

Constitution for Bethany Lutheran Church of Naperville

Naperville, Illinois

Ratified by the Voters Assembly - October 16, 2005

Amended by the Voters Assembly:

September 24, 2006, December 5, 2006, March 10, 2009, June 7, 2009, December 6, 2009

Preamble

Since it is the will of our Lord that all things should be done decently and in good order (**1 Cor. 14:40**), we, the members of Bethany Lutheran Church set forth the following principles and regulations, which shall govern both the spiritual and temporal affairs of this congregation. These principles are not our own. They are drawn from the Holy Scriptures and the Lutheran Confessions, and so are right and true. Because false doctrine is a constant threat to the church (**1 John 2:26-27; Rom. 16:17**), this Constitution is rooted in the clear teaching of Scripture and the Lutheran Confessions to hinder those who use false doctrine to cause divisions within the Church.

Martin Luther's Reformation theology asserted the laity's responsibility to judge doctrine over and against priests and pastors who perverted the Gospel (**John 10:4**). In the hands of C. F. W. Walther, and on American soil, this resulted in the formation of the Voters Assembly. On the other hand, Luther also asserted the clergy's responsibility of oversight in the congregation against the radical individualism of the overzealous reformers (**Eph. 4:11**). This has resulted in a strong role for the clergy in Lutheran churches. This constitution embodies these biblical insights of the Lutheran Reformation

This constitution is organized and written in such a way that each article is built on the foundation of the preceding articles. First the institution is identified (Article I) and then the theological foundation is set in place (Article II). The structure of the institution is then built on the theological foundation (Article III). The remaining articles provide details moving from the general to the specific. This approach limits forward references and redundant wording.

Article 1 - Institution

1.1 Name and Location

The name of this congregation shall be *Bethany Lutheran Church of Naperville*. For the purposes of this Constitution, Bethany Lutheran Church of Naperville includes the day school run by the church. Together they will herein be referred to as "Bethany."

1.2 Synodical Affiliation

Bethany is a part of the Lutheran Church Missouri Synod (hereafter LCMS) and will remain in the synod as long as the Missouri Synod remains true to the Scriptures and the Lutheran Confessions.

1.3 Fellowship

As long as the LCMS remains true to the Scriptures and Lutheran Confessions, Bethany will practice synodical fellowship. We will share altar and pulpit fellowship with congregations of the LCMS and with those congregations who are members of synods in fellowship with the LCMS. Selective fellowship, the practice of sharing altar and pulpit fellowship with individual congregations from erring synods, is rejected.

1.4 Purpose of the Congregation

The Church's mission is to build herself up in faith and love, connecting more and more of fallen humanity to Christ, to the praise and glory of God, by and for the transmission of the forgiveness of sins, life and salvation through the Holy Gospel and sacraments of Christ and to keep her members connected to Christ through the same.

1.5 Property Rights

Bethany will own and hold title to and manage such real and personal property, which will be purchased, given, devised and bequeathed, as is necessary or incident to the purpose above. It shall operate as a nonprofit corporation. All property owned and managed by Bethany is ultimately supervised by the congregation.

1.6 Division of the Congregation

As there are many parts but only one body in the Church (**1 Cor. 12:12**), it is contrary to the expressed will of God to have division in the Church (**1 Cor. 1:10, Psalm 133:1, John 17:21**). However, if at any time a division shall take place at Bethany on account of doctrine, the property and all benefits connected therewith shall remain with the communicant members who continue to adhere in confession and practice to the confessional standards set forth in Article 2 below.

1.7 Disbanding of the Congregation

In the event the congregation disbands entirely, the property and all rights connected therewith shall be transferred to that district of the synod in which the congregation holds membership at the time of disbanding.

Article 2 - Theology

2.1 The Theology and Doctrinal Standard of Bethany

Bethany's doctrinal standard is drawn from the Scriptures as stated in the Formula of Concord.

We have no intention to yield anything of the eternal and unchangeable truth of God for the sake of temporal peace, tranquility and outward harmony. Still less by far are we minded to whitewash any falsification of true doctrine or any publicly condemned errors. We have a sincere desire for harmony that will not violate God's honor, that will not detract anything from the divine truth of the Holy Gospel, that will not give place to the smallest error, but will lead the poor sinner to true and sincere repentance, raise him up through faith, strengthen him in his new obedience, and thus justify and save him forever through the sole merit of Christ (adapted from the Formula of Concord, Solid Declaration, Article XI, paragraph 95-96; see also the Preface to *The Book of Concord*).

Our theological subscription is twofold: we subscribe to the Bible, and we subscribe to the Lutheran Confessions because they are drawn from and reflect the teachings of Holy Scripture. In the first place, we subscribe to the Scriptures because they are the inspired, inerrant, true Word of God (**2 Peter 1:21; 2 Tim. 3:16**). Secondly, we subscribe to the Lutheran Confessions because they are true exposition of the doctrine of the Apostles.

2.1.1 Biblical Standard for True Theology

Bethany believes and teaches that all true theology comes from the Holy Scriptures. The Holy Scriptures are the canonical books (the accepted list of the sixty-six Old and New Testament books) of the Bible and are the inerrant, revealed, verbally inspired Word of God. Holy Scripture not only contains the Word of God, but *is* the very Word of God. We also reject any biblical interpretation which disallows that words communicate objective truth and we believe that the history of the Bible is factual (**John 17: 7-8, 2 Tim. 3:14-17, 2 Peter 1:16-21**).

2.1.2 Confessional Standard for True Theology

All the Confessions of the Lutheran Church contained in the *Book of Concord* of 1580 are recognized as drawn from and reflecting the teaching of the Holy Scripture. These Confessions are The Apostles, Nicene and Athanasian Creeds; The Unaltered Augsburg Confession of 1530 and its Apology; The Smalcald Articles; The Treatise on the Power and the Primacy of the Pope; Luther's Small and Large Catechisms; and The Formula of Concord.

2.1.3 The Authority of Our Doctrinal Standard

Every activity of Bethany, including but not limited to divine worship, day school, Sunday school (adult and child), vacation bible school, youth groups, etc., shall adhere to the doctrinal standards set forth in this article.

