a claim arising from the Trustee's performance of its services as Trustee or in any other capacity in connection with the Retirement Savings Plan.~~ Such reimbursements shall be paid from this Trust if not paid directly by ~~Portico Benefit Services~~ or the Participating Employers in such proportions as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid. \_\_\_

~~Without limiting the foregoing, Portico Benefit Services shall be entitled to reimbursement for all reasonable and necessary costs, expenses and disbursement incurred by it in fulfilling its duties under the Trust or the Retirement Savings Plan, including, but not limited to, those reasonable and necessary costs, expenses, and disbursements incurred in defending a claim arising from Portico Benefit Services' performance of its duties under this Trust or the Retirement Savings Plan. Such reimbursement shall be paid from the Trust if not paid directly by the Participating Employers in such proportions as Portico Benefit Services shall determine and shall constitute a lien upon this Trust until paid.~~

~~Notwithstanding the foregoing, no reimbursement shall be paid from the Trust to a party seeking reimbursement under this Section 3.05 for costs, expenses, or disbursements incurred as result of that party's bad faith or reckless indifference to the purposes of the Trust or the interest of the Retirement Savings Plan members and beneficiaries.~~

Section 3.06 Records and Accountings. The Trustee shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by Portico Benefit Services at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of this Trust, and as soon as reasonably practicable after the resignation or removal of the Trustee has become effective, the Trustee shall determine the fair market value of this Trust, such determination to be made at least annually. At the same time, the Trustee shall file with Portico Benefit Services a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by it during such year for each Investment Fund, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period in each Investment Fund, and the cost of each item thereof as carried on the books of the Trustee. The accounting shall also furnish Portico Benefit Services such other information as the Trustee may possess and as may be necessary for Portico Benefit Services to comply with the reporting requirements of applicable law. If the fair market value of an asset in this Trust is not available, when necessary for

accounting or reporting purposes the fair value of such asset shall be determined in good faith by the Trustee, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Trustee and anyone as to any act or transaction reported in an accounting, the Trustee shall have the right to have this Trust's account settled by a court of competent jurisdiction.

Section 3.07 Record Retention. The Trustee shall retain the records relating to this Trust including records relating to each Investment Fund, as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

## ARTICLE IV: INVESTMENTS

### Section 4.01 General.

- (a) The Trustee is vested with title to all assets of this Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in this Trust except as provided in the Retirement Savings Plan. Prior to the time of distribution, no member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in this Trust except as permitted under the Retirement Savings Plan or as required by law or directed by a court of competent jurisdiction.
- (b) Portico Benefit Services shall direct the Trustee as to the investment of the assets of this Trust. Except for those Trust assets that are under the investment control of an investment manager or insurance company, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of Portico Benefit Services and any member investment direction described in Section 3.03. Accordingly, Portico Benefit Services shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of this Trust, ~~and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith.~~ Consistent with applicable law and provided that the direction is made in accordance with the terms of the Retirement Savings Plan, the Trustee shall promptly comply with any direction given by Portico Benefit Services. ~~The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of this Trust under the management and control of Portico Benefit Services in the absence of investment directions regarding such assets.~~
- (c) Portico Benefit Services may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of Portico Benefit Services. Any such delegation shall be made in accordance with the terms of the Retirement Savings Plan and not contrary to the standards set forth in Section 6.04.
- (d) Except as otherwise expressly provided herein, the Trustee shall have exclusive authority and discretion to invest and reinvest the principal and income of this Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with the objectives of each fund described in Section 4.02, the Trustee shall diversify the investments of this Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Trustee shall not be limited by the laws of any state proscribing or limiting the investment of Trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of Trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (i) The Trustee may invest and reinvest principal and income of this Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; real estate leases and real estate partnerships; and other asset classes approved by Portico Benefit Services in accordance with this Article IV.
- (ii) The Trustee may invest and reinvest the principal and income of this Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (iii) The Trustee may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of this Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Trustee may not sell uncovered call options or sell put options nor invest so as to leverage the size of this Trust.
- (iv) Notwithstanding any other provisions of this Trust, assets of this Trust may be invested in any collective investment fund or funds, including common and group trust funds presently in existence or hereafter established which are maintained by a bank or trust company supervised by a state or federal agency, notwithstanding that the bank or trust company is the Trustee, Investment Manager, or is otherwise a party-in-interest of the Plan. The assets so invested shall be subject to all the provisions of the instruments establishing such funds as they may be amended from time to time. Such instruments of group trusts as they may be amended from time to time are hereby incorporated and made a part of this Trust as if fully set forth herein. The combining of money and other assets of this Trust with money and other assets of other trusts and accounts in such fund or funds is specifically authorized.

Section 4.02 Investment Funds. Notwithstanding the provisions of Section 4.01 above, the Trustee shall establish separate funds (herein sometimes referred to as "Investment Funds") in accordance with directions given by Portico Benefit Services. Each of these separate Investment Funds shall be subject to the terms of this Trust ~~unless otherwise modified by Portico Benefit Services.~~ The Trustee shall comply with the directions of Portico Benefit Services ~~will direct the Trustee~~ regarding the current investment policy and certain specific investment decisions for each of the Investment Funds selected, provided that the directions are made in accordance with the terms of the Retirement Savings Plan and are not contrary to the standards set forth in Section 6.04. The assets of any Investment Fund cannot be used to satisfy the liabilities of any other Investment Fund as determined in accordance with the provisions of the Retirement Plan.

Section 4.03 Investment Managers.

- (a) Portico Benefit Services has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of this Trust under its management in accordance with the provisions of the Retirement Savings Plan and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.

- (b) If Portico Benefit Services elects to delegate investment authority for all or any portion of the assets of this Trust to an investment manager pursuant to Section 4.03(a), Portico Benefit Services will inform the Trustee in writing of such designation and such written notice shall describe the portion of this Trust affected. Upon receipt of such notice, and provided that the designation is made in accordance with the terms of the Retirement Savings Plan, the Trustee will ~~be obligated to~~ follow the investment directions of the investment manager with respect to the assets of the specified portion of this Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by Portico Benefit Services.
- (c) ~~The Trustee~~ Portico Benefit Services shall have ~~no the~~ duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not ~~be subject to or otherwise have the responsibility to~~ manage any assets of the Retirement Savings Plan which is subject to management of such duly-appointed investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by this Trust, except to the extent paid by any Participating Employer ~~or by Portico Benefit Services.~~

Section 4.04 Insurance Contracts.

- (a) Portico Benefit Services or an investment manager duly appointed pursuant to Section 4.03, shall have the power and authority to direct the Trustee to invest all or any portion of the assets of the Trust in contracts issued by insurance companies, including contracts under which the insurance company holds Trust assets in a separate account or commingled separate account managed by the insurance company.
- (b) The Trustee will follow the direction of Portico Benefit Services or the duly-appointed investment manager to invest all or any portion of the assets of the Trustee in contracts issued by insurance companies pursuant to Section 4.04(a).
- (c) The Trustee is entitled to rely upon directions of Portico Benefit Services or the duly-appointed investment manager and, except with respect to investments for which the Trustee has discretionary responsibility, the Trustee shall not be responsible for the terms of any insurance contract that it is directed to purchase and hold or for the selection of the issuer thereof or for performing any functions under such contract. For purposes of the Trust agreement, an insurance company that issues a contract in which assets of the Trust have been invested pursuant to Section 4.04(a) shall be considered to be an investment manager with regard to the assets subject to its control.

**ARTICLE V: APPOINTMENT AND CHANGE IN TRUSTEE**

- Section 5.01 Appointment of Trustee. The ELCA Church Council or Portico Benefit Services may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Section 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.
- Section 5.02 Resignation. The Trustee may resign at any time by delivering to the ELCA Church Council and Portico Benefits Services (or if Portico Benefit Services is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by Portico Benefit Services (or by the ELCA Church Council if Portico Benefit Services is resigning as Trustee).
- Section 5.03 Removal. A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or Portico Benefit Services may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of this Trust in accordance with Section 5.01 above. Before removing a Trustee, Portico Benefit Services shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with Portico Benefit Services. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.
- Section 5.04 Successor. Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Section 5.01 above, and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.
- Section 5.05 Failure to Appoint Successor Trustee. If no appointment of a successor is made by Portico Benefit Services or the ELCA Church Council in accordance with Section 5.01 above within a reasonable time after resignation or removal of the Trustee, any court of competent jurisdiction may appoint successor Trustee, after notice, to Portico Benefit Services or the ELCA Church Council and to the retiring Trustee, as such court may deem proper and suitable. The retiring Trustee shall be furnished with written notice from Portico Benefit Services or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee cease to be Trustee.
- Section 5.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in this Trust except as hereinafter provided in the case of the replacement of the Trustee. Upon the appointment and acceptance of successor Trustee, the predecessor Trustee shall transfer and deliver the assets of this Trust to the successor, after reserving such reasonable amount as such Trustee shall deem necessary to provide for fees and expenses and any sums chargeable against this Trust for which such Trustee may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this Trust shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustee hereunder, subject to the right of amendment of this Trust. No person or entity becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to acceptance of the trusteeship, nor shall such person or entity have any duty to examine the administration of this Trust prior to such acceptance.

## ARTICLE VI: MISCELLANEOUS

Section 6.01 Incompetent Payee. If, in the opinion of Portico Benefit Services, a person to whom the Trustee is directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due to such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing Portico Benefit Services with evidence satisfactory to Portico Benefit Services of such status. Prior to the furnishing of such evidence, Portico Benefit Services may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then in the opinion of Portico Benefit Services caring for or maintaining the person who is under the disability. The Trustee shall have no liability with respect to payments made to an individual designated by Portico Benefit Services. The Trustee shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.

Section 6.02 Evidence. Evidence required of anyone under this Trust may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.

Section 6.03 Dealings of Others With Trustee. No person (corporate or individual) dealing with the Trustee shall be required to see to the application of any money paid or property delivered to the Trustee or to determine whether the Trustee is acting pursuant to any authority granted to it under this Trust.

Section 6.04 Fiduciary Standards. ~~Each fiduciary shall discharge her/his duties with respect to this Trust, solely in the interests of the Members and in accordance with the provisions of this Trust and the Retirement Plan.~~ To the extent strictly required by applicable law, each fiduciary shall discharge her/his duties with respect to this Trust solely in the interests of the Members and in accordance with the following requirements:

(a) In good faith, in accordance with the terms and purposes of the Trust and the interests of Members, and without placing the Trustee's own interests above those of the Members, and

(b) As a prudent person would, by considering the purposes, terms and distribution requirements of the Trust and relevant circumstances, and by exercising reasonable care, skill and caution, and

(c) By diversifying the investments of this Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and

(d) In accordance with the provisions of this Trust and the Retirement Savings Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering any Investment Fund, in accordance with the investment objectives and policies from time to time established for such Investment Fund, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies. Further, nothing herein shall be construed or applied to limit the availability of member investment direction as provided under Section 3.03.

Section 6.05 Administrative Fee Paid to Portico Benefit Services. Portico Benefit Services shall be paid a reasonable fee by this Trust for the administrative services provided by Portico Benefit Services to the Retirement Savings Plan and this Trust, including a fee for informing the employees and employers of the availability of the Retirement Savings Plan. The fee charged to this Trust shall constitute a lien upon this Trust until paid.

- Section 6.06 Audits. Portico Benefit Services shall have the right to cause the books, records, and accounts of the Trustee that relate to the Retirement Savings Plan to be examined and audited by independent auditors designated by Portico Benefit Services at such times as Portico Benefit Services may determine, and the Trustee shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from this Trust, if not paid by the Participating Employers, in such proportion as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid.
- Section 6.07 Successors. The provisions of this Trust shall be binding on each Participating Employer and its successors. If a successor to a Participating Employer or a purchaser of all or substantially all of an Participating Employer's assets is eligible to, and elects to, continue participation in the Retirement Savings Plan, such successor or purchaser shall be substituted for the Participating Employer under this Trust.
- Section 6.08 Waiver of Notice. Any notice required under this Trust may be waived by the person entitled thereto.
- Section 6.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust, and shall not influence its construction.
- Section 6.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust unless the context clearly indicates otherwise.
- Section 6.11 Construed as a Whole. The provisions of this Trust shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Section 6.12 Severability. In the event any provision of this Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Trust, but shall be fully severable, and this Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Section 6.13 Counterparts. This Trust may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Section 6.14 Indemnification of Trustee and Portico Benefit Services. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify the Trustee for and to hold it harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the Trustee at any time by reason of the Trustee's service under this Trust if the Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost, or expense arises. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify Portico Benefit Services for and to hold it harmless against any and all liabilities, losses, costs, or expenses (including legal fees, costs and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against Portico Benefit Services at any time by reason of Portico Benefits Services' service under this Trust if Portico Benefit Services did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost or expense arises.

Section 6.15 Internal Revenue Code of 1986. All references in this Trust to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this Trust.

Section 6.16 Applicable Law. This Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.

Section 6.17 Deemed Compliance With Terms of Trust. If, at any time, Portico Benefit Services serves as the Trustee hereunder, then any requirement in this Trust that either Portico Benefit Services or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.

Section 6.18 Parties to this Trust. Any Participating Employer that contributes to the Retirement Savings Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Retirement Plan and this Trust, as then in effect and as may thereafter be amended. The Trustee shall invest and administer this Trust as a single fund for investment and accounting purposes, provided that, at all times, the interests of members and beneficiaries shall be accounted for separately.

Any corporation or other participating entity, other than Portico Benefit Services, shall cease to be a party to this Trust upon delivering to the Trustee or to Portico Benefit Services a certified copy of a resolution terminating its participation in the Retirement Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by Portico Benefit Services, shall continue to hold, in accordance with the provisions of this Trust, that portion of this Trust which, pursuant to the determination of Portico Benefit Services, is attributable to the participation in the Retirement Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Section 6.19 Necessary Parties to Legal Actions. Only Portico Benefit Services and the Trustee will be considered necessary parties in any legal action or proceeding with respect to this Trust, and no member, beneficiary or other person having an interest in this Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Section 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

## ARTICLE VII: AMENDMENTS AND TERMINATION

Section 7.01 Amendments. This Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of this Trust to be diverted to purposes other than the payment of benefits to members under the Retirement Plan and their beneficiaries, or reasonable expenses of administration of the Retirement Plan:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to Portico Benefit Services for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to Portico Benefit Services for recommendation before final action by the ELCA Church Council, or.
- (c) Portico Benefit Services may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of Portico Benefit Services who are authorized by the Board of Trustees of Portico Benefit Services to take such action and the Trustee.

Section 7.02 Termination. This Trust may be terminated at any time in accordance with the amendment procedure set forth in Section 7.01. Upon termination of this Trust, any surplus property remaining after the payment of all benefits of this Trust attributable to the Retirement Plan, and all of the debts of the Retirement Savings Plan and Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the Trustee shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Trust upon specific trust or other condition, or subject to an executorial or special limitation, and such other property, upon dissolution of this Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

**(Signature page follows on next page)**

**IN WITNESS WHEREOF**, Portico Benefit Services has caused this Trust to be executed as of the day and year written below.

**PORTICO BENEFIT SERVICES**

Dated: ~~February \_\_, 2018~~ November \_\_, 2020

By: \_\_\_\_\_  
Jeffrey Thiemann, President and Chief Executive Officer

Dated: ~~February \_\_, 2018~~ November \_\_, 2020

By: \_\_\_\_\_  
Stacy Kruse, Chief Operations and Chief Financial Officer

**IN WITNESS WHEREOF**, Portico Benefit Services accepts its appointment as corporate trustee of this ELCA Retirement Savings Trust.

**PORTICO BENEFIT SERVICES**

Dated: ~~February \_\_, 2018~~ November \_\_, 2020

By: \_\_\_\_\_  
Jeffrey Thiemann, President and Chief Executive Officer

Dated: ~~February \_\_, 2018~~ November \_\_, 2020

By: \_\_\_\_\_  
Stacy Kruse, Chief Operations and Chief Financial Officer

(Notary page follows on next page)

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ~~HENNEPIN~~ \_\_\_\_\_ )

On this \_\_\_\_ day of ~~February 2018~~ November 2020, before me personally appeared JEFFREY THIEMANN, to me personally known, who, being by me duly sworn, did say that he is PRESIDENT AND CHIEF EXECUTIVE OFFICER of PORTICO BENEFIT SERVICES, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20 \_\_\_\_

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ~~HENNEPIN~~ \_\_\_\_\_ )

On this \_\_\_\_ day of ~~February 2018~~ November 2020, before me personally appeared STACY KRUSE, to me personally known, who, being by me duly sworn, did say that she is CHIEF OPERATIONS AND CHIEF FINANCIAL OFFICER of PORTICO BENEFIT SERVICES, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and she acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20 \_\_\_\_

August 2016 this Trust was created.

Upon Approval of the Board of Trustees (Resolution)

Portico Benefit Services – 02/23/2018

Language is being added to Section 4.01 stating that the trusts can invest in collective investment trusts.

Upon Approval of the Board of Trustees (Resolution)

Portico Benefit Service – 11/2020

Language updated to clarify fiduciary obligations.

# ELCA Participating Annuity Trust

~~February 26, 2018~~ January 1, 2021

Board of Trustees ~~99-107~~ — Approval

**EVANGELICAL LUTHERAN CHURCH IN AMERICA  
PARTICIPATING ANNUITY TRUST**

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**EVANGELICAL LUTHERAN CHURCH IN AMERICA  
PARTICIPATING ANNUITY TRUST**

**Preamble**

This ELCA Participating Annuity Trust ("Trust") is made and entered into effective ~~August 1, 2012~~January 1, 2021, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, doing business as Portico Benefit Services ("Portico Benefit Services" or "Portico"), a Minnesota nonprofit corporation, in its capacity as the administrator of a church retirement income account plan under Section 403(b)(9) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations issued pursuant thereto, and Portico Benefit Services, in its capacity as the corporate trustee of this Trust (the "Trustee").

WITNESSETH:

WHEREAS, the Restated Evangelical Lutheran Church in America Retirement Trust holds assets of the ELCA Retirement Plan, including those assets invested in the ELCA Participating Annuity Fund and the ELCA Participating Annuity Bridge Fund; and

WHEREAS, such Retirement Plan assets and the ELCA Participating Annuity Fund and the ELCA Participating Annuity Bridge Fund are separately accounted for by investment fund by the ELCA Board of Pensions and the Trustee of the Restated ELCA Retirement Trust; and

WHEREAS, the ELCA Board of Pensions created a new trust called the ELCA Participating Annuity Trust to hold the assets of the ELCA Participating Annuity Fund, including assets in the ELCA Participating Annuity Bridge Fund, separate and apart from the remainder of the assets of the Restated ELCA Retirement Trust; and

WHEREAS, the ELCA Board of Pensions shall be corporate trustee of this Trust; and

WHEREAS, the ELCA Board of Pensions directed that the Restated ELCA Retirement Trust assets representing the ELCA Participating Annuity Fund and the ELCA Participating Annuity Bridge Fund be transferred, along with associated liabilities, to this ELCA Participating Annuity Trust; and

WHEREAS, in November 2011 the Board of Pensions of the Evangelical Lutheran Church in America began doing business as Portico Benefit Services; and

WHEREAS, Portico Benefit Services desires to amend the trust to reflect this name change.

WHEREAS, this Trust provides that it may be amended as set forth in Article V.

WHEREAS, the Investment Department of Portico Benefit Services desires to invest in one or more collective investment trusts; and the trust was amended to accommodate that request in February 2018.

WHEREAS, language in the Trust has been updated effective January 1, 2021, to clarify fiduciary obligations.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, this Trust is as follows:

**ARTICLE I: GENERAL**

Section 1.01 Name of Trust. This trust shall be known as the “Evangelical Lutheran Church in America Participating Annuity Trust” (the “Trust”). This Trust contains ELCA Participating Annuity Fund assets and ELCA Participating Annuity Bridge Fund assets.

Section 1.02 Acceptance of Trust Responsibilities. The Trustee accepts its appointment as such, and agrees to hold, manage and disburse all the property received by it, pursuant to this Trust and applicable law.

Section 1.03 Purpose. This Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing pension benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member congregations, colleges, schools, nursing homes, hospitals, and social service organizations), ordained ministers on the ELCA roster, ELCA rostered laypersons, other eligible employees, and to other 501(c)(3) organizations operated exclusively for religious purposes.

~~This Trust shall not afford pecuniary gain, incidentally or otherwise, to the Trustee, and no part of the net income or net earnings of this Trust shall inure to the benefit of the Trustee or any other individual, and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that~~  
Nothing in this Section 1.03 shall preclude any individual, ~~including the Trustee,~~ from receiving any benefit to which he or she may be entitled as a member of, or beneficiary in, the Retirement Plan so long as the benefit is computed and paid on a basis which is consistent with the terms of the Retirement Plan, as applied to all other members and beneficiaries. This Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Section 1.04 Part of Retirement Plan. This Trust will form a part of the ELCA Retirement Plan (the “Retirement Plan”) and will be used to fund participating annuity benefits thereunder. The Retirement Plan provides that Portico Benefit Services has certain duties, authorities, and responsibilities in connection with the Retirement Plan, including the responsibility to direct the Trustee as to disbursement of this Trust assets for purposes of the Retirement Plan. To the extent that this Trust conflicts with any provision in the Retirement Plan, the Retirement Plan document shall control.

Portico Benefit Services agrees that promptly upon the adoption of any amendment to the Retirement Plan it will furnish the Trustee with a copy of the amendment and with an appropriate certificate evidencing its due adoption. Portico Benefit Services further agrees that no amendment of the Retirement Plan shall have the effect of changing the rights, duties, and liabilities of the Trustee without its written consent. The Trustee may rely on the latest Retirement Plan documents furnished as above provided without further inquiry or verification.

Section 1.05 Church Plan Trust. Portico Benefit Services intends by this document to have created a trust forming part of the Retirement Plan which shall be exempt from federal income tax pursuant to Code Section 501(a) as provided for in Section 1.403(b)-9(a)(7) of the Treasury Regulations issued under Code Section 403(b)(9). This Trust and the Retirement Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue

Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust or the Retirement Plan, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Section 1.06 Certifications. The Secretary of Portico Benefit Services, or such other corporate officer as is designated by the Board of Trustees of Portico Benefit Services, shall certify to the Trustee the name of the person or persons who have authority on behalf of Portico Benefit Services to direct the Trustee as to disbursements from this Trust for purposes of the Retirement Plan and the name of the person or persons who have authority on behalf of Portico Benefit Services to communicate with the Trustee with respect to any other matter or matters relating to this Trust, and shall provide the Trustee with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Trustee may rely on the latest relevant certificate without further inquiry or verification.

## ARTICLE II: PARTICIPATING ANNUITY TRUST

Section 2.01 Composition. This Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent this Trust's interest in Retirement Plan assets invested in the ELCA Participating Annuity Fund and ELCA Participating Annuity Bridge Fund, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. This Trust shall be administered in accordance with the provisions of this Trust document and the Retirement Plan. The assets with respect to this Trust shall be held by a custodian designated by the Trustee.

Section 2.02 Contributions. The Trustee shall have no duty to require any contributions to be made to it, to determine that the contributions received comply with the provisions of the Retirement Plan, or to collect any contributions payable pursuant to the Retirement Plan. The responsibility of the Trustee shall be limited to the sums of money, securities, and other property actually received.

Section 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Retirement Plan, or required by law, the interests of members and their beneficiaries under the Retirement Plan or this Trust may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.

Section 2.04 No Diversion. ~~This Trust shall be for the exclusive purpose of providing benefits to members under the Retirement Plan and their beneficiaries, and defraying reasonable expenses of administering or operating the Retirement Plan.~~ For purposes of this Trust, the expenses of administering or operating the Retirement Plan shall be paid from contributions made to the Retirement Plan or from assets held in this Trust under the Retirement Plan. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of Retirement Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Retirement Plan (including the costs associated with a change in the persons or organizations from time to time providing services to the Retirement Plan). Such expenses may also include premiums for the bonding of officials of the Retirement Plan as required by any applicable law. ~~No part of the corpus or income of this Trust may be used for, or diverted to, purposes other than for the exclusive benefit of members or their beneficiaries.~~

Notwithstanding the foregoing, if any contribution or portion thereof is made by a Participating Employer by a mistake of fact, the Trustee shall, upon written request of Partico Benefit Services, return such contribution to the Participating Employer.

**ARTICLE III: TRUSTEE**

Section 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Trustee shall be as follows:

- (a) The Trustee shall have exclusive authority and discretion to manage and control the assets of the Retirement Plan held in this Trust subject to the provisions of Article IV.
- (b) The Trustee shall hold, administer, invest and reinvest the principal and income of this Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Trustee shall disburse monies and other properties from this Trust on direction of Portico Benefit Services pursuant to the provisions of the Retirement Plan to the payee or payees specified by Portico Benefit Services in directions to the Trustee in such form as the Trustee may reasonably require. The Trustee shall be under no liability for any distribution made by it pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by it pursuant to any such direction is made pursuant to the provisions of the Retirement Plan. The payee's receipt of the distributions shall constitute a full acquittance to the Trustee.
- (d) The Trustee shall have the responsibilities, if any, expressly allocated to it by the Retirement Plan and this Trust. Except as responsibilities may be expressly so allocated, the Trustee in its capacity as such shall have no responsibility or authority with respect to the operation and administration of the Retirement Plan, and the rights, powers and duties of the Trustee shall be governed solely by the terms of this Trust provided, however, that to the extent this Trust conflicts with a provision in the Retirement Plan, the provisions of the Retirement Plan shall control.
- (e) The Trustee may commingle for investment purposes the assets of this Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of this Trust in the commingled assets.

Section 3.02 Powers of the Trustee. ~~As provided in Section 4.01(b) hereof, it is the intention of Portico Benefit Services in establishing this Trust that the Trustee be, at all times, a directed trustee of this Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of Trust assets unless such discretion is delegated by Portico Benefit Services.~~—The Trustee shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to this Trust that may be necessary or advisable to discharge its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Trustee, the Trustee shall have the following powers and authorities to be exercised in its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Trustee such securities and properties shall constantly be shown to be a part of the appropriate investment funds selected by Portico Benefit Services, and no such registration or holding by the Trustee shall

relieve it from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.

- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising this Trust at such prices and on such terms and in such manner as it may deem proper, and for terms within or extending beyond the duration of this Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by it; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Trustee may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that it may deem advisable in its absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as it may in its absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid on property in foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies with respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the appropriate investment fund any and all liens, charges, or encumbrances upon the same, in its absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.
- (e) To borrow such sums of money for the benefit of this Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as it may determine; to secure any loan so made by pledge or mortgage of Trust property; and to renew existing loans.
- (f) To use the assets of this Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by this Trust, and to pay, compromise, and discharge with the assets of this Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Retirement Plan from time to time and to deposit the same in its name as Trustee in such depositories as it may select.
- (h) To receive, collect, and give receipts for every item of income or principal of this Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning this Trust or the assets thereof, at the sole cost and expense of this

Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of this Trust or of the Trustee; but the Trustee shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless it shall have been indemnified to its satisfaction against any and all loss, cost, expense, and liability it may sustain or anticipate by reason thereof.

- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in this Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Trustee cannot delegate its right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as it may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of this Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in this Trust in the same manner and to the same extent as any individual owner and holder thereof might do.
- (k) To make application for any contract issued by an insurance company to be purchased under the Retirement Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent a Participating Employer or Portico Benefit Services) deemed by the Trustee to be necessary or proper for the administration of this Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustee under the terms of this Trust; and to pay reasonable expenses and compensation for services to this Trust from this Trust. The Trustee shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustee has exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the appropriate investment fund all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against such investment fund, without need to seek any approval or direction from Portico Benefit Services.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Trustee's opinion, it shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Trustee shall deem necessary for its protection.

- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Trustee but also in any other fiduciary capacity with respect to the Retirement Plan, including any other fiduciary capacity allocated to Portico Benefit Services, pursuant to such agreements or practices as the Trustee considers necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Trustee.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation or administration of this Trust.
- (s) To take into account the investment objectives, policies, fiduciary responsibilities, and restrictions of Portico Benefit Services in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and Portico Benefit Services with respect to the investments of Trust assets.

All of the powers of this Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Section 501(c)(3) of the Internal Revenue Code of 1986.

Section. 3.03 Appointment of Ancillary Trustee. In the event that any property which is or may become a part of this Trust is situated in a state or states in which the Trustee acting hereunder is prohibited from holding real estate as trustee, or in a foreign country, the Trustee is hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Trustee. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Trustee, but shall exercise and discharge the same subject to such limitations or directions of the Trustee as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Trustee for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the Trust. The Trustee may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Trustee hereunder, in the exercise of its discretion, may deem appropriate and consistent with the provisions of this Trust.

Section. 3.04 Expenses. The Trustee shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by it in the performance of its services as Trustee or in any other capacity in connection with the Retirement Plan ~~as may be agreed upon with Portico Benefit Services,~~ including, but not limited to, those reasonable and necessary costs, expenses, and disbursements incurred in defending a claim arising from the Trustee's performance of its services as Trustee or in any other capacity in connection with the Retirement Plan. Such reimbursements shall be paid from this Trust if not paid directly by ~~Portico Benefit Services~~ or the Participating Employers in such proportions as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid.

Without limiting the foregoing, Portico Benefit Services shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by it in fulfilling its duties under this Trust or the Retirement Plan, including but not limited to, those reasonable and necessary costs, expenses, and disbursements incurred in defending a claim arising from Portico Benefit Services' performance of its duties under this Trust or the Retirement Plan. Such reimbursements shall be paid from the Trust if not paid directly by the Participating Employers in such proportions as Portico Benefit Services shall determine and shall constitute a lien upon this Trust until paid.

Notwithstanding the foregoing, no reimbursement shall be paid from the Trust to a party seeking reimbursement under this Section 3.04 for costs, expenses, or disbursements incurred as a result of that party's bad faith or reckless indifference to the purposes of the Trust or the interest of Retirement Plan members and beneficiaries.

Section. 3.05 Records and Accountings. The Trustee shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by Portico Benefit Services at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the Trust, and as soon as reasonably practicable after the resignation or removal of the Trustee has become effective, the Trustee shall determine the fair market value of the Trust, such determination to be made at least annually. At the same time, the Trustee shall file with Portico Benefit Services a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by it during such year for each investment fund, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period in each investment fund, and the cost of each item thereof as carried on the books of the Trustee. The accounting shall also furnish Portico Benefit Services such other information as the Trustee may possess and as may be necessary for Portico Benefit Services to comply with the reporting requirements of applicable law. If the fair market value of an asset in this Trust is not available, when necessary for accounting or reporting purposes the fair value of such asset shall be determined in good faith by the Trustee, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Trustee and anyone as to any act or transaction reported in an accounting, the Trustee shall have the right to have the Trust's account settled by a court of competent jurisdiction.

Section. 3.06 Record Retention. The Trustee shall retain the records relating to this Trust including records relating to each investment fund, as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

## ARTICLE IV: INVESTMENTS

### Section. 4.01 General.

- (a) The Trustee is vested with title to all assets of this Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in this Trust except as provided in the Retirement Plan. Prior to the time of distribution, no member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in this Trust except as permitted under the Retirement Plan or as required by law or directed by a court of competent jurisdiction.
- (b) Portico Benefit Services shall direct the Trustee as to the investment of the assets of this Trust. Except for those Trust assets that are under the investment control of an investment manager or insurance company, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of Portico Benefit Services. Accordingly, Portico Benefit Services shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of this Trust, ~~and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith.~~ Consistent with applicable law, and provided that the direction is made in accordance with the terms of the Retirement Plan, the Trustee shall promptly comply with any direction given by Portico Benefit Services. ~~The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of this Trust under the management and control of Portico Benefit Services in the absence of investment directions regarding such assets.~~
- (c) Portico Benefit Services may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of Portico Benefit Services. Any such delegation shall be made in accordance with the terms of the Retirement Plan and not contrary to the standards set forth in Section 6.04.
- (d) Except as otherwise expressly provided herein, the Trustee shall have exclusive authority and discretion to invest and reinvest the principal and income of this Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Trustee shall diversify the investments of this Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Trustee shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of Trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (i) The Trustee may invest and reinvest principal and income of this Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; real estate leases and real estate partnerships; and other asset classes approved by Portico Benefit Services in accordance with this Article IV.
- (ii) The Trustee may invest and reinvest the principal and income of this Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (iii) The Trustee may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Trustee may not sell uncovered call options or sell put options nor invest so as to leverage the size of the Trust.
- (iv) Notwithstanding any other provisions of this Trust, assets of this Trust may be invested in any collective investment fund or funds, including common and group trust funds presently in existence or hereafter established which are maintained by a bank or trust company supervised by a state or federal agency, notwithstanding that the bank or trust company is the Trustee, Investment Manager, or is otherwise a party-in-interest of the Plan. The assets so invested shall be subject to all the provisions of the instruments establishing such funds as they may be amended from time to time. Such instruments of group trusts as they may be amended from time to time are hereby incorporated and made a part of this Trust as if fully set forth herein. The combining of money and other assets of this Trust with money and other assets of other trusts and accounts in such fund or funds is specifically authorized.

Section. 4.02 Investment Managers.

- (a) Portico Benefit Services has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of this Trust under its management in accordance with the provisions of the Retirement Plan and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.
- (b) If Portico Benefit Services elects to delegate investment authority for all or any portion of the assets of this Trust to an investment manager pursuant to Section 4.02(a), Portico Benefit Services will inform the Trustee in writing of such designation and such written notice shall describe the portion of this Trust affected. Upon receipt of such notice and provided that the designation is made in accordance with the terms of the Retirement Plan, the Trustee will ~~be obligated to~~ follow the investment directions of the investment manager with respect to the assets of the specified portion of this Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by Portico Benefit Services.

- (c) ~~The Trustee Portico Benefit Services shall have no the duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise have responsibility to manage any assets of the Retirement Plan which is subject to management of such duly-appointed investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Participating Employer or by Portico Benefit Services.~~

Section 4.03 Insurance Contracts.

- (a) Portico Benefit Services or an investment manager duly appointed pursuant to Section 4.03, shall have the power and authority to direct the Trustee to invest all or any portion of the assets of the Trust in contracts issued by insurance companies, including contracts under which the insurance company holds Trust assets in a separate account or commingled separate account managed by the insurance company.
- (b) The Trustee will follow the direction of Portico Benefit Services or the duly-appointed investment manager to invest all or any portion of the assets of the Trustee in contracts issued by insurance companies pursuant to Section 4.03(a).
- (c) The Trustee is entitled to rely upon directions of Portico Benefit Services or the duly-appointed investment manager and, except with respect to investments for which the Trustee has discretionary responsibility, the Trustee shall not be responsible for the terms of any insurance contract that it is directed to purchase and hold or for the selection of the issuer thereof or for performing any functions under such contract. For purposes of the Trust agreement, an insurance company that issues a contract in which assets of the Trust have been invested pursuant to Section 4.03(a) shall be considered to be an investment manager with regard to the assets subject to its control.

**ARTICLE V: APPOINTMENT AND CHANGE IN TRUSTEE**

- Section. 5.01 Appointment of Trustees. The ELCA Church Council or Portico Benefit Services may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Section 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.
- Section. 5.02 Resignation. The Trustee may resign at any time by delivering to the ELCA Church Council and Portico Benefit Services (or if Portico Benefit Services is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by Portico Benefit Services (or by the ELCA Church Council if Portico Benefit Services is resigning as Trustee).
- Section. 5.03 Removal. A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or Portico Benefit Services may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of this Trust in accordance with Section 5.01 above. Before removing a Trustee, Portico Benefit Services shall consult with the ELCA Church Council or ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with Portico Benefit Services. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.
- Section. 5.04 Successor. Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Section 5.01 above, and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.
- Section. 5.05 Failure to Appoint Successor Trustee. If no appointment of a successor is made by Portico Benefit Services or the ELCA Church Council in accordance with Section 5.01 above within a reasonable time after resignation or removal of the Trustee, any court of competent jurisdiction may appoint a successor Trustee, after notice, to Portico Benefit Services and the ELCA Church Council and to the retiring Trustee, as such court may deem proper and suitable. The retiring Trustee shall be furnished with written notice from Portico Benefit Services or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee cease to be Trustee.
- Section. 5.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in this Trust except as hereinafter provided in the case of the replacement of the Trustee. Upon the appointment and acceptance of a successor Trustee, the predecessor Trustee shall transfer and deliver the assets of this Trust to the successor, after reserving such reasonable amount as such Trustee shall deem necessary to provide for fees and expenses and any sums chargeable against this Trust for which such Trustee may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this Trust shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustee hereunder, subject to the right of amendment of the Trust. No person or entity becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to acceptance of the trusteeship, nor shall such person or entity have any duty to examine the administration of this Trust prior to such acceptance.

**ARTICLE VI: MISCELLANEOUS**

Section. 6.01 Incompetent Payee. If, in the opinion of Portico Benefit Services, a person to whom the Trustee is directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing Portico Benefit Services with evidence satisfactory to Portico Benefit Services of such status. Prior to the furnishing of such evidence, Portico Benefit Services may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then in the opinion of Portico Benefit Services caring for or maintaining the person who is under the disability. The Trustee shall have no liability with respect to payments made to an individual designated by Portico Benefit Services. The Trustee shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.

Section. 6.02 Evidence. Evidence required of anyone under this Trust may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.

Section. 6.03 Dealings of Others With Trustee. No person (corporate or individual) dealing with the Trustee shall be required to see to the application of any money paid or property delivered to the Trustee or to determine whether the Trustee is acting pursuant to any authority granted to it under this Trust.

Section. 6.04 Fiduciary Standards. ~~To the extent strictly required by applicable law, each fiduciary shall discharge her/his duties with respect to this Trust solely in the interests of the Members and in accordance with the following requirements:~~

~~Each fiduciary shall discharge her/his duties with respect to the Trust, solely in the interests of the Members and in accordance with the following requirements:~~

- ~~(a) In good faith, in accordance with the terms and purposes of the Trust and the interests of Members, and without placing the Trustee's own interests above those of the Members, and,~~
- ~~(a) For the exclusive purpose of providing benefits to members in the Retirement Plan and their beneficiaries and defraying reasonable expenses of administering the Trust,~~
- ~~(b) As a prudent person would, by considering the purposes, terms and distribution requirements of the Trust and relevant circumstances, and by exercising reasonable care, skill and caution, and-~~
- ~~(b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,~~
- (c) By diversifying the investments of this Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
- (d) In accordance with the provisions of this Trust and the Retirement Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering any investment fund, in accordance with the investment objectives and policies from time to time established for such investment fund, and the fiduciaries shall

not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies.

- Section. 6.05 Administrative Fee Paid to Portico Benefit Services. Portico Benefit Services shall be paid a reasonable fee by this Trust for the administrative services provided by Portico Benefit Service to the Retirement Plan and this Trust, including a fee for informing the employees and employers of the availability of the Retirement Plan. The fee charged to this Trust shall constitute a lien upon this Trust until paid.
- Section. 6.06 Audits. Portico Benefit Services shall have the right to cause the books, records, and accounts of the Trustee that relate to the Retirement Plan to be examined and audited by independent auditors designated by Portico Benefit Services at such times as Portico Benefit Services may determine, and the Trustee shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the Trust, if not paid by the Participating Employers, in such proportion as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid.
- Section. 6.07 Successors. The provisions of this Trust shall be binding on each Participating Employer and its successors. If a successor to an Participating Employer or a purchaser of all or substantially all of an Participating Employer's assets is eligible to, and elects to, continue participation in the Retirement Plan, such successor or purchaser shall be substituted for the Participating Employer under this Trust.
- Section. 6.08 Waiver of Notice. Any notice required under this Trust may be waived by the person entitled thereto.
- Section. 6.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust, and shall not influence its construction.
- Section. 6.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust unless the context clearly indicates otherwise.
- Section. 6.11 Construed as a Whole. The provisions of this Trust shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Section. 6.12 Severability. In the event any provision of this Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Trust, but shall be fully severable, and this Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Section. 6.13 Counterparts. This Trust may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Section. 6.14 Indemnification of Trustee and Portico Benefit Services. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify the Trustee for and to hold it harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the Trustee at any time by reason of the Trustee's service under this Trust if the Trustee did not have reasonable grounds to believe the

conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost, or expense arises. The Participating Employers jointly and severally agree to the fullest extent permitted by law, to indemnify Portico Benefit Services for and to hold it harmless against any and all liabilities, losses, costs or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against Portico Benefit Services at any time by reason of Portico Benefit Services' service under the Trust if Portico Benefit Services did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost or expense arises.

Section. 6.15 Internal Revenue Code of 1986. All references in this Trust to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this Trust.

Section. 6.16 Applicable Law. This Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.

Section. 6.17 Deemed Compliance With Terms of Trust. If, at any time, Portico Benefit Services serves as the Trustee hereunder, then any requirement in this Trust that either Portico Benefit Services or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.

Section. 6.18 Parties to the Trust. Any Participating Employer that contributes to the Retirement Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Retirement Plan and this Trust, as then in effect and as may thereafter be amended. The Trustee shall invest and administer this Trust as a single fund for investment and accounting purposes, provided that, at all times, the interests of members and beneficiaries shall be accounted for separately.

Any corporation or other participating entity, other than Portico Benefit Services, shall cease to be a party to this Trust upon delivering to the Trustee or to Portico Benefit Services a certified copy of a resolution terminating its participation in the Retirement Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by Portico Benefit Services, shall continue to hold, in accordance with the provisions of this Trust, that portion of this Trust which, pursuant to the determination of Portico Benefit Services, is attributable to the participation in the Retirement Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Section. 6.19 Necessary Parties to Legal Actions. Only Portico Benefit Services and the Trustee will be considered necessary parties in any legal action or proceeding with respect to the Trust, and no member, beneficiary or other person having an interest in this Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Section 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

## ARTICLE VII: AMENDMENTS AND TERMINATION

Section.7.01 Amendments. This Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of this Trust to be diverted to purposes other than the payment of benefits to members under the Retirement Plan and their beneficiaries, or reasonable expenses of administration of the Retirement Plan:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to Portico Benefit Services for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to Portico Benefit Services for recommendation before final action by the ELCA Church Council, ~~or-~~
- (c) Portico Benefit Services may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of Portico Benefit Services who are authorized by the Board of Trustees of Portico Benefit Services to take such action and the Trustee.

Section 7.01 Termination. This Trust may be terminated at any time in accordance with the amendment procedure set forth in Section 7.01. Upon termination of the Trust, any surplus property remaining after the payment of all benefits of this Trust attributable to the Retirement Plan, and all of the debts of the Retirement Plan and Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the Trustee shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Trust upon specific trust or other condition, or subject to an executorial or special limitation, and such other property, upon dissolution of the Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

**(Signature page follows on next page)**

IN WITNESS WHEREOF, Portico Benefit Services has caused this Restated Trust to be executed as of the day and year written below.

PORTICO BENEFIT SERVICES

Dated: ~~February~~, ~~2018~~November, ~~2020~~ By \_\_\_\_\_  
Jeffrey Thiemann, President and Chief Executive Officer

Dated: ~~February~~, ~~2018~~November, ~~2020~~ By \_\_\_\_\_  
Stacy Kruse, Chief Operating and Chief Financial Officer

IN WITNESS WHEREOF, Portico Benefit Services accepts its appointment as corporate trustee of this ELCA Participating Annuity Trust.

PORTICO BENEFIT SERVICES

Dated: ~~February~~, ~~2018~~November, ~~2020~~ By \_\_\_\_\_  
Jeffrey Thiemann, President and Chief Executive Officer

Dated: ~~February~~, ~~2018~~November, ~~2020~~ By \_\_\_\_\_  
Stacy Kruse, Chief Operating and Chief Financial Officer

**(Notary page follows on next page)**

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ~~HENNEPIN~~ \_\_\_\_\_)

On this \_\_\_ day of ~~February 2018~~ November 2020, before me personally appeared JEFFREY THIEMANN, to me personally known, who, being by me duly sworn, did say that he is PRESIDENT AND CHIEF EXECUTIVE OFFICER of PORTICO BENEFIT SERVICES, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20 \_\_\_\_

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ~~HENNEPIN~~ \_\_\_\_\_)

On this \_\_\_ day of ~~February 2018~~ November 2020, before me personally appeared STACY KRUSE, to me personally known, who, being by me duly sworn, did say that she is CHIEF OPERATING AND CHIEF FINANCIAL OFFICER of PORTICO BENEFIT SERVICES, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and she acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20 \_\_\_\_

# Restated ELCA Master Institutional Retirement Trust

~~February 26, 2018~~ January 1, 2021

Board of Trustees ~~99-107~~ Approval

**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA  
MASTER INSTITUTIONAL RETIREMENT TRUST**

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**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA  
MASTER INSTITUTIONAL RETIREMENT TRUST**

**Preamble**

This Amendment and Restatement of this ELCA Master Institutional Retirement Trust ("Trust") is made and entered into effective ~~August 1, 2012~~ January 1, 2021, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, doing business as Portico Benefit Services ("Portico Benefit Services" or "Portico"), a Minnesota nonprofit corporation, in its capacity as the administrator of a church retirement income account plan under Section 403(b)(9) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations issued pursuant thereto, and Portico Benefit Services, in its capacity as the corporate trustee of this Trust (the "Trustee");

WITNESSETH:

WHEREAS, pursuant to the merger of the ELCA Institutional Regular Pension Plan and the ELCA Institutional Savings Plan into the ELCA Master Institutional Retirement Plan on January 1, 2003, the ELCA Board of Pensions and the Trustees of both the Institutional Regular Pension Trust and the Institutional Savings Trust transferred all assets in the Institutional Savings Trust to the Institutional Regular Pension Trust, and the resulting trust was renamed the Evangelical Lutheran Church in America Master Institutional Retirement Trust; and

WHEREAS, the Institutional Retirement Plan provides that various employers may establish a separate Plan ("Plan") by executing an Adoption Agreement and having such Adoption Agreement approved by the officer of the ELCA Board of Pensions who has been authorized to act on behalf of the Trustees, each of said employers being referred to as an "Adopting Employer"; and

WHEREAS, by establishing a separate Plan under the Institutional Retirement Plan each Adopting Employer also agrees to the terms set forth herein; and

WHEREAS, effective July 1, 2002, The Evangelical Lutheran Good Samaritan Society adopted the ELCA Retirement Plan for The Evangelical Lutheran Good Samaritan Society ("ELGSS Plan"); and

WHEREAS, the ELGSS Plan provides that the assets of such plan are to be maintained under this Trust on behalf of sponsored members in the ELGSS Plan; and

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the ELCA Master Institutional Retirement Trust; and

WHEREAS, during the 2009 legislative session, Section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of this Trust appointed the ELCA Board of Pensions as corporate trustee of this Trust, transferred and delivered this Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Section 5.06 herein, and then resigned their positions as individual trustees; and

WHEREAS, provisions of this Trust were amended to reflect the new trustee structure; and

WHEREAS, in November 2011 the Board of Pensions of the Evangelical Lutheran Church in America began doing business as Portico Benefit Services; and

WHEREAS, Portico Benefit Services desires to amend the trust to reflect this name change.

WHEREAS, this Trust provides that it may be amended as set forth in Article VII.

WHEREAS, the Investment Department of Portico Benefit Services desires to invest in one or more collective investment trusts; and the trust was amended to accommodate that request in February 2018.

WHEREAS, in October 2018, The Evangelical Lutheran Good Samaritan Society ("ELGSS") notified Portico Benefit Services of its intention to transfer its Plan and assets to a new Trustee and the transfer of all funds held for the benefit of the ELGSS Plan has been completed.

WHEREAS, language in the Trust has been updated effective January 1, 2021, to clarify fiduciary obligations.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, this Trust is amended and restated as follows:

ARTICLE I: GENERAL

Section 1.01 Name of Trust. This trust shall be known as the "Restated Evangelical Lutheran Church in America Master Institutional Retirement Trust" (the "Trust")

Section 1.02 Definition of Plan. Except as otherwise clearly indicated by the context, the word "Plan" shall include each Plan established under the Institutional Retirement Plan, ~~and the ELGSS Plan.~~

Section 1.03 Acceptance of Trust Responsibilities. The Trustee accepts its appointment as such, and agrees to hold, manage and disburse all the property received by it, pursuant to this Trust and applicable law.

Section 1.04 Purpose. This Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the "ELCA"), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing pension benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member colleges, schools, nursing homes, hospitals, and social service organizations), and to other 501(c)(3) organizations operated exclusively for religious purposes.

~~This Trust shall not afford pecuniary gain, incidentally or otherwise, to the Trustee, and no part of the net income or net earnings of this Trust shall inure to the benefit of the Trustee or any other individual, and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that~~  
Nothing in this Section 1.04 shall preclude any individual, ~~including the Trustee,~~ from receiving any benefit to which he or she may be entitled as a member of, or beneficiary in, any Plan so long as the benefit is computed and paid on a basis which is consistent with the terms of such Plan, including the provisions of the Institutional Retirement Plan, as applied to all other members and beneficiaries. This Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Section 1.05 Part of Each Plan. This Trust will form a part of each Plan and will be used to fund benefits thereunder. The Institutional Retirement Plan ~~and the ELGSS Plan~~ provides that Portico Benefit Services has certain duties, authorities, and responsibilities in connection with the Plans, including the responsibility to direct the Trustee as to disbursement of Trust assets for purposes of the Plans. To the extent that this Trust conflicts with any provision in the Institutional Retirement Plan or the Plans, the documents evidencing the respecting Plan shall control.

Portico Benefit Services agrees that promptly upon the adoption of any amendment to the Institutional Retirement Plan, ~~the ELGSS Plan,~~ or any of the separate Plans it will furnish the Trustee with a copy of the amendment and with an appropriate certificate evidencing its due adoption. Portico Benefit Services further agrees that no amendment of the Institutional Retirement Plan, ~~the ELGSS Plan,~~ or any of the separate Plans shall have the effect of changing the rights, duties, and liabilities of the Trustee without its written consent. The Trustee may rely on the latest Plan documents furnished as above provided without further inquiry or verification.

Section 1.06 Church Plan Trust. Portico Benefit Services intends by this document to have created a trust forming part of the Plans which shall be exempt from federal income tax pursuant to Code Section 501(a) as provided for in Section 1.403(b)-9(a)(7) of the Treasury Regulations issued under Code Section 403(b)(9). This Trust, the Institutional Retirement Plan and each separate Plan are intended to qualify as a church plan as defined in Section

414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust, the Institutional Retirement Plan, or the separate Plans, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Section 1.07 Certifications. The Secretary of Portico Benefit Services, or such other corporate officer as is designated by the Board of Trustees of Portico Benefit Services, shall certify to the Trustee the name of the person or persons who have authority on behalf of Portico Benefit Services to direct the Trustee as to disbursements from this Trust for purposes of the Plans and the name of the person or persons who have authority on behalf of Portico Benefit Services to communicate with the Trustee with respect to any other matter or matters relating to this Trust, and shall provide the Trustee with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Trustee may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: INSTITUTIONAL RETIREMENT TRUST

Section 2.01 Composition. This Trust shall consist of such sums of money, property or other assets as shall from time be paid or delivered to the Trustee or which otherwise represent this Trust's interest in each Plan's account balances of members, in each case pursuant to the Plans, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. This Trust shall be administered in accordance with the provisions of this Trust document and the Plans. The assets with respect to this Trust shall be held by a custodian designated by the Trustee.

Section 2.02 Contributions. The Trustee shall have no duty to require any contributions to be made to it, to determine that the contributions received comply with the provisions of the Plans, or to collect any contributions payable pursuant to the Plans. The responsibility of the Trustee shall be limited to the sums of money, securities, and other property actually received.

Section 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Institutional Retirement Plan ~~or the ELGSS Plan~~, or required by law, the interests of members and their beneficiaries under the Plans or this Trust may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.

Section 2.04 No Diversion. ~~This Trust shall be for the exclusive purpose of providing benefits to participants under the Plans and their beneficiaries, and defraying reasonable expenses of administering or operating the Plans.~~ For purposes of this Trust, the expenses of administering or operating the Plans shall be paid from contributions made to the Plans or from assets held in this Trust under the Plans. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Plans (including the costs associated with a change in the persons or organizations from time to time providing services to the Plans). Such expenses may include premiums for the bonding of officials of the Plans as required by any applicable law. ~~No part of the corpus or income of this Trust may be used for, or diverted to, purposes other than for the exclusive benefit of members or their beneficiaries.~~

Notwithstanding the foregoing, if any contribution or portion thereof is made by an Adopting Employer by a mistake of fact, the Trustee shall, upon written request of Portico Benefit Services, return such contribution to the Adopting Employer.

ARTICLE III: TRUSTEE

Section 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Trust shall be as follows:

- (a) The Trustee shall have exclusive authority and discretion to manage and control the assets of the Plans held in Trust subject to the provisions of Section 3.03 and Article IV.
- (b) The Trustee shall hold, administer, invest and reinvest the principal and income of this Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Trustee shall disburse monies and other properties from this Trust on direction of Portico Benefit Services pursuant to the provisions of the Plans, including the provisions of the Institutional Retirement Plan, to the payee or payees specified by Portico Benefit Services in directions to the Trustee in such form as the Trustee may reasonably require. The Trustee shall be under no liability for any distribution made by it pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by it pursuant to any such direction is made pursuant to the provisions of the Plans. The payee's receipt of the distributions shall constitute a full acquittance to the Trustee.
- (d) The Trustee shall have the responsibilities, if any, expressly allocated to it by the Plans, including the provisions of the Institutional Retirement Plan and this Trust. Except as responsibilities may be expressly so allocated, the Trustee in its capacity as such shall have no responsibility or authority with respect to the operation and administration of the Plans, and the rights, powers and duties of the Trustee shall be governed solely by the terms of this Trust, provided, however, that to the extent this Trust conflicts with a provision in the Plans, the provisions of the Plans shall control.
- (e) The Trustee may commingle for investment purposes the assets of this Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of this Trust in the commingled assets.

Section 3.02 Powers of the Trustee. ~~As provided in Section 4.01(b) hereof, it is the intention of Portico Benefit Services in establishing this Trust that the Trustee be, at all times, a directed trustee of this Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of this Trust assets unless such discretion is delegated by Portico Benefit Services.~~—The Trustee shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to this Trust that may be necessary or advisable to discharge its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Trustee, the Trustee shall have the following powers and authorities to be exercised in its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Trustee such securities and properties shall constantly be shown to be a part of the appropriate Investment Funds selected by Portico Benefit Services, as provided in accordance with Section 4.02, and no such registration or holding by the Trustee shall relieve it from

liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.

- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising this Trust not subject to member investment direction under Section 3.03 at such prices and on such terms and in such manner as it may deem proper, and for terms within or extending beyond the duration of this Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by it; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Trustee may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that it may deem advisable in its absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as it may in its absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid in property on foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies with respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the appropriate Investment Fund any and all liens, charges, or encumbrances upon the same, in its absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.
- (e) To borrow such sums of money for the benefit of this Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as it may determine; to secure any loan so made by pledge or mortgage of Trust property; and to renew existing loans.
- (f) To use the assets of this Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by this Trust, and to pay, compromise, and discharge with the assets of this Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Plans from time to time and to deposit the same in its name as Trustee in such depositories as it may select.
- (h) To receive, collect, and give receipts for every item of income or principal of this Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning this Trust or the assets thereof, at the sole cost and expense of this Trust, and to compromise, settle, and adjust any claims and liabilities asserted

against or in favor of this Trust or of the Trustee; but the Trustee shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless it shall have been indemnified to its satisfaction against any and all loss, cost, expense, and liability it may sustain or anticipate by reason thereof.

- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in this Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Trustee cannot delegate its right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as it may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of this Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in this Trust in the same manner and to the same extent as any individual owner and holder thereof might do.
- (k) To make application for any contract issued by an insurance company to be purchased under the Plans or the Institutional Retirement Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent an Adopting Employer or Portico Benefit Services) deemed by the Trustee to be necessary or proper for the administration of this Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustee under the terms of this Trust; and to pay reasonable expenses and compensation for services to this Trust from this Trust. The Trustee shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustee has exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the appropriate Investment Fund all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against such Investment Fund, without need to seek any approval or direction from Portico Benefit Services.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Trustee's opinion, it shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Trustee shall deem necessary for its protection.
- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Trustee but also in any other fiduciary capacity with respect

to the Institutional Retirement Plan and Plans, including any other fiduciary capacity allocated to Portico Benefit Services, pursuant to such agreements or practices as the Trustee considers necessary or appropriate under the circumstances.

- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Trustee.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation or administration of this Trust.
- (s) To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of Portico Benefit Services in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and Portico Benefit Services with respect to the investments of Trust assets.

All of the powers of this Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Section 501(c)(3) of the Internal Revenue Code of 1986.

Section 3.03 Member Investment Direction. To the extent permitted under the Institutional Retirement Plans, the Trustee shall permit individual members, and if applicable, beneficiaries, to direct the investment of contributions into specified Investment Funds, established pursuant to the provisions of Article IV in accordance with procedures established by Portico Benefit Services.

Neither the Trustee, Portico Benefit Services nor any Adopting Employer shall be liable or responsible for any loss resulting to the accounts of a member or beneficiary because of any sale or investment directed by the member or beneficiary or because of the failure to take any action regarding an investment acquired pursuant to such elective investment. The Trustee, Portico Benefit Services, and any Adopting Employer shall be indemnified by the member or beneficiary from and against any liability to which the Trustee, Portico Benefit Services, or any Adopting Employer may be subjected due to carrying out an elective investment directed by the member or beneficiary or investment in a default investment option in the absence of instructions from the member or beneficiary. If a member or beneficiary who has investment authority under the terms of the Plans fails to provide investment direction, the Trustee shall invest such member's or beneficiary's Plan assets in accordance with the default investment option of the Plan.

Section 3.04 Appointment of Ancillary Trustee. In the event that any property which is or may become a part of this Trust is situated in a state or states in which the Trustee acting hereunder is prohibited from holding real estate as trustee, or in a foreign country, the Trustee is hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Trustee. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Trustee, but shall exercise and discharge the same subject to such limitations or directions of the Trustee as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Trustee for all monies, assets, or other property entrusted to it or received by it in connection with the administration of this Trust. The Trustee may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to this Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the

ancillary trustee as the Trustee hereunder, in the exercise of its discretion, may deem appropriate and consistent with the provisions of this Trust.

