

**Rules Governing Disciplinary Proceedings Against
Rostered Ministers and Congregations of the
Evangelical Lutheran Church in America**

**[Approved by the Church Council of
the Evangelical Lutheran Church in America
on April 16, 2026, pursuant to
ELCA Bylaw 20.22.14. and 20.24.04.]**

Contents

- A. Preface**
- B. Introductory Matters**
- C. Temporary Suspension Without Prejudice of Rostered Ministers**
- D. Consultation: The Process Before Charges Are Brought by the Synod Bishop**
- E. Dismissal of Charges When Brought by Someone Other than the Synod Bishop**
- F. Discipline Hearing Committee—Preliminary Matters**
- G. The Hearing Officer of a Discipline Hearing Committee**
- H. Facilitators**
- I. The Hearing Before the Discipline Hearing Committee**
- J. Due Process in Discipline Proceedings**
- K. Discipline Committee—Post Hearing Matters**
- L. Proceedings Before Discipline Hearing Committee Composed of Members of the Synod's Consultation Committee**
- M. Effective Dates, Appeals, and Stays**
- N. Reference Table**

[04/16/2026]

**Rules Governing Disciplinary Proceedings Against
Rostered Ministers and Congregations of the
Evangelical Lutheran Church in America**

**[Approved by the Church Council of
the Evangelical Lutheran Church in America
on April 16, 2026, pursuant to
ELCA Bylaw 20.22.14. and 20.24.04.]**

A. Preface

Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions* (“governing documents”) of the *Evangelical Lutheran Church in America* (“ELCA”) and these rules set forth the ecclesiastical process by which this church determines whether and to what extent discipline of rostered ministers and congregations is warranted. This process reflects the faith of this church and this church’s understanding of its nature and mission. The freedom of this church to decide for itself who will minister in its name is a precious one that is safeguarded by the First Amendment to the United States Constitution. Therefore, this church will seek to protect its ecclesiastical disciplinary process from interference by secular authorities.

This process may be invoked when rostered ministers or congregations fail to maintain ELCA standards. The governing documents (20.22.14. and 20.24.04.) specifically provide for rules of procedure for the performance of duties of hearing officers and discipline hearing committees. Sections F1 through L53 specifically constitute these rules.

The Church Council of the ELCA has concluded that this process will be facilitated if the material (that has been developed by the same process prescribed in 20.22.14.) found in Sections B1 through E6 and M1 through M10 is available to those who are involved in the discipline process—bishops, bishop’s assistants, members of consultation and advisory panels, discipline and appeals committees, hearing officers, facilitators, accuser(s) and accused, their respective representatives, complaining witnesses, and their friends or advocates.

A number of the rules—indicated by asterisks—are quotations from, or paraphrases of provisions, bylaws, and continuing resolutions. A reference table at the end of the rules indicates the provision, bylaw, or continuing resolution on which such rules are based.

B. Introductory Matters

- *B1. Ministers of Word and Sacrament shall be subject to discipline for:
- a. preaching and teaching in conflict with the faith confessed by this church
 - b. conduct incompatible with the character of the ministerial office;
 - c. willfully disregarding or violating the functions and standards established by this church for the office of ministry of Word and Sacrament;
 - d. willfully disregarding the provisions of the constitutions, bylaws, and continuing resolutions of this church; or
 - e. willfully failing to comply with the requirements ordered by a discipline hearing committee under 20.24.08.

- B2. The grounds for discipline as stated in Rule B1 have been explicated in *Definitions and Guidelines for Discipline*, a document approved in revised version on several occasions, most recently April 6, 2025, by the Church Council of the ELCA pursuant to 20.21. of the ELCA Constitution.
- *B3. Charges against a minister of Word and Sacrament which could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:
- a. at least two-thirds of the members of the Congregation Council of a congregation served by the minister of Word and Sacrament, submitted to the synod bishop;
 - b. at least one-third of the voting members of a congregation served by the minister of Word and Sacrament, submitted to the synod bishop;
 - c. at least two-thirds of the members of the governing body to which the minister of Word and Sacrament, if not a congregational pastor, is accountable, submitted to the synod bishop;
 - d. at least 10 rostered ministers of the synod on whose roster the accused minister of Word and Sacrament is listed, submitted to the synod bishop; or
 - e. the synod bishop.
- *B4. Charges against a rostered minister of Word and Sacrament who is serving as a synod bishop, or who served as a synod bishop at any time during the 12 months preceding the filing of written charges, may be made by the presiding bishop of this church, submitted to the secretary of this church. In such case, the presiding bishop shall have all the authority of a synod bishop.
- B5. If the presiding bishop of this church is the accuser as described in Rule B4, the presiding bishop shall not participate in the meeting of the Executive Committee described in Rule F16, and the functions assigned to the presiding bishop under Rules F17, F18, and H1 shall be performed by the secretary of this church.
- *B6. Ministers of Word and Service shall be subject to discipline for:
- a. confessing and teaching in conflict with the faith confessed by this church;
 - b. conduct incompatible with the character of the ministerial office;
 - c. willfully disregarding or violating the functions and standards established by this church for the ministry of Word and Service;
 - d. willfully disregarding the provisions of the constitution or bylaws of this church;
 - e. willfully failing to comply with the requirements ordered by a discipline hearing committee under 20.24.08.
- B7. The grounds for discipline as stated in Rule B6 have been explicated in *Definitions and Guidelines for Discipline*, approved in revised version on several occasions, most recently April 6, 2025, by the Church Council of the ELCA pursuant to 20.21. of the ELCA Constitution.
- *B8. Charges against a minister of Word and Service that could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:
- a. at least two-thirds of the members of the Congregation Council of a congregation served by the minister of Word and Service, submitted to the synod bishop;
 - b. at least one-third of the voting members of a congregation served by the minister of Word and Service, submitted to the synod bishop;
 - c. at least two-thirds of the members of the governing body to which the minister of Word and Service, if not serving a congregation, is accountable, submitted to the synod bishop;

- d. at least 10 rostered ministers on official rosters of the synod on whose roster the accused rostered minister is listed, submitted to the synod bishop; or
 - e. the synod bishop.
- *B9. Congregations shall be subject to discipline for:
 - a. departing from the faith confessed by this church;
 - b. willfully disregarding or violating the criteria for recognition as congregations of this church; or willfully disregarding or violating the provisions of the constitution, bylaws, or continuing resolutions of this church.
- B10. The grounds for discipline as stated in Rule B9 have been explicated in *Definitions and Guidelines for Discipline*, a document approved in revised version on several occasions, most recently April 6, 2025, by the Church Council of the ELCA pursuant to 20.21. of the ELCA Constitution.
- *B11. Charges against a congregation which could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:
 - a. at least one-fifth of the voting members of the congregation, submitted to the synod bishop;
 - b. at least three other congregations of the synod, submitted to the synod bishop;
 - c. the Synod Council; or
 - d. the synod bishop.
- B12. As used in these rules, "accused" refers to a rostered minister or congregation against whom charges have been made under Rules B3, B4, B8, or B11 and "accuser" means the person(s) who signed such charges. An accuser need not necessarily have direct, firsthand knowledge of the alleged acts, conduct, or instances that are set forth as specifications in the charges nor is an accuser necessarily required to testify at a subsequent hearing. An individual who has firsthand knowledge of alleged acts, conduct, or instances and who is identified in the charges is sometimes referred to as a "complaining witness."
- B13. Charges shall set forth the offense of which the accused is alleged to be guilty. An offense is an act or conduct set forth either in ELCA Bylaw 20.22.01. (Rule B1) in the case of ministers of Word and Sacrament, Bylaw 20.23.01. (Rule B6) in the case of ministers of Word and Service, or Bylaw 20.31.01. (Rule B9) in the case of congregations, or described in *Definitions and Guidelines for Discipline* approved by the Church Council pursuant to ELCA 20.21. The specification(s) contained in the charges shall state what the accused is alleged to have done which, if true, constitutes (an) instance(s) of the offense(s).
- B14. Resignation or removal from the roster of Ministers of Word and Sacrament or from the roster of Ministers of Word and Service terminates any disciplinary action that is pending or that might otherwise be brought against a rostered minister.
- B15. When the resignation or removal occurs after a synod bishop has brought written charges, or when charges are brought other than by the synod bishop and have not been withdrawn or dismissed or otherwise disposed of as provided in ELCA Bylaw 20.22.06. (Rule E4), a copy of the charges shall be forwarded to the secretary of this church for retention as provided in ELCA Bylaw 7.41.11. When the resignation or removal occurs earlier than as specified in the preceding

sentence, the synod bishop shall preserve a record of the matter and the disposition of the matter.