2.2 The Theology of the Church

2.2.1 Where the Church is Found

As the Augsburg Confession teaches, all true congregations, Bethany included, are local congregations of believing Christians at a definite place, among whom the Word of God is preached in its purity and the Holy Sacraments are administered according to Christ's institution, in which there will be not only true believers but also false Christians and hypocrites (*Augsburg Confession, Article VII*) (Eph. 5:25-27; 1 Tim. 3:15; Gal. 1:9).

2.2.2 The True Power and Authority in the Church

The true power and authority in the church is the Office of the Keys of the Kingdom of Heaven (the power to forgive or retain sins). The Lord has given the Keys of the kingdom to His entire Church, and in such manner that they belong to each congregation, the smallest as well as the largest, in like measure (Matt. 18:18-20; 16:19; John 20:22-23). The Office of the Keys gives the church sufficient power and authority to perform everything that is requisite for its government and function (1 Pet. 2:5, 9; Rev. 1:6; 1 John 2:20; 2 Cor. 11:2; 1 Cor. 12:27; Matt. 18:20; 23:8-11; 1 Cor. 3:21-23; C.F.W. Walther, *Church and Ministry, Concerning the Church, Thesis IV*, trans. J.T. Mueller [St. Louis: Concordia, 1987]).

2.2.3 The Stewarding of the Office of the Keys

Even though the Office of the Keys is not given to any group or individual within the Church, She is supplied by God Himself with His own norm of delivering His forgiveness: the public stewardship by the called pastor(s) (1 Cor. 4:1). In Matthew 18, the Keys are given to the whole Church, but in Matthew 16, they are given to Peter, and in John 20, they are given to all of the Apostles. These three bestowals of the Office may not be separated. Every believer has the Gospel, but unlike the rest, the pastor(s) of the Gospel are responsible "stewards" and "servants" of the saving mysteries of God (1 Cor. 4:1; 2 Cor. 4:5), serving their fellow believers precisely by administering these inexhaustible riches (Luke 12:42) in Word and Sacraments. This Office of the Keys, by divine appointment (1 Peter 5:2; Acts 20:28; 2 Tim. 2:2; Gal 6:6), is administered and stewarded publicly by the called pastor(s) of the congregation (1 Cor. 12:28; Eph. 4:11-16).

2.2.4 The Voters Assembly: The Ultimate Deliberative Body in the Congregation

The Scriptures give us no specific form of church governance. For example, even though every member of the Church has been given the Office of the Keys, the Church is not a democracy. Christ alone has all authority in Heaven and on Earth (Matt. 28:18); therefore, Christ alone is to rule and govern His Church, which He does through His Holy Word. This Holy Word urges congregations to do everything in good order (1 Cor. 14:40); therefore, it is proper that some outward form of government be employed. Each congregation is free to devise its own form of governance—as long as such government does not conflict with Scripture or the Lutheran Confessions. With these principles in mind, this congregation establishes a Voters Assembly as its ultimate deliberative body to meet and function as prescribed herein so that each member is guaranteed the opportunity to make use of the Word of God in the decision-making actions of the congregation.

2.2.5 The Duties of the Church

C.F.W. Walther in his treatise on *The Proper Form of a Christian Congregation* describes the following Scriptural duties of the local Lutheran congregation. These duties are given in order of importance from first to last.

Duty # 1 - To see to it that the Word of God is unobstructed in the Church (Col. 3:16)

Duty # 2 - To maintain the purity of doctrine and church discipline (**Matt. 18:15-18; Rom. 16:17; 2 John 10-11; Gal. 1:8**)

Duty # 3 - To care for the temporal needs of its members (**Rom. 12:8; Acts 6:1-7; 1 Tim. 3:8-13**)

Duty # 4 – To see that all things are done in good order (**1 Cor 14:33, 40**)

Duty # 5 – To keep the unity of the Spirit in the bond of peace with all parts of the orthodox church (**walk in synod**) (**Matt. 18:15-18; Rom. 16:17; 1 Cor. 5:1-13; 6:1-8; 2 Cor. 2:6-11; Gal. 6:1; 1 Thess. 5:14; 2 Thess. 3:6, 14-15; 2 John 1:10-11**)

Duty # 6 - Build the church at large by evangelizing the unbelievers (**Acts 11:21-23; Acts 15:17-18**)

2.2.6 Theology of Worship

No doctrine, teaching, hymn, music, prayer, liturgy, or act which is in variance with the confessional standards set forth in Article 2.1 above, shall be used or expressed by any member of any arm of Bethany (**Col. 3:16-17**).

2.2.7 Church Membership

Bethany believes and teaches that all the members of the congregation must strive to grow and be enriched in all declaration and in all knowledge (**2 Peter 3:18; 1 Cor. 1:5**), that they may not remain children (in respect to God's Word and Sacraments), else they will be tossed to and fro and carried about with every change in the wind of doctrine (**Eph. 4:14; Heb. 5:12**), but will be able to discern by the Word of God the doctrine preached to them (**Acts 17:11; Matt. 7:15-16; 1 John 4:1; 1 Cor. 10:15**). Bethany believes and teaches that there are three types of members: Baptized, Communicant, and Voting.

2.2.7.1 Baptized Membership

2.2.7.1.1 Definition

Baptized members are all who have been baptized in the name of the Triune God (**Matt. 3:16-17; 28:19**), are listed on the roster of Bethany, and are under the spiritual care of the pastor(s) of this congregation.

2.2.7.1.2 Reception

Reception into baptized membership is by one of the following:

1. Being baptized or having been baptized in the name of the Father and of the Son and of the Holy Spirit (**Matt. 3:16,17; 28:19**),
2. Transferring baptized membership from a congregation of the LCMS or a synod with which the LCMS is in fellowship (Art.1.3), or
3. Formal application by at least one parent or guardian in the case of children who have been baptized in the name of the Father, Son, and Holy Spirit (**Acts 2:39; 16:15, 33; 1 Cor. 1:16**).

2.2.7.1.3 Termination

Baptized membership shall be terminated for the following reasons:

1. A child is not being brought regularly to worship services,
2. In the case of an adult, no intention or effort being made toward communicant membership,
3. Self-exclusion, by public self-disclosure or by not regularly attending worship services (**John 8:47; Heb. 10:24-25**),
4. Excommunication, in the case of a member not repenting of false doctrine or scandalous life as determined by the pastor(s) and elders (**Rom. 5:1; 1 Cor. 11:23-26**),
5. Joining a non-Lutheran church,
6. Requesting transfer of membership to a sister LCMS congregation,
7. Requesting release of membership to another (non-LCMS) Lutheran congregation,
8. Moving away without requesting transfer or release, or
9. Death.