Section 3.05 Expenses. The Trustee shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by it in the performance of its services as Trustee or in any other capacity in connection with the Institutional Retirement Plan and Plans ~~as may be agreed upon with Portico Benefit Services, including, but not limited to, those reasonable and necessary costs, expenses, and disbursements incurred in defending a claim arising from the Trustee's performance of its services as Trustee or in any other capacity in connection with the Institutional Retirement Plan or Plans.~~ Such reimbursements shall be paid from this Trust if not paid directly by ~~Portico Benefit Services~~ or the Adopting Employers in such proportions as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid.

Without limiting the foregoing, Portico Benefit Services shall be entitled to reimbursement for all reasonable and necessary costs, expenses and disbursement incurred by it in fulfilling its duties under the Trust, Institutional Retirement Plan, or Plans, including, but not limited to, those reasonable and necessary costs, expenses, and disbursements incurred in defending a claim arising from Portico Benefit Services' performance of its duties under this Trust, Institutional Retirement Plan, or Plans. Such reimbursement shall be paid from the Trust if not paid directly by the Participating Employers in such proportions as Portico Benefit Services shall determine and shall constitute a lien upon this Trust until paid.

Notwithstanding the foregoing, no reimbursement shall be paid from the Trust to a party seeking reimbursement under this Section 3.05 for costs, expenses, or disbursements incurred as result of that party's bad faith or reckless indifference to the purposes of the Trust or the interest of the Plan members and beneficiaries.

Section 3.06 Records and Accountings. The Trustee shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by Portico Benefit Services at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of this Trust, and as soon as reasonably practicable after the resignation or removal of the Trustee has become effective, the Trustee shall determine the fair market value of this Trust, such determination to be made at least annually. At the same time, the Trustee shall file with Portico Benefit Services a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by it during such year for each Investment Fund, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period in each Investment Fund, and the cost of each item thereof as carried on the books of the Trustee. The accounting shall also furnish Portico Benefit Services such other information as the Trustee may possess and as may be necessary for Portico Benefit Services to comply with the reporting requirements of applicable law. If the fair market value of an asset in this Trust is not available, when necessary for accounting or reporting purposes the fair value of such asset shall be determined in good faith by the Trustee, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Trustee and anyone as to any act or transaction reported in an accounting, the Trustee shall have the right to have this Trust's account settled by a court of competent jurisdiction.

Section 3.07 Record Retention. The Trustee shall retain the records relating to this Trust including records relating to each Investment Fund, as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV: INVESTMENTS

Section 4.01 General.

- (a) The Trustee is vested with title to all assets of this Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in this Trust except as provided in the Plans. Prior to the time of distribution, no member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in this Trust except as permitted under the Plans or as required by law or directed by a court of competent jurisdiction.
- (b) Portico Benefit Services shall direct the Trustee as to the investment of the assets of this Trust. Except for those Trust assets that are under the investment control of an investment manager or insurance company, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of Portico Benefit Services and any member investment direction described in Section 3.03. Accordingly, Portico Benefit Services shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of this Trust, ~~and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith.~~ Consistent with applicable law, and provided that the direction is made in accordance with the terms of the Institutional Retirement Plan, the Trustee shall promptly comply with any direction given by Portico Benefit Services. ~~The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of this Trust under the management and control of Portico Benefit Services in the absence of investment directions regarding such assets.~~
- (c) Portico Benefit Services may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of Portico Benefit Services. Any such delegation shall be made in accordance with the terms of the Institutional Retirement Plan and not contrary to the standards set forth in Section 6.04.
- (d) Except as otherwise expressly provided herein, the Trustee shall have exclusive authority and discretion to invest and reinvest the principal and income of this Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with the objectives of each fund described in Section 4.02, the Trustee shall diversify the investments of this Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Trustee shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of Trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:
- (i) The Trustee may invest and reinvest principal and income of this Trust in common, preferred, and other stocks of any corporation; private equity;

voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; real estate leases and real estate partnerships; and other asset classes approved by Portico Benefits Services in accordance with this Article IV.

- (ii) The Trustee may invest and reinvest the principal and income of this Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (iii) The Trustee may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of this Trust. Financial futures and options may be used, for example, to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Trustee may not sell uncovered call options or sell put options nor invest so as to leverage the size of this Trust.
- (iv) Notwithstanding any other provisions of this Trust, assets of this Trust may be invested in any collective investment fund or funds, including common and group trust funds presently in existence or hereafter established which are maintained by a bank or trust company supervised by a state or federal agency, notwithstanding that the bank or trust company is the Trustee, Investment Manager, or is otherwise a party-in-interest of the Plan. The assets so invested shall be subject to all the provisions of the instruments establishing such funds as they may be amended from time to time. Such instruments of group trusts as they may be amended from time to time are hereby incorporated and made a part of this Trust as if fully set forth herein. The combining of money and other assets of this Trust with money and other assets of other trusts and accounts in such fund or funds is specifically authorized.

Section 4.02 Investment Funds. Notwithstanding the provisions of Section 4.01 above, the Trustee shall establish separate funds (herein sometimes referred to as "Investment Funds") in accordance with directions given by Portico Benefit Services. Each of these separate Investment Funds shall be subject to the terms of this Trust ~~unless otherwise modified by Portico Benefit Services. The Trustee shall comply with the directions of~~ Portico Benefit Services ~~will direct the Trustee~~ regarding the current investment policy and certain specific investment decisions for each of the Investment Funds selected, provided that the directions are made in accordance with the terms of the Institutional Retirement Plan and are not contrary to the standards set forth in Section 6.04. The assets of any Investment Fund cannot be used to satisfy the liabilities of any other Investment Fund as determined in accordance with the provisions of the Institutional Retirement Plan ~~or the ELGSS Plan.~~

Section 4.03 Investment Managers.

- (a) Portico Benefit Services has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of this Trust under its management in accordance with the provisions of the Plans and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.
- (b) If Portico Benefit Services elects to delegate investment authority for all or any portion of the assets of this Trust to an investment manager pursuant to Section 4.03(a), Portico Benefit Services will inform the Trustee in writing of such

designation and such written notice shall describe the portion of this Trust affected. Upon receipt of such notice, and provided that the designation is made in accordance with the terms of the Institutional Retirement Plan, the Trustee will ~~be obligated to~~ follow the investment directions of the investment manager with respect to the assets of the specified portion of this Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by Portico Benefit Services.

- (c) Portico Benefit Services ~~The Trustee~~ shall have ~~no-the~~ duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not ~~be subject to or otherwise have the responsibility to~~ manage any assets of the Plans which are subject to management of such duly-appointed investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by this Trust, except to the extent paid by any Adopting Employer ~~or by Portico Benefit Services~~.

#### Section 4.04 Insurance Contracts.

- (a) Portico Benefit Services or an investment manager duly appointed pursuant to Section 4.03, shall have the power and authority to direct the Trustee to invest all or any portion of the assets of the Trust in contracts issued by insurance companies, including contracts under which the insurance company holds Trust assets in a separate account or commingled separate account managed by the insurance company.
- (b) The Trustee will follow the direction of Portico Benefit Services or the duly-appointed investment manager to invest all or any portion of the assets of the Trustee in contracts issued by insurance companies pursuant to Section 4.04(a).
- (c) The Trustee is entitled to rely upon directions of Portico Benefit Services or the duly-appointed investment manager and, except with respect to investments for which the Trustee has discretionary responsibility, the Trustee shall not be responsible for the terms of any insurance contract that it is directed to purchase and hold or for the selection of the issuer thereof or for performing any functions under such contract. For purposes of the Trust agreement, an insurance company that issues a contract in which assets of the Trust have been invested pursuant to Section 4.04(a) shall be considered to be an investment manager with regard to the assets subject to its control.

ARTICLE V: APPOINTMENT AND CHANGE IN TRUSTEE

Section 5.01 Appointment of Trustee. The ELCA Church Council or Portico Benefit Services may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Section 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.

Section 5.02 Resignation. The Trustee may resign at any time by delivering to the ELCA Church Council and Portico Benefit Services (or if Portico Benefit Services resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by Portico Benefit Services (or the ELCA Church Council if Portico Benefit Services is resigning as Trustee).

Section 5.03 Removal. A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or Portico Benefit Services may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of this Trust in accordance with Section 5.01 above. Before removing a Trustee, Portico Benefit Services shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with Portico Benefit Services. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.

Section 5.04 Successor. Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Section 5.01 above, and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.

Section 5.05 Failure to Appoint Successor Trustee. If no appointment of a successor is made by Portico Benefit Services or the ELCA Church Council in accordance with Section 5.01 above within a reasonable time after resignation or removal of the Trustee, any court of competent jurisdiction may appoint successor Trustee, after notice, to Portico Benefit Services and the ELCA Church Council and to the retiring Trustee, as such court may deem proper and suitable. The retiring Trustee shall be furnished with written notice from Portico Benefit Services or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee cease to be Trustee.

Section 5.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in this Trust except as hereinafter provided in the case of the replacement of the Trustee. Upon the appointment and acceptance of successor Trustee, the predecessor Trustee shall transfer and deliver the assets of this Trust to the successor, after reserving such reasonable amount as such Trustee shall deem necessary to provide for fees and expenses and any sums chargeable against this Trust for which such Trustee may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this Trust shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustee hereunder, subject to the right of amendment of this Trust. No person or entity becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to acceptance of the trusteeship, nor shall such person or entity have any duty to examine the administration of this Trust prior to such acceptance.

ARTICLE VI: MISCELLANEOUS

Section 6.01 Incompetent Payee. If, in the opinion of Portico Benefit Services, a person to whom the Trustee is directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing Portico Benefit Services with evidence satisfactory to Portico Benefit Services of such status. Prior to the furnishing of such evidence, Portico Benefit Services may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then in the opinion of Portico Benefit Services caring for or maintaining the person who is under the disability. The Trustee shall have no liability with respect to payments made to an individual designated by Portico Benefit Services. The Trustee shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.

Section 6.02 Evidence. Evidence required of anyone under this Trust may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.

Section 6.03 Dealings of Others With Trustee. No person (corporate or individual) dealing with the Trustee shall be required to see to the application of any money paid or property delivered to the Trustee or to determine whether the Trustee is acting pursuant to any authority granted to it under this Trust.

Section 6.04 Fiduciary Standards. ~~Each fiduciary shall discharge her/his duties with respect to this Trust, solely in the interests of the Members and in accordance with the following requirements: To the extent strictly required by applicable law, each fiduciary shall discharge her/his duties with respect to this Trust solely in the interests of the Members and in accordance with the following requirements:~~

- (a) ~~For the exclusive purpose of providing benefits to members in the Plans and their beneficiaries and defraying reasonable expenses of administering this Trust, In good faith, in accordance with the terms and purposes of the Trust and the interests of Members, and without placing the Trustee's own interests above those of the Members, and~~
- (b) ~~With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, As a prudent person would, by considering the purposes, terms and distribution requirements of the Trust and relevant circumstances, and by exercising reasonable care, skill and caution, and~~
- (c) By diversifying the investments of this Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
- (d) In accordance with the provisions of this Trust and the Plans, including the provisions of the Institutional Retirement Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering any Investment Fund, in accordance with the investment objectives and policies from time to time established for such Investment Fund, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies. Further, nothing herein shall be construed or applied to limit the availability of member investment direction as provided under Section 3.03.

- Section 6.05 Administrative Fee Paid to Portico Benefit Services. Portico Benefit Services shall be paid a reasonable fee by this Trust for the administrative services provided by Portico Benefit Services to the Institutional Retirement Plan, Plans and this Trust, including a fee for informing the employees and employers of the availability of the Institutional Retirement Plan. The fee charged to this Trust shall constitute a lien upon this Trust until paid.
- Section 6.06 Audits. Portico Benefit Services shall have the right to cause the books, records, and accounts of the Trustee that relate to the Plans to be examined and audited by independent auditors designated by Portico Benefit Services at such times as Portico Benefit Services may determine, and the Trustee shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from this Trust, if not paid by the Adopting Employers, in such proportion as Portico Benefit Services shall determine, and shall constitute a lien upon this Trust until paid.
- Section 6.07 Successors. The provisions of this Trust shall be binding on each Adopting Employer and its successors. If a successor to an Adopting Employer or a purchaser of all or substantially all of an Adopting Employer's assets is eligible to, and elects to, continue participation in the Adopting Employer's Plan, such successor or purchaser shall be substituted for the Adopting Employer under this Trust.
- Section 6.08 Waiver of Notice. Any notice required under this Trust may be waived by the person entitled thereto.
- Section 6.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust, and shall not influence its construction.
- Section 6.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust unless the context clearly indicates otherwise.
- Section 6.11 Construed as a Whole. The provisions of this Trust shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Section 6.12 Severability. In the event any provision of this Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Trust, but shall be fully severable, and this Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Section 6.13 Counterparts. This Trust may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Section 6.14 Indemnification of Trustee and Portico Benefit Services. The Adopting Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify the Trustee for and to hold it harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the Trustee at any time by reason of the Trustee's service under this Trust if the Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost, or expense arises. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify Portico Benefit Services for and to hold it harmless against any and all liabilities, losses, costs, or expenses (including legal fees, costs and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against Portico Benefit Services at any time by reason of Portico Benefits

Services' service under this Trust if Portico Benefit Services did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost or expense arises.

Section 6.15 Internal Revenue Code of 1986. All references in this Trust to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this Trust.

Section 6.16 Applicable Law. This Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.

Section 6.17 Deemed Compliance With Terms of Trust. If, at any time, Portico Benefit Services serves as the Trustee hereunder, then any requirement in this Trust that either Portico Benefit Services or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.

Section 6.18 Parties to this Trust. Any Adopting Employer that has adopted the Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Plan and this Trust, as then in effect and as may thereafter be amended. The Trustee shall invest and administer this Trust as a single fund for investment and accounting purposes, provided that, at all times, the interests of members and beneficiaries shall be accounted for separately.

Any corporation or other participating entity, other than Portico Benefit Services, shall cease to be a party to this Trust upon delivering to the Trustee or to Portico Benefit Services a certified copy of a resolution terminating its participation in the Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by Portico Benefit Services, shall continue to hold, in accordance with the provisions of this Trust, that portion of this Trust which, pursuant to the determination of Portico Benefit Services, is attributable to the participation in the Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Section 6.19 Necessary Parties to Legal Actions. Only Portico Benefit Services and the Trustee will be considered necessary parties in any legal action or proceeding with respect to this Trust, and no member, beneficiary or other person having an interest in this Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Section 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

ARTICLE I: AMENDMENTS AND TERMINATION

Section 7.01 Amendments. This Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of this Trust to be diverted to purposes other than the payment of benefits to members under the Plans and their beneficiaries, or reasonable expenses of administration of the Plans:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to Portico Benefit Services for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to Portico Benefit Services for recommendation before final action by the ELCA Church Council, ~~or-~~
- (c) Portico Benefit Services may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of Portico Benefit Services who are authorized by the Board of Trustees of Portico Benefit Services to take such action and the Trustee.

Section 7.02 Termination. This Trust may be terminated at any time in accordance with the amendment procedure set forth in Section 7.01. Upon termination of this Trust, any surplus property remaining after the payment of all benefits of this Trust attributable to the Plans, and all of the debts of the Plans and Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the Trustee shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Trust upon specific trust or other condition, or subject to an executorial or special limitation, and such other property, upon dissolution of this Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

**(Signature page follows on next page)**

IN WITNESS WHEREOF, Portico Benefit Services has caused this Restated Trust to be executed as of the day and year written below.

PORTICO BENEFIT SERVICES

Dated: ~~February~~ November , 2020, 2018

By \_\_\_\_\_  
Jeffrey Thiemann, President and Chief Executive Officer

Dated: ~~February~~ , 2018November , 2020

By \_\_\_\_\_  
Stacy Kruse, Chief Operating and Chief Financial Officer

IN WITNESS WHEREOF, Portico Benefit Services accepts its appointment as corporate trustee of this Restated ELCA Master Institutional Retirement Trust.

PORTICO BENEFIT SERVICES

Dated: ~~February~~ , 2018November , 2020

By \_\_\_\_\_  
Jeffrey Thiemann, President and Chief Executive Officer

Dated: ~~February~~ , 2018November , 2020

By \_\_\_\_\_  
Stacy Kruse, Chief Operating and Chief Financial Officer

**(Notary page follows on next page)**

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ~~HENNEPIN~~\_\_\_\_\_ )

On this \_\_\_ day of ~~February 2018~~November 2020, before me personally appeared JEFFREY THIEMANN, to me personally known, who, being by me duly sworn, did say that he is PRESIDENT AND CHIEF EXECUTIVE OFFICER of PORTICO BENEFIT SERVICES, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20 \_\_\_\_

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ~~HENNEPIN~~\_\_\_\_\_ )

On this \_\_\_ day of ~~February 2018~~November 2020, before me personally appeared STACY KRUSE, to me personally known, who, being by me duly sworn, did say that she is CHIEF OPERATING AND CHIEF FINANCIAL OFFICER of PORTICO BENEFIT SERVICES, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and she acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20 \_\_\_\_

## Summary of Amendments

### **Restated ELCA Master Institutional Retirement Trust (Formerly known as the ELCA Master Institutional Pension Trust; Master Institutional Savings Trust merged into this trust and renamed ELCA Master Institutional Retirement Trust 7/1/2002)**

Trust Effective: 1/1/1989

Amendment Effective: 7/01/1989

Approval: ELCA Board of Pensions-10/08/1988; CC-11/13/1988

Section 1.01 to add reference to a new Appendix G, implementing the Institutional Social Purpose Balanced Fund; and the addition of Appendix G-1 and G-2.

Amendment Effective: 1/01/1990

Approval: ELCA Board of Pensions -6/24/1989; CC-8/22/1989

Section 3.02(l), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Amendment Effective: 7/01/1991

Approval: ELCA Board of Pensions -7/12/90 ??; CC-8/02/90 ??

Investment Policy Statement: addition of new Appendix H, "Institutional South Africa Free Bond Fund," new Appendix I, "Institutional South Africa Free Balanced Fund," and new Appendix J, "Institutional South Africa Free Equity Fund."

*7/01/1992 ??*

*ELCA Board of Pensions -7/12/90 ??; CC-8/02/90 ??*

Section 1.01, added reference to new Appendices H, I and J; and Section 7.05, added to "Fiduciary Standards," to reflect that nothing shall be construed to prohibit the fiduciaries from administering any of the funds.

*Amendment Effective: 7/01/1991 ??*

*Approval: ELCA Board of Pensions -4/07/1991; CC-4/15/1991*

*Amendments to Appendices A-L, to conform to the addition of the South Africa Free Funds; to the renaming of the Regular Funds to Alternative Bond Funds; and to the changes in the investment guidelines.*

Amendment Effective: 1/01/1994

Approval: ELCA Board of Pensions -7/18/1993; CC-8/24/1993

Section 7.06, "Administrative Fee Paid to the ELCA Board of Pensions." To provide for a reasonable fee paid to the ELCA Board of Pensions for administrative services provided to the plans and trusts.

ELCA Board of Pensions-8/26/1994; CC-11/14/1994 - To eliminate the South Africa Free Funds.

Amendment Effective: 1/01/1995

Approval: ELCA Board of Pensions -8/26/1994; CC-11/14/1994

Section 1.01, reference to Appendices A, C & F. Amended Appendix A by substituting the "ELCA Institutional Bond Fund" for "ELCA Institutional Alternative Bond Fund;" Appendix C by substituting the "ELCA Institutional Equity Fund" for "ELCA Institutional Alternative Equity Fund;" and Appendix F by substituting the "ELCA Institutional Balanced Fund" for "ELCA Institutional Alternative Balanced Fund." Eliminating Appendices H, I & J (three Institutional South Africa Free funds); and amended Section 7.05, by deleting Institutional South Africa Free fund language.

Amendment Effective: 1/01/1997

Approval: ELCA Board of Pensions -2/11/1996; CC-4/14/1996

To rename the “Equity Funds” as “Stock Funds.”

Amendment Effective: 1/01/1997

Approval: ELCA Board of Pensions -8/02/1996; CC-11/11/1996

Minor changes in the implementation plan for the pension and investment strategy and to incorporate technical corrections.

Amendment Effective: 1/01/1997

Approval: ELCA Board of Pensions -11/03/1996; CC-11/11/1996

To retain language for the balanced funds allowing a range of 15-50% as the permissible allocation for fixed income securities in the Balanced Fund and Institutional Balanced Fund, and 20-50% in the Social Purpose Balanced Fund and Institutional Social Purpose Balanced Fund.

Amendment Effective: 1/01/1998

Approval: ELCA Board of Pensions -2/09/1997; CC-8/13/1997

To modify the investment funds, i.e., (1) expand the minimum-to-maximum allocation ranges for the asset classes in the balanced funds in order to increase flexibility in managing the effective asset class exposures due to the potential transfers of prior accumulations by plan members into and out of the balanced funds; (2) clarify the role of the social criteria in the social purpose funds; (3) modify provisions for the bond funds in order to achieve greater consistency with guidelines approved by the Investment Committee; and (4) utilize consistent language in provisions for the private equity portion in the stock component of the balanced and stock funds.

Amendment Effective: Retro to 7/01/2002

Approval: ELCA Board of Pensions -8/02/2002; CC-11/17/2002

IPT & IST merged, with resulting restatement of MIRT. With the merger of the Master Institutional Regular Pension Plan and Master Institutional Savings Plan, it was no longer necessary to have two trusts; therefore, the IPT and IST were merged into one trust (MIRT) to form a funding vehicle. Additionally, The Evangelical Lutheran Good Samaritan Society adopted (as of 7/01/02) MIRP as its own separate plan, with its assets to be maintained within MIRT.

Amendment Effective Retro to 7/01/2002

Approval: ELCA Board of Pensions -8/02/2002; CC-11/17/2002

Amendments were made to more accurately reflect the ELCA Board of Pensions current operation, specifically:

- (1) Preamble to reflect the current trustees.
- (2) Fourth “whereas” clause to more accurately reflect the method by which the trusts may be amended.
- (3) Section 1.01 to eliminate the naming of the specific investment funds, as well as the appendices describing the funds. The individual funds are now set forth in the plan documents and the rules governing their investment are set forth in the Investment Guidelines.
- (4) Article IV to more accurately reflect the current investment strategies of the ELCA Board of Pensions, specifically to correctly reflect the ELCA Board of Pensions utilization of futures, forwards, options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure. It also makes it clear that the trustees may not invest so as to leverage the size of each trust.
- (5) Article VI substantially rewritten to more accurately reflect the method by which trustees are elected and how the Board of Trustees deals with the resignation, removal and election of successor trustees. Since all of the trustees of the trusts are members of the Board of Trustees of the ELCA Board of Pensions, the section now incorporates the procedures for election of trustees which is set forth in the ELCA Constitution, Bylaws and Continuing Resolutions and the ELCA Board of Pensions Bylaws.
- (6) Article IX rewritten to more accurately reflect the operation of the Board of Trustees and its Investment Committee, and clarify that the Board of Trustees had delegated certain responsibilities to the Investment Committee and staff, consistent with the ELCA Constitution, Bylaws and Continuing Resolutions and the ELCA Board of Pensions Articles and Bylaws.

Amendment Effective: 1/01/2006

Approval: ELCA Board of Pensions-11/06/2005; CC-11/13/2005

The "Purpose" section in each of the five trusts to coincide with the intent and purpose of the changes to each plan document and to the change in Article II of the ELCA Board of Pensions Restated Articles of Incorporation which expand the ELCA Board of Pensions ability to provide services and benefits to other organizations exclusively for religious purposes.

Amendment Effective: 1/1//2010  
Approval: ELCA Board of Pensions -8/01/2009; CC-11/15/2009  
Restated Trusts - See Bob Rydland memo dated July 23, 2009

**Amendments to former Master Institutional Savings Trust (merged into Master Institutional Retirement Trust 7/1/2002):**

Trust effective 1/1/1989

Amendment Effective: 1/01/1990  
Approval: ELCA Board of Pensions -6/24/1989; CC-8/22/1989  
Section 3.02(l), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Amendment Effective: 1/01/1994  
Approval: ELCA Board of Pensions -7/18/1993; CC-8/24/1993  
Section 7.06, "Administrative Fee Paid to the ELCA Board of Pensions." To provide for a reasonable fee paid to ELCA Board of Pensions for administrative services provided to the plans and trusts.

Amendment Effective: 1/01/1994  
Approval: ELCA Board of Pensions -7/18/1993; CC-8/24/1993  
Section 7.16 - ELGSS Savings Plan. Resulting from the ELCA Board of Pensions entering into an agreement with The Evangelical Lutheran Good Samaritan Society to administer its plan, the IST was amended to allow commingling of assets.

1/01/1998  
ELCA Board of Pensions -2/09/1997; CC-8/13/1997  
To modify the investment funds, i.e., (1) expand the minimum-to-maximum allocation ranges for the asset classes in the balanced funds in order to increase flexibility in managing the effective asset class exposures due to the potential transfers of prior accumulations by plan members into and out of the balanced funds; (2) clarify the role of the social criteria in the social purpose funds; (3) modify provisions for the bond funds in order to achieve greater consistency with guidelines approved by the Investment Committee; and (4) utilize consistent language in provisions for the private equity portion in the stock component of the balanced and stock funds.

Retro to 7/01/2002  
ELCA Board of Pensions -8/02/2002; CC-11/17/2002  
IPT & IST merged, with resulting restatement of MIRT. With the merger of the Master Institutional Regular Pension Plan and Master Institutional Savings Plan, it was no longer necessary to have two trusts; therefore, the IPT and IST were merged into one trust (MIRT) to form a funding vehicle. Additionally, The Evangelical Lutheran Good Samaritan Society adopted (as of 7/01/02) MIRT as its own separate plan, with its assets to be maintained within MIRT.

Church Council  
Approval: ELCA Board of Pensions-8/01/2009 & 10/30/2009; CC-11/15/2009  
Restated Trusts - see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009

Upon Approval of the Board of Trustees/President  
ELCA Board of Pensions – 8/1/2012

Modified name in trust documents to Portico Benefit Services. The ELCA Board of Pensions began doing business as Portico Benefit Services in November 2011.

Upon Approval of the Board of Trustees (Resolution)

Portico Benefit Services – 02/23/2018

Language is being added to Section 4.01 stating that the trusts can invest in collective investment trusts.

Upon Approval of the Board of Trustees (Resolution)

Portico Benefit Service – 11/2020

Language updated to clarify fiduciary obligations.

**Proposed Amendments to Continuing Resolutions  
Relating to the Committee on Appeals  
Legal and Constitutional Review Committee**

**Chapter 20.**

**CONSULTATION, DISCIPLINE, APPEALS, AND ADJUDICATION**

**20.61.A1320. Rules of the Committee on Appeals**

- a. Any appeal to the Committee on Appeals shall be made in writing within 30 days after the decision of the discipline hearing committee has been delivered to the accused and the accuser(s). Appeals may be made only by the accused or the accuser(s) or their respective designated representative. Notice of the appeal shall be given by certified or registered letter addressed to the Committee on Appeals (in care of the secretary of this church, 8765 West Higgins Road, Chicago, Illinois 60631), with a copy to the other party. The letter containing the notice of appeal must be postmarked within 30 days after the discipline hearing committee has delivered its decision to the accused and the accuser(s).
- b. The Committee on Appeals shall normally render its written decision within 60 days from the due date for the last written statement to be submitted under item h. below.
- c. The material that shall be reviewed by the Committee on Appeals (herein referred to as the record on appeal) shall consist of the following:
  - 1) a copy of the specific charges referred to the discipline hearing committee;
  - 2) copy of any rules governing the hearing before the discipline hearing committee;
  - 3) information concerning the composition of the discipline hearing committee that heard the case;
  - 4) the verbatim record made by the stenographer or court reporter or the audio or video recording of the hearing before the discipline hearing committee;
  - 5) all documents or physical evidence presented at the hearing before the discipline hearing committee;
  - 6) the written decision of the discipline hearing committee; and
  - 7) proof that the written decision was delivered to the accused and the accuser(s).
- d. It shall be the responsibility of the chair of the discipline hearing committee to furnish the record on appeal to the Committee on Appeals (in care of the secretary of this church, 8765 West Higgins Road, Chicago, Illinois 60631), certifying to the completeness and accuracy of the record on appeal, within 30 days of the receipt of the appeal, unless the chair of the Committee on Appeals grants additional time for compelling reasons.
- e. If the Committee on Appeals has reason to believe that a required action was taken by a discipline hearing committee, but such action is not revealed in the record on appeal, the Committee on Appeals may, by written request to the chair of the discipline hearing committee, with copies to the accused and the accuser(s), solicit written confirmation of such action. Copies of such confirmation shall be supplied to the accused and the accuser(s).
- f. The persons or entities who may appeal to the Committee on Appeals are set forth in 20.61.
- g. The circumstances for which the Committee on Appeals may reverse or set aside the decision of a discipline hearing committee are set forth in 20.62.01., and consequences of such circumstances are set forth in 20.62.02.
- h. The party taking an appeal may present a written statement of reasons why the decision of a discipline hearing committee should be reversed or set aside. The other party shall have an opportunity to make a written response to the Committee on Appeals. The party taking an appeal then may present a written rebuttal. Appropriate limitations and due dates for these statements may be established by the committee chair. In the event of cross appeals, the committee chair may permit the filing of additional statements so that both parties have adequate opportunity to present their respective appeals and respond to the statement of each other. Parties shall promptly give to each other copies of any written statement filed with the Committee on Appeals.
- i. Final decisions of the Committee on Appeals require an affirmative vote by at least two-thirds of those present and voting.

- j. *Notice of decisions of the Committee on Appeals shall be given in writing to the accused, the accuser(s), the chair of the discipline hearing committee, the synod bishop, and the secretary of this church.*
- k. *The Committee on Appeals also shall prepare a brief summary of each appeal, which shall be presented to the Churchwide Assembly. Such summary shall not disclose the names of the accused, the accuser(s), or any witness. If the decision of the discipline hearing committee was reversed or remanded, the summary shall indicate the reasons for such reversal or remand.*
- l. *The Committee on Appeals shall elect the following officers: chair, vice-chair, secretary, and assistant secretary. In addition to the duties prescribed in Chapter 20, the chair shall schedule and preside at committee meetings. In the absence of the chair, the vice-chair shall act as chair. The secretary, or assistant secretary, shall keep such record of proceedings of the committee as is necessary.*
- m. *Meetings of the Committee on Appeals may be held in person or by ~~conference telephone call~~ an aural method in which all parties can participate.*
- n. *A majority of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business at a scheduled meeting; ~~and three fourths of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business by conference telephone call.~~*
- o. *Members of the Committee on Appeals shall refrain from discussing appeals made to the committee, except as required to discharge the duties of the committee membership.*
- p. *No member of the Committee on Appeals shall serve on any case if such a member is related (as defined in 19.06.07.) to the accused, the accuser(s), any witness who testified before the discipline hearing committee, or a member of the consultation or discipline hearing committee that considered the case, or where such member is a member or former member of a congregation that was an accuser or an accused. A member of the Committee on Appeals also may voluntarily disqualify himself or herself.*
- q. *See 20.51.A19. and †S8.57. for additional rules of procedure applicable in proceedings for recall or dismissal.*
- r. *See 20.61.B95. for additional rules of procedure applicable to stays.*

## REPORT OF THE AUDIT COMMITTEE

At the **June 17, 2020** Audit Committee meeting, management presented a preliminary draft of the financial statements of the ELCA for the year ended January 31, 2020. The external auditors, Crowe LLP (Crowe), noted that the financial statements will include an “unmodified” opinion that the financial statements present fairly the financial position of the ELCA as of January 31, 2020, and the changes in its net assets for the year then ended, in accordance with accounting principles generally accepted in the United States.

In its report to the Audit Committee in accordance with Statement of Auditing Standards 114, Crowe also reported that no difficulties were encountered during the audit, no disagreements occurred with management, and no audit adjustments occurred.

Due to the Workday implementation and the complexity of Foundation information, further review of the financials was required. On **August 13, 2020**, Audit Committee approved the draft of audited financial statements of the ELCA, as presented, for the year ended January 31, 2020.

Also, on **June 17, 2020**, the committee also received, reviewed, and accepted the report of CapinCrouse, the internal auditor, which outlined the audits performed, issues raised, and the status of managements’ responses.

The committee performed all other duties and responsibilities in compliance with its Charter and Checklist. No exceptions were noted.

At the **November 10, 2020** Audit Committee meeting, management reviewed the interim financial results through September 30, 2020 and Treasurer Fedyk provided an update on fundraising, Paycheck Protection Loan, and Workday.

Crowe presented the Audit Service Plan for the year ending January 31, 2021 with an audit scope, audit approach, and audit activities similar as last year, but will be placing increased emphasis on the Workday migration, lack of internal audit work for much of the year, impact of Covid-19, payroll protection program (PPP) loan and changes in internal controls. The proposed fees for the engagement are \$58,350 (a 3 percent increase from the prior year) for Churchwide Administrative Offices audit and \$10,000 for Churchwide Administrative Offices Expenditures of Federal Awards audit. The committee recommends approval by the Budget and Finance Committee of the Crowe LLP audit service plan and fees for the year ending January 31, 2021.

The committee approved the dismissal of CapinCrouse LLP as the CWO internal audit service provider. Also, received a report from Lori Fedyk, ELCA Treasurer, summarizing the proposals, pros, and cons of three internal audit service providers. The committee agreed to go back to two of the three to ask for additional information, especially related to the scope of work and pricing. The committee believes additional specificity may help with the pricing and will help the committee to come to a decision on which of those two providers to engage.

The committee received a report from Jon Beyer, Executive for Information Technology, outlining more comprehensively how the ELCA is implementing data management systems, security, and risk mitigation throughout its technology infrastructure.

The committee met in executive session with the auditors at both the June 17 and November 10, 2020 meetings.

**Report from the Director for Mission Support  
to the ELCA Church Council  
November 2020**

2020 Mission Support Income

Overall, Mission Support shared by congregations across the ELCA this year has been strong, despite challenges due to COVID-19. This is a testament to congregations' relationships with the ministries of the wider church. It also demonstrates people's desire to continue to support these ministries that make a difference in the lives of so many. Through August:

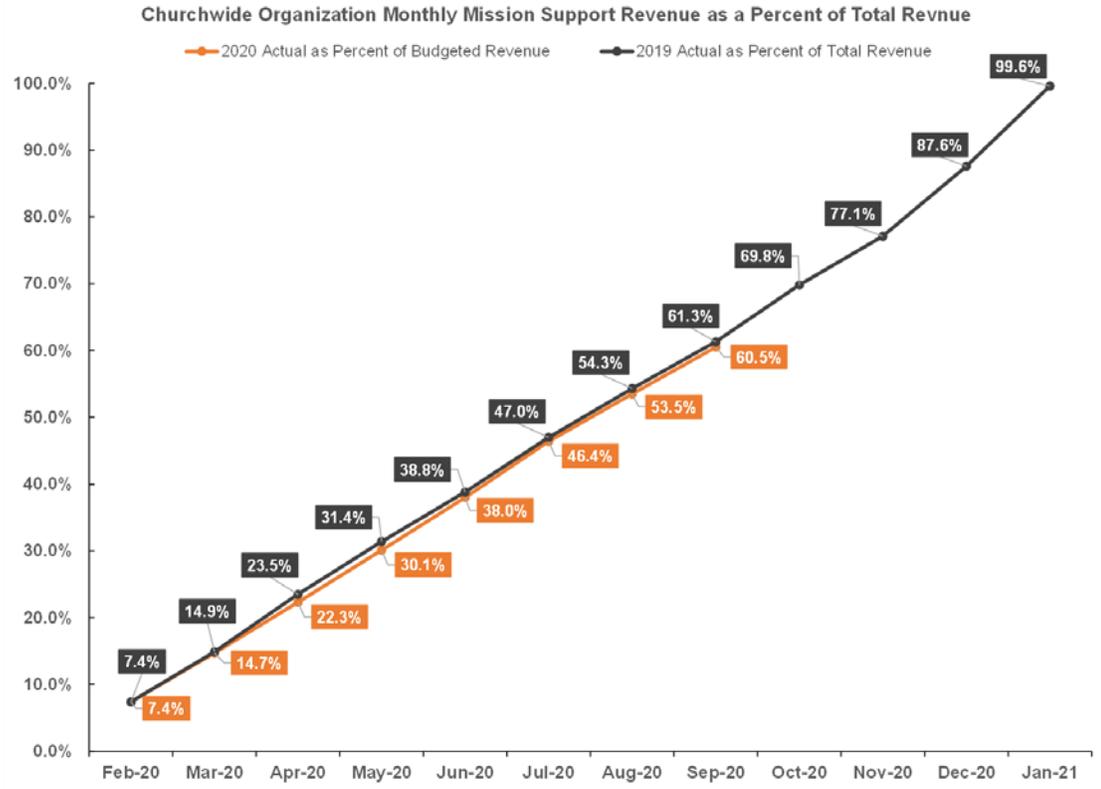
- Mission Support dollars shared with the churchwide expression by synods total over \$22.3 million, approximately 2.5% below the amount anticipated.
- This \$22.3 million represents about 53.5% of the churchwide organization's total budgeted Mission Support revenue of \$41.75 million. In comparison, through August 2019, the churchwide organization had received 54.3% of its annual income from Mission Support.
- 14 synods have shared more Mission Support dollars with the churchwide expression this year than they had year-to-date in FY 2019.

At the time of writing this report, there were still 6 synods that had not yet shared their September Mission Support pledge. It is likely that when those pledges are received, the total Mission Support revenue received by the churchwide organization through September will be at least \$25,274,056. This represents 60.5% of this year's total Mission Support revenue budget. Current projections are that the Mission Support income for this year will be within 95% of budget. The two charts on the next page show comparisons with last fiscal year.

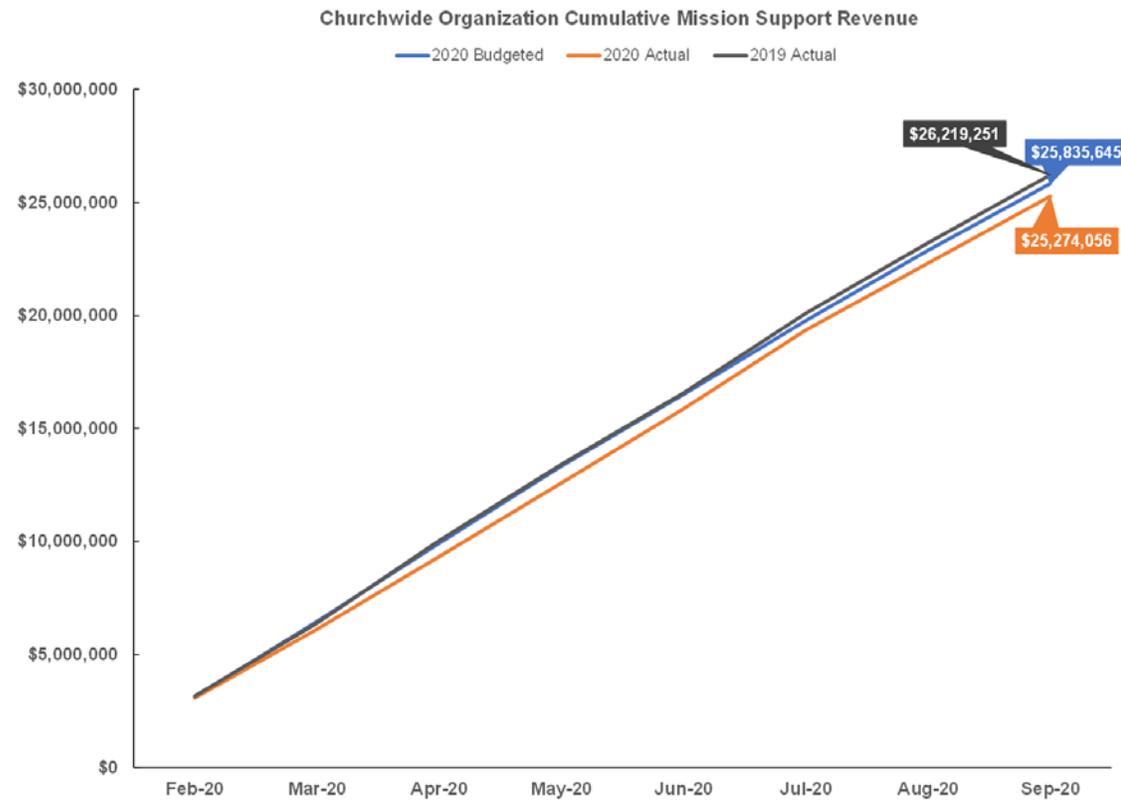
Synod giving through special Mission Support gifts—those gifts above and beyond projected Mission Support shared by a synod with the churchwide expression—have been strong so far this year:

- Eight synods have shared a total of \$520,284. Two of these synods have shared gifts over \$100,000: Sierra Pacific and Metropolitan Chicago.
- The largest special Mission Support gifts often result from congregations closing. There is much grief when this happens, but there is also reason to celebrate when the congregation and its synod share a portion of the congregation's assets as Mission Support and special Mission Support gifts, which allow a congregation to live on through our shared ministries across the ELCA.
- By comparison, at this point in FY2019, six synods had shared \$114,188 in special Mission Support gifts with the churchwide expression.

**Chart 1:**



**Chart 2:**



### 2021 Synod Mission Support Plans

In this unusual year, nearly every synod has had to adapt its procedures for developing and approving an annual budget for FY 2021. In recognition of this, the Mission Support team did not expect FY2021 Synod Mission Support Intents gathered in March 2020 to reflect a synod's current situation. Therefore, in October, synods were asked to share their best estimate for Mission Support sharing for next year.

We have received next year's intents from 63 of 65 synods. Of these 63 synods:

- 45 are maintaining their FY 2020 percent for sharing Mission Support,
- 7 are reducing their percent from FY 2020, and
- 3 are increasing their percent from FY 2020.

The other eight synods comprise four synods that make commitments based on dollar amounts rather than percentages, and four of the five synods participating in the Mission Support Experiment for which their percentage share cannot be determined until the end of the fiscal year.

Based on the dollar estimates in the intents received, it is recommended that the projected Mission Support revenue for the churchwide organization for FY 2021 be revised downward to be no higher than \$40.5 million. The proposed FY 2021 budget reflects a decrease from \$41,500,000 to \$40,250,000.

### Shareable Resources to Highlight Mission Support

Despite the relative strength of Mission Support sharing across the ELCA this year, financial challenges remain for far too many families, congregations, synods and ministries across our church,

our nation and our world. Financial uncertainty about the future abounds. Financial sustainability and even financial growth are built on a foundation of faith and relationships. The Mission Support team wants every congregation to feel connected to the ministries of the wider church (synod, churchwide and beyond) in which they play such an important part. A great way to bring these relationships to life for people is through storytelling that shows how we are church together. “Stories of Faith in Action” (SOFIA) is one resource that can help with this storytelling. The completely digital 2020-2021 edition, published earlier this month, includes:

- A special message from Bishop Eaton.
- Nine inspiring stories from around the country and the world.
- Your 2019 financial report on Mission Support.
- A story-based devotional for use at Bible studies or committee meetings.

Additionally, you can visit [ELCA.org/SOFIA](https://www.elca.org/SOFIA) today to download:

- A printable PDF (black-and-white or color) of “Stories of Faith in Action” for use in your congregation.
- Nine one-page, black-and-white stories to print out and share in meetings, include in newsletters or disseminate through social media.
- Three videos associated with stories from this publication.

Finally, in late June, the Mission Support team worked with colleagues in Strategic Communications — and their special guest, Presiding Bishop Elizabeth Eaton — to create a thank-you video for leaders in every synod. If you have not already seen or shared this video, please check it out at <https://vimeo.com/431966991/c907d5220e>.

**Mission Support Data from the Five Mission Support Experiment Synods  
 2016 – 2019**

The follow tables represent the Mission Support data that the five Mission Support Experiment Synods committed to sharing with the Budget and Finance Committee during the experiment. This data has been collated by the Director for Mission Support.

<b>FY2016</b>					
<b>Synod</b>	<b>Mission Support From Congregations</b>	<b>Amount Retained for Experiment Expenses*</b>	<b>Mission Support Shared Directly with the Churchwide Expression</b>	<b>Percent Shared Directly with the Churchwide Expression</b>	<b>Percent of Combined Retained and Shared Amounts</b>
Nebraska	\$3,382,332	\$217,656	\$1,606,498	47.5%	53.9%
Gulf Coast	\$1,320,308	\$290,468	\$369,686	28.0%	50.0%
New England	\$1,846,045	\$354,501	\$586,982	31.8%	51.0%
Lower Susquehanna	\$2,550,611	\$178,542	\$994,739	39.0%	46.0%
Metro D.C.	\$1,620,000	\$268,978	\$541,022	33.4%	50.0%
<b>TOTAL</b>	<b>\$10,719,296</b>	<b>\$1,310,145</b>	<b>\$4,098,927</b>	<b>38.2%</b>	<b>50.5%</b>

*\*These represent a shift of expenses from the churchwide organization to the synod.*

<b>FY2017</b>					
<b>Synod</b>	<b>Mission Support From Congregations</b>	<b>Amount Retained for Experiment Expenses*</b>	<b>Mission Support Shared Directly with the Churchwide Expression</b>	<b>Percent Shared Directly with the Churchwide Expression</b>	<b>Percent of Combined Retained and Shared Amounts</b>
Nebraska	\$3,308,239	\$242,089	\$1,546,676	46.8%	54.1%
Gulf Coast	\$1,309,736	\$282,271	\$372,597	28.4%	50.0%
New England	\$1,841,000	\$383,899	\$536,601	29.1%	50.0%
Lower Susquehanna	\$2,619,380	\$314,322	\$916,786	35.0%	47.0%
Metro D.C.	\$1,526,930	\$226,819	\$536,646	35.1%	50.0%
<b>TOTAL</b>	<b>\$10,605,285</b>	<b>\$1,449,400</b>	<b>\$3,909,306</b>	<b>36.9%</b>	<b>50.5%</b>

*\*These represent a shift of expenses from the churchwide organization to the synod.*

EVANGELICAL LUTHERAN CHURCH IN AMERICA  
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9 – Mission Support Experiment Date

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FY2018					
<u>Synod</u>	<u>Mission Support From Congregations</u>	<u>Amount Retained for Experiment Expenses*</u>	<u>Mission Support Shared Directly with the Churchwide Expression</u>	<u>Percent Shared Directly with the Churchwide Expression</u>	<u>Percent of Combined Retained and Shared Amounts</u>
Nebraska	\$3,097,985	\$243,697	\$1,440,014	46.5%	54.3%
Gulf Coast	\$1,263,067	\$278,036	\$353,865	28.0%	50.0%
New England	\$1,797,428	\$383,811	\$530,796	29.5%	50.9%
Lower Susquehanna	\$2,522,696	\$456,864	\$728,804	28.9%	47.0%
Metro D.C.	\$1,502,646	\$225,397	\$525,926	35.0%	50.0%
TOTAL	\$10,183,822	\$1,587,805	\$3,579,405	35.1%	50.7%

\*These represent a shift of expenses from the churchwide organization to the synod.

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FY2019					
<u>Synod</u>	<u>Mission Support From Congregations</u>	<u>Amount Retained for Experiment Expenses*</u>	<u>Mission Support Shared Directly with the Churchwide Expression</u>	<u>Percent Shared Directly with the Churchwide Expression</u>	<u>Percent of Combined Retained and Shared Amounts</u>
Nebraska	\$3,081,871	\$252,971	\$1,424,333	46.2%	54.4%
Gulf Coast	\$1,295,587	\$285,029	\$362,765	28.0%	50.0%
New England	\$1,725,275	\$384,170	\$474,827	27.5%	49.8%
Lower Susquehanna	\$2,472,478	\$432,634	\$754,107	30.5%	48.0%
Metro D.C.	\$1,522,428	\$228,364	\$532,850	35.0%	50.0%
TOTAL	\$10,097,639	\$1,583,168	\$3,548,882	35.1%	50.8%

\*These represent a shift of expenses from the churchwide organization to the synod.

<u>Synod</u>	<u>2015 Mission Support from Congregations</u>	<u>2016 Mission Support from Congregations</u>	<u>Percent Change 2015-2016</u>	<u>2017 Mission Support from Congregations</u>	<u>Percent Change 2016-2017</u>	<u>2018 Mission Support from Congregations</u>	<u>Percent Change 2017-2018</u>	<u>2019 Mission Support from Congregations</u>	<u>Percent Change 2018-2019</u>
Nebraska	\$3,369,192	\$3,382,332	0.39%	\$3,308,239	-2.19%	\$3,097,985	-6.36%	\$3,081,871	-0.52%
Gulf Coast	\$1,316,926	\$1,320,308	0.26%	\$1,309,736	-0.80%	\$1,263,067	-3.56%	\$1,295,587	2.57%
New England	\$1,861,324	\$1,846,045	-0.82%	\$1,841,000	-0.27%	\$1,797,428	-2.37%	\$1,725,275	-4.01%
Lower Susquehanna	\$2,645,214	\$2,550,611	-3.58%	\$2,619,380	2.70%	\$2,522,696	-3.69%	\$2,472,478	-1.99%
Metro D.C.	\$1,567,676	\$1,620,000	3.34%	\$1,526,930	-5.75%	\$1,502,646	-1.59%	\$1,522,428	1.32%
TOTAL	\$10,760,332	\$10,719,296	-0.38%	\$10,605,285	-1.06%	\$10,183,822	-3.97%	\$10,097,639	-0.85%

~~EVANGELICAL LUTHERAN CHURCH IN AMERICA~~

~~Corporate Social Responsibility AREA: Codes of  
Conduct~~

~~DOCUMENT TYPE: Issue Paper~~

~~POINT IN PROCESS: Transmission to Church Council~~

~~DATE: 7/14/20~~

~~Sufficient, Sustainable Livelihood for All: Codes of Conduct~~

**Background**

“In the name of the God who creates every human being out of love, this church teaches human dignity is God’s gift to every person and that the commitment to universal rights protects that dignity.”<sup>1</sup> The church meets its commitment to work for human rights by teaching about those rights, protesting their violation, advocating their international codification and supporting effective ways to monitor compliance.<sup>2</sup> Encouraging corporations to respect human rights is one way for our church to meet its obligations to our neighbor.

Multinational corporations may be operating in countries where they are held to differing sets of laws and standards. In addition, there may be concern about the practices of vendors further along the supply chain. Lower standards abroad can lead to unfortunate publicity and investor unhappiness domestically. Corporations and industries have developed codes of conduct as one way to address the disparities between domestic and overseas expectations.

Though different industries may need differing specifications, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” proposed by U.N. Special Representative John Ruggie and endorsed by the 2011 U.N. Human Rights Council, attempts to codify corporate behavior that leads to just and sustainable development. Governments have a primary duty to protect human rights and ensure access to remedy when those rights are abused, but business enterprises are also morally responsible for respecting the human rights set forth in the Universal Declaration of Human Rights.<sup>3</sup> Work in this area has expanded to include guidelines for international business from the Organization for Economic Cooperation and Development, of which the United States is a member, as well due-diligence guidance organized by sector.

The ELCA social statement ~~“Sufficient, Sustainable Livelihood for All”~~ *Sufficient, Sustainable Livelihood for All* (1999)<sup>1</sup> is a benchmark for our role as Christians in economic life. Because of sin, we have fallen short of our responsibilities to each other in this world, but we live in light of God’s ~~promised future promise~~ that ultimately there will be no hunger ~~and/or~~ injustice. This promise makes us restless with a world that is less than ~~what~~ God intends. ~~In economic matters, this draws attention to:~~

- ~~• The scope of God’s concern: “for all”;~~
- ~~• The means by which life is sustained: “livelihood”;~~
- ~~• What is needed: “sufficiency”; and~~
- ~~• Long term perspective: “sustainability” (pg. 3).~~

~~;~~ “The vantage point of the kingdom of God motivates us to focus on more than short-term gains. Humans, called to be stewards of God’s creation, are to respect the integrity and limits of the

<sup>1</sup> “Human Rights” (ELCA, 2017), p. 2.

<sup>2</sup> For Peace in God’s World (ELCA, 1995), p. 14.

earth and its resources” (pgp. 14). We are challenged to pursue policies and practices *supporting sustainability*. The multitudes around God’s global table are recognized as neighbors rather than competitors or strangers (pgp. 17).

~~Over the last few decades, many governments and organizations have been attempting to codify standards of corporate behavior in order to assure just and sustainable development. In June 2011, the Human Rights Council of the United Nations endorsed the *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*.<sup>2</sup> These norms recognize that governments have primary responsibility in this area, but also recognize that business enterprises are responsible for promoting and securing the human rights set forth in the Universal Declaration of Human Rights.<sup>3</sup>~~

The faith community measures a corporation not only by what it produces and by shareholder returns, but also by its impact on human lives, communities, and the environment. Corporations today work within the global reality ~~with which they are confronted today.~~ There are political, social and economic influences as well as the impacts of militarism and technology.<sup>4</sup> A corporation’s view of how it conducts its business, promotes justice, and works to create a fair and sustainable world is significantly affected by these realities.

## **ELCA Social Policy**

One of the earliest ELCA social statements, *For Peace in God’s World*, quotes the Universal Declaration of Human Rights to affirm respect for human rights as part of the culture of peace toward which the church works. In 2017, the ELCA issued the social message “Human Rights,” (2017) which affirmed a series of broad categories of human rights, adapted from the church’s historical body of social teaching. The message states that “the expectation is that the most basic rights will never be denied and the highest level of rights will be available to the greatest number of people, such as elaborated in the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights” (p. 12) and particularly calls upon the church as an investor to press corporations to respect human rights (p. 9).

The ELCA social statement ~~“Sufficient, Sustainable Livelihood for All”~~ *Sufficient, Sustainable Livelihood for All* (1999) develops this church’s vision of sufficiency and sustainability, focusing on the economic life of all people, with an emphasis on those who are poor and disenfranchised. It expresses concern for the safety of employees (p. 9) and commits the church to working for safe and healthy working conditions (p. 10). In particular, it calls for companies to pay more fully the wider social and environmental costs of what they produce (~~pg. 15~~ p. 16). ELCA social policy includes numerous Church Council actions supporting those who are poor and disenfranchised. The ELCA social statement *Faith, Sexism, and Justice: A Call to Action* (2019) draws our attention to the economic disadvantages faced by women and people of color and urges the church to work for just distribution of resources.

<sup>1</sup> [http://download.elca.org/ELCA%20Resource%20Repository/Economic\\_LifeSS.pdf](http://download.elca.org/ELCA%20Resource%20Repository/Economic_LifeSS.pdf)

<sup>2</sup> <http://business-humanrights.org/en/un-guiding-principles>

<sup>3</sup> <http://www.un.org/Overview/rights.html>

<sup>4</sup> <http://www.bench-marks.org>

## Corporate Response

In recent years the call for companies to implement fair policies, adopt vendor and supplier codes of conduct, and assure fair treatment of workers on a global basis has moved the corporate world to think beyond general human resource policies. Corporate ethics have moved from a focus on individual plants and workers to a global code covering ~~world-wide~~worldwide operations and considering the company's impact on communities, workers and the environment.

~~the company's impact on communities, workers, and the environment.~~

~~Many companies now report their efforts in assuring ethical supply chains in sustainability reports. It is both fiscally and ethically reasonable to ask companies to develop this broader policy approach. Independently verified public reporting grounded in transparent disclosure is a preferred basis for corporate responsibility.~~

Compliance with human rights principles has been found to yield positive financial results.<sup>3</sup> Conversely, poor human rights practices can prove costly to corporations.<sup>4</sup> Information on corporate human rights practices is publicly available through the Corporate Human Rights Benchmark. Investors have begun to ask for accountability in the reporting and compliance aspects of codes of conduct throughout the supply chain. They have also asked for boards to structure themselves and choose members with human rights expertise in order strengthen accountability to codes of conduct.

## Resolution Guidelines for the ELCA

~~We support the~~ The Evangelical Lutheran Church in America supports:

1. The adoption of company codes of conduct. We advocate for the incorporation of the U.N. Guiding Principles into a company's operations and supply chain. We support Human Rights Impact Assessments in keeping with those principles.
2. ~~We support the~~The preparation of standards and related codes of conduct for vendors and suppliers.
3. ~~We support reporting~~Reporting to shareholders about international operations.
4. ~~We support buying~~Buying policies and purchase contracts reflecting the International Labor Organization's standards.<sup>5</sup>
5. ~~We support implementation~~Implementation of independent monitoring processes for both the company and its vendors and suppliers.
6. ~~We support policies~~Policies and reports ensuring that ~~ensure~~ a company or its suppliers do not use child labor. We support policies that prohibit sexual exploitation of minors.
7. ~~We support reports which~~Reports that assess human rights risks, including human trafficking and forced labor (modern-day slavery), throughout the supply chain. We support reports on specific actions to curtail human rights risks in the supply chain.
8. ~~We support development~~Development of corporate responsibility committees at a board and staff level. We support development of a Human Rights Risk Oversight

<sup>3</sup> <https://www.sec.gov/spotlight/investor-advisory-committee-2012/human-capital-disclosure-recommendation.pdf>

<sup>4</sup> [https://corporatejustice.org/2018\\_good-business-report.pdf](https://corporatejustice.org/2018_good-business-report.pdf)

<sup>5</sup> <http://www.ilo.org/public/english/standards/norm/whatare/fundam/>

- Committee<sup>6</sup> at the board level.
9. We support development Reports on board-level expertise in civil and human rights as well as the presence of board-level infrastructure that ensures ongoing consultation with civil and human rights experts.
- 9.10. Development of policies and reports ~~to~~that ensure ~~environment and~~environmental standards, health and safety standards ~~as well as,~~ and basic workers' rights standards. We support additional policies to protect worker health and safety in extraordinary situations such as a pandemic.
11. We support Due diligence processes to identify, assess, prevent, mitigate and address human rights concerns.
- 10.12. Board review ~~by boards~~ of ways to link executive compensation with a company's ethical and social performance in addition to current performance measurements.
- 11.13. We support ~~polieies~~Policies ensuring that a company does not use forced labor, including prison, indentured, or bonded labor, and ensuring ethical recruitment.
- 12.14. We support ~~regular~~Regular assessment reports to the board of directors and shareholders on any of the above items.
- 13.15. We support ~~development~~Development of policies and reports that promote network neutrality, ensuring that internet service providers do not degrade, prioritize, or privilege online publications based on their source, ownership, ~~destination,~~ or ~~content of~~ information content.
16. Reports on policies and procedures to address the human-rights-related risks associated with business activities in conflict-affected areas, including occupied territories.

