

# FREQUENTLY ASKED QUESTIONS (FAQ)

## about Pilgrim's Constitution

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*This document was created by the Constitution task force (Karin Veatch, Mark Tisdale, Frank Bates, John Williams) and is designed to address questions and concerns surrounding the process for updating our constitution. Please note that throughout this document, reference to "Church" with a Capital letter refers to the one, holy, catholic and apostolic Church. The word "church" in lowercase refers to the Evangelical Lutheran Church in America. Where we mean Pilgrim, we refer to Pilgrim or "this congregation."*

### Why do we need to update our constitution?

Our constitution represents a body of fundamental principles and rules that govern the structure and activities of Pilgrim. As with any organization, it is prudent to periodically review the governing documents and update them.

### Who is driving this process, and why now?

The Board of Directors has recommended a review and update of our constitution. Pastor Al, both interim pastors and the Board agree that any new pastoral candidate will want to see a constitution with more fulsome provisions, for example around how and when a pastor can be called or terminated. A pastor would want to see a constitution *in line with the Model*.

### What's wrong with our current constitution?

Our current constitution and bylaws are dated 1993, and were most recently amended in 2000. Our current document is silent on many important subjects, such as the process for calling a pastor and for the termination of such a call. It is also confusing about leadership and decision-making.

## What is the ELCA Model Constitution for Congregations?

The ELCA Model Constitution for Congregations (the "Model") is the standard form governing document for ELCA congregations. Changes and improvements to the Model are made at the ELCA churchwide assembly, most recently in 2016.

The ELCA constitution declares "The Evangelical Lutheran Church of America shall be one church." The Model is designed to reflect a principle of unity, that is, a summary of our doctrinal foundation, and certain procedures and patterns that are followed throughout ELCA congregations.

The Model has twenty (20) chapters:

Chapter 1. NAME AND INCORPORATION

Chapter 2. CONFESSION AND FAITH

Chapter 3. NATURE OF THE CHURCH

Chapter 4. STATEMENT OF PURPOSE

Chapter 5. POWERS OF THE CONGREGATION

Chapter 6. CHURCH AFFILIATION

Chapter 7. PROPERTY OWNERSHIP

Chapter 8. MEMBERSHIP

Chapter 9. ROSTERED MINISTER

Chapter 10. CONGREGATION MEETING

Chapter 11. OFFICERS

Chapter 12. CONGREGATIONAL COUNCIL

Chapter 13. CONGREGATIONAL COMMITTEES

Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION

Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION

Chapter 16. AMENDMENTS

Chapter 17. BYLAWS

Chapter 18. CONTINUING RESOLUTIONS

Chapter 19. INDEMNIFICATION

Chapter 20. PARISH AUTHORIZATION

The Model has a specific numbering system, which matches the ELCA's and the Synod's constitutions, and in which bylaws and continuing resolutions are integrated within the chapter to which they pertain.

The constitution provisions in chapters 2-9, 15-20 are preceded with an asterisk (\*). Sections marked with an asterisk (\*) are required and must be used without alteration or amendment of the text in any manner. Provisions marked as required relate to (1) matters of unity within the life of this church; (2) responsibilities of congregations of this church, and the interdependent relationship of congregations, synods and the churchwide organization. Said another way, provisions with an asterisk reflect what we share and have in common with the ELCA and other ELCA congregations.

Provisions in chapters 10-14 pertain to internal structure and governance within this congregation. Therefore, the Model provisions in chapters 10-14 can be tailored and personalized for our congregation's use.

### Is the constitution a contract?

No, our constitution is not a contract. A contract, in a legal sense, is an agreement between 2 or more parties where each party relies on the other to do something and, if one party breaches the contract, the aggrieved party sues for breach and is entitled to damages, such as compensation. Lots of us, with our employment or management experience, know a contract as something carefully negotiated between 2 parties. Types of contracts include employment contracts, contracts for the sale and purchase of property, and service contracts. To view our constitution through a "contract" lens however, is misguided.

Our constitution, in contrast to a contract, is voted upon by the congregation. If passed it represents a governing document that

guides us and outlines procedures to follow. Nobody is going to sue us for "breaching" our constitution.

We, as a non-profit corporation formed under Indiana law, can and certainly do enter into contracts with parties such as a contract to buy property insurance, a contract to maintain our elevator, or an employment agreement. However, our constitution is not a "contract" with the ELCA or anyone else.

### If we adopt the ELCA Model, what are the benefits to Pilgrim?

1. We acknowledge that we are one body of Christ, as part of the ELCA, and not simply an individual congregation.
2. We adopt a set of principles, procedures and responsibilities that has been essentially evolved as a "best practices" document for lots of other ELCA congregations over the last 25-30 years.
3. There is comfort knowing that the constitution will guide us on what to do if and when something very unlikely actually happens. For example, if half of the congregation wants to leave and take the organ with them, the Constitution has mapped out a procedure; OR if we must terminate a call with a pastor, the Constitution again has mapped out a procedure.
4. In the eyes of the Synod and call candidates, we are not viewed as irregular. New candidates and pastors will already be familiar with the core principles, procedures and responsibilities laid out in our Constitution.

### With the ELCA Model, what are we giving up?

1. The comprehensive Model makes improvising much less likely. For example, the Model requires a congregation to call pastoral leadership from the clergy roster of the ELCA (except in special circumstances and with the approval of the Synod bishop). Some members might prefer the flexibility, for

example, to call a pastor *not on the roster of the ELCA* at some point in the future.

2. We also give up the ability to tweak Model provisions. For example, our current constitution states that voting members must be 21 years old. The Model states that any confirmed member (as early as 8<sup>th</sup> grade) may vote.

**The ELCA Model document seems long and complicated. Why can't we pick and choose what we want from the Model document?**

The ELCA is comprised of 65 Synods and over 10,000 congregations across the United States, Puerto Rico and the Virgin Islands. The Indiana-Kentucky Synod, is comprised of 186 congregations.

Having the same required provisions within the constitutions of all member congregations ensures a consistent community, as well as basic best practices from a legal, communal and missional perspective.

Specific principles include protecting minority voices within congregations, providing transparency and accountability in our congregational governing structure, and complying with Indiana law and with the church's governing documents. As with any comprehensive document, the Model is lengthy and detailed in order to provide specificity and avoid miscommunication.

**Under the Model, if Pilgrim ceases to exist, will the Synod take our property?**

No. The Congregation is authorized to sell, mortgage, lease, transfer or otherwise dispose of its property under Indiana law. The Congregation has all authority under the Model unless certain authorities have been specifically delegated to the Congregational Council. If the Congregation decides to disband or merge with another Congregation, the Congregation would decide what to do with its real estate. If, as a congregation, we fail to dispose of our property, then it has to go somewhere. It cannot go to individuals; it has to go to another not-for-profit organization. The not-for-profit organization

with whom we have the closest relationship and with whom we share common values is the Indiana-Kentucky Synod. Historically, the bishop's office has helped congregations that dissolve to find ways to dispose of their property in ways the congregation wants.