

# **Constitution**

## **MANITOBA/NORTHWESTERN ONTARIO SYNOD EVANGELICAL LUTHERAN CHURCH IN CANADA**

As amended by MNO Synod Conventions 2008 (1st Reading) and 2010 (2nd Reading) and approved by National Church Council, April 2011.

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### **ARTICLE I**

#### **Name and Incorporation**

- Section 1 The name of the synod functioning under this constitution shall be Manitoba/Northwestern Ontario Synod of the Evangelical Lutheran Church in Canada.
- Section 2 The synod shall be incorporated under the laws of Manitoba.
- Section 3 The seal of the Manitoba/Northwestern Ontario Synod shall consist of a ship encircled by the words "Manitoba/Northwestern Ontario Synod Evangelical Lutheran Church in Canada." The bishop shall have custody of the seal.

## **ARTICLE II**

### **Territory**

The territory of this synod shall be the Province of Manitoba and that portion of Ontario west of 86 degrees longitude.

## **ARTICLE III**

### **Confession of Faith**

- Section 1 This synod confesses the Triune God --Father, Son and Holy Spirit-- as the one true God. It proclaims the Father as Creator and Preserver; His Son, Jesus Christ, as Redeemer and Lord; and the Holy Spirit as Regenerator and Sanctifier.
- Section 2 This synod confesses that the Gospel is the revelation of God's saving will and grace in Jesus Christ, which He imparts through Word and Sacrament. Through these means of grace the Holy Spirit creates believers and unites them with their Lord and with one another in the fellowship of the Holy Christian Church.
- Section 3 This synod confesses the Scriptures of the Old and New Testaments as the inspired Word of God, through which God still speaks, and as the only source of the Church's doctrine and the authoritative standard for the faith and life of the Church.
- Section 4 This synod confesses the following symbols, comprising the Book of Concord of 1580, which it subscribes specifically as witnesses to the way in which the Holy Scriptures have been correctly understood and explained and confessed for the sake of the Gospel, namely
- a) The Apostles', the Nicene, and the Athanasian Creeds as the chief confessions of the Christian faith;
  - b) The Unaltered Augsburg Confession as its basic formulation of Christian doctrine;
  - c) Luther's Small Catechism as a clear summary of Christian doctrine;
  - d) The Apology of the Augsburg Confession, Luther's Large Catechism, the Smalcald Articles with the Treatise, and the Formula of Concord as further witnesses to the Unaltered Augsburg Confession.

## **ARTICLE IV**

### **Mission**

- Section 1 As the regional expression of the Evangelical Lutheran Church in Canada and in faithfulness to the Lord of the Church, this synod shall facilitate and advance the

mission of this church within its territory. Guided and empowered by the Holy Spirit, it shall carry out this mission by shepherding its congregations and rostered ministers by engaging in other forms of ministry which proclaim God's Word and serve to bring reconciliation to the world.

Section 2 In seeking to achieve its mission, this synod shall

- a) Organize, recognize, receive, release and exclude congregations and approve or disapprove of relocation or merger of congregations;
- b) Ordain, receive, consecrate, nurture, support and discipline rostered ministers;
- c) Recruit, approve, supervise and support ministerial candidates for rostered ministry;
- d) Cooperate with this church to provide for theological education at Lutheran Theological Seminary, Saskatoon, Saskatchewan, and elect two members to its Board of Governors;
- e) Provide for higher education for the members of this church and others and for ministry to persons engaged in higher education at universities and colleges on its territory;
- f) Encourage congregational evangelism and works of mercy;
- g) Encourage congregational programs for justice and service;
- h) Maintain and support social and health care service agencies and institutions in accordance with the standards adopted by the church;
- i) Cooperate with the church and other organizations or groups in activities that promote justice and reconciliation, meet human need and alleviate suffering;
- j) Interpret and support the nation-wide and world-wide work of the church through effective cooperation with the divisions and offices;
- k) Acknowledge the official auxiliaries as partners in carrying out the mission of the church;
- l) Participate in a provincial council of churches and similar cooperative, province-wide Christian movements which have been approved by the church as adhering to sound principles;
- m) Adjudicate appeals from congregational discipline in accord with the procedure in ARTICLE VI, Section II;
- n) Administer the synod as stipulated in the constitution and bylaws of the church and this synod;
- o) Carry out such other ministries which may be identified by the synod or by the Evangelical Lutheran Church in Canada.

