

1 **To Reform the Composition of the Boards of Regents of the Universities**
2 **of the Concordia University System to Improve Doctrinal Fidelity and**
3 **Amenability to Ecclesiastical Supervision**

4 **Resolution 5-04**

5 WHEREAS, the Concordia University System is a synodwide corporate
6 entity of the Lutheran Church – Missouri Synod (Bylaw Section 1.2.1(w));
7 and

8 WHEREAS, synodwide corporate entities are separate corporations
9 established by the Synod for business and legal reasons, and not for purposes
10 of independence from the Synod, immunity from ecclesiastical supervision by
11 the Synod, or propagation of positions contrary to the teachings of the Synod;
12 and

13 WHEREAS, synodwide corporate entities including the Concordia
14 University System “are to be servants of and to the Synod and its members,”
15 (Bylaw Section 3.6.1); and

16 WHEREAS, synodwide corporate entities shall be accountable to the Synod
17 in convention for the discharge of their assigned duties (Bylaw Section
18 3.6.1.6(h)); and

19 WHEREAS, synodwide corporate entities “shall be accountable to the
20 President of the Synod for doctrinal faithfulness” (Bylaw Section 3.6.1.6(i));
21 and

22 WHEREAS, all governing documents and instruments of synodwide
23 corporate entities must be in conformity with the Constitution, Bylaws, and
24 applicable resolutions of the Synod in convention (Bylaw Section 3.6.1.7) and
25 must provide that the entity is “a component part of the Synod” (Bylaw
26 Section 3.6.1.8); and

27 WHEREAS, the Concordia University System has the overall responsibility
28 to provide for the education of pre-seminary students, ministers of religion-
29 commissioned, other professional church workers of the Synod, and others
30 desiring a Christian liberal arts education by facilitating prior approval for
31 theology appointments to college or university faculties (Bylaw Section
32 3.6.6.1); and

33 WHEREAS, the Board of Directors of the Concordia University System is
34 charged with a mandatory duty to ensure that the boards of regents and
35 campus administrators are actively working to preserve their Lutheran
36 identity by supporting the objectives of the Synod (Constitution Art. III) and

37 deliver academic and student programs designed to give students Christ-
38 centered values (Bylaw Sections 3.6.6.6(a) and (b)); and

39 WHEREAS, the composition of the boards of regents of the institutions of
40 the Concordia University System was expanded to include from 4 to 8 regents
41 appointed by each board of regents itself to add expertise to the boards; and

42 WHEREAS, expertise certainly is needed in the boards of regents,
43 subsequent experience has shown a tendency resulting in part from the new
44 composition of the boards of regents for those boards and campus
45 administrators to exhibit independence from the Synod, propagation of
46 positions contrary to the teachings of the synod, and resistance to
47 ecclesiastical supervision by the Synod; and

48 WHEREAS, a board of regents of an institution of the Concordia University
49 System violated in multiple substantial ways numerous bylaws governing the
50 search for and appointment of a new president of the institution, insomuch as
51 to practically abdicate their responsibilities; and

52 WHEREAS, by virtue of the duties imposed upon him and the powers
53 vested in him by the Constitution and Bylaws of the Synod to exercise
54 ecclesiastical supervision (for example, Bylaw Section 1.2.1(j)), the President
55 of Synod with a visitation team visited the campus of that institution to gather
56 facts; and

57 WHEREAS, following the visitation by the President of Synod and
58 visitation team, the President delivered to that institution a letter exercising
59 the ecclesiastical supervision imposed upon and vested in him (letter from
60 The Rev. Dr. Matthew C. Harrison, President of the Synod, to members of the
61 CUWAA Board of Regents, Monday of Easter IV, A.D. 2022, May 9, 2022);
62 and

63 WHEREAS, the board of regents of that institution has failed or refused to
64 give the letter of ecclesiastical supervision even the consideration, let alone
65 the action, due in the circumstances and under the Constitution and Bylaws of
66 the Synod; and

67 WHEREAS, this failure or refusal is, in part, a symptom of the
68 independence from the Synod and resistance to ecclesiastical supervision by
69 the Synod that stems in part from the new, expanded composition of the board
70 of regents where many members are appointed by the board of regents itself;
71 and

72 WHEREAS, the harms resulting from independence and resistance to
73 ecclesiastical supervision clearly outweigh the benefits of expertise provided
74 by the new, expanded composition of the boards of regents; and

75 WHEREAS, therefore it is necessary to reform the composition of the
76 boards of regents for the sake of maintaining the Concordia University
77 System as a component part of the Synod, as servant of and to the Synod and
78 its members, in doctrinal faithfulness, with Lutheran identity and Christ-
79 centeredness, amenable to ecclesiastical supervision by the Synod through the
80 Synod's chosen office for exercising supervision; therefore be it

81 *Resolved*, that Bylaw Section 3.10.6.2(1) through (5) on the composition
82 of the boards of regents of the colleges, universities, and institutions of the
83 Concordia University System be amended to provide as follows:

- 84 1. Two ordained ministers, one commissioned minister, and two
85 laypersons shall be elected by the conventions of the Synod.
- 86 2. One ordained minister, one commissioned minister, and two
87 laypersons shall be elected by the geographical district in which the
88 institution is located. If any board is required by its governing
89 documents to include one or more persons holding residence or
90 church membership in a specific locality, the institution is
91 responsible for ensuring (including by appointment, if necessary)
92 that individual(s) meeting such requirements are included among
93 those persons serving on such board, and no such geographical
94 restriction shall apply to Synod elected regents.
- 95 3. [Deletion of current provision in subsection (3) for the appointment
96 of no fewer than four and no more than eight members by the board
97 of regents. When codified in the revised and update synodical
98 handbook, this deletion would cause a renumbering of the
99 remaining subsections.]
- 100 4. The president of the district in which the college or university is
101 located or a district vice-president as his standing representative
102 shall serve as a voting member.
- 103 5. One member, who may be an ordained minister, a commissioned
104 minister, or a layperson, shall be appointed by the President of the
105 Synod.

106 and be it further

107 *Resolved*, that each college, university, or institution of the Concordia
108 University System shall devise a plan of transition to the number of regents
109 and composition of the board of regents mandated by this resolution to be
110 fully implemented no later than the regents' first meeting in the third quarter
111 of 2026 so that no current regent shall have the regent's current term
112 shortened but no unnecessary delay in implementing this resolution is
113 allowed, and be it further

114 *Resolved*, that the plans of transition shall be subject to approval by the
115 President of Synod, and shall be submitted to the President of Synod for
116 review by February 1, 2024, and be it finally

117 *Resolved*, that this resolution be forwarded to the Lutheran Church –
118 Missouri Synod for adoption at its 2023 convention.