- B16. When the accuser is a synod bishop, the presiding bishop, or the Synod Council, the written charges may be withdrawn by the accuser at any time prior to the commencement of the hearing before the discipline hearing committee.
- B17. When the accuser(s) is other than a synod bishop, the presiding bishop, or the Synod Council, the written charges may be withdrawn by the accuser(s) at any time prior to the commencement of the hearing before the discipline hearing committee only with the consent of the bishop of the synod on whose roster the accused is listed. If the bishop declines to consent, the bishop is substituted as the accuser for all purposes in lieu of the withdrawing accuser(s).
- B18. If the written charges are withdrawn as permitted under Rule B16. or Rule B17., the charges are not considered by the discipline hearing committee and Rule *J5 does not apply.
- B19. Where these rules provide that notice is to be given or delivered to, or service is to be made upon, the accused or the accuser(s), such notice or service may be made by personal delivery, by telephone, by facsimile transmission, by courier delivery, by commercial overnight delivery, or by U.S. mail. With the consent of the person receiving the notice or service, the notice or service may be made by electronic mail or similar electronic means. The use of registered or certified mail with restricted return receipt requested is recommended as the means of establishing the date when mail was actually received by a person.
- B20. When a party is represented by an attorney, notice that is given to that attorney shall be deemed to have been given to that party, and documents provided to that attorney shall be deemed to have been provided to that party. However, if both parties agree, they may communicate directly with one another, notwithstanding the fact that one or more of them are represented by attorneys.
- B21. The synod of jurisdiction for disciplinary proceedings against a rostered minister shall always be the synod on whose roster such rostered minister's name appears at the time that written charges are filed, even though specific allegations may involve events that occurred when the individual was on the roster of another synod.
- B22. The synod of jurisdiction for disciplinary proceedings against a congregation shall always be the synod on whose roster of congregations such congregation appears at the time that written charges are filed.
- B23. Many of the provisions of Rules D1 through E6 are based on provisions of ELCA Bylaw 20.22.04. through 20.22.06. that by their express terms are applicable to ministers of Word and Sacrament. These same bylaw provisions have been made applicable to ministers of Word and Service by virtue of ELCA Bylaw 20.23.04. Accordingly, Rules D1 through E6 are applicable to all rostered ministers. Some of the same bylaw provisions have been made applicable to congregations by virtue of ELCA Bylaw 20.31.04. Accordingly, Rules D1 through D20 are applicable to congregations.

- B24. Many of the provisions of Rules F1 through K19 are based on provisions of ELCA Bylaw 20.22.07. through 20.22.22. that by their express terms are applicable to ministers of Word and Sacrament. These same bylaw provisions have been made applicable to ministers of Word and Service by virtue of ELCA Bylaw 20.23.05. and to congregations by virtue of ELCA Bylaw 20.31.05. Accordingly, Rules F1 through K19 are applicable regardless of whether accused is a rostered minister or a congregation.
- B25. Any right extended to any party under Chapter 20 of the governing documents or by these rules may be waived by that party. It is preferable that any such waiver be in writing, but not necessary, unless otherwise provided under Chapter 20 of the governing documents or under these rules.
- *B26. The authority to administer private censure and admonition upon a congregation is inherent in the office of bishop. Proceedings under this chapter or any other provision of the constitutions and bylaws of this church or of its synods are not required for the exercise of such authority.

C. Temporary Suspension Without Prejudice of Rostered Ministers

- *C1. If there are indications that a cause for discipline exists or if in the course of the proceedings it should become apparent to the synod bishop that the pastoral or diaconal office cannot be conducted effectively in the congregation(s) being served by the rostered minister due to local conditions or that local conditions may be adversely affected by the continued service by the rostered minister, the synod bishop may temporarily suspend the rostered minister from service in the congregation(s) without prejudice and with compensation including benefits. In the case of a pastor, the salary and benefits shall be provided through a joint churchwide/synod fund and the housing shall be provided by the congregation(s). In the case of a deacon, the salary and benefits shall be provided through a joint churchwide/synod fund.
- C2. The obligation to continue compensation from the joint funds identified in Rule C1 shall cease with the effective date of the decision of the discipline hearing committee.
- C3. Notwithstanding Rule C1, the congregation may agree to provide some or all of the compensation including benefits of a rostered minister who has been temporarily suspended, thereby releasing to such extent the obligation upon churchwide and synod funds.
- C4. For the purposes of Rule C1, the term "benefits" shall include only (a) those payments required to be made to the Board of Pensions of the Evangelical Lutheran Church in America for participation in the retirement medical, and other insurance plans of such Board for the account of a rostered minister who is a sponsored member in such plans, or (b) the actual payments made for the purpose of providing retirement medical, and other insurance benefits for a rostered minister who is not a sponsored member, but not in an amount that would exceed the amount described in clause (a) hereof if such person were a sponsored member.
- *C5. If there are indications that a cause for discipline exists or if in the course of proceedings, it becomes apparent to the synod bishop that the circumstances require, the synod bishop may temporarily suspend a rostered minister serving under letter of call issued other than by a congregation from the office and functions of ministry without prejudice and without affecting compensation and housing.

- C6. If there are indications that a cause for discipline exists or if in the course of proceedings, it becomes apparent to the synod bishop that the circumstances require, the synod bishop may temporarily suspend a rostered minister who is without call from the office and functions of ministry without prejudice.
- C7. If there are indications that a cause for discipline exists or if in the course of proceedings, it becomes apparent to the synod bishop that the circumstances require, the synod bishop may temporarily suspend a retired rostered minister from the office and functions of ministry without prejudice.
- C8. The term “without prejudice” as used in Rule C1 and C5 through C8 requires that the discipline hearing committee shall not consider the fact that the accused has been temporarily suspended in deciding whether the charges against the accused are true.

D. Consultation: The Process Before Charges Are Brought by the Synod Bishop

- *D1. When there are indications that a cause for discipline exists, efforts shall be made by the synod bishop to resolve the situation by consultation; for assistance in these efforts, the synod bishop may utilize either a consultation panel or an advisory panel.
- D2. In addition to, or in lieu of, a consultation panel or an advisory panel, a synod bishop may utilize the assistance of one of the synod bishop’s assistants or other staff persons or any other individual appointed by the synod bishop for this purpose. In addition, a bishop may request investigatory assistance under 20.22.04., which may include, but is not limited to, contracting for investigatory expertise in matters of alleged sexual abuse, forensic accounting in matters of alleged fiscal misconduct, or other specialized professional services.
 - a. Any contractors providing services in such investigations will work under the supervision of the general counsel or synod attorney at the discretion of the synod bishop.
 - b. The result of such investigation shall typically be the preparation of a written report delivered to the synod bishop requesting the investigation and the supervising attorney. The synod bishop may dispense with the requirement of a written report, however, if, in their sole discretion, it is in the best interest of those involved.
 - c. The synod bishop need not follow or disclose the contents of the report or any recommendations contained therein.
- D3. A consultation panel or advisory panel does not conduct a formal hearing, nor can such a panel take formal action against any person. Rather, such a panel exists solely to assist the synod bishop in efforts to resolve the situation by consultation and/or advise the synod bishop whether the synod bishop should submit charges and thereby initiate the formal disciplinary process. In other words, a consultation panel or advisory panel merely functions as a group of trusted advisors to the synod bishop. As a result:
 - a. The decision to utilize a consultation panel, an advisory panel, or neither belongs solely to the synod bishop.
 - b. The due process rights provided in the formal disciplinary process—such as the right to specific written notice of the charges, the right to be represented by counsel, and the right to confront witnesses—do not apply to the informal consultation process.
 - c. The synod bishop shall decide to what extent the synod bishop should participate in the interviews and/or deliberations of a consultation panel or an advisory panel. The synod

- bishop shall not be deemed a member of a consultation panel or advisory panel for any purposes, including for purposes of Rule D18, even if the synod bishop participates in any or all of the interviews and deliberations of a panel.
- d. Neither a consultation panel nor an advisory panel can take formal action against a person. Such a panel can merely make recommendations to the synod bishop.
 - e. The synod bishop need not follow or even disclose the recommendations made by a consultation panel or advisory panel, even if the synod bishop participates in any or all of the interviews and deliberations of a panel.
- D4. With the exception of the procedures set forth in Rules E1 through E6, the only difference between a consultation panel and an advisory panel is the method of appointment and the eligibility of persons to serve on the panel.
 - *D5. The Consultation Committee of the synod shall consist of at least six persons and not more than 12 persons, of whom half shall be rostered ministers and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection.
 - *D6. When requested by the synod bishop, a consultation panel consisting of five persons (three rostered ministers and two laypersons) appointed from the members of the Consultation Committee of the synod by the synod bishop, or, at the request of the synod bishop, by the Synod Council's Executive Committee or other committee authorized to do so by the Synod Council, shall assist the synod bishop in efforts to resolve a situation by consultation.
 - *D7. When requested by the synod bishop, an advisory panel consisting of five persons (three rostered ministers and two laypersons) appointed by the synod bishop shall assist the synod bishop in efforts to resolve a situation by consultation.
 - D8. One member of the panel may be designated as the chair by the appointer of the panel.
 - D9. While lay members of an advisory panel must be members of ELCA congregations, those congregations need not be on the roll of congregations of the synod in which disciplinary proceedings must be brought. While rostered members of an advisory panel must be on the rosters of the ELCA, they need not be on the rosters of the synod in which disciplinary proceedings must be brought. Members of the Consultation Committee may be appointed to an advisory panel.
 - *D10. When appointed at the request of the synod bishop, a consultation panel or advisory panel shall advise the synod bishop as to whether or not the bishop should bring charges or may make other recommendation for resolution of the controversy that would not involve proceedings before a discipline hearing committee.
 - D11. The consultation or advisory panel may recommend through the bishop that the rostered minister resign from the current call and/or resign from the relevant roster.
 - D12. Whenever possible, a consultation panel or an advisory panel shall endeavor to resolve the controversy through recommendations that are pastoral and therapeutic and which, if accepted by the parties and others concerned, would eliminate the necessity for proceedings before a discipline hearing committee.