2.2.7.2 Communicant Membership

2.2.7.2.1 Definition

A communicant member is a baptized member of the congregation catechized in the true faith (confirmation) so that he or she is eligible to receive Holy Communion (**Acts 2:42; 1 Cor. 11:26-29**). This catechization consists of adequate learning of the Holy Scriptures and the Small Catechism so that the member can give clear confession of the faith (**1 Peter 3:15**). A communicant member will also remain faithful, attend the Divine Service, study the Word, receive absolution, defend the faith (i.e. distinguish false doctrine from true doctrine), lead a pure life, and not join or support any organization whose tenets conflict with the Word of God (**Rom. 16:17-18; Matt. 12:30**).

2.2.7.2.2 Reception

Reception into communicant membership is open to the following:

1. Those who have been catechized and confirmed at Bethany,
2. Those who have transferred communicant membership from a congregation in fellowship with Bethany (see Art.1.3),
3. Those who have given public reaffirmation of faith (adequate knowledge of the Scriptures and Small Catechism as determined by the pastor(s) and elders) in the case of previous self-exclusion from baptized and communicant membership,
4. Those who have been excommunicated from baptized and communicant membership for a manifest and impenitent sinful life but who have also given satisfactory evidence of repentance as determined by the pastor(s) and elders, and
5. Those who have been wrongfully exiled or excommunicated from baptized and communicant membership as determined by the pastor(s) and elders.

2.2.7.2.3 Suspension and Church Discipline

Communicant membership shall be suspended when one is placed under church discipline as determined by the pastor(s) and elders. The object of church discipline is for the repentance of the straying or lost and their successful return to the congregation. Therefore, the communicant member cherishes Godly admonition (**2 Tim. 3:16-17; 1 Cor. 4:14**) for the sake of his or her soul. In cases where the communicant member is following false doctrine or leading a scandalous life and not repenting, the congregation will follow Matthew 18 to win the brother or sister back (**Matt. 18:15-20**).

2.2.7.2.4 Termination

Communicant membership shall be terminated for the following reasons:

1. Reasons 3 through 9 listed under Baptized Membership, or
2. Self-exclusion, by not regularly participating in the Lord's Supper.

2.2.7.3 Voting Membership

2.2.7.3.1 Definition

Voting members are communicant members of this congregation who have been received into voting membership by the Voters Assembly as indicated in the Bylaws.

2.2.7.3.2 Reception

Reception into voting membership occurs as indicated in the Bylaws.

2.2.7.3.3 Termination

Voting membership shall be terminated for the reasons indicated in the Bylaws.

2.2.7.3.4 Reinstatement

Voting membership may be reinstated as indicated in the Bylaws.

2.3 The Office of the Ministry and its Auxiliary Offices

2.3.1 The Office of Holy Ministry

2.3.1.1 Definition of the Office of Holy Ministry

The pastoral office, according to the Word of Christ and our Lutheran Confessions, is a called office of Divine placement, and not a position of secular employment (**Eph. 4:11**). Bethany believes, teaches and confesses that the following theses accurately describe the Office of the Ministry (from C.F.W. Walther's *Church and Ministry* [see section 2.2.2]). The pastoral office:

1. Is an office distinct from the priestly office which all believers have (**1 Cor. 12:28**).
2. Is not a human institution, but an office which God Himself has established (**Eph. 4:11-16**).
3. Is not an optional office, but one whose establishment has been commanded to the church by God and to which the church is ordinarily bound till the end of time (**Matt. 28:19-20**).
4. Is not a special and holier estate apart from that of ordinary Christians, as was the Levitical priesthood, but it is an office of service (**2 Cor. 4:5; Col 1:24-25**).
5. Is of the Word and has the power to preach the Gospel and administer the sacraments and the authority of spiritual judgment (**Matt. 28: 19-20; John 20:21, 23**).
6. Is conferred by God through the congregation as the possessor of all ecclesiastical power, or the Power of the Keys, by means of its call which God Himself has prescribed. The ordination of those called, with the laying on of hands, is not of divine institution but is an apostolic ecclesiastical arrangement and only a solemn public confirmation of the call (**Matt. 18:15-20; 1 Pet. 2:5-10; Acts 1:15-26; Acts 6:1-6**).
7. Has the authority conferred by God through the congregation, which is the possessor of the priesthood and all church authority, to exercise the rights of the spiritual priesthood in public office on behalf of the congregation (**Rom. 15:16**).
8. Is the highest office in the Church, from which all other offices in the church flow (auxiliary offices, e.g. day school teachers, cantor, DCE, Sunday school teachers, etc.) (**Matt. 16:19; 18:18; John 20:21-23**).
9. Deserves respect and unconditional obedience when speaking God's Word. But the pastor(s) has no lordship over the church. Therefore he has no authority to establish adiaphora. He also has no authority to impose and carry out excommunication alone, without the preceding acknowledgement of the whole congregation (**Heb. 13:17; 1 Thess. 5:12-13**).
10. Has the duty, by divine right, to judge doctrine. Laymen, however, also possess the divine right to do so as all God's children hear the true Shepherd's voice (**1 John 4:1; 2 John 10-11; Acts 17:11**).

2.3.1.2 Purpose and Duties of the Office of the Ministry

The Office of the Ministry was established by God to oversee and administer the Word and Sacraments on behalf of the congregation. "In this way are imparted not bodily but eternal things and gifts, namely, eternal righteousness, the Holy Spirit, and eternal life..." (**Augsburg Confession XXVIII 8-9**)

2.3.1.3 Accountability of the Office of the Ministry

The Office of the Ministry is accountable to God and His Word. The Office of the Ministry is accountable to preach and teach God's Word of Law and Gospel and to administer the Sacraments according to Christ's command, institution and ordinance. The congregation shall stand ready to test the preaching and teaching of the pastor to assure that it is, indeed, God's Word.

