

Model

[Congregation]

Operational Ethics Policy

This Operational Ethics Policy addresses conflicts of interest and business ethics but does not include the other ethical values and policies of _____ [Congregation] _____ of the Evangelical Lutheran Church in America.

1. Each person who is a director (Congregation Council member), officer, committee member or employee (all referred to below as “Congregation Representative”) of the [Congregation] shall exercise good faith and best efforts in the performance of his or her duties to the Congregation and all entities affiliated with the Congregation. In all dealings with and on behalf of the congregation, or any affiliated entity, these Congregation Representatives shall be held to a standard of loyalty and honest and fair dealing with the Congregation and its affiliated entities.
2. No Congregation Representative shall use his or her position, or knowledge gained therefrom, so as to create a conflict, or the appearance of a conflict, between the interests of the Congregation or any affiliated entity and the other interests of such Congregation Representative. In all matters affecting the Congregation or any affiliated entity, no Congregation Representative shall take any position or engage in any act that could adversely affect the Congregation or any affiliated entity.
3. No Congregation Representative shall accept any material compensation, gift, or other favor that could influence or appear to influence such person's actions affecting the Congregation or any affiliated entity.¹ Each Congregation Representative should promptly disclose to the pastor, an officer of the Congregation, or a committee chair (and as appropriate to the board or committee) any gift, employment, activity, investment, or other interest that might compete or conflict, or appear to compete or conflict, with the interests of the Congregation or any affiliated entity. At the discretion of an officer or committee chair, the matter may be referred to the Congregation Council or Executive Committee.

¹ Occasional *de minimis* gifts of less than \$75.00 value, such as flowers or foodstuffs, are exempt from this rule. Gifts that primarily benefit the Congregation and not an individual, such as gifts of hospitality that may be given to the Congregation by businesses in relation to official Congregation business, are exempt from this rule. Persons also may participate in reasonable, normal relationship-building activities, such as meals or entertainment events.

4. No Congregation Representative should vote, or be counted in determining the quorum for any vote, on any transaction between the Congregation and any other corporation, firm, association, or other entity in which such Congregation Representative has a direct or indirect substantial financial interest. Any such duality of interest should be disclosed by the Congregation Representative to the other appropriate Congregation Representatives as applicable and made a matter of record. In addition to refraining from voting, no Congregation Representative should participate in the deliberations or use personal influence in the matter. Any transaction that involves a Congregation Representative should be at least as fair and reasonable to the Congregation as a transaction involving independent parties.
5. For the purposes of Section 4, a Congregation Representative is deemed to have a direct or indirect substantial financial interest in any corporation, firm, association, or other entity in which such person, or such person's parents, spouse, or all descendants of either of such person's parents or such person's spouse have an aggregate, beneficial, equity interest of one percent or more.
6. If a question exists as to the substantiality or significance of a financial interest or conflict and the appropriate action by the Congregation Representative in light of the interest or conflict, the Congregation Representative should seek advice from members of the Congregation Council Executive Committee.
7. After adoption, and then on an annual basis, the secretary, or other person designated by the Congregation Council, shall send a copy of this policy to each director, officer, committee member and employee of the Congregation. All new Congregation Representatives should be given a copy of the policy. Such delivery may be electronic. The Congregation also shall work to make this policy accessible through other methods, such as on the Congregation website.
8. It shall be the duty of each Congregation Representative to inform the Congregation Council or other appropriate person or body of any conflicts of interest in a timely fashion. No Congregation Representative, in his or her capacity as such, shall act as, or represent that he or she is, an agent of the Congregation or any affiliated entity, unless specifically authorized to do so by the Congregation Council.
9. A Congregation Representative has a duty to disclose all breaches of this policy. There will be no retaliation for good faith complaints, reports, or participation in an investigation.
10. Violation of the policy may result in termination from the Congregation position, as appropriate.

Adopted by Congregation Council _____ [DATE] _____