- D13. When the subject of a consultation or advisory panel's inquiry concerns a rostered minister, its meetings should be closed sessions, except in unusual circumstances and at the direction of the bishop. When the subject of the panel's inquiry concerns a congregation, its meetings may be open or closed sessions at the direction of the bishop.
- *D14. The panel may meet with complaining witnesses, as well as with the concerned rostered minister or leadership of the concerned congregation, and with any other persons who may have information that the panel wishes to consider.
- D15. A consultation panel or advisory panel may be flexible in dealing with a particular matter. For example, in one case it may be desirable to interview complaining witnesses and the concerned rostered minister at the same time and place, while in another case it may be preferable that the panel separately interview the complaining witnesses and the concerned rostered minister.
- D16. An individual or congregation may decline to be interviewed by a consultation or advisory panel.
- D17. Any individual who is interviewed by a consultation or advisory panel may be accompanied by a spouse, friend, relative, advocate, or representative; such spouse, friend, relative, advocate or representative shall not participate in discussion with the panel, however. Members of a congregation chosen to represent the congregation may be interviewed by the panel.
- D18. Members of a consultation or advisory panel may not testify in subsequent proceedings before a discipline hearing committee regarding any statement they heard or information they learned while serving as members of the committee. However, any witnesses or evidence identified as the result of the statements or information presented to a panel may be presented in subsequent proceedings before a discipline hearing committee.
- *D19. If requested by the synod bishop, members of the panel may also assist, as representatives of the accuser, in the presentation of the accuser, in the presentation of accuser's case and examination of witnesses before a discipline hearing committee.
- D20. Members of a consultation panel or advisory panel shall refrain from discussing matters considered by the panel except as required to discharge the duties of the panel.

E. Dismissal of Charges When Brought by Someone Other than the Synod Bishop

- E1. Most frequently, formal disciplinary proceedings are commenced when a synod bishop brings charges. Rules E1 through E6 provide a special process that a bishop may invoke in the less frequent cases when charges have been brought pursuant to ELCA Bylaw 20.22.03. (Rule B3) or 20.23.03. (Rule B8), by someone other than the synod bishop or the presiding bishop of this church.
- E2. The invocation of the provisions of ELCA Bylaw 20.22.06. (Rule E4) is always discretionary with the synod bishop. The bishop may, but is not required to, utilize a consultation panel when charges are filed by someone other than the synod bishop or the presiding bishop of this church.
- E3. The provisions of ELCA Bylaw 20.22.06. (Rule E4), if utilized by the synod bishop, require the use of a consultation panel, constituted in the manner described in ELCA Bylaw 20.22.04.a. (Rule

D6). The provisions of ELCA Bylaw 20.22.06. (Rule E4) cannot be utilized by an advisory panel described in ELCA Bylaw 20.22.04.b. (Rule D7).

- *E4. When charges are brought by someone authorized to do so, other than by the synod bishop or the presiding bishop of this church, the synod bishop may refer such charges to a consultation panel appointed in accordance with 20.22.04.a. (Rule D6):
 - a. If as a result of meeting with a consultation panel the charges are withdrawn by the accuser(s), no further proceedings shall be required.
 - b. Upon recommendation of the consultation panel that the charges be dismissed, the synod bishop may dismiss the charges, in which case no further proceedings shall be required.
 - c. Upon recommendation of the consultation panel that some of the allegations supporting the charges be stricken, the synod bishop may strike some or all of such allegations, and further proceedings shall be required on the remaining allegations.
 - d. In the case of charges that do not anticipate disciplinary action, the consultation panel shall submit a report in writing to the synod bishop that sets forth the action or actions recommended by the consultation panel, and the synod bishop shall convey the recommendations to the parties. If either party does not accept the recommendations, that party may appeal to the Synod Council, whose decision shall be final.
 - e. In the case of charges that anticipate disciplinary action that have not been withdrawn or dismissed as a result of 20.22.06.a. or b., the charges shall be referred to a discipline hearing committee for a hearing.
 - f. The work of a consultation panel under this section should be completed within 30 days from the time the panel was constituted.
- *E5. While the synod bishop is not required to follow the recommendations of a consultation panel, the bishop has authority to dismiss the charges or strike certain of the allegations supporting the charges only when so recommended by a consultation panel.
- E6. No individual can serve as member of a consultation panel if (i) such individual is related (as “related” is defined in ELCA Bylaw 19.05.05.) to the accused if an individual or to the accuser(s) if (an) individual(s); (ii) such individual is a member or a former member of a congregation that is the accused or accuser; (iii) such member is a member of the Synod Council who is the accuser; or (iv) such individual is an accused or accuser.

F. Discipline Hearing Committee—Preliminary Matters

- *F1. A discipline hearing committee shall be convened to conduct a hearing whenever charges are brought by the synod bishop or the presiding bishop of this church, or are brought by others and have not been withdrawn or dismissed under the process described in ELCA Bylaw 20.22.06. (Rule E4). The voting members of this committee shall be composed of 12 persons, six of whom shall be selected from the members of the Committee on Discipline of the synod under the process described in ELCA Bylaw 20.22.08. and these Rules and six of whom shall be selected from the churchwide Committee on Discipline (see Rules F11 and F16). A hearing officer selected from the churchwide Committee of Hearing Officers under the process described in ELCA Bylaw 20.22.12. (Rule F17) shall preside as the nonvoting chair of the discipline hearing committee.

- *F2. The Committee on Discipline of the synod shall consist of 12 persons of whom six shall be rostered ministers and six shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without the possibility of consecutive reelection. The terms of committee members shall be staggered so that the terms of four committee members (two rostered and two lay) expire every two years.

- *F3. The churchwide Committee on Discipline shall consist of 24–36 persons elected by the Churchwide Assembly for a term of six years, each without the possibility of consecutive reelection, to serve as needed on a discipline hearing committee in any of the synods in this church.

- *F4. The churchwide Committee of Hearing Officers shall consist of six to nine persons elected by the Church Council for a term of six years, each without consecutive reelection, to serve as needed on a discipline hearing committee in any of the synods in this church.

- *F5. When charges are brought by a synod bishop, or when charges are brought other than by a synod bishop and have not been withdrawn or dismissed or otherwise disposed of as provided in ELCA Bylaw 20.22.06. (Rule E4), the synod bishop shall deliver a copy of the charges to the accused and the secretary of this church.

- F6. The secretary of this church shall obtain from the synod of roster of the accused a list giving the names, addresses, gender, lay or roster status and term expiration dates of the members of the Committee on Discipline of the synod. The secretary also shall obtain from the synod biographical information about each committee member comparable to the biographical information contained in the churchwide nominations database.

- F7. The secretary of this church shall communicate with each of the members of the Committee on Discipline of the synod of roster of the accused to ascertain whether the member is not disqualified from serving and is available to serve on a discipline hearing committee.

- F8. The secretary of this church shall communicate with each of the members of the churchwide Committee on Discipline to ascertain whether the member is not disqualified from serving and is available to serve on a discipline hearing committee. The secretary shall also provide each committee member with the member's biographical information contained in the churchwide nominations database, with the request that the committee member update such information as required.

- F9. The secretary of this church shall communicate with each member of the churchwide Committee of Hearing Officers to ascertain whether the member is not disqualified from serving and is available to serve on a discipline hearing committee. The secretary shall also provide each committee member with the member's biographical information contained in the churchwide nominations database, with the request that the committee member update such information as required.

- F10. No member of the Committee on Discipline of the synod, the churchwide Committee on Discipline, or the churchwide Committee of Hearing Officers shall serve on a discipline hearing committee if (i) such member is related (as "related" is defined in ELCA Bylaw 19.05.05.) to the accused if an individual or to the accuser(s) if (an) individual(s); (ii) such member is a member or

a former member of a congregation that is the accused or accuser; (iii) such member was a member of a congregation at the time that such congregation employed the accused or accuser; (iv) such member is a member of the Synod Council who is the accuser; (v) such member is an accused or accuser; or (vi) the participation of such member may give rise to the appearance of partiality, even if the member would in fact be impartial.

- *F11. The secretary of this church shall notify (as provided in Rule B19) the accused that a discipline hearing committee will hear the case and that the accused has the right to select two (one rostered minister and one layperson) of the 12 committee members who will serve on such committee (and in addition, if the accused so desires, a first alternate and a second alternate of the same lay or rostered status for each of the two selected members). Such two persons (as well as the alternates) so selected shall be from the members of the churchwide Committee on Discipline. The secretary of this church shall also notify the accused that, to exercise this right, the secretary must receive the names of those selected by the accused within 20 days from the date that the secretary's notice is given. The secretary of this church shall also provide the accused and the accuser with biographical information on the members of the churchwide Committee on Discipline.
- F12. The secretary of this church shall notify the vice president and secretary of the synod of the need to determine, in accordance with ELCA Bylaw 20.22.08. and Rule F19., which members of the Committee on Discipline of the synod will serve as members of the discipline hearing committee and which will serve as alternates for the discipline hearing committee.
- F13. The secretary of this church shall notify the vice president of this church of the need for a meeting of the Executive Committee of the Church Council to select six members, plus six alternates, from the churchwide Committee on Discipline to serve on a discipline hearing committee.
- F14. The Executive Committee of the Synod Council shall determine, in accordance with ELCA Bylaw 20.22.08. and Rule F19., which members of the Committee on Discipline of the synod are to serve as members of the discipline hearing committee and which members are to serve as alternates for the discipline hearing committee. The secretary of the synod shall so advise the secretary of this church by such date as the secretary of this church shall specify. If by such date the secretary of this church has not been so informed, the secretary of this church shall make the required determinations on the basis of information then available.
- F15. The secretary of this church shall notify the presiding bishop of the ELCA of the need to appoint a hearing officer to serve as nonvoting chair of a discipline hearing committee.
- *F16. If within the time prescribed, the accused has selected two members, plus their alternates, of the discipline hearing committee, the Executive Committee of the Church Council shall select the four additional members, plus an alternate for each member, from the churchwide Committee on Discipline so that, together with the two members selected by the accused, the total of six persons selected consists of three rostered ministers and three laypersons, and the alternates consist of three rostered ministers and three laypersons, with each alternate being designated as the primary alternate for a particular selected member. If within the time prescribed the accused shall have failed to exercise the right to select two members, or any of the members or alternates selected by the accused are disqualified from serving or are unable

to serve, the Executive Committee of the Church Council shall select an additional one or two members and alternates from the churchwide Committee on Discipline, so that the total of six persons selected consists of three rostered ministers and three laypersons, and the alternates consist of three rostered ministers and three laypersons, with each alternate being designated as the primary alternate for a particular selected member.