2.3.1.4 Call and Dismissal of the Office of the Ministry

2.3.1.4.1 Calling of Ordained Staff

In order to perform the highly important act of choosing and calling a minister properly, according to the provisions of God's Word, and so that the congregation proceeds in this manner, the congregation should implore God's blessing and guidance, and it should secure, if possible, the advice and presence of one or more experienced ministers of the Church, entrusting to them the direction of the public election.

A Call Committee will be formed to propose candidates to the Voters Assembly (Art 3.5.2.1.1). Inquiring after the qualifications of the persons proposed, the Voters Assembly acknowledges those as candidates who have been found eligible and recognizes and accepts the candidate who is elected by receiving a simple majority of the votes at the Voters Assembly meeting as the person whom God has called through the congregation.

The call documents signed by the called worker and by the proper officials pledge the called worker to adherence to the Holy Scriptures of the Old and the New Testament as the Word of God, and also to the Lutheran Confessions and to the faithful administration of the Holy Office in all its parts, and such diploma carries the promise of the congregation to recognize him as its shepherd, teacher, and overseer, to receive as the Word of God the Divine Word preached by him, to obey him when he is preaching and teaching the Word of God, love him, be at peace with him, honor him, and provide for his sustenance. Upon his acceptance of the call he is, according to apostolic usage, ordained or, in the case of an ordained minister, publicly and solemnly installed into his office.

Only pastors and certified candidates who are members of the LCMS or pastors from synods in altar and pulpit fellowship with the LCMS are eligible to be called to the Office of the Ministry at Bethany (**1 Tim. 3:1-2; Titus 1:5-6**). The authority for issuing calls rests with the Voters Assembly and may not be delegated to any smaller body.

2.3.1.4.2 Dismissal of Ordained Staff

A pastor may be removed from office by the Voters Assembly by a two-thirds (2/3) majority ballot vote, in Christian and lawful order, for one or more of the following reasons: persistent adherence to false doctrine, leading a scandalous life, or continued willful neglect, refusal or inability to properly exercise the Office of the Keys (not preparing for sermons and Bible studies, refusal to visit the sick, extreme mental illness, irreversible coma, etc.) (**1 Tim. 3:1-9; Titus 1:5-9; Hosea 4:6**).

2.3.2 Commissioned Offices, Auxiliary to the Office of the Ministry

2.3.2.1 Definition of Commissioned Offices

Commissioned Auxiliary offices are the current roster of commissioned offices as listed in The Lutheran Annual and have been created by the LCMS to assist the pastor(s) in carrying out the work of the Office of the Ministry.

2.3.2.2 Purpose of Commissioned Offices

The purpose of the commissioned auxiliary office is to assist the Office of the Ministry in its duty to administer Word and Sacrament. The duties of these offices will vary according to the service they are intended to perform in assistance to the Office of the Ministry.

2.3.2.3 Accountability of Commissioned Offices

The commissioned offices are accountable to the holder(s) of the Office of the Ministry. As with the Office of the Ministry, the congregation shall stand ready to assure that the commissioned offices are indeed administering God's Word in its truth and purity.

2.3.2.4 Call and Dismissal of Commissioned Offices

2.3.2.4.1 Calling of Commissioned Staff

Bethany intends to fill each commissioned office by extending a call to a rostered worker. Only church workers who are members of the LCMS or who are members of synods in fellowship with the LCMS are eligible to be called. Potential candidates must be certified by the synod of which they are a member as being qualified for the position for which they are being called. The authority for issuing calls rests with the Voters Assembly and may not be delegated to any smaller body.

2.3.2.4.2 Dismissal of Commissioned Staff

A commissioned staff member may be removed from office by the Voters Assembly by a two-thirds (2/3) majority ballot vote, in Christian and lawful order, for one or more of the following reasons: persistent adherence to false doctrine, leading a scandalous life, or continued willful neglect, refusal or inability to properly perform the duties of their office (not preparing or carrying out programs, extreme mental illness, irreversible coma, etc.) (1 Tim. 3:1-9; Titus 1:5-9; Hosea 4:6).

2.3.2.5 Filling Commissioned Offices via Contract

A commissioned office may be filled via contract if and only if no acceptable candidates who meet the qualifications for a call in Article 2.3.2.4.1 can be found and called within a reasonable period of time. The pastor(s) and elders are responsible for making this determination and for identifying candidates for a contract. Filling a commissioned office via contract can only be done with the approval of the Voters Assembly, with the exception of the emergency situation of a vacancy in a day school teacher position when there is insufficient time to hold a Voters Assembly meeting. In such a situation a contract may be issued without the approval of the Voters Assembly.

2.3.3 Vested Offices, Auxiliary to the Office of the Ministry

2.3.3.1 Definition of Vested Offices

Vested Auxiliary offices are created by Bethany to assist the pastor(s) in carrying out the work of the Office of the Ministry but are not officially rostered in the LCMS.

2.3.3.2 Purpose of Vested Offices

The purpose of the vested auxiliary office is to assist the Office of the Ministry in its duty to administer Word and Sacrament. The Bible does not give an exhaustive list of auxiliary offices, so the church is free to create them and put them into order as it sees fit. Vested auxiliary offices can include non-rostered contract, hired, and volunteer positions such as Sunday school teacher, elder, congregation officer, etc. The duties of these offices will vary according to the service they are intended to perform in assistance to the Office of the Ministry.

2.3.3.3 Accountability of Vested Offices

The vested offices are accountable to the holder(s) of the Office of the Ministry. As with the Office of the Ministry, the congregation shall stand ready to assure that the vested offices are indeed administering God's Word in its truth and purity.

2.3.3.4 Hiring, Contracting, and Dismissal of Vested Offices

2.3.3.4.1 Hiring and Contracting of Vested Offices

The pastor(s) and elders will be responsible for any vested offices requiring hiring and/or contracting.

2.3.3.4.2 Dismissal of Vested Offices

The pastor(s) and elders will handle cases of dismissal from vested offices.

Article 3 - Church Structure

3.1 Biblical Foundation for Church Structure

Christ is the head of the Church. He leads His Church through His Word. That Word (Office of the Keys, see Article 2.2.3. above) is given to the Church. Christ wishes that Word to dwell richly in the local congregation. To that end he has instituted the Office of the Ministry (Eph. 4:11) which is filled by pastors called to be stewards of the Office of the Keys within the congregation (1 Cor. 4:1).