## **ARTICLE V**

### **Membership**

- Section 1 As provided in the corporate bylaws of the Evangelical Lutheran Church in Canada, the membership of the synod consists of member congregations recognized by the synod, as a regional manifestation of this church; baptized individuals who are members of a congregation (baptized members) shall exercise their privileges and responsibilities through participation in the congregation in which they are members.
- Section 2 The synod at its organizational meeting shall recognize those congregations on its territory that are recognized by the Evangelical Lutheran Church in Canada and certified to it by the secretary of this church.
- Section 3 Additional congregations may be recognized by the synod acting on behalf of this church in the manner described in the constitution and bylaws of this church.
- Section 4 The synod may revoke its recognition of any congregation in the manner described in the constitution and bylaws of this church.

## **ARTICLE VI**

### **Congregations**

- Section 1 Every congregation which is recognized by this synod shall have a constitution which, in the judgment of the Synod Council, is in harmony with the constitution and bylaws of this church and of the synod.
- Section 2 Every parish not represented by a rostered minister shall elect a lay delegate to the convention of this church. If a parish has more than eight hundred baptized members two lay delegates shall be elected, unless a rostered minister of the parish has been chosen by the conference, in which case one lay delegate shall be elected.
- Section 3 Every congregation of the synod shall choose a delegate or delegates to represent it at conventions of the synod and at meetings of the conference to which the congregation is assigned. An alternate or alternates may act in the stead of the delegate or delegates in the event of their absence.
- Section 4 Congregations shall have the right to petition this synod, according to procedures set forth in the bylaws.
- Section 5 When a pastor resigns, the Congregational Council shall receive the resignation, report it to the congregation and notify the bishop of the synod.
- Section 6 The alignment of congregations in pastoral charges shall be subject to approval by the Synod Council.

- Section 7 The approval of this church or a convention of the synod or of its council shall be required for the solicitation of funds from congregations for institutions, agencies and causes of this church.
- Section 8 In case of strife and division in a congregation, the Congregational Council shall seek the advice of the bishop of the synod.
- Section 9 A congregation desiring to withdraw from this church shall require a two-thirds majority vote at any legally called and conducted meeting. The Bishop shall be notified immediately, in writing, of the results of the vote. Such decision shall not be effective until at least ninety days after the bishop has been notified and until the initial action has been ratified by a two-thirds majority vote at a subsequent legally called and conducted meeting held no sooner than ninety days after the bishop has been notified.
- Section 10 A congregation which has ceased to exist or whose membership has so diminished in numbers as to render it impossible or impractical for the congregation to function according to its constitution and bylaws shall, after consultation with any remaining members, be deemed by the synod of which it was a part to be defunct. The synod through the Synod Council shall appoint trustees, including where feasible former members of the congregation, who shall take charge and control of the property of said congregation to hold, manage and convey the same on behalf of this synod.
- Section 11 A lay member of any congregation may appeal to the synod from the disciplinary action of the congregation. All such appeals must be made in writing to the bishop within thirty days after the action has been taken. Copies of said appeal shall be transmitted by the appellant to the pastor and to the secretary of the congregation. The bishop shall appoint a special committee to investigate the appeal. The decision of the committee shall be final and reported to the appropriate parties.

## **ARTICLE VII**

### **Ordained Ministers**

- Section 1 Ordination of approved candidates shall normally take place in connection with a convention of the synod. The time and place of all ordinations shall be designated by the bishop.
- Section 2 Every pastor shall preach the Word, administer the Sacraments and conduct public worship in harmony with the faith and practices of the church; shall baptize, confirm and marry in accordance with the teaching of the church and with the laws of the province; shall visit the sick and distressed and bury the dead; shall inculcate piety in individual and family life and provide pastoral leadership to all schools and auxiliary organizations of the congregation; shall install members of the Congregational Council and, with the council, administer discipline; shall seek out and encourage qualified persons to prepare for the ministry of the Gospel and strive to extend the Kingdom of God in the

community, at home and abroad; and shall encourage the members to be generous in support of the ministry of the congregation, the synod and the church.

- Section 3 Every pastor shall keep accurate membership records including baptisms, confirmations, marriages, burials and communicants, and shall submit a report of such statistics annually to the secretary of the synod on forms provided by this church. The parish records shall be kept in a separate book which shall remain the property of the congregation.
- Section 4 When members move, the pastor shall commend them to the pastoral care of the parish in which their new home is located.
- Section 5 Each congregation shall consult the bishop of the synod before taking any steps leading to the extending of a call to a prospective pastor.
- Section 6 Upon receiving a call to another ministry, the pastor shall consult with the bishop and the chairperson of the Congregational Council before a decision is reached. The pastor shall inform the congregation and the bishop of the decision on the call within thirty days of official notice. When a call has been accepted, the pastor shall terminate the ministry within two months unless an extension has been agreed upon by the pastor and the Congregational Council.
- Section 7 The regular call of a congregation when accepted by a pastor shall constitute a relationship which shall be terminated only for the following causes:
- 1) the resignation of the pastor;
  - 2) the attainment by the pastor of the age of sixty-five years, after which time the pastor may be called for renewable two-year terms;
  - 3) disqualifications of the pastor through discipline;
  - 4) division of a pastoral charge;
  - 5) the physical or mental incapacity of the pastor;
  - 6) continued neglect of ministry;
  - 7) inability to conduct the pastoral office satisfactorily in that parish in view of local conditions, without reflection on the moral and spiritual character of the pastor.