- *F17. Not later than at the time that the Executive Committee of the Church Council makes its selection as provided in Rule F16, the presiding bishop of the ELCA shall select one member of the churchwide Committee of Hearing Officers to serve as the nonvoting chair of a discipline hearing committee. The bishop shall so advise the secretary of this church.
- F18. The presiding bishop of the ELCA shall select another member of the churchwide Committee of Hearing Officers to serve as the nonvoting chair of a discipline hearing committee in the event of an emergency that precludes the person selected under Rule F17 from discharging that person's duties. The bishop shall so advise the secretary of this church who shall notify the individual so selected and the hearing officer first selected.
- F19. Those six members of the Committee on Discipline of the synod whose terms expire latest shall serve as members of a discipline hearing committee, and those six members whose terms expire earliest shall serve as alternates. Within each category of rostered minister or layperson, the alternate who is first in alphabetical order shall serve as the alternate for the voting member who is first in alphabetical order, the alternate who is second in alphabetical order shall serve as the alternate for the voting member who is second in alphabetical order, and so on. If there is a deadlock as to which member shall serve as a member of the discipline hearing committee and which member shall serve as an alternate because two members of the Committee on Discipline of the synod have terms expiring at the same time, the member who is first of the two in alphabetical order shall serve as the member of, and the other as alternate for, the discipline hearing committee if the discipline hearing committee is constituted (as defined in Rule F21) in an even-numbered year, and the member who is second of the two in alphabetical order shall serve as the member of, and the other as alternate for, the discipline hearing committee if the discipline hearing committee is constituted (as defined in Rule F21) in an odd-numbered year.
- F20. The secretary of this church (or other person authorized by the Executive Committee of the Church Council) shall notify (as provided in Rule B19) the hearing officer of the discipline hearing committee, the accused, and the accuser(s) of the names of the six members of the churchwide Committee on Discipline and the six members of the Committee on Discipline of the synod who will serve on the discipline hearing committee. The secretary of this church shall provide the accused, the accuser(s), and the hearing officer with the list of alternates. The secretary of this church shall also provide the accused, the accuser(s), and the hearing officer with the biographical information concerning the discipline hearing committee members and alternates obtained under Rules F6, F8, and F11.
- F21. The discipline hearing committee shall be constituted on the date that the secretary of this church gives notice to the hearing officer of the discipline hearing committee, the accused, and the accuser(s) of the six members from the churchwide Committee on Discipline and the six members of the Committee on Discipline of the synod who will serve on the discipline hearing committee.

- F22. Whenever vacancies in the voting membership of a discipline hearing committee occur for any reason following the constituting of the committee, as provided in Rule F21, reasonable efforts shall be made to fill a vacancy with the designated alternate for that position. The Hearing Officer shall implement this replacement effort consistent with this rule. If a designated alternate is unable to serve for any reason, one of the other alternates shall be selected to serve but only if the alternate meets both of the following conditions:
1. The alternate selected shall be from the same discipline committee (synod or churchwide) as was the person being replaced.
 2. The alternate selected shall be of the same rostered minister or layperson category as was the person being replaced.
- If, consistent with these two conditions, there are two alternates eligible and available to serve, the alternate selected shall be of the same gender as the person being replaced. If, after application of the preceding sentence, there remains a vacancy and there are two alternates eligible and available to serve, the alternate whose name is first in alphabetical order shall serve, if the committee was constituted (as defined in Rule F21) in an even-numbered year, and the alternate whose name is first in reverse alphabetical order shall serve if the committee was constituted (as defined in Rule F21) in an odd-numbered year.
- *F23. Any member of the churchwide Committee on Discipline who has been appointed to serve on, or to be an alternate for, a discipline hearing committee to hear a particular pending case shall continue to serve to discharge that appointment notwithstanding that a successor has been subsequently elected at a Churchwide Assembly.
- *F24. Any member of a Committee on Discipline of the synod who has been appointed to serve on, or to be an alternate for, a discipline hearing committee to hear a particular pending case shall continue to serve to discharge that appointment notwithstanding that a successor has been subsequently elected at a Synod Assembly.
- F25. Any member of the churchwide Committee of Hearing Officers who has been appointed to serve on a discipline hearing committee to hear a particular pending case shall continue to serve to discharge that appointment notwithstanding that a successor has been subsequently elected by the Church Council.
- F26. The quorum for the discipline hearing committee shall be seven of its voting members.
- *F27. Prior to and at the hearing, decisions of the discipline hearing committee shall be made by a majority of its members present. Following the hearing, decisions of the discipline hearing committee shall be made by a majority of its members who were present at the hearing. Any member who was not present for the entire hearing shall not be eligible to participate in any deliberations subsequent to the hearing.
- F28. Either the accused or the accuser may challenge the participation of a hearing officer or any voting member or alternate member on a discipline hearing committee for cause under Rule F10. A party raising such a challenge shall be permitted to support the challenge with argument and evidence. With the consent of the other party, the hearing officer may remove a challenged member or alternate of the discipline hearing committee without further proceedings. Absent such consent, the other party may, but need not, submit argument and evidence in opposition

to the challenge. The remaining voting members of the committee, even though also challenged, shall determine whether the challenged hearing officer or member shall be disqualified. Challenged hearing officers or members may participate in the deliberations on whether they should be disqualified, but only the remaining members shall vote upon the challenge. This vote shall be by secret ballot if the committee has met in person or by individual poll by the hearing officer or facilitator if the committee has met by telephone conference call.

- F29. At all times, before, during, and after the pendency of disciplinary proceedings, members of or alternates for, a discipline hearing committee shall refrain from discussing matters considered by the committee except as required to discharge the duties of the committee.
- F30. Any written statements in the accuser's possession that relate to the subject matter of the charges and have been written, dictated, signed, or subscribed to by a complaining witness who is identified in the charges are for the exclusive use of the accuser and the representatives of the accuser. Such statements shall not be shared with the accused unless consented to by the complaining witness or required in secular judicial proceedings.

G. The Hearing Officer of a Discipline Hearing Committee

- G1. After consulting with the secretary of this church concerning the availability of members of the discipline hearing committee, the hearing officer of the discipline hearing committee shall contact the accused, the accuser(s), and their representatives, if known, to determine possible dates and places for a hearing.
- G2. The hearing officer of the discipline hearing committee shall set the date and time of the hearing before the discipline hearing committee within the time parameters described in Rules G3 and G4. The hearing officer shall also select the place of the hearing. After consulting with the accused, the accuser(s), and their representatives, the hearing officer may order that a hearing be conducted by means of remote communication.
- *G3. Written notice of the date, time, and place of the hearing and a copy of the charges shall be delivered by the hearing officer to the accused and to the accuser(s) at least 20 days prior to the date of the hearing.
- *G4. In each specific case for which a discipline hearing committee has been constituted, the committee shall, within 60 days after the secretary of this church has given notice of the selection by the Executive Committee of the members of the churchwide Committee on Discipline to serve on a discipline hearing committee, meet with the accused and the accuser(s) to commence a hearing.
- G5. The 60-day period specified in Rule G4 may be extended one or more times to a specified date by a written stipulation signed by the accuser(s), the accused, and the hearing officer prior to the expiration of the original 60-day period or prior to the extended specified date.
- G6. In the event of an emergency, such as, but not limited to, pandemic, snowstorm, flood, hurricane, earthquake, airline strike, or terrorism attack, that necessitates a postponement or change of the site of the hearing, the hearing officer, after consultation, if possible, with the

accuser and the accused or their representatives, may order a postponement or a change of site or both, which may include changing to a hearing by remote communication.

- G7. The hearing officer shall ascertain that all members of the discipline hearing committee have available, and shall distribute to the accuser and the accused or their representatives, the *Constitution, Bylaws, and Continuing Resolutions of the ELCA*, these Rules Governing Disciplinary Proceedings, *Definitions and Guidelines for Discipline* adopted pursuant to ELCA 20.21., prior reports to the Churchwide Assembly from the Committee on Appeals pursuant to ELCA 20.63., and such other documents reflecting policies of the ELCA as appear relevant in the opinion of the hearing officer or are requested by the parties.
- G8. Discovery, as that term is understood in secular judicial proceedings, is not permitted in disciplinary proceedings. Neither the accused nor the accuser shall be compelled to provide any information or documents to the other, except as specifically required by Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the ELCA* or by these rules. Members of the discipline hearing committee may take into account the inability of the parties to engage in discovery in deciding what weight or importance to give to particular evidence.
- G9. No fewer than two and no more than nine days before the discipline hearing is scheduled to begin:
- a. Each party shall provide the other party and the hearing officer with a list of the names of the witnesses that the party intends to call on direct examination (as distinguished from on rebuttal) and shall briefly describe the subject matter of each witness's expected testimony. Each party shall be permitted to call on direct examination only those persons who appeared on that party's witness list, unless the discipline hearing committee finds that there was good cause for the party's failure to identify the witness.
 - b. Each party shall provide the other party and the hearing officer with copies of all documents that the party intends to introduce on direct examination (as distinguished from on cross or on rebuttal). Each party shall be permitted to introduce on direct examination only those documents that were so disclosed, unless the discipline hearing committee finds that there was good cause for the party's failure to disclose the document. The hearing officer shall not provide copies of any document to the members of the discipline hearing committee until that document is introduced into evidence at the hearing.
- G10. The hearing officer of a discipline hearing committee may conduct pre-hearing conferences, either by remote technology or by in-person meeting, with the accuser(s) and the accused and/or their representatives for the purpose of discussing the need for supplemental rules of procedure (G11), providing for written submissions or briefs on points requested by either the accused or the accuser(s) or by the hearing officer, and written offers of proof or testimony (G12) or similar matters.
- G11. The discipline hearing committee, upon request of the accused, the accuser(s), or the hearing officer, or upon its own motion, may adopt additional rules of procedure which are appropriate for consideration of a particular dispute, provided such rules do not conflict with Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the ELCA* or with these rules. Copies of such rules shall be furnished to the accused and the accuser(s) promptly after adoption.