It is God's will that the pastor and the congregation work together to accomplish the duties of the church, each doing what it has been given them to do by God. It is given to the pastor to preach God's Word and exercise oversight over the congregation (**1 Peter 5:1-3**) without being tyrannical or arbitrary (**Matt. 20:25-26**). The congregation should listen to the pastor's teaching as if listening to Christ Himself and then the pastor should put that word into action by helping the congregation accomplish its duties.

The congregation should not only listen to the pastor's teaching and heed it (**Heb. 13:17, 1 Thess. 5:12-13**) but should also stand ready to judge the pastor's teaching should he err (**John 10:1-5, 1 John 4:1, Gal. 1:8**). If the pastor(s) is not preaching God's word, then the parishioner(s) shall correct him so that the pure Gospel might be restored. If the pastor refuses to heed the correction, dismissal of his call shall be sought (see Article 2.3.1.4.2).

The pastor shall work with the elders to lead the congregation in regard to spiritual matters. The temporal matters will be handled by the other boards listed below. The work of these boards and the pastor(s) and elders will be coordinated by the Voters Board (see below). The Voters Board will also represent the voters to the pastor(s), elders and temporal boards, assuring that all matters needing voter approval are brought to the Voters Assembly. The pastor(s), elders and temporal boards are not ruling councils independent of the voters.

3.2 Voters Assembly

3.2.1 Purpose

Bethany believes and teaches that in order that our congregation may carry out its rights and privileges in a careful, advantageous, and God-pleasing manner, it is necessary to have public meetings, properly arranged and conducted, for the purpose of transacting its business. The Voters Assembly is a subgroup of the congregation consisting of the members as defined in Article 2.2.7.3 who meet in formal proceedings known as Voters Assembly meetings.

The Voters Assembly is the highest deliberative body in the congregation.

The Voters Assembly will always place a premium on the spiritual matters of the congregation. Bethany is first of all, the Body of Christ, and not a business.

Each member of the Voters Assembly will seek to serve the greater goal of the congregation over any individual needs.

3.2.2 Quorum

A quorum is the number of members that must be present in order that business can be transacted legally. Twenty-five (25%) percent of the current voting roster constitutes a quorum.

3.2.3 Regular Meetings

In order to establish rapport, full accountability and disclosure between called and elected leaders and the Voters Assembly, there will be regularly scheduled Voters Assembly meetings at least 4 times per year. If a regular Voters Assembly meeting cannot be held or completed, due to extraordinary circumstances, it must be rescheduled and/or reconvened at the next earliest opportunity

3.2.4 Special Meetings

In order to deal with exceptional circumstances, Special Voters Meetings will be conducted with a closed agenda with key agenda items pre-filed with the Chairman of the Voters Assembly and announced to the congregation with advance notice.

3.2.4.1 Annual Special Orders

The following Special Orders will take place on an annual basis in Regular Voters Assembly meetings: Elections Affirmations and Budget.

3.2.5 Special Voting Requirements

These matters cannot be delegated to a subgroup of the Voters Assembly:

1. Purchase or sale of property
2. Erection of buildings
3. Calling/dismissing ordained or commissioned staff
4. Removing congregational officers or board members
5. Excommunication
6. Termination or change of synodical fellowship
7. Annual budget

3.2.6 Officers

The officers of the Voters Assembly are elected servants, responsible for exercising leadership in acts that express the will and interests of the Voters Assembly at all times.

3.2.6.1 Elections

The officers of the congregation will be elected by the Voters Assembly, in a manner that ensures that qualified candidates are nominated, so that trust is without question.

3.2.6.2 Removal

Any officer may be removed from office by two-thirds majority ballot vote of the Voters Assembly, in a Christian and lawful order, for one of the following reasons: persistent adherence to false doctrine, scandalous life, neglect of duties, or inability to perform the duties of the office, after the principles of Matthew 18 have been applied.

3.2.6.3 Vacancy

The Voters Assembly shall approve/elect a replacement in the case of a vacancy.

3.2.6.4 Terms

The officers shall serve for defined terms described in the Bylaws.

3.2.6.5 Legal Signatories

Legal signatories of the congregation shall be the four officers of the Voters Assembly.

3.2.6.6 Duties

The duties of the officers are based on the general principles described in *Robert's Rules of Order*.

3.2.6.6.1 Chairman

The Chairman is the presiding officer of the Voters Assembly, and is respected as a representative of the entire assembly. The Chairman is responsible for the conduct of all Voters Assembly meetings so that the will of the assembly is met while maintaining firm control, acting primarily as the "first servant of the assembly." The Chairman enforces the reporting requirements of called and elected leaders to the Voters Assembly.

The Chairman is the presiding officer of the Voters Board, with the specific purpose of ensuring that all Voters Assembly agendas reflect the will of the voters concerning the voters' level of involvement in decision-making.

The Chairman is ultimately responsible for enforcing the Constitution and Bylaws.

Because the Chairman works closely with the pastors and elders on spiritual matters this office is limited to the men of the congregation. The Chairman shall have been faithful in worship and Bible class attendance at Bethany before his nomination for the position and is expected to remain faithful in worship, bible classes and the bible study sessions with pastors and elders at Bethany (**Acts 2:42**).

3.2.6.6.2 Vice Chairman

The Vice Chairman will assume the duties of the Chairman in his absence or when he is unable to perform the duties of his office. The Vice Chairman will serve as Parliamentarian at all Voters Assembly and Voters Board meetings, serving as a source of information on parliamentary procedures, but having no authority to make rulings or to enforce them.

Because the Vice Chairman works closely with the pastors and elders on spiritual matters, and may be called upon to assume the duties of the Chairman, this office is limited to the men of the congregation. The Vice Chairman shall have been faithful in worship and Bible class attendance at Bethany before his nomination for the position and is expected to remain faithful in worship, bible classes and the bible study sessions with pastors and elders at Bethany (**Acts 2:42**).

3.2.6.6.3 Treasurer

The proper management of the financial affairs of the congregation, offerings, and payments, etc., call for the service of an elected Treasurer. The Treasurer is responsible for all monies of Bethany. Specifically, these responsibilities include proper collecting, safekeeping and expenditures of all funds, for the keeping of accurate financial records, for preparing budgets and for regular reporting of financial conditions at all Voters Assembly and Voters Board meetings or as requested from the Voters Assembly or any member of the Voters Board.