**Resolution ~~guidelines~~Guidelines for the ELCA — General**

14. We support practices of good governance, specifically:
- A company having an independent board chair or independent lead director;
  - Reportsreports on policies and transparency of procedures for political contributions and expenditures (both direct and indirect) made with corporate funds);

<sup>5</sup><http://www.ilo.org/public/english/standards/norm/whatare/fundam/>

<sup>6</sup> <https://investorsforhumanrights.org/sites/default/files/attachments/2020-05/Full%20Report%20-%20Investor%20Toolkit%20on%20Human%20Rights%20-%20May%202020b.pdf>



- ~~Reports~~reports on any portion of any dues or similar payments made to any tax-exempt organization or trade ~~organization~~association that ~~is~~are used for an expenditure or contribution ~~which~~that might be deemed political; ~~and~~
- ~~Guidelines~~guidelines or policies governing ~~the~~a company's political contributions and expenditures-
  
- Recommended by Advisory Committee~~reports~~ on diversity for corporate boards and upper-level management

RECOMMENDED by Advisory Committee on Corporate Social Responsibility, ~~October~~Oct. 27, 2003 ~~Endorsed~~  
ENDORSED by Division for Church in Society Board, ~~February~~Feb. 27, 2004  
~~Approved~~APPROVED by Church Council, April 16-18, 2004 ~~Updated~~  
UPDATED by Advisory Committee on Corporate Social Responsibility, ~~September~~Sept. 5, 2008  
~~Approved~~APPROVED by Church Council, November 2008 [CC08.1157] ~~Approved~~  
APPROVED by Church Council, November 2013 [CC13.11.69y]  
UPDATED by the Corporate Social Responsibility Review Team, June 8, 2020



**AREA:** Codes of Conduct  
**DOCUMENT TYPE:** Issue paper  
**POINT IN PROCESS:** Transmission to Church Council  
**DATE:** 7/14/20

## Sufficient, Sustainable Livelihood for All: Codes of Conduct

### Background

“In the name of the God who creates every human being out of love, this church teaches human dignity is God’s gift to every person and that the commitment to universal rights protects that dignity.”<sup>1</sup> The church meets its commitment to work for human rights by teaching about those rights, protesting their violation, advocating their international codification and supporting effective ways to monitor compliance.<sup>2</sup> Encouraging corporations to respect human rights is one way for our church to meet its obligations to our neighbor.

Multinational corporations may be operating in countries where they are held to differing sets of laws and standards. In addition, there may be concern about the practices of vendors further along the supply chain. Lower standards abroad can lead to unfortunate publicity and investor unhappiness domestically. Corporations and industries have developed codes of conduct as one way to address the disparities between domestic and overseas expectations.

Though different industries may need differing specifications, “[Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework](#),” proposed by U.N. Special Representative John Ruggie and endorsed by the 2011 U.N. Human Rights Council, attempts to codify corporate behavior that leads to just and sustainable development. Governments have a primary duty to protect human rights and ensure access to remedy when those rights are abused, but business enterprises are also morally responsible for respecting the human rights set forth in the [Universal Declaration of Human Rights](#).<sup>3</sup> Work in this area has expanded to include guidelines for international business from the [Organization for Economic Cooperation and Development](#), of which the United States is a member, as well due-diligence guidance organized by sector.

The ELCA social statement *Sufficient, Sustainable Livelihood for All* (1999) is a benchmark for our role as Christians in economic life. Because of sin, we have fallen short of our responsibilities to each other in this world, but we live in light of God’s promise that ultimately there will be no hunger or injustice. This promise makes us restless with a world that is less than God intends: “The vantage point of the kingdom of God motivates us to focus on more than short-term gains. Humans, called to be stewards of God’s creation, are to respect the integrity and limits of the earth and its resources” (p. 14). We are challenged to pursue policies and practices *supporting sustainability*. The multitudes around God’s global table are

<sup>1</sup> “[Human Rights](#)” (ELCA, 2017), p. 2.

<sup>2</sup> *For Peace in God’s World* (ELCA, 1995), p. 14.



recognized as neighbors rather than competitors or strangers (p. 17).

The faith community measures a corporation not only by what it produces and by shareholder returns but also by its impact on human lives, communities and the environment. Corporations today work within a global reality. There are political, social and economic influences as well as the impacts of militarism and technology.<sup>4</sup> A corporation's view of how it conducts its business, promotes justice and works to create a fair and sustainable world is significantly affected by these realities.

### **ELCA Social Policy**

One of the earliest ELCA social statements, *For Peace in God's World*, quotes the Universal Declaration of Human Rights to affirm respect for human rights as part of the culture of peace toward which the church works. In 2017, the ELCA issued the social message "**Human Rights,**" (2017) which affirmed a series of broad categories of human rights, adapted from the church's historical body of social teaching. The message states that "the expectation is that the most basic rights will never be denied and the highest level of rights will be available to the greatest number of people, such as elaborated in the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights" (p. 12) and particularly calls upon the church as an investor to press corporations to respect human rights (p. 9).

The ELCA social statement *Sufficient, Sustainable Livelihood for All* (1999) develops this church's vision of sufficiency and sustainability, focusing on the economic life of all people, with an emphasis on those who are poor and disenfranchised. It expresses concern for the safety of employees (p. 9) and commits the church to working for safe and healthy working conditions (p. 10). In particular, it calls for companies to pay more fully the wider social and environmental costs of what they produce (p. 16). ELCA social policy includes numerous Church Council actions supporting those who are poor and disenfranchised. The ELCA social statement *Faith, Sexism, and Justice: A Call to Action* (2019) draws our attention to the economic disadvantages faced by women and people of color and urges the church to work for just distribution of resources.

### **Corporate Response**

In recent years the call for companies to implement fair policies, adopt vendor and supplier codes of conduct, and assure fair treatment of workers on a global basis has moved the corporate world to think beyond general human resource policies. Corporate ethics have moved from a focus on individual plants and workers to a global code covering worldwide operations and considering the company's impact on communities, workers and the environment.

Compliance with human rights principles has been found to yield positive financial results.<sup>3</sup> Conversely, poor human rights practices can prove costly to corporations.<sup>4</sup> Information on

<sup>3</sup> <https://www.sec.gov/spotlight/investor-advisory-committee-2012/human-capital-disclosure-recommendation.pdf>

<sup>4</sup> [https://corporatejustice.org/2018\\_good-business-report.pdf](https://corporatejustice.org/2018_good-business-report.pdf)



corporate human rights practices is publicly available through the [Corporate Human Rights Benchmark](#). Investors have begun to ask for accountability in the reporting and compliance aspects of codes of conduct throughout the supply chain. They have also asked for boards to structure themselves and choose members with human rights expertise in order strengthen accountability to codes of conduct.

### **Resolution Guidelines for the ELCA**

The Evangelical Lutheran Church in America supports:

1. The adoption of company codes of conduct. We advocate for the incorporation of the U.N. Guiding Principles into a company's operations and supply chain. We support Human Rights Impact Assessments in keeping with those principles.
2. The preparation of standards and related codes of conduct for vendors and suppliers.
3. Reporting to shareholders about international operations.
4. Buying policies and purchase contracts reflecting the International Labor Organization's standards.<sup>5</sup>
5. Implementation of independent monitoring processes for both the company and its vendors and suppliers.
6. Policies and reports ensuring that a company or its suppliers do not use child labor. We support policies that prohibit sexual exploitation of minors.
7. Reports that assess human rights risks, including human trafficking and forced labor (modern-day slavery), throughout the supply chain. We support reports on specific actions to curtail human rights risks in the supply chain.
8. Development of corporate responsibility committees at a board and staff level. We support development of a Human Rights Risk Oversight Committee<sup>6</sup> at the board level.
9. Reports on board-level expertise in civil and human rights as well as the presence of board-level infrastructure that ensures ongoing consultation with civil and human rights experts.
10. Development of policies and reports that ensure environmental standards, health and safety standards, and basic workers' rights standards. We support additional policies to protect worker health and safety in extraordinary situations such as a pandemic.
11. Due diligence processes to identify, assess, prevent, mitigate and address human rights concerns.
12. Board review of ways to link executive compensation with a company's ethical and social performance in addition to current performance measurements.
13. Policies ensuring that a company does not use forced labor, including prison, indentured or bonded labor, and ensuring ethical recruitment.
14. Regular assessment reports to the board of directors and shareholders on any of the

<sup>5</sup> <http://www.ilo.org/public/english/standards/norm/whatare/fundam/>

<sup>6</sup> <https://investorsforhumanrights.org/sites/default/files/attachments/2020-05/Full%20Report%20-%20Investor%20Toolkit%20on%20Human%20Rights%20-%20May%202020b.pdf>



- above items.
15. Development of policies and reports that promote network neutrality, ensuring that internet service providers do not degrade, prioritize or privilege online publications based on their source, ownership or information content.
  16. Reports on policies and procedures to address the human-rights-related risks associated with business activities in conflict-affected areas, including occupied territories.

### **Resolution Guidelines for the ELCA — General**

We support practices of good governance, specifically:

- a company having an independent board chair or independent lead director
- reports on policies and transparency of procedures for political contributions and expenditures (both direct and indirect) made with corporate funds
- reports on any portion of any dues or similar payments made to any tax-exempt organization or trade association that are used for an expenditure or contribution that might be deemed political
- guidelines or policies governing a company's political contributions and expenditures
- reports on diversity for corporate boards and upper-level management

*RECOMMENDED by Advisory Committee on Corporate Social Responsibility, Oct. 27, 2003*

*ENDORSED by Division for Church in Society Board, Feb. 27, 2004*

*APPROVED by Church Council, April 16-18, 2004*

*UPDATED by Advisory Committee on Corporate Social Responsibility, Sept. 5, 2008*

*APPROVED by Church Council, November 2008 [CC08.1157]*

*APPROVED by Church Council, November 2013 [CC13.11.69y]*

*UPDATED by the Corporate Social Responsibility Review Team, June 8, 2020*

~~EVANGELICAL LUTHERAN CHURCH IN AMERICA~~

~~Corporate Social Responsibility AREA: Domestic Health~~

~~DOCUMENT TYPE: Issue Paper~~

~~POINT IN PROCESS: Transmission to Church Council~~

~~DATE: 7/14/20~~

~~Caring for Health: Domestic Access to Health Care~~

**Background**

“God creates human beings as whole persons— each one a dynamic unity of body, mind, and spirit. Health concerns the proper functioning and well-being of the whole person” (“~~Caring for Health: Our Shared Endeavor~~” [ELCA 2003], page 3<sup>1</sup>); (~~Caring for Health: Our Shared Endeavor, ELCA, 2003, p. 3~~). “We of the Evangelical Lutheran Church (ELCA) in America have an enduring commitment to work for and support health care for all people as a shared endeavor” (page 2). The ~~crisis in health care today includes~~ rising costs of health care, ~~growing~~ large numbers of people with inadequate health care resources, and ~~the~~ system in distress. The church is called to be an active participant in fashioning a just and effective health care system (page 1).

Health care expenditures ~~make~~ up 16% of the United States gross domestic product, or nearly

~~\$2.6 trillion~~ 18% of U.S. GDP in 2010.<sup>2</sup> ~~Advances in~~ 2018,<sup>1</sup> yet the rate of underinsured Americans continues to rise.<sup>2</sup> ~~Virtually miraculous pharmaceutical treatments and medical devices continue to bring renewed hope for cures are developed, yet as the prevention, cure and management of many diseases. Spending price of pharmaceuticals continues to increase due~~ rise, they become unattainable to new technology and prescription drugs, a rise in chronic disease and increased administrative costs.<sup>3</sup> ~~some patients.~~<sup>3</sup>

~~In an attempt to address growing health care costs and the needs~~ The expansion of 50 million Americans without health insurance, the U.S. Congress in 2010 enacted coverage enabled by the Patient Protection and Affordable Care Act. ~~Because~~ led to significant gains in coverage and access to health care, but progress stalled in 2016 and various proposals to weaken the act and decrease funding were proposed. As of 2018, the rate of uninsured Americans had not increased, but the Act is still in the process of being implemented, it remains rate of underinsured Americans had continued to rise.<sup>4</sup> ~~Access to health care continues to be seen how a challenge for many of these people will be covered by insurance.~~<sup>4</sup> Americans.

~~Other health issues warrant review, including smoking policies, elimination of toxic chemical compounds in health care, development of safer alternatives for toxic compounds, and overall health and safety policies. In addition, increasing attention in recent years has focused on~~

<sup>1</sup> <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NationalHealthAccountsHistorical>

<sup>2</sup> “Underinsured” for this research is defined by a deductible that represents too large a proportion of household income: <https://www.commonwealthfund.org/publications/issue-briefs/2019/feb/health-insurance-coverage-eight-years-after-aca>

<sup>3</sup> Nearly 20% of Americans did not fill a prescription because of cost in 2018: ([https://www.commonwealthfund.org/sites/default/files/2019-02/Collins\\_hlt\\_ins\\_coverage\\_8\\_years\\_after\\_ACA\\_2018\\_biennial\\_survey\\_tables.pdf](https://www.commonwealthfund.org/sites/default/files/2019-02/Collins_hlt_ins_coverage_8_years_after_ACA_2018_biennial_survey_tables.pdf)).

<sup>4</sup> <https://www.commonwealthfund.org/publications/issue-briefs/2019/feb/health-insurance-coverage-eight-years-after-aca>

~~developing healthy lifestyles, including addressing the widespread problem of obesity..~~  
~~Foundations have been placing this as a priority especially as it relates to children.<sup>5</sup> The ELCA's~~  
~~Portico Benefit Services also has emphasized the challenge of living well.<sup>6</sup>~~

Beginning in February 2020, the COVID-19 pandemic exposed the systemic inequities in our domestic health care system: race and access to wealth affected who got sick in the first place, whether they were able to isolate from their families, what underlying conditions patients suffered from, and the health care they received. Air pollution was found to increase the death rate from COVID-19.<sup>5</sup> In addition, comorbidities related to public health issues (diabetes, obesity, overcrowding) worsened the outcomes for many.

Also of concern are smoking, vaping, overuse of alcohol, and use of toxic chemical compounds in medical practice.

### **ELCA Social Policy**

The ELCA social statement ~~“Caring for Health: Our Shared Endeavor”~~ (August ~~“Caring for Health: Our Shared Endeavor”~~ (2003) ~~develops~~articulates this church’s vision of health, illness, and healing. Part of that vision is for equitable access to health care. ~~An~~ for everyone. Also cited is an individual’s responsibility for caring for ~~his or her~~their own health—such as eating well, ~~avoiding tobacco use,~~ and avoiding tobacco or excessive alcohol consumption—~~is cited.~~ In addition, the church’s ministry in health care is highlighted at the level of both ~~a~~ congregationalcongregations and social ministry

<sup>1</sup><http://download.elca.org/ELCA%20Resource%20Repository/HealthSS.pdf>

<sup>2</sup><http://www.kaiseredu.org/en/Topics/Costs-and-Spending.aspx>

<sup>3</sup><http://www.kaiseredu.org/Issue-Modules/US-Health-Care-Costs/Background-Brief.aspx>

<sup>4</sup><http://www.kaiseredu.org/Topics/Insurance.aspx>

<sup>5</sup><http://www.rwjf.org/en/about-rwjf/program-areas/childhood-obesity/strategy.html>

<sup>6</sup>

<https://myportico.porticobenefits.org/myPortico/CallToLiveWell/FaithBasedWellBeing/TheChallengeOfLivingWell.aspx>

<sup>5</sup> <https://projects.iq.harvard.edu/covid-pm>

~~organization level organizations.~~ A major component of this social statement is the issue of access for all. Justice requires health care to be provided on the basis of need, giving particular attention to those who are disenfranchised from the system (page 19). ~~At the same time, the statement says that a combination of individual, market, and governmental approaches is necessary to begin to provide equitable access (page 20)-p. 19).~~

~~The ELCA social statement “Genetics, Faith and Responsibility” (August 2011)<sup>7</sup> and accompanying genetics issue paper<sup>8</sup> address specific issues relating to genetics and domestic health.~~

~~The ELCA social statement on economic life, “Sufficient, Sustainable Livelihood for All” (1999), calls for companies to share in the wider social and environmental burden of what they produce (p. 16). The ELCA social statement “Faith, Sexism, and Justice: A Call to Action” (2019) addresses the need for equitable health care, including medical research, and for all women to have access to reproductive health care (p. 62). The social message “Human Rights” (2017) affirms the right of each person to sufficient and sustainable health care (p. 6).~~

~~The ELCA social statement *Genetics, Faith and Responsibility* (2011) and its accompanying issue paper on genetics address specific issues relating to genetics and domestic health, as well as access to health care.~~

## Corporate Response

~~As the problems above indicate, all privately and publicly held corporations face issues associated with wellness, provision of health care, and access to pharmaceuticals.~~ Every corporation and family business faces decisions about health insurance for their employees, the health care available to their employees, and the costs to their employees for such care. All have to make decisions related to their ability to be part of the solution to the health crisis. as about half the population is covered by employer health insurance plans.<sup>6</sup> Plans with narrow coverage or high deductibles can render individuals underinsured, particularly low-income individuals. The pharmaceutical companies in this country have an additional challenge to face in that they provide some of the basic materials needed for health and wellness and must address how these goods can be distributed equitably. ~~Although many pharmaceutical companies have developed free access programs that work for some individuals, the overall effect is a patchwork of responses that do not include access for all.~~ Pharmaceutical companies are in the spotlight due to prescription drug prices that outpace inflation<sup>7</sup> and create an issue of access to care for patients.<sup>8</sup> Pharmaceutical companies offer patient assistance programs through charitable foundations, but there is significant resistance to this from a policy perspective, and the end result is still far from access to all.<sup>9</sup>

<sup>6</sup> <https://www.kff.org/other/state-indicator/total-population/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

<sup>7</sup> For example, in 2018, prices of brand-name drugs increased at twice the rate of inflation: <https://www.aarp.org/content/dam/aarp/ppi/2019/11/brand-name-drug-prices-increase-more-than-twice-as-fast-as-inflation.doi.10.26419-2Fppi.00073.005.pdf>.

<sup>8</sup> On average, 28% of Medicare patients don't adhere to their prescriptions as written due to the high cost of medication. <https://www.aarp.org/politics-society/advocacy/info-2019/drug-prices-consumer-impact.html>

<sup>9</sup> <https://www.bloomberg.com/news/articles/2016-05-19/the-real-reason-big-pharma-wants-to-help-pay-for-your-prescription>, <https://www.canceradvocacy.org/blog/patient-assistance-programs-do-they-help-or-hurt/>

Moreover, the domestic manufacture and distribution of certain products — from cigarettes and vapes to pollutants, alcohol and foods that contribute to obesity — negatively affect public health. Some manufacturers have made commitments in terms of lowering sugar content of foods and limiting tobacco marketing and sales.

### **Social-Criteria-criteria Investment Screens**

The alcohol and pornography social-criteria investment screens approved by the ELCA in 1988 and updated in 2007-2019 (alcohol) and 2020 (pornography) respond to this issue. The tobacco social-criteria investment screen approved by the ELCA in 1988, and updated in 2007 and 2012-2019 also responds to this issue<sup>9</sup>issue.

### **Resolution Guidelines for ELCA**

~~We support resolutions asking for~~The Evangelical Lutheran Church in America supports:

1. Resolutions requesting both the development of ethical criteria for the extension of patents on prescription drugs and reports on the implications of such criteria.
2. ~~We support a report on the~~Reports assessing a company's initiatives to create, expand, and implement policies and programs to extend pharmaceutical accessibility, and taking into account the costs and benefits, including the overall effect on markets.
3. ~~We support adoption~~Policies and statements of policies and principles stating principle declaring that all people ~~should have~~deserve access to basic, continuous and affordable physical and mental health care, — including reproductive health care, substance abuse treatment, and dental care, — and ~~we support supporting the~~ reduction of health care costs and the number of uninsured and underinsured people and reduction of healthcare costs.
4. ~~We support creation of a policy of price restraints~~ Policies that restrain prices on branded pharmaceuticals, utilizing and use a combination of approaches to keep ~~drug~~those prices at reasonable levels, such as tying price increases that would not exceed to the previous year's Consumer Price Index or removing barriers to market competition from generic drugs.

<sup>7</sup><http://download.elca.org/ELCA%20Resource%20Repository/GeneticsSS.pdf>

<sup>8</sup><http://www.elca.org/Our-Faith-In-Action/Justice/Advocacy/Corporate-Social-Responsibility/CCA-5-IP-12-Genetics.aspx>

<sup>9</sup>[http://download.elca.org/ELCA%20Resource%20Repository/Tobacco\\_Screen.pdf](http://download.elca.org/ELCA%20Resource%20Repository/Tobacco_Screen.pdf)

5. ~~We support reports~~Reports assessing ~~the(a)~~ a company's policy responses to regulatory, legislative and public pressures to improve access to and ~~the~~ affordability of its products, and (b) the long-term, possibly negative impact of executive incentives on pricing policies.
6. ~~We support policies~~Policies addressing conflicts of interest ~~involving~~for board members with health industry affiliations.
7. ~~We support reports~~Reports evaluating the merits and feasibility of strengthening board expertise in pharmaceutical manufacturing and product quality and safety.
- 7.8. Reports disclosing the extent and types of payments, incentives, or rebates ~~that are~~ made to doctors, pharmacy benefit managers, and other pharmaceutical purchasers ~~in order~~ to influence ~~the~~ selection of a particular drug.
- 8.9. ~~We support reports~~Reports and policies on the ~~occurrence of~~ manufacture and phasing out of ~~the manufacture of~~ PVC- or phthalate-containing medical supplies ~~where~~when safe alternatives are available.
- 9.10. ~~We support reports~~Reports on the use and effects of antibiotics in animal feeds. The ECLA supports phasing out medically important antibiotics in the supply chain, except for the treatment and nonroutine control of diagnosed illness.
- 10.11. ~~We support reports~~ evaluating Reports on the feasibility of removing dibutyl phthalates, parabens, mercury and brominated flame retardants from devices and products.
- 11.12. ~~We support reports~~Reports and adoption of goals to reduce ~~the~~ occupational and community health hazards from manufacturing or recycling lead batteries, both within the company and in the supply chain.
- 12.13. ~~We support reports~~Reports on using new, safer substitutes ~~as they become available~~ for chemicals ~~that are~~ known or suspected to cause cancer or mutations, harm the reproductive system, affect the endocrine system, accumulate in the body or persist in the environment.
- 13.14. ~~We support reports~~Reports on policies regarding the use of nanomaterials in a product.
- 14.15. ~~We support resolutions~~ Resolutions asking for (a) warnings on tobacco products and ~~for~~ (b) marketing programs that discourage youth from using tobacco ~~products~~.
16. ~~We support companies having the same~~ Assessments of the damage inflicted on youth by nicotine-delivery products, and requests to review a company's adherence to policies in that are intended to minimize the damage.
- 15.17. Companies extending to developing nations ~~restricting the same restrictions on~~ marketing of tobacco products ~~as that the company observes~~ in the United States.
- 16.18. ~~We support policies to~~ Policies to inform consumers about nicotine levels in tobacco products and to reduce those products' nicotine content in tobacco products.
- 17.19. ~~We support proposals asking for~~ Proposals requesting smoke-free facilities and ~~expanded~~ smoke-free boundaries around building entrances.
20. ~~We support reports~~Reports to the board about the health risks of ~~products involved with tobacco~~ tobacco-related products, and efforts to provide information to low-income and less formally educated tobacco users about the health risks of tobacco and how to quit smoking.
- 18.21. Reports assessing the financial risk (including long-term legal and reputational risk) of continued retail sale of tobacco products, and resolutions to prohibit tobacco advertising and sales: incentives in stores.
- 19.22. ~~We support reports~~Reports on the health ~~impacts on teens that result from exposure~~ impact of teenagers being exposed to the portrayal of people smoking in movies, DVD's, TV productions, video games and other media.
- 20.23. ~~We support reports~~Reports on policies to address the negative effects of gambling and on programs to assist individuals who are addicted to gambling.
- 21.24. ~~We support reports asking~~ Reports examining whether a product, service or political action ~~is~~ contributing contributes to the epidemic of violence.

- ~~22-25.~~ ~~We support policy~~ Policy responses to ~~concerns regarding linkages~~ the impact of fast food ~~to~~ on childhood obesity, diet-related diseases and other ~~effects on the child~~ health of children ~~issues.~~
26. Reports on advertising and privacy policies to address concerns about childhood obesity, and public or private initiatives to eliminate or restrict food marketing to youth.
27. Reports on the health risks related to obesity, as well as metrics on reducing added sugars and developing healthier products.

**Resolution ~~guidelines~~ Guidelines for ~~the~~ ELCA ~~—~~ General**

- ~~23.~~ We support practices of good governance, specifically:
- A company having an independent board chair or independent lead director; ~~;~~
  - Reports on policies; and transparency of procedures for political contributions and expenditures (both direct and indirect) made with corporate funds); ~~;~~
  - Reports on any portion of any dues or similar payments made to any tax-exempt organization or trade ~~organization~~ association that is used for an expenditure or contribution ~~which~~ that might be deemed political; and
  - Guidelines or policies governing ~~the~~ a company's political contributions and expenditures. ~~;~~



- ~~Recommended~~ Reports on diversity for corporate boards and upper-level management.

RECOMMENDED by ~~the~~ Advisory Committee on Corporate Social Responsibility, May 20, 2004

~~Endorsed~~

ENDORSED by ~~the~~ Division Church Society Board, ~~October~~ Oct. 22, 2004 ~~Approved~~

APPROVED by Church Council, ~~November~~ Nov. 11, 2004

~~Updated~~ UPDATED by ~~the~~ Advisory Committee on Corporate Social Responsibility, April 8, 2008

~~Approved~~

APPROVED by Church Council, November 2008 [CC08.11.57a] ~~Approved~~

APPROVED by Church Council, November 2013 [CC13.11.69y]

UPDATED by Corporate Social Responsibility Review Team, June 8, 2020



**AREA:** Domestic Health  
**DOCUMENT TYPE:** Issue paper  
**POINT IN PROCESS:** Transmission to Church Council  
**DATE:** 7/14/20

## Caring for Health: Domestic Access to Health Care

### Background

“God creates human beings as whole persons — each one a dynamic unity of body, mind, and spirit. Health concerns the proper functioning and well-being of the whole person” (*Caring for Health: Our Shared Endeavor*, ELCA, 2003, p. 3). “We of the Evangelical Lutheran Church (ELCA) in America have an enduring commitment to work for and support health care for all people as a shared endeavor” (p. 2). The rising costs of health care leave large numbers of people with inadequate health care resources and a system in distress. The church is called to be an active participant in fashioning a just and effective health care system (p. 1).

Health care expenditures made up nearly 18% of U.S. GDP in 2018,<sup>1</sup> yet the rate of underinsured Americans continues to rise.<sup>2</sup> Virtually miraculous pharmaceutical cures are developed, yet as the price of pharmaceuticals continues to rise, they become unattainable to some patients.<sup>3</sup>

The expansion of coverage enabled by the Patient Protection and Affordable Care Act led to significant gains in coverage and access to health care, but progress stalled in 2016 and various proposals to weaken the act and decrease funding were proposed. As of 2018, the rate of uninsured Americans had not increased, but the rate of underinsured Americans had continued to rise.<sup>4</sup> Access to health care continues to be a challenge for many Americans.

Beginning in February 2020, the COVID-19 pandemic exposed the systemic inequities in our domestic health care system: race and access to wealth affected who got sick in the first place, whether they were able to isolate from their families, what underlying conditions patients suffered from, and the health care they received. Air pollution was found to increase the death rate from COVID-19.<sup>5</sup> In addition, comorbidities related to public health issues (diabetes,

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<sup>1</sup> <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NationalHealthAccountsHistorical>

<sup>2</sup> “Underinsured” for this research is defined by a deductible that represents too large a proportion of household income: <https://www.commonwealthfund.org/publications/issue-briefs/2019/feb/health-insurance-coverage-eight-years-after-aca>

<sup>3</sup> Nearly 20% of Americans did not fill a prescription because of cost in 2018: ([https://www.commonwealthfund.org/sites/default/files/2019-02/Collins\\_hlt\\_ins\\_coverage\\_8\\_years\\_after\\_ACA\\_2018\\_biennial\\_survey\\_tables.pdf](https://www.commonwealthfund.org/sites/default/files/2019-02/Collins_hlt_ins_coverage_8_years_after_ACA_2018_biennial_survey_tables.pdf)).

<sup>4</sup> <https://www.commonwealthfund.org/publications/issue-briefs/2019/feb/health-insurance-coverage-eight-years-after-aca>

<sup>5</sup> <https://projects.iq.harvard.edu/covid-pm>



obesity, overcrowding) worsened the outcomes for many.

Also of concern are smoking, vaping, overuse of alcohol, and use of toxic chemical compounds in medical practice.

### **ELCA Social Policy**

The ELCA social statement *“Caring for Health: Our Shared Endeavor”* (2003) articulates this church’s vision of health, illness and healing. Part of that vision is for equitable access to health care for everyone. Also cited is an individual’s responsibility for caring for their own health—such as eating well and avoiding tobacco or excessive alcohol consumption. In addition, the church’s ministry in health care is highlighted at the level of both congregations and social-ministry organizations. A major component of this social statement is the issue of access for all. Justice requires health care to be provided on the basis of need, giving particular attention to those who are disenfranchised from the system (p. 19).

The ELCA social statement on economic life, *“Sufficient, Sustainable Livelihood for All”* (1999), calls for companies to share in the wider social and environmental burden of what they produce (p. 16). The ELCA social statement *“Faith, Sexism, and Justice: A Call to Action”* (2019) addresses the need for equitable health care, including medical research, and for all women to have access to reproductive health care (p. 62). The social message *“Human Rights”* (2017) affirms the right of each person to sufficient and sustainable health care (p. 6).

The ELCA social statement *Genetics, Faith and Responsibility* (2011) and its accompanying issue paper on genetics address specific issues relating to genetics and domestic health, as well as access to health care.

### **Corporate Response**

Every corporation and family business faces decisions about health insurance for their employees, the health care available to their employees and the costs to their employees for such care. All have to make decisions related to their ability to be part of the solution to the health crisis, as about half the population is covered by employer health insurance plans.<sup>6</sup> Plans with narrow coverage or high deductibles can render individuals underinsured, particularly low-income individuals. The pharmaceutical companies in this country have an additional challenge to face in that they provide some of the basic materials needed for health and wellness and must address how these goods can be distributed equitably. Pharmaceutical companies are in the spotlight due to prescription drug prices that outpace inflation<sup>7</sup> and create an issue of access to

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<sup>6</sup> <https://www.kff.org/other/state-indicator/total-population/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

<sup>7</sup> For example, in 2018, prices of brand-name drugs increased at twice the rate of inflation: <https://www.aarp.org/content/dam/aarp/ppi/2019/11/brand-name-drug-prices-increase-more-than-twice-as-fast-as-inflation.doi.10.26419-2Fppi.00073.005.pdf>.



care for patients.<sup>8</sup> Pharmaceutical companies offer patient assistance programs through charitable foundations, but there is significant resistance to this from a policy perspective, and the end result is still far from access to all.<sup>9</sup>

Moreover, the domestic manufacture and distribution of certain products — from cigarettes and vapes to pollutants, alcohol and foods that contribute to obesity — negatively affect public health. Some manufacturers have made commitments in terms of lowering sugar content of foods and limiting tobacco marketing and sales.

### **Social-criteria Investment Screens**

The alcohol and pornography social-criteria investment screens approved by the ELCA in 1988 and updated in 2019 (alcohol) and 2020 (pornography) respond to this issue. The tobacco social-criteria investment screen approved by the ELCA in 1988 and updated in 2019 also responds to this issue.

### **Resolution Guidelines for ELCA**

The Evangelical Lutheran Church in America supports:

1. Resolutions requesting both the development of ethical criteria for the extension of patents on prescription drugs and reports on the implications of such criteria.
2. Reports assessing a company's initiatives to create, expand and implement policies and programs to extend pharmaceutical accessibility, and taking into account the costs and benefits, including the overall effect on markets.
3. Policies and statements of principle declaring that all people deserve access to basic, continuous and affordable physical and mental health care — including reproductive health care, substance abuse treatment, and dental care — and supporting the reduction of health care costs and the number of uninsured and underinsured people.
4. Policies that restrain prices on branded pharmaceuticals and use a combination of approaches to keep those prices at reasonable levels, such as tying price increases to the previous year's Consumer Price Index or removing barriers to market competition from generic drugs.
5. Reports assessing (a) a company's policy responses to regulatory, legislative and public pressures to improve access to and affordability of its products, and (b) the long-term, possibly negative impact of executive incentives on pricing policies.
6. Policies addressing conflicts of interest for board members with health industry affiliations.
7. Reports evaluating the merits and feasibility of strengthening board expertise in pharmaceutical manufacturing and product quality and safety.

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<sup>8</sup> On average, 28% of Medicare patients don't adhere to their prescriptions as written due to the high cost of medication. <https://www.aarp.org/politics-society/advocacy/info-2019/drug-prices-consumer-impact.html>

<sup>9</sup> <https://www.bloomberg.com/news/articles/2016-05-19/the-real-reason-big-pharma-wants-to-help-pay-for-your-prescription>, <https://www.canceradvocacy.org/blog/patient-assistance-programs-do-they-help-or-hurt/>



8. Reports disclosing the extent and types of payments, incentives or rebates made to doctors, pharmacy benefit managers and other pharmaceutical purchasers to influence selection of a particular drug.
9. Reports and policies on the manufacture and phasing out of PVC- or phthalate-containing medical supplies when safe alternatives are available.
10. Reports on the use and effects of antibiotics in animal feeds. The ECLA supports phasing out medically important antibiotics in the supply chain, except for the treatment and nonroutine control of diagnosed illness.
11. Reports on the feasibility of removing dibutyl phthalates, parabens, mercury and brominated flame retardants from devices and products.
12. Reports and adoption of goals to reduce occupational and community-health hazards from manufacturing or recycling lead batteries, both within the company and in the supply chain.
13. Reports on new, safer substitutes for chemicals known or suspected to cause cancer or mutations, harm the reproductive system, affect the endocrine system, accumulate in the body or persist in the environment.
14. Reports on policies regarding the use of nanomaterials in a product.
15. Resolutions asking for (a) warnings on tobacco products and (b) marketing programs that discourage youth from using tobacco.
16. Assessments of the damage inflicted on youth by nicotine-delivery products, and requests to review a company's adherence to policies that are intended to minimize the damage.
17. Companies extending to developing nations the same restrictions on marketing of tobacco products that the company observes in the United States
18. Policies to inform consumers about nicotine levels in tobacco products and to reduce those products' nicotine content.
19. Proposals requesting smoke-free facilities and smoke-free boundaries around building entrances.
20. Reports to the board about the health risks of tobacco-related products, and efforts to provide information to low-income and less formally educated tobacco users about the health risks of tobacco and how to quit smoking.
21. Reports assessing the financial risk (including long-term legal and reputational risk) of continued retail sale of tobacco products, and resolutions to prohibit tobacco advertising and sales incentives in stores.
22. Reports on the health impact of teenagers being exposed to people smoking in movies, TV productions, video games and other media.
23. Reports on policies to address the negative effects of gambling and on programs to assist individuals who are addicted to gambling.
24. Reports examining whether a product, service or political action contributes to the epidemic of violence.
25. Policy responses to the impact of fast food on childhood obesity, diet-related diseases and other child health issues.
26. Reports on advertising and privacy policies to address concerns about childhood obesity, and public or private initiatives to eliminate or restrict food marketing to youth.
27. Reports on the health risks related to obesity, as well as metrics on reducing added sugars and developing healthier products.



**Resolution Guidelines for the ELCA — General**

We support practices of good governance, specifically:

- A company having an independent board chair or independent lead director.
- Reports on policies and transparency of procedures for political contributions and expenditures (both direct and indirect) made with corporate funds.
- Reports on any portion of any dues or similar payments made to any tax-exempt organization or trade association that is used for an expenditure or contribution that might be deemed political.
- Guidelines or policies governing a company's political contributions and expenditures.
- Reports on diversity for corporate boards and upper-level management.

*RECOMMENDED by Advisory Committee on Corporate Social Responsibility, May 20, 2004*

*ENDORSED by Division Church Society Board, Oct. 22, 2004*

*APPROVED by Church Council, Nov. 11, 2004*

*UPDATED by Advisory Committee on Corporate Social Responsibility, April 8, 2008*

*APPROVED by Church Council, November 2008 [CC08.11.57a]*

*APPROVED by Church Council, November 2013 [CC13.11.69y]*

*UPDATED by Corporate Social Responsibility Review Team, June 8, 2020*

# EXTRACTIVE INDUSTRIES

## ISSUE PAPER



Evangelical Lutheran Church in America  
God's work. Our hands.

~~RECOMMENDED by the Advisory Committee for Corporate Social Responsibility, September~~  
AREA: Extractive Industries

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### Extractive Industries

~~2, 2004~~

~~ENDORSED by the Division for Church in Society Board, October 22, 2004~~  
~~APPROVED by the Church Council, November 11, 2004~~ Updated by Advisory  
Committee on Corporate Social Responsibility, September 17, 2009  
UPDATED by the Church Council, November 2009  
UPDATED by the Church Council, November 2014 CC14.11.18

### Background

The principle that ~~host~~ communities should have the opportunity to grant or withhold their ~~free, prior, and informed consent~~ free, prior and informed consent (FPIC) to projects located on their lands or that impact the resources upon which they depend is now widely considered to be an internationally guaranteed human right of ~~indigenous~~ Indigenous peoples, and is increasingly being recognized in national law, international norms, and voluntary best-practice standards and guidelines. [1] This principle has been established only after centuries of exploitation of and outright theft from Indigenous populations. Sacred lands have been acquired through deceptive and inequitable means, and their resources plundered. Indigenous people in the United States are particularly vulnerable because of their treaty status with the U.S. government.

When physical resources— ~~—~~ such as oil, gas, coal, gold and diamonds, ~~coal and gold~~, as well as other minerals— ~~—~~ are extracted from the earth and transported to market, they become part of that economic sector ~~in the~~ economy known as “extractive industries.” Those in the United States often look to Africa, South America, and Asia, as well as Appalachian and Native American lands, to find these resources. The Evangelical Lutheran Church in America (ELCA) ~~shares a concern in common with all these peoples; recognizes~~ the need to respect the land claims and alleviate the hunger, poverty, and



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international debt. of Indigenous peoples. The ELCA ~~also~~ is concerned that ~~this~~ the extractive industries sector ~~is often the venue for~~ brings suffering to these people through environmental degradation, ~~the impingement and climate change.~~ Impinging upon indigenous Indigenous lands, ~~and a lack of respect for~~ can tie in closely with human rights.

A report from violations and represents an international experts workshop organized by the United Nations Permanent Forum especially severe burden on Indigenous Issues in March 2009 concerning the role of corporations notes that self-determination is of fundamental importance in the context of indigenous lands or territories and that the extractive industry must operate within the context of free, prior, and informed consent. It goes further to say that, where there is consent, the community should have a fair share of the benefits from the activities on their lands. [2]women.<sup>1</sup>

**Social Policy**

Decades ago, the ELCA released a social policy resolution supporting the sovereignty of Native American tribes and recognizing the need for advocacy in the area of treaty rights, tribal sovereignty and religious freedom.

The very title of the ELCA's economic life social statement, "Sufficient, Sustainable Livelihood for All" (ELCA, "Sufficient, Sustainable Livelihood for All" (1999), [3] gives particular attention to the concepts of sufficiency and indicates the importance of sustainability. and sufficiency in understanding economic life. Sustainability "is the capacity of natural and social systems to survive and thrive together over the long term. What is sufficient in providing for people's wants often is in tension with what can be sustained over time. Sustainability has implications for how we evaluate economic activity in terms of its ongoing effects on the well-being of both nature and human communities... Economic life should help sustain humans and the rest of creation, — now and in the future" (pgp. 14). The statement also declares that "without appropriate environmental care, economic growth cannot be sustained. Caring for creation means that economic processes should respect environmental limits" (pg. 15). The church's vision of sufficiency and sustainability is developed with a focus focuses on the economic life of all people, emphasizing those who are poor and disenfranchised. This emphasis often creates a tension conflicts with the priorities of our economic system. "While economic growth often is considered an unconditional good, we insist that such growth must be evaluated by its direct, indirect, short term, and long term effects on the well-being of all creation and people, especially those who are poor" (pg. 4). Specific commitments called for in this statement include:

- scrutiny of scrutinizing how specific policies and practices affect the poorest people and nations that are the poorest, and changes to make policies of, and making economic growth,

<sup>1</sup> "Forced evictions and the dispossession of lands have particularly severe impacts on indigenous women, who, as a result, often have an increased workload as they must walk long distances to find alternative sources of water or fuel wood, or are driven out of income-earning productive activities and into a situation of economic dependence on men."

<https://www.un.org/development/desa/Indigenouspeoples/mandated-areas1/environment.html>



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trade, and investment policies more beneficial to those who are poor (pg. 6).

- reduction of the overwhelming debt burdens in ways that do not impose further deprivations on the poor, and cancellation of some or all debt where severe indebtedness immobilizes a country's economy;
- fuller compensation by urging companies to pay/compensate communities more fully for the wider social and environmental costs of what they produce (pg. 15); the company produces (p. 16)
- enforcement of enforcing laws to that prevent the exercise of inordinate market power by of large corporations (pg. 14); and
- ending subsidies for economic activities that use up nonrenewable natural resources (pg. 15).

The social statement *Caring for Creation: Vision, Hope, and Justice* (

~~The social~~ statement "Caring for Creation: Vision, Hope, and Justice" (ELCA, 1993) [4] develops/expresses this church's vision of creation, while demonstrating the gift of hope. ~~It observes~~ It makes powerful observations about the interplay between our environment and our economic systems:

- Processes of environmental degradation feed on one another. Decisions affecting an immediate locale often affect the entire planet (pg. 4).
- The degradation/Degradation of the environment occurs where people have little or no voice in decisions — because of racial, gender, or economic discrimination leaves people with little or no voice in decision-making. This degradation aggravates their situation and swells the numbers of those trapped in urban or rural poverty (pg. 7).
- Neither economic growth that ignores environmental cost nor conservation of nature that ignores human cost is sustainable. .... We know that A healthy economy can exist only within a healthy economy/environment (p. 8).

can exist only within a healthy environment, but that it is difficult to promote both in our decisions (pg. 8).

The church is called to seek and promote justice through principles of participation, solidarity, sufficiency, and sustainability.

Specifically, this social statement calls the church to engage in dialogue with corporations on how to promote justice for creation (5.E.1-1). This activity includes dialogues about implementing comprehensive environmental principles, healthy environments, and cooperation between the public and private sectors regarding sustainability. ~~In both 1997 and~~

The social 1999, the ELCA Churchwide Assembly affirmed the ELCA's concerns for international debt reduction, alleviation of poverty and hunger in poor countries, and sound economic growth by endorsing the Jubilee 2000 Campaign (CA97.6.47 and CA99.03.06). [5]

Responses message "Human Rights" (2017) commits this church to "be sensitive to the needs of indigenous peoples, whose understandings of ownership, culture and community may be at odds with corporate notions of ownership — corporations and governments do not possess the absolute right to ignore those perspectives" (p. 13).



In 2016 the ELCA Churchwide Assembly passed the resolution “Repudiation of the Doctrine of Discovery” to reject the 19th-century U.S. legal doctrine that permitted the colonization of Indigenous lands and the exploitation of Indigenous peoples. That ideological foundation has pervaded our economic systems. In response, the ELCA is called to seek and promote justice through principles of participation, solidarity, sufficiency and sustainability as described in its social teachings.

### **Other Relevant Documents**

The work of the American Indian and Alaska Native Ministries of the ELCA is guided by a strategic plan.

### **Corporate Response**

Investors have responded to adverse events by increasing pressure on corporations to develop disclosure and safety initiatives. Failure of a tailings dam in Brazil led the Church of England to take action and organize. After pipeline projects sparked protests and garnered unfavorable publicity, financial institutions began facing increased scrutiny about the human rights impact of projects they fund.

Harm to a financial institution’s reputation is only one downside of the institution failing to get involved in a community. Opposition from that community poses numerous risks to the institution, from the government imposing fines to the government deciding to halt operations altogether.

Among other movements, the United Nations Local Communities and Indigenous Peoples Platform works to address land rights, climate change, environmental rights and autonomy of Indigenous peoples. It aims to increase full participation of Indigenous peoples in all aspects of addressing climate change and to preserve indigenous land and culture. Industry groups such as the International Council on Mining and Metals and the Initiative for Responsible Mining Assurance work to develop industry guidelines.

Multinational corporations have been approached by multiple groups to clean up the environment and protect natural habitats. Groups have also sought the involvement of communities in environmental protection and planning. ~~Laws have been enacted and community needs met through the U.S. legal system, but the governance and legal systems necessary to protect both citizens and the environment are not consistently in place as resource extraction continues to expand, but barriers remain. Only a few countries recognize the rights of Indigenous peoples, and even in those places, land rights may be inadequately protected in practice, and full and informed consent complicated to obtain.~~

~~Reputational harm is not the only downside of the absence of community involvement. Opposition from a community has the potential of risks spanning from governments deciding to halt operations to the imposition of fines. Communities are being trained in how they can exercise these rights through programs such as Oxfam Australia’s guide to FPIC [6].~~

### **Resolution Guidelines for ELCA**

~~We support reports~~ The Evangelical Lutheran Church in America supports:

1. Incorporating the U.N. Guiding Principles into a company’s operations and supply chain, and conducting Human Rights Impact Assessments in keeping with those principles.
- ~~1-2. Reports~~ asking companies to assess the profitability and reputation of operations from environmental and social perspectives including human rights impact assessments.



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3. ~~We support resolutions~~ Reports asking companies to describe the due diligence process used to identify and address environmental and social risks, including Indigenous rights risks, in reviewing potential acquisitions. Such a report should consider:
- which committees, departments and/or managers are responsible for review, oversight and verification
  - how environmental and social risks are identified and assessed
  - which international standards are used to define the company's due diligence procedures
  - how this information informs and is weighted in acquisition decisions
  - if and how risks identified were disclosed to shareholders
- 2.4. ~~Resolutions~~ asking companies to report on, assess the impact of, and curtail health, safety, or environmental hazards to communities that result from their activities.
- 3.5. ~~We support asking~~ Asking for formal public ~~written~~ global policies and reports on implementation concerning the rights of indigenous Indigenous peoples, including issues addressing free, prior and informed consent, as well as on the rights of local communities to control local natural resources and full participation in business planning and decisions impacting their lands. We support assessments of how Indigenous rights policies could be extended to financing operations in Indigenous territories.
- 4.6. ~~We support reports~~ Reports disclosing corporate analysis and steps taken to control operating in culturally or environmentally sensitive areas and/or the impact on sustainability and biodiversity in ecologically unique or sensitive areas, including lobbying efforts for access to such areas.
- 5.7. ~~We support reports~~ Reports of operations for specific projects in specific regions (e.g., Chad Cameroon pipeline report, Canadian Oil Sands, Burma) in the United States and elsewhere in the world, including financial, environmental, and social impact.
- 6.8. ~~We support reports~~ Reports detailing the range of financial liability associated with a project, specifying community compensation, environmental impact, and mitigation of loss of natural habitat.
- 7.9. ~~We support reports~~ Reports disclosing policies and management systems to avoid loss of natural habitat.
- 8.10. ~~We support reports~~ Reports reviewing and disclosing underwriting criteria related to the impact of a transaction on the environment, human rights, and risk to a company's reputation. We support requesting Requesting a report on the potential environmental and public health impacts of each of the company's endeavors, those of its affiliates and proposed ventures that extract water. Following Global Reporting Initiative Global Reporting Initiative (GRI) performance indicators, the report should consider the implications of a policy of reducing ground and surface water extraction to sustainable levels for all operations of the company and its affiliates to sustainable levels and of not locating in water-scarce areas.
- 9.11. ~~We support reports~~ Reports on how a corporation ensures that it is accountable accountability for its environmental impacts impact in all of the communities where it operates. Such reports should contain the following information:
1. how the corporation makes available reports regarding its emissions and environmental impacts on land, water, and soil—both within its legal limits as well as emergency emissions—to members of the communities where it operates;
  2. how the corporation integrates community environmental accountability into its current



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code of conduct and ongoing business practices;~~and~~

~~3.~~ the extent to which the corporation's activities have negative health effects on individuals living in economically poor communities;

~~10.12. We support reports~~ Reports on the effects of ~~mountain top~~ mountaintop removal, including:

~~1.~~ the effects on the local community ~~or of~~ any activities that have negative health effects for individuals living in ~~economically~~ resource-poor communities;

~~2.~~ the effects on the local environment, including water, land and soil; ~~and~~

~~3.~~ the methods the company uses to communicate with the local community;

~~11.13. We support requests~~ Requests that, as ~~the~~ board director's term of office ~~expire~~ expires, strong consideration be given to candidates ~~who have~~ with a high level of expertise and experience in environmental and/or human rights matters.

~~12.14. We support reports~~ Reports on the financial risks resulting from climate change as well as actions the ~~Board~~ board deems necessary to provide long-term protection of ~~the~~ business interests. In addition, we support reports on plans for reduction of total greenhouse gas emissions, methane measurement, mitigation, and emission reduction, as well as reports on pipeline construction, integrity and emergency response plans.

15. Reports on the company's approach to mitigating the heightened ethical and business risks associated with business activities in conflict-affected areas, including situations of occupation.

16. Reports on efforts to identify and reduce environmental and health hazards associated with coal combustion residuals.

**Resolution ~~guidelines~~ Guidelines for ELCA — General**

We support practices of good governance, specifically:

- ~~•~~ a company having an independent board chair or independent lead director;
- ~~•~~ reports on policies and transparency of procedures for political contributions and expenditures (both direct and indirect) made with corporate funds;
- ~~•~~ reports on any portion of any dues or similar payments made to any tax-exempt organization or trade association that is used for an expenditure or contribution ~~which that~~ might be deemed political; ~~and~~
- ~~•~~ ~~Guidelines~~ guidelines or policies governing ~~the a~~ company's political contributions and expenditures-
- reports on diversity for corporate boards and upper-level management

*RECOMMENDED by Advisory Committee for Corporate Social Responsibility, Sept. 2, 2004*

*ENDORSED by Division for Church in Society Board, Oct. 22, 2004*

*APPROVED by Church Council, Nov. 11, 2004*

[1] <http://www.ohchr.org/Documents/Issues/Peoples/FreePriorandInformedConsent.pdf>

[2] [http://www.un.org/esa/socdev/unpfii/documents/E\\_C19\\_2009\\_CRP\\_8.doc](http://www.un.org/esa/socdev/unpfii/documents/E_C19_2009_CRP_8.doc)



- [3] <http://www.elca.org/en/Faith/Faith-and-Society/Social-Statements/Economic-Life>
- [4] <http://www.elca.org/Faith/Faith-and-Society/Social-Statements/Caring-for-Creation>
- [5] [http://download.elca.org/ELCA%20Resource%20Repository/Campaign\\_JubileeS-PR97.pdf](http://download.elca.org/ELCA%20Resource%20Repository/Campaign_JubileeS-PR97.pdf)
- [http://download.elca.org/ELCA%20Resource%20Repository/Jubilee\\_2000\\_Campaign\\_SPR99.pdf](http://download.elca.org/ELCA%20Resource%20Repository/Jubilee_2000_Campaign_SPR99.pdf)
- [6] <http://www.culturalsurvival.org/sites/default/files/guidetofreepriorinformedconsent-0.pdf>
- [7] [www.globalreporting.org](http://www.globalreporting.org)

*UPDATED by Advisory Committee on Corporate Social Responsibility, Sept. 17, 2009*

*UPDATED by Church Council, November 2009*

*UPDATED by Church Council, November 2014 [CC14.11.18]*

*UPDATED by Corporate Social Responsibility Review Team, June 8, 2020*



**AREA:** Extractive Industries  
**DOCUMENT TYPE:** Issue paper  
**POINT IN PROCESS:** Transmission to Church Council  
**DATE:** 7/14/20

## Extractive Industries

### Background

The principle that communities should have the opportunity to grant or withhold their **free, prior and informed consent** (FPIC) to projects located on their lands or that impact the resources upon which they depend is now widely considered to be an internationally guaranteed human right of Indigenous peoples, and is increasingly being recognized in national law, international norms and voluntary best-practice standards and guidelines. This principle has been established only after centuries of exploitation of and outright theft from Indigenous populations. Sacred lands have been acquired through deceptive and inequitable means, and their resources plundered. Indigenous people in the United States are particularly vulnerable because of their treaty status with the U.S. government.

When physical resources — such as oil, gas, coal, gold and diamonds, as well as other minerals — are extracted from the earth and transported to market, they become part of that economic sector known as “extractive industries.” Those in the United States often look to Africa, South America and Asia, as well as Appalachian and Native American lands, to find these resources. The Evangelical Lutheran Church in America (ELCA) recognizes the need to respect the land claims and alleviate the hunger, poverty, and international debt of Indigenous peoples. The ELCA is concerned that the extractive industries sector often brings suffering to these people through environmental degradation and climate change. Impinging upon Indigenous lands can tie in closely with human rights violations and represents an especially severe burden on women.<sup>1</sup>

### Social Policy

Decades ago, the ELCA released a **social policy resolution** supporting the sovereignty of Native American tribes and recognizing the need for advocacy in the area of treaty rights, tribal sovereignty and religious freedom.

The very title of the ELCA’s economic life social statement, “**Sufficient, Sustainable Livelihood for All**” (1999), indicates the importance of sustainability and sufficiency in understanding economic life. Sustainability “is the capacity of natural and social systems to survive and thrive

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<sup>1</sup> “Forced evictions and the dispossession of lands have particularly severe impacts on indigenous women, who, as a result, often have an increased workload as they must walk long distances to find alternative sources of water or fuel wood, or are driven out of income-earning productive activities and into a situation of economic dependence on men.”

<https://www.un.org/development/desa/Indigenouspeoples/mandated-areas1/environment.html>



together over the long term. ... Economic life should help sustain humans and the rest of creation — now and in the future” (p. 14). The church’s vision of sufficiency and sustainability focuses on the economic life of all people, emphasizing those who are poor and disenfranchised. This emphasis often conflicts with the priorities of our economic system. Specific commitments called for in this statement include:

- scrutinizing how specific policies and practices affect the poorest people and nations, and making economic growth, trade and investment policies more beneficial to those who are poor (p. 6)
- urging companies to compensate communities more fully for the wider social and environmental costs of what the company produces (p. 16)
- enforcing laws that prevent the inordinate market power of large corporations (p. 14)

The social statement *Caring for Creation: Vision, Hope, and Justice* (1993) expresses this church’s vision of creation while demonstrating the gift of hope. It makes powerful observations about the interplay between our environment and our economic systems:

- Processes of environmental degradation feed on one another. Decisions affecting an immediate locale often affect the entire planet (p. 4).
- Degradation of the environment occurs where racial, gender or economic discrimination leaves people with little or no voice in decision-making. This degradation aggravates their situation and swells the numbers of those trapped in urban or rural poverty (p. 7).
- Neither economic growth that ignores environmental cost nor conservation of nature that ignores human cost is sustainable. A healthy economy can exist only within a healthy environment (p. 8).

Specifically, this social statement calls the church to engage in dialogue with corporations on how to promote justice for creation (5.E.1-1). This activity includes dialogues about implementing comprehensive environmental principles, healthy environments, and cooperation between the public and private sectors regarding sustainability.

The social message “[Human Rights](#)” (2017) commits this church to “be sensitive to the needs of indigenous peoples, whose understandings of ownership, culture and community may be at odds with corporate notions of ownership — corporations and governments do not possess the absolute right to ignore those perspectives” (p. 13).

In 2016 the ELCA Churchwide Assembly passed the resolution “[Repudiation of the Doctrine of Discovery](#)” to reject the 19th-century U.S. legal doctrine that permitted the colonization of Indigenous lands and the exploitation of Indigenous peoples. That ideological foundation has pervaded our economic systems. In response, the ELCA is called to seek and promote justice through principles of participation, solidarity, sufficiency and sustainability as described in its social teachings.

### **Other Relevant Documents**

The work of the American Indian and Alaska Native Ministries of the ELCA is guided by a [strategic plan](#).



## Corporate Response

Investors have responded to adverse events by increasing pressure on corporations to develop disclosure and safety initiatives. Failure of a tailings dam in Brazil led the [Church of England](#) to take action and organize. After pipeline projects sparked protests and garnered unfavorable publicity, financial institutions began facing increased scrutiny about the human rights impact of projects they fund.

Harm to a financial institution's reputation is only one downside of the institution failing to get involved in a community. Opposition from that community poses numerous risks to the institution, from the government imposing fines to the government deciding to halt operations altogether.

Among other movements, the [United Nations Local Communities and Indigenous Peoples Platform](#) works to address land rights, climate change, environmental rights and autonomy of Indigenous peoples. It aims to increase full participation of Indigenous peoples in all aspects of addressing climate change and to preserve indigenous land and culture. Industry groups such as the [International Council on Mining and Metals](#) and the [Initiative for Responsible Mining Assurance](#) work to develop industry guidelines.

Multinational corporations have been approached by multiple groups to clean up the environment and protect natural habitats. Groups have also sought the involvement of communities in environmental protection and planning, but barriers remain. Only a few countries recognize the rights of Indigenous peoples, and even in those places, land rights may be inadequately protected in practice, and full and informed consent complicated to obtain.