- G12. The hearing officer of a discipline hearing committee may direct the accuser(s) and the accused or their representatives to prepare written offers of testimony or of other proof that either proposes to offer at the hearing when the hearing officer believes that the testimony or other proof would be only cumulative or of questionable relevancy or of such other nature that the discipline hearing committee may decide to exclude it as evidence at the hearing, or to admit it as evidence only in the form of the written offer. If such testimony or other proof is excluded by the committee, the written offer of testimony or other proof shall, upon timely request of a party, be included as a part of the record on appeal.
- G13. The hearing officer shall avoid imposing unnecessary burdens or costs upon the parties. For example, the hearing officer shall not require the parties to submit written briefs or stipulated facts unless it is clear that the benefits to the committee of such a written submission will outweigh the burdens imposed upon the parties.
- G14. The hearing officer of the discipline hearing committee shall be responsible for arrangements for a verbatim record of the hearing to be made by a stenographer or court reporter. If both parties and the hearing officer agree, the hearing may be recorded electronically instead of by a stenographer or court reporter. The stenographer or court reporter shall not produce a transcript of the proceedings unless and until the decision of the discipline hearing committee is appealed. If the hearing is recorded, the recording shall be available to no one other than the hearing officer and the facilitators unless and until one or both parties appeals the decision of the discipline hearing committee. In the event of an appeal, the transcript or recordings shall be made available only to the accused, the accuser(s), their representatives, and the Committee on Appeals. The transcript or recording shall be the property of this church.
- G15. The hearing officer of a discipline hearing committee may convene the committee for a remote meeting to decide important matters requiring discussion or decision prior to the scheduled hearing before the committee. The accuser(s) and the accused and their representatives may participate in such remote meeting, if at all, only to the extent determined by the hearing officer.
- G16. The hearing officer of a discipline hearing committee may convene the committee for a preliminary meeting on the day preceding or the day on which the hearing is scheduled to begin in order to review important matters requiring discussion or decision prior to the hearing before the committee. The accuser(s) and the accused and their representatives may participate in such preliminary meeting, if at all, only to the extent determined by the committee upon recommendation of the hearing officer.
- G17. As a nonvoting member of a discipline hearing committee, the hearing officer shall preside at all meetings of the committee, including the hearing and the deliberation. In presiding during deliberations, the hearing officer shall endeavor to permit reasonable discussion on the part of members of the committee, while keeping the committee focused upon its purposes and the necessity for timely decisions. In presiding at the hearing, the hearing officer shall endeavor to permit reasonable questioning on the part of members of the committee, while allowing both the accuser(s) and the accused to present their cases without unnecessary interruptions.
- G18. The hearing officer of a discipline hearing committee shall at all times endeavor to ensure that due process, as more fully described in Rules J1 through J4, is observed. In particular, the

hearing officer shall observe, and endeavor to have committee members observe, the requirement that both the accuser(s) and the accused are to be allowed to present their cases without unnecessary interruptions. The hearing officer shall also endeavor at all times to maintain decorum during the hearing and for this purpose may order the exclusion at either a public or closed hearing of persons whose conduct is disruptive or distracting. The hearing officer shall avoid written communications to either the accused or the accuser(s) or their respective representatives without copy to the other. The hearing officer shall avoid oral communications with either the accused or the accuser(s) or their respective representatives outside of the presence of the other.

- G19. The hearing officer of a discipline hearing committee may exclude offers of testimony or evidence, subject to appeal to the committee upon motion of a committee member, whether following or in the absence of an objection of the accuser(s) or the accused or their representatives.
- G20. Subject to the directions and decisions of the discipline hearing committee, the hearing officer of the committee shall be responsible following the hearing for the preparation and appropriate distribution of the committee's written report in conformity with the requirements of ELCA Bylaw 20.22.21. (Rule K11).
- G21. The hearing officer of a discipline hearing committee shall be responsible for maintaining material that will constitute the record on appeal (as defined in the rules of the churchwide Committee on Appeals), and for certifying and delivering such material to the churchwide Committee on Appeals in the event that an appeal is timely made by either the accuser(s) or the accused.
- G22. In the event of an emergency that requires the hearing officer of a discipline hearing committee to withdraw from a pending matter, the hearing officer shall, if possible, first inform the individual selected as an alternate under Rule F18 so that individual can promptly assume the duties of, and act as, the hearing officer of the committee.
- G23. Members of the churchwide Committee on Appeals, churchwide Committee on Discipline, Committee of Hearing Officers, and Committees on Discipline of the synods shall not advise nor serve as advocates or representatives of individuals or entities that are or may become either accusers or accuseds in disciplinary proceedings.

H. Facilitators

- *H1. The presiding bishop of this church may appoint one or more persons as facilitators to make arrangements for, and to provide technical assistance to, a discipline hearing committee.
- H2. At all times, the facilitator(s) shall be subject to the directions of the hearing officer of a discipline hearing committee.
- H3. Subject to Rule H2, examples of arrangements for which a facilitator may be responsible are travel and hotel arrangements of members of the discipline hearing committee, site arrangements, media relations on behalf of the hearing officer and the committee,

arrangements for a court reporter, and providing secretarial and clerical support for the hearing officer both before and during the hearing.

- H4. Subject to Rule H2, examples of technical assistance that a facilitator may provide are identifying and supplying to the hearing officer documents setting forth policies of the ELCA and assisting and advising the hearing officer on matters of procedure.
- H5. Facilitators shall refrain from discussing matters involved in a disciplinary proceeding except as required in the discharge of their duties.
- H6. Whenever a facilitator needs to communicate with either the accuser(s) or the accused or their representatives regarding substantive matters (such as evidence relating to the charges), written communication may be made with one only with copy to the other and oral communication may be made with one only in the presence of the other, except in specific instances, with the prior express consent of the other. The facilitator may communicate in writing with either party without sending a copy of the communication to the other party, and the facilitator may communicate orally with either party outside of the presence of the other party, but only regarding non-substantive matters (such as hotel reservations or scheduling of telephone conference calls).
- H7. The facilitator shall attend sessions of the hearing before the discipline hearing committee and may attend (but not participate in) the committee's deliberations, if the hearing officer concludes that the facilitator's attendance will expedite the work of the hearing officer or of the committee.

I. The Hearing Before the Discipline Hearing Committee

- I1. In the proceedings before the discipline hearing committee there shall be a presumption of innocence in favor of the accused. Among other things this requires that (i) the committee shall reach its decision and make judgment solely on the basis of the evidence presented at the hearing before the committee; (ii) the accuser has the burden of proof as provided in Rule I23; and (iii) the evidence presented at the hearing, as well as the entire process before the committee, shall be in conformity with the requirements of the governing documents and these rules, including specifically the due process requirements set forth in Rules J1 through J5.
- I2. The hearing before the discipline hearing committee shall commence at the time and place set forth in the notice issued pursuant to Rule G3, unless Rule G5 or Rule G6 applies.
- *I3. If the accused is a congregation, the hearing shall be open to the public, unless both the accuser and the accused agree to a closed hearing. If the accused is an individual, the hearing shall not be open to the public unless both the accuser(s) and the accused agree to a public hearing.
- *I4. In a hearing not open to the public,
 - a. the accuser and the accused may each be represented by not more than two representatives who may present or assist in the presentation of the evidence,
 - b. the discipline hearing committee may permit attendance by a limited number of persons, with the consent of both the accused and the accuser(s), and
 - c. while testifying a witness may be accompanied by a spouse and by a friend or advocate.

- *15. Irrespective of whether a hearing is or is not open to the public, the discipline hearing committee may decide that witnesses (other than the accused and the accuser) shall be permitted in the hearing only when testifying.
- 16. Persons permitted to attend the hearing under Rule 14.b. and c. shall not have any role in the proceedings, unless specifically authorized by an additional rule adopted by the discipline hearing committee in a particular case.
- 17. The accuser (or if there be more than one, the accusers collectively) and the accused may each have no more than two other persons (the “representatives”) present who may act on behalf of either of them. These representatives may, but need not, be attorneys. Subject to the limit of two, representatives of a synod bishop who is an accuser may include persons who served as members of a consultation or advisory panel.
- *18. A verbatim record shall be made by a stenographer or court reporter, or by an electronic recording of the hearing.
- 19. The accuser(s) and the accused or their representatives may, but need not, present brief opening statements. Opening statements shall be limited to no more than one hour per side. The accuser, as the party with the burden of proof, shall be permitted to give the first opening statement.
- 110. The accuser(s) shall first call witnesses, including the accuser(s) if appropriate, to present evidence in support of the charges.
- 111. The accuser(s) may present documentary evidence in support of the charges.
- 112. After the accuser(s) has called witnesses and offered any documentary evidence, the accused may call witnesses and offer documentary evidence.
- 113. After the accused has called witnesses and offered any documentary evidence, first the accuser, and then the accused, for purposes of rebuttal, may call witnesses and other documentary evidence.
- 114. The accused may not call as a witness a physician, psychologist, or other expert who has examined the accused for the purpose of preparing to testify on the accused’s behalf unless (i) the accused notifies the accuser of the accused’s intention to call such an expert witness not later than 30 days after the accused is notified that charges have been filed as provided in Rule F5., and (ii) the accused agrees to be examined by a physician, psychologist, or other expert designated by the accuser. The expert designated by the accuser may testify at the discipline hearing whether or not the expert designated by the accused also testifies.
- 115. The accuser may not call as witness a physician, psychologist, or other expert who has examined a complaining witness for the purpose of preparing to testify on the accuser’s behalf unless (i) the accuser notifies the accused of the accuser’s intention to call such an expert witness not later than 30 days after the accused is notified that charges have been filed as provided by Rule F5., and (ii) the complaining witness agrees to be examined by a physician, psychologist, or

other expert designated by the accused. The expert designated by the accused may testify at the discipline hearing whether or not the expert designated by the accuser also testifies.