In the last three contingencies, when such difficulties are made known, the bishop may, following consultation with the conference dean, appoint an Advisory Committee of two ordained ministers and two lay members to investigate. Upon the request of the Congregational Council or the receipt of a petition signed by at least one-third of the voting members of the congregation, the bishop shall appoint such an Advisory Committee to investigate.

In case of alleged physical or mental disability, medical testimony shall be secured. When such incapacity is evident, the bishop, on the advice of the committee and with the concurrence of the Congregational Council, shall declare the pastorate vacant. Upon the restoration of such a pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labour.

In case of alleged neglect of ministry or of local conditions which imperil the well-being of the congregation, all those concerned shall be heard, after which the bishop of the synod together with the Advisory Committee shall counsel with the pastor and the congregation on a proper course of action. Such counsel shall be offered out of Christian love and is not to be regarded as an act of discipline. After such counsel, if the problem has not been resolved, the congregation may terminate the call by majority vote. The bishop of the synod at any point in the foregoing proceedings, with the concurrence of the Congregational Council, may suspend the pastor from the functions of the ministry within the congregation, pending completion of the formal proceedings.

The foregoing procedure shall never be invoked when questions of doctrine or morality are involved, all such cases being treated as disciplinary matters.

- Section 8 No ordained minister shall preach or perform any ministerial act within the parish of another pastor except at the latter's request or consent, or visit or perform ministerial acts in a time of a pastoral vacancy except by invitation of its Congregational Council.
- Section 9 During a pastoral vacancy, an interim pastor shall be selected by the Congregational Council after consultation with the bishop. The interim pastor shall have the responsibility of a regularly called pastor. All interim and supply pastors shall refrain from exerting influence in the call process of the congregation.
- Section 10 All ordained ministers serving under call shall attend all conventions of the synod and the meetings of the conferences to which they belong.

## **ARTICLE VIII**

### **Diaconal Ministers**

- Section 1 The synod shall have a roster of diaconal ministers.
- Section 2 The standards of acceptance and continuance on the roster of diaconal ministers of this church shall be defined in the administrative bylaws of this church.

## **ARTICLE IX**

### **Full Communion Provisions**

- Section 1 Ordered ministers of churches with which this church has a full communion agreement, who are serving in this church under the provisions of the full communion agreement, shall have the same rights and privileges as the equivalent order of the ministry of this church.

**ARTICLE X**  
**The Conferences**

- Section 1 This synod shall be organized regionally into conferences whose number and boundaries are to be determined by the synod upon recommendation of the Synod Council.
- Section 2 The role of the conferences shall be defined in the bylaws of this synod.

**ARTICLE XI**  
**Conventions**

- Section 1 The convention of the synod shall be its highest legislative authority.
- Section 2 Conventions of this synod shall be held according to times, policies, and procedures as described in the bylaws of this synod.

**ARTICLE XII**  
**Synod Council**

- Section 1 Synod Council is the governing body of this synod and shall carry out all normal functions and responsibilities on behalf of this synod in accordance with the constitution, the bylaws and resolutions of this synod in convention.
- Section 2 Synod Council shall consist of the officers of this synod, and members, all of whom shall be members in good standing of congregations of this synod, elected according to procedures defined in the bylaws of this synod.

**ARTICLE XIII**  
**Officers**

- Section 1 The officers of the synod shall be a bishop, a chair, a secretary and a treasurer. At least two of these officers shall be lay members of this synod.
- Section 2 The duties of the officers shall be defined in the bylaws of this synod.
- Section 3 The officers shall be elected by the synod convention for a term of four years according to procedures established in the bylaws. All officers shall serve until their successors assume office.

- Section 4 Should a vacancy occur ad interim in any of the offices with the exception of the office of bishop, the Synod Council is empowered to fill the same until the next regular convention.
- Section 5 The recall or dismissal of an officer of the synod shall follow the procedure set out in the constitution and bylaws of this church.