The Treasurer should be a person of unquestioned integrity and should have the necessary knowledge to supervise the keeping of financial accounts.

The Treasurer collects and disburses funds only as directed by law, Constitution and Bylaws, or the Voters Assembly.

The Treasurer will submit to regular financial reviews of Bethany's books and accounts (**2 Cor. 8:20-21**).

The Treasurer shall be faithful in worship and Bible class attendance at Bethany (**Acts 2:42**).

3.2.6.6.4 Recording Secretary

The Recording Secretary is the chief recording and corresponding officer and the custodian of all records of the Voters Assembly and Voters Board.

The Recording Secretary works under the direction of the Chairman.

The Recording Secretary shall be faithful in worship and Bible class attendance at Bethany (**Acts 2:42**).

3.2.7 Role of the Pastor in the Voters Assembly

The Pastor(s) is called to oversee the administration of God's Word and sacraments in the congregation by which the spiritual duties of God's church are fulfilled. For this reason the pastor(s) shall play a key role in the spiritual matters in the Voters Assembly and Voters Board meetings.

3.3 Voters Board

3.3.1 Responsibilities

The congregation fulfills its duties through the work of the Office of the Ministry, its Auxiliary Offices, and the boards, committees and societies described below. All final decision-making authority resides in the Voters Assembly, following the examples of the Apostles in Acts 6. To maintain order in the Voters Assembly and to serve as an advocate for the Voters Assembly to the boards, committees and societies between Voters Assembly meetings, the congregation shall elect officers who will join with other lay leaders, pastors and other called workers to form a Voters Board. The Voters Board is not a decision-making body. The primary purpose of the Voters Board is to review the monthly business of the other boards and from that review, recommend to the chairman the business to be brought to the Voters Assembly. In doing this, the Voters Board is also providing a link between the spiritual and temporal boards, committees and societies.

The Voters Board shall be bound by the doctrinal standard in this Constitution and shall make its decisions in a timely manner, working for unity of purpose of all the boards and committees.

As is the case with the Voters Assembly, the Voters Board shall always place a premium on the spiritual matters of the congregation.

3.3.2 Members

The Voters Board shall consist of the pastors(s), principal, Chairman, Vice-Chairman, and Head Elder from the Spiritual domain, and the Treasurer (Head of the Finance Board), Recording Secretary, Head Trustee, and the Head of the Day School Policy Board from the Temporal domain.

3.4 Boards, Committees and Societies - General

3.4.1 Boards

The boards are the decision-making bodies of the congregation and cannot exist outside of the Constitution.

3.4.1.1 Board Members and Their Election

Board members are elected for three-year terms by the Voters Assembly unless otherwise specified. For elections, the Nominating Committee will bring a slate to the Voters Assembly.

3.4.1.2 Board Chairs

Each board shall elect its own chair annually from its own members unless otherwise specified. The board chair is responsible for ensuring that the work of the board is conducted in good faith. In addition, the board chairs must adhere to the reporting requirements as stated in Article 3.3.1 for a Voters Board member. All board members are responsible for ensuring that the chair fulfills these duties, and the board reserves the right to discipline the chair, up to and including electing a new chair before the annual term is complete, unless otherwise specified.

The board chairs shall participate in the regular study sessions with the pastors and elders and be faithful in worship and Bible class attendance at Bethany (**Acts 2:42**).

3.4.2 Committees

Committees assist the boards in their work. All standing committees that affect the checks and balances of Bethany shall be listed and described in this Constitution. Committees are created by a board as needed and are accountable to that board.

3.4.2.1 Committee Members

Committees are appointed by the chairman of the overseeing board in conjunction with the pastor(s). A board member is appointed as committee chair in order to ensure that committee activities are properly reported to the voters. A board member can be chairman of only one of the following committees at a time: Nominating Committee and Call Committee.

3.4.3 Societies

Societies are working groups that are formed around a given task of the Lord's work (e.g. missions, member care, altar guild, etc.) and are under the direction of a sponsoring board. Societies come into being by petitioning the appropriate board for sponsorship. After receiving sponsorship, the society proposal is presented to the Voters Assembly for approval. There shall be no societies that do not have board sponsorship.

Societies must work with the sponsoring board to ensure all activities are properly reported to the voters.

3.5 Boards, Committees and Societies - Specific

3.5.1 Distinction Between Spiritual and Temporal Matters

Four of the Church's six duties (Art. 2.2.5) involve preserving and promoting God's Word. The Church is therefore centered on spiritual matters. Spiritual matters will always take precedence at Bethany and will as much as possible be separated from the temporal matters in which the Church must also be involved. Therefore Bethany divides these matters into spiritual boards, committees and societies and temporal boards, committees and societies. The spiritual Board of Elders and its committees and societies have precedence as Bethany conducts its business.

3.5.2 Spiritual Boards

3.5.2.1 Board of Elders

It is the pastor's responsibility to oversee the administration of Word and Sacrament in the congregation. Since the Word of God has also been given to all other believers, and it is their responsibility to listen for the pure Word of God, a Board of Elders shall be established to assure that the Word is proclaimed purely. The Board of Elders is to be concerned with the spiritual matters of the congregation. Elders will assist the pastor in governing the church with God's Word, maintaining good order and when necessary, practice church discipline. Since the oversight of the spiritual affairs of the congregation are given to the whole church, the Board of Elders will consist of the pastor(s) and qualified lay men.

This congregation shall be ruled by the Word of Christ. The pastor(s) may not dictate matters of adiaphora to the elders nor may the elders dictate matters of adiaphora to the pastor(s). They shall work together to find God-pleasing decisions. As stated in Article 2.2.4, the Voters Assembly is the ultimate deliberative body in the congregation and may therefore request that any adiaphorous matter be brought to them for consideration.

There shall be at least nine (9) and no more than twelve (12) lay voting members of the Board of Elders.