- I16. Nothing in Rules I14 and I15 shall exclude the testimony of a physician, psychologist, or other expert who is called only as a fact witness, such as a treating psychologist who is called to testify that a statement was made by the accused or a complaining witness during a therapy session.
- I17. No party to proceedings before a discipline hearing committee may refer in any manner to a polygraph test. For example, no party may refer to the results of a polygraph test or to the fact that a party or a complaining witness either took or did not take a polygraph test. If any reference is made to a polygraph test in violation of this rule, the committee shall ignore the reference and prevent its decision from being in any way influenced by the reference.
- *I18. The accused has the right to testify or to remain silent.
- I19. The accuser may call the accused to testify as part of the accuser's direct case, but only after all other witnesses that the accuser intends to call on direct examination have testified. If the accuser calls the accused to testify at the conclusion of the accuser's direct case, and the accused exercises the accused's right not to testify, the accused shall not be permitted to testify later in the proceedings.
- I20. Whenever a witness (including the accused or the accuser) testifies, the party who has called the witness shall first question the witness and then the other party may question the witness on any matter relevant to the charges. Then the party calling the witness may again question the witness, followed by the other party questioning the witness, with respect to matters previously testified about by the witness. A representative of a party, in lieu of the party, may question any witness. Committee members may also question the witness for the purpose of clarification.
- I21. The accuser(s) and the accused or their representatives may, but need not, present brief closing statements. Closing statements shall be limited to no more than one hour per side. The accuser, as the party with the burden of proof, shall be permitted to give the last closing statement.
- I22. The rules of evidence and other rules used in secular judicial proceedings shall not apply in disciplinary proceedings. Testimony or documentary evidence shall not be excluded merely because it would be excluded under such secular rules. For example, evidence shall not be excluded merely because it is hearsay, although individual members of a discipline hearing committee may choose to give hearsay evidence little or no weight or importance. Nothing in this rule shall restrict the authority of a hearing officer of a discipline hearing committee or a discipline hearing committee to exclude offers of testimony or evidence under Rule G12 or Rule G19.
- I23. The accuser(s) shall have the burden of proof. The discipline hearing committee shall not find that any allegation contained in the charges is true unless the accuser has proven that it is true by a preponderance of the evidence. An allegation has been proven true by a preponderance of the evidence if the committee, after weighing all the evidence presented at the hearing, believes that more likely than not the allegation is true.

- I24. At any time during the hearing, the discipline hearing committee may decide to meet in executive session for deliberations, either with or without the participation of the accuser(s) and the accused and their respective representatives.
- I25. If the accused and the accused's representative shall fail to appear at the scheduled hearing before the discipline hearing committee, the committee, after making a record that the accused was given notice of the date, time and place of the hearing, and other information relevant to the accused's absence of which the committee has knowledge, may either (i) proceed to hear the testimony and evidence offered by the accuser(s) and render its written decision or (ii) if the committee concludes that the absence is justified, adjourn the hearing to a rescheduled date in which case the period between the originally scheduled date and the rescheduled date shall not be counted for purposes of the 60-day period referred to in ELCA Bylaw 20.22.15. (Rule G4).

J. Due Process in Discipline Proceedings

- *J1. The process of discipline governing rostered ministers and congregations shall ensure due process and due protection for the accused, other parties, and this church.
- *J2. "Due process" means and includes:
- a. the right to be given specific written notice of the charges;
 - b. in the case of the accused, the right to testify in person or to remain silent;
 - c. the right to call witnesses;
 - d. the right to introduce documentary evidence concerning the pending charges;
 - e. the right to confront and cross-examine all witnesses;
 - f. the right to a hearing by a discipline hearing committee;
 - g. the right to a hearing closed to the public where the accused is an individual, unless both the accuser and the accused agree to a public hearing, and the right to a hearing open to the public where the accused is a congregation, unless both the accuser and the accused agree to a closed hearing;
 - h. the right to a written decision of the discipline hearing committee; and
 - i. the right to be treated with fundamental procedural fairness.
- *J3. "Fundamental procedural fairness" means and includes:
- a. avoidance by committee members of written communications to or from either accused or accuser(s) without copy to the other;
 - b. avoidance by committee members of oral communications with either the accused or the accuser(s) outside of the presence of the other;
 - c. maintaining decorum during the hearing;
 - d. allowing both the accuser(s) and the accused to present their cases without unnecessary interruptions;
 - e. keeping a verbatim record of the hearing, either made by a stenographer or court reporter or by electronic recording;
 - f. allowing both the accuser(s) and the accused to be accompanied at the hearing by a representative (who may, but need not, be an attorney) who may also participate in the proceedings;
 - g. impartiality of the committees which consider the charges; and
 - h. the right to be treated in conformity with the governing documents of the ELCA.

- J4. “Due process” and “fundamental procedural fairness” shall be defined without regard to how these concepts may be defined in secular civil or criminal proceedings. “Due process” and “fundamental procedural fairness” shall mean nothing more and nothing less than what is provided in Rule J2 and Rule J3, respectively.
- *J5. Once a charge against a person or entity has been considered by a discipline hearing committee, that person or entity shall not be required to answer that charge again except under the circumstances set forth in ELCA Bylaws 20.14.01., 20.14.02., and 20.24.08.

K. Discipline Committee—Post-Hearing Matters

- K1. For the purpose of reaching its decision and judgment, the discipline hearing committee, including its hearing officer, shall meet without the presence of the accused, the accuser(s), their representatives, or any other person who is not a committee member except the facilitator(s) as provided in Rule H7.
- K2. The quorum for the discipline hearing committee shall be seven of its voting members.
- K3. In order to facilitate full and frank discussion among the members of the discipline hearing committee, the deliberations of the committee shall be confidential and no record shall be taken or maintained, other than the written decision of the committee.
- *K4. The decision of the discipline hearing committee shall be made by a majority vote of its voting members who were present at the entire hearing.
- K5. The discipline hearing committee shall determine by the preponderance of the evidence (as defined in Rule I23) whether the accused committed the offense(s) charged. If the discipline hearing committee finds that the accused committed the offense(s) charged, it shall determine the appropriate disciplinary action. If the discipline hearing committee finds that the accused did not commit any of the offenses charged, it shall dismiss the charges.
- *K6. The disciplinary actions which may be imposed upon a rostered minister are:
- a. private censure and admonition by the synod bishop;
 - b. suspension from the office and the functions of ministry for a designated period or until there is satisfactory evidence of repentance and amendment; or
 - c. removal from the relevant roster of this church.
- *K7. The disciplinary actions which may be imposed upon a congregation are:
- a. censure and admonition by the synod bishop;
 - b. suspension from this church for a designated period, the consequences of such suspension being the loss of voting rights of any member (including rostered ministers) of the congregation at synod or churchwide assemblies, the loss of the right to petition, and the forfeiture of eligibility by any member of the congregation to serve on any council, board, committee or other group of this church, any of its synods, or any other subdivision thereof;
 - c. suspension of the congregation from this church for a designated period (with the same consequences as in b.) during which the congregation shall be under the administration of the synod provided that a congregation may refuse to accept such administration, in which case it shall be removed from the roll of congregations of this church; or

- d. removal from the roll of congregations of this church.
- K8. The Synod Council may terminate synod administration at any time, or may decline to accept synod administration, in which case suspension shall continue for the designated period with the consequences set forth in ELCA Bylaw 20.31.02.b. (Rule K7.b).
- *K9. Suspension of a congregation by a discipline hearing committee terminates the call(s) of the rostered minister(s) serving under call to the congregation. Suspension of a rostered minister by a discipline hearing committee terminates the call of the rostered minister.
- *K10. The discipline hearing committee shall render its decision in writing. The written decision shall be in two parts:
 - a. Findings of Fact. In this part, the committee shall set forth what it has found to be the relevant facts—that is, what it believes to be the truth of the matter.
 - b. Determination. In this part, the committee shall state whether, based upon the facts that it has found, it believes discipline should be imposed and, if so, what discipline it has chosen to impose.
- K11. Subject to the directions and decisions of the discipline hearing committee, following the hearing the hearing officer shall be responsible for the preparation of the committee's written report in conformity with the requirements of ELCA Bylaw 20.22.21. (Rule K10) and these rules.
- K12. If the decision of the discipline hearing committee is not unanimous, the position of minority member(s) may be noted by the committee only in a brief summary either in the body of, or footnote to, the written decision.
- *K13. The discipline hearing committee must render its written decision within 15 days from the time the committee completed the hearing.
- K14. The hearing officer of the discipline hearing committee shall give notice (as provided in Rule B19) to the accused, the accuser(s), the bishop (if not an accuser) of the synod on whose roster the accused is listed, and the secretary of this church of the judgment of the discipline hearing committee and provide to each a copy of the committee's written decision. Such notice must be given, but need not be received, within the 15-day period specified in ELCA Bylaw 20.22.15. (Rule K13).
- *K15. Either the accuser(s) or the accused may appeal to the Committee on Appeals of the ELCA within 30 days after receiving the written decision of the discipline hearing committee.
- *K16. The decision of the discipline hearing committee shall be final unless, within 30 days of receipt of the written decision, one of the parties appeals to the Committee on Appeals. The decision of the Committee on Appeals shall be final.
- K17. In event of an appeal, the hearing officer of the discipline hearing committee shall furnish the record on appeal (as defined in the rules of the Committee on Appeals) and certify to the completeness and accuracy of such record.

