

# Committee on Appeals

## Report to the Church Council Concerning Proposed Amendments to *Definitions and Guidelines for Discipline*

April 1, 2021

### The Committee on Appeals

The committee's primary responsibilities:

- To establish “definitions and guidelines, subject to approval by the Church Council, to enable clear and uniform application of the grounds for discipline of officers, rostered ministers, congregations, and members of congregations.”<sup>1</sup>
- To consider appeals from:
  - Disciplinary proceedings involving ministers of Word and Sacrament.<sup>2</sup>
  - Disciplinary proceedings involving ministers of Word and Service.<sup>3</sup>
  - Limited disciplinary proceedings involving rostered ministers.<sup>4</sup>
  - Disciplinary proceedings involving congregations.<sup>5</sup>
- To act as a hearing panel to consider a petition against a church officer.<sup>6</sup>
- To develop rules of procedure “for the performance of its duties.”<sup>7</sup>
- To resolve disputes between synods and the churchwide organization.<sup>8</sup>
- To consider petitions for the removal of synod officers.<sup>9</sup>

The current committee members are: *(asterisks indicate members of writing team)*

- Mr. Emanuel Alves, Southeastern PA (7F)
- The Rev. Paul J. Blom\*, Southwestern TX (4E)
- Ms. Lana Obie, Northwest WA (1B)
- The Rev. Fritz E. Fowler, Southeastern PA (7F) – *Vice Chair*
- Dr. Phyllis Chang, Southeastern IA (5D)
- The Rev. Cheryl Meinschein Hausman\*, Northeastern PA (7E) – *Secretary*
- The Rev. Linda M. Pedersen, Southwestern MN (3F) – *Assistant Secretary*
- Deacon Erin A. Power\*, Rocky Mountain (2E)
- Mr. George Rahdert, Florida-Bahamas (9E)
- Mr. Murray G. Sagsveen\*, Western ND (3A) – *Chair*
- The Rev. Chrysanne Timm, North/West Lower MI (6B)
- The Rev. Paul A. Wollner\*, NC (9B)

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<sup>1</sup> *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America* (CBCR) at 20.21.

<sup>2</sup> CBCR at 20.22., 20.22.01.–20.22.24., 20.61., 20.62., 20.62.01.–20.62.02., and 20.63.

<sup>3</sup> *Id.* at 20.23., 20.23.01.–20.23.07., 20.61., 20.62., 20.62.01.–20.62.02., and 20.63.

<sup>4</sup> *Id.* at 20.24., 20.24.01.–20.24.09., and 20.61., 20.62., 20.62.01.–20.62.02., and 20.63.

<sup>5</sup> *Id.* at 20.31., 20.31.01.–20.31.05., and 20.61., 20.62., 20.62.01.–20.62.02., and 20.63.

<sup>6</sup> *Id.* at 20.51., 20.51.01.–20.51.03., and 20.51.A19.

<sup>7</sup> *Id.* at 20.21., 20.22.14., 20.24.04., and 20.61.A13.

<sup>8</sup> *Id.* at 20.74.

<sup>9</sup> *Constitution for Synods* at †S8.57.

The Committee on Appeals had been inactive for several years (i.e., no appeals), so none of the committee members had ever met for committee business prior to January 2020.

The current Committee on Appeals first met in January 2020 and elected its officers the following month.

### **The Church Council's Request**

In March, the [Church Council adopted a motion](#) that included these provisions:

*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.*

### **The Committee's Listening Sessions and Surveys**

The committee responded to the Church Council's request by:

- Reviewing ELCA social statements and messages
- Conducting listening sessions
  - Town Hall sessions – 4 sessions in June
  - Sessions with bishops – 9 regions/9 sessions during May and June
  - Sessions with various constituencies of this church who sought conversation (e.g., ethnic ministry associations, LGBTQIA+ community)
- Conducting a survey – [final report](#) dated August 2020
- Reporting progress to the Church Council's Executive Committee:
  - October 15, 2020
  - November 13, 2020
  - February 23, 2021
- Reporting progress to and soliciting responses from the Conference of Bishops:
  - October 2, 2020
  - March 4, 2021

The committee also established a [webpage](#) for *Definitions and Guides for Discipline*.

## The Committee's Work

The Committee on Appeals usually met twice each month from March 2020 through March 2021, and the writing team met at least once between committee meetings.

All committee members normally attended every committee meeting. In addition, Secretary Sue Rothmeyer, General Counsel Thomas Cunniff, and the Rev. Keith Fry, executive for OS administration, attended every committee meeting.

The committee is proposing a significant revision of the *Definitions and Guidelines* document. Issues that surfaced during the listening sessions include:

- Confidential communications (B.1.)<sup>10</sup>
  - Applicability to all rostered ministers
- Professional attention to duties (B.3.)
  - Challenges of a shared-time minister
  - Ministers with additional employment 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
- Sexual matters (B.5.)
  - Objections to certain terms (e.g., “chaste and decent life,” “chastity and abstinence are required outside of marriage,” and “chastity and fidelity are required within marriage”)
  - Fear of discipline for cohabitation or certain living arrangements
- Addiction and substance abuse (B.6.)
  - Current *Definitions and Guidelines* does not reflect current understanding of addiction and treatment
- Fiscal responsibilities (B.7.)
  - Additional attention suggested concerning use of ministerial office for personal financial advantage
- 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
- 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

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<sup>10</sup> Reference is to paragraph in *Definitions and Guidelines for Discipline*.

- 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 the Lutheran Confessions
  - Does it address a minister's refusal to submit timely annual reports?
- 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 rostered ministers or members of a congregation should not be tolerated
  - Congregation members who harass or attack a rostered minister
  - Inappropriate conduct by retired or former rostered ministers 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)

The committee's key issues for an updated document include:

- Confidentiality – add ministers of Word and Service
- Addiction – address new evidence about addiction
- Family – revise concept of “family” as society's understanding has evolved
- Sexuality – consider negative reactions during listening sessions to discipline for serious, intimate relations and cohabitation outside of marriage
- Bullying and harassment, including speech and social media – add provisions on these issues
- Discrimination – address racism and other discriminatory “-isms”

The committee submitted a next-to-final draft to the Conference of Bishops, and the three committee officers (Sagsveen, Fowler, and Meinschein) met with the bishops on March 4. The bishops offered very helpful comments concerning several sections of the draft document.

Section B.5. triggered significant discussion because it did not include prior language (e.g., “chaste” and “chastity”) and did not specifically prohibit intimate sexual relations outside of marriage. The committee officers responded that the new B.5. text is nearly identical to the section regarding rostered ministers (“Sexuality and Public Ministry”) in the social statement approved by the Churchwide Assembly in 2009, [“A Social Statement on Human Sexuality: Gift and Trust.”](#)

After a robust discussion of the draft document, the Conference of Bishops expressed its support in two separate votes:

- The Conference of Bishops voted 57–8 to support the draft document except for section B.5.
- The Conference of Bishops voted 33–32 to support section B.5. of the draft document.

Following the March 4 meeting with the Conference of Bishops, the Committee on Appeals again met to consider the bishops' comments and to "fine-tune" the final document. The final draft is now submitted for the Church Council's consideration and potential approval.

Also submitted is a document that compares the current *Definitions and Guidelines* with the proposed version.

Respectfully submitted,

Murray Sagsveen, Chair

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