## Resolution Guidelines for ELCA

The Evangelical Lutheran Church in America supports:

1. Incorporating the U.N. Guiding Principles into a company's operations and supply chain, and conducting Human Rights Impact Assessments in keeping with those principles.
2. Reports asking companies to assess the profitability and reputation of operations from environmental and social perspectives.
3. Reports asking companies to describe the due diligence process used to identify and address environmental and social risks, including Indigenous rights risks, in reviewing potential acquisitions. Such a report should consider:
  - which committees, departments and/or managers are responsible for review, oversight and verification
  - how environmental and social risks are identified and assessed
  - which international standards are used to define the company's due diligence procedures
  - how this information informs and is weighted in acquisition decisions
  - if and how risks identified were disclosed to shareholders
4. Resolutions asking companies to report on, assess the impact of and curtail health, safety or environmental hazards to communities that result from their activities.
5. Asking for formal public global policies and reports on implementation concerning the rights of Indigenous peoples, including issues addressing free, prior and informed



- consent, as well as on the rights of local communities to control local natural resources and full participation in business planning and decisions impacting their lands. We support assessments of how Indigenous rights policies could be extended to financing operations in Indigenous territories.
6. Reports disclosing corporate analysis and steps taken to control operating in culturally or environmentally sensitive areas and/or the impact on sustainability and biodiversity in ecologically unique or sensitive areas, including lobbying efforts for access to such areas.
  7. Reports of operations for specific projects in specific regions in the United States and elsewhere in the world, including financial, environmental and social impact.
  8. Reports detailing the range of financial liability associated with a project, specifying community compensation, environmental impact and mitigation of loss of natural habitat.
  9. Reports disclosing policies and management systems to avoid loss of natural habitat.
  10. Reports reviewing and disclosing underwriting criteria related to the impact of a transaction on the environment, human rights and risk to a company's reputation.
  11. Requesting a report on the potential environmental and public health impacts of each of a company's endeavors, those of its affiliates and proposed ventures that extract water. Following [Global Reporting Initiative](#) (GRI) performance indicators, the report should consider the implications of a policy of reducing ground and surface water extraction to sustainable levels for all operations of the company and its affiliates and of not locating in water-scarce areas.
  12. Reports on how a corporation ensures accountability for its environmental impact in the communities where it operates. Such reports should contain the following information:
    - how the corporation makes available reports regarding its emissions and environmental impacts on land, water and soil—both within its legal limits as well as emergency emissions—to members of the communities where it operates
    - how the corporation integrates community environmental accountability into its current code of conduct and ongoing business practices
    - the extent to which the corporation's activities have negative health effects on individuals living in economically poor communities
  13. Reports on the effects of mountaintop removal, including:
    - the effects on the local community of any activities that have negative health effects for individuals living in resource-poor communities
    - the effects on the local environment, including water, land and soil
    - the methods the company uses to communicate with the local community
  14. Requests that, as the board director's term of office expires, strong consideration be given to candidates with a high level of expertise and experience in environmental and/or human rights matters.
  15. Reports on the financial risks resulting from climate change as well as actions the board deems necessary to provide long-term protection of business interests. In addition, we support reports on plans for reduction of total greenhouse gas emissions, methane measurement, mitigation, and emission reduction, as well as reports on pipeline construction, integrity and emergency response plans.
  16. Reports on the company's approach to mitigating the heightened ethical and business risks associated with business activities in conflict-affected areas, including situations of occupation.



17. Reports on efforts to identify and reduce environmental and health hazards associated with coal combustion residuals.

**Resolution Guidelines for ELCA — General**

We support practices of good governance, specifically:

- a company having an independent board chair or independent lead director
- reports on policies and transparency of procedures for political contributions and expenditures (both direct and indirect) made with corporate funds
- reports on any portion of any dues or similar payments made to any tax-exempt organization or trade association that is used for an expenditure or contribution that might be deemed political
- guidelines or policies governing a company's political contributions and expenditures
- reports on diversity for corporate boards and upper-level management



*RECOMMENDED by Advisory Committee for Corporate Social Responsibility, Sept. 2, 2004*

*ENDORSED by Division for Church in Society Board, Oct. 22, 2004*

*APPROVED by Church Council, Nov. 11, 2004*

*UPDATED by Advisory Committee on Corporate Social Responsibility, Sept. 17, 2009*

*UPDATED by Church Council, November 2009*

*UPDATED by Church Council, November 2014 [CC14.11.18]*

*UPDATED by Corporate Social Responsibility Review Team, June 8, 2020*



## CORPORATE SOCIAL RESPONSIBILITY

**AREA:** Pornography  
**DOCUMENT TYPE:** Screen  
**POINT IN PROCESS:** Transmission to Church Council  
**DATE:** 7/14/20

### **Pornography Social Criteria Screen**

#### **Authority:**

The Evangelical Lutheran Church in America (ELCA) has expressed its distress about the damage done personally and socially by the impact of pornography and the related practices of commercial sexual exploitation. This issue is addressed in several of ~~the church's~~ social teaching documents. These include: the 2009 social statement *Human Sexuality: Gift & Trust* (2009), the 2001 social message "Commercial Sexual Exploitation (a social message from 2001)" and the 2003 social statement *Caring for Health: Our Shared Endeavor* (2003). Social teaching on gender-based violence and gender justice also emphasizes that pornography used to demean people on the basis of gender is a form of violence.

#### **Wording of the Screen:**

The ELCA recommends no investment in firms involved in the production, marketing or distribution of pornography and in related practices such as strip clubs.

#### **Definition of Problem:** ~~The~~

In "Commercial Sexual Exploitation," the ELCA holds that "~~Sexual~~sexual exploitation in any situation, either personally or commercially, inside or outside legally contracted marriage, is sinful because it is destructive of God's good gift [of sexuality] and human integrity."~~(message,"~~ (p. 1)). In particular the ~~ELCA social~~ message identifies as harmful commercial sexual exploitation exercised in forms such as pornographic magazines and videos, sex tourism, strip clubs, escort services, the internet, or other means that degrade all participants, both providers and customers.~~(p. 1)~~. As indicated in ~~Human Sexuality~~Human Sexuality: Gift and Trust, "The possibility of profit ~~or pleasure~~ is not a sufficient moral basis to use human sexuality for purposes that harm individuals or undermine social trust."~~(p. 34) The~~. ELCA ~~documents~~social teaching also ~~indicate~~indicates that Christian social responsibility includes monitoring the way in which~~how~~ economic forces harm or support healthy individual choices and social structures.

Recognizing that various~~Various~~ investors will implement this along a continuum, but for the purpose of this screen, commercial pornography might include those companies ~~that~~ manufacture~~manufacturing~~ pornography or other products of the sex industry, and those companies selling, promoting and marketing in this industry. It also includes other corporations deriving profit from pornography. These might include distribution networks (internet service providers and social media sites, television, movies/videos, hotel chains, etc.), the financial infrastructure that facilitates pornography (such as ~~well as~~crypto currency) and industries touched by sex trafficking.



## CORPORATE SOCIAL RESPONSIBILITY

### Social Policy and Studies:

Caring for Health: Our Shared Endeavor [ELCA, 2003]

Human Sexuality: Gift and Trust [ELCA 2009]

A Message on Commercial Sexual Exploitation [ELCA, 2001]

Caring for Health: Our Shared Endeavor (ELCA, 2003)

Human Sexuality: Gift and Trust (ELCA, 2009)

“Commercial Sexual Exploitation” (ELCA, 2001)

Faith, Sexism, and Justice: A Call to Action (ELCA, 2019)

“Gender-based Violence” (ELCA, 2015)

### Historical Documents

“The Victims of Pornography and Pornography” (ALC, 1985) and “Pornography” (ALC, 1974)

~~Approved~~**APPROVED** by ~~the~~ ELCA Church Council, April 21-23, 1990  
~~Updated~~**UPDATED** by ~~the~~ Advisory Committee on Corporate Social Responsibility, ~~September,~~  
~~Sept. 8, 2006~~**Approved**  
**APPROVED** by ~~the~~ ELCA Church Council, November 2007 [CC07.11.95b] **Approved**  
**APPROVED** by Church Council, November 2013 [CC13.11.69y]  
**UPDATED** by Corporate Social Responsibility Review Team, June 8, 2020



**AREA:** Pornography  
**DOCUMENT TYPE:** Screen  
**POINT IN PROCESS:** Transmission to Church Council  
**DATE:** 7/14/20

### **Pornography Social Criteria Screen**

#### **Authority**

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#### **Wording of the Screen**

The ELCA recommends no investment in firms involved in the production, marketing or distribution of pornography and in related practices such as strip clubs.

#### **Definition of Problem**

In "[Commercial Sexual Exploitation](#)," the ELCA holds that "sexual exploitation in any situation, either personally or commercially, inside or outside legally contracted marriage, is sinful because it is destructive of God's good gift [of sexuality] and human integrity" (p. 1). In particular the social message identifies as harmful commercial sexual exploitation exercised in forms such as pornographic magazines and videos, sex tourism, strip clubs, escort services, the internet, or other means that degrade all participants, both providers and customers (p. 1). As indicated in [Human Sexuality: Gift and Trust](#), "The possibility of profit is not a sufficient moral basis to use human sexuality for purposes that harm individuals or undermine social trust" (p. 34). ELCA social teaching also indicates that Christian social responsibility includes monitoring how economic forces harm or support healthy individual choices and social structures.

Various investors will implement this along a continuum, but for the purpose of this screen, commercial pornography might include those companies manufacturing pornography or other products of the sex industry and those companies selling, promoting and marketing in this industry. It also includes other corporations deriving profit from pornography. These might include distribution networks (internet service providers and social media sites, television, movies/videos, hotel chains, etc.), the financial infrastructure that facilitates pornography (such as crypto currency) and industries touched by sex trafficking.

#### **Social Policy and Studies:**

[Caring for Health: Our Shared Endeavor](#) (ELCA, 2003)

[Human Sexuality: Gift and Trust](#) (ELCA, 2009)

"Commercial Sexual Exploitation" (ELCA, 2001)



*Faith, Sexism, and Justice: A Call to Action* (ELCA, 2019)  
“Gender-based Violence” (ELCA, 2015)

**Historical Documents**

“The Victims of Pornography” (ALC, 1985) and “Pornography” (ALC, 1974)

*APPROVED by ELCA Church Council, April 21-23, 1990*  
*UPDATED by Advisory Committee on Corporate Social Responsibility, Sept. 8, 2006*  
*APPROVED by ELCA Church Council, November 2007 [CC07.11.95b]*  
*APPROVED by Church Council, November 2013 [CC13.11.69y]*  
*UPDATED by Corporate Social Responsibility Review Team, June 8, 2020*

Working Document

## **Sanctuary Church Update**

*Mary Campbell, ELCA AMMPARO Program Director*

This update is in response to the November 2019 Church Council meeting action:

**To request that the definitions and guidelines about what it means to be a sanctuary church body for the three expressions of this church be provided to the Church Council's Fall 2020 meeting; [CC11.19.47t]**

The ELCA AMMPARO Team was able to receive significant input at the March 2020 joint Conference of Bishops/Church Council meeting as well as through the online feedback form for congregational members. A variety of opportunities were contemplated but were not possible to carry out as a result of the COVID-19 pandemic. To respond to these changed conditions, the online feedback survey was heavily promoted and kept open for additional time in order to receive more input. The analysis of the input timeline was modified, which has delayed the drafting of the definitions and guidelines.

As a result of the COVID-19 pandemic and the uncertain policy future around immigration issues, the ELCA AMMPARO Sanctuary Team respectfully requests that the Council postpone its receipt of the definitions and guidelines about what it means to be a sanctuary church body until the Spring 2021 meeting.

For the above stated reasons, we request the approval of these definitions and guidance by the Church Council be deferred to the Spring 2021 meeting.

## **Aspirational Document Update**

*The Rev. Dr. Philip C Hirsch, Executive Director for Domestic Mission*

Following the removal of Vision and Expectations on March 8, 2020:

*The Church Council requested the Domestic Mission unit engage in conversation with the Conference of Bishops at its Fall 2020 meeting and the Church Council at its November 2020 meeting to consider the goals and purpose behind a new aspirational document. You can find related material [here](#).*

To this end, the bishops were recently surveyed with the question:

Does the ELCA have a need for some kind of document in place of Vision and Expectations for leaders in the ELCA? 60% said yes, 14% no, and 26% unsure. When we asked how they would describe the need for a new document, the comments had a variety of themes and no one clear centrally defined point. There was still some confusion about this document having a ‘juridical’ or an ‘aspirational’ purpose.

Some described the need for accountability of leaders or the need for a teaching document that would describe the “above and beyond” the letter of the law that Luther described in his writings about the commandments in the small catechism. There seems to be a desire for a new document but not a clear indication of the purpose of that new document.

If we proceed now with preparing a draft of some sort, it may be too generic to be helpful or too incongruent with the update to *Definitions and Guidelines for Discipline* as to be widely disliked. Therefore, in consultation with a listening group representing various aspects of our life together, including people from various communities like the Conference of Bishops, LGBTQIA+, BIOPIC (Black, Indigenous, People of Color), candidacy and others.

I recommend that we wait to until *Definitions and Guidelines for Discipline* is updated and then assess again the desire and purpose with the Conference of Bishops.

In the meantime, I will work on drafting developing criteria for the new document and potential authors to engage that will be:

1. Invitational to the cause of Gospel ministry for potential rostered and lay leaders.
2. Descriptive of what we believe God is doing through us in the Church and the world (rather than the focus on us and our efforts in any evaluative way).
3. Evangelical in that it will inspire people to reach new people with the Gospel message.
4. Useful (catechetical) in candidacy committees for people considering rostered ministry, call committees to remind them of the heart of Christian leadership, bishops and rostered ministers seeking new calls, and for rostered ministers as they discern mobility.
5. Complementary with *Definitions and Guidelines for Discipline*, possibly mirroring the three audiences of rostered ministers, lay leaders and members.
6. Rooted in scripture, creeds and confessions.
7. Inspirational, it will call us all back to the reason why we follow Jesus in the first place as our “first love” (Rev 2.4)

**Update on Social Teaching Documents**

***Future Social Message Development***

“[Policies and Procedures of the ELCA for Addressing Social Concerns](#)” states that “The Church Council shall ask the Theological Discernment Team in the Office of the Presiding Bishop to review all [social message] proposals and bring a recommendation on how to address the social questions entailed in these requests. This review shall consider financial implications and alternative means for addressing the social topic, such as development of a study resource, yearlong ELCA-wide emphasis, or others.” (p. 21)

At this time, there are four pending proposals from various sources. (\*See chart below)

The November 2019 Church Council acted “To defer the questions of developing a social message on U.S. National Drug Policy, aging, gender identity, or gun policy until the Fall 2020 Church Council meeting...” [CC19.11.47x and CC19.11.47z] This occurred at the same meeting when the Council authorized the fast track development of the, now adopted, “[Government and Civic Engagement in the United States: Discipleship in a Democracy](#).” (June 2020)

It is the recommendation of the Director for Theological Ethics to defer again the questions regarding these social messages as a result of the COVID-19 pandemic and its consequences. In the past months, it simply has not been possible to do the groundwork and assessment necessary to bring a recommendation. In addition, the pending reorganization and 2021 budget questions regarding the Churchwide Office make it nearly impossible to assess next year’s staff capacity and finances. While the consequences of COVID-19 remain difficult to fully anticipate, an assessment and recommendation should be possible by the Spring 2021 meeting, barring a churchwide reorganization that eliminates staff for the development of social teaching.

\*

U.S. Drug Policy	Request for social message	The Church and Criminal Justice in an Implementing Resolution 2013	
Aging	Request for social statement	Virginia Synod resolution 2016	ELCA protocol would suggest the topic is best suited to a social message, if done
Gender Identity & Expression	Request for social message	Churchwide Assembly 2019	
U.S. Gun Policy	Request for social message	Churchwide Assembly 2019	

**PS ACTION**

***Recommended: To recommend that the Church Council approve the following en bloc action***

**To defer the questions of whether and when to develop a social message on U.S. National Drug Policy, aging, gender identity, or gun policy until the Spring 2021 Church Council meeting when a new assessment of each issue, staff capacity, and finances will be made; and**

**To request that the secretary of this church notify the synods of this action.**

### ***Existing Social Message Background and Recommendation***

ELCA social messages are adopted by the Church Council (CC) as part of the council's responsibility to oversee the development of ELCA social teaching. This background provides information and a recommendation from the Director for Theological Ethics, Theological Discernment Team in the Office of the Presiding Bishop, to undertake an edit of the 1999 social message on "[Suicide Prevention](#)."

Despite the current uncertainties of the pandemic and the churchwide reorganization, it is possible to recommend an "edit, as described in "[Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns](#)." (2018, p. 23). An "edit" is described in the document as an "update of particular wording for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning." Rationale for this recommendation regarding "Suicide Prevention" is given below. The editorial work intended would be comprehensive; the illustrations are simply suggestive. (Carol Johnson, ELCA Coordinator for Disability Ministries and Grants, assisted in preparing these illustrations.) Such an edit has been encouraged informally by various members of the ELCA "ecology." Examples include the "Lutheran Suicide Prevention Ministry"—an Independent Lutheran Organization ([www.suicidepreventionministry.org](http://www.suicidepreventionministry.org))—and church leaders including several bishops, such as Bishop Kevin Strickland, Southeastern Synod. While informal, these communications support the Director's recommendation.

An edit of "Suicide Prevention" would update statistics and insert contemporary terminology that would help maintain a well-respected and frequently used ELCA social message. This work could be done with a minimum of staff capacity and budget outlays over the next six months. The only cost would arise in reprinting both the new English and Spanish versions, if adopted by Church Council. Barring the complete elimination of staff or budget for the development of social teaching, this edited message could be available for Church Council consideration in Spring 2021.

### ***Rationale for editorial reconsideration***

#### 1) Update and detail statistics

The social message in its first sentence states that "more than 30,000 persons in the United States take their own life each year." In 2017, this number totaled over 47,000 persons; COVID-19 will likely change the way this number is heard in 2021 and beyond.

In 2014, the rate of suicides by white non-Hispanic women was found to have more than tripled from that in 1999. ("Suicide Rates for Females and Males by Race and Ethnicity: United States, 1999 and 2014" by Curtin and Warner, Division of Vital Statistics; and Hedegaard, Office of Analysis and Epidemiology)

In 2014, the suicide rate for non-Hispanic American Indian and Alaskan Native men aged 25-44 was the highest among all racial and ethnic groups and 60% higher than in 1999. (Curtin and Warner, Hedegaard)

Non-Hispanic American Indian and Alaskan Native (men and women) were among the highest age-adjusted suicide rates and the highest suicide rates aged 15-24 and 25-44. (Curtin and Warner, Hedegaard)

#### 2) Review terminology

The categories used for people of color have evolved, both in society and the ELCA since 1999, and should be reviewed. This is a matter of terminology but also of accurate reporting: American Indian and Alaska Native has been miscategorized and there is now self-reporting evidence suggesting that historical data related to Hispanic people have been misrepresented as white.

#### 3) Continue ELCA leadership through updating this message

Several years ago, the scholar Dr. William Buckley, then teaching at Georgetown University, told the Lutheran Ethicists' Gathering that "the ELCA's 'Message on Suicide' is the *only* Christian document in the English Speaking world dedicated to the subject..." This may explain why the message, in English and, especially in Spanish, consistently is requested in print or for download in numbers larger than other ELCA social teaching documents.

The updating of the message will also aid efforts of ELCA Disability Ministries in conjunction with Suicide Prevention Ministry (aka Lutheran Suicide Prevention Ministry) for the anticipated National Summit Meeting of religious community leaders in Fall 2022 during National Suicide Awareness month. The purpose is to bring together 12 national inter-religious communities to (a) actively engage in suicide prevention work; (b) prepare efforts for doubling over the next five years the federal investment in suicide prevention research; and (c) create and staff a National Council of Religious Communities on Suicide Prevention (NCRSP).

**PS ACTION**

**Recommended:** *To recommend that the Church Council (2/3 vote needed) approve the following en bloc action*

**To reconsider the social message on Suicide Prevention (1999) for editorial changes for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning, in accordance with "Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns" (2018).**

## Climate Change Progress Report

### *Background*

At its fall 2019 meeting, the Conference of Bishops recommended that the Church Council “work in new and concrete ways to give priority to this church’s response to the global crisis of climate change” [CB19.09.26].

### *Church Council discussion (March 2020):*

The Rev. John Macholz, bishop of the Upstate New York Synod, read the Conference of Bishops minutes from the September 2019 meeting that covered the discussion on the climate change action item. When asked what the churchwide organization currently does for climate change efforts, Presiding Bishop Eaton highlighted the ELCA’s social statement *Caring for Creation: Vision, Hope, and Justice* (1993), the efforts the churchwide organization has made to have a Leadership in Energy and Environmental Design (LEED) certification for the Lutheran Center, and the work Ms. Ruth Ivory Moore, program director for environment and corporate social responsibility, does through the ELCA Advocacy office in Washington, D.C. The Rev. Philip C. Hirsch, executive director for the Domestic Mission unit, noted that Lutheran Disaster Response has been changing its response approach for natural disasters because of climate change and just hosted a meeting regarding this. The Rev. Jeffrey D. Thiemann, president and CEO, shared that Portico Benefit Services offers social purpose investments which contribute a significant voice on issues like climate change.

A council member encouraged the churchwide organization to examine income the organization receives through mineral rights. He felt that it was hypocritical to make statements and take positions on climate change when the church is “profiting on the earth’s dwindling resources.” Another council member stated that the gospel is “not simply for human beings, but for all of creation.”

There being no further discussion, Vice President Horne called for the vote.

### *Church Council Action [CC20.03.03g]*

To receive the response on climate change from the Domestic Mission unit; To affirm the coordinated approach and proposed timeline for this church’s response to climate change; and to anticipate progress reports at future Church Council meetings with a final report by the April 2022 Church Council meeting.

### *Response from the Domestic Mission unit (November 2020)*

Addressing climate change in a more unified manner across the ELCA began with the 2019 fourth quarter launching of the Sustainability Table (“Table”). The Table seeks to build capacity and brings together the different churchwide programs and ministries. It embodies our responsibility as stewards of God’s creation through climate action seeking justice and equity for all. Below is a synopsis of the climate change work.

**Sustainability Table:** The Table operates with Funding, Faith Formation, Capacity Building, Organizational and Operational, Communication, and Advocacy workgroups; and a Steering Committee. The work includes: seeking sources of funding for resiliency projects; building up ELCA congregations’ and ministries’ capacities for adapting to climate change; piloting a Rainwater Harvesting project to teach and share learnings about water conservation; developing a plan to address the impact of racism on sustainability; and formulating strategies to address the interconnectivity of climate change and disasters. Areas being evaluated include notification to potential buyers of areas prone to flooding and subject to wildfires, how to improve rebuilding, assist Lutheran Disaster Response in preparing for January 2021 consultation, identifying role for ELCA in greenhouse gases mitigation measures, and devising climate migration action plan.

**Advocacy:** ELCA Advocacy staff are promoting policies to equitably transition to resilient societies without leaving anyone behind. ELCA leadership and interfaith colleagues organized two (2019 and

2020) innovative interfaith events to galvanize experiences, relationships, and resources toward addressing the climate crisis infused with conviction and hope at this watershed moment each held during United Nations Climate Change Week. Through collaboration with ecoAmerica's Blessed Tomorrow, the ELCA co-branded an ELCA-specific video and researched resources for talking about climate change with congregations and members (available at [Resources](#)). ELCAvotes initiatives and advocacy tools equip members with facts and tips to express their creation care concerns in policy consideration and the ballot. Awareness of the intersection of environmental racism and health is raised in resources produced by ELCA Advocacy staff. Advocacy staff also arranged for a diverse ELCA group to participate in the United Nations Framework Convention on Climate Change Conference of the Parties (COP) as an accredited party.

**Corporate Social Responsibility:** ELCA Corporate Social Responsibility Review Team reviews and updates issue papers and social criteria investment screens for social purpose funds investing guidance. ELCA staff participate in the Interfaith Center on Corporate Responsibility (ICCR) committees addressing justice and climate change issues and serve on ICCR's Board.

**Stewardship:** ELCA Caring for Creation Coaching has 16 Level II coaches prepared to work with congregations. The ELCA staff are currently preparing guidelines and orientation for some of these coaches to accompany congregations on their Earth Charter Implementation Plans. A new cohort of coaches will start in October 2020. Also introducing 10 Questions to Manage Your Energy Footprint to congregations and synods.

The next progress report will be issued in Spring 2021.

## **Ecumenical Visit Reports**

**Name: Clarence Smith**  
**Reformed Church in America (RCA) Zoom Meeting**  
**April 9, 2020**

The main reason for the special meeting was to approve the postponement of the scheduled June 2020 General Synod assembly in Orange City, Iowa.

- Proposal is to approve a special session of the General Synod to be held in October 2020.
- Decision is still TBD, but the decision deadline to approve the October meeting is August 1, 2020.
- The October meeting would be shorter in length – probably 2 1/2 days versus 5 days.
- Focus of the October 2020 meeting would be to vote on proposals of the Vision 2020 report.
- Deadline for delivery of the Vision 2020 report has been moved back to 6/15/2020. Reason for delay is that group has not met in person due to COVID. They are moving meetings to ZOOM format.
- If General Synod does not meet in October 2020, the agenda and approved delegates would move to the June 2021 date. Any 2020 expiring terms for GSC or other RCA roles would move to 2021.
- This decision will not be announced to the RCA until Monday, 4/13, thus enabling the RCA denomination to focus on Good Friday and Easter during the next few days.

Another purpose of the meeting was to approve a 30% reduction in the next quarter's quarterly assessment for congregations. The RCA churchwide believes it has already accomplished a significant expense reduction by having ceased virtually all travel throughout the denomination. The organization is also in the midst of discerning staff reductions.

As you prepare for the upcoming Church Council meeting, please review the highlighted portions in the "Faith, Sexism, and Justice: A Call to Action" social statement below as they will be informative for when you make decisions in the meeting. You will note sections IV and V are the actions in church and society that the ELCA has committed itself to and the implementing resolutions are specific actions called for by the 2019 Churchwide Assembly.

If you would like to have a conversation about the social statement or have any questions, please email Mary Streufert, ELCA Director for Justice for Women, at [Mary.Streufert@elca.org](mailto:Mary.Streufert@elca.org).



# Evangelical Lutheran Church in America

God's work. Our hands.

*A social statement on...*

## Faith, Sexism, and Justice: A Call to Action

*This social statement was amended and then adopted by a more than two-thirds vote (863-26) at the fifteenth Churchwide Assembly on August 9, 2019, at Milwaukee, Wisconsin.*

*This social statement comes in two versions. The short version conveys the statement's essence in 40 articles, containing the entire scope of convictions and commitments.\* The full version consists of those same 40 articles (in bold), along with a preface, a conclusion, and an explanation for each article, allowing readers to go deeper into an article's meaning. These two formats serve different needs. Both were crafted in the hope that the Holy Spirit will move readers into fruitful understanding, commitment, and action. Several supplemental resources are available to aid readers with this statement. All supplemental resources are available on the statement's web page, [ELCA.org/socialstatements](http://ELCA.org/socialstatements). Please note that underlined words in the text refer to the first appearance of words defined in the glossary.*

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\*The short statement is also available as a separate download at [ELCA.org/socialstatements](http://ELCA.org/socialstatements).

# Faith, Sexism, and Justice: A Call to Action

## Short Statement

### I. Fundamental Teaching: God desires abundant life for all.

- 1) We of the Evangelical Lutheran Church in America believe God's intention revealed through the Scriptures is that all people have life abundantly and flourish.
- 2) We believe all people are created equally in the image of God. Every individual is dependent upon God, and all share in the God-given vocation to contribute their gifts to help all of creation flourish. Being in the image of the triune God means that we humans are relational, that we are interconnected. Just as we interact with God, we are social creatures relating with each other and all of creation.
- 3) Despite God's intention for creation, humans exist in a state of sin. Because we fail to trust God as we should, we are alienated from God, from other people, and from creation itself. Not only individually, but also collectively, we live out this alienation through disobedience to God, pride, complacency, self-abasement, and acts against others, all of which limit the abundant life God intends.
- 4) We believe that we are healed and redeemed from this alienation. That is, Lutherans confess that we are justified by God's grace through faith in Jesus Christ, no matter what we have done or left undone. This promise means we are freed from bondage to the people and things we trust and love more than God or the ways we try to justify ourselves, sometimes at the expense of others. God's grace frees us and empowers us to love others as God loves all of creation.
- 5) Our focus as Lutheran Christians on Jesus Christ affects how this church understands the call to do justice. Because we are freed in Christ for others, we are able to respond to God's call to

love our neighbor as ourselves. In society, neighbor love takes the form of neighbor justice.

6) This focus on Jesus Christ also affects how we understand the Scriptures. While the Scriptures speak both Law and Gospel, Martin Luther emphasized that the Scriptures should be read by paying attention to what proclaims Christ—what carries the Gospel message of God’s grace and mercy to all people.

7) As Lutheran Christians, we recognize human reason and knowledge as gifts from God to be used for the common good. While the scriptural call to neighbor justice is clear, human reason and knowledge are essential to discern the specific forms, policies, and structures that best enable us to enact justice in particular contexts. Recognizing that the gifts of reason and knowledge are given to people of all religions and worldviews, Christians are freed to work together with them for the common good.

8) We believe that the church is called to live as the body of Christ in the world even while we struggle with the realities of sin. As Lutherans, we recognize that acting justly within family, church, and society for the common good is central to the vocation to which God calls all people.

## **II. Analysis of the Problem: Sin subverts human flourishing in many ways.**

9) Though God desires fullness of life and equity for everyone, as a church we recognize that women and girls in particular suffer a range of harm and injustice due to sex (biological), gender, or both. In addition to sex and gender, the experiences of individuals and groups are shaped and complicated by intersecting factors. These include race, ethnicity, national origin, nationality (including American Indian and Alaska Native), religious identity, immigration status, sexuality, marital status, economic means, age, ability, embodied experiences, and education. This reality is known as intersectionality.<sup>1</sup> This statement’s references to women and girls are intended to be inclusive of all people who identify as

women or girls in the diversity of their individual and communal identities and expressions.

10) The experiences of women and girls from a variety of backgrounds, both in the past and in the present moment, reveal that they have often been restricted in realizing abundant life on the basis of sex (biological) or gender.

11) The far-reaching harm experienced by women and girls is rooted in a pattern of power, privilege, and prejudice, the key elements in any social system of oppression. This is the basis of the ELCA's understanding of racism.<sup>2</sup> When power, privilege, and prejudice are associated with sex, gender, and sexuality, sociologists use the terms patriarchy and sexism.<sup>3</sup>

Patriarchy is a social system dominated by men, identified with men, and centered on men's actions, voices, and authority. Patriarchy does not mean that males are bad and females are good, or that only males support this unfair system. However, in patriarchal systems, men are typically viewed as superior to women, are given more power than women, and have more authority than women. A patriarchal worldview and way of life grants male privilege. Sexism is the reinforcement of male privilege, which leads to discrimination. It promotes the silencing, controlling, and devaluing of women, girls, and people whose gender expression is different from the conventional expressions of masculinity and femininity.

Because people live within social and religious systems, everyone knowingly or unknowingly participates in this patriarchal system. Although patriarchy and sexism affect different people in different ways, as individuals we are socialized to conform to these patterns of power, privilege, and prejudice. This makes us complicit in maintaining social systems of oppression.

12) Although men and boys often benefit from this social system, patriarchal structures and values also harm men and boys, including gay and transgender men. They are harmed when they are pressured to conform to narrow gender stereotypes or are

unable to live out a false ideal of male superiority and control. People of all genders who do not conform to gender-based roles and stereotypes often are not seen or valued; sometimes they are violently oppressed and even killed. Men of all racial and ethnic minorities in North America may experience patriarchy and sexism particularly intertwined with white privilege. The message of white-identified patriarchy and sexism is that men and boys of color are not fully men and boys.

13) Some social and religious beliefs compound patriarchy. Most instances of gender-based harm are connected to commonly held beliefs and customs. For example, ideas that people are created into a hierarchy based on sex—being only male or female—reinforce and sometimes lead to gender-based injustice.

14) The ELCA celebrates that humans are relational beings and that we live in social systems. Positive, equitable social systems can lead to joy and gladness. However, social systems can also have negative consequences.

Even though individuals make choices within social systems, those systems are more powerful than any individual, government, culture, or religious community. Beliefs and customs are reflected in laws, policies, and practices within both secular and religious institutions, which makes them so systemic that they are difficult to identify and dismantle.

This church's commitment to neighbor justice compels us to expose how patriarchy and sexism are woven into individual, social, and religious life, causing harm to all people and even to all of creation.

15) As Christians, we see that patriarchy and sexism prevent all human beings from living into the abundant life for which God created them. Patriarchy and sexism reflect a lack of trust in God and result in harm and broken relationships. Just as this church has identified racism as sin, this church identifies patriarchy and sexism as sin. We confess that, as God's people forgiven in Jesus Christ, we are simultaneously liberated and sinful. We are broken, yet we are made new by grace through faith. This good news

is true even as we participate in cultures and societies that are broadly patriarchal and sexist.

### **III. The Christian Tradition: It is both challenge and resource.**

16) In faith, this church confesses that Christianity has been complicit in the sin of patriarchy and sexism through certain beliefs, practices, and aspects of its history. At the same time, we believe God provides resources within the Christian faith and the Lutheran tradition to challenge the harmful beliefs and effects of patriarchy and sexism and to bring forth new ways of living.

17) The ELCA teaches that God's Word of Law and Gospel speaks through the Scriptures. We also recognize that there are words and images, social patterns, and moral beliefs in the Scriptures that reflect values rooted in what today we call patriarchy and sexism. Some aspects of the Scriptures reflect the cultures and societies in which they arose. Their continued misuse contributes to maintaining hierarchies and patterns of inequity and harm. A Lutheran reading of the Scriptures through Christ, focused on the devotional, historical, literary, and theological aspects of texts, frees us from the harm of taking all the Scriptures only literally.

18) The Christian theological tradition is full of ideas and teaching that can negatively or positively affect people. In particular, some doctrines affect our understanding of humanity and God more than others. Teachings about the cross and suffering, the image of God, the incarnation, the body of Christ, and the Trinity have sometimes been misused to support patriarchal beliefs, attitudes, church practices, behaviors, and structures. These teachings affect our use of language and our understandings of humanity and Christian ministry. At the same time, these doctrines can be liberating resources for healing the effects of the sins of patriarchy and sexism.

19) The central Lutheran belief that we are justified by grace through faith empowers this church to challenge patriarchy

and sexism, which devalue people according to sinful human standards.

20) The Lutheran understanding of the sacraments of Baptism and Holy Communion, in which the Word of God is connected with tangible, physical elements, grounds efforts to prevent the harm that sexism and patriarchy cause to the bodies, minds, and spirits of human beings.

21) The ELCA has identified sufficiency, sustainability, solidarity, and participation as the key principles for creating and supporting justice.<sup>4</sup> This church commends these principles to create and support neighbor justice, specifically gender justice for the neighbor. Social and religious structures and institutions—including ideas, beliefs, religious teachings, laws, policies, practices, and language—must be assessed and should be guided by these principles.

22) The ELCA recognizes that some progress has been made to address patriarchy and sexism and to reduce their effects; however, more effort is required. We believe that this church, together with many other partners, can identify and challenge the complexities of patriarchy and sexism and advance equity. Gender-based equity happens through beliefs and ideas that are gender just and through laws, policies, and practices that support an equitable common good—abundant life for all.

#### **IV. Response: The ELCA is called to new commitments and action as a church.**

23) Propelled by these theological convictions and the robust resources of the Lutheran heritage, this church responds to God's call to justice with the following commitments to promote and support action toward a more equitable life together in Christ.

24) This church recognizes that the body of Christ is called to honor and support women and girls from a variety of backgrounds, identities, and personal experiences in ways more

consistent with life-giving theology and faith practices. As a church, we commit ourselves to celebrating and affirming the gifts and insights that women and girls bring to every expression and dimension of this church.

The Evangelical Lutheran Church in America specifically commits to:

25) Promote the practice and use of scriptural translation and interpretation that acknowledge the contexts in which the Scriptures were written and reject the misuse of Scripture that has supported sexist attitudes and patriarchal structures.

26) Promote theological reflection that responds to the gender-based needs of the neighbor. Teachers and theologians need to be honest about how church teachings have been misused to support patriarchy and sexism. More importantly, this church calls upon its teachers and theologians to work toward worthier expressions of the historic faith that honor God's desire for all people to thrive.

27) Use inclusive language (all genders) for humankind and inclusive and expansive language (other than human) for God. This church is committed to the deepest Christian understanding of the Trinity revealed through Jesus Christ and to the importance of imagining and speaking about God in faithful ways that expand rather than limit the expression of God's self-revelation and mystery. In particular, we support developing liturgies, hymns, prayers, and educational materials that broaden use beyond predominantly masculine language. This practice follows the scriptural witness that God transcends human categories. Therefore, as in the Scriptures, metaphors for and images of God should be drawn frequently from the lives of people of all identities and experiences and gleaned from nature in all its diversity. Employing inclusive and expansive language for and images of God helps human beings approach and encounter the God of beauty and love who reveals God's self to humanity in rich and mysterious ways.

28) Develop and support more extensive policies and practices within the ELCA that promote equitable authority and leadership

within this church in all its expressions. In many instances this requires promoting the leadership of women, with special concern for women of color. In other cases, this means promoting the participation of men in more varied roles, including those traditionally seen as “women’s work.”

29) Promote changes that are economically just, including equitable pay and benefits, for women in all ELCA institutions and organizations, with special attention to the situations of people affected by intersecting forms of discrimination.

30) Seek and encourage faithful dialogue, discernment, and, when possible, joint action on issues of patriarchy and sexism with other members of the body of Christ and with partners of other religions and worldviews. As a member of a global communion, the ELCA affirms the Lutheran World Federation’s “Gender Justice Policy.” [www.lutheranworld.org/content/women-church-and-society](http://www.lutheranworld.org/content/women-church-and-society).

## **V. Response: The ELCA calls for action and new commitments in society.**

31) This church teaches that the God who justifies expects all people to seek justice in earthly relationships, structures, and systems. The ELCA calls for sustained and renewed efforts through which women, girls, and gender non-conforming people experience greater equity and justice. The following commitments express this church’s firm hope for renewed social relationships and structures that benefit the common good.

The Evangelical Lutheran Church in America commits itself to:

32) Advocate for and support laws, policies, and practices that respect diverse bodies rather than discriminating against, objectifying, or devaluing them. Women, girls, and people who identify as non-binary must not be deprived of their human or civil rights. (See the ELCA’s social message “Human Rights,” [ELCA.org/socialmessages](http://ELCA.org/socialmessages).)

33) Advocate for and support the eradication of gender-based violence within the church and more broadly in society by addressing both the systemic aspects of such violence and the personal responsibility of those who perpetrate harm. (See the ELCA's social messages "Gender-based Violence" and "Commercial Sexual Exploitation," [ELCA.org/socialmessages](http://ELCA.org/socialmessages).)

34) Advocate for and support medical research, health care delivery, and access to equitable and affordable health care services, including reproductive health care, that honor how bodies differ and eliminate discrimination due to sex (biological), gender, or sexual orientation. (See the ELCA social statements "Caring for Health: Our Shared Endeavor" and "Abortion," [ELCA.org/socialstatements](http://ELCA.org/socialstatements).)

35) Advocate for and support economic policies, regulations, and practices that enhance equity and equality for women and girls, with special concern for raising up women and girls who experience intersecting forms of oppression. (See the ELCA's social statement "Sufficient, Sustainable Livelihood for All," [ELCA.org/socialstatements](http://ELCA.org/socialstatements).)

36) Advocate for and support multifaceted understandings of social and economic roles so that neither our human traits (such as courage or compassion) nor our callings (such as business leader or stay-at-home parent) are dictated by our sex (biological) and gender. Encourage and empower all people to use their gifts for the sake of the common good, whether at home, at work, or in the public sphere.

37) Advocate for and support resources for families of various configurations and the communities in which they live. Empower parents and all who raise or care for children or other family members to nurture, protect, and provide for their households in ways that do not reinforce gender-based stereotypes. In particular, advocate for institutional changes that support and encourage men and boys to participate in all family roles associated with the home, caregiving, parenting, and nurturing.

38) Advocate for and support legal reforms, humane policies, and adequate services for migrants, immigrants, refugees, and asylum seekers, especially those who experience intersecting forms of oppression. (See the ELCA's social message "Immigration," [ELCA.org/socialmessages](http://ELCA.org/socialmessages).)

39) Advocate for and support portrayals in entertainment, media, and advertising that do not objectify or stereotype people but rather show all people as capable of the wide variety of human characteristics and roles.

40) Advocate for and support means for increasing women's participation in local, state, and national politics, with special attention to the proportionate advocacy and support needed by those who face intersecting forms of oppression.

# Faith, Sexism, and Justice: A Call to Action

## Full Statement

### A Shared Vision:

**We trust God’s promises, and we hope for justice.**

We of the Evangelical Lutheran Church in America (ELCA) rejoice that God is always at work to transform and inspire us to new ways of living, ways that more fully embody God’s intention of abundant life. However, due to sexism, many are deprived of God’s good intention that all flourish. Over time and in many places, people have made changes to counter the effects of sexism. Yet we accept that we are called to seek even fuller measures of justice and equity for all those affected by this sin. We do not presume to have quick, perfect, or easy solutions as we work together with all people who strive for justice in the world. Yet, grounded in God’s promises, we know that Christians have both the freedom and the responsibility to serve all neighbors in love.

In the Book of Isaiah, God sends the prophet “to bring good news to the oppressed, to bind up the brokenhearted, to proclaim liberty to the captives, and release to the prisoners; to proclaim the year of the LORD’s favor” (Isaiah 61:1b-2a). God promises new heavens and a new earth—for all God’s people. God envisions not only healing and freedom from bondage, but also gladness, joy, and abundant and flourishing life for all people, which we will feel even in the bones of our bodies (Isaiah 65-66). Mirroring a mother’s care for her child (Isaiah 66:13), God desires harmony and integrity for individuals and communities, physically and spiritually. God’s promise of new creation is the vision of what will come to be and the assurance of God’s faithfulness. What hardly seems possible will be possible, for even the wolf and the lamb will feed together (Isaiah 65:25).

In the Gospel of Luke, Jesus proclaims at the beginning of his ministry that he is the one through whom God acts to bring good news to the oppressed and captive, to heal, and to set free. Women respond to God’s promise. Mary proclaims God’s favor.

An unnamed woman anoints Jesus' feet. Women—among them, Mary and Martha—follow Jesus publicly and use their means to support Jesus' ministry. A bleeding woman trusts in Jesus' power to heal. Mary Magdalene, Joanna, Mary the mother of James, and “the other women” witness the empty tomb and the angels who announce the resurrection of Jesus; they spread the word that God reaches from the promised future to raise Jesus Christ to new life, as the first fruit of the new creation. (See Luke 1:39-56; 7:36-50; 8:1-3; 8:42b-48; 10:38-42; and 24:1-12; and I Cor. 15:20-23.) The incarnate and risen Jesus Christ is the embodiment of the new creation God promises.

We of the Evangelical Lutheran Church in America join the witness of these women and live in the hope of God's promise of new creation through the life, death, and resurrection of Jesus Christ. We offer thanksgiving to the holy Trinity, whose love intends an abundant life for every person (John 10:10). We live in hope, anticipating God's promise of a just world without the oppression of sin and evil. God's vision in Isaiah is that people live in gladness, joy, safety, and harmony until old age—so that “your bodies shall flourish like the grass” (Isaiah 66:14).

We believe that the Holy Spirit is always at work through God in Jesus Christ to transform us, to draw us into the promised life of the new creation. In this church, we confess that we ourselves are always being made a new creation in Christ through baptism. Who we are becoming in Christ by the power of the Holy Spirit gives meaning to who we are and how we act right now.

We believe that the Holy Spirit is always at work through God in Jesus Christ to transform us, to draw us into the promised life of the new creation.

Society and the church universal are gifts from God. Nevertheless, personal, social, and religious forces often work in opposition to God's desire for abundant and flourishing life for all. This church sees and denounces all the ways human sin interferes with flourishing. With thanksgiving for God's gracious promise through

Jesus Christ to break the bonds of sin, this church lives in the confidence that we are always being made new to love and serve the neighbor.

Love of neighbor is expressed in seeking justice for the neighbor. This includes gender justice. Gender justice is for all people and requires particular attention to seeking fuller justice for women and girls. Because we rely on God as a God of promise, this church speaks about sexism and the harm it causes for all people. Those who support gender justice are intent on righting gender-based wrongs that prevent the abundant and flourishing life God intends.

Gender justice is for all people and requires particular attention to seeking fuller justice for women and girls.

We in this church rejoice in the ways God's people are already being led forth in joy (Isaiah 55:12). We are thankful God gives the vision and sustenance to change what seems unchangeable, even as we wait for God to wipe away every tear (Isaiah 25:8). Most of all, we live in hope because, through Jesus Christ, we trust that God's promises will not fail.

## **I. Fundamental Teaching: God desires abundant life for all.**

**1) We of the Evangelical Lutheran Church in America believe God's intention revealed through the Scriptures is that all people have life abundantly and flourish.**

From creation to redemption in the Christian story, the Scriptures reveal God's intention of abundant and flourishing life for creation, including for human beings. On the sixth day of creation, "God saw everything that [God] had made, and indeed, it was very good" (Genesis 1:31a). Creation stories tell of the goodness, flourishing, and majestic diversity that flow from God's creative and sustaining power (e.g., Genesis 1 and 2, Psalms 8 and 104, and Job 38). Throughout the stories of the life of God's people in

ancient Israel, God is ever-present, willing them into flourishing life and often showing them ways out of situations that seem to have no way out.<sup>5</sup>

The Gospels underscore God's desire for abundant life. Jesus Christ, the Word made flesh, embodies and proclaims God's desire. In the Gospel of John, Jesus declares, "I came that they may have life, and have it abundantly" (John 10:10b). Jesus put this into action by eating with everyone, including marginalized people (Mark 2:15).

Jesus declares, "I came that they may have life, and have it abundantly." (John 10:10b)... Jesus criticized those who neglect justice and mercy (Matthew 23:23).

Jesus lived compassionately, healing and casting out evil spirits (Matthew 14:14). Jesus criticized those who neglect justice and mercy (Matthew 23:23) and delivered God's call to respond to the needs of anyone who is disadvantaged, marginalized, and unjustly treated (Matthew 25:35-40). Jesus Christ embodied God's urgent and persistent desire for the well-being of all people yesterday, today, tomorrow, and in the promised, future life.

The Book of Revelation speaks of the healing of the nations and closes with a vision of new heavens and earth as the ultimate outcome of God's resolve (Revelation 22:1-2). This church believes the triune God intends creation to flourish and is ever at work so that all people may thrive.

**2) We believe all people are created equally in the image of God. Every individual is dependent upon God, and all share in the God-given vocation to contribute their gifts to help all of creation flourish. Being in the image of the triune God means that we humans are relational, that we are interconnected. Just as we interact with God, we are social creatures relating with each other and all of creation.**

As the Scriptures witness, all of creation originates from God, who sustains creation and will ultimately bring creation to its fullness. In Genesis 1, God speaks creation into existence; by a

word, humans are created in the image of God (*imago Dei*). “Then God said, ‘Let us make *’ādām* [the Hebrew word for “humankind”] in our image, according to our likeness” (Genesis 1:26a).<sup>6</sup> Human dignity flows from the reality that all humans are made in the image of God. When we see one another, we see the image of God.

Human dignity flows from the reality that all humans are made in the image of God. When we see one another, we see the image of God.

In the ancient world, typically only kings were thought to be in the image of God. Genesis offers a striking contrast to a hierarchical view that sets rulers over those they rule or men over women. The point of the creation story in Genesis 1 is that all humankind is created at the same time and with the same value, in the image of God.

The account of creation in Genesis 2 emphasizes human dependence upon God as the one who gives us life and breath. In this text, God makes humans by forming them from the soil (*humus*), the source of trees and all vegetation. Humanity comes to life only when God breathes the breath of life into the first human.

In both Genesis 1 and 2, the emphasis is on God’s creation of humankind in unity and equality.<sup>7</sup> A translation of the Hebrew text helps to explain this:

“[T]hen Yahweh God formed the earth creature [*hā-’ādām*] dust from the earth [*hā-’elāmā*] and breathed into its nostrils the breath of life, and the earth creature [*hā-’ādām*] became a living *nephesh* [being]” (Genesis 2:7).<sup>8</sup>

In Hebrew, the word for “Adam” means “earth creature;” it is not a proper name but a poetic play upon the Hebrew word for earth. English translations of Genesis refer to “Adam” being formed first and refer to this earth creature as a male, but the original language never suggests that a man was created first.<sup>9</sup> Rather, it recounts the creation of all humanity. Only later does the text refer to distinct bodies, called “Adam” and “Eve.”

The differentiation of humankind expressed in the creation stories communicates the joy humans find in having true partners, true peers: “This at last is bone of my bones and flesh of my flesh” (Genesis 2:23a). God creates community and family within an interdependent creation that wholly depends upon its creator, not upon a hierarchy of humans.

The Scriptures reveal the diversity and interconnectedness of creation. God creates a teeming universe filled with plants and animals, the fish of the sea and the birds of the air, and humans—all remarkably diverse. We believe God creates humanity in diversity. Scientific research in conversation with the Christian tradition shows that this diversity encompasses a wide variety of experiences, identities, and expressions, including sex (human biology), gender (how humans understand and express themselves), and sexuality (sexual attraction).<sup>10</sup> These are interconnected yet distinct aspects of humanity.

[God’s gift of diversity] encompasses a wide variety of experiences, identities, and expressions, including sex (human biology), gender (how humans understand and express themselves), and sexuality (sexual attraction).

Many Christians, in the past and still today, interpret the creation and fall stories in Genesis 1-3 to support the belief that females are secondary to males and more sinful than males. For example, repeating an ancient belief, some early Christian theologians defined women as malformed men.<sup>11</sup> Martin Luther sometimes repeated the idea that women are inferior. Genesis has also been used to argue for seemingly fixed realities about human identity based on being male or female.<sup>12</sup> Some Christian communities and individuals continue to teach and practice these ideas.

The concept of “the image of God” has often been used problematically. Sometimes it has been used to describe men as a “fuller” image of God and women as a “lesser” image of God. In particular, the description of the woman being created second, to be the man’s “helper” (Genesis 2:18), has been used to reinforce

the idea that women and girls are inferior and subordinate. Actually, the Hebrew word translated in English as “helpmate” is a word most often used in the Scriptures for God! Misuses, misunderstandings, and the limitations of translations have led to and still reinforce beliefs and actions that devalue women and girls.

This church focuses instead on God’s delight in the diversity of creation, as well as God’s intention of equality, unity, and relationality within that diversity. God says, “Let us make humanity in our own image.” Just as there is relationality among the persons of the Trinity, there is relationality between the humans God creates and between God and humans. This reading of the Scriptures promotes an understanding of human diversity that is not limited by either a binary or a hierarchical view of gender.

We honor the image of God in others when we do everything in our collective and personal power to meet others’ needs and to empower them to flourish. We believe that God creates human beings not just in marvelous diversity but also with the intention of equity, including gender-based equity. The God in whose image

Just as God uses wisdom, understanding, and knowledge to create and nourish (Proverbs 3:19-29), humans are to use these same means to serve all of creation.

we are made calls us to use our creativity, freedom, responsibility, diversity, and compassion for the fulfillment of creation. Just as God uses wisdom, understanding, and knowledge to create and nourish (Proverbs 3:19-29), humans are to use these same means to serve all of creation. In creation, no human is granted domination over another human. Rather, all are given the responsibility to care for creation, including the responsibility to address the effects of sin (Genesis 1:26-31; 2:15).<sup>13</sup>

**3) Despite God’s intention for creation, humans exist in a state of sin. Because we fail to trust God as we should, we are alienated from God, from other people, and from creation itself. Not only individually, but also collectively, we live out this alienation through disobedience to God, pride,**

**complacency, self-abasement, and acts against others, all of which limit the abundant life God intends.**

As Christians, we understand humanity's fall into a state of sin through the story of Adam and Eve in the Garden of Eden. "[Y]ou will be like God," (Genesis 3:5b) the serpent promises. The Genesis story shows that the human desire to be powerful disrupts God's intention for human flourishing and for the well-being of creation.

Sin is a condition in which we humans live because we do not trust God for our sense of identity and value.<sup>14</sup> This may take the form of pride (being centered on ourselves), idolatry (placing someone or something else other than God at the center of our lives), or self-abasement (not recognizing our value and dignity as a person created by God). As a result of this broken trust in God, human relationships also become broken and distorted. We hurt each other, God's creation, and ourselves.

Particular sinful actions (sins) are expressions of our human life in a state of sin. Individuals, families, communities, institutions, governments, and societies can all sin. Sin is not only individual; it is also collective or communal. Sinful humans create structures, organizations, and societies that perpetuate sin, sometimes unintentionally. This is called "structural sin."

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God gives the Law to help us see humanity's sinful state—our sinful thoughts and actions and our sinful systems. It also helps to curb these. The Law helps us see that what breaks and distorts human relationships is sinful and unjust.

**4) We believe that we are healed and redeemed from this alienation. That is, Lutherans confess that we are justified by God's grace through faith in Jesus Christ, no matter what we have done or left undone. This promise means we are freed**

**from bondage to the people and things we trust and love more than God or the ways we try to justify ourselves, sometimes at the expense of others. God's grace frees us and empowers us to love others as God loves all of creation.**

The Lutheran tradition emphasizes that we do not have to do anything for God to be gracious to us. The gift of salvation is a divine work, not a human work. "For we hold that a person is justified by faith apart from works prescribed by the law" (Romans 3:28). God's justification of us overturns both our own attempts to justify ourselves and our own injustice. Faith unites believers with Christ; union with Christ transforms believers. God's redemption of believers is not simply a transaction but an intimate relationship that influences who we are becoming in Christ.

Although we have been called into the freedom of the Gospel, we remain sinners. Martin Luther described this as being "simultaneously saint and sinner." We are freed in Christ to love and serve others, but our efforts to live out God's love are always imperfect. Through our baptism, we experience daily renewal, and so we continue to respond to the divine call to love God, self, and neighbor and to work for justice.

**5) Our focus as Lutheran Christians on Jesus Christ affects how this church understands the call to do justice. Because we are freed in Christ for others, we are able to respond to God's call to love our neighbor as ourselves. In society, neighbor love takes the form of neighbor justice.**

The Scriptures repeatedly remind us of God's call to show love and justice to others. The prophet Micah insists that what God wants from us is "to do justice, and to love kindness, and to walk humbly with your God" (Micah 6:8). Isaiah provides some specific examples of what this means: "[L]earn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow" (Isaiah 1:17). The psalms describe the blessing of living according to God's intention: "Happy are those who observe justice, who do righteousness at all times" (Psalm 106:3).

In the parable of the good Samaritan (Luke 10:25-33), Jesus teaches that compassion for others is how we express love for God; neighbors are people who need acts of love. Martin Luther reflected, “Now our neighbor is any human being, especially one who needs our help.”<sup>15</sup> Neighbor love means we are called to be a neighbor. Depending on the neighbor’s needs, this may require not only direct service in response to an immediate situation, but also working more broadly for justice. Because justice is the form love takes in society,<sup>16</sup> we refer to this as neighbor justice.

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Faith active in the form of love of neighbor is not our own doing but God’s gift.<sup>17</sup> We respond to and exercise God’s gift by loving others. In society, this responsive love takes the form of justice for the neighbor in an unjust world. Grounded in faith and love, we seek justice for ourselves and our neighbors within congregations, religious and secular institutions, governments, and societies. This love includes gender justice.<sup>18</sup>

Reading the Scriptures with a neighbor-justice perspective helps us challenge and uproot oppression, brokenheartedness, and captivity. This approach can be understood as an extension of the traditional Lutheran focus on interpreting the Scriptures through the vantage point of the proclamation of Christ. When, through the Scriptures, we have heard the Good News of justification by God’s grace through faith in Jesus Christ, we are able to return to the Scriptures, reading them in light of the call to live out our faith in service of our neighbors.

Striving for justice for the neighbor and for ourselves encourages Christians to live, worship, and work in ways that empower all people to live with dignity, responsibility, equity, and justice. God in Christ, through the power of the Holy Spirit, frees the Church to live now into the future God promises. Both as individuals and as communities, we are called into God’s new creation.

**6) This focus on Jesus Christ also affects how we understand the Scriptures. While the Scriptures speak both Law and Gospel, Martin Luther emphasized that the Scriptures should be read by paying attention to what proclaims Christ—what carries the Gospel message of God’s grace and mercy to all people.**

Lutherans understand the Scriptures as speaking both Law and Gospel—God’s judgment and God’s promise. Both Law and Gospel are God’s Word, but they have different purposes. God’s Law commands us to love God above all else and to live for the sake of the common good; it judges us when we fail. The Gospel is the promise of God’s grace and mercy freely given to us for Christ’s sake.

Luther taught that Christians should read the Scriptures through the lens of the Gospel promise: “The Gospel itself is our guide and instructor in the Scriptures.”<sup>19</sup> Being guided by the Gospel helps Christians interpret difficult texts in the Scriptures in light of the Good News of Jesus Christ.

This way of reading the Scriptures also frees us to look at the Scriptures within their historical and cultural contexts.<sup>20</sup> Some things apply to people in every generation, and some things do not. For example, Luther pointed out that some of the Old Testament laws were given by God to the Jewish people at particular times in their history; these laws do not necessarily apply to Christians today.<sup>21</sup> Luther even warned against the temptation of “changing Christ into a Moses” by misunderstanding the gift and promise of the Gospel as laws and commandments.<sup>22</sup>

Because of this Christ-centered focus, Lutherans not only interpret but also translate the Scriptures in ways that keep proclamation of God’s Word central. When Luther translated the Scriptures from Hebrew and Greek into German, he took great care to use language that Germans of his day could understand. Sometimes this meant using common German idioms instead of a literal, word-for-word translation of the original languages. Sometimes this meant adding a word to emphasize the central proclamation.<sup>23</sup> Luther always translated the Scriptures so that the living Word of God could be received by people in their context.

**7) As Lutheran Christians, we recognize human reason and knowledge as gifts from God to be used for the common good. While the scriptural call to neighbor justice is clear, human reason and knowledge are essential to discern the specific forms, policies, and structures that best enable us to enact justice in particular contexts. Recognizing that the gifts of reason and knowledge are given to people of all religions and worldviews, Christians are freed to work together with them for the common good.**

The Lutheran theological tradition places a strong emphasis on the appropriate use of human reason and knowledge. Thus, this statement draws on current scientific research, including the social sciences. It also assumes that such values as human rights are commonly shared. While sin can distort our use of these gifts, they remain important tools for work in the world, especially as common ground for working with others.

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This church recognizes that people of other religions and worldviews may accept some of the analysis and share many of the convictions expressed here. For example, many individuals of other religions and worldviews believe that all people, including every woman and girl, deserve full human dignity, equality, equity, and the opportunity to thrive. Many others share the conviction of this church that all people have the responsibility to seek and safeguard universal rights for others, as well as for themselves.

With thanks to God for the gift of reason, the ELCA offers this statement as a contribution to public discussion about how to understand and advance full and equitable participation of women and girls in an equitable society. This statement is an invitation to conversation with and action by those who may not share the same starting point of faith but who share underlying values, such as human dignity. This church seeks to join in common cause with all who desire that all people may thrive.