3.5.2.1.1 Responsibilities

The Board of Elders is responsible for all spiritual welfare and activities of the congregation individually and corporately, including all details in the day school that have any spiritual implications (Arts. 3.5.5.3.1 and 4.2). These responsibilities include:

1. Ensure adherence to the Doctrinal Standard of all ministries of Bethany (Art. 2):
 - a. Worship
 - b. Preaching
 - c. Teaching
 - d. Fellowship

2. Provide for the welfare and well-being of the pastor(s).
3. Handle personnel matters for the pastor(s) and auxiliary offices, taking special care to protect the fair exercise of rights of both the worker and the congregation.
4. Oversee the spiritual health of the congregation, of the pastor(s) and auxiliary offices, and its members (Art. 3.1).
5. Provide spiritual leadership for the congregation, working with the other boards and committees to work effectively towards common goals. To accomplish this, the board shall elect a Head elder who will serve as a member of the Voter Board (Art. 3.3.2), ensuring that the spiritual matters shall have precedence (Art. 3.5.1).
6. Assist the pastor(s) in promoting a spirit of harmony among the congregation members.
7. Appoint and lead the Call Committee, ensuring that the overarching interests of Bethany are served.
8. Appoint a nominating committee to ensure that Bethany elects qualified and committed leaders (Art 3.5.3.2).
9. Assist the pastor(s) in caring for fellow souls in need. The Elders shall be responsible for the Benevolence Fund (Art.3.5.2.1).
10. Assist the pastor(s) in determining that those received into communicant membership meet the standards set forth above (Art. 2.2.7.2.2).
11. Share responsibilities with the pastor(s) for hiring/contracting and dismissing vested offices (Art. 2.3.3.4).
12. Be in bible study sessions with the pastors, Chairman, Vice Chairman, and Board Chairs (Arts. 3.2.6.6.1, 3.2.6.6.2, and 3.4.1.2).

The Board of Elders shall be the sole sponsor of all spiritual committees (Art. 3.5.2.1).

The Elders may not hold an elected position, nor may they participate in or observe any deliberations on any board, committee or society where they have a vested interest, whether economic or personal (Art. 5).

3.5.2.1.2 Qualifications and Affirmation

The office of elder is restricted to males because the elders work directly with the pastor as he exercises spiritual oversight in the congregation, and God has limited this office of oversight to males (**1 Cor. 14:34-35; 1 Tim. 2:11-14**).

New members of the Board shall be appointed by the Board of Elders and the pastor(s), and affirmed by the Voters Assembly for indefinite terms of office, subject to re-affirmation by the Voters Assembly.

3.5.3 Spiritual Committees

The elders will establish committees as they deem necessary to assist them in their work. Committees might include Missions, Evangelism, Youth, Social Work, etc. The elders will oversee the work of each spiritual committee. Spiritual committees are not limited to men.

3.5.3.1 Call Committee

A Call Committee will be subject to articles 2.3.1.4.1 and 2.3.2.4.1.

3.5.3.2 Nominating Committee

The Board of Elders will appoint a Nominating Committee to compile a slate of candidates for voter approval of all elected positions. The Nomination Committee is only responsible for Bethany's Elected positions, as identified in these Constitution and Bylaws. At least half of the Nominating Committee will be from the Board of Elders.

3.5.3.2.1 Solicitation

The Nominating Committee will provide a period for congregational suggestions for open positions in advance of an election. Self-nomination and solicitation to be nominated shall be considered inappropriate. The Nominating Committee will take steps to determine the suitability of potential candidates for office based on the qualifications for office as set forth in this Constitution and Bylaws.

3.5.3.2.2 Announcement

The Nominating Committee will announce the slate of candidates for office with enough advance notice for the voters to be well-informed.

3.5.4 Spiritual Societies

The Board of Elders will promote, support and supervise societies pertaining to the spiritual life of the congregation (e.g. Altar Guild, missions, etc.). Spiritual societies are not limited to men.

3.5.5 Temporal Boards

3.5.5.1 Board of Trustees

3.5.5.1.1 Responsibilities

The primary purpose of the Board of Trustees is to assist the Head Trustee in the monitoring, coordination of maintenance, and reporting to the congregation of all property, grounds and equipment matters of Bethany, and to insure the continuing physical health of the congregation's properties, grounds and equipment through adherence to sound preventative maintenance schedules.

While its responsibilities are in Bethany's temporal domain, the Board of Trustees shall be bound by the doctrinal standard in this Constitution, shall make its decisions in a timely manner, and shall always work for unity of purpose in Christian love across all of Bethany's Boards and positions of leadership.

As is the case with the Voters Assembly, the Voters Board, and the Board of Finance, the Board of Trustees shall always place a premium in their decisions towards supporting the spiritual matters of the congregation.

3.5.5.1.2 Members

The Board of Trustees shall consist of at least eight (8) and no more than sixteen (16) voting members nominated by the Nominating Committee and elected from and by Voters Assembly. Members will be elected for three (3) year terms, with one-third (1/3) of the Board elected each year. The Board of Trustees will elect amongst them a Head Trustee, who will act in that capacity for one year. Members of the Voters Board shall be advisory, non-voting members of the Board of Trustees.

3.5.5.2 Board of Finance

3.5.5.2.1 Responsibilities

The primary purpose of the Board of Finance is to assist the Treasurer in the coordination, monitoring, approving, and reporting to the congregation all financial matters of Bethany, to encourage Bethany's members to proportionately give of their God-given time, talents and resources, and to insure the continuing financial health of the congregation through adherence to sound financial management principles.

While its responsibilities are in Bethany's temporal domain, the Board of Finance shall be bound by the doctrinal standard in this Constitution, shall make its decisions in a timely manner, and shall always work for unity of purpose in Christian love across all of Bethany's Boards and positions of leadership.

As is the case with the Voters Assembly, the Voters Board, and the Board of Trustees, the Board of Finance shall always place a premium in their decisions towards supporting the spiritual matters of the congregation.

3.5.5.2.2 Members

The Board of Finance shall consist of the congregation's elected Treasurer as this Board's Chairman, plus at least eight (8) and no more than twelve (12) voting members nominated by the Nominating Committee and elected from and by Voters Assembly. Members will be elected for terms of three (3) years, with one-third (1/3) of the Board elected each year.

Members of the Voters Board shall be advisory, non-voting members of the Board of Finance.

3.5.5.3 Day School Policy Board

3.5.5.3.1 Responsibilities

The Day School Policy Board is responsible for the conduct and quality of Bethany's Lutheran day school program except for all spiritual matters, where the Board of Elders has supervising authority.

As the principal is the chief administrator of the school, any disagreements between the principal and Day School Policy Board will be handed to the Voters Board for direction.