- K18. In the event there is no appeal, 75 days after giving the notice referred to in Rule K15. the hearing officer of the discipline hearing committee shall make the following disposition of the material which would have constituted the record on appeal: (i) Documentary and physical evidence shall be returned to the party who presented it; (ii) the written charges, the written decision of the discipline hearing committee, and certification or other proof of notice given under Rule K15 above shall be delivered to the secretary of this church to be held as provided in ELCA Bylaw 7.41.11.; and (iii) all other material shall be destroyed.

L. Proceedings Before Six Members of the Synod's Committee on Discipline

- L1. Rules L1 through L53 provide an alternative process to the process described in the rules in Sections F through K.
- L2. The process described in the Rules L1 through L53 can be invoked only by specifically referring in the written charges to ELCA Bylaw 20.24.01., and further specifying that the accuser does not seek either removal of the accused from the appropriate roster, or suspension for a period exceeding three months of the accused from the office and functions or from the role and functions held by the accused.
- L3. A discipline hearing committee shall be convened to conduct a hearing whenever charges are brought under the provisions of Rule L2 by the synod bishop, or are brought by others and have not been withdrawn or dismissed under the process described in ELCA Bylaw 20.22.06. (Rule E4). The voting members of this committee shall be composed of six persons (three rostered ministers and three laypersons) selected from the synod Committee on Discipline under the process described in ELCA Bylaw 20.24.02. (Rule L7). A hearing officer selected from the churchwide Committee of Hearing Officers under the process described in ELCA Bylaw 20.24.03. (Rule L10) shall preside as the nonvoting chair of the discipline hearing committee.
- *L4. The Committee on Discipline of this synod shall consist of 12 persons, of whom six shall be rostered ministers and six shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection.
- a. The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the ELCA*.
 - b. The terms of committee members shall be staggered so that the terms of four committee members (two rostered and two lay) expire every two years.
 - c. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.
- *L5. The churchwide Committee of Hearing Officers shall consist of six to nine persons elected by the Church Council for a term of six years, each without consecutive reelection, to serve as needed on a discipline hearing committee in any of the synods in this church.
- L6. When charges are brought by a synod bishop, or when charges are brought other than by a synod bishop and have not been withdrawn or dismissed or otherwise disposed of as provided in ELCA Bylaw 20.22.06. (Rule E4), the synod bishop shall deliver a copy of the charges to the accused and the secretary of this church.

- *L7. The secretary of this church shall advise the synod vice president of the need for the selection from the Committee on Discipline by the Executive Committee of the Synod Council of three rostered ministers and three laypersons to serve on a discipline hearing committee. The synod vice president shall advise the secretary of this church of those selected.

- L8. No member of the Executive Committee of the Synod Council who is an accuser or accused shall participate in the selection process described in Rule L7.

- L9. No member of the Committee on Discipline of the synod, or the churchwide Committee of Hearing Officers, shall serve on a discipline hearing committee if (i) such member is related (as “related” is defined in ELCA Bylaw 19.05.05.) to the accused if an individual or to the accusers if individuals; (ii) such member is a member or a former member of a congregation that is the accused or accuser; (iii) such member was a member of a congregation at the time that such congregation employed the accused or accuser; (iv) such member is an accused or accuser; or (v) the participation of such member may give rise to the appearance of partiality, even if the member would in fact be impartial.

- *L10. Not later than at the time that the Executive Committee of the Synod Council makes its selection as provided in Rule L7, the secretary of this church shall select one member of the churchwide Committee of Hearing Officers to serve as the nonvoting chair of a discipline hearing committee.

- L11. The secretary of this church shall select another member of the churchwide Committee of Hearing Officers to serve as the nonvoting chair of a discipline hearing committee in the event of an emergency that precludes the person selected under Rule L10 from discharging that person’s duties. The secretary of this church shall notify the individual so selected and the hearing officer first selected.

- L12. The secretary of this church (or other person authorized by the secretary) shall notify (as provided in Rule B19) the hearing officer of the discipline hearing committee, the accused, and the accuser of the names of the six voting members and of the hearing officer who will serve as the nonvoting chair of the discipline hearing committee.

- L13. The discipline hearing committee shall be constituted on the date that the secretary of this church gives notice to the hearing officer of the discipline hearing committee, the accused, and the accuser(s) of the members of the discipline hearing committee.

- L14. Vacancies in the voting membership of a discipline hearing committee that occur for any reason following the constituting of the committee, as provided in Rule L13, shall reduce the size of the committee and shall not be otherwise filled.

- *L15. Any member of the Committee on Discipline of the synod who has been appointed to serve on a discipline hearing committee to hear a particular pending case shall continue to serve to discharge that appointment notwithstanding that a successor has been subsequently elected at a Synod Assembly.

- *L16. Any member of the churchwide Committee of Hearing Officers who has been appointed to serve on a discipline hearing committee to hear a particular pending case shall continue to serve to

discharge that appointment notwithstanding that a successor has been subsequently elected by the Church Council.

- L17. The quorum for the discipline hearing committee shall be four of its voting members, or a majority of the voting members if the committee has been reduced in number as indicated in Rules L14 and L19.
- *L18. Prior to and at the hearing, decisions of the discipline hearing committee shall be made by a majority of its members present. Following the hearing, decisions of the discipline hearing committee shall be made by a majority of its members who were present at the hearing. Any member who was not present for the entire hearing shall not be eligible to participate in any deliberations subsequent to the hearing.
- L19. Either the accused or the accuser may challenge the participation of a hearing officer or any voting member on a discipline hearing committee for cause under Rule L9. The remaining voting members of the committee, even though also challenged, shall determine whether the challenged hearing officer or member shall be disqualified. The challenged hearing officers or members may participate in the deliberations on whether they should be disqualified, but only the remaining members shall vote upon the challenge. This vote shall be by secret ballot if the committee has met in person or by individual poll by the hearing officer or facilitator if the committee has met by remote technology.
- L20. Members of a discipline hearing committee shall refrain from discussing matters considered by the committee except as required to discharge the duties of the committee.
- L21. Any written statements in the accuser's possession that relate to the subject matter of the charges and have been written, dictated, signed, or subscribed to by a complaining witness who is identified in the charges are for the exclusive use of the accuser and the representatives of the accuser. Such statements shall not be shared with the accused unless consented to by the complaining witness or required in secular judicial proceedings.
- L22. Discovery, as that term is understood in secular judicial proceedings, is not permitted in disciplinary proceedings. Neither the accused nor the accuser shall be compelled to provide any information or documents to the other, except as specifically required by Chapter 20 of the *Constitutions, Bylaws, and Continuing Resolutions of the ELCA* or by these rules. Members of the discipline hearing committee may take into account the inability of the parties to engage in discovery in deciding what weight or importance to give to particular evidence.
- L23. The hearing officer of a discipline hearing committee may request that one or more facilitator(s) be appointed by the secretary of this church.
- L24. The hearing officer of a discipline hearing committee shall direct the appointed facilitator(s) to make arrangements and to provide assistance as provided in Rules H1 through H7.
- L25. The hearing officer of a discipline hearing committee may conduct pre-hearing conferences, either by remote technology or by in-person meeting, with the accuser(s) and the accused and/or their representatives for the purpose of expediting the hearing. Where the parties

cannot agree on matters relating to the conduct of the hearing, the decision shall be made by the hearing officer.

- L26. The authority and duties of the hearing officer as found in Rules G7, G15, G16, G17, G21, and G22 shall apply to proceedings described in this Section L.
- L27. The hearing officer of the discipline hearing committee shall be responsible for arrangements for recording the hearing. The recording shall be available to no one other than the hearing officer unless and until one or both parties appeals the decision of the discipline hearing committee. In the event of an appeal, the recording shall be made available only to the accused, the accuser(s), and the Committee on Appeals. The recording shall be the property of this church.
- L28. Subject to the directions and decisions of the discipline hearing committee, the hearing officer of the committee shall be responsible following the hearing for the preparation and appropriate distribution of the committee's written report in conformity with the requirements of ELCA Bylaw 20.24.08. (Rule L50).
- L29. The hearing before the discipline hearing committee is intended to be informal. A high premium is placed upon healing, although it must be recognized that determination or acknowledgment of wrongdoing can also be an important element in the healing process. Accordingly, it is important that the parties and the committee address the questions of evaluation, therapy, special education, or similar experience that may be part of the determination made by the committee.
- L30. The hearing may consist of sessions over one or more consecutive days or over several days that are not consecutive.
- L31. While normally the accuser and the accused are to be present at all sessions, it is within the authority of the committee to conduct some of its sessions without the presence of either or both of the accuser or the accused.
- L32. Where the parties and the hearing officer have agreed with respect to how all or portions of the hearing are to be conducted, the discipline hearing committee will respect such decisions. Where the parties have been unable to agree with respect to how all or portions of the hearing are to be conducted, and the hearing officer has therefore made decisions, the discipline hearing committee may review the decisions of the hearing officer as to the conduct of the hearing but should revise the hearing officer's decisions only where the committee concludes that such decisions were clearly erroneous.
- L33. In hearings before the discipline hearing committee, the accused may be accompanied by a spouse and a friend or advisor. The spouse and such friend or advisor shall not participate in the proceedings before the committee.
- L34. In hearings before the discipline hearing committee, the accuser may be accompanied by a friend or advisor. Such friend or advisor shall not participate in the proceedings before the committee. Where the accuser consists of a group of persons, only one person from the group

shall participate in the proceedings. The committee may exclude some or all other members of such group of accusers from some or all of the sessions of the hearing.