**8) We believe that the church is called to live as the body of Christ in the world even while we struggle with the realities of sin. As Lutherans, we recognize that acting justly within family, church, and society for the common good is central to the vocation to which God calls all people.**

As Christians, we confess that Jesus Christ is the true image of God (Colossians 1:15). In baptism, all Christians are unified in Christ and are equal members of the body of Christ. The apostle Paul compared the early Christian community to the human body. He wrote that Christians are united in the body of Christ, that this body has many diverse parts, and that the members of the body need one another. Members of the body that we think are weaker than others are, in fact, indispensable. (See Romans 12:4-5 and 1 Corinthians 12:12-18.) The body of Christ is made of physical bodies, of human persons. The health of the body of Christ is linked to our human flesh and blood.

In the face of ever-present ways in which we humans sin against each other, including in this church, we confess that God's Word affirms the goodness of our bodies, minds, and spirits and those of our neighbors. The Gospels testify to the full, embodied humanity of Jesus, who was born, walked, ate, slept, and wept. The Hebrew Scriptures, the Gospels, and the New Testament letters all teach that human bodies are a good gift of God.

Because of our understanding of the body of Christ, we are called not to objectify other people, diminish their worth, or define them by gender-based stereotypes. Paul taught that what happens to one part of the body affects every part of the body. This church seeks to value all people and recognize that we depend upon one another. We will not dominate or politicize other people but will respect them, promote their health and well-being, and suffer and rejoice together as we strive for justice for all bodies—indeed, for all persons.

## II. Analysis of the Problem: Sin subverts human flourishing in many ways.

9) Though God desires fullness of life and equity for everyone, as a church we recognize that women and girls in particular suffer a range of harm and injustice due to sex (biological), gender, or both. In addition to sex and gender, the experiences of individuals and groups are shaped and complicated by intersecting factors. These include race, ethnicity, national origin, nationality (including American Indian and Alaska Native), religious identity, immigration status, sexuality, marital status, economic means, age, ability, embodied experiences, and education. This reality is known as intersectionality.<sup>24</sup> This statement's references to women and girls are intended to be inclusive of all people who identify as women or girls in the diversity of their individual and communal identities and expressions.

Grounded in the Scriptures and in Christ, the living Word of God, this church affirms that God creates humanity in diversity and desires all in creation to flourish. However, everyone does not flourish. Talking about this reality requires care and attention to the language and framework we use to understand the complexities of the situation and to serve all our neighbors adequately.

Intersectionality refers to the ways in which various forms of discrimination and oppression, linked to aspects of a person's identity, overlap. The concept of intersectionality helps to express the multiple discriminations many women face daily. This church recognizes that each person is

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uniquely created in God's image and that each person's identity consists of different aspects. One individual might be a mother, an employee, a Christian, and a college graduate; she might be middle-class, able-bodied, heterosexual, Spanish-speaking, and Latina. Some

aspects of this woman's identity are affirmed by the dominant culture in the United States (e.g., Christian, college graduate), yet other aspects are devalued (e.g., Spanish-speaking, Latina). Broadly speaking, the dominant culture treats some identities as ideal (e.g., white, able-bodied, heterosexual) and other identities as less than ideal, or even imperfect (e.g., person of color, older adult, lesbian). What the dominant culture affirms affects people's lives.

Many women experience intersectional sexism. For a woman of color, sexism in the workplace is compounded by the discriminatory effects of racism. If someone is also transgender, data show staggering levels of discrimination and violence. Intersectionality helps to explain why some women and girls benefit more than others within a society that operates with intersectional patterns of dominance and submission. For example, white women in the predominant culture in North America benefit at the expense of women of color. This is illustrated in arrangements in which women of color are often caregivers for the children of affluent white women.

Therefore, references to women and girls in this document mean all people who identify as women and girls. A word such as *women* often fails to convey its full meaning because our minds tend to default either to our own experiences and identities or to what the culture validates as a normative, "desired," or dominant meaning.

In the United States, the word *women* has been typically associated with being white, young, and heterosexual unless qualified with other adjectives. The life stories, challenges, hopes, and gifts of women of color, lesbian and other queer women, transgender women, women with disabilities, and immigrant women, for example, have been often ignored and sometimes maligned. By using women and girls to refer to us in all our diversity, this church seeks to shift our thinking from limitation or discrimination to inclusiveness.

This statement acknowledges both the usefulness and the complexity of the phrase *women and girls*. Social, cultural, economic, religious, and political groups use *women* to describe

women's experiences that differ from the experiences of many men. Nevertheless, the phrase should not be used to give the impression that all women and girls have the same experiences, gifts, or identities.

**10) The experiences of women and girls from a variety of backgrounds, both in the past and in the present moment, reveal that they have often been restricted in realizing abundant life on the basis of sex (biological) or gender.**

Women and girls from a variety of identities and backgrounds experience forms of oppression that affect our lives in profound and intimate ways. The personal experiences of women and girls are connected with larger social, institutional, and religious forces. For example, in the United States many legal rights were granted to women only over the course of the 20th century. These include the rights to vote, serve on juries, own land or businesses, inherit property, divorce, retain custody of their children, and attend any school for which they are qualified.

However, even when these rights were legislated, factors such as race and ethnicity, education, wealth, and social class intersected to exclude many women. This was the case for women of African descent, who struggled for many of those same rights decades later in the civil rights movement. Even in the latter half of the 20th century, women still had to struggle to secure rights pertaining to voting, safety, health care, and public life.

Legal, social, and religious forces continue to curb women's and girl's rights and prevent them from affirming, celebrating, and expressing themselves fully as God's good creatures and flourishing. The situation is extensive and complex.<sup>25</sup> Poverty and economic insecurity negatively affect women's lives. Far fewer women than men have access to wealth, and in the United States

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more women than men live in or at the edge of poverty. This is especially true for older adults, single women, divorced women, women of color, women living with disabilities, and child brides, which a number of states allow. Poverty rates among women and children in Native American and Native Alaskan communities, for instance, suggest that sexism is compounded by racism.

Women's earnings are not equal to men's earnings. Occupational pay disparities affect women's earnings. More women than men work in service industries, which typically pay less than other occupations. In addition, women in the United States on average earn less than their male peers earn with equivalent experience and expertise. This wage gap is even wider for most women of color. Furthermore, there are wide income disparities within groups of women by race and ethnicity. The term *glass ceiling* refers broadly to gender-based limits on employment, but women of African descent also experience what is known as "the black ceiling," and Asian women experience what is referred to as "the bamboo ceiling."

Work, money, and violence often are intertwined. Some occupations, such as food service and agriculture, are particularly fraught with gender-based discrimination and violence. Workplace and educational harassment and assault directed at women and girls curtail their safety, productivity, and livelihood.

The ELCA has teaching and policy on gender-based violence that guides this church in greater specificity.<sup>26</sup> On average, women, girls, and people with diverse gender identities experience high rates of gender-based violence. This violence includes but is not limited to domestic violence; intimate partner violence; sexual assault; rape; human trafficking; pornography; female genital mutilation; early and forced marriages; cyberbullying, stalking, and harassment; and murder.

Although men and boys experience some of these forms of violence, women and girls experience the majority of them at the hands of men and boys. Racism particularly compounds gender-based violence for some communities of color. For example, the

Centers for Disease Control and Prevention have consistently reported that Native American and Native Alaskan women suffer greater rates of gender-based violence and assault than do other ethnic groups. Society often blames women for gender-based crimes and oppression, excusing the perpetrators. A prime example lies in this society's culture of sexualized violence.

Objectifying and assaulting people, particularly sexually, has long been tolerated, often to the point where gender-based objectification and assault seem normal. Objectification and the normalization of assault are evident in the media we consume (including pornography),<sup>27</sup> the games we play, the male role models we idolize, the jokes we tell, and the behaviors we tolerate. Many of these distortions spring from stereotypes, of not only white women, but also women of color. It is further evident in the low rates of conviction and penalty in rape cases and the high number of untested rape kits across this country. All these factors together can be described as rape culture.

U.S. health care policies and practices also affect women's and girls' very own bodies. Because health care in the United States has developed from a male-centered model of physiology, disease, and well-being, the medical system sometimes operates as if women do not know their own bodies or as if their bodies are not their own.

Here again, women's health problems and the sexism of health care are compounded by intersectionality. For instance, women of African descent on all economic levels suffer from high rates of infant and maternal mortality, and many Latina women lack the reproductive and maternal health care they need.

A lack of affordable health care means many women do not get the care they need. In many regions, laws restrict women's access to reproductive health care. In the 20th century, many women and girls were forcibly sterilized because they were considered less valuable than white or able-bodied women. Forced sterilization continues, often in prison systems.

Bodies are further managed, manipulated, exaggerated, and made invisible by the media based on age, skin color, and body type. Not every type of woman and girl is shown in the media. Entertainment, beauty, and fashion-industry standards and practices promote narrow, unrealistic images of “acceptable” women’s bodies, erasing “unacceptable” lines, spots, colors, or features. The ideals generated by these industries shape the way people think about their bodies. Many women and girls develop eating disorders or seek plastic surgery as they pursue an idealized version of womanhood or girlhood.

Despite this cultural obsession with “perfect” women, sports, journalism, and entertainment (including Hollywood movies) are largely focused on men and boys and what they do. Even language referring to people in society is male-identified, with words such as mankind, chairman, alderman, guys, etc.

Women constitute a minority in U.S. civic and business leadership. The number of women holding political office is growing but still significantly lower than in other nations. There are prominent women in business, but the total number of women in top leadership positions with access to wealth and decision-making is still disproportionately small. Women who do hold office and prominent leadership roles in society often experience overt and indirect hostility, including gender-based discrimination, speech, and threats.

Religious institutions in the United States may limit and prevent women and girls from affirming, celebrating, and expressing themselves fully as God’s good creatures and from flourishing as God desires. Women of color continue to be woefully underrepresented in religious leadership. In this church, for example, there are gender-based inequities and discrimination related to compensation and benefits, authority and leadership, and harassment and violence.<sup>28</sup>

11) The far-reaching harm experienced by women and girls is rooted in a pattern of power, privilege, and prejudice, the key elements in any social system of oppression. This is the basis of the ELCA's understanding of racism.<sup>29</sup> When power, privilege, and prejudice are associated with sex, gender, and sexuality, sociologists use the terms patriarchy and sexism.<sup>30</sup>

**Patriarchy is a social system dominated by men, identified with men, and centered on men's actions, voices, and authority. Patriarchy does not mean that males are bad and females are good, or that only males support this unfair system. However, in patriarchal systems, men are typically viewed as superior to women, are given more power than women, and have more authority than women. A patriarchal worldview and way of life grants male privilege. Sexism is the reinforcement of male privilege, which leads to discrimination. It promotes the silencing, controlling, and devaluing of women, girls, and people whose gender expression is different from the conventional expressions of masculinity and femininity.**

Patriarchy does not mean that males are bad, and females are good, or that only males support this unfair system.

**Because people live within social and religious systems, everyone knowingly or unknowingly participates in this patriarchal system. Although patriarchy and sexism affect different people in different ways, as individuals we are socialized to conform to these patterns of power, privilege, and prejudice. This makes us complicit in maintaining social systems of oppression.**

Although the dominant culture in the United States often emphasizes individualism, the Scriptures and human reason also stress the importance of social or communal understandings of life and the world. To respond in love to the problems experienced by women, girls, and people who identify as non-binary, we must move beyond individual experiences to analyze how patriarchy functions as a social system. This church believes we need to address the roots of the problems that threaten abundant life.

An honest assessment of patriarchy can be hard to face, yet it is necessary in order to address such a complex social reality. Harm and injustice result not simply from the acts of an individual or group but from policies, laws, attitudes, customs, habits, words, images, and religious beliefs and practices that inform and sanction those acts.

As a society, we have fostered patriarchal values that permeate our social organization and impair the distribution of goods and services, the application of justice, and the division of labor. Sexism (that which supports male privilege) affects human imagination and convictions, which influence how individuals and groups understand gender, human bodies, employment, immigration policies, and gender-based violence. Sexism sustains human trafficking and the politicization of the female body and health care, including reproductive health care.<sup>31</sup>

Because of our convictions about the right use of reason and knowledge in our shared pursuit of justice, this statement draws on the results of current scientific research as a basis for our work. A scientific consensus now holds that there are more than two biological sexes and more than two genders. Studies of humans reveal rich diversity, showing that individuals do not neatly fall into two categories. Some people are intersex: their bodies are neither male nor female. People have a diversity of characteristics, most of which cannot be assigned exclusively to one sex or gender or another. Among humans, sex and gender are more accurately characterized as multidimensional.<sup>32</sup>

It is not possible to address patriarchy and sexism without recognizing these scientific insights. Much harm has been caused by systems and worldviews that assume a binary division of sex (bodies) and gender (characteristics). These patriarchal systems enforce this binary division with various levels of control and violence that affect everyone.

**12) Although men and boys often benefit from this social system, patriarchal structures and values also harm men and boys, including gay and transgender men. They are harmed when they are pressured to conform to narrow gender stereotypes or are unable to live out a false ideal of male superiority and control. People of all genders who do not conform to gender-based roles and stereotypes often are not seen or valued; sometimes they are violently oppressed and even killed. Men of all racial and ethnic minorities in North America may experience patriarchy and sexism particularly intertwined with white privilege. The message of white-identified patriarchy and sexism is that men and boys of color are not fully men and boys.**

Men and boys also suffer mentally, physically, emotionally, and spiritually from the dehumanization of patriarchy and sexism, which distorts how they see others and themselves. Misogyny, a deep-seated hatred of the female and feminine, is an ancient problem that still informs contemporary life, even when unintentional. Misogynistic

Men and boys also suffer mentally, physically, emotionally, and spiritually from the dehumanization of patriarchy and sexism, which distorts how they see others and themselves.

values can instill men and boys with a false sense of superiority; patriarchy and sexism can contribute to exaggerated ideals of dominance and control, usually violent, that men and boys are expected to display. If they fail to match the ideal model of masculinity, they can be targets of hatred, harassment, bullying, and violence. These expectations go hand in hand with denying and suppressing vulnerability, empathy, and interdependence. This is toxic masculinity. The effect of toxic masculinity is that men and boys trying to live by its code hurt themselves and others, including other men and boys. The effect is harm to society.

The ideals of patriarchy and sexism can prevent men and boys from having meaningful friendships with other men and boys, and they are often punished when they try to resist male privilege or

to live in a way that is authentic to their sense of self. Cut off from emotions, interactions, activities, and careers that are stereotyped as feminine, men and boys are also denied the fullness of life that is God's gift. Within broad social and religious systems, we can end up idolizing men and embracing toxic masculinity.

Although this is an overall picture of society, one should note that, within marginalized communities, patriarchy and sexism affect women and men differently. For example, while black lives and bodies are valued less than white lives and bodies in the United States, men of African descent may have more status within their communities than women of African descent do. This same pattern is largely true in many communities of color. However, within the broader society, men and boys of color are uniquely affected by sexism because white male privilege operates against them, too. The message is often that men and boys of color are not "real" men or boys. The pressure to conform to one idea of white, male-identified humanity denies the diversity of humans.

**13) Some social and religious beliefs compound patriarchy. Most instances of gender-based harm are connected to commonly held beliefs and customs. For example, ideas that people are created into a hierarchy based on sex—being only male or female—reinforce and sometimes lead to gender-based injustice.**

Early church theologians were often misogynistic, describing women as "the devil's gateway" and rebuking them as "a feeble race, untrustworthy and of mediocre intelligence."<sup>33</sup> Throughout much of the history of the Christian church, women were therefore excluded from Christian leadership, including ordained leadership; taught to be submissive in marriage, church, and society; and coerced to endure suffering and violence.

In the more recent past, the intersection of patriarchal violence, submission, and Christianity flourished in the mores and actions of colonialism. The United States was forged through this colonialism, and its patriarchal values continue to affect many people, including American Indian and Native Alaskan people, often in heightened

ways for women and girls from these various communities. For example, the intersection of state and federal laws and tribal laws virtually eliminates successful legal recourse in cases of sexual violence against women and girls from these communities. More broadly, this is illustrated by how people of color continue to experience the negative effects of colonialism on mental health.

Misuse and misinterpretation of the Scriptures within contemporary Christianity have also reinforced viewpoints and teaching about the inferiority of women. Many Christian churches continue to support the subservience and obedience of women and girls to men, sometimes in subtle ways. For example, the belief and practice that men are meant to be the head of the church and the family and that women are meant to be the followers reinforce a gender-based hierarchy of importance, authority, and value.<sup>34</sup> This is illustrated when some people rebel at having a pastor who is a woman or when they challenge her ministry, either subtly or explicitly.

Throughout history, human beings, including Christians, have often created hierarchies in which one group dominates another because of their differences. Not all hierarchies are inherently harmful, but hierarchies based on gender are. The Christian church has often reflected and taught a pre-Christian belief that all men and women are created with God-given dominant and subordinate roles. This idea that people exist within a complementary hierarchy continues to affect and infect people's self-understanding and relationships.

Some Christians, both in this country and around the world, strongly believe that men and women were created to live in complementary relationships with clearly defined roles. This means that a person's identity, self-understanding, vocation, and social roles are fixed at birth and willed by God according to sex (biological) and gender.<sup>35</sup> This understanding of complementary roles is sometimes described in terms of men and women as "opposites."

Not all persons, however, experience or know themselves to be defined in these ways. Stereotypes about male and female

characteristics cause harm because they shape our understandings of ourselves and others from a very early age. Limiting certain roles to people according to their sex or gender interferes with the expression of their full humanity and the vision of abundant life for all people. Placing these limitations on individuals also diminishes the social and religious communities in which they live. The idea that humans are to experience life through gender-based hierarchies contributes to the overwhelming tendency to value what is male and/or masculine at the expense of what is female and/or feminine. The result is male privilege, often expressed through toxic masculinity.

In Christianity, male privilege has been and continues to be expressed through a male-identified, male-centered, and male-dominant symbolic universe of language and images. Through its stories and theological tradition, the Christian imagination focuses on what men and boys say and do, even when women are part of the story of God's people from the beginning. Within the Lutheran tradition, the same holds true for hundreds of years of Reformation thought, even though women were part of the Reformation movement. Male privilege leads to ignoring women's presence, women's experiences, and women's voices.

**14) The ELCA celebrates that humans are relational beings and that we live in social systems. Positive, equitable social systems can lead to joy and gladness. However, social systems can also have negative consequences.**

**Even though individuals make choices within social systems, those systems are more powerful than any individual, government, culture, or religious community. Beliefs and customs are reflected in laws, policies, and practices within both secular and religious institutions, which makes them so systemic that they are difficult to identify and dismantle.**

**This church's commitment to neighbor justice compels us to expose how patriarchy and sexism are woven into individual, social, and religious life, causing harm to all people and even to all of creation.**

Social systems are necessary because we are relational beings. When social systems are detrimental to well-being, the Scriptures refer to them as evil “powers.” (See Ephesians 6:12 and Romans 8:38.) These powers dwarf any one individual, community, government, or culture, and they distort human flourishing. This church recognizes the systemic character of patriarchy in the way social and religious ideas and beliefs are linked with laws, policies, and practices that result in injustice. This combination of sexist ideas and beliefs with laws, policies, and practices leads to and reinforces gender-based harm and injustice, including gender-based violence.

The effects of patriarchy and sexism diminish, damage, and often destroy people. Our church’s faith and a commitment to neighbor justice require us to examine the various components of patriarchy and sexism in order to understand the harm they cause and to seek renewed, life-giving partnerships and approaches to an equitable society. The call to justice specifically means that we seek equity and justice for women and girls and others who experience oppression due to sexism and patriarchy.

**15) As Christians, we see that patriarchy and sexism prevent all human beings from living into the abundant life for which God created them. Patriarchy and sexism reflect a lack of trust in God and result in harm and broken relationships. Just as this church has identified racism as sin, this church identifies patriarchy and sexism as sin. We confess that, as God’s people forgiven in Jesus Christ, we are simultaneously liberated and sinful. We are broken, yet we are made new by grace through faith. This good news is true even as we participate in cultures and societies that are broadly patriarchal and sexist.**

Sin is not expressed just in individual acts. Sin is also expressed in organizations and institutions. Sexism and patriarchy are sinful because they foster

Sexism and patriarchy are sinful because they foster attitudes and actions that distort relationships, violate God’s law, and result in injustice.

attitudes and actions that distort relationships, violate God's law, and result in injustice. They are social sins that involve and affect individuals, families, communities, nations, religions, and cultures.

Because they are so deeply imbedded in our social systems, the power of patriarchy and sexism can be largely invisible. Because it is invisible, we are often unaware that everyone participates in some measure, sometimes in obvious and intentional ways and sometimes in subtle and unconscious ways. We may hold attitudes and beliefs and support laws, policies, and practices that harm even ourselves. This is the power of systemic sin.

In our liturgy, we name this systemic reality in the confession: "We are captive to sin and cannot free ourselves." Once we understand our own participation in this systemic harm, we can identify it as sin, confess it, and, through the grace and strength of God, begin to act differently. We reject patriarchy and sexism as sinful because they deny the truth that all people are created equally in God's image and because they disrupt joy, gladness, and flourishing life for all people.

### **III. The Christian Tradition: It is both challenge and resource.**

**16) In faith, this church confesses that Christianity has been complicit in the sin of patriarchy and sexism through certain beliefs, practices, and aspects of its history. At the same time, we believe God provides resources within the Christian faith and the Lutheran tradition to challenge the harmful beliefs and effects of patriarchy and sexism and to bring forth new ways of living.**

Some central emphases of Lutheran theology offer renewed vision and resources for resisting and dismantling patriarchy and sexism and for transforming social systems. This church believes that a Lutheran theological perspective rings true with insights into God's gift that we are a new creation in Jesus Christ and can live more fully into that promise by the power of the Holy Spirit.

In our corporate confession, we recognize that we sin individually and collectively in thought, word and deed, by what we have done and by what we have left undone. We do not always live and act as God intends. God's Law helps us to see that we sin and judges us for our failure to live up to God's intentions. The recognition of our sins leads us to confession. When we confess, we give up trying to justify ourselves and our actions. By grace, God forgives us, heals us, and frees us from the state of sin that alienates us from God, neighbors, and ourselves.

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As a church, we recognize that patriarchy and sexism harm people in many ways. As a church, we confess that we cannot justify our own participation in sinful ways of thinking, believing, and acting. We confess that our actions often reflect patriarchal Christian beliefs that portray women as subservient and inferior to men. As a church, we confess our complicity in the exclusion, exploitation, and oppression of those who do not reflect idealized understandings of masculinity. We confess not only overt complicity but also the complicity of silence and passive acceptance of patriarchal and sexist beliefs and practices.

As a church, we also believe and trust God's mercy, love, and forgiveness. We trust that, through faith, God empowers us to identify resources for abundant and flourishing life within the Christian tradition, through which God has been at work through all people, including women. We believe that we share the responsibility to address the ways in which the Christian faith and tradition have been used to reinforce gender-based actions and attitudes that in particular harm women and girls from a variety of backgrounds, identities, and personal experiences.

**17) The ELCA teaches that God's Word of Law and Gospel speaks through the Scriptures. We also recognize that there are words and images, social patterns, and moral beliefs**

**in the Scriptures that reflect values rooted in what today we call patriarchy and sexism. Some aspects of the Scriptures reflect the cultures and societies in which they arose. Their continued misuse contributes to maintaining hierarchies and patterns of inequity and harm. A Lutheran reading of the Scriptures through Christ, focused on the devotional, historical, literary, and theological aspects of texts, frees us from the harm of taking all the Scriptures only literally.**

A Lutheran reading of the Scriptures through Christ, focused on the devotional, historical, literary, and theological aspects of texts, frees us from the harm of taking all the Scriptures only literally.

Within the ELCA, we read the Bible in ways that are grounded in our theological heritage and that can reform sexist uses of the Scriptures. The Word of God is first and foremost Jesus Christ, God incarnate. Secondly, we encounter the Word as Law and Gospel in preaching and teaching. The canonical Scriptures are the written Word of God, which proclaims God's grace and sustains faith in Jesus Christ.<sup>36</sup> The Word of God is living and active. We accept the written form of the Word of God as the authoritative source and norm for faith.

Nevertheless, we recognize that many biblical texts originated in cultures that were male-identified and male-dominated, and that they say things about women and girls that we now recognize as harmful. Genesis 3:16, "[A]nd he shall rule over you," seems to support patriarchy if read as a reflection of God's original intention for humans rather than as a result of human sin. Other Scriptural texts relate chilling acts of male domination, such as a host offering his unmarried daughter to a mob of men to dissuade them from raping a Levite man (Judges 19). Many Christian communities struggle with how to interpret such texts.

The New Testament reflects what now are understood as patriarchal values of various cultures through its rules and ideals about women. Scholars refer to these New Testament texts as "the

household codes.” One example seems to tie salvation to women’s fertility: “[Women] will be saved through childbearing, provided they continue in faith and love and holiness, with modesty” (1 Timothy 2:15). Another example admonishes wives to obey their husbands and instructs them on how to dress. Although husbands are told to be considerate and respect their wives, they are told women are “the weaker sex” (1 Peter 3:1-7; see also 1 Corinthians 11:6).

We recognize that the Scriptures have been interpreted within the Lutheran faith in ways that accept these limits on women and girls and sanction relationships of power and domination. Likewise, these interpretations grant men roles that afford them agency, decision-making power, leadership, and prominence in communities and societies. The result is an androcentric tradition. Our tradition’s complicity in patriarchy and sexism is connected to such biblical interpretation.

This misuse of the Scriptures continues to foster inequity based on sex (biological) and gender. It subverts the abundant life God intends. Even today some would deny women positions of leadership in the church or in society, calling the arrangement “natural” and citing such scriptural texts as “[W]omen should be silent in the churches. For they are not permitted to speak, but should be subordinate. ... For it is shameful for a woman to speak in church” (1 Corinthians 14:34-35).

This church believes that God calls Christians into a different vision. Jesus Christ calls us to a new kind of freedom in service to God and neighbor. This is not a revision of the Lutheran tradition but a reaffirmation of its core emphasis. As Lutherans, we interpret the Scriptures in light of the Gospel promise. This emphasis on the Gospel as God’s promise characterizes a Lutheran reading of Scripture.

When scriptural passages are unclear or even contradictory, this Lutheran reading suggests that Christ, as God’s gift of forgiveness, reconciliation, and new life, is the lens through which such passages are to be read. Our church, for instance, places more weight on

Galatians 3:28 (“[T]here is no longer male and female; for all of you are one in Christ Jesus.”) because of its Gospel focus, than on 1 Timothy 2:12 (“I permit no woman to teach or to have authority over a man.”). This church’s teaching about how to interpret the Scriptures reinforces this Gospel orientation. In this way, Scripture interprets Scripture.

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This church emphasizes a fourfold reading of the Scriptures: devotional, historical, literary, and theological.<sup>37</sup> We recognize that some passages were given to God’s faithful people in specific historical contexts that are quite different from our own.<sup>38</sup> This is why, for example, Christians no longer feel bound by certain Old Testament laws, such as kosher dietary principles, or by New Testament instructions concerning women’s hairstyles, jewelry, and clothing (1 Timothy 2:9). Our fidelity to the Scriptures does not require us to conform to the social and cultural practices of the ancient world. Similarly, this Lutheran interpretive practice extends to the writings of our tradition.

Although the Scriptures sometimes reflect patriarchal structures and values, this does not mean that God has prescribed patriarchal structures and values. We read the written Word guided by Christ the living Word speaking today. We do so for the sake of proclaiming a life-giving word for all people. This approach interprets the Scriptures with an emphasis on what the Word does; it frees us to read the Scriptures in such a way that God’s Word can be heard as genuinely “good news.”

**18) The Christian theological tradition is full of ideas and teaching that can negatively or positively affect people. In particular, some doctrines affect our understanding of humanity and God more than others. Teachings about the cross and suffering, the image of God, the incarnation, the body of Christ, and the Trinity have sometimes been misused to support patriarchal beliefs, attitudes, church practices,**

**behaviors, and structures. These teachings affect our use of language and our understandings of humanity and Christian ministry. At the same time, these doctrines can be liberating resources for healing the effects of the sins of patriarchy and sexism.**

Theological images and themes are used in multiple ways. The same concept can be understood and applied to reinforce a patriarchal status quo or to support gender justice.

Two interrelated themes of Christian faith have often been misused to encourage women and girls to accept and endure harm because they are women and girls. Sometimes Genesis 3:16 (pain in childbirth) is invoked to teach women and girls that they deserve gender-based suffering. Sometimes the language of taking up one's cross (Mark 8:34) has been used to encourage women and girls to endure their pain in order to be like Jesus. Some women report that their pastors have characterized domestic violence or rape as "their cross to bear."

Lutheran theology can help to reject the misuse of these biblical texts in such ways. First, Lutheran biblical interpretation reminds us that what is said to Eve about bearing children in pain has less to do with punishment than with pain humans experience after the fall.

Second, a theology of the cross can remind us that Jesus Christ suffers on our account. We are not called to endure violence for its own sake. We might endure violence because we confess faith in Jesus Christ and live as Christians, but women and girls are not called to endure gender-based violence. In addition, a Lutheran view of the cross reminds us that we see God hidden in suffering; despite Jesus' feeling of abandonment on the cross, we can confess that God is present even in the depths of our worst experiences.

A number of other theological themes have also been misused to affect how Christians understand God and humanity. These teachings include the image of God (See Article 2.), the incarnation, the body of Christ, and the Trinity.<sup>39</sup> It is important

to consider how these beliefs about God influence human self-understanding and relationships.

The Christian tradition confesses that God is infinite mystery beyond human comprehension. Human language and human concepts about God are never enough to know God. Unfortunately, language for and images of God in the Christian faith are often androcentric—male-centered or male-identified. Insistence on predominantly male-oriented language and images restricts our understanding of God, who is beyond gender, to one human category. This narrows our theology, our thinking about God. The use of only male language leads us to forget the incomprehensible mystery of God and can reduce the living God to an understanding of God to the figure of an infinitely powerful man. This is flawed theology.

Insistence on predominantly male-oriented language and images restricts our understanding of God, who is beyond gender.

In addition, insisting on only male language can make maleness itself a false idol. It can persuade Christians that men have more in common with God than women do and thus that maleness is a higher form of humanity. This is flawed theological anthropology—thinking about humans—and is pastorally harmful. If God is understood as male and women are seen as inferior to men, one can easily justify attitudes and behaviors that discriminate against and devalue women, girls, and people whose gender identity and expression fall outside of familiar categories. Taking God literally as male or only masculine also alienates people who are intersex.

Many voices in the Christian church have argued that the maleness of Jesus justifies sexist ideas and structures in church and society. Many Christians, including some in predecessor bodies of the Evangelical Lutheran Church in America, have argued that only men should serve as heads of the church and the home, in part because Jesus was a man. In the New Testament and in Christian thought, Jesus was often depicted as a groom promised to a bride (the church). Sometimes this

description of the church as the bride of Christ has contributed to a male-identified God and his male-identified representatives in relationship with a female-identified church.

We must reject the idea that the maleness of Jesus is somehow related to redemption. In the original Greek, the Nicene Creed makes clear that God the Son became human (*an-thró-pous*), not male (*anér*), “for us and for our salvation.” The point of the creed is Jesus’ humanity, not his sex or gender. The longtime generic use of the word *man* in English translations has obscured the original meaning of the Nicene Creed and fed patriarchal biases and assumptions.

The biblical narrative that Jesus was male, compounded by translations that default to androcentric language, has led to faulty assumptions about the maleness of the Trinity. However, the Scriptures and Christian theology witness to an understanding of God that transcends gender. They offer life-giving ways to proclaim the Gospel so that all may receive it and share the Good News.

In the Scriptures, God is described as a mother in labor—also as a rock, a hen, and a bear (Isaiah 42:14, Psalm 89:26, Matthew 23:37; Hosea 13:8). God is not literally any of these, just as God is not literally a man or a father. For instance, Jesus taught, “[W]hat woman having ten silver coins, if she loses one of them, does not light a lamp, sweep the house, and search carefully until she finds it?” (Luke 15:8). Through the prophet Isaiah, God declares, “Can a woman forget her nursing child, or show no compassion for the child of her womb? Even these may forget, yet I will not forget you” (Isaiah 49:15).

Teachers of the faith have amplified the multiple images within the Scriptures. St. Anselm of Canterbury wrote, “But you, Jesus ... Are you not that mother who, like a hen collects her chickens under her wing? Truly master, you are a mother.”<sup>40</sup> Julian of Norwich wrote, “A mother can hold her child tenderly to her breast, but our tender mother, Jesus, can lead us in friendly fashion into his blessed breast by means of his sweet open side.”<sup>41</sup>

These and other teachers of the faith invert the Savior's gender to say something important about faith in God through Jesus Christ. In fact, the Scriptures make use of gender inversion, such as when the apostle Paul compares himself in ministry to a mother in labor (Galatians 4:19). Jesus also subverted gender-based expectations when, washing his followers' feet, he cast himself in the role of a female slave or a wife—and then called on the male disciples to do the same thing (John 13: 3-5, 15).

At the same time, this church's understanding of the body of Christ goes beyond the literal, physical body of Jesus. As Galatians 3:28 reminds us, the body of Christ is inclusive; identity markers that we have regarded as irreconcilable no longer hold meanings that divide us. Just as "Jew or Greek" are not the only ethnic identities joined to and in Christ, so "male and female" do not limit the gender identity of those joined to and in Christ. Understanding the unity in Christ of persons of various identities frees us from the idolatry of the maleness of Christ—or of human maleness.

Although most Christian liturgy favors androcentric and Eurocentric language and imagery, expansive language and imagery are both scripturally rooted and theologically faithful. In their paradoxes and multiplicity, they communicate the mystery and intimacy of the triune God. Using inclusive and expansive scriptural and theological language and images therefore honors the Lutheran tradition. This church commends all Christians to retrieve and reform theological language, images, and themes so that they support faithful proclamations of God's grace in Jesus Christ to all persons.

**19) The central Lutheran belief that we are justified by grace through faith empowers this church to challenge patriarchy and sexism, which devalue people according to sinful human standards.**

A robust understanding of justification by grace enriches a Christian commitment to gender justice. A Lutheran expression of the doctrine of justification underscores gender justice as a concern of faith in three ways.<sup>42</sup>

First, justification is wholly God's work through Christ; we cannot justify ourselves. Justification as God's act challenges the self-centeredness of self-justification, of trying to put ourselves above or before others, as with male privilege. From a Lutheran faith perspective, no particular group is superior to another based on sex (biological) or gender. Because God redeems us, we cannot rely on a belief that one group can justify themselves in the world or with God because of their supposed superiority or "headship." Sin and grace are great equalizers. All Christians are sinful, and all Christians are equally dependent upon God's grace.

Second, justification frees us from bondage. Being freed in Christ involves being freed from all that tries to replace Jesus Christ as Lord in our lives, including systems of patriarchy. This reality changes our life with respect to issues of sex and gender. We are freed to recognize God's work in creation through human variation, human imagination, and human expression of gender. We are able to see that humans are not created to be limited in our experience of being human through a gender-based hierarchy.

Third, justification gives Christians the freedom of a new perspective—to be more concerned with what the neighbor needs and less concerned with following and enforcing gender-based rules and assumptions. We are freed to see and support one another in all our uniqueness. Justification helps us to see gender justice from the perspective of faith.

**20) The Lutheran understanding of the sacraments of Baptism and Holy Communion, in which the Word of God is connected with tangible, physical elements, grounds efforts to prevent the harm that sexism and patriarchy cause to the bodies, minds, and spirits of human beings.**

Lutheran theology can help reorient sexist and racist theology and practices that limit the full participation of varied human bodies in the sacraments. According to the Lutheran Confessions, when the material things of water, bread, and wine are combined with God's Word, God is really present: "Baptism is not simply plain water. Instead it is water enclosed in God's command and connected with

God's Word."<sup>43</sup> When we feel the water of baptism and consume the bread and wine of the eucharist, God is present to our diverse, individual bodies and in the unity of the church that is the body of Christ. Drawing on the apostle Paul, Luther taught that the Lord's Supper unites us in one body: "[S]o that by this sacrament ... and through this mutual love there is one bread, one drink, one body, one community."<sup>44</sup>

We must continue to embrace our unity and diversity so that we welcome and uplift people of every sex (biological) and gender—indeed, every body—in our work together as the body of Christ in the world. God's love feeds the body of Christ so that it might live in love. The sacramental promise that God is present in water, bread, and wine, along with the good news that God became human, leads this church to treasure, hold, and advocate for the embodied lives of all people.

**21) The ELCA has identified sufficiency, sustainability, solidarity, and participation as the key principles for creating and supporting justice.<sup>45</sup> This church commends these principles to create and support neighbor justice, specifically gender justice for the neighbor. Social and religious structures and institutions—including ideas, beliefs, religious teachings, laws, policies, practices, and language—must be assessed and should be guided by these principles.**

As Lutherans, we understand that God intends not only individuals, but also cultures and governments, to develop in ways that enable all people to flourish. With other members of society, we affirm the national ideal toward which people in the United States continually strive—that all people are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness. We also believe that all people have the responsibility to safeguard these rights for others as well as themselves. Insofar

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as this ideal allows everyone to flourish, the ELCA joins people of other religions and worldviews to advance a universal vision of an equitable society in which all people participate fully.<sup>46</sup>

Although we recognize that perfect worldly justice is not possible, this church holds that efforts toward justice should stress the principles of sufficiency, sustainability, solidarity, and participation. These principles guide us away from injustices against women and girls from a variety of backgrounds, identities, and personal experiences and toward justice for all those affected by patriarchy and sexism.

The principle of sufficiency inspires us to meet the basic needs (physical, emotional, intellectual, social, and spiritual) of all women and those who depend on them. This means, for example, that society must protect them from violence and provide them with equitable opportunities in education and employment. The principle of sufficiency supports not only passive respect but also advocacy in matters of health care, immigration, violence, human trafficking, and the workplace, for example.

The principle of sustainability compels society to provide all generations of women with the means toward an acceptable quality of life. This applies to both the emotional and the material aspects of life. Both church and society should evaluate how their structures ensure—or fail to ensure—that all people have livelihoods and the means for well-being.

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The principle of solidarity commits society to see and experience our own well-being as connected to the well-being of others and their communities. It often involves people aligning themselves with others who have different experiences. Solidarity encompasses empathy and respect for the lived experience of women and girls; it encourages people not only to share in their suffering but also to participate in their liberation.

The principle of participation urges us to structure our communities so that women participate equitably in the personal, local, and political decisions affecting their lives. All people need to participate in the structures that affect their lives and the decisions that affect their communities. No one's access to decision-making should be limited by sex or gender.

**22) The ELCA recognizes that some progress has been made to address patriarchy and sexism and to reduce their effects; however, more effort is required. We believe that this church, together with many other partners, can identify and challenge the complexities of patriarchy and sexism and advance equity. Gender-based equity happens through beliefs and ideas that are gender-just and through laws, policies, and practices that support an equitable common good— abundant life for all.**

Working together, people from many walks of life have brought about change in the North American context, diluting the power of patriarchy and sexism. Positive social and religious views about gender have influenced laws and policies that advance women's rights; conversely, changes in laws have positively influenced social and religious views. This nation and this church have seen and supported many positive changes in attitudes and laws that have helped women and girls to thrive, but more work remains to be done to support neighbor justice.

Individuals and groups must challenge harmful social ideas and practices, reject sexist religious beliefs, and work to change laws, policies, and practices that justify and reinforce patriarchy. When enough people—especially people of faith—work, pray, stand, and struggle together, they can transform attitudes, beliefs, laws, policies, and practices so that all people of all sexes and genders enjoy God's vision of abundant life.

#### **IV. Response: The ELCA is called to new commitments and action as a church.**

**23) Propelled by these theological convictions and the robust resources of the Lutheran heritage, this church responds to God's call to justice with the following commitments to promote and support action toward a more equitable life together in Christ.**

This section draws out the implications of this statement's convictions, analysis, and resources in our tradition. It sets forth this church's commitments to reshape beliefs, attitudes, policies, and practices. Inevitably, meeting such commitments draws upon judgments of reason in discerning what exactly must be done, when it must be done, and how. The process may involve difficult conversations and unforeseen challenges calling for both determination and patience. The particulars may well be subject to correction and further deliberation. This church, however, views the following commitments as a signal that our life together in Christ can be renewed in ways that promote and support greater equity and justice.

**24) This church recognizes that the body of Christ is called to honor and support women and girls from a variety of backgrounds, identities, and personal experiences in ways more consistent with life-giving theology and faith practices. As a church, we commit ourselves to celebrating and affirming the gifts and insights that women and girls bring to every expression and dimension of this church.**

Over the centuries, women have carried immense responsibility in serving the church despite being denied ministerial authority. They have served through religious education, music, elder care, parish nursing, and Bible study. They have pursued their vocations in myriad ways that support the growth of the Gospel and the life of their local congregations. The Lutheran movement, including the ELCA, has only begun to recognize how we have failed to honor the full range of Spirit-given gifts that have equipped women and girls to serve.

The fundamental commitment needed, then, is not to a particular program, practice, or process. Rather, we are called to repentance that reorients perspectives and actions, and we commit to encouraging, celebrating, and affirming the full range of gifts prepared by the Spirit for use in every expression and dimension of this church.

**The Evangelical Lutheran Church in America specifically commits to:**

**25) Promote the practice and use of scriptural translation and interpretation that acknowledge the contexts in which the Scriptures were written and reject the misuse of Scripture that has supported sexist attitudes and patriarchal structures.**

Drawing deeply upon our Lutheran heritage, the ELCA promotes an understanding of Scripture that both honors its Word-centered purpose and acknowledges its historical sources and contexts. This church listens to God's Word speaking through the Scripture to sustain Christian faith and empower the community for service and justice in the world.

Mindful of how the Christian Scriptures, through translation and interpretation, have been misused to support patriarchal structures and sexist attitudes, this church will promote translation and scriptural interpretation sensitive to the concerns of this statement.<sup>47</sup> Scriptural texts in which females are degraded, terrorized, debased, dominated, or valued less than males should be interpreted in light of God's resolve for abundant life through Christ.

**26) Promote theological reflection that responds to the gender-based needs of the neighbor. Teachers and theologians need to be honest about how church teachings have been misused to support patriarchy and sexism. More importantly, this church calls upon its teachers and theologians to work toward worthier expressions of the historic faith that honor God's desire for all people to thrive.**

This church affirms the gifts of the Lutheran Christian tradition—the faithful witness of the Confessions, the power of the preached Word, and the reflection of theologians. At the same time, in recent decades this church has begun to recognize how these treasured gifts have sometimes been misused. Even while proclaiming the life-giving Gospel and the call for service and justice, preachers and theologians often have omitted or suppressed the stories, reflections, and experiences of women and girls. For some, this suppression has contributed to a crisis of faith.

The commitment to articulate and proclaim the Christian faith in a more inclusive manner calls for renewed efforts from preachers, teachers, and theologians. It means preaching and writing that make full use of stories and insights from the lives of women and girls with a variety of backgrounds, identities, and personal experiences. It involves teaching and preaching about justification and a theology of the cross that recognize how the motifs of Christlikeness and suffering have been used harmfully. It entails teaching and research that reflect transformative understandings, with special concern around key doctrines such as Christology and creation.

**27) Use inclusive language (all genders) for humankind and inclusive and expansive language (other than human) for God. This church is committed to the deepest Christian understanding of the Trinity revealed through Jesus Christ and to the importance of imagining and speaking about God in faithful ways that expand rather than limit the expression of God’s self-revelation and mystery. In particular, we support developing liturgies, hymns, prayers, and educational materials that broaden use beyond predominantly masculine language. This practice follows the scriptural witness that God transcends human categories. Therefore, as in the Scriptures, metaphors for and images of God should be drawn frequently from the**

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**lives of people of all identities and experiences and gleaned from nature in all its diversity. Employing inclusive and expansive language for and images of God helps human beings approach and encounter the God of beauty and love who reveals God's self to humanity in rich and mysterious ways.**

Words are powerful because they shape how humans relate to one another. For this reason, the ELCA has long urged inclusive language regarding human beings in both worship and everyday use.<sup>48</sup> This statement reinforces that commitment. This church urges renewed efforts to move us together from the habits of predominantly male-oriented wording to language that embraces all people.

Words about God carry even greater substance and subconscious meaning because they are religious symbols. The God revealed in Christ defies all human comprehension and speech. Still, humans must use words and images to pray and praise. The words that are used carry historical depth and communal power and have meaning for an individual's self-understanding and relationships.

Moving beyond exclusive language and imagery presents a complex challenge, both personally and communally. Changing or expanding Christian symbolism may be both unsettling and life-giving. For instance, paternal or maternal references to God may be liberating for some people but deeply painful for others. Despite the complexity, this church urges Christians to work together to confront the problem of exclusive language and imagery because these contribute significantly to patriarchal religious beliefs and practices.

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The formulation of Father, Son, and Holy Spirit is at the center of the conversation. Many Christians think this is the only correct way to speak of God, which reinforces exclusively masculine

associations. Others think that the traditional Trinitarian formulation should be changed or discarded because it promotes a faulty understanding of God as essentially male.

The ELCA affirms the creedal witness to the mystery, relations, and actions of the three persons of the Trinity. At the same time, this church holds that exclusive use of a male-oriented formula to refer to God is problematic. The use of expansive language for God reflects faithfulness to God's self-revelation in the Scriptures and in human experience.

In our life together, we call upon leaders and members to enlarge the dialogue about and practice of inclusive and expansive language and images for God. It is vital to explore the often-neglected variety of symbols for God recorded in the Scriptures, and to plumb the historical insights found in theology and religious art. In this spirit, this statement urges the continued exploration and development of expansive liturgies, hymnody, and worship resources.

**28) Develop and support more extensive policies and practices within the ELCA that promote equitable authority and leadership within this church in all its expressions. In many instances this requires promoting the leadership of women, with special concern for women of color. In other cases, this means promoting the participation of men in more varied roles, including those traditionally seen as "women's work."**

In the 1970s, the three predecessor churches of the ELCA made independent decisions to ordain women for the public ministry of Word and Sacrament.<sup>49</sup> While multiple viewpoints were argued, these churches concluded that the Scriptures present a mixed record regarding ordination and that nothing definitive precluded women from serving in this office.

Since then, the experience of this church has shown those decisions to be God-pleasing, consistent with the words of the prophet Joel (Joel 2) and embodied in the Pentecost story of Acts in which the Spirit falls upon all without respect to age, gender,

nationality, or ability (Acts 2). Women serving in lay leadership, ministries of Word and Sacrament, and ministries of Word and Service have borne powerful witness to the Gospel and enlivened this church's ministry. However, individual journeys have been difficult for many, and the communal journey since 1970 has been agonizingly slow.

In light of this experience, this church gives thanks, rejoices, and remains committed to developing and supporting additional policies and practices that promote women's authority and leadership within the ELCA, both rostered and lay. Given the continual struggles of women of color for acceptance, equity, and leadership, this church's commitments with them require special attention.<sup>50</sup>

This commitment to confront continuing sexism and promote equitable authority and leadership of women belongs to the entire church. It also includes encouraging men to seek more varied roles in lay service and on the roster of Word and Service.

The commitment speaks to, but is not limited to, call committees, boards, and councils. It requires attention to formal and informal mentoring and succession planning. It requires attention to practices in seminaries, colleges and universities, social ministry organizations, preschools and grade schools, and youth ministries. Together we can open ourselves joyfully to the Spirit, who clearly has used the gifts of female leadership to enhance and empower her work.

**29) Promote changes that are economically just, including equitable pay and benefits, for women in all ELCA institutions and organizations, with special attention to the situations of people affected by intersecting forms of discrimination.**

In support of women's authority and leadership, this church must continue to seek new ways to redress economic injustice. As of this writing,<sup>51</sup> rostered women of the ELCA average higher pay than ordained women nationally but their compensation remains inequitable compared to that of men within the ELCA. The ELCA is called to renew efforts to support equitable benefits and pay

across our church. These should include particular attention to women affected by intersecting forms of discrimination.

These efforts should not overlook the economic concerns of lay women serving in church callings, including those serving in less-recognized roles such as office administrators, preschool teachers, or in ministries of hospitality. The various organizations and institutions of this church need to review their compensation, including insurance and other benefits.

Finally, this church needs to offer greater support for women's ministry and leadership in policies related to pregnancy, parental leave, and breastfeeding. Improved arrangements for ELCA rostered leaders and for employees of ELCA-related organizations and institutions should support these leaders and demonstrate this church's commitment to family.

**30) Seek and encourage faithful dialogue, discernment, and, when possible, joint action on issues of patriarchy and sexism with other members of the body of Christ and with partners of other religions and worldviews. As a member of a global communion, the ELCA affirms the Lutheran World Federation's "Gender Justice Policy." ([www.lutheranworld.org/sites/default/files/DTPW-WICAS\\_Gender\\_Justice.pdf](http://www.lutheranworld.org/sites/default/files/DTPW-WICAS_Gender_Justice.pdf))**

Governed by the framework of this statement, we in this church acknowledge our responsibility to continue to address our own actions, attitudes, policies, and practices as members of the body of Christ. We believe that the Holy Spirit is leading faithful Christians, as well as people of diverse religions and worldviews, into deeper discernment about questions of patriarchy and sexism.

In our own exploration of these issues, we seek whenever possible to engage our Christian siblings in mutual discernment and common action, acknowledging our own complicity in patriarchy and sexism. This approach is apparent in the ELCA's "A Declaration of Ecumenical Commitment": "The first word, which the Church speaks ecumenically, may well be a word of self-criticism, a word against itself, because we are called to be seekers

of a truth that is larger than all of us and that condemns our parochialism, imperialism, and self-preoccupation.”<sup>52</sup> Dialogue, while necessary and mutual, begins through self-examination.

Given the diverse but strongly held perspectives in society and throughout Christ’s church, conversations about patriarchy and sexism can be challenging as well as promising. ELCA leaders and members encounter commitments and perspectives among neighbors of other religions and worldviews that are quite different from those endorsed by this statement. In our commitment to engage with and accompany our neighbors, we need to be clear about ELCA social teaching but also listen carefully to different ideas. This is part of how we seek mutual understanding and pursue neighbor justice. The goal is to join in honest conversation and to challenge each other to greater justice while accompanying women and girls in their own contexts.

The ELCA is grateful for the faithful and courageous witness of our global communion, the Lutheran World Federation (LWF). While this ELCA social statement is situated in the diverse cultural context of the United States, we recognize the biblical rationale, principles, and methodology of the LWF “Gender Justice Policy” as a global benchmark toward conversation and common practice. In a spirit of “mutual conversation and consolation,”<sup>53</sup> the ELCA will continue to accompany and to be accompanied in implementing that policy within the global Lutheran community. Similar efforts by the World Council of Churches, supported by local and regional councils, also encourage us in our collective task.

We invite ecumenical partners, especially full communion partners, to work with us for gender justice in church and society. The fundamental biblical commitment to justice should undergird and guide our common attention to the problems caused by patriarchy and sexism, even when we have different ideas about how to remedy these

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problems. In those areas where we are not of one mind in our discernment, we will continue to walk together in the bond of Christian unity, seeking the Spirit's leading.

We also invite partners of other religions and worldviews, especially where we serve together in coalition, to continue to collaborate with us whenever possible in seeking justice for women and girls. That search is integral to the common good.

## **V. Response: The ELCA calls for action and new commitments in society.**

**31) This church teaches that the God who justifies expects all people to seek justice in earthly relationships, structures, and systems. The ELCA calls for sustained and renewed efforts through which women, girls, and gender nonconforming people experience greater equity and justice. The following commitments express this church's firm hope for renewed social relationships and structures that benefit the common good.**

The Scriptures are clear that the God who justifies is the same God who insists that “justice roll down like waters, and righteousness like an ever-flowing stream” (Amos 5:24). The ELCA affirms that God's Law, in its civil use, permeates and undergirds basic structures of human society to support life and protect all people in a world that remains under the sway of sin. God works through shared human endeavor and intends that all people work together to deter evil and seek justice.

Lutheran Confessional teachings identify the primary structures of human society—the church, family, civil authority, and economic arrangement—as God's gifts. Justice is the measure by which God's Law guides and assesses these basic structures. Social structures and institutions that fail to do justice are not fulfilling the purpose for which God created them. They must be challenged and held accountable; this is a matter of great urgency because human life depends upon them.

In seeking the well-being of the human community, the Lutheran tradition places a strong reliance upon human reason and knowledge tested and exercised through the sciences and social analysis. Although imperfect, social movements—enlivened by the insights of human reason and knowledge—can be expressions of God’s work through the Law to bring about greater justice and social liberation. The women’s movement, broadly understood, is one of these.

In identifying the following aspects of society that require engagement, this church does not presume to have quick or easy solutions for the deeply rooted, intertwined, and complex problems that permeate earthly systems and structures. Time, study, effort, and discernment are required. Nevertheless, it is both a clear biblical teaching and a matter of neighbor justice that God’s people hold governing authorities and social structures accountable to their purpose, ensuring greater equity and justice for all.<sup>54</sup> These commitments to advocate for and support social renewal express this church’s firm trust that God works to create improved social relations.

In identifying the following aspects of society that require engagement, this church does not presume to have quick or easy solutions for the deeply rooted, intertwined, and complex problems that permeate earthly systems and structures.

**The Evangelical Lutheran Church in America commits itself to:**

**32) Advocate for and support laws, policies, and practices that respect diverse bodies rather than discriminating against, objectifying, or devaluing them. Women, girls and people who identify as non-binary must not be deprived of their human or civil rights. (See the ELCA’s social message “Human Rights,” [ELCA.org/socialmessages](http://ELCA.org/socialmessages).)**

ELCA social teaching supports human rights for all people, regardless of their sex (biological), gender, or sexuality. This stance is rooted in respect and welcome for all people as created

in the image of God and evident in the ELCA's longstanding commitment to protecting civil and human rights. While members may hold differing views on matters related to sexual orientation or gender identity,<sup>55</sup> this church is nevertheless united in opposing discrimination, objectification, abuse, or control of the bodies of women, girls, or individuals who identify as genderqueer.<sup>56</sup> The ELCA's commitment to civil and political rights helps to orient the changes and challenges addressed in the following commitments. Minimal steps include developing and enforcing laws, policies, and practices that do not deprive any people of their human or civil rights.

**33) Advocate for and support the eradication of gender-based violence within the church and more broadly in society by addressing both the systemic aspects of such violence and the personal responsibility of those who perpetrate harm. (See the ELCA's social messages "Gender-based Violence" and "Commercial Sexual Exploitation," ELCA.org/socialmessages.)**

All people deserve safety and protection from violence, along with due process and support when violence is experienced. Although anyone may experience gender-based violence, the overwhelming number of attacks target women, girls, and individuals who identify as genderqueer. Such violence often occurs in domestic settings, yet gender-based violence includes any physical, sexual, psychological, emotional, economic, or other personal harm inflicted on someone for reasons of gender, regardless of the setting.<sup>57</sup>

Although individuals are ultimately responsible for their actions, gender-based violence is rooted in systemic sin. A patriarchal social system affirms, sometimes implicitly, that women and girls should be controlled or subordinated. In this way, it underwrites, justifies, or at least permits acts of violence, whether by individuals or communities. Patriarchy, even when seemingly harmless or unrecognized, often reinforces the conditions, attitudes, and values that undergird harmful action.

The wide scope of theological, pastoral, and societal matters related to gender-based violence is addressed in the ELCA's social

message “Gender-based Violence.”<sup>58</sup> In it, this church calls upon itself and upon society to resist and change harmful attitudes, beliefs, and systems. This social statement affirms the analysis, insights, and commitments expressed there.

**34) Advocate for and support medical research, health care delivery, and access to equitable and affordable health care services, including reproductive health care, that honor how bodies differ and eliminate discrimination due to sex (biological), gender, or sexual orientation. (See the ELCA social statements *Caring for Health: Our Shared Endeavor* and *Abortion*, [ELCA.org/socialstatements](http://ELCA.org/socialstatements).)**

The ELCA teaches that a just society provides equitable access to health care for all.<sup>59</sup> Health is a shared endeavor, requiring both personal responsibility and social commitment. “Health care is the kind of good most appropriately given on the basis of need.”<sup>60</sup>

The U.S. medical system is widely recognized as a global leader in research, prevention, and treatment. As a church, we are grateful for amazing medical advancements. At the same time, U.S. health care has carried a bias against women and girls in its practice and delivery.

This church gives thanks for those who have drawn attention to these problems. We urge everyone in medical research and health care delivery to recognize that diverse bodies have differing needs. We look for further advancement in medical research and the health care system, both rural and urban, that eliminate discrimination based on sex and gender, economic resources, ability, ethnicity, or race.

This statement affirms previous ELCA teaching on reproductive health care. Such care is to be provided according to need in all cases,<sup>61</sup> and this church opposes any effort to roll back that delivery. While questions about how best to organize and finance mechanisms of care leave room for legitimate debate, the mandate for equitable access to reproductive health care remains.

The ELCA social statement *Abortion* (ELCA.org/socialstatements) addresses in a nuanced way this critical, complex, and controversial aspect of reproductive health care. It teaches that the life and decisions of someone who is pregnant, as well as the developing life in a womb, must be respected and protected through a complex assessment of moral and social factors.

On that basis, this church teaches that abortion ought to be an option of last resort for pregnant persons and the people in their lives. At the same time, ELCA teaching opposes laws that deny access to safe and affordable abortions. It urges efforts to reduce the conditions that encourage many to turn to abortion as the response to unintended pregnancy.<sup>62</sup>

**35) Advocate for and support economic policies, regulations, and practices that enhance equity and equality for women and girls, with special concern for raising up women and girls who experience intersecting forms of oppression. (See the ELCA's social statement *Sufficient, Sustainable Livelihood for All*, ELCA.org/socialstatements.)**

Through human decisions and actions, God intends economic arrangements to support human thriving. This church's benchmark on economic arrangements is that they should provide "sufficient, sustainable livelihood for all."<sup>63</sup>

The U.S. economic system has made notable movement in this direction for women over the last 40 years. However, economic inequality between men and women remains stark, especially when it overlaps or intersects with social identities. This is evident not only in pay discrepancy but also in other forms of compensation. Such economic inequalities disproportionately harm women and their families.

This church expects workers to be paid equitably for similar work. There should be no discrepancies in benefits nor in access to capital for business or investment. There should be no discrepancies in access to Social Security or pensions. Intersecting factors such as race, ethnicity, and ability should not worsen the disparities.