Duties include the following:

1. Approve curriculum and analyze the performance of the day school.
2. Provide for the professional growth of the educational staff through continuing education, conferences, etc.
3. Promote the day school to all members of the congregation, other Lutheran churches in the community, as well as the community in general.
4. Prepare and submit an annual budget in the form and at the time requested by the Board of Finance.

While its responsibilities are in Bethany's temporal domain, the Day School Policy Board shall be bound by the doctrinal standard in this Constitution, shall make its decisions in a timely manner, and shall always work for unity of purpose in Christian love across all Bethany's boards and positions of leadership.

As is the case with the Voters Assembly and the Voters Board, the Board of Finance, and the Board of Trustees, the Day School Policy Board shall always place a premium in their decisions toward supporting the spiritual matters of the congregation.

3.5.5.3.2 Members

The Day School Policy Board shall consist of at least eight (8) and no more than twelve (12) members nominated by the Nominating Committee and elected from and by the Voters Assembly. Members will be elected for terms of three (3) years, with one-third (1/3) of the board elected each year.

The principal of the day school is an ex officio member of this board.

Members of the Voters Board shall be advisory, non-voting members of the Day School Policy Board.

3.5.6 Temporal Committees

The temporal boards may appoint standing committees (e.g. financial review, budget, etc.) and ad hoc committees (e.g. fund drive) to assist them with their work.

3.5.6.1 Financial Review Committee

The Financial Review Committee is responsible to the Board of Trustees for the specific purpose of reviewing the books of the Treasurer and the Board of Finance at least every other year. In addition, optional accounts and resources as directed by the Voters Assembly, or any member of the Voters Board, may also be reviewed.

3.5.6.2 Emergency Expenditure Committee

The Emergency Expenditure Committee is responsible to the Board of Finance. The Emergency Expenditure Committee shall consist of the Chairman, Treasurer, and the Chairs of the Board of Elders, Board of Trustees and the Day School Policy Board. This committee shall have the authority to approve expenditures that are not included in the budget, up to an amount of 2% of the total annual budget, with an affirmative vote of at least three of the committee's five members, only when it is not reasonable to secure Voters Assembly approval before such expenditures are required by the pertinent circumstances.

3.5.7 Temporal Societies

The temporal boards will promote, support and supervise societies pertaining to the temporal life of the congregation (e.g. offering counters, PTL, etc.).

3.6 Conducting Business Meetings

For good order and a due regard for the rights of all, *Robert's Rules of Order* will be in effect in any business meeting within Bethany, including Voters Assembly, board, committee and society meetings. These meetings shall be previously announced, and held at a suitable time. Those who fail to appear thereby waive their right to vote, without exception.

Any voting member may attend any meeting of the Voters Board, boards, committees and societies and speak to the issues at hand if not restricted by this Constitution; though for good order, the chairman has the right to place restrictions and policies on meeting guests.

Each board and committee member is expected to honor the chairman and fellow members of his board or committee and the voters who elected him by maintaining decorum and discretion for the matters at hand. Repeated instances of violating the trust expected from an elected/appointed position are grounds for discipline, up to and including removal from his/her position.

The chair of the meeting must enforce the rule that only one speaker may speak at a time (**1 Cor. 14:30**), and only after the previous speaker has finished and after being officially recognized by the Chairman, so that every one has an opportunity to express his/her opinion and the discussion does not turn into a division in the church (**1 Cor. 11:16**).

In matters of doctrine and conscience there must be unanimity, all giving assent to the teaching of God's Word and to the Lutheran Confessions. Adiaphorous matters, neither commanded nor prohibited by God's Word, are ordered according to the principles of love and equity. After the matter has been fully and orderly discussed, it is decided by a vote. Any decision determined to be contrary to the Word of God is null and void, and must be so declared and revoked.

In order to ensure that all decisions made within meetings are fully disclosed, all business meetings of Bethany must have minutes kept and made available for review to the Voters, in a reasonable amount of time after a meeting takes place.

3.6.1 Executive Session

Each board and committee has the right to enter into executive session (per Robert's Rules) to discuss sensitive matters. This must be kept to a minimum and used only on rare occasions. Reports of the activities addressed in executive session shall be recorded, though kept as sealed minutes to be opened only under Voters Assembly approval.

Article 4 - The Lutheran Day School

4.1 Rationale

From its inception the Missouri Synod has recommended that whenever possible churches should have day schools. Lutheran day schools are an excellent way to administer God's Word and Sacraments to the children of the congregation. Therefore, Bethany shall, if possible, establish a Lutheran day school and high school.

4.2 Supervision

The Board of Elders shall supervise the spiritual matters in the day school, and the Day School Policy Board shall supervise the temporal matters in the day school. Any matter that is not explicitly temporal in nature must be referred to the Board of Elders for consideration.

Article 5 - Conflict of Interests

No one may hold more than one elected and/or elder position at the same time, nor may anyone participate in or observe any deliberations on any board, committee or society where they have a vested interest, whether economic or personal.

Article 6 - Authority

6.1 Authority of this Constitution

All Bylaws, procedures and policies set forth by Bethany, whether in writing or in practice, are subject to the requirements and constraints contained in this Constitution, and are limited because no rights or exclusions are granted that are not expressed in this Constitution.

6.2 Enforcing this Constitution

The chairman of the Voters Board is responsible for enforcing this Constitution, though it is imperative that every voting member of Bethany be diligent in assuring that respect for these statutes are maintained by all.

Article 7 - Amendments

Amendments to this Constitution can only be enacted when the following requirements have all been met:

1. Proposed amendment is made as an “Amending Motion” under new business at a Regular Voters Assembly meeting.
2. The Voters Board reviews the Amending Motion to determine whether it conflicts with any part of the Constitution and Bylaws.
3. The Amending Motion publicly announced and explained to the congregation.
4. The Amending Motion withstands debate without modification at the next two consecutive Regular Voters Assembly meetings.
5. The Amending Motion passes by a two-thirds (2/3) majority of the Voters Assembly.

Article 8 - Unalterable Articles

The following articles of this Constitution cannot be altered:

- 1) Article 2.1 and all subsections below it
- 2) Article 2.3.1.4.2
- 3) Article 2.3.2.4.2
- 4) Article 8 -