- L35. In hearings before the discipline hearing committee, where the synod bishop is the accuser, the synod bishop may delegate to an assistant or associate to that bishop the responsibility for the presentation of the accuser's case. Such delegation shall not preclude the appearing of the synod bishop as a witness to testify at the hearing.
- *L36. In each case for which a discipline hearing committee has been constituted, the committee shall, within 60 days after the secretary of this church has given notice of the selection of the hearing officer to serve on a discipline hearing committee, commence a meeting or series of meetings with the accused and the accuser(s) to receive testimony or other evidence offered by the accused or the accuser(s). The 60-day period may be extended one or more times to a specified date by a written stipulation signed by the accuser(s), the accused, and the hearing officer prior to the expiration of the original 60-day period or prior to the extended specified date.
- *L37. The hearing officer shall give written notice of the date, time, and place of the first meeting of the discipline hearing committee at which testimony will be received, and a copy of the charges shall be delivered to the accused and to the accuser(s) at least 20 days prior to the date of the meeting. After consulting with the accused, the accuser(s), and their representatives, the hearing officer may order that a hearing be conducted by means of remote communication.
- L38. The hearing before the discipline hearing committee shall commence at the time and place set forth in the notice issued pursuant to Rule L37, unless in the judgment of the hearing officer, after consultation, if possible, with the accuser and the accused or their representatives, an emergency, such as pandemic, snowstorm, flood, or airline strike, necessitates a postponement or change of site of the hearing or a change to a hearing conducted by remote communication.
- *L39. The hearing before the discipline hearing committee shall not be open to the public unless both the accuser(s) and the accused agree to a public hearing.
- *L40. In a hearing closed to the public, a witness may be accompanied by a spouse and by a friend or advocate.
- *L41. Irrespective of whether a hearing is open to the public, the discipline hearing committee may decide that witnesses shall be permitted in the hearing only when testifying.
- *L42. A recording shall be made of the hearing.
- L43. No party to proceedings before a discipline hearing committee may refer in any manner to a polygraph test. For example, no party may refer to the results of a polygraph test or to the fact that a party or a complaining witness either took or did not take a polygraph test. If any reference is made to a polygraph test in violation of this rule, the committee shall ignore the reference and prevent its decision from being in any way influenced by the reference.
- L44. The accused has the right to testify or to remain silent.

- L45. The rules of evidence and other rules used in secular judicial proceedings shall not apply in disciplinary proceedings. Testimony or documentary evidence shall not be excluded merely because it would be excluded under such secular rules. For example, evidence shall not be excluded merely because it is hearsay, although individual members of a discipline hearing committee may choose to give hearsay evidence little or no weight or importance.
- L46. The accuser(s) shall have the burden of proof. The discipline hearing committee shall not find that any allegation contained in the charges is true unless the accuser has proven that it is true by a preponderance of the evidence. An allegation has been proven true by a preponderance of the evidence if the committee, after weighing all the evidence presented at the hearing, believes that more likely than not the allegation is true.
- L47. At any time during the hearing, the discipline hearing committee may decide to meet in executive session for deliberations, either with or without the participation of the accuser(s) and the accused and their respective representatives.
- L48. If the accused should fail to appear at the scheduled hearing before the discipline hearing committee, the committee, after making a record that the accused was given notice of the date, time, and place of the hearing, and other information relevant to the accused's absence of which the committee has knowledge, may either (i) proceed to hear the testimony and evidence offered by the accuser(s) and render its written decision or (ii) if the committee concludes that the absence is justified, adjourn the hearing to a rescheduled date in which case the period between the originally scheduled date and the rescheduled date shall not be counted for purposes of the 60 day period referred to in ELCA Bylaw 20.24.05. (Rule L36).
- *L49. The discipline hearing committee shall conclude its meeting(s) and render its decision in writing within 45 days of the commencement of the meeting for which written notice was given under 20.24.06. (Rule L37).
- *L50. The written decision of the discipline hearing committee shall be in two parts:
- a. Findings of Fact. In this part, the committee shall set forth what it has found to be the relevant facts—that is, what it believes to be the truth of the matter.
 - b. Determination. In this part, the committee shall state whether, based upon the facts that it has found, it believes discipline should be imposed and if so, which one or more of the following should be imposed:
 - 1) private censure and admonition by the synod bishop.
 - 2) suspension for a period not exceeding three months from the office and functions of ministry.
 - 3) participation in such programs of evaluation, therapy, special education, or similar experience as the committee may direct.
 - 4) referral of written charges (amended to reflect additional evidence presented to the committee) to a discipline hearing committee convened under 20.22.08. through 20.22.24. or 20.23.05. through 20.23.07.
- L51. The due process requirements and provisions set forth in Section J above (Rules J1-J5) are not applicable to proceedings before the discipline hearing committee that is constituted and holds hearings in the manner described in this Section L. Such due process requirements and

provisions apply to the proceedings described in this Section L only as specified in the ELCA bylaws or in these rules.

- L52. The hearing officer of the discipline hearing committee shall give notice (as provided in Rule B19) to the accused, the accuser(s), the bishop (if not an accuser) of the synod on whose roster the accused is listed, and the secretary of this church of the judgment of the discipline hearing committee and provide to each a copy of the committee's written decision. Such notice must be given, but need not be received, within the 45-day period specified in ELCA Bylaw 20.24.08. (Rule L49).
- L53. In the event there is no appeal, 75 days after giving the notice referred to in Rule L52, the hearing officer of the discipline hearing committee shall make the following disposition of the material which would have constituted the record on appeal: (i) documentary and physical evidence shall be returned to the party who presented it; (ii) the written charges, the written decision of the discipline hearing committee, and certification or other proof of notice given under Rule L52 above shall be delivered to the secretary of this church to be held as provided in ELCA Bylaw 7.41.11.; and (iii) all other material shall be destroyed.

M. Effective Dates, Appeals, and Stays

- M1. The provisions of this Section M (Rules M1 through M10) are applicable to decisions of both the discipline hearing committee described in Rules F1 through K16, and the discipline hearing committee described in Rules L1 through L53.
- *M2. The decision of the discipline hearing committee shall be final on the date it is issued by the committee.
- *M3. The decision of a discipline hearing committee may be appealed to the Committee on Appeals by:
- a. the accuser(s) who brought charges upon which a discipline hearing committee has acted;
 - b. a rostered minister upon whom discipline has been imposed by a discipline hearing committee; or
 - c. a congregation upon whom discipline has been imposed by a discipline hearing committee.
- *M4. Within 30 days of the date on which the discipline hearing committee issued its decision, one of the parties identified in Rule M3 may appeal to the Committee on Appeals.
- *M5. Where one of the parties has appealed, any party may request the Committee on Appeals to stay the effective date of the decision.
- *M6. A stay may be granted in whole or in part and subject to such conditions, if any, as the Committee on Appeals may require.
- *M7. The decisions of the Committee on Appeals shall be final.
- M8. Any error made in the application of Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the ELCA* or in the application of these rules may be deemed harmless. A harmless error shall not provide the basis for affording relief to a party or for reversing the decision of a

discipline hearing committee. An error shall be deemed harmless if it is clear beyond a reasonable doubt that the outcome of the disciplinary proceeding was not or will not be affected by the error.

- M9. Rules governing the scope of and procedure for appeals are set forth in the rules of the Committee on Appeals which appear as ELCA Continuing Resolution 20.61.A21.
- M10. Rules governing requests for stays are set forth in the rules of the Committee on Appeals which appear as ELCA Continuing Resolution 20.61.B95.

N. TABLE REFERENCING DISCIPLINARY RULES TO GOVERNING DOCUMENTS

Rule	Governing Documents Provision	Rule	Governing Documents Provision
*B1	20.22.01.	*J1	20.11.
*B3	20.22.03.	*J2	20.12. and 20.13.
*B4	20.22.03.f	*J3	20.12.01.
*B6	20.23.01.	*J5	20.14.
*B8	20.23.03.		
*B9	20.31.01.		
*B11	20.31.03.	*K4	20.22.22.
*B26	20.18.	*K6	20.22.02. and 20.23.02.
		*K7	20.31.02.
*C1	20.22.23.	*K9	†S14.18.a.7) and †S14.43.a.7)
*C5	20.22.24.		
		*K10	20.22.21.
*D1	20.22.04.	*K13	20.22.15.
*D5	†S11.02.	*K15	20.22.22.
*D6	20.22.04.a.	*K16	20.22.22.
*D7	20.22.04.b.		
*D10	20.22.05.		
*D14	20.22.05.	*L4	†S11.03.
*D19	20.22.05.	*L5	20.21.02.
		*L7	20.22.08.
*E4	20.22.06.	*L10	20.24.02.
*E5	20.22.06.b. and 20.22.06.c.	*L15	19.03.A21.b.
		*L16	19.03.A21.c.
		*L18	20.22.22.
*F1	20.22.08.	*L36	20.24.05.
*F2	†S11.03.	*L37	20.24.06.
*F3	20.21.01.	*L39	20.13.
*F4	20.21.02.	*L40	20.13.02.
*F5	20.22.07.	*L41	20.13.02.
*F11	20.22.11.	*L42	20.22.17.
*F16	20.22.11.	*L49	20.24.08.
*F17	20.22.12.	*L50	20.24.08.
*F23	19.03.A21.a.		
*F24	19.03.A21.b.		
*F27	20.22.22.	*M2	20.22.22. and 20.24.09.
		*M3	20.61.
*G3	20.22.16.	*M4	20.22.22. and 20.24.09.
*G4	20.22.15.		
		*M5	20.22.22. and 20.24.09.
*H1	20.22.13.	*M6	20.22.22. and 20.24.09.
		*M7	20.22.22. and 20.24.09.
*I3	20.13.		
*I4	20.13.01. and 20.13.02.		
*I5	20.13.02.		
*I8	20.22.17.		
*I18	20.12.		