There are various strategies to correct these systemic problems. Some stress regulations aimed at equity whereas others emphasize market freedom. The primary criteria should be what provides sufficient, sustainable livelihood, because the lives of providers and their dependents are at stake.

**36) Advocate for and support multifaceted understandings of social and economic roles so that neither our human traits (such as courage or compassion) nor our callings (such as business leader or stay-at-home parent) are dictated by our sex (biological) and gender. Encourage and empower all people to use their gifts for the sake of the common good, whether at home, at work, or in the public sphere.**

Some people and communities understand gender-assigned roles and characteristics to be largely fixed. These roles, often connected to the teaching of complementarity, are considered to be immutably defined by God or nature. The historical evidence demonstrates that many of the injustices and power inequities visited upon women have followed from that teaching. However, this church holds that roles within social structures are intended for the sake of human well-being and are provisional rather than fixed.

As social beings, we humans need social structures and guidance for the roles we live out. Social structures and roles are not solely social constructions; some aspects of biology influence some behavioral tendencies. Yet, the admission of women into professions such as law or the military in recent decades, and their success in those fields, demonstrate that gender-assigned roles are not immutable as once believed.<sup>64</sup> Social roles and structures require ongoing evaluation in light of God's intent that human community should flourish.<sup>65</sup>

This church celebrates when women find their places of responsibility, whether as heads of a corporation or full-time homemakers. Either choice illustrates the calling to contribute to society's good. Men should explore similar variety in the roles they seek. Because there are many phases in each person's life journey, we also honor roles that are not compensated, such as

retirement or volunteerism. The aim is for individuals in community to seek the most life-giving roles within the structures of church, family, work, or civil society.

This church celebrates when women find their places of responsibility, whether as heads of a corporation or full-time homemakers.

Toward this end, the ELCA urges that society's laws, policies, and practices foster diversity and flexibility so that all may contribute their gifts to society, regardless of their gender.

U.S. courts and legislatures today generally support women's vocations outside the home. In addition, this society needs laws and policies that will eliminate hidden discrimination, including when one becomes pregnant.

**37) Advocate for and support resources for families of various configurations and the communities in which they live. Empower parents and all who raise or care for children or other family members to nurture, protect, and provide for their households in ways that do not reinforce gender-based stereotypes. In particular, advocate for institutional changes that support and encourage men and boys to participate in all family roles associated with the home, caregiving, parenting, and nurturing.**

This church continues to affirm the goodness of marriage and family but also recognizes that patriarchy has affected these relationships in harmful ways. The family is "an indispensable social institution because of its role in establishing conditions of trust and protection of the vulnerable."<sup>66</sup> We teach that families are formed in various configurations; the primary concern is how well they meet their intended purpose of helping all family members flourish.

Historically, in this society men have assumed the "headship" of their households and women have been expected to be subordinate and to fulfill roles with lower social status, such as nurturing and caring for others. In justification, Christians in the past, and many today, cite the so-called "Household Codes"

(Ephesians 5:22-6:9; Colossians 3:18-4:1). Indeed, some point to gender-based rules presented as a form of works righteousness (1 Timothy 2:15).<sup>67</sup>

By contrast, this church holds that God intends the leadership of families to be shared in full and equitable partnerships, which can be arranged in various ways. Social science research indicates that families and households benefit most when roles are adjusted according to the personalities and circumstances involved rather than fixed according to gender, insisting on the male as sole head of the house.<sup>68</sup>

God intends the leadership of families to be shared in full and equitable partnerships, which can be arranged in various ways.

Such adjustments empower those who raise or care for children to share authority and household roles, which allows everyone to thrive. Flexibility permits shared responsibility for all caring relationships in a household, from infant care to elder care. This necessarily means balancing demands of work and income, individual strengths and interests, and the particular needs of the family or household.

Society's economic and social arrangements should provide generously in support of families. For instance, the one who gives birth needs adequate paid leave, but so do other caregivers. Every caregiver needs the opportunity to bond with a newborn and, in relevant cases, to support a partner's recovery from labor and delivery. U.S. society must find ways to increase paid family leave for parents and primary caregivers and to strengthen support for child care. Those returning to work after raising children also need profession-specific support for reentering the work force.

**38) Advocate for and support legal reforms, humane policies, and adequate services for migrants, immigrants, refugees, and asylum seekers, especially those who experience intersecting forms of oppression. (See the ELCA's social message "Immigration," [ELCA.org/socialmessages](http://ELCA.org/socialmessages).)**

This statement affirms previous ELCA teaching and policy that stress fairness and generosity in responding to newcomers in the United States. The ELCA's commitment to U.S. legal and policy reform includes several social-policy resolutions anchored by compassion, justice, and wisdom.<sup>69</sup> Those resolutions prioritize addressing the root causes of mass migration, the unification of families, and just, humane enforcement.

Migrants, immigrants, refugees, and asylum seekers often suffer more when they are women, girls, or gender non-conforming people. At every point in their journey, and even when living and working in the U.S., they are especially vulnerable to degradation, rape, and other forms of violence. Their immigration status must not compromise their safety and well-being. On the contrary, their status as sojourners in this society invokes biblical injunctions for special care and concern (Leviticus 19:34).

**39) Advocate for and support portrayals in entertainment, media, and advertising that do not objectify or stereotype people but rather show all people as capable of the wide variety of human characteristics and roles.**

The power of entertainment and media to shape individual thought and cultural beliefs is immense and often underestimated. This church expects that entertainment and media should seek to be gender just. The gender-based stereotypes and sexist attitudes in film, print, advertisements, and social media are many and require serious efforts for reform.

The purpose of entertainment is to provide release and enjoyment, while art offers an interpretation of human experience that probes our understanding. This church encourages entertainment and media decision-makers to portray gender diversity and to show that individuals are capable of a wide variety of human characteristics and status. Consumers are encouraged to think critically about both the production and their own consumption of these media. Those who raise or educate children and youth are especially encouraged to seek greater media literacy.

**40) Advocate for and support means for increasing women’s participation in local, state, and national politics, with special attention to the proportionate advocacy and support needed by those who face intersecting forms of oppression.**

The Lutheran theological heritage teaches that God intends governing authorities to serve the good of society. When women are underrepresented in this country’s political offices and public leadership, the common good and the vocations of women are not fully served. This church encourages change in social beliefs and attitudes about women that often inform their exclusion from political life and public leadership. This church likewise calls for mentoring, education, and equitable practices toward political leadership, and for services for families and households that enable women to serve. Especially acute is the need to encourage and support women of color and others in marginalized groups to serve in political and leadership roles at local, state, and national levels.

**A Shared Challenge:  
Living in hope, we are called to action.**

We of the ELCA acknowledge the inspiring and yet challenging vision expressed in the rich convictions and significant commitments of this statement addressing justice for women and girls. We recognize that this requires the difficult and critical work of confronting and dismantling patriarchy, sexism, and male privilege. We accept this summons with confidence in the triune God—revealed in the Scriptures and celebrated in Word and Sacrament—who lovingly intends that all people flourish.

We recognize as God’s gifts the society and the church of which we are part, even while analysis reveals how patriarchy and sexism pervade our lives within them. We give thanks for the social advances made in this society against systemic and personal harm. Yet we affirm this statement’s convictions and commitments as a summons to seek even greater justice and equity for all.

We are grateful that God grants us in faith both the freedom and the obligation for neighbor justice, a commitment to seek equity and equality for all. We celebrate the Holy Spirit's work in our church and pray she will empower us to live in hope and into action, because through Jesus Christ we trust that God's promises ultimately will prevail.

We celebrate the Holy Spirit's work in our church and pray she will empower us to live in hope and into action.

## End Notes

- 1 Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *University of Chicago Legal Forum* (1989): 139-167.
- 2 *Freed in Christ: Race, Ethnicity, and Culture* (Chicago: Evangelical Lutheran Church in America, 1995), 4, [ELCA.org/socialstatements](http://ELCA.org/socialstatements).
- 3 See Allan G. Johnson, *The Gender Knot: Unraveling Our Patriarchal Past*, 3rd ed. (Philadelphia: University Press, 2014).
- 4 These principles are evident throughout ELCA social teaching and policy. Examples include the social statements *Caring for Creation; Sufficient, Sustainable Livelihood for All and Genetics, Faith and Responsibility*. Visit [ELCA.org/socialstatements](http://ELCA.org/socialstatements).
- 5 The adage that God provides a way out of no way comes from African-descent religious traditions and is developed by Delores S. Williams in *Sisters in the Wilderness* (Maryknoll: Orbis Books, 1993). Two examples of God’s provision are the stories of Hagar and Ishmael in Genesis 16 and 21 and the Israelites’ passage through the Red Sea in Exodus 10.
- 6 See Phyllis Trible, *God and the Rhetoric of Sexuality* (Philadelphia: Fortress Press, 1978), 18, 78.
- 7 *Ibid.*, 18.
- 8 Translation by Trible, 78.
- 9 *Ibid.*, 72-81.
- 10 For reference to the science and to an engagement by Christian thinkers, see Patricia Beattie Jung and Aana Marie Vigen, eds., *God, Science, Sex, Gender: An Interdisciplinary Approach to Christian Ethics* (Urbana: University of Illinois Press, 2010). It is important to note here that recognition of this diversity follows the contemporary scientific consensus. This statement does not revisit the matters addressed in the 2009 social statement *Human Sexuality: Gift and Trust*. It should not be interpreted as contradicting this church’s recognition of all four conviction sets identified in that social statement, p. 18, [ELCA.org/socialstatements](http://ELCA.org/socialstatements).
- 11 Although philosophers Aristotle and Plato initiated the belief that women are inferior to men and potentially “malformed” men, many early Church Fathers maintained a similar understanding of women. See Nancy Tuana, *The Less Noble Sex: Scientific, Religious and Philosophical Conceptions of Women’s Nature* (Bloomington: Indiana University Press, 1993), 21, 169.
- 12 This argument is known as an ontological argument based on what sex a person is. According to a sex-based understanding of humans, there are two kinds of human nature, based strictly on being male or being female. According to this idea, humans are particular, fixed beings strictly set by biological sex. This idea stands in contrast to a different understanding of humanity (a different

ontological argument), that there is a single “human beingness” (ontology) in which everyone shares. Understanding humans from this viewpoint allows for the actual diversity of human bodies and characteristics.

13 See Kristen E. Kvam on Luther’s reading of Genesis in “God’s Heart Revealed in Eden: Luther on the Character of God and the Vocation of Humanity” in *Transformative Lutheran Theologies*, ed. Mary J. Streufert (Minneapolis: Fortress Press, 2010), 57-67.

14 The Lutheran Confessions explain sin fundamentally as the failure to fear and trust God. “Apology of the Augsburg Confession, Article II,” *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, eds. Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress Press, 2000), 112. The Lutheran Confessions are Reformation-era writings, central to Lutheran theology and practice and constitutionally affirmed by the ELCA.

15 Martin Luther, “Letters to Galatians, 1535,” *Luther’s Works (LW)*, eds. Jaroslav Pelikan and Helmut T. Lehmann (St. Louis: Concordia Publishing House, 1955-1986), 27:58.

16 See Carl E. Braaten, *Principles of Lutheran Theology*, 2nd ed. (Minneapolis: Fortress Press, 2007), 160-161.

17 See *Church in Society: A Lutheran Perspective* (Chicago: Evangelical Lutheran Church in America, 1991), 2.

18 See also “The Lutheran World Federation Gender Justice Policy” (Geneva: Lutheran World Federation, 2013), [www.lutheranworld.org/sites/default/files/DTPW-WICAS\\_Gender\\_Justice.pdf](http://www.lutheranworld.org/sites/default/files/DTPW-WICAS_Gender_Justice.pdf).

19 Martin Luther, “A Brief Instruction on What to Look for and Expect in the Gospels, 1522,” *LW* 35:123.

20 See the ELCA “Book of Faith” initiative’s emphases on reading the Scriptures, [www.bookoffaith.org](http://www.bookoffaith.org).

21 Martin Luther, “How Christians Should Regard Moses, 1525,” *LW* 35:170-172.

22 Martin Luther, “A Brief Instruction on What to Look for and Expect in the Gospels, 1522,” *LW* 35:123.

23 Martin Luther, “On Translating—An Open Letter, 1530” and “Defense of the Translation of the Psalms, 1531,” *LW* 35.

24 Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *University of Chicago Legal Forum* (1989): 139-167.

25 The reader should consult ELCA resources or the many reputable resources for contemporary facts and figures that support claims in this article.

26 For a fuller explanation of this church’s teaching on gender-based violence, see “Gender-based Violence” (Chicago: Evangelical Lutheran Church in America, 2015), [ELCA.org/Faith/Faith-and-Society/Social-Messages/Gender-Violence](http://ELCA.org/Faith/Faith-and-Society/Social-Messages/Gender-Violence).

- 27 “Commercial Sexual Exploitation” (Chicago: Evangelical Lutheran Church in America, 2001), ELCA.org/Faith/Faith-and-Society/Social-Messages/Commercial-Sexual-Exploitation.
- 28 For up-to-date information on these issues in recurring church studies, visit ELCA.org. To date, reports have been posted on the 25th, 35th, and 45th anniversaries of the ordination of women as pastors.
- 29 *Freed in Christ, Race, Ethnicity, and Culture*, (Chicago: Evangelical Lutheran Church in America, 1995): 4, ELCA.org/socialstatements.
- 30 See Johnson, *The Gender Knot*.
- 31 Many of these topics are addressed in ELCA social teaching documents. Visit ELCA.org/socialstatements and ELCA.org/socialmessages.
- 32 See Cordelia Fine, *Delusions of Gender: How Our Minds, Society, and Neurosexism Create Difference* (New York: W.W. Norton & Company, 2010), 176-177, 235-239, and Anne Fausto-Sterling, *Sexing the Body* (New York: Basic Books, 2000).
- 33 Tertullian, *De Cultu Feminarum*, Book 1, Chapter 1, and Epiphanius, *Panarion*, sect 79.1, respectively.
- 34 This view is an ancient problem rooted in philosophical ideas and in some religious teachings. See David Balch, *Let Wives Be Submissive: The Domestic Codes in 1 Peter* (Chico: Scholars’ Press, 1981).
- 35 See Linda Hogan, “Conflicts Within the Roman Catholic Church,” in *Oxford Handbook of Theology, Sexuality, and Gender*, ed. Adrian Thatcher (Oxford: Oxford University Press, 2015), 343-339, esp. 325-327.
- 36 *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (Chicago: Evangelical Lutheran Church in America, 1987), 2.02, [http://download.elca.org/ELCA%20Resource%20Repository/Constitutions\\_Bylaws\\_and\\_Continuing\\_Resolutions\\_of\\_the\\_ELCA.pdf](http://download.elca.org/ELCA%20Resource%20Repository/Constitutions_Bylaws_and_Continuing_Resolutions_of_the_ELCA.pdf).
- 37 See [www.bookoffaith.org/](http://www.bookoffaith.org/).
- 38 See Martin Luther, “How Christians Should Regard Moses, 1525,” *LW* 35:170-172.
- 39 See Elizabeth A. Johnson, *Quest for the Living God* (New York: Continuum, 2008).
- 40 St. Anselm of Canterbury (1033-1109) in Prayer 10 to St. Paul, “Opera Omnia” 3:33 and 39-41, based on Matthew 23:37.
- 41 Julian of Norwich (1342-c.1416) in “Revelations of Divine Love,” chapter 60, para. 6, based on Isaiah 46:3-4; 49:15.
- 42 See Mary J. Streufert, “Idolatry-Critical Justification and the Foreclosed Gendered Life,” in *Lutheran Identity and Political Theology*, ed. Carl-Henric Grenholm and Göran Gunner, Church of Sweden Series 9 (Eugene: Pickwick Publications, 2014), 134-152.
- 43 Martin Luther “Small Catechism,” *The Book of Concord*, 359.

- 44 Martin Luther, "A Treatise Concerning the Blessed Sacrament and Concerning the Brotherhoods," cited in *A Compendium of Luther's Theology*, ed. Hugh Kerr (Philadelphia: Westminster Press, 1943), 176.
- 45 These principles are evident throughout ELCA social teaching and policy. Examples include the social statements *Caring for Creation; Sufficient, Sustainable Livelihood for All*; and *Genetics, Faith and Responsibility*. Visit [ELCA.org/socialstatements](http://ELCA.org/socialstatements).
- 46 See *Church in Society* and "Human Rights" (Chicago: Evangelical Lutheran Church in America, 2017), [ELCA.org/Faith/Faith-and-Society/Social-Messages/Human-Rights](http://ELCA.org/Faith/Faith-and-Society/Social-Messages/Human-Rights).
- 47 The many different translations of the Scriptures from their original languages are not of equal accuracy or value.
- 48 "ELCA Style Guide" (Chicago: Evangelical Lutheran Church in America, 2014), 48.
- 49 The Lutheran Church in America in 1970, the American Lutheran Church in 1972, and the Association of Evangelical Lutheran Churches in 1976.
- 50 See "45th Anniversary of the Ordination of Women" (Chicago: Evangelical Lutheran Church in America, 2016), [download.elca.org/ELCA%20Resource%20Repository/45th\\_Anniversary\\_of\\_the\\_Ordination\\_Women\\_Ordained\\_Full\\_Report.pdf](http://download.elca.org/ELCA%20Resource%20Repository/45th_Anniversary_of_the_Ordination_Women_Ordained_Full_Report.pdf).
- 51 Ibid.
- 52 The policy statement continues: "If it can speak such a word of self-criticism, the Church will be free to reject a triumphalist and magisterial understanding of itself and cultivate instead an understanding of itself as a community of mission and witness that seeks to be serviceable to the in-breaking of the reign of God." See "A Declaration of Ecumenical Commitment" (Chicago: Evangelical Lutheran Church in America, 1991), [download.elca.org/ELCA%20Resource%20Repository/The\\_Vision\\_Of\\_The\\_ELCA.pdf](http://download.elca.org/ELCA%20Resource%20Repository/The_Vision_Of_The_ELCA.pdf).
- 53 Martin Luther "Smalcald Articles," *The Book of Concord*, 319.
- 54 *Church in Society*, 4.
- 55 See *Human Sexuality: Gift and Trust* (Chicago: Evangelical Lutheran Church in America, 2009), 19.
- 56 This statement uses terms regarding sex, gender, and sexuality that are preferred in 2019. Preferences will likely change in the future. See the "GLAAD Media Reference Guide," 10th ed., [www.glaad.org/sites/default/files/GLAAD-Media-Reference-Guide-Tenth-Edition.pdf](http://www.glaad.org/sites/default/files/GLAAD-Media-Reference-Guide-Tenth-Edition.pdf).
- 57 "Gender-based Violence," 2, 6-7 and "Foundational Documentation for a Social Message on Gender-based Violence" (Chicago: Evangelical Lutheran Church in America, 2015), 6.
- 58 Ibid.
- 59 *Caring for Health: Our Shared Endeavor* (Chicago: Evangelical Lutheran Church in America, 2003), 18.
- 60 Ibid.

61 Ibid.

62 *Abortion* (Chicago: Evangelical Lutheran Church in America, 1991), 4-10.

63 *Sufficient, Sustainable Livelihood for All* (Chicago: Evangelical Lutheran Church in America, 1999), 3.

64 In 1872 the U.S. Supreme Court ruled that the right to practice law is not one of the privileges and immunities protected by the U.S. Constitution. Siding with the majority, Justice Joseph P. Bradley argued that “the civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. ...The Constitution of the family organization, which is founded in the divine ordinance as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood.” *Bradwell v. Illinois*, 83 U.S. 130, 141 (1872) (Bradley, J., concurring).

65 *Human Sexuality*, 7.

66 Ibid., 22.

67 Balch, *Let Wives Be Submissive*. These social stipulations were borrowed from the pagan social order of the first century and adapted by some New Testament writers. Despite their pagan origin, they have been treated as matters of revelation because they appear in the Scriptures.

68 Don S. Browning, *Equality and the Family: A Fundamental, Practical Theology of Children, Mothers, and Fathers, in Modern Societies* (Grand Rapids: William B. Eerdmans Publishing Company, 2007), 285ff.

69 Since 2009, policy actions include: “Toward Compassionate, Just, and Wise Reform” (ELCA social policy resolution (SPR), 2008); “AMMPARO Strategy” (ELCA SPR, 2016); “Dream Act” (ELCA SPR, 2011); “Uniting American Families Act” (ELCA SPR, 2013); and “Welcoming and Advocating for Refugees” (ELCA SPR, 2016). These can be viewed at [ELCA.org/Resources/Faith-and-Society](http://ELCA.org/Resources/Faith-and-Society).

## Glossary

**Androcentric:** Male-centered, focused on men.

**Binary (Gender Binary):** The concept that there are only two genders, man or woman, which are inherently distinct and “opposite.”

**Complementary/Complementarity:** The belief that God gave men and women inherently different roles and purposes that complement each other to mutual benefit. Men’s roles have often related to leadership and decision-making; women’s roles have included obeying males and caring for others. These roles are informed by the structural dynamic of dominance (male) and submission (female). The imbalance of power in the relationship contributes to male privilege.

**Domestic violence:** See entry for “Gender-based violence.”

**Equality:** The idea that people have the same rights and should receive the same resources. Equality can refer to the equal worth of all people or to people having equal experiences of their rights and their potential in life.

**Equity:** Fair treatment of people according to their needs. The principle of equity takes into account that people exist on inherently uneven playing fields due to poverty, sexism, racism, etc. Because of these different contexts, individuals or groups may require different resources and support to ensure that they have the same rights and abilities to make choices as others do (such as having a choice of quality doctors, careers, neighborhoods, etc.). The goal of equity is to ensure each person receives what each person needs to flourish and is not disadvantaged.

Ex. A simple example of equality in public restrooms would be having changing tables in all restrooms, because male caregivers may also need a space to change diapers. A simple example of equity in public restrooms would be putting more stalls in women’s restrooms in order to serve the specific needs women have.

**Expansive language:** Language (or imagery) referring to God that is not limited to humanity or human categories: water, a rock, a hiding place, a mighty fortress, etc. See “inclusive language.”

**Gender:** Identities, roles, behaviors, and attributes that cultures, societies, and individuals shape, most often linked to femininity and masculinity. The most common gender identities are woman/girl and man/boy, but other identities exist. For more, see “gender non-conforming.”

**Gender identity:** How a person understands one’s own gender; one’s internal sense of one’s gender.

**Gender justice:** Gender justice is expressed through equality and balanced power relations for people of all genders to live into their individual callings. Gender justice is sought by eliminating power imbalances among people at individual and societal levels, as well as eliminating discrimination against women and people who do not adhere to stereotypes associated with men and women.

**Gender non-conforming, Non-binary, Genderqueer:** Words that people who do not identify as “men” or “women” use to describe their gender (not sexuality). Their gender identity and/or biological characteristics may not completely fit with the dominant and expected ways of acting as, or being, a man or woman or a boy or girl. Each term might be used differently by different people, as an umbrella term or as a specific label for their gender identity. This document uses all three terms in an effort to be inclusive. (Terminology will change over time. Readers are referred to contemporary communities for up-to-date language.) For more, see “gender,” “intersex,” “transgender,” and “queer.”

**Gender-based violence:** Physical, sexual, psychological, emotional, or other personal harm inflicted on someone for gender-based reasons, including but not limited to intimate-partner violence and domestic violence. This can include such things as catcalling women or bullying boys who are not perceived as “man enough.” Perpetrators commit gender-based violence to assert power over someone.

**Genderqueer:** See “Gender non-conforming, Non-binary, Genderqueer.”

**Hierarchy:** A system in which groups are ranked and certain groups have power over other groups. Sometimes this power over others leads to more value being assigned to the group or individuals with dominance.

**Human trafficking:** Coercion, abduction, and/or imprisonment of people for forced labor, often of a sexual nature. This problem is pervasive around the world, including in the U.S. Also known as modern-day slavery.

**Inclusive language:** Language that includes all genders when referring to humanity or God, for instance, using humans or humankind to talk about humanity, rather than man or mankind. See “expansive language.”

**Intersecting, intersectionality:** Humans have multiple aspects to their identities, including gender, ethnicity, religion, sexual orientation, age, social class, etc. These aspects of human identities are tied to systemic privilege and oppression; gender is tied to sexism, ethnicity is tied to racism, etc. Intersectionality describes the ways different forms of discrimination and systemic oppression affect each other and shape the lives of individuals and communities in distinct ways. All human identities and all forms of privilege and oppression are made up of many intersections.

Ex. A woman of African descent may have a Ph.D. and make a healthy salary, but she will still suffer from racism and sexism. However, she would experience that racism and sexism differently from how a man of African descent, a white woman, or an impoverished person might experience them. The injustices she faces, therefore, may have solutions different from those for other people.

**Intersex:** As described by the Intersex Society of North America, a term for a variety of conditions people are born with: physical characteristics, anatomy, and/or genes that vary from standards

set by doctors' expectations for being "female" or "male." The term refers to the fact of biological variation among humans. Some people identify as intersex, rather than using the term solely to refer to a condition; others may also identify as gender non-conforming or a similar term.

**Justice:** Generally, justice refers to an underlying sense of fairness, right treatment, and reciprocity. This statement emphasizes the aspects of justice that include fair and equal treatment under the law, ending oppression based on power differences, and, as emphasized in the Bible, a right relationship with God and within community.

**Neighbor justice:** A term proposed in this social statement that is rooted in the biblical directive to "love your neighbor as yourself." This term expresses the idea that faith is active in love and love necessarily calls for justice in relationships and in the structures of society. Neighbor justice is meeting neighbors' needs across the globe and in our local communities.

**Non-binary:** See "Gender non-conforming, Non-binary, Genderqueer."

**Objectification:** Thinking of or portraying people as objects, erasing their humanity, emotions, and rights.

Ex. Catcalling, advertisements that use sexualized images to sell merchandise, and stories in which female characters exist only as props for male characters.

**Patriarchy:** A social system that enables men to have more power than, and power over, women and people who do not conform to socially accepted gender roles. A patriarchal social system is dominated by men, identified with men, and centered on men's actions, voices, and authority. In various ways, this kind of social system operates to control women, girls, and people who do not fit society's predominant ideas of maleness and masculinity.

**Privilege:** This term refers to the relationships between groups of people in society, to the social advantage or special treatment of a group or persons in a group. This advantage is unearned and results from how a group's identity is perceived as "normal" or "better." Privilege is lived out on an individual and societal scale. Privilege is not something a person deliberately opts into or out of, nor is it experienced by everyone in the same ways.

Ex. A man benefits from male privilege when his opinion is subconsciously valued more highly in a meeting, when he is paid more for equal work, or when he walks down a street without harassment or fear of sexual assault. White people benefit from white privilege when they can shop without being followed or monitored by staff who think they may shoplift, or when the majority of heroes in textbooks and movies look like them. For a white male, the combination of white privilege and male privilege can work together. A white man may have fewer risk factors for some stress-related illnesses such as Type 2 diabetes, while his complaints of pain are more likely to be taken seriously by his doctor. For more, see "intersectionality."

**Queer:** Umbrella term regarding sex, gender, and sexual orientation, often used by individuals who identify as somehow "other" from society's sexual, romantic, or gender norms. Although historically used in a derogatory manner, the term has since been reclaimed as a positive label by some members within that community.

**Rape culture:** An environment in which the objectification of and assault on human bodies, particularly in a sexual way, is normalized and tolerated. Rape culture primarily harms women and girls. Blaming rape victims for their assaults and maintaining a biased justice system are both parts of rape culture and how it is propagated.

**Reproductive health care:** Health services related to the reproductive system at all stages of life for all genders, including the menstrual cycle, fertility, and cancer.

**Sex (biological):** A scientific label assigned at birth that describes an individual's reproductive organs and whether they have XX chromosomes (female) or XY chromosomes (male). People whose biology varies from standards set by doctors' expectations of being "female" or "male" are typically called "intersex." Biological sex characteristics and traits of people who are said to be female or male are also variable.

**Sexism:** Refers to what supports male privilege and reinforces prejudice and discrimination against women and girls due to their gender and against people who do not conform to socially accepted gender roles. Human actions and speech can be sexist, as can institutions, policies, and practices.

**Sexuality:** A complex individual and social concept. Individually, sexuality includes the romantic and/or sexual feelings and desires that a person experiences. People's sexuality is also influenced by the social and cultural forces in which they find themselves.

**Toxic masculinity:** Refers to forms of masculinity that emphasize aggression, power, and control and sometimes violent or unhealthy sexuality. It deemphasizes weakness, caring, and vulnerability. Masculinity itself is not harmful; however, it is described as toxic when these forms of masculinity cultivate harm to self, others, and society. Toxic masculinity limits the humanity and compassion of men.

**Transgender:** Describes a person whose gender is different from the sex assigned or identified at birth. Some transgender individuals identify as men or as women; others don't identify with one of those words. Some people use this term to describe their identity; for others it serves as an umbrella term. Over time its meaning may change as language evolves. See "gender non-conforming."

# Implementing Resolutions for Faith, Sexism, and Justice: A Call to Action

(CA19.05.20)

## Resolved:

1. To urge members, congregations, synods, churchwide ministries, social ministry organizations, church-related institutions, ecumenical partners, and all people of good will to be guided by this statement's convictions and commitments to resist and dismantle patriarchy and sexism, and to transform life in the church and in society;
2. To call upon members of this church to pray, work, and advocate for justice for all those affected by sexism and patriarchy and to draw upon this statement in forming their judgments and actions in daily life;
3. To encourage members to be guided by the ELCA social message "Gender-based Violence" (2015) in taking action, such as urging their congregations to implement policies and to become intentional sites of advocacy and support for local efforts that serve those affected by such violence;
4. To call upon all members of this church to reflect on how mass media (films, video games, etc.) and social media distort sex, gender, and sexuality and to address this problem in their own actions (especially their care for children);
5. To call upon congregational leaders, rostered and lay, to encourage women and girls to pursue leadership roles within congregations and in discernment toward rostered ministry;
6. To encourage ELCA congregations to present positive gender roles in their educational activities, preschools, and day care, and to urge youth-related ministries within this church to adopt positive modeling of gender equity in all leadership, programs, and educational events;
7. To urge congregations, synods, and the churchwide organization (CWO) to address inequities (in pay, senior leadership, availability of second and third calls, etc.), as well as the systemic causes of such inequities, for rostered and

lay women of various backgrounds, identities, and personal experiences, and to advocate for adequate and equitable leave for all parents and families;

8. To call upon the Conference of Bishops, synods, and the churchwide organization to use gender-inclusive and expansive language for God, and to direct the ELCA worship team
  - (a) to use such language whenever it commissions, curates, or develops new liturgical and related educational resources,
  - (b) to supplement existing resources toward that end, and
  - (c) to explore the development of an inclusive language lectionary similar to the Psalter in Evangelical Lutheran Worship;
9. To direct the Mission Advancement unit of the CWO to collaborate with the Office of the Bishop in creating a single page at ELCA.org where readers can access the existing resources of the ELCA and the Lutheran World Federation related to the concerns of this statement and to work to make those resources available in languages other than English;
10. To call upon this church's advocacy and related ministries, such as ELCA Advocacy and ELCA World Hunger, to support and advocate for measures, policies, and laws consistent with this social statement and to give sustained attention to its convictions and commitments in the creation of programs and projects;
11. To recognize past and present CWO efforts to address institutional sexism and foster gender justice in this church, and to urge sustained devotion of resources, such as support for CWO's Justice for Women program;
12. To encourage the ministries of Women of the ELCA and Lutheran Men in Mission to continue and expand their work to address the issues identified in this social statement and to commend greater participation in these efforts;
13. To call upon those engaged in publishing activities throughout the ELCA to continue and extend their support for gender equity in ELCA resources and communications through such dimensions as language, images, stories, Bible studies, themes, and representation of contributors;

14. To urge faculty, staff, and administrators of ELCA-related colleges, universities, and seminaries to renew their efforts to develop syllabi and best practices that affirm and promote the gifts of women from varied identities and backgrounds;
15. To call upon rostered and lay congregational leaders, synodical and CWO staff, social ministry organizations, and faculty and staff at ELCA colleges, seminaries, and universities to renew their efforts to welcome, care for, and support the lives and gifts of LGBTQIA+ persons and to oppose discrimination against these persons so that they may live into the promise of gender justice envisioned in this social statement;
16. To call on the church in all its expressions and related agencies, organizations, and institutions to embed and incorporate anti-sexism training and protocols in their ongoing work, including appropriate adaptations to boundaries training for rostered ministers, and to create institutional resources to support rostered ministers who experience sexual misconduct or gender-based harassment, as well as pastoral care resources for all affected by sexism;
17. To direct the ELCA Church Council to establish a process for public repentance regarding the sins of patriarchy and sexism and establish a churchwide day of confession and repentance no later than the 2022 ELCA Churchwide Assembly;
18. To call upon the Office of the Bishop, in collaboration with appropriate units in the CWO, to establish and oversee processes for implementation of and accountability for these resolutions and to report to the fall meeting of ELCA Church Council in 2021.

*A social statement on...*

## **Faith, Sexism, and Justice: A Call to Action**

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A single complementary copy is available by calling 800-638-3522. Multiple copies of this social statement (sold in bundles of 5) are available for \$1.25 per bundle from: The ELCA Resource Information Service at 800-638-3522 or online at *ELCA.org/resources*.

Una traducción española es accesible en línea *ELCA.org* o llamando 800-638-3522.

A Spanish translation of this statement is available online or by calling 800-638-3522.

Find this and all ELCA social statements and messages online at *ELCA.org/socialstatements*.



**Evangelical Lutheran Church in America**

God's work. Our hands.

## **Church Council Member Synod Visit Reports**

**Name: Dena Gable**  
**Synod Visited: Allegheny**  
**Visit Date: September 19, 2020**  
**Purpose of Visit: Synod Council**

### **1. What are the joys and opportunities happening within the Synod?**

The Allegheny Synod has its first mission start exploration in decades: Gloria de Dios in Pine Grove Mills, PA. While, just beginning the exploration stage, there is a lot of excitement around the possibilities. The bishop and vice presidents in Region 8 gathered for preliminary conversation about future ministry in the region. There are hopes to do more cooperation and shared ministries going forward. The Synod Council approved bylaws for the new Synod Related Ministry, Grace Delivered, a Mobile ministry that is a cooperative effort of the congregations in Somerset County, Pennsylvania.

### **2. How did the visit deepen the relationship between the Synod and the Churchwide Organization? What, if anything, should be shared with the Church Council and/or Churchwide Organization?**

My presence was welcomed, and one person even suggested the Church Council person should come to every meeting. I was invited to share about the work we are doing, and there was curiosity and interest in seeing where the future will lead us as church together. As the synod is looking more toward cooperation with the region, there is certainly hope that partnering more will strengthen the ministry of the Allegheny Synod.

With the Bishop election being delayed until 2021, the focus in the synod right now is really on that transition and being ready for whatever that may need to look like. The interim DEM's contract was extended through December 2020 and she will be taking on additional responsibilities due to other staffing changes.

### **3. Please share how the Synod continues to engage Future Directions 2025.**

**Worship:** An online service celebrating the 50<sup>th</sup> Anniversary of the Ordination of Women is being produced for November.

**Leadership Development:** Seminarian Support Funds, Coach Training for an additional 5 leaders in the Synod, Congregational Vitality Training.

**Congregational Vitality:** A new Synod Mission Table was formed, Congregational Vitality Training for those involved.

## **Publishing House of the ELCA (1517 Media) Report**

*Submitted by Tim Blevins, President and CEO*

Since our report to the March 2020 Church Council meeting, 1517 Media along with the rest of this church and the world has experienced the results of two intertwined pandemics: the recent COVID-19 health crisis and ongoing structural racism laid bare in new and disturbing ways. The first has had a profound effect on our business activities, especially in the congregational space. The second brings with it a call for continuing attention in our work to promote greater understanding and to support the church and the individual in pursuing justice and wholeness for all.

We intend that the publishing activities of 1517 Media complement and align with the goals of the ELCA, especially as recently reframed in connection with the evolving new design for the future of this church. We join in seeking a common purpose: to activate each of us to invite more people into the way of Jesus and discover together community, justice, and love. We share in the work of moving toward fuller realization of what it means to be a church that equips its leaders effectively for the times in which we live, a church that supports and partners with vital congregations to reach and embrace younger generations in all their diversity. This summary highlights a few recent initiatives in our two publishing areas, Congregational Resources and Books, toward the fulfillment of our mission.

### **Congregational Resources**

Augsburg Fortress ([augsburgfortress.org](http://augsburgfortress.org)) and Sparkhouse ([wearesparkhouse.org](http://wearesparkhouse.org)) are our principal imprints focused on helping congregations thrive in their worship and faith formation ministries.

**Worship:** Our support for the ongoing renewal of worship in the ELCA has taken on new dimensions as the majority of churches have ceased or drastically modified in-person worship since March 2020. We support the worship team in the Office of the Presiding Bishop as they offer weekly “worshipping at home” resources and prayers. We see increasing reliance on our digital worship planning and content resources, [sundaysandseasons.com](http://sundaysandseasons.com) and [preludemusicplanner.org](http://preludemusicplanner.org). We assist worshipping communities in responsible use of copyrighted materials within their streamed or podcast services.

At the same time, confident in a future when in-person worship resumes and persuaded that new and timely worship expressions are needed even now, we are preparing for the fall 2020 release of *All Creation Sings: Evangelical Lutheran Worship Supplement*, the fruit of more than two years of partnership with the ELCA worship team and dozens of contributors and reviewers across the ELCA. Its availability in both print and digital media will bring two new communion settings, one with bilingual Spanish and English; a contemplative Service of Word and Prayer; more than 75 new prayers and forms attending to such topics as creation and the earth, society and justice, lamenting racism and gun violence; and 200 hymns and songs in diverse genres addressing the church’s life and the world’s need in this time.

**Faith formation:** Supporting congregations as they seek to form people in Christian faith and practice is another area of our ministry that has seen profound impacts from recent events. We have provided Remote Sunday School helps to assist congregations in adapting their curricula for children and youth to online learning environments, while recognizing many congregations are forgoing programmatic offerings in favor of maintaining relationships with families and children at a time when online learning during the week contributes to virtual platform fatigue on the weekends.

We continue to expand and enrich content on our online platform, Sparkhouse Digital, that is well-suited for use and adaptation both to in-person and virtual learning environments. Spring 2021 will see the release of the next set of resources based on Daniel Erlander's work, this time a robust offering for all ages built upon his *Manna and Mercy* introduction to the Bible. These new releases add to the family of expanded Erlander resources including "A Place for You" communion resources (adding a bilingual Spanish/English learner resource) and "Come to the Water" baptism resources, as well as *Baptized We Live: Lutheranism as a Way of Life*.

The "Dialogues On" series of study resources for youth and adults is receiving increased attention this year, notably *Dialogues On Race*, as congregations seek to grow in understanding of and acting upon what it means to be an anti-racist church.

### **Books**

**Fortress Press** ([fortresspress.com](http://fortresspress.com)) has long been a vital part of this church's publishing ministry, offering "scholarship that matters" for the church, the classroom, and the academy. In 2016, we launched **Beaming Books** ([beamingbooks.com](http://beamingbooks.com)) to reach a younger generation of parents and others who want children to thrive emotionally, socially, and spiritually, with a mix of religious and values-based children's titles. Our newest imprint, **Broadleaf Books** ([broadleafbooks.com](http://broadleafbooks.com)), brings titles grounded in a grace-based theological tradition that explore the expanse of human experience—always aiming to deepen faith and understanding and bring wholeness to readers and society. With all our imprints, we actively seek authors who are Black, Indigenous, and other people of color, with their perspectives and scholarly insights.

Here is a sampling of recently published books. The titles are descriptive of the range of subjects from practical resources for rostered ministers, to essential texts for students, to lively treatments of critical current topics useful for church professionals and general readers alike, to vivid and wise books for children and those who care for them.

#### **Fortress Press**

*Black Suffering: Silent Pain, Hidden Hope*, James Henry Harris

*Women with 2020 Vision: American Theologians on the Voice, Vote, and Vision of Women*

*Building a Healthy Multi-Ethnic Church*, Mark DeYmaz

*They Are Us, Second Edition: Lutherans and Immigration*, Bouman/Deffenbaugh

*The Augsburg Confession in Parish Life and Faith*, Timothy J. Wengert

*Tribe: Why Do All Our Friends Look like Us?* Sandra Mayes Unger

#### **Beaming Books**

*The World of the First Christians: A Curious Kid's Guide to the Early Church*, Olson/Maybank

*Courageous Creativity: Advice and Encouragement for the Creative Life*, Sarah Zarr

*Read a Book with Me*, Schimel/Lopes

#### **Broadleaf Books**

*Worth It: Overcome Your Fears and Embrace the Life You Were Made For*, Britt Barron

*Giving Up Whiteness: One Man's Journey*, Jeff James

*Just Faith: Reclaiming Progressive Christianity*, Guthrie Graves-Fitzsimmons

*Welcoming and Affirming: A Guide to Supporting and Working with LGBTQ+ Christian Youth*

We strive to work with partners in ministry across the ELCA as we work together toward the future into which God is calling us. Thank you for your continuing interest and support! If you have any questions or concerns, please contact Tim Blevins, 1517 Media President and CEO, at [blevinst@1517.media](mailto:blevinst@1517.media).

## DIGEST OF BOARD ACTIONS

**Unit:** 1517 Media, Publishing House of the ELCA

**Submitted by:** Tim Blevins, President and CEO

**Date of Board Meeting:** June 12, 2020

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**Category 1:** *(Policies with an impact beyond the unit, which require Church Council approval.)*

*None*

**Category 2:** *(Policies related to the day-to-day functioning of the unit or to the specific mandate of the unit.)*

Voted to approve the minutes of the November 1-2, 2019 Board of Trustees meeting in open session. (PH.20.06.01)

Voted that the Board of Trustees of 1517 Media, the Publishing House of the Evangelical Lutheran Church in America, elect Mike Miller as chair of the Board Development Committee. (PH.20.06.02)

Voted that the Board of Trustees of 1517 Media, express appreciation and extend thanks to Jill Yetman for her service as a member of this Board. (PH.20.06.03)

### **Executive Session actions**

Voted to approve the minutes of the November 1-2, 2019 Board of Trustees meeting in executive session. (PH/ES.20.06.01)

Voted that the 1517 Media 2021 operating budget be approved as presented. (PH/ES.20.06.02)

**Category 3:** *(Other procedures and board actions.)*

*None*

## **ELCA Foundation Report**

*Submitted by Kathy Summers, President and CEO*

Despite the global pandemic and the negative impact on the securities markets, the ELCA Foundation (“Foundation”) has continued with business as usual and was able to continue moving forward on most projects. Any exceptions were related to limited access to the building and files.

### **Overview of Transition Implementation**

Most components of the Foundation transition implementation plan, identified by the Foundation Task Force, have been completed over the course of the past two and one-half years. Updates on remaining items follow:

- **Transfer of Charitable Gift Annuity (CGA) Assets**

Phases I & II, representing twenty states of the CGA Program, transferred from the ELCA to the Foundation in 2018. In 2019, fourteen of the twenty-eight Phase III states were registered and transferred to the Foundation in January 2020 with an effective date of December 31, 2019. The ELCA Foundation is now registered in six additional Phase III states and negative consent letters were mailed to the annuitants in those states. We did not receive any objections. Contracts from those states will be transferred over to the Foundation in January 2021 with an effective date of December 31, 2020. At that point forty of the forty-eight states will be registered and transferred. Work continues to on register the remaining eight states.

- **Financial Systems and Administration Services**

As planned, the Foundation and the ELCA churchwide organization went live with the Workday financial system implementation on July 1, 2020.

The Workday endowments module implementation project was officially begun on July 1, 2020. Plans are still on track for a go live during the fourth quarter of 2020.

### **Development Results through Q2 2020**

- **Endowment Fund A**

As of June 30, 2020, the value of participant accounts invested in Endowment Fund A was \$770.9 million, compared to \$769.1 million on June 30, 2019. There are 1,140 investing participants in Fund A, including 928 congregations and 54 synods. During the first half of the year, 17 new endowment accounts were opened, totaling \$2.3 million, and 5 accounts were closed, totaling \$942,174. Contributions from outside participants to new and existing endowment accounts totaled \$15 million; withdrawals totaled \$11.1 million.

- **Charitable Gift Annuity Pool**

The Charitable Gift Annuity program totaled \$52.8 million on June 30, compared to \$50.4 million on Dec. 31, 2019. Throughout the first half of 2020, 7 new charitable gift agreements were signed, with a total value of \$306,000.

- **Charitable Remainder Trusts**

The Charitable Trust program totaled \$58.9 million on June 30, 2020 compared to \$67.4 million on Dec. 31, 2019. There were no new charitable remainder trusts funded or additions to existing trusts.

- **Gift Planner Results**

The ELCA Foundation network currently has 23 regionally located gift planners and 21 partnerships with over 150 ministry partners. The Foundation, including affiliates, posted solid results during the first half, with \$64.1 million in total gifts and endowment assets. Of that, \$43.9 million was written in future planned gifts, \$5.7 million in current gifts (including funded trusts, gift annuities and individual endowments) and \$14.5 million in new outside-investor assets.

New gift plans written during this time period totaled 116. In addition, gift planners stewarded over \$26 million in previously written plans, in some cases increasing the estimated gift size to ministry.

- **Gift Distributions**

Throughout the 1<sup>st</sup> and 2<sup>nd</sup> quarters, approximately \$26.9 million was distributed to ministry.

- **Board of Trustees**

The ELCA Foundation Board of Trustees welcomed Heather Marx of Winona, Minnesota, as a trustee at its September 2020 board meeting. The board also accepted the resignation of John Quello from the board in October. The Foundation's Executive Committee will be meeting soon to identify a replacement for Mr. Quello.

- **Highlighted Action Items from last Board Meeting**

The Board of Trustees took under consideration, and ultimately approved, two major actions affecting the business of the Foundation. The first was the approval of a reserve fund fee for the Charitable Gift Annuity (CGA) Program. This fee will help create a fund that will ensure that once the current reserve fund is exhausted – which is projected to happen in 2032 – that there will be funds in place to continue to cover underwater CGAs until at least 2044.

The second action was a recommendation to expand the current Donor Advised Fund program and place it with MS Gift, a white label product offered by Morgan Stanley.

**ELCA Foundation Digest of Board Actions**

**Submitted by:** Kathy Summers, President and CEO

**Date of Written Action:** June 29, 2020; September 17-18, 2020

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**Category 1:** *(Policies with an impact beyond the unit, which require Church Council approval.)*  
None

**Category 2:** *(Policies related to the day-to-day functioning of the unit or to the specific mandate of the unit.)*

VOTED AND APPROVED:

FO.20.06.01: To approve of the audited financial statements of the Endowment Fund Pooled Trust for the year ended Dec. 31, 2019.

VOTED AND APPROVED:

FO.20.06.02: To approve of the audited combined financial statements of the ELCA Foundation and the Endowment Fund Pooled Trust for the year ended Dec. 31, 2019.

VOTED AND APPROVED:

FO.20.09.04 To approve the assessment of an annual 50-bps reserve fee, to be taken monthly beginning in Q4 2020, to create a reserve fund for the CGA Pool.

VOTED AND APPROVED:

FO.20.09.05 To approve the expansion of the ELCA Foundation DAF program through a white-label DAF and to hire DiMeo Schneider as the consultant. (Mr. Quello abstained)

VOTED AND APPROVED:

FO.20.09.08 To approve the revised ELCA Endowment Fund Pooled Trust Investment Policy Statement.

VOTED AND APPROVED:

FO.20.09.09 To approve the revised Charitable Gift Annuity Investment Policy Statement.

VOTED AND APPROVED:

FO.20.09.10 To approve the engagement of the firm Crowe for the 2020 fiscal year financial audit for the ELCA Foundation and the ELCA Endowment Fund Pooled Trust Combined Audit.

VOTED AND APPROVED:

FO.20.09.11 To approve the engagement of the firm Crowe for the 2020 fiscal year financial audit for the ELCA Endowment Fund Pooled Trust.

VOTED AND APPROVED:

FO.20.09.13 To approve the ELCA Foundation's 2021 Operating Budget.

**Category 3:** *(Other procedures and board actions.)*

VOTED AND APPROVED:

FO.20.09.05 To approve Eric Brudos as Chair of the Board of Trustees of the ELCA Foundation and member of the Executive Committee.

EVANGELICAL LUTHERAN CHURCH IN AMERICA  
CHURCH COUNCIL

November 12-14, 2020

ELCA Foundation Report and Digest of Board Actions

Page 4 of 4

To approve Liza Canino as Vice Chair of the Board of Trustees of the ELCA Foundation and member of the Executive Committee.

To approve Naomi Horsager as Secretary of the Board of Trustees of the ELCA Foundation and member of the Executive Committee.

To approve Eric Golberg as member at large of the Board of Trustees of the ELCA Foundation and member of the Executive Committee.

To approve John Quello as member at large of the Board of Trustees of the ELCA Foundation and member of the Executive Committee.

VOTED AND APPROVED:

FO.20.09.06 To approve James Wilkins as Treasurer of the Board of Trustees of the ELCA Foundation.

VOTED AND APPROVED:

FO.20.09.07 To approve Kim Kernodle as Assistant Secretary of the Board of Trustees of the ELCA Foundation.

VOTED AND APPROVED:

FO.20.09.07 To approve the beneficiary of the Col. & Mrs. Norbert H. Schmidt Memorial Endowment Fund #1 from Luther North College Prep (closed in 2018) to Rockford Lutheran Academy, Rockford, Illinois.

## **Mission Investment Fund of the ELCA**

*Submitted by Eva M. Roby, President and CEO*

### **Financial Update**

The Mission Investment Fund (MIF) has weathered the unprecedented global pandemic in a remarkable way. MIF continued to grow loans and investment obligations, and our capital position has remained strong.

On August 31, 2020, MIF's loans rose to \$601.9 million, an increase of \$26.8 million over our loan balance of \$575.1 million at December 31, 2019. With 889 total loans as of August 31, 2020 we grew congregational loans within our portfolio as congregations proceeded with the building projects they had slated before the pandemic began.

Investment obligations increased \$26 million to \$519.4 million on August 31, 2020 from \$493.4 million at year-end. As volatility continued to characterize equity markets throughout the year, many investors sought out more stable investments, such as MIF's Demand and Term products.

Total assets rose to \$740.5 million as of August 31, 2020 from \$712.3 million at December 31, 2019. Net assets rose to \$215.2 million on August 31, 2020 from \$211.9 million at year-end. MIF's capital ratio remained strong at 29.06 percent.

As the incidence of coronavirus cases began rising in the spring of 2020, the Mission Investment Fund extended assistance to those congregations and ELCA-related ministries that experienced financial hardship as in-person worship services shifted to online worship and ministry activities and financial support diminished. Anticipating declines in weekly giving and ongoing revenue, 139 congregations and ministries requested the option of making interest-only loan payments for May. As congregational giving and ministry revenue increased to more usual levels, many of these customers returned to making full loan payments. By September, only 44 congregations and ministries had the need for interest-only payments. In addition, throughout the pandemic, 25 congregations and ministries requested full deferment of loan payments. By September, that number had dropped to seven.

### **Key Initiatives and Partnerships**

Recent months have seen greater collaboration between MIF and the ELCA Federal Credit Union. As the Credit Union took the ambitious step to become certified by the Small Business Administration to provide loans under the Paycheck Protection Program (PPP) for congregations and ELCA-related ministries facing hardship during the pandemic lock-down, MIF provided strategic guidance as well as personalized work with customers throughout the loan application process. The ELCA Federal Credit Union provided more than 200 loans totaling more than \$8 million. These loans are designed to keep employees on the payroll and cover other operating expenses during the pandemic. We are now in the final stage of this program. MIF and Credit Union staff, in partnership, are now working with the PPP loan recipients to file applications for loan forgiveness.

In our strategic quest to gain a deeper understanding of our customers, and segment and target our markets more effectively, MIF completed the second, qualitative phase of a market research effort. This round of research, incorporating numerous interviews with MIF customers and other members of the ELCA, confirmed our findings from the initial quantitative phase of online surveys: customers choose MIF for our shared values and financial expertise. This final research endeavor is informing our strategy for pursuing opportunities in the years ahead.

### **Looking Ahead**

As the pandemic continues, MIF and the Credit Union continue to monitor the situation and partner closely with congregations and ministries that may need assistance. Our strong financial performance and record of strength and stability continue. We anticipate beginning the third year of our Strategic Plan as we implement new initiatives based on our recent engagement in market research and strategic visioning.

## Portico Benefit Services Report

*Submitted by The Rev. Jeffrey D. Thiemann, President and CEO*

Greetings. As you know, Portico provides an important financial, emotional, and physical backstop for the leaders of this church, and never have they needed us more. **If you take just one thing from this report, make it this:** Our data tells us that many of our plan members need help to strengthen their emotional well-being. As we won't be gathering in person, I've created a [2 min. video message](#) to highlight this critical issue.

### Recent Outcomes

Portico has proven itself well-prepared and responsive to the pandemic, delivering and adapting support our leaders need now — without a gap in service.

- New in 2020: 98point6<sup>®</sup>, a 24/7, text-based primary health care service with a COVID-adjusted \$0 copay through year-end 2021. As of Aug. 1, 1,438 ELCA-Primary health plan members (7.9%) had a visit, with 91% saying they'd use it again. In an after-service survey, two-thirds said it replaced an in-person primary care or urgent care facility visit.
- New in 2020: Being, a holistic, faith-based, wellness video learning platform created by the Big Know and customized by Portico. As of June 30, 5.5% of ELCA-Primary health plan members had enrolled in courses, with Beating Burnout (featuring ELCA rostered ministers) the most popular. Our members spend 45 minutes on average per session — more than 40% over the Big Know's 32-minute average.
- New in 2020: Learn to Live<sup>®</sup>, an online, self-directed mental health program. By June 30, 3.5% of ELCA-Primary health plan members had used it with 71% reporting that the program has lessened their need to take time off work and 90% reporting that the program has increased their confidence and helped them address emotional and/or sleep challenges.
- Service levels have remained strong and consistent. Since Jan. 1, we've answered 36,745 incoming calls, and our year-to-date average Top Box satisfaction score is 89.6%, exceeding our benchmark goal of 85%.
- Given pandemic concerns, Portico waived the biometric screening component of the annual Live Well invitation and credited \$100 wellness dollars to the accounts of eligible members and spouses not completing a screening.

### ELCA Recommends Two Health Benefit Options

For 2021, this Council is recommending Gold+, and Silver+ paired with a health savings account (HSA) employer contribution, to provide greater flexibility. Portico has invited synods, congregations, and plan members to review the [information we've provided](#) and take a fresh look at the ELCA-recommended options. Because of enrollment rules, employers will need to select Silver+ to give their plan members a choice between Gold+ and Silver+. And members should know that, while Silver+ is a good choice for many, they should understand how it works before choosing it.

### 2021 Rate & Benefit Changes

Portico's Board of Trustees approved the average baseline health contribution rate increase of 3.5% for members who receive ELCA health coverage through their organizations in 2021. This is the lowest increase in seven years. Those who continue ELCA Medicare-Primary coverage at their own expense will see a 7.5% increase; however, their contribution amounts for 2021 will remain far lower than those prior to 2019. Based on careful cost-benefit assessment, wellness dollars won't be offered with ELCA-Primary coverage for 2021.

### Target Date Funds

Based on research and customer feedback, Portico replaced the Select Series balanced funds with target date funds (social purpose and unscreened) designed to guide members to an age-appropriate asset mix over time. In early

October, balanced fund money transferred to the target date fund corresponding to a member's 65th birthday, and new members are being defaulted into the social purpose target date funds. As always, members can select from any of the plan's fund options and move their account assets on any normal business day.

### **Social Purpose Fund Awareness Campaign**

As requested by the 2019 Churchwide Assembly (via Memorial D5), Portico successfully planned and executed in 2020 an educational campaign designed to raise member awareness of the ELCA social purpose investment funds. For details, refer to Portico's separate report submitted to this body for review during the November 2020 meeting.

### **Investment Market & Fund Performance**

2020 will be a year to remember ... and to forget. After a volatile first quarter, the financial markets continued their strong second quarter rebound in the third quarter despite a volatile September. We expect continued volatility in the fourth quarter given uncertainty about a COVID-19 vaccine, the presidential election, and the continued economic impact of the pandemic. Portico's board of trustees approves adjustments to 2021 annuity payments based on the Sept. 30, 2020, funded ratio.

### **Extending Service in the ELCA**

Because they provide essential services, ELCA-affiliated ministry organizations — skilled nursing facilities, retirement homes, colleges, and universities — have been in crisis mode since the pandemic landed. Given their laser focus on current challenges, we've been listening carefully to their concerns and helping current clients promote key health benefits to their employees. We presented a webinar in May to CEOs and leadership participants from Lutheran Services in America and ELCA colleges and universities, on ways to manage health care costs. And we're in conversation with several denominations interested in buying a customized version of our wellness learning platform, Being.

### **Advocacy**

Jeff Thiemann has worked hard via his leadership role in the Church Alliance to focus national lawmakers on health and benefit-related issues of importance to the ELCA. During this pandemic, he and Church Alliance colleagues have partnered with the Alliance to Fight for Health Care (AFHC), a broad-based coalition, to advocate as a COVID-19 response team. While the CARES Act signed into law in March made significant assistance, including the PPP loan program, available to churches, religious organizations, and their employees, since April, this response team has urged lawmakers to pass additional legislation to support temporary premium subsidies for COBRA and church plan coverage continuation to help workers facing layoff or furlough due to COVID-19. This work continues today.

### **Legal**

Five years ago, Portico launched a vigorous defense against a lawsuit, one of many initiated against large 403(b) and 401(k) retirement plans generally alleging poorly performing investment options and administrative expenses that are too high. In 2018, the claims related to investment performance were not allowed to proceed as a class action, based, in part, on expert evidence that most plan members were better off financially in ELCA Retirement Plan funds than in alternative funds cited in the lawsuit. While we believe the evidence would have demonstrated that we prudently administered the ELCA Retirement Plan, it became clear that further litigation and potential appeals were no longer financially prudent nor in the best interests of our members given Portico's ongoing resource commitment and the significant costs incurred by our insurers. Therefore, we agreed to end the litigation through a settlement with the plaintiffs, which was finalized by the court in August 2020.