## **ARTICLE XIV**

### **Office of the Bishop**

- Section 1 The bishop, as the chief executive officer of this synod, has full authority, responsibility and accountability to discharge all duties and obligations of that office as mandated in the constitution, the bylaws and by resolution of Synod Council.
- Section 2 The bishop shall provide pastoral leadership and counsel to ordained and diaconal ministers, congregations and conferences of this synod.
- Section 3 The bishop shall be the chief executive officer of this synod and an ex officio member of all committees of this synod.
- Section 4 The authority to elect and call a bishop shall rest with this synod at a regular convention or a special convention called for this purpose. Synod Council shall seek the advice and counsel of the National Bishop of the Evangelical Lutheran Church in Canada in the call process.
- Section 5 The bishop shall be on the roster of ordained ministers of this church or serving as an ordained minister in this church under the provisions of a Full Communion agreement.
- Section 6 The bishop shall be elected by this synod convention for a term of four years, without limitation, according to procedures established in the bylaws. The bishop shall serve until his/her successor assumes office.

## **ARTICLE XV**

### **Standing Committees**

- Section 1 Synod Council shall have authority to establish such committees deemed necessary for the mission of this synod.
- Section 2 Terms of reference for, and membership on, any committee shall be defined in a policy manual approved by Synod Council.
- Section 3 The committees shall be accountable to and report to Synod Council.

## **ARTICLE XVI**

### **Theological Institutions**

Section 1 This synod acknowledges its responsibility to maintain a theological seminary within the guidelines provided by this church, to strengthen this seminary spiritually and academically, and to provide for its financial support.

Section 2.

- a) The Board of Governors of Lutheran Theological Seminary, Saskatoon, Saskatchewan, shall control and manage the seminary and determine its academic and administrative affairs. The property of the seminary, both real and personal, shall be held by the Board of Governors in trust for and under the guidance of the Synods of British Columbia, Alberta, Saskatchewan and Manitoba.
- b) The board may propose to the synods an increase in the number of its members, such increase to include an equal number of rostered ministers and lay persons. Any proposal for increase in the number of members of the board must have the approval of the synods.
- c) The term of office for each member of the board shall be four years except in the following cases:
  - i. Where a member is appointed to fill a vacancy, such appointment shall be by the Synod Council and shall be for the remainder of the term of the predecessor;
  - ii. In the case of the first of any new elections in connection with increasing the number of the said board, the terms of office shall be for two or four years, so spaced that one-half of the membership of the board shall be elected each biennium.
- d) Members of the board shall be eligible to serve for not more than two consecutive terms.
- e) Financial support for the seminary shall be determined by a process of consultation between the Board of Governors and the Synod Council.
- f) The board shall make an annual report to the regular convention of the synod.

## **ARTICLE XVII**

### **Auxiliaries**

There shall be synodical units of the official auxiliaries of this church. Such units shall report to the Synod Council and convention. The bishop, or an appointee, shall have seat and voice at synodical unit conventions and board meetings.

**ARTICLE XVIII**  
**Financial Matters**

- Section 1 The fiscal year and the budget year of the synod shall be the calendar year.
- Section 2 The annual budget and financial reports of the synod shall reflect the entire range of its activities. The income listed shall include support from all sources.
- Section 3 Each budget shall approve an amount for contingency not to exceed 7% of the budget.
- Section 4 There shall be an operating reserve, determined by the Synod Council, of no more than 15% of the following year's budget.
- Section 5 Representatives of the Synod Council shall meet with representatives appointed by the National Church Council to agree upon the synod's commitment goal for support of the budget of the church during the next fiscal year. These representatives shall recommend for approval by the synod and by the National Church Council the amount of support to be transmitted through the synod to the church.
- Section 6 Special appeals to congregations for the raising of funds shall require the consent of the convention or the Synod Council.
- Section 7 The financial accounts of the synod shall be submitted annually for audit to a chartered accountant named by the Synod Council.

**ARTICLE XIX**  
**Bylaws**

- Section 1 This synod may adopt such bylaws, not in conflict with this constitution, as may be necessary. Such bylaws may be amended at any convention by a two-thirds vote of the delegates present and voting. At least one day shall elapse between first presentation and convention action unless unanimous consent to amend is given.
- Section 2 Bylaws relating to convention procedure may be suspended by a two-thirds vote of the delegates present and voting.

**ARTICLE XX**  
**Amendments**

- Section 1 The Confession of Faith as stated in Article III shall be that of the Evangelical Lutheran Church in Canada.

Section 2 Amendments to this constitution shall be in writing and may be proposed by

- a) The National Church Council,
- b) The Synod Council,
- c) A congregation of the synod,
- d) Ten delegates.

Section 3 All proposed amendments must be reported to the convention no later than the first full day of business. The Synod Council shall make report and recommendation during that convention on all proposed amendments. Adoption of an amendment shall require passage at this and the next regular convention by a two-thirds vote of the delegates present and voting. Notice of the full text thereof shall be sent to the pastors and congregations of the synod at least one month prior to the second reading. Further amendment at the second reading shall require unanimous consent. Such amendments shall be effective upon ratification by the Evangelical Lutheran Church in Canada in convention or by its National Church Council.