Portico Benefit Services

**Submitted by:** The Rev. Jeffrey D. Thiemann, President and CEO

**Meeting Dates:** June 2, 2020 and August 4 & 7, 2020

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**Category I:** *(Policies with an impact beyond the unit which require Church Council approval.)*

**August 2020 Resolutions/Actions**

**Approved** the resolution for the product design and pricing for the new Flexible Benefits Group Life Plan product.

**ELCA Disability Benefits Plan – Effective January 1, 2021**

Section 7.01 (Clarification of the Plan's provision of providing the Gold+ option to ELCA-Primary health benefits members and the standard option for ELCA Medicare-Primary health benefit members. The amendment protects the Plan from a higher health plan contribution rate for ELCA-Primary coverage and the potential for high cost claims for which Medicare, not ELCA-Primary, should pay primary.)

**ELCA Flexible Benefits Plan – Effective January 1, 2021**

Sections 2.41, 4.07, 9.02, 9.03 (Eliminates Wellness Dollars from being earned)

**ELCA Medical and Dental Benefits Plan – Effective January 1, 2021**

Sections 9.01, 20.02, 20.03, 20.04, 20.06, 20.08, 20.10, 20.11 (Eliminates Wellness Dollar references)

Section 9.02 (Clarification of the Plan's provision of providing the Gold+ option to ELCA-Primary health benefits members and the standard option for ELCA Medicare-primary health benefits members. The amendment protects the Plan from a higher health plan contribution rate for ELCA-Primary coverage and the potential for high cost claims for which Medicare, not ELCA-Primary, should pay primary.)

**ELCA Survivor Benefits Plan – Effective January 1, 2021**

Sections 2.01, 3.01, 3.02, 3.03, 3.05, 3.06, 4.01, 5.01, 5.02, 8.06, 8.27 (Adds non-qualified church-controlled organizations (Non-QCCOs) under a separate fee structure for a new Class 3 and Class 4 Life Insurance Group, and also clarifies provision and terms)

**Category II:** *(Policies related to the day-to-day functioning of the unit or to the specific mandate of the unit.)*

**June 2020 Resolutions/Actions**

**Approved** resolution to add Target Date Funds (TDFs), remove the Select Series of funds for the ELCA Retirement Plan, ELCA Master Institutional Retirement Plan, and ELCA 457(b) Deferred Compensation Plan, remove from the Build Your Own Series the ELCA Social Purpose (SP) US Stock Fund and ELCA US Stock Fund, and make SP TDFs the default fund.

**August 2020 Resolutions/Actions**

**Approved** 2021 Contribution Rates for the Survivor, Disability and Medical and Dental Benefits Plans.

**Approved** resolution modifying pricing for the ELCA Master Institutional Retirement Plan to a tiered pricing structure for the administrative fees for the Plan.

**Approved** amendments to:

**ELCA Disability Benefits Plan** – *Effective January 1, 2021*

Section 5.01 (Shortens the time period a member may claim a disability and reduces administrative complexities for Portico and employers due to the uncertainty between last day worked and applying for benefits when using a six-month period.)

Section 6.02 (Clarifies the amount of the Retirement Plan contribution based on the employee's employment position.)

**ELCA Flexible Benefits Plan** – *Effective January 1, 2021*

Section 5.05 (Implement the optional mid-year election changes permitted under the CARES Act)

**ELCA 457(b) Deferred Compensation Plan** – *Effective January 1, 2021*

Sections 8.02, 12.03 (Clarification of duties in selecting a default fund)

Sections 9.01, 9.02, 9.07, 9.08 (Change the beneficiary distribution period to 10 years versus 30 years due to non-qualified plan regulations which permit retirement funds to remain as general funds, held at Portico, and subject to creditors.)

**ELCA Medical and Dental Benefits Plan** – *Effective January 1, 2021*

Section 6.06 (Removes the Enhanced Dental Option under Coverage Continuation)

Section 6.07 (Clarifications of coverage)

Section 6.10 (Additional legal disclosure regarding Termination for Cause)

**ELCA Retirement Savings Plan** – *Effective January 1, 2021*

Section 2.35 (Adds "30 years of service" as one of the criteria for Retirement consistent with the ELCA Retirement Plan)

Sections 2.15, 9.08, 9.14 (Compliance with the SECURE Act which limits certain beneficiaries to a ten-year distribution term)

Sections 7.04, 9.04, (Compliance with the CARES Act which permits COVID-related distributions and the ability to recontribute funds back into the Member's account within three years)

Sections 2.18, 9.07, 9.08, 9.16, 10.03 (Compliance with the SECURE Act which limits certain beneficiaries to a ten-year distribution term)

**ELCA Master Institutional Retirement Plan** – *Effective January 1, 2021*

Sections 5.04, 8.04, 8.18, 8.19 (Compliance with the CARES Act which permits COVID-related distributions, the ability to recontribute COVID-related distributions back into a Member's account within three years, COVID-related loans, and loan deferrals)

Sections 2.18, 8.08, 8.15 (Compliance with the SECURE Act which limits certain beneficiaries to a ten-year distribution term)

Section 9.04 (Allows Employers to use forfeited Employer Contributions for additional purposes in accordance with industry standards)

**Received** amendments approved by the President – *Effective July 1, 2021*

**ELCA Medical and Dental Benefits Plan**

Sections 9.07, 9.08 (Administrative clarifications)

**Received** amendments approved by the President – *Effective January 1, 2021*

These amendments improve language clarity, adds enacted regulations regarding Minimum Required Distributions, updates IRS contribution and income limits, and adds or amends legal disclosures.

**ELCA Disability Benefits Plan**

Sections 3.01, 3.02, 5.03, 8.01, 8.06, 10.03, 10.04

**ELCA Flexible Benefits Plan**

Sections 6.02, 7.02

**ELCA 457(b) Deferred Compensation Plan**

Sections 5.01, 5.02, 5.03, 9.03, 9.06, 13.02, 17.08, 17.11

**ELCA Medical and Dental Benefits Plan**

Sections 1.02, 103, 3.01, 3.02, 5.02, 6.03, 9.05, 9.08, 10.03, 10.04, 10.06, 11.06, 12.01, 12.06, 12.08, 12.14, 14.06, 16.02, 16.03, 17.01, 17.04, 17.17, 17.19

**ELCA Survivor Benefits Plan**

Sections 1.02, 9.03, 9.04

**ELCA Retirement Savings Plan**

Sections 1.03, 1.06, 2.08, 2.09, 2.21, 4.05, 7.01, 8.03, 9.07, 9.13, 10.03, 12.03, 12.05, 12.06, 12.18

**ELCA Retirement Plan**

Sections 1.03, 1.07, 2.10, 4.01, 4.02, 7.01, 8.03, 9.15, 10.01, 12.07, 12.09, 12.10, 12.20

**ELCA Master Institutional Plan**

Sections 2.05, 2.11, 2.12, 2.19, 2.20, 2.22, 2.44, 3.02, 2.48, 4.05, 4.15, 5.07, 8.01, 8.02, 8.06, 8.14, 9.03, 11.02, 11.03, 11.05, 11.06, 11.12, 11.16, 11.19

**Category III.** *(Other procedures and board actions.)*

**June 2020 Resolutions/Actions**

**Received** written report of electronic vote regarding the Paycheck Protection Program Loan Application.

**August 2020 Resolutions/Actions**

**Approved** the retention of RSM as independent auditor for the year ending December 31, 2020.

**Approved** holding the November 2020, Annual Board of Trustees meeting online during the week of November 2-6, 2020.

## Women of the ELCA Report

*Submitted by Linda Post Bushkofsky, Executive Director*

The work of the churchwide staff of Women of the ELCA is to support the organization's participants as they live out the mission of mobilizing women to act boldly on their faith in Jesus Christ. As with everyone, Women of the ELCA has had to rearrange its plans for the year and generate new programming, all while working from home and managing the personal challenges that have arisen since March (e-learning of children, lack of day care, need to care for ailing parents, etc.).

Here are some of the ways the organization has responded to the twin pandemics of coronavirus and systemic racism.

- The April 2020 meeting of the churchwide executive board was virtual, as will be the October 2020 meeting.
- The churchwide executive board postponed the Eleventh Triennial Convention and the Just Love Gathering, originally scheduled for July 2020, to August 2021. Staff renegotiated all relevant contracts for the events.
- The board also encouraged all synod women's organizations to postpone all in-person events through the end of 2020 and it appears all have complied.
- The organization quickly revitalized a former practice of [Tuesday Prayers at Noon, inviting all women to join in prayer each noon](#), in light of the pandemic. Women have responded individually and with virtual prayer groups.
- A letter writing project was introduced, [Dear Friend in Christ](#). Women are invited to write a letter using the salutation, Dear Friend in Christ. The letters are sent to the churchwide organization and then pairings are made with, for example, Trish getting Maggie's letter and Maggie getting Trish's letter. This has proven to be a great way to sustain community and build friendships in a time that can be all too isolating. Through a release form, [many women have agreed that their letters can be posted on our website](#). Reading these letters offers such a supportive reminder of the redeeming and transforming love of God through Jesus Christ.
- To sustain interest in and build commitment to Just Love, the (rescheduled) 2021 Gathering, staff produced Just Love: A virtual preview, a webinar that occurred September 12, 2020. For this first ever webinar hosted by WELCA, 940 people registered and 630 attended. We offered simultaneous Spanish translation. The event was rated 5 out of 5 by 65.3% of those completing the survey and an additional 26.03% gave it a 4 out of 5 rating. The event included greetings from our churchwide president, reflections on racism from our executive director, a quick hello from Bishop Eaton on site in a Kenosha, Wisconsin prayer vigil, a Bible study (led by the Rev. Angela Khabeb), a Psalm-based stretch break (led by the Rev. Beth Birkholz), a mini-workshop on the fall [Bible study published in Gather](#) (led from Palestine by the Rev. Meghan Johnston Aelabouni), music (by Rachel Kurtz), some time with our artist-in-residence for the Gathering, hip hop artist [Kelly Glow](#) and some promotions of WELCA resources. [A recording of the two-hour event is available on YouTube](#).
- Additional webinars have been planned and produced: [The Tale of Two Pandemics: Systemic Racism and COVID-19](#) and [ELCA Votes](#), a look at civic engagement as the presidential elections near.
- *Called to be Political: But I don't want to be political* was republished earlier this month. The popular resource has been updated and refreshed. Newly added to the content are the personal reflections of four Lutheran women: a retiree, a doctoral student, a seminary professor and a pastor. It's designed for personal reflection but is easily adapted for group use. [Called to be Political is a free download](#).

- *Café*, WELCA's e-magazine for younger women, [launched a B.Y.O.D. virtual series](#) (bring your own dinner) in which readers can virtually mingle and chat with writers and other friends of the organization.
- As with all expressions of the church and other non-profits, financial concerns are great. The primary support of the organization comes when women meet together and collect offerings. Staff have been working diligently to help women envision new ways to support the organization.

## DIGEST OF BOARD ACTIONS

### Women of the ELCA

**Submitted by:** Linda Post Bushkofsky, executive director

**Meeting date:** April 25, 2020 (via Teams)

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**Category 1: (policies with an impact beyond the unit, which require Church Council approval)**

*None.*

**Category 2: (policies related to the day-to-day functioning of the unit or to the specific mandate of the unit)**

Approved the use of funds to cover shortfalls caused by revenue falling short of expectations and annual operating expenses exceeding income (although within budget) in fiscal 2019

Postponed the Eleventh Triennial Convention (2020) and Just Love Gathering due to the coronavirus pandemic; approved rescheduling to August 2021.

**Category 3: (other procedures and board actions)**

Received a report from the 2020 Conference of Synodical Presidents

**Meeting date: October 23-24, 2020 (via Zoom)**

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**Category 1: (policies with an impact beyond the unit, which require Church Council approval)**

*None.*

**Category 2: (policies related to the day-to-day functioning of the unit or to the specific mandate of the unit)**

Received the annual review of the executive director

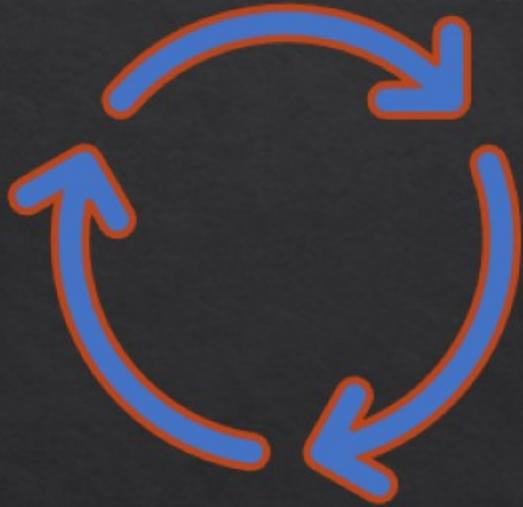
Adopted proposed constitutional changes to submit to voting members of Tenth Triennial Convention (2017) that would allow the triennial convention and synodical conventions to be held via video communication

Adopted a revised policy for the handling of bequests and other gifts

**Category 3: (other procedures and board actions)**

Engaged in racial justice and stewardship education

Adopted a resolution in memory of Nancy Giddings, a former churchwide executive board member who died unexpectedly in March of this year



# What comes next?

Vision and Expectations

Trustworthy Servants

A little context...

Vision and  
Expectations

Adopted by Church Council in 1990

Used by Candidacy Committees as new people considered rostered ministry to identify the “high expectations the Church has for its rostered ministers.”

Excluded LGBTQIA+

Vision and  
Expectations

Over the years, the document was updated and revised, especially after 2009.

But it remained a source of pain for those who were excluded from rostered ministry by its words.

At some point it was decided to re-write it as a new document called “Trustworthy Servants of the People of God.”

Vision and  
Expectations

# What Domestic Mission did in 2020:

- ◇ Pulled together a “listening group” of 9 people who represented a various views of this church’s life, especially those who said they were left out of the process.
- ◇ Created a web page [www.elca.org/rosteredlife](http://www.elca.org/rosteredlife) This site holds all the information about this process.
- ◇ Communicated with 17,000 rostered leaders, ELM, Seminaries, Ethnic Specific Associations, Conference of Bishops and the Church Council what was happening.
- ◇ Asked a very simple and broad question to get input from a wider array of people in the ELCA.
- ◇ Met again to review what we heard.
- ◇ Are getting advice and council from the Bishops on a way to move forward based on what we heard.

## What we noticed:

- ◇ Vision and Expectation's has conflated two needs of the Church:
  1. To describe the aspirations the Church has for its leaders to live faithfully as “models of the Godly life.”
  2. To discipline its rostered leaders.

# What we heard:

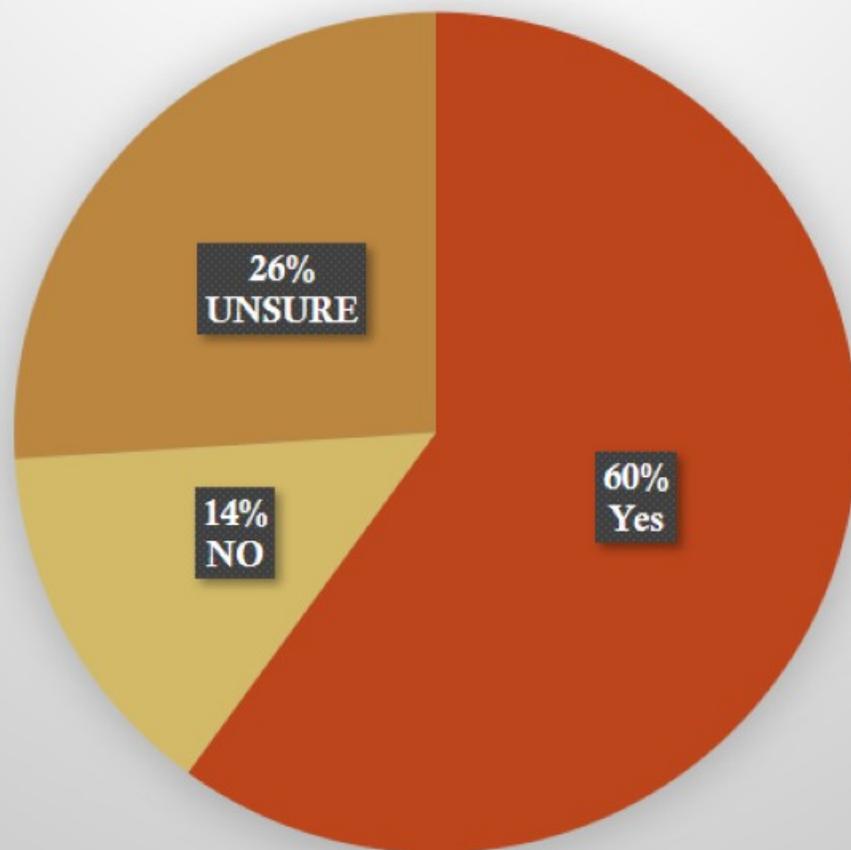
1. There is strong desire to focus on faithfulness to Christ and the Gospel grounded in the fullness of our understanding of the one Triune God, scriptures and our confessions.
2. Vision and Expectations was and is still being misused as a juridical document and continues to be a source of great pain. Whenever you hear someone say “that was a violation of Vision and Expectations” it points to a conflation of a document meant to uphold the behavioral standards of the church and its aspirational desire for all Christians, especially leaders, to lead a godly life. This dual nature needs to end.
3. There is a clear need for Definitions and Guidelines for Discipline to keep our church safe. This document needs to be distinguished and recognized as the one by which leaders are held accountable.
4. There is a desire for a writing that would help everyone, especially leaders, to live a full and reflective lives as a disciples of Jesus Christ.
5. There were a variety of hopes expressed for a church that is more welcoming, diverse, inclusive, active in the world and to continue to examine healthy sexuality from a Christian perspective.

# Church Council Decisions March 2020

1. Vision and Expectations was removed from use in the ELCA.
2. The church live for a season without any aspirational document and hold to Definitions and Guidelines for Discipline alone as juridical.
3. That the timeline be extended to state need for new writing in fall of 2020

# We Asked the Conference of Bishops

**Does the ELCA have a need for some kind of document in place of Vision and Expectations for leaders in the ELCA?**



# Possible Criteria for a New Writing:

1. **Invitational** to the cause of Gospel ministry for potential Rostered and Lay leaders.
2. **Rooted** in scripture, creeds and confessions.
3. **Descriptive** what we believe God is doing through us in the Church and the world (rather than the focus on us and our efforts in any evaluative way).
4. **Evangelical** in that it will inspire people to reach new people with the Gospel message.
5. **Useful** (catechetical) in Candidacy Committees for people considering rostered ministry, Call Committees to remind them of the heart of Christian Leadership, Bishops and Rostered ministers seeking new calls and for Rostered Ministers and as they discern Mobility.
6. **Inspirational**, it will call us all back to the reason why we follow Jesus in the first place as our “first love” (Rev 2.4)
7. **Complementary** with Definitions and Guidelines, possibly mirroring the three audiences of Rostered Ministers, Lay Leaders and Members.

# Budget and Finance Committee Report to Church Council – Part 1 November 13, 2020



**Evangelical Lutheran Church in America**

God's work. Our hands.

# BFC Actions being forwarded to CC

## En Bloc Actions

*1) To approve the report of the ELCA Audit Committee describing its review of the audited financial statements, management letter, and response of management for the churchwide organization's fiscal year ended January 31, 2020.*

Comments: Unmodified (clean) opinion, there were no proposed adjustments recommended by the auditors.



# BFC Actions being forwarded to CC (cont)

## En Bloc Actions (cont)

*2) To extend the Mission Support Experiment to end January 31, 2022, in the following synods (Lower Susquehanna, Metropolitan Washington, D.C., Nebraska, New England, Texas-Louisiana Gulf Coast); and  
To affirm the previous process outlined in CC19.04.13 resolution;  
To request final data/report from Mission Support Experiment Synods to be presented at the April 2021 Church Council meeting;  
To request Mission Support Experiment synods to prepare two scenarios for their FY2022 budget (continue or end); and  
To request a final report and decision from the Budget and Finance Committee to be presented for action at the November 2021 CC meeting*



## Comments on Mission Support Experiments

- This action necessary to bridge the gap (Experiment technically ends 1/31/2020 but decision will not be made until November 2021).
- 2021 Mission Support intents and synod budgets were prepared assuming the experiments would continue in 2021.
- The decision for CC to make in November 2021 requires consideration of other factors (impact and capacity of other synods, DEMs, number of synods, future revenue streams for Churchwide offices)
- Since the experiment has been judged to be mission support neutral but may offer other favorable outcomes, other committees should be included in the evaluation.

# Other Items Discussed



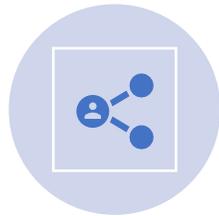
- Current Fund and World Hunger Spending Authorizations – (Saturday)



- Capital Budget Authorizations – (Saturday)



- Review of Fundraising Goals



- Update on work of the Resource Development Committee



Formed 2020. Purpose is to provide counsel regarding fundraising strategies. Met earlier in the week. Topics discussed were:

1) COVID-19 Appeal

\$1.7 million has been raised since April. Distributed over \$1.2 million to 63 synods. Impacted 150,000 people

2) COVID-19 impact on fundraising

3) Review of 2021 revenue projections

4) Future Church overview

5) Future Church and potential for fundraising



Update from Resource Development Committee

### **COVID-19 Special Appeal Narrative Summary Update November 2020**

The ELCA COVID-19 Response Fund was approved by Church Council in April 2020 “as a fundraising effort of this church in order to support congregations, synods, relief and development, global mission, and affiliate ministries that have been negatively impacted by the pandemic.” [CC20.04.09] With the support of generous donors, the ELCA has received \$1.7 million for the ELCA's COVID-19 special appeal. As of Nov. 4, \$1,157,500 has been provided in COVID-19 special appeal grants to 63 synods for this church’s congregations and ministries, serving the needs of approximately 300,000 people. The current distribution of funds focuses on intentionally addressing COVID-19 needs in communities of color hardest hit by the pandemic.

The following is a summary of themes that appeared in the open-ended responses to the COVID-19 special appeal grants. The narratives were written mostly by DEMs and bishops, but also included direct quotes from the people in ministries that received the funds. These narratives are for grant monies distributed from May – early November 2020. Stories from 47 synods were collected.

*Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.*

<b>How Funds Were Utilized (47 synods reporting)</b>	<b># of Synods</b>
<b>Food</b> – stocking food pantries, gift cards to grocery stores, cooked meals, urban gardens	29
<b>Programs/Facilities/Salaries</b> – camp employees’ salaries, mission developer salaries, facility expenses, childcare center utilities, etc.	25
<b>COVID-Related Poverty</b> – help with rent/utilities and other expenses for people who have lost jobs or have medical expenses due to COVID-19	21
<b>Persons of Color or Language Other Than English</b> – serving communities with refugees, new immigrants, indigenous ministries, etc.	19
<b>Technology</b> – updating/installing technology for livestreaming worship, hotspots for school-age children to have internet access, purchasing DVDs of worship to send to people	18
<b>PPE</b> – helping to purchase masks, sanitizer, etc.	7

As for addressing racial equity, stories from 40 synods were received.

*If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?*

The responses related to racial equity were too specific to each situation for a thematic summary.

Following are the full responses to the narrative and racial equity items.

Synod	Months	Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.
1A Alaska	May, July	<p>Trinity Lutheran's community garden is underwritten by this grant which covered the purchase of seed and the employment of a gardener. St Mark hosts another congregation, a daycare and community groups. This grant covered the cost of hand sanitizer stands and sanitizer, face masks, and contact-less faucets. The majority of the members of Alaska Native Lutheran Church are impoverished and what giving there is, comes through the offering plate. ----- This grant helped replace a failed fridge that is essential to maintaining a feeding program that absolutely makes a difference in hungry kid's lives.</p>
1B NW Washington	July, Oct	<p>This is my sharing of the story, if it is to be used for publication, I think that an interview with this community would be much better and definitely a great story to share! Bethel Ethiopian is a thriving worshipping communities that has been working tirelessly to remain connected to their people. Many of the members of the ministry lost their jobs immediately during the stay at home orders. Offering is a physical act that happens in the worship setting. These factors created an initial lack in funds for the ministry. They received a PPP check and have engaging worship experiences on FB live. They also have provided prayer meetings as often as twice a day for three hours each. They also find teachers and speakers to share with their community. Thankfully people as starting to return to work. Part of the funds from this grant are to assist them in upgrading their equipment for streaming their events and to purchase equipment for their building to prepare for when they gather in person again. In spite of all these challenges, they are currently working with the Ethiopian community throughout the Puget Sound region to collect medical supplies to be sent to Ethiopia. They have offered their building as the location for the supplies to be stored and have connected with the Boeing company to send the supplies on a delivery of a jet in August to Ethiopia. They are a faith filled, resilient, caring community! ----- Pastor Paul Kacynski of Roots of the Table is excited to use the \$2,000 grant to create a better platform that is easier to use and produce a better quality video feed for worship gatherings and ministry meetings. He is excited to learn about how to do this and has then offered to share this learning with others in our synod of less expensive, but useful equipment to sustain this long term effort of online gathering. We are looking forward to what he learns and hosting an opportunity to share that with others.</p>
1C SW Washington	May	<p>The SWWA Synod Matched the ELCA Covid-19 Response grant. We are utilizing funds from the Covid-19 grant and the Synod to support two immigrant communities that are hit hardest by a drop in income directly related to high-levels of pandemic related unemployment and business closures. Both ministries are in King County, which has most cases. Funds are used to help with mission developer salaries and MIF loan.</p>

Synod	Months	Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.
1D NW Inter mountain	May, Aug, Sep, Oct	<p>While not a story, below is an adapted quote from the request of ministry # 1. Purpose: Keep our daycare open for children of essential workers Golden Rule Childcare Center, located in Wilbur Community Church, is the only licensed daycare in Lincoln County, is a source of comfort for many working families as it provides a safe and nurturing environment for infants and children. Many of these families would not be able to afford in-home childcare and we partner with the state in providing childcare for these families at little to no cost. Many are single parent households and childcare allows these women to work and extends their support network by connecting them to other families, local resources, and a dedicated team focused on early childhood development... Being in a rural setting, the childcare center is also an important employer for caring adults with passion for nurturing children. We elected to stay open during the COVID-19 pandemic to be a resource for families of essential workers. Since the center is closed to other families at this time, we are not meeting our operating budget. We have active support from our community: volunteers helped paint and renovate the center last summer, the play areas and gardens are attended to by faithful and skilled volunteers from the church. The daycare receives support from fundraisers, but those large events will not take place for the foreseeable future. Salaries will be covered by PPP loan for next few months. Additional funds to cover snacks, craft supplies, cleaning and hygiene products, and other building expenses will help ensure our viability both now for families of essential workers and in the future for the wider community. ----- Grant to Faith LC, Leavenworth, WA reported: "Our Immigration/Race Justice Group applied for and received a NW Intermountain Synod (ELCA Lutheran) grant of \$2,500, the maximum. We had asked for \$5,580 for five specific situations, so we spent Thursday evening prioritizing how we would equitably distribute these funds. With the help of additional resources plus the collaboration of the Wenatchee for Immigrant Justice, we will be able to disperse \$3,200! Below is a summary of our decisions: A. Assistance for a family who lost their home to fire:\$500 B. To a single mom who has transportation needs:\$450 C. For a single mom w/two sons seeking asylum with legal/medical needs: \$1,500 D. CSD immigrant students needing diverse assistance: \$600 E. WVC immigrant students with specific needs \$150 If any of our Facebook members are aware of local immigrant families in need, (or have questions) please feel to have them to call MEND (548.0408) or our I/RJG (548.7012)." and, "St Michael's Food Pantry served 310 households, 647 individuals in August. With 5 volunteers working 74 volunteer hours. Noah's Ark was only open for 4 days in August. The shelter was closed the rest of the month for required repairs, upgrades and renovations and staff reorganization. The shelter will hopefully be open again sometime in the month of September. So the shelter only served 207 meals in August and provided 59 shetler bed nights. 30 unduplicated people spent the night. An estimated 90 hours of volunteer time for those 30 people. One of our partners, the Campbell Farm, did provide two meals a day to folks who congregated outside the shelter while it was closed in August."</p>
1F Montana	Aug, Sep	<p>The Montana Synod has employed a man who has served as a technology consultant for congregations, In disbursing the Tech grants, his expertise was utilized and appreciated over and over again. Having a way to connect the Synod office/staff with the concrete needs in congregations helps to strengthen the relationships between Synod and congregations.</p>

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2C Pacifica	July, Sep, Oct	<p>The service this morning was extra special! Thank you for your determination and expertise to make technology work for the betterment of St. Mark's!" - St. Mark's, Chula Vista, CA "The ONEHB Cares program delivers food and essential supplies to those who have been identified as most at-risk." - LC of the Resurrection, Huntington Beach, CA "We utilized our grant toward non-payroll employee expenses at Luther Glen Farm. For our ministry, that includes room and board expenses and the utilities associated with housing 11 employees." -Lutheran Retreats, Camps &amp; Conferences, Oak Glen, CA "During these creative days of ministry, this grant comes as a huge encouragement for our new faith community." - Hope Palm Springs, CA (new mission start) "Funds were used to purchase food for the month of July for the 17 children we serve in our preschool." - Eden Lutheran, Riverside, CA "One unexpected part of going online was the number of members who have left the Riverside area that are now tuning in to our service and joining us on our fellowship time on Zoom after the service." - Trinity Lutheran, Riverside, CA "When people come to the church to ask for COVID-19 essential items, now we happily give them away. We prepare the items not only for 12-15 church members, but also for those who come and ask for help." - Church of Dream Builders, Anaheim "Thank you for your support and weekly meals. It was delicious! Muchas Gracias!" - Rene (through Agape House, San Diego State University, San Diego, CA ----- Anthony Eder was asked, What is LRCC learning in this challenging Covid year? "We are learning that camp still has a powerful presence in people's lives whether that be joining us for virtual campfires, Sunday with Camp, guests coming to El Camino Pines for cabin rental, bringing food to Faith Lutheran in Yucaipa and virtual farm tours." We give permission for this quote and the photo to be used by the ELCA. Anthony is the Director of Outreach at LRCC and a member of the Pacifica Synod Council.</p>
3A W North Dakota	May	<p>We split the grant evenly between the four outdoor ministry sites in our synod. At the time of the award, each camp director was in the midst of making difficult decisions regarding the camping season, staffing, budget, and day camps. The funds awarded will help with expenses during the season.</p>
3B E North Dakota	July	<p>Upon notice of receiving these extra dollars, the ministry leaders expressed surprise, gratitude, and relief. More than one leader noted that they will use the funds to offer better connections to worship and discipleship through upgraded technology. One leader said he will be using these funds to support a ministry of the congregation that they have developed from the ground up of helping people file for and keep up with reporting on unemployment benefits with English translation for their many members who do not read or write English enough to complete these things on their own.</p>

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3C South Dakota	May, June, Aug	<p>The relief funds will be used to purchase supplies for food and hygiene kits in multiple communities, support ongoing ministry, and for financial assistance for out of work immigrant families in some communities. Approximately 650 people would be served in the communities receiving funds. From one ministry: These funds will be used to buy food and other necessities for those who lost their jobs. These people are undocumented and are not able to apply for government funding. I believe that everyone deserves and needs a meal and meet basic needs. From another: [This grant] will have a huge immediate impact as the community we serve is located in a food desert. Long term impact is, through these funds and ministry, it will help with regaining trust to the Native community who have been wronged by the Christian message. ----- Church on the Street, a ministry that focuses on homeless population, served over 500 protein bags, provided 453 loads of laundry to 74 families, provided food &amp; gas to families living in their cars, and much more. The Pine Ridge Reconciliation Center was able to keep on a cultural immersion director, whose salary is normally generated from visiting groups. This has allowed her to refocus her work in other areas on the reservation and across the synod. Woyatan Lutheran Church is the only Christian church in all of Rapid City that allows traditional Lakota wakes to take place. The funds allowed them to purchase materials to build a traditional tipi, to allow social distancing and a more proper setting for the 25+ families a month they serve in this capacity. ----- At Pueblo de Dios, many have not returned to full time work due to the hours being cut down and others haven't returned to their job at all. Most people in their community do not have documents to work legally, and it is difficult for them to find a new job that will accept them. This funding has allowed the church to provide rent assistance to families, as well as providing food and hygiene kits to families.</p>
3D NW Minnesota	Aug	<p>"This technology has been used to provide virtual services for our congregants during the pandemic. I have heard from many how important it has been to be able to worship, albeit distanced in our homes, during this time. We have many parishioners who are vulnerable. While wanting to provide services, above all, want to be as safe as possible." "Every week we have significantly more people engaging in worship on our website and Facebook than we have had in worship previous summers. Our web page also provides information from where people are watching us. Regularly we have people watching from a multitude of states. One week we even had people watching us from Ottawa Canada and from Italy. The granted enabled this outreach. Thanks!" "We spent the grant money plus our matching funds to purchase speakers, computer, FM transmitter, necessary copyright licenses and cords to begin an outdoor/parking lot service that can be live streamed. This has made it possible for us to have an option for worshipping in person in a safe way. It has brought another collaboration with two congregations in Fergus who do not have the space for an outdoor service on their property." Bethesda had been using equipment that was a volunteer's personal items. They purchased with the grant money and some matching funds from the congregation an iPad, a microphone for the iPad to "improve quality of sounds during the recording. This has been very helpful, especially for capturing closed captioning subtitles for our members who might be hard of hearing." And they purchased a projector that they will use in a variety of ways. They have noted an increased viewership on their Facebook page and web page after posting online worship. "We see this as potential evangelism tool for Bethesda."</p>

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3F SW Minnesota	July	<p>In our synod, the grants for the outdoor ministries and retreat center were especially important as ministries moved online or adapted in-person events for this time of pandemic. The congregations who received grants were especially able to assist people with food insecurities and persons who are homeless. "One of the men who helped with the sandwich distribution is a homeless man who is on the board of Homeless Helping Homeless and lives in a Little House at the Episcopal church....He had been homeless for some 16 years....He is 33 years old and in January had open heart surgery. He lives in the Little House because of the fear of contracting COVID. Two weeks ago, he told me that he and some other homeless folks worked at the fireworks stand at Walmart..... It is good that we can help him. They are trying to help themselves. When I see a situation like his, I wonder what God has in store for him. – Curtis, member, Bethlehem Lutheran, St. Cloud "I most enjoyed the conversations with the individuals I served over several weeks. One man told me that the hardest part of being homeless was the disrespect people would show. Often if walking down the street, some people would quickly move to the opposite side, just because he didn't have as clean of clothes as most people....The people I had the privilege of serving were so thankful of us being there, serving them food, and taking the time to visit with them. – Keith, member, Bethlehem Lutheran, St. Cloud "I'm so blessed to be here right now. I've been without a job for a long while and this will help a lot. God sent me here to get food and baby supplies for my two little children. We really need formula bad." "Thank you for blessing me today!" "I'm here to pick up food for four different families in real need. I'm taking them to my grandkids. I'm not being greedy or anything. I'm just here to pick up for my family who can't get here on their own. Thank you for everything you've done!" – Baby/Food Kit Distribution, First Lutheran, Becker "As a retired farmer living on a very fixed income, this produce and dairy was a God-send. Thank you!" "My spouse and I have been unable to work since March, thank you for helping us feed our family." -House of Grace, Montrose, MN "This grocery store card will be helpful for getting cleaning products to clean my kitchen and bathroom. The food shelf doesn't have most of thee cleaning items." - Peace Lutheran, Cold Spring</p>

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3G Minneapolis Area Pt 1	May	<p>Pastor Thiem Baccam of Lao Evangelical shared, "some members are not working, and we do understand that many of members need financial help. We hope to get bak in fellowship and worship together again, but for now we are separated. The church has not received offerings. I do more praying and reading in this time at home. Thank you so much for the support, we are grateful to receive the fund and it makes the great difference in our needs. Pastor Andrea Mwalilino wrote, "Thank you so much for the good news about the grant funding sent to us! Of behalf of my congregation, Minnesota Swahili Christian Congregation, I would like to give my heartfelt thanks for considering us to support as this very difficult time of the pandemic. Due to Covid-19, our budget is totally destructed because we don't collect enough offerings now. We uise cash App and Zelle to collect our offerings in such a way that we collect little money compared top when we have regular worship service on Sundays. This is because of also the loss of jobs and other locked businesses for some people who do their own business. Thank you so much for your prayers and concerns!" Pastor Michele Lewis of Bread of Life Deaf congregation wrote, "Thank you for your support! One BIG impact on budget now is that every meeting, every worship has a need for certified interpreters. Also, each week we send DVD's to a certain portion of the congregation, and many mailings are an added cost to an already stretched budget. Thank you for the extra funding during this time." Pastor Marlene White Rabbit Helgemo reported, "In addition to the issues we have been addressing in and around our church building, we have now added sexual exploitation which is running rampant around Bloomington Ave. Our Indian Community is now going to start to address this, as we are seeing an increase in Indian women and young girls being trafficted in recent weeks. We now have a Hygiene Safety Center set up in the vacant lot across the street, serving unsheltered/opoid, drug issues, for medical triage, food, housing, rule 25 and other services. It's making dent in delivering much needed services, and we are also receiving more police coverage on the trespassing of our building, but homeless and drug sellers....geesh...whoever thought we would be addressing this in Minneapolis!!!! Council President Christine of St. Paul's Lutheran Church said, "I wanted to thank the Minneapolis Area Synod (and the ELCA) for the extra financial assistance we have received. It will benefit the emergency assistance funds for our community, the youth programing funds, and general assistance for the church." Pastor Patrick Hansel said that 3 people are recovering from the virus, and a couple of people have family members in Mexico who have it. Thank you - we really appreciate it!</p>

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3G Minneapolis Pt 2	Jun	<p>From Patrick Cabello Hansel, "To say the least, these last few days have been unlike any we've experienced. The church and the neighborhood have come together in a new way to protect and unify our neighborhood, and we are grateful for that. But we're looking to get more sleep soon." Nhiabee Vang, Amazing Grace, The Hmong community is pretty torn (after the murder of George Floyd). Many of the younger members are not out protesting. The older generation is much more reserved and cautious. It is also complicated by the fact that one of the arrested police officers is Hmong. Offerings are about half of normal. The community is learning to worship via Facebook Live and Zoom. Lao Evangelical Pastor Thiem Baccam, "Thanks for your prayer and it's meant a lot for our family and the Lao congregation. In this time of covid-19 pandemic, for me there is a lot to give thanks to God for His loving and peace. It's a blessing to be part of this church as we stand for justice and peace....For the past three months giving is very low. Many of members are fear of the future for we don't know what tomorrow will be like....So I believe, together we stnd for justice and peace by doing God's work through our hands, we will make a difference in our world." MN Swahili from Pastor Andrea Mwalilino, "Thank you so much for the good news bout the grant funding sent to us! On behalf of my congregation, I would like to give my heartfelt thanks for considering us to support as this very difficult time of the pandemic. Due to Covid-19, our budget is totally destructed because we don't collect our offerings in such a way that we collect little money compared to when we have regular worship service on Sundays. This is because of also the loss of jobs and other locked businesses for some people who do their own business. Thank you so much for your prayers and concerns!" Bread of Life Deaf, Pastor Michelle Lewis, "22% of members do not have email or internet connection. So burning 15 discs every week for worship and mailing out adds time and expense. English is the second language, so email or a letter doesn't hit in the same way as most congregations, yet they are using these channels out of necessity. Thank you for your support! One BIG impact on budget now is that every meeting, every worship has a need for certified interpreters. All Nations Indian Church, Pastor Marlene Whiterabbit Helgemo,"We now have a Hygiene Safety Center set up in the vacant lot across the street, serving the unsheltered/opoid, drug issues, for medical triage, food, housing, rule 25 and other services. It's making a dent in delivering much needed services, and we are also receiving more police coverage on the trespassing of our building, but homeless and drug sellers....geesh...whoever thought we would be addressing this in Minneapolis!!!!</p>
3G Minneapolis Pt 3	July, Aug	<p>Holy Trinity was at the epicenter of the social unrest following the murder of George Floyd. They are located one block away from the District 3 Precinct station that was destroyed. They immediately became a center for medical assistance which later went to food/medical supplies/etc. for residents of the area. The immediate area became a food desert as grocery stores, pharmacies, were destroyed. ----- From Our Redeemer Oromo, this very generous gift will help us tremendously. MN Swahili, our offerings are way down since we have not been able to meet for worship. Also part of this grant will help us to be led in a strategic planning process on how we move forward in this new reality. Bread of Life Lutheran, this grant will help pastor in coaching during this new reality. All Nations, this is an important witness to the wider church caring for our people. Lao Evangelical continues to express its deep gratitude for replacing offerings they aren't receiving during this pandemic. They really appreciate the partnership. All Nations Indian Church continues to face difficult situations in their neighborhood and strongly appreciate the funds. ----- On the behalf of the Lao church I extend my thanks to the mission table, the synod, and the ELCA for remembrance of us, support and prayer. The funds will make a great difference in our need. Therefore, thank you so much for the gift that you have shared with us. Love of Christ, Pastor ThiemBaccam</p>

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3H Saint Paul Area	May, Aug, Sep	<p>"The value of these gift cards is beyond numbers...we are changing lives by being the church." Pastor Gilo Agwa, Foundation of Life African Ministry "People were so surprised by this amazing gift. We were literally able to help people eat. This is life changing." Ana Becera Mission Developer Cristo Rey ----- The funds we received over this reporting period (COVID Fund 4, 5) were seriously life giving. We used the funds, in partnership with some Synod Funds for two main things. First - we ensured that two of our most vulnerable congregations had resources to take care of their existence- pay rent, etc. Secondly, we looked at two communities that were hardest hit- largely self employed, artists, service workers and we gifted them with funds to take care of the people in that community. We have heard countless stories about the way this impacted their ministry and literally put food on the table. Thank you.</p>
4B Central States	May, Sep	<p>Sagrado Corazon is a Latino ministry. Many of their members have been diagnosed with Covid 19; some work in the meat packing plant. The congregation is providing groceries and food baskets for those most affected. ----- All three campus ministry sites provide meals to students who have returned to campus. In St. Louis they are also providing face masks to students on campus with the logo "Love your Neighbor." In both Garden City and Wichita, these ministries are reaching out to provide essential commodities to Latino populations who have been struggling in this economic hardship due to the pandemic. Each of these congregations has grown their food pantry and direct assistance programs.</p>
4C Arkansas-Oklahoma	July, Aug	<p>This support is so significant, not only the financial aspect which is very obvious, but also the sense of ongoing relationship and accompaniment with us at CdE. A number of our families have been significantly impacted by loss of income stream as well as illness. While we remain confident that the sustaining support of the Spirit will guide and be with us in this journey, these are really tough times. The Synod support is so timely. ----- "Holy Cross operates a food bank which serves their community. Like many food ministries, the Holy Cross Food Bank has seen a significant increase in users because of the pandemic.</p>
4E SW Texas	Aug	<p>The remaining funds were sent to the food pantry at First, Edinburg because they are centrally located in the Rio Grande Valley and now have a high capacity for food storage due to the first grant they received.</p>

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4F TX-LA Gulf Coast	May, July, Sep, Oct	<p>Most of these ministries are food-related services, providing hot meals throughout the week. KINDRED: Currently the only ministry providing meals and services to LGBTQIA+ homeless teens in Houston. BETHLEHEM: Our synod's only historically black congregation in Louisiana, located in a community of poverty in urban New Orleans, providing hot meals to 200 people three times a week. ST. JAMES/SANTIAGO APOSTOL: Providing ongoing ministry services to immigrant and refugee families during the pandemic. HOSANNA: A suburban congregation north of New Orleans that has collaborated with local ecumenical partners to provide 900 hot meals a week through Hosanna. ----- From the Pastora Adriana Johnson-Rivas of Sagrado Corazon: "As we know some of the families have lost their jobs. So with this money we will help them to pay rent, bills and also help them with food and others needs. Thank you very much for your great heart..." From the Pastor Paul Zoch of Good Shepherd: "We will use the grant to help with the start-up costs of a Christian Preschool and Mother's Day Out... During these times we are all struggling to keep our congregations involved and supporting the churches. This money will help us in our endeavor to reach out to the community in a new and different way. Thank you so very much for this monetary gift and may God continue to bless our church, our community and the whole community of faith who are struggling in this trying time." ----- "Lakeside is so grateful for the generous support that allows us to continue to serve our neighbors with hope during this pandemic." -The Rev. Cheryl Lamaak, Pastor of Lakeside in League City, Texas "Our synod has been hard hit, not only by the pandemic, but also by multiple hurricanes. This grant has allowed us to provide resources and support to those most affected by both."</p>
5B N Illinois	May, July, Sep, Oct	<p>A rural pastor was paying out of her salary for her congregation's internet. The grant for her congregation covers this cost for 12 months. Additional equipment was needed by a congregation to provide clear live-streaming. The grant assisted the congregation in securing these items to improve their video outreach. ----- "The grant makes it possible for our rural, two-point parish to reach more people." "The grant helped us afford the proper music licenses for use with technology." "Thank you, we are a giant step forward in our efforts to replace aging equipment." ----- We are receiving many thank you notes and appreciation for assisting congregational nutritional ministries.</p>
5C C/S Illinois	Oct	<p>The congregations reply, "Thank you."</p>
5D SE Iowa	Jun	<p>A preschool was able to remain open, a vulnerable homeless ministry continued serving an even more vulnerable population, and the Lao congregation was able to continue their call with the pastor and afford their building.</p>
5F NE Iowa	Sep	<p>The very nature of Little Food Pantries makes collecting stories and quotes impossible. However, please see <a href="https://www.neiasynod.org/ministries/hunger/">https://www.neiasynod.org/ministries/hunger/</a></p>
5H NW Wisc	May, June, Aug, Sep	<p>These funds were primarily used to support our ministries hardest hit by the pandemic, our Bible Camps and Campus Ministries. ----- This money was used primarily for supporting our hardest hit ministries. ----- Neighbor to Neighbor is a new Latino ministry that has used the money for sustainability and for health care education in the Latino community.</p>

Synod	Months	Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.
5I EC Wisconsin	June, July	Church of the Wilderness, a Native American Congregation, provided a synod-wide worship service recently, enabled in part with technological upgrades. Rev. Sharon Cook, Ex Director of Crossways Camping Ministry (and a Methodist serving the ELCA camps!) is doing a terrific job in stabilizing the camp (raising money from donors), laying the foundation for future programs, and gradually resuming programming through online offerings and single day usage of the camps for families. This grant from the ELCA was a boost to their morale. ----- I've heard that congregational leaders are greatly appreciative of the grants, most of which are matched by other funds for technological upgrades. This has facilitated parking lot worship and FB Live transmissions of worship services.
5J Greater Milwaukee	May, July, Aug	Most of the funds requested were for food pantry or feeding ministries. We have heard many stories from individuals grateful for the support so the congregations can be a beacon of hope in their communities. One particularly inspiring story comes from All Peoples Gathering in Milwaukee. This ministry used the assistance, combined with other monies we were able to send through Outreach For Hope, to hire a locally-owned food truck (thus investing in local business) to feed the neighborhood one night a week (addressing immediate hunger needs). This also became a significant source of community connection for people otherwise sheltering in place. ----- St. Paul's in Milwaukee is a leader in the digital space (for smaller churches). Campus ministry students from the local campus ministry have also been able to connect through their superior online opportunities (Bible studies, prayers, devotions). They are good at actively engaging folks in the digital space. ----- For many of these congregations, they were only able to afford the needed technology to reach more people through this grant. We received a number of sincere thank you messages from pastors who weren't sure how else they would make the necessary upgrades. One congregation in particular, Unity in Milwaukee, runs a food program that the neighborhood depends on, and the support was used for staff salary.
5K SC Wisconsin	May	We at St Mark's in Madison are very grateful for the \$1000 grant for Covid 19 relief. We were able to use it to replace our large freezer door. This freezer is crucial for our food pantry and our free Friday meal, both of which have continued during the pandemic, though with a lot of modifications so that most of our recipients stay outside the building. The important thing is that they are still able to get the food they need. This grant was timely and needed. Thank you! Peace, Pastor Lisa Nelson We at St. John, Madison used the COVID-19 Grant to provide rental assistance for three Latino families. Thank you for allowing us to extend a helpful hand to three hurting families in our neighborhood.
5L La Crosse Area	May	Our camp directed was choked up as he appreciated the freedom for planning that comes with knowing some funds are available.

Synod	Months	Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.
6A Southeast Michigan Part I	May	<p>Love Rising Lutheran Church plans you use our grant to create more access to technology in our communities. We will work with the city to Install a hotspot on our building to service the surrounding neighborhood, which has many families who have limited access to internet service, which limits school aged children’s ability to participate in school work and others ability to access online resources for healthcare, banking, news, online worship and myriad other resources. We will also use this grant to cover costs related to educational outreach for those who need instruction around how to utilize technology once they have access; through instructional workshops and One on one tech support offered by our church technology team. We hope to help other churches in our conference create similar outreach to make technology more accessible in their congregations and neighborhoods</p> <p>Grace in Action One of the most pressing challenges facing Detroiters during the COVID crisis is access to internet and digital technology. While schools have gone virtual, a full 80% of children and youth throughout the city have no access to internet and are therefore not able to participate in their classes. These grant funds have been used to purchase and setup wifi hotspots at parks, parking lots, and schools in our neighborhood through our equitable internet initiative, part of a city wide effort to increase internet acces for families in detroit. Families are now able to access internet at these hotspot locations, and children and youth can participate in their classes and continue in their education.</p> <p>Genesis HOPE As the pandemic started to erupt in Detroit, one of the most pressing needs was getting food to those who were starting to go without. For those who could get to one of the food pick-up spots, this was labor intensive (needing to prepare both physically and mentally to go out), but not impossible. What we discovered, though, was that there were people who could not get out at all. The population of the Islandview neighborhood of Detroit is over 30% senior citizens, most do not own a car. They depend on the many agencies who deliver food. With the pandemic spreading like wildfire, both donations of food and drivers to deliver it, started to disappear. Genesis stepped into the fill the need. In the first week, we delivered food to 30 senior citizens. That number multiplied each week. This last week we delivered to 518. In addition to the basic staples from the food banks, we have been supplementing with fresh fruit and vegetables, as well as proteins. ----- Our event will not take place until it is safe to gather in person -- likely fall of 2021 -----</p>
6A SE Mich Part 2	Aug	<p>Micah 6 Church Micah 6 Church is located on the westside of Pontiac, Michigan and serves a low-income, high-unemployment, high crime neighborhood. We are also located in a federally designated food desert, due to lack of access to grocery stores or fresh produce. These conditions have been significantly exacerbated by the Covid-19 pandemic. We have therefore focused all of our efforts on providing free produce to residents and children throughout the whole city of Pontiac. To date we have given out 5,500 free bags of produce to over 2,000 people. Wee have two designated days to give out and deliver this produce. This grant will allow us to add a third distribution and delivery day and to significantly increase our output of nutritious food, fruits and vegetables to the whole city of Pontiac. We will be able to give out 200 more bags through this grant and help struggling families in our community. Thank you so much and we hope to use these resources to continue to bless the city of Pontiac.</p> <p>Salem Lutheran Church The Public Health Grassroots Navigator Program trains leaders in the low-income, African-American, Latino, Arab-American, African, and Asian-American communities who already have deep ties and knowledge of the community to become experts in community outreach, public education, and referral for COVID-19 resources. Funds from the Bishop’s COVID-19 Crisis Relief Fund will be used to increase the capacity of the Grassroots Public Health Navigator Program which is also supported financially by the Community Foundation of Greater Flint.</p>

Synod	Months	Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.
6B NW Low Mich	May, June, Sep	<p>Two of our congregations are reaching out to Native American populations in their communities and assisting with food. For one Immanuel, Suttons Bay, this is a new outreach and hopefully, a relationship will develop. Zion in Saginaw has added a hot meal program for people over 65 in their community. This too is a new outreach to a community mostly African American and Latino. People are saying things like: "The church is my lifeline". "When there is no place else to go, I know I can depend on the church." Trinity, New Era has a food bank and this time of year the majority of clients are Latino farmworkers who have migrated north to help with planting and harvesting of fruits and vegetables. ----- "I didn't know our community could be so generous!" Christ the King, Gladwin, MI Suttons Bay, Michigan is a neighbor to the Odawa Native American Indian Tribe. The tribal food pantry closed when the COVID-19 shutdown began. The churches in Suttons Bay banded together and began a free lunch program for those in the community that needed help, including the tribal members. They employed a local restaurant, closed by the shut-down, to make the food. They helped community members with food and helped keep a local business open during the crisis. New Life Lutheran Church is in rural Alcona County in the northeast portion of Michigan in the Huron National Forest region. There is an affluent population that lives or has vacation homes along the rivers and lakes of the region. There is also a significant number of rural poor. The church set up an outside food pantry shelter where people can come and get what they need, 24/7. Usage has increased by 150% since COVID-19. Many come after dark because they are embarrassed. Food distribution in Michigan grocery stores is prioritized for larger cities. Rural areas often have stores with empty shelves. This grant have been a lifeline to those folks. ----- Harbor of Grace Lutheran Church is a consolidated congregation of 4 previous congregations in Muskegon, Michigan. In November 2019 they came together to better serve the community downtown. Catholic Social Service was doing a daily feeding program, and when covid started they closed their doors. Harbor of Grace has taken on that ministry and are feeding about 100 people per week for lunch on weekdays. Prince of Peace, Rose City, Michigan is a small town of 1500 people. There is one women's shelter in a three-county area. They have seen an increase in homelessness and domestic abuse during covid. Prince of Peace us supporting this much-needed ministry with funds from the COVID-19 Response Grant.</p>
6C Ind-Ken	Sep, Oct	<p>Grant money is being used for technology utilized in these ways: confirmation classes, committee and council meetings, Bible studies, prayer groups, congregational meetings, listening sessions with members, blogs, children's programing, recorded/live-streaming/outdoor worship, tablets to shut-ins and those without devices, software, platforms, printing and mailing worship materials, and licensing. Congregational ministry: reaching those who are isolated, attracting people who have never been in the building, building relationships, keeping connected, outreach, and sharing the gospel message. ----- These grants have been awarded to congregations with preschools/early childhood centers. The grant money is being used for: crib sheets, contactless thermometers, cups with straws, disposable face masks, face shields, vinyl gloves, cleaning supplies, expanded internet, hand sanitizers, disinfecting wipes, portable fogger, walkie-talkie for staff, communication, N95 masks for custodial staff, hand soap, manipulative sensory items for multiple smaller classes.</p>

Synod	Months	Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.
6D NW Ohio	May, July, Sep, Oct	<p>All of these ministries were selected because they provide direct service to communities that have increased need due to the virus. Many have increased the food and supplies they are offering to their communities. This funding helps them continue to do this important work. ----- Genacross, Lutheran Home of Mercy, and the Filling Homes used the funds for personal protective equipment. Lutheran Social Services for assisting those who are in need. Marion Correctional Institution used the fund to purchase educational curriculums and equipment. They in particular were overjoyed to receive funding that could enhance the lives of the men at the prison. ----- We designated these grants to preschool and childcare programs in parishes across our synod. They are doing important work under stressful conditions. It made a huge impact on these ministries and the families impacted by them. Some have decreased in numbers, but others have had to hire more staff to meet the growing needs of families who needed to find childcare for older children who were in hybrid learning programs and needed a safe place to be during their online learning day. One preschool had to upgrade their internet capabilities to provide for these students.</p>
6E NE Ohio	July, Aug	<p>The congregations which reported back to me indicated great relief in receiving additional funding to assist in paying expenses so they could continue their ministries in the communities they serve. ----- The following is a letter received from All Saints Lutheran in Olmstead Falls. She is referring to the \$1000 received from the ELCA grant and an addition \$1000 our synod provided earlier in the summer. Dear Rev. Julianne, Hope this finds you well - am still working from home so I don't seem to be as organized as I would like to be. With the two generous \$1000.00 checks received from ELCA I was able to pay the following [which would have been very difficult without your help].. 1. Paid Concordia for our software license etc. [which had been terminated] - \$796.60. 2. Paid for a scissor lift to replace burned out lights in the church - \$210.40 Not sure but believe the light bulbs were donated by one of our members. 3. Hot water tank installation with needed hardware/pipes [haven't gotten a bill for the hot water tank yet am hoping it was donated] - \$225.00 4. Furnace/A.C. repairs [believe there is additional work/parts needed] - \$735.33. . en' 5. Battery &amp; accessories for our defibulator [mandated by our Fire Dept.] - \$225.00, This totals \$2,192.33 and I haven't even paid some taves but we are most grateful to you and ELCA. Good luck to you and our new Bishop. Blessings, Mary Lee Aust All Saints Evangelical Lutheran Church. In addition Calvary Lutheran's pastor Mulba Borsay let me know that they were able to keep up with their bills as many of their congregants were suffering from income loss because of the shutdown in Ohio this past spring. The director of OASIS (a SAWC) reported plans to use it for their outreach ministries to youth in the impoverished neighborhood around them.</p>

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6F S Ohio	Jun, Aug	<p>These grants were offered to congregations for the specific purpose of encouraging COVID19-related ministries in communities. The stories are still coming in (recipient ministries have been given the summer to submit reports in the form of impact stories), but they range from hunger/feeding ministries and home delivery of children’s faith formation/VBS ministries, to tech support for evangelical online worship and other ministries. ----- We can’t wait to share the stories of those congregations who will be empowered to extend their digital ministries through our congregational grants, which we plan to grant later this year. In the meantime, the expansion of synod digital ministry has dramatically increased the number of lay leaders served in online trainings through workshops on a variety of topics: effective church councils, congregational governance, digital ministry, DIY Christmas Pageants, and the Art of Neighboring. We are already planning a new slate of workshops for 2021: DIY VBS, Missional Congregational Budgets, The Public Church and Advocacy, Experimenting with Dinner Church, and Evangelism. All of this is in addition to resourcing of rostered ministers online to promote both safety and better stewardship of ministers’ time.</p>
7A New Jersey	May, July, Aug	<p>The first four congregations listed all reach people living in poverty and/or recent immigrants. Having this money allows for expanded services, especially in regard to food insecurity. ----- The \$5000 from the 2nd round grant was used to help congregations participate in a stewardship education program which will take place this fall. Congregations expressed appreciation that this opportunity was afforded to them because of the grant. ----- Cross Roads Camp has been able to retain a program director with the grant. This staff person is leading a weekly Sunday school gathering online for our congregations. So far, participation has been about 80 young people not counting the adult faith leaders participating with them. LEAMNJ is our advocacy effort in NJ. There is a director who works with congregations as well as with ecumenical and inter-faith partners advocating for just policies in NJ. The director has begun weekly zoom meetings around particular topics of hunger, housing, healthcare, and criminal justice. The grant has allowed the director to engage a new platform for outreach --email and social media. Money used for synod operations has allowed us to re-start some of our programs which have been put on hold since March. Specifically, money budgeted for youth ministry has re-started so we are planning for a synod wide youth retreat in November. The youth ministry team has also hosted online events around anti-racism work, Christian education, VBS, and LGBTQ advocacy.</p>
7E NE Penn	Sep	<p>The best person to contact regarding stories is Pastor Mary Wolfe, mission developer of Hope's Table, a ministry with the homeless and working poor (mwolfe1012@aol.com). This ministry continues to generate impact stories as it builds community. Pastor Tom Scornavacchi, mission developer of the Common Ground Recovery Community, also has great stories to tell of individual and community transformation (pastortom@cgrcommunity.org).</p>
7F SE Penn	July-Nov	<p>No stories to share.</p>

Synod	Months	Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.
7G Slovak Zion	May	<p>“This gift has enabled our congregation to use technology not only to bring the Gospel anew to church members who are pained to be apart, but also for the first time to those with a sudden need for the Good News because they have been inundated by the bad. Because of this gift, we’ve been able to be a new community for those who have found themselves suddenly alone or who have lost their safety nets and long to be known and feel refreshed. Whether they are celebrating or mourning, this new ministry is bringing people together who may have never met before, and reuniting families that can’t be together otherwise, all in the embrace of Emmanuel—God who is with us even when we are apart.”</p>
8A NW Penn	May, Oct	<p>Pasta Kitchen, "The clientele we serve reside in one of the poorest neighborhoods in the City of Erie, and many are housed at an emergency homeless shelter located directly across the street from the church. Everyone has expressed their gratitude for the distributions, calling the ministry “A godsend”, a single mother with two young daughters (age 5 and 1) says “It has been a blessing”" From the Stay and Play, "My name is Paige Huffman and I have been involved in Stay and Play for almost two years. I believe that Stay and Play has made an apparent positive impact on the community of Oil City. it has also had an impact on me and those around me. Stay and Play is a free after-school program for at-risk youth in Oil City. At-risk youth and families experience different things than other communities. Some of the issues that our kids will deal with is poverty, crime, unstable families, drug issues, parents in prison, etc. Stay and Play is helpful to the community in many ways but the most important is definitely the food we serve. Many of the children that come to our program live in a family that is below the poverty line. This means when they come to Stay and Play for the day, what food we feed them is probably all they will have. This meal may seem like a very small thing, but it has changed lives in Oil City. It provides nutrition for children that otherwise wouldn’t receive it and builds trust that they will always leave Stay and Play with full stomachs. This helps them physically and emotionally to trust us to feed them. To go even further, feeding them nutritious healthy food is a luxury most of them will never see. If their families can afford to feed them every night it is mostly the cheap, all processed food. Of course, they are thankful for any food given to them, but to have something nutritious to help them grow and feel good is extremely rare, and we want to give them that opportunity. Stay and Play is not strictly a food program however our program, but a lot of trust is built around the food that we give to the kids. It has given positive experiences to the children and a sense of relief to the parents as well. It gives us all a bit more humility and creates a happy trusting environment here at Stay and Play. Thank you so much for all the time and consideration you give Stay and Play. Sincerely, Paige Huffman" From Community Meals, "Funds from the COVID-19 Grant will make it possible for the Community Ministry Committee to offer two meals per month through 2020. In an area that is already a food desert and underserved, now impacted by unemployment and consequences of the pandemic, the addition of another meal each month is needed and appreciated. The number of people served has risen in the past 3 months and we have seen a greater diversity of ages, race/ethnicity, and socio-economic situations. The meal provided at the end of the month is especially significant because for many people, other forms of resource or assistance have run out and they have little on which to get by until the next month."</p>
8B SW Penn	May	<p>Each of these ministries engages and supports people living with poverty in their communities. And each ministry works on tight budgets. The incredible expansion of need in Penn Hills and Westview strained already precarious budgets for each ministry and the ELCA COVID-19 grant was able to support the staffing positions that work to coordinate and provide food and care for their communities in addition to purchasing much needed food for an exponentially growing clientele.</p>

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8C Allegheny	May	We are grateful for the partnership the ELCA is showing through the Allegheny Synod. These Covid 19 relief finds are helping us maintain vital ministrues across our Synod - Bishop Michael Rhyne
8D Low Sus	May, Sep	Pastor Del, pastor of the Sudanese Community, said that a majority of the people in the congregations lost their jobs in the pandemic and many were unable or ineligible for unemployment. This allowed him to help them feed their families and pay their rent. ----- Many of our church members, as well as non-members within the community( veterans, shut-ins, etc.), have been economically and mentally impacted by Covid-19. Beginning in April, our Church began to provide weekly meals and visitation to those impacted. This allowed us to assure people had a nourishing meal one or two days a week as well as having communication and visitation with the meal deliverers. The feedback and appreciation of those participants has been 100% positive. Our funds for this program are becoming low and we are requesting the \$4,000.00 to continue this valuable outreach program as Covid 19 continues until the first of the year. All monies will be utilized for food and supplies (take-out containers, napkins, etc.). Volunteers from the Swamp Lutheran Kitchen Committee and others will provide all necessary labor, gas for delivery, and utilities to provide the program at no costs. All grants monies will be used to provide food directly to the participants.
8E Up Sus	July	When the usual funding from local agencies wasn't available, this grant money saved our food, household and health supplies distribution program to over 700 people.
8F Del-Mary	Oct	the great to Breath of God used the money to feed 300 people a day, five days a week. The grant to North Ave assisted the unhoused folks to get shelter and food. Amazing Grace used it for their weekly Community meal that increased because of Covid impact. All Saints and Augsburg used to meet their monthly expenditure
9A Virginia	Sep, Oct	Holy Communion Lutheran Church in Portsmouth has not been gathering online or in-person for worship since March 2020. The congregation does not have a pastor under call and relied on retired congregations to lead worship. With the support of the grant and the Synod, Holy Communion is preparing to begin a hybrid worship service with a few people in-person, a few people on Zoom, and a pastor who will be leading worship from home. The congregation is now talking about all the ways they can use the technology to connect to homebound members, to do Bible Studies together, and if the pilot project works as expected, they will be able to have worship even when local supply pastors are unavailable using the new technology.

Synod	Months	Please include stories and/or quotes from people who have been impacted by the grant. These can be about topics such as the importance of these funds for the community, how it has impacted a specific person, or anything else you believe is important to share with us.
9B North Carolina	May, July	<p>This grant was matched by the NC Synod COVID funds and each ministry received \$7500. These camping ministries made hard decisions about closure and these funds provided pastoral care, witness to our commitment to journey together, and opened conversation for even more support. This past weekend, synod council added an additional \$60,000 for each camping ministry. ----- Prince of Peace is a predominately black congregation in Greensboro, NC. The congregation had been trying for months to get their PPP loan with no success. They were frustrated but knew that money would make an impact on them. The synod applied for these fund - and then matched them - as a way of providing the equivalent of a PPP loan. During the process, the ELCA foundation found out about their struggles and in two days had secured for them a PPP loan. SO, that means that this congregation now has another year of salary funding that is life-changing for them. They can continue their witness in their black neighborhood, continue to host their urban teaching farm, and continue to be tended to by a pastor through this gift. For a congregation that has often felt "forgotten and left for dead." This collaboration was a strong affirmation that they are seen and moreover that their witness in our Lutheran movement matters, more than matters, is essential.</p>
9D SEastern Pt 1	May, July	<p>We made 14 grants, all to multicultural ministries. There is an African American pastor on the distribution committee and when she realized the support that the African, African/American, Latino, and Korean congregations would receive, she wept. Even these small amounts will visibly show our support and love, will help pay the rostered ministers, and enable them to continue to do ministry in their communities. These are the hardest hit by the virus both physically and economically. ----- "Part of the grant is being used to supplement the pastor's salary (impossible before). Apart from this, we made arrangements to support a family who lost all sources of generating income. One of this family member's extended stay in ICU left them devastated in all ways, especially, financially." "This grant gave us hope with the financial assistance we needed. This timely approval of the grant was delightful and proved to us that God will always provide for his followers and believers in the midst of a global pandemic." "Montgomery County (AL) has the largest number of coronavirus cases in Alabama, though not the most populous county in the state. Through our Life Happens Fund, Gathered by Grace has served as a community resource during Covid-19 by providing financial assistance to members of our community experiencing a total or partial reduction in work hours. So far, since Covid-19 began impacting our community, we have provided financial support for rent, utilities, child care, and groceries for community members totaling \$3,474, almost totaling the amount of support the fund has provided in the last two years combined. We had nearly exhausted the funds in the Life Happens Fund and requests from the community continue to come in weekly. The ELCA Grant has allowed Gathered by Grace to continue supporting our community in the ways needed."</p>

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9D SEastern Pt 2	Aug	<p>One of our refugee ministries has an average income of \$90/month, with \$60 coming from the pastor and \$30 from the congregation. Other funding comes from grants or donations from local congregations, which has become even less consistent. The pastor is bus driver to make ends meet, but in this job, he experiences a high exposure rate to the virus, which he then takes back to the community. The community is primarily employed in the chicken processing plants which have been heavily impacted by the virus. It's a difficult time, especially with limited health care coverage and loss of jobs. The funds have been used to pay the pastor's salary, which enables him to continue ministering to the members. From another congregation: "The Grant we received from SES, ELCA helped us in a time we badly needed support. Part of the grant is being used to supplement pastor's salary. Apart from this, we made arrangements to support a family who lost all sources of generating income. One of this family member's extended stay in ICU left them devastated in all ways, especially, financially." One of our African American congregations in Atlanta stated that the grant made them feel supported during COVID. At a time when their community is hit with economic and health issues more severely than neighboring white communities, to know that the ELCA and Synod recognized not only their presence but also their need made a huge impact. In this case, the congregation had not applied for the grant, but the synod surprised them with it, perhaps making an even bigger impact. The synod saw them and their need, which was huge. The grant was used by this congregation to care for the needs of their own members and community through a feeding program.</p>
9E Florida-Bahamas	May	<p>Feeding people ----- The grants helped congregation to stock their food banks and also improve their online presence. They are updating their systems to have stronger online ministry while caring for their neighbors. ----- Over 800 people served. Thanks be to God!</p>
9F Caribbean	June, Sep	<p>1. A woman who did not have money and food to prepare, when she saw the pastor with the bags of food in front of her house, start crying and praising God for the blessing. 2. A church have a food bank and distribute to their members and give money to the Disciples of Christ Church because they remained open giving prepared food to homeless and people that do not have money to buy food. 3. The Lord is always with us, 4. I never lose my hope in God because he always send his angels. ----- The congregations that received the money are in the process of the installation of technology. They had to raise money to complete it. They need it for service in presence.</p>

Synod	Month	If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?
1A Alaska	May, July, Aug	Food insecurity impacts underrepresented communities at a higher rate in Alaska. Trinity is a generous provider of fresh vegetables to their food pantries. The grant to Alaska Native LC, an Inupiat-dominant congregation, will help keep their pastor employed. St Mark is the most ethnically diverse congregation we have in the synod. ----- Shepherd of the Valley has had a Summer Lunch Program for years for neighborhood children and youth. COVID-19 has increased the need for staff and reduced their availability. Lunches are now all pre-packed requiring the need for refrigeration (and replacement of the refrigerator that died the first week of the program.) ----- Our most impoverished congregations are ethnically-specific congregations or in ethnically diverse communities. Food assistance is received alongside respect and advocacy.
1B NW Washington	July, Oct	Bethel Ethiopian is a large worshipping community of Ethiopian immigrant families. Luther's Table is providing meals for the Center of Hope (a family housing transition program) and connects with the local High School that is very diverse. ----- Roots of the Table is an inclusive ministry in our synod that is doing well throughout this time and is an important voice for others to hear.
1C SW Washington	May	Our Korean congregation has reported that many people in their congregation didn't know how to apply for PPP. The synod taught congregational leaders how to apply, who then taught other small business owners. Some (albeit modest) small business owners have received PPP as a result and given offering to the church. Still, the economic impact on both immigrant communities as well as reality of racism is significant.
1D NW Intermtn	May, Aug, Sep, Oct	Support to children and families in Quincy, WA serve many in the Latinx group. The other ministries mainly serve those living in poverty and in rural settings with limited resources to state or county programs. ----- All of the ministries/congregations who received grant funds serve in areas of high Latinx and Native American populations, or socio-economically disadvantaged communities.
1F Montana	Aug, Sep	The Technology grant money was disbursed to congregations who didn't have the resources to upgrade their tech equipment. The Synod staff consulted and assisted congregational leaders to consider their needs and suggested appropriate solutions.
2B SW California	May	All of the congregations to whom we awarded funds serve low-income areas with multiple ethnic groups. The money was used to show God's love by feeding the hungry.
2C Pacifica	July, Sep, Oct	Grants were provided to the following ministries, serving underrepresented/marginalized communities: The Welcome Ministry of El Cajon (Arabic community/homeless) St. Paul, Fullerton, CA (providing food to Central City Lutheran Mission, San Bernardino, CA) Lihue Lutheran, Lihue, HI (serving marginalized community on the island of Kauai) Agape House, San Diego State University, San Diego, CA (providing meals to students facing food insecurity) Hope Palm Springs, CA (new mission start serving the LGBTQ+ community in Palm Springs, CA) St. Mark's, Chula Vista, CA (bilingual worship-Spanish/English) First, Vista, CA (bilingual worship-Spanish/English) ----- Lutheran Retreats, Camps and Conferences operates Luther Glen farm which provides food for underserved communities through the food bank at Faith Lutheran Church in Yucaipa, CA. Many of those who utilize the services of the food bank are from historically marginalized communities.

Synod	Month	If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?
2E Rocky Mountain	May	All of the ministries that received grants focus on ministry among communities that are historically underrepresented in our church (Latinx, Indonesian, students of color)
3B E North Dakota	July	We focused on supporting our congregations and ministries most on the margins including our congregations among indigenous and newer immigrant peoples in Eastern North Dakota.
3C South Dakota	May, June, Aug	This grant supported: - A Lakota congregation ministering to a largely Native American community in poverty - A Latinx community in poverty - A community of African immigrants - A community of people who are homeless. ----- The grant specifically allowed one Ethnic-Specific ministry, First Lutheran African Ministry, to continue to pay their rent. This allowed them space to facilitate ministry, and host digital community gatherings. First Lutheran African Ministry, which serves mostly African immigrants, and Pueblo de Dios, which serves mostly Latinx immigrants, both gave rent assistance to families in financial distress. Woyatan Lutheran Church, which works with a mostly indigenous people population, battled poverty by providing food and necessary supplies to families. ----- Our grant has been used to support ministries serving in ethnic-specific populations, including Indigenous peoples, Latinx, and African immigrant, as well as multi-cultural populations living in poverty.

Synod	Month	If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?
3F SW Minn Part 1	July	<p>Two of the congregations partner with Latinx organizations in their communities. There are some of the responses the pastors or leaders from these congregations received: "It has been a blessing to have this food on hand at First Lutheran Church, Sharing Seeds program for when people call in and say they are in need of food or groceries. With this pandemic it has been difficult for folks to meet the needs of their families due to illness, loss of jobs, or limited resources. As I have delivered groceries to folks who have been affected, they have been so grateful, often waving through windows saying thank you. I have also taken food to many of the food sites set up by the school district and asked if some groceries would benefit their family at this time. "Oh si, gracias," was the response I often got. At times when the kiddos would come along with their parent, I could see them munching on some of the healthy snacks while heading back to the car." - Worthington Elementary School Counselor, First Lutheran "I was able to hand out bags of groceries at a summer lunch site in Worthington. I offered the groceries to every person who came for a free lunch and only three declined the food. I was able to give away 18 bags of groceries in about 30 minutes. Everyone who left with food had a smile on their face. What I also noticed was as much as the food was appreciated, so was the kindness and conversation between community members. - Worthington Middle School Counselor/First Lutheran member. - The community liaison from the public schools expressed appreciation for the gift cards and gift certificates on behalf of the families, noting that "Our families were very appreciative." She wrote, "Thank you for your generosity in tough times. This help meant a lot to them – it provided extra support to purchase items of need. Know that your contribution will be well spent!" She also noted that the families were happy to have the gift cards for local businesses, particularly the Latinx grocery store. "The process of choosing these families was not easy," she commented, "because there are many others, too." They identified the neediest families struggling to make ends meet or to get back on their feet. As we delivered the gift cards and certificates, they shared the families' stories. We learned that many are single parent families, often with several children. She explained that they aren't single parents by choice; in some cases, the husband/partner was deported, in other families the moms were abandoned by their husbands/partners or were victims of domestic abuse. They are constantly struggling to make ends meet. Some of those families are employed doing minimum hours, others are unemployed due to COVID-19 or not having the proper documentation. Some households had large extended families living together in one small housing unit. Several other families had only one parent working because of COVID-19, others were recently reunited after the deportation of someone in the household. Trying to get back on their feet is a challenging struggle - they are not eligible for unemployment benefits or any other economic assistance resources because of immigration statutes. R. from our congregation helped with this project and shared this experience: "No one was home at one of the homes, so T. called the Mom and found out they were on their way home from Mankato so we left the food and envelope on the bench in front of the house. Later that evening the mom called T. explaining they were in Mankato for COVID testing because her husband has COVID so the rest of the family needed to be tested and thanked her, moving T. to tears as she said, crying, "God is always there for us."</p>
3F SW Minn Part 2	July	<p>We are very grateful for the assistance that S. and T. provided us. They translated our message of care and concern into Spanish and accompanied us to deliver the gifts personally. As trusted individuals in the Latinx community, they were an invaluable resource to identify the neediest of families, coordinate the delivery of the gift cards and gift certificates, reassuring the recipients that they were indeed gifts, with no strings attached, and allowing us the privilege of meeting these neighbors in person. - First Lutheran, St James</p>

Synod	Month	If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?
3G Minneapolis Area	May, June, July, Aug, Sep	<p>All of the congregations work with of underrepresented and historically marginalized communities. Each will use the funds in the best ways possible to address racial and economic inequities in their communities. ----- Nine out of the ten congregations receiving grants serve historically underrepresented/historically marginalized communities. These funds are a small step in addressing some of the inequities, but much much more is needed to really address the inequities. Thus advocacy by these congregations and by the synod to address racial and economic inequities. ----- The murder of George Floyd was all about racial inequities. Holy Trinity became a safe place for persons of all racial backgrounds to receive aid. Now the congregation is in conversation with small businesses that were destroyed, serving as a place to gather to plan for the future. ----- Five of the congregations are made up of people of color and language other than English and include people living on the edge economically. ----- Each of these ministries work with diversity in their membership and poverty and the need for justice in their neighborhoods. ----- In the Minneapolis Area Synod, the Covid-19 grant funds are focused solely on those ministries on the margins, under-represented, vulnerable, oppressed. It provides additional funds at the precise time when funding is limited or scarce. It is one reminder to these ministries that we are indeed the body of Christ together - and that they are not alone.</p>
3H Saint Paul Area	May, Aug, Sep	<p>The majority of our recipients were in our ethnic congregations and our multi-cultural places where the inequities are the biggest. ----- Part of this reporting period funds were used in our Hmong Congregation that has experienced a huge challenge due to COVID. Likewise, funds were also used to help our two congregations that have a large number of LQBQTI folks.</p>
4B Central States	May, Sep	<p>All three of the ministry sites reach out to individuals in different racial groups and/or living in poverty. ----- Two of the recipients, Sagrado Corazon and Parnters, minister to Latino populations, some of whom are undocumented</p>
4C Arkansas-Oklahoma	July	<p>Comunidad de Esperanza is a leader in the Tulsa community in serving immigrants and other Latinx populations. We are anticipating a grant application from our one congregation in a Native American community.</p>
4E SW Texas	June. Aug	<p>Every recipient is located in a county with greater than 25% of families living below the poverty line. ----- Every dollar of funding was directed to communities where over 25% of families live below the poverty line. The focus was also on the majority Latinx communities in South Texas that have been underserved by our church.</p>
4F TX-LA Gulf Coast	May, July	<p>The Synod Disaster Team (who was responsible for allocating grant distributions) used the following synod priorities for awarding grants: + Ministries focused on serving vulnerable communities; + Ministries providing services with and among communities of poverty; + Ministries providing hot meal services for the local neighborhood; + Smaller, vulnerable congregations that are doing impactful local COVID-19 ministry response; + Size and scope of impact of the COVID-19 ministry response + Innovative ministry responses ----- Sagrado Corazon and El Buen Pastor primarily serve Latinx communities. Augustana is our synod's only predominantly African American congregation in Houston. Lake Livingston and Good Shepherd are two of the very few rural/East Texas congregations we have, serving in communities of poverty.</p>

Synod	Month	If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?
5B N Illinois	Sep, Oct	Food pantries and community meals assisting congregations to meet the needs of poor and unemployed neighbors.
5C C/S Illinois	Oct	The churches using these grants are visibly inclusive in their distributions and services provided.
5D SE Iowa	Jun	St. Paul, Lao is the only ethnic-specific congregation on the territory of the Southeastern Iowa synod. Several members of the community contracted COVID, mostly as a factor of employment.
5F NE Iowa	Sep	Grants were made to several congregations to stock their Little Food Pantries, especially with hygiene products. 1-12 girls in Iowa miss school because their family cannot afford products. This disproportionately affects females and people of color.
5J Greater Milwaukee	May	We have directed the majority of the funds already distributed to neighborhoods historically impacted by segregation, poverty, and unemployment.
5K SC Wisconsin	May	Our two Latino ministries were able to secure supply preachers and to cover a portion of the salary for a neighborhood minister. These two communities are struggling to keep their ministries ongoing. They are determined to continue sharing the Gospel among the immigrant community in the cities of Beloit and Madison.
6A SE Michigan	May	All of these churches are working on addressing racial inequities in marginalized communities.
6B NW Lower Michigan	May, June, Sep	We purposely asked congregations to reach out to Native American populations in their community. We gave priority to congregations reaching out to persons of color in their neighborhoods. Our Sudanese Community is caring for the whole Sudanese population in Grand Rapids and not just those that belong to the Lutheran and Episcopal communities. ----- One of the priorities for these grants made to synod congregations is that they pay attention to persons in poverty, persons of color, LGBTQIA+ communities, and folks on the margins. These COVID-19 grants have helped congregations connect with Latino, African National, African American, Native American, and other marginalized populations in their communities, both urban and rural. Synod congregations partnering with local agencies and ecumenical partners have worked tirelessly to make sure that the underrepresented and marginalized communities receive the help they need. ----- In urban and rural areas of the synod communities of color and marginalized communities have suffered the COVID-19 pandemic much more than in suburban areas. This applies to African American, Latino, Asian, Native American Indian, and rural poor white. The congregations of the synod are reaching out to those populations in new ways and making connections with people who are most vulnerable.
6C Ind-Ken	Oct	The following demographics are being served by the 12 preschool/early childhood centers, (the number indicates how many organizations are serving each demographic): 6 -- living in poverty 11 -- children of color 5 -- families using state vouchers 2 -- children with special needs 1 -- children in foster care

Synod	Month	If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?
6D NW Ohio	May	All if these grants are going to marginalized communities that experience poverty so they can provide for those most in need. ----- This funding went directly to organizations that serve those in poverty, the developmentally and/or physically disabled, and those incarcerated. It helped feed them, keep them safe, and provide religious education/ministry.
6E NE Ohio	July, Aug	Several of our congregations are African Descent, African National, or Latinx. They were all suffering already from low income, and the pandemic especially hit them hard. ----- OASIS and Calvary serve communities of marginalized communities. Calvary is primarily African Nationals from Liberia. OASIS serves a primarily impoverished members of their neighborhood.
6F Southern Ohio	June, Aug	Each recipient Ministry was specifically chosen because they serve communities/neighborhoods of color and/or historically impoverished/marginalized communities: largely African American neighborhoods, immigrants, or Appalachian communities (or Appalachian diaspora in cities). ----- Congregational technology grants will be particularly targeted to such congregations.
7A New Jersey	May, Aug	All of the communities reached are historically marginalized communities. ----- Our outdoor ministries, advocacy work, and the work of the synod staff all operate with a core value of diversity and respect. With everything we do we ask -- who is included/excluded and how do we address that? whose voice is missing and how can we include it? Are we reflecting the population of our state? ----- Being such a diverse state, the work we do together reaches those across educational, economic, racial, and ethnic identities. Our core values guide our work; they are- faithfulness, respect, diversity, generosity, change, and interdependence.
7E NE Penn	Sep	Both Common Ground and Hope's Table are multi-cultural communities (black, Latino, white, and mixed race). They are ministries of empowerment that raise up leaders from within the community. St. John, Shenandoah is a ministry in a community left impoverished by the collapse of the coal industry in Pennsylvania. People turn to St. John as a source of caring and hope in an otherwise depressed community.
8A NW Penn	May	From Pasta Kitchen, "The majority of people served through this ministry fall into the category of minority (African-American & Hispanic), as well as impoverished and those requiring emergency homeless shelter facilities. All live with food insecurity issues." From Community Meals, "All people are welcome and served equally. There is no bias or discrimination: no ID, proof of address, need, or income information is required. The meals are served in a neighborhood of greater need for services, poor public transportation options, and only one full-service grocery store in the community. " From Stay and Play, "All youth grades K-12 are welcome and served equally. There is no fee for the program, snack, or meal. There is no bias or discrimination based on race, color, creed, language, gender identity, or income." ----- Attempts are being made to help resource efforts in our one major city on synod territory. More to follow.

Synod	Month	If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?
8D Low Sus	May	Our Sudanese community is an African immigrant community who are demographically our largest minority congregation, a congregation of immigrants, our poorest congregation and demographically our youngest congregation. ----- Our Sudanese Worshipping was hit very hard with unemployment during the crisis. We helped people in this immigrant community. We used the funds to help our members buy food when they are desperate. For example, these two homeless women with their eight children. Some members who were laid off have not received any stimulus money as yet, but their families still need to eat. I will help with rent for them only when all other avenues to keep them in their homes have been tried.
8E Up Sus	July	Our food distribution sites serve inequities across the board.
8F Del-Mary	Oct	Almost all went to the communities of color served by those ministries and congregations mentioned above
9B North Carolina	July	Please note this went to an African-descent community that was being shut out of the PPP loan process. Also the church is now set financially regarding salary for two more years. This allows them to dream about what God is and will do among them.
9C South Carolina	July	The grant has been primarily designated toward the LatinX community where high numbers of individuals have been diagnosed with COVID-19, but afraid to go and get testing because of the threat of future deportation. The grant has helped to cover utilities and food cost for families impacted economically.

Synod	Month	If applicable, how was the COVID-19 grant used to address racial inequities within communities and/or reach underrepresented/historically marginalized communities?
9D SE	May, July, Aug	<p>Our multicultural ministries are the hardest hit. A pastor from an African congregation of refugees said it well: "Refugees bear a high burden of COVID-19 cases due to multiple risk factors, including congested housing, limited access to healthcare services, the inability and unwillingness to advocate for PPE in order to maintain job security, riding on congested buses to work at jobs that do not allow for social distancing, especially in meat-packing plants. There is a high need for groceries, masks, financial support for congregation members and the wider community who have lost their jobs. Additional stressors include limited access to safe and reliable childcare."</p> <p>----- Of the 19 total grants given in the Southeastern Synod (we gave 5 this round), 14 have gone to African American, Latino, African Refugee, Indian, and LGBTQIA. These communities were most at risk prior to the virus and the virus has impacted them the hardest both economically and health-wise. These communities continue to provide food, clothing, shelter, and health care to their own members in addition to reaching out into their communities. ----- As we have done in the past, these monies were focused most heavily on our multi-cultural ministries. 8 grants were given to these ministries - 2 for African American congregations, 1 for Latino, and 2 for refugee (Kiswahili and Conganese). These communities have been hit hardest by the pandemic - loss of jobs and a high number of virus cases with no or limited health care. One of the other grants went to an LGBTQ friendly ministry whose members have also been struck hard. Several of the grants are being used by the pastors who are no longer being paid by their congregations. This allows ministry to continue despite the pandemic. ----- The grant was divided into 8, then matched with a grant from the synod. Four of the 8 who received grants were African American. One was Latino. One was LGBTQIA+. Two were white. These communities are scattered geographically - urban Atlanta and Nashville to very rural Alabama and coastal GA. When we look at the need w/in our synod, it tragically always leans towards the multicultural ministries. These grants, in several cases, are actually helping to sustain the ministries.</p>
9E Florida-Bahamas	May, June, Aug	<p>We serve all people. ----- We made sure that the food banks keep going to help those who are in need. ----- We serve all in need.</p>
9F Caribbean	June, Sep	<p>Puerto Rico is a Latino community and the Virgin Islands is Afro Caribbean. ----- Remember that the Caribbean Synod is diversity. First we are bilingual, and Puerto Ricans are a mix of Indigenous people, Spaniards and Africans; as the Virgin islanders also.</p>

Committee on Appeals  
briefing to  
Church Council Executive Committee

Murray G. Sagsveen, Chair, CoA

Rev. Fritz Fowler, Vice Chair, CoA

Rev. Cheryl Meinschein, Secretary, CoA

November 13, 2020

# Agenda

- Reorganization of Committee on Appeals
- March 20 Action of the Church Council
- Committee's response to the Church Council's Action
  - Listening sessions
  - Survey of ELCA members
  - Meetings with interest groups
  - Drafting proposed amendments
- Issues that surfaced during listening sessions, the survey, and meetings
- Process to update *Definitions and Guidelines* ("D&G")
- Reporting to
  - Conference of Bishops
  - Church Council

# Reorganization of Committee on Appeals

- ELCA constitution provision 20.20:

*There shall be a Committee on Appeals to which may be referred appeals from disciplinary proceedings and petitions for the recall of an officer. The Committee on Appeals shall be comprised of six rostered ministers, at least one of whom shall be a minister of Word and Service, and six laypersons, elected by the Churchwide Assembly for a term of six years, without consecutive re-election. The Committee on Appeals shall elect its own officers.*

- Committee was inactive for several years (NO APPEALS)
  - Committee members never met before this January (and have not met in person)
- First reconstituted Committee meeting (procedural) – January 9, 2020
- Officers were elected in February 2020
- February – First substantive CoA meeting
  - CoA recommended non-substantive amendments to D&G (approved by Church Council in March)

# March 2020 Action of the Church Council

The approved motion included:

- To repeal the document, Vision and Expectations, effective immediately and which should no longer be used in the Evangelical Lutheran Church in America for any purpose;*
- To affirm that Definitions and Guidelines for Discipline remains the document which describes the grounds for which officers, rostered ministers, congregations, and members of congregations may be subject to discipline according to the practice of this church; \* \* \**
- To request that the Domestic Mission unit and the Committee on Appeals engage in conversation with the Conference of Bishops to seek further information and guidance regarding the needs of bishops to apply discipline as described in Definitions and Guidelines for Discipline, reporting that information to the Executive Committee of the Church Council at its October 2020 meeting.*

# CoA's response to the Church Council's Action

- Reviewed ELCA social statements and messages
- Conducted listening sessions
  - Townhall sessions – 4 sessions in June
  - Sessions with bishops – 9 regions/9 sessions during May and June
  - Sessions with interest groups – continuing
    - ELM, African Descent Group, Latino Group, European Descent Group
- Survey – first half of June with report to CoA in September
- Began drafting process – ongoing
- Reporting progress to:
  - Conference of Bishops
  - Church Council

# Outline of Current Definitions and Guidelines

- Grounds for Discipline of Rostered Ministers
  - Preaching or teaching in conflict with the faith confessed by this church
  - Conduct incompatible with the character of the ministerial office (9 topics)
  - Willfully disregarding or violating the functions and standards established by this church for the rostered ministries church [Chapter 7, ELCA Constitution]
  - Willful disregard of the constitution and bylaws of this church
- Discipline of Congregations
- Discipline of Members of Congregations

# Survey Executive Summary

## • Key Findings

1. People taking the survey are generally satisfied with the document, asking for few changes.
2. A large proportion of survey participants are asking for a complete revision of the document's tone and language, which they feel is sexist, heteronormative, white-privileged, punitive and doesn't speak to the lives of the people the church most wishes to attract.
- 3. There are no guidelines for protecting rostered ministers from abuse and discrimination.
- 4. There should be clear guidelines for protecting vulnerable groups from discrimination and abuse.
- 5. There is a perception that the document gives bishops too much power over the personal lives of rostered ministers.
- 6. Participants would like to see more guidance for disciplinary processes.

**Key findings from a 2020 survey of ELCA rostered ministers, bishops, synod vice presidents, 2019 Churchwide Assembly voting members, and the general ELCA population to gather input on possible revisions to the document: *Definitions and Guidelines for Discipline*, conducted by ELCA Churchwide staff**



# Issues Surfaced During Listening Sessions (1)

- Confidential communications (B.1.)
  - Applicability to all rostered ministers
- Professional attention to duties (B.3.)
  - Challenges of a bi-vocational minister
  - Ministers moonlighting to balance personal budget
- Relationship to family (B.4.)
  - What is a modern family?
  - Potential discipline for failing “to uphold this church’s ideals of marriage”
  - Role of the bishop concerning a rostered minister’s separation or divorce

# Issues Surfaced During Listening Sessions (2)

- Sexual matters (B.5.)
  - Objections to certain terms (e.g., “chaste and decent life,” “chastity and abstinence are required outside of marriage,” “chastity and fidelity are required within marriage”)
  - Fear of discipline for cohabitation or certain living arrangements
- Addiction and substance abuse (B.6.)
  - Does not recognize current understanding of addiction and treatment
- Fiscal responsibilities
  - Additional attention suggested concerning use of ministerial office for personal financial advantage

# Issues Surfaced During Listening Sessions (3)

- Membership in certain organizations (B.8.)
  - Recommendations to expand to include white supremacist, racist, sexist, homophobic, and other organizations
- Conviction of a felony (B.9)
  - Recognition that certain misdemeanors are also egregious
  - Concern that convictions "in a prior life" should not be held against minister
- Speech (new)
  - Hate speech should not be tolerated from the pulpit, in text, in social media, or in public

# Issues Surfaced During Listening Sessions (4)

- Social media (new)
  - When (if ever) are a rostered minister's comments on social media private personal opinions?
  - Harassment of persons or harassing or inappropriate behavior on social media
- Intellectual property (new)
  - Minister's plagiarism of other's work
  - Willful music and other copyright infringement
- Willful disregard of the constitution or bylaws of this church (D.)
  - Recommendation that it should include confessions
  - Does it address a minister's refusal to submit timely annual reports?

# Issues Surfaced During Listening Sessions (5)

- Willful or criminal conduct grossly unbecoming a member of the Church of Christ
  - Hate speech by members should not be tolerated in text, social media, or public
  - Sexual harassment of pastors or members of a congregation should not be tolerated
  - Congregation members who harass or attack the pastor
  - Inappropriate conduct by retired clergy or former pastors of a congregation
- Finally, continuing confusion about aspirational documents (e.g., former *Vision and Expectations*, draft *Trustworthy Servants*) and *Definitions and Guidelines* (a juridical document)

# Key Issues for an Updated D&G

- Confidentiality – include ministers of Word and Service
- Addiction – should address new evidence about addiction
- Family – concept of “family” in society has evolved
- Sexuality – reaction to discipline for serious, intimate relations and cohabitation outside of marriage
- Bullying and harassment, including speech and social media
- Discrimination – D&G should address racism and other discriminatory “isms”

# Work Plan to Update Definitions and Guidelines

- Committee has established writing teams
- Committee is meeting twice each month
- Plan is for the Committee to draft and preliminarily approve separate sections, then approve a final draft
- Final draft will be submitted to:
  - Conference of Bishops for review in March 2021
  - Church Council for approval in April 2021

# Q & A

**Murray G. Sagsveen, Chair, CoA**  
**Rev. Fritz Fowler, Vice Chair, CoA**  
**Rev. Cheryl Meinschein, Secretary, CoA**

# Legal and Constitutional Review Committee



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# November 2020

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- **Amendments to continuing resolutions related to the work of the Committee on Appeals**
- **Mission Investment Fund Deferred Compensation Plan and Supplemental Executive Retirement Plan**
- **Additional voting members for the 2022 Churchwide Assembly**
- **Policy Change to Churchwide Organization Personnel Policies**
- **Amendments to Portico Benefit Services Plan and Trust**
- **Amendments to Luther Seminary's Articles of Incorporation**



# Program and Services Committee



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# En Bloc Items

- Reviewed amendments to 3 issue papers and 1 screen
  - Domestic Access to Health Care Issue Paper
  - Extractive Industries Issue Paper
  - Codes of Conduct Issue Paper
  - Pornography Social Criteria Screen
- Received an update on Sanctuary Church
  - Expect the definitions and guidelines about what it means to be a Sanctuary church body in Spring 2021
- Received an update on aspirational document
  - Deferring the question on whether to develop a document until after revising *Definitions and Guidelines for Discipline*

All recommendations from Program and Services are *En Bloc* actions for Church Council approval.



# Social Teaching Documents Update

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- Received an update on social teaching documents
  - *Faith, Sexism and Justice: A Call to Action* social statement is posted and available in print; Spanish translation and study guide are both in process
  - Social message on government and civic engagement is posted and Spanish translation is complete; a study guide is being developed
  - ELCA Task Force on Church, State and Civic Participation met last weekend to discuss the work for the forthcoming social statement; Church Council liaisons to the task force are Pr. Pamela Hoh and Mr. Loren Solberg



# En Bloc Items

- Social teaching en bloc actions
  - Deferring the question of developing the social messages on U.S. National Drug Policy, aging, gender identity, and gun policy until the Spring 2021 Church Council meeting, due to pandemic and unknowns related to Future Church
  - Reconsider the social message on Suicide Prevention (1999) for editorial changes for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning

All recommendations from Program and Services are *En Bloc* actions for Church Council approval.



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## **Church Council Member Synod Visit Reports**

**Name: Dena Gable**  
**Synod Visited: Allegheny**  
**Visit Date: September 19, 2020**  
**Purpose of Visit: Synod Council**

### **1. What are the joys and opportunities happening within the Synod?**

The Allegheny Synod has its first mission start exploration in decades: Gloria de Dios in Pine Grove Mills, PA. While, just beginning the exploration stage, there is a lot of excitement around the possibilities. The bishop and vice presidents in Region 8 gathered for preliminary conversation about future ministry in the region. There are hopes to do more cooperation and shared ministries going forward. The Synod Council approved bylaws for the new Synod Related Ministry, Grace Delivered, a Mobile ministry that is a cooperative effort of the congregations in Somerset County, Pennsylvania.

### **2. How did the visit deepen the relationship between the Synod and the Churchwide Organization? What, if anything, should be shared with the Church Council and/or Churchwide Organization?**

My presence was welcomed, and one person even suggested the Church Council person should come to every meeting. I was invited to share about the work we are doing, and there was curiosity and interest in seeing where the future will lead us as church together. As the synod is looking more toward cooperation with the region, there is certainly hope that partnering more will strengthen the ministry of the Allegheny Synod.

With the Bishop election being delayed until 2021, the focus in the synod right now is really on that transition and being ready for whatever that may need to look like. The interim DEM's contract was extended through December 2020 and she will be taking on additional responsibilities due to other staffing changes.

### **3. Please share how the Synod continues to engage Future Directions 2025.**

**Worship:** An online service celebrating the 50<sup>th</sup> Anniversary of the Ordination of Women is being produced for November.

**Leadership Development:** Seminarian Support Funds, Coach Training for an additional 5 leaders in the Synod, Congregational Vitality Training.

**Congregational Vitality:** A new Synod Mission Table was formed, Congregational Vitality Training for those involved.

**Name: Susan Boxberger**  
**Synod Visited: Central States**  
**Visit Date: October 23-24, 2020**  
**Purpose of Visit: Synod Council Member**

**1. What are the joys and opportunities happening within the Synod?**

As with most of the rest of the ELCA, giving has been consistent during the pandemic and a bit higher than our revised budget. Combined with significantly reduced spending on travel, building usage, etc., the financial picture in the Central States Synod is looking good.

The pandemic shutdown affected Kansas and Missouri as it did throughout the ELCA. Most congregations ceased in-person worship and navigated a steep learning curve on alternative forms of worship. Grants and other assistance were offered to help smaller/rural congregations with virtual worship.

**2. How did the visit deepen the relationship between the Synod and the Churchwide Organization? What, if anything, should be shared with the Church Council and/or Churchwide Organization?**

As in other recent Synod Council meetings, Bishop Susan Candea spoke about general happenings in the Conference of Bishops and invited me to share information about things going on with the Churchwide organization. I believe our synod is more cognizant of our relationship to the ELCA as a whole than it has been previously.

Our Synod Assembly, which has been held annually, was cancelled due to the pandemic. The decision has already been made to hold next June's Assembly virtually. The pandemic has forced us to learn that at least some of our business can be conducted without necessitating travel for in-person meetings.

Some congregations have continued to experience disagreement over the necessity of pandemic precautions, and at least one has disaffiliated due to unwillingness to comply. Conflicts have contributed to difficulty in filling pastoral vacancies, especially in smaller, rural settings.

**3. Please share how the Synod continues to engage Future Directions 2025.**

Our Council developed and released a statement regarding race relations at our June meeting, on the grounds that, had the Assembly been held as originally planned, the issue would likely have been raised from the floor. The statement was released during the summer and has been well-received.

Our Council also developed and released a statement on the pandemic and considerations for resuming in-person worship, titled "Loving God, Loving Others." This statement was also perceived as helpful to congregations and has been well-received.

Bishop Candea is doing more collaborative work with our Presbyterian and Episcopalian siblings and is excited about pursuing these connections further.

**ELCA Churchwide Organization  
Report of the Treasurer  
Church Council  
November 13, 2020**

**Results through September 30, 2020  
*(preliminary and unaudited)***



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# Financial Highlights

Revenue/Expense	Operating Cash/Investments	Other Assets/Liabilities
<ul style="list-style-type: none"> <li>▼ <u>Current fund revenue</u>: behind of budget and prior year, due to Mission Support, Investment Income and certain fundraising areas</li> <li>● <u>Current fund expenses</u>: spending at 82.7% of budget</li> <li>▼ <u>Mission support</u>: unfavorable to budget but solid given the pandemic</li> <li>● <u>ELCA World Hunger</u>: Direct giving running about 6.5% behind. Offset by strong bequest income.</li> </ul>	<ul style="list-style-type: none"> <li>● <u>Investment compliance</u>: full compliance</li> <li>● <u>Cash management</u>: cash balance above target</li> <li>● <u>Investment returns</u>: negative performance versus benchmark related to Covid-19 impact on markets</li> </ul>	<ul style="list-style-type: none"> <li>▼ <u>Receivables</u>: two synods have outstanding payments for more than two months; no notes receivable at issue</li> <li>● <u>PP&amp;E</u>: depreciation below budget because fully depreciated or fewer additions that were budgeted</li> <li>● <u>Net Assets</u>: unrestricted net assets are 22.7% of total, in line with prior years</li> <li>● <u>Accounts Payable</u>: all payables are current</li> </ul>

● Green = on target    
 ▼ Yellow = monitor    
 ⬠ Red = requires action



# Current Fund (Unrestricted) Results



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# 2020 Current Fund Summary

## (In Thousands)

		<i>Favorable (Unfavorable)</i>	
		<b>Variances From:</b>	
	<b>Actuals</b>	<b>Budget</b>	<b>Prior Year</b>
<b>Revenue</b>			
Mission Support	\$25,478	(\$407)	(\$769)
Other	10,364	(1,557)	(5,401)
<b>Total Revenue</b>	<b>\$35,842</b>	<b>(\$1,963)</b>	<b>(\$6,170)</b>
<b>Des/Res Funds Released</b>	<b>\$1,952</b>	<b>(\$1,306)</b>	<b>(\$995)</b>
<b>Expenses</b>	<b>\$37,878</b>	<b>\$7,952</b>	<b>\$3,943</b>
<b>Net Operating Inc (deficit)</b>	<b>(\$84)</b>	<b>\$4,683</b>	<b>(\$3,222)</b>

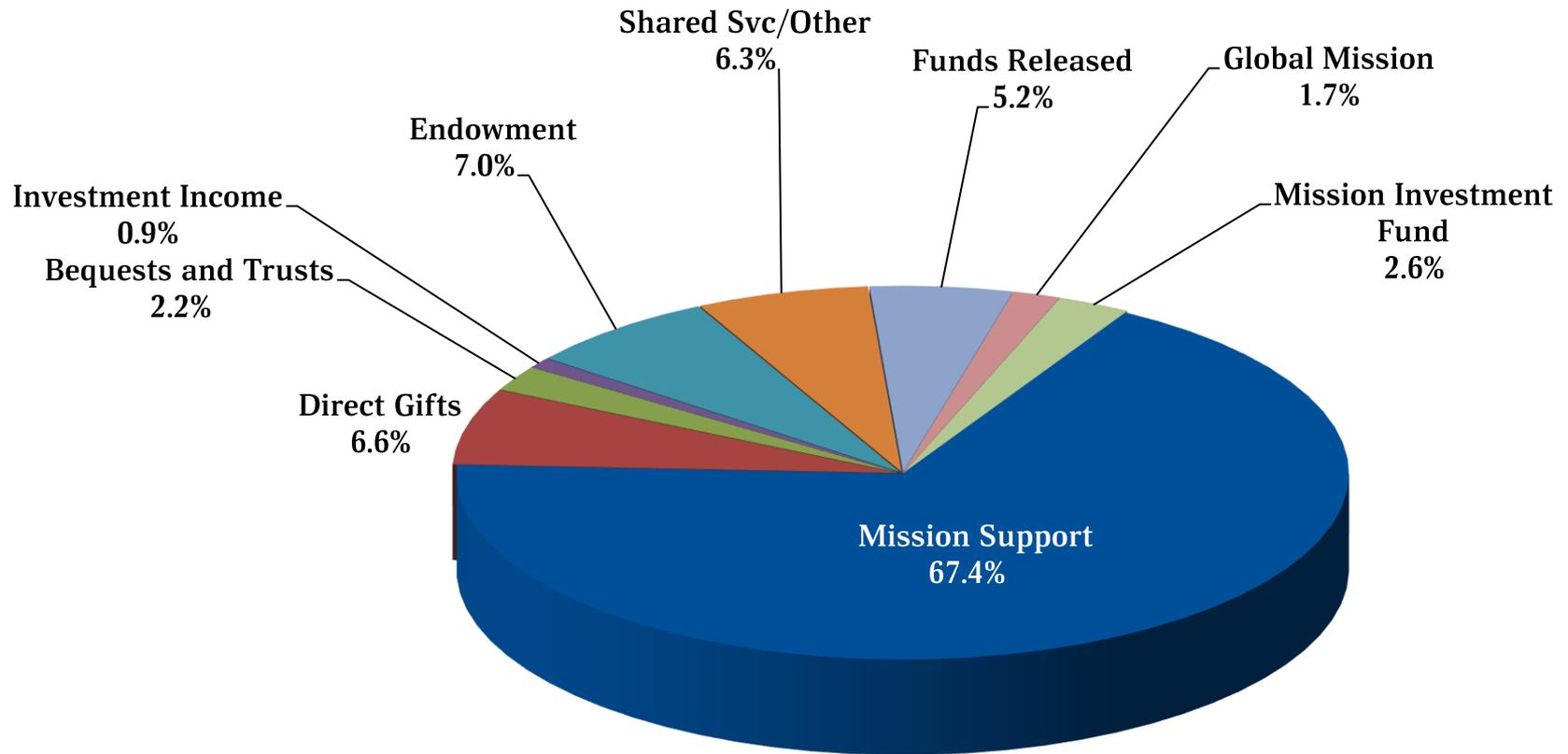


# 2020 Current Fund Revenue Sources

SOURCE	ACTUALS	BUDGET	PRIOR YR
Mission Support	\$25,478,303	\$25,885,000	\$26,247,266
Global Mission	\$651,811	\$1,931,170	\$1,819,908
Bequests and Trusts	\$834,590	\$1,146,157	\$2,759,028
Investment Income	\$343,632	\$553,642	\$3,788,243
Endowment	\$2,661,307	\$2,386,760	\$2,309,655
Mission Investment Fund	\$1,000,000	\$1,000,000	\$1,000,000
Direct Gifts	\$2,503,317	\$2,548,908	\$1,497,141
Rent	\$1,225,958	\$1,151,606	\$1,189,163
Shared Service Agree/Other	\$1,143,321	\$1,202,346	\$1,401,432



# 2020 Current Fund Revenue and Support \$38M





# Current Fund Expenses



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# 2020 Current Fund Expenses

UNITS/OFFICES	ACTUALS	VARIANCE	SPENDING RATE
Domestic Mission	\$13,230,171	\$3,301,007	80.03%
Global Mission	\$6,941,948	\$2,239,063	75.61%
Mission Advancement	\$2,874,687	\$448,705	86.50%
Office of the Presiding Bishop	\$3,564,680	\$602,612	85.54%
Office of the Treasurer	\$6,298,831	\$176,089	97.28%
Office of the Secretary	\$2,199,659	\$627,466	77.81%
General Treasury	\$2,767,897	\$556,862	84.36%
TOTAL	\$37,877,873	\$7,951,803	82.65%





# ELCA World Hunger and Lutheran Disaster Response



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# 2020 ELCA World Hunger Summary

## (In Thousands)

	Actuals	Variances From:	
		Budget	Prior Year
<b>Beginning Balance</b>	\$5,426		
<b>Revenue</b>			
Direct Giving	\$7,625	(\$529)	(\$436)
Endowments & Donor Requested Pmts	723	160	187
Bequests, Miscellaneous*	2,944	2,164	1,755
Campaign - Where Needed Most	0	0	(750)
Release - Covid-19 Appeal	200	200	200
<b>Total Revenue</b>	<b>\$11,492</b>	<b>\$1,995</b>	<b>\$955</b>
<b>Expenses</b>	<b>\$9,642</b>	<b>(\$2,185)</b>	<b>(\$478)</b>
<b>Net Revenue</b>	<b>\$1,850</b>	<b>\$4,180</b>	<b>\$1,434</b>
<b>Ending Balance</b>	<b>\$7,276</b>		



# Lutheran Disaster Response 2020

## Income - \$5.3 Million

• General Undesignated Support	\$	3,213,184
• NVOAD TX Disaster Grant	\$	882,439
• Tornado Response	\$	322,237
• Hurricane Response	\$	215,129
• U.S. Wildfires	\$	547,010

## Expenses - \$6.5 Million

• General Undesignated & Operations	\$	3,128,056
• Covid-19 Response	\$	1,225,434
• NVOAD TX Disaster Grant	\$	1,290,309
• U.S. Wildfires	\$	439,807
• Tornado Response	\$	251,908
• Hurricane Response	\$	149,999



# Statements of Financial Position



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# Summary of Balance Sheet Accounts (Millions)

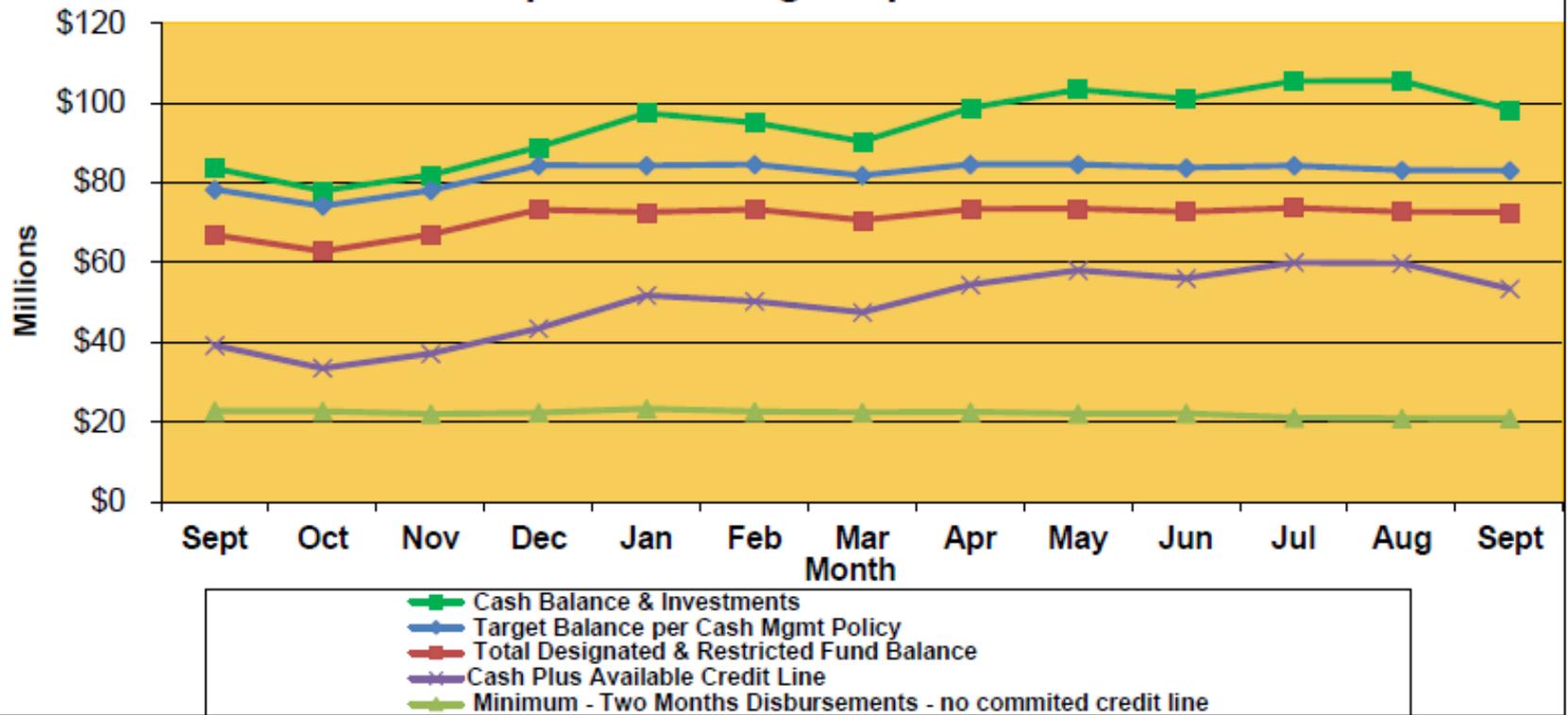
<u>Assets</u>	<i>Balance</i> 9/30/2020	<i>Change</i> From 1/31/20
- Cash & investments	\$ 528.3	\$(1.0)
- Receivables & other	15.4	(2.2)
- Beneficial interest & CSV	43.8	(0.0)
- Property & Equipment, Net	<u>21.1</u>	<u>(1.0)</u>
Total Assets	608.6	(4.2)

<u>Liabilities</u>	<i>Balance</i>	<i>Change</i>
- Payables & Accrued Expenses	22.8	6.5
- Annuities payable	9.7	0.4
- Funds held for others	<u>99.6</u>	<u>(0.9)</u>
Total Liabilities	132.1	(6.0)

<b>Net Assets</b>	<b>\$ 476.5</b>	<b>\$ (10.2)</b>
Without Donor restriction	108.2	(2.3)
With Donor restriction	368.3	(7.9)



## Cash Management Policy Comparison vs. Actual Sept 2019 through Sept 2020



# Other Updates

- Health Insurance
- PPP Loan
- Workday Financial



# Three Takeaways from OT

- Operating performance fueled by better than expected mission support in light of COVID-19 and reduced spending has been solid.
- While the majority of our assets are restricted in use, our operating cash position exceeds the target. Our balance sheet is strong.
- We are grateful for your support (time, talents, and treasure) and take very seriously our responsibility to safeguard the assets of the ELCA. This includes data security, health and safety of our staff, and faithful stewarding of the financial resources that have been given to us.



# Questions/Comments



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A Strategy  
for Authentic  
Ethnic and  
Racial  
Diversity and  
Equitable  
Inclusivity

*“Just as a body, though one, has many parts, but all its many parts form one body, so it is with Christ.*

*For we were all baptized by one Spirit to form one body – “*

**1 Corinthians 12**



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## Key Areas of Strategic Engagement

- Theological Framing and Equipping
- Healing Actions
- Structural Accountability
- Theological Education and Leadership Development
- Ecumenical Engagement

A Strategy  
for Authentic  
Ethnic and  
Racial  
Diversity and  
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Inclusivity



# The Authentic Diversity Advisory Team



Abraham Allende

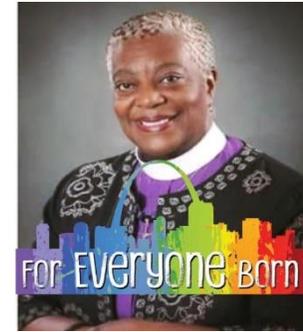
Priscilla Austin

Cheryl Chatman

Joseph Castaneda Carerra

Kelly Sherman Conroy

Jennifer DeLeon



Grace El-Yateem

Elias Haroun

Surekha Nelavala

Moses Penumaka

Lamont Wells

Patricia Davenport

## Priority Focus

### \* Awareness / Visibility

Push for introducing the Authentic Diversity Document and prompting engagement and birthing strategies toward implementation in synods, congregations, seminaries, universities and agencies across the church.

How are you creating Awareness/Visibility for the document and work in your synod?

## Priority Focus

\* Anti Racism Training

Push Creating opportunities for  
Anti Racism Training for Rostered  
Ministers, Synod Staff, Candidacy  
Committees and other constituency groups  
named in the  
Authentic Diversity Document .

How are you creating an appetite for  
promoting an Anti Racist Climate  
in your synod?

## Priority Focus

\* Church Council representatives, Bishops and Synod Infrastructures

Push. Our Church Council Representatives, and Bishops are Critical for Championing Authentic Diversity and Bringing this work to the Center of A Synod's Focus.

Intentionally Creating Synod Infrastructure to carry this work will move it beyond the role(s) of particular individuals and sustain the focus through transitions of leadership

How is your synod building structural support for carrying this work?

# A Strategy for Authentic Ethnic and Racial Diversity and Equitable Inclusivity

## Looking Ahead

- Create Dialogue Space for Authentic Diversity Advisory Team and Conference of Bishops
- Promote the development of Toolkit(s) and other resources that will aid in expanding awareness and visibility of the Authentic Diversity document and action items for implementation.
- Work in collaboration with Racial Justice desk to continue tracking movement toward fuller implementation of action items outlined in the Authentic Diversity Strategies.
- Encourage and assist in the Creation of Healing Circles/ Spaces for conversation and engagement of Black, Indigenous and People of Color wounded by racism.



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