

1 **RESOLUTION 02-07-21a**

2 **RE: President’s Report to the 2021 Texas District Convention**

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4 **SUBJECT: TO PROVIDE COMMENT TO THE LCMS 2019 RES. 7-03**
5 **COMMITTEE CONCERNING THE CUS GOVERNANCE MODEL PROPOSAL**
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7 WHEREAS, The LCMS in convention adopted 2019 Resolution 7-03 *To Direct a*
8 *Collaborative Process to Propose a New Governance Plan* with respect to University Education
9 *(Proceedings of the 2019 LCMS Convention)*; and

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11 WHEREAS, 2019 Resolution 7-03 resolved “That the proposed new governance plan
12 specifically address the objectives of 2013 Res. 5-01A and 2016 Res. 7-02B by continuing to:
13 • strengthen all Concordia University System (CUS) institutions’ connection to the Synod;
14 • strengthen the confessional Lutheran identity of all CUS institutions;
15 • review the composition, size, and selection of boards of regents;
16 • review the process for selecting presidents of institutions;
17 • review the overall governance of CUS and the boards of regents of the CUS institutions;
18 • review the financial models for the institutions”; and

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20 WHEREAS, 2019 Resolution 7-03 further resolved “That a report on the initial
21 governance model proposals be disseminated to the Synod for a six-month period of comment
22 commencing not later than 15 months prior to the start of the 2022 convention of the Synod; and

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24 WHEREAS, at the February 19, 2021 meeting of the LCMS Board of Directors (BOD)
25 the Board approved dissemination of the initial governance model proposal, “setting the stage”
26 for the “built-in six-month period of comment by the Synod’s congregations, districts and
27 circuits, the universities themselves, and others”(*Reporter, March 8, 2021*); and

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29 WHEREAS, in the report of the LCMS Texas District President to the 2021 Texas
30 District Convention the President highlighted our woven “life together” with Concordia
31 University Texas (CTX), while also referencing LCMS 2019 Resolution 7-03 and the solicitation
32 of feedback from constituents; (Texas District 2021 Convention Workbook); and

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34 WHEREAS, the Texas District President further reported that the CTX staff and board of
35 regents continues to be active in this feedback process; and

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37 WHEREAS, the governance model proposal is a 27-page document of By-law changes
38 that have been and continue to be reviewed and discussed by the CTX President and Board of
39 Regents (BOR), as well as the presidents and BOR of other universities in the CUS; and

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41 WHEREAS, this review has produced **affirmations**, among them being:

- 42 • An appreciation of the hard work that the Resolution 7-03 committee has done to
43 review and evaluate the current structure and bylaws and create a new structure
44 that serves the church and its needs.
- 45 • Giving to the boards of regents unfettered authority and responsibility in the
46 business matters of the school (Section A, page 3, lines 15-16).

- 47 • Defining the universities as affiliates of the church rather than agencies (Section
48 B).
49 • Providing an ecclesial accreditation process by which the schools demonstrate
50 their commitment to being and remaining Lutheran (Section C).
51 • Creating structures and opportunities by which church worker programs at LCMS
52 colleges and universities can be strengthened and sustained (Section D).

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56 WHEREAS, this review has produced **concerns**, among them being:

- 57 • That while the new governance model allows greater autonomy to universities
58 with respect to “left hand kingdom” responsibilities, the new bylaws are highly
59 prescriptive and give large measures of control outside the local BOR, particularly
60 the selection of members of the BOR. The concerns for both universities and
61 synod alike are diminishing any true legal separation and increasing any
62 ascending liability rather than reducing it as intended.
63 • That the Commission for University Education (CUE) can not only and
64 exclusively remove an elected board of regents (BOR) member for training
65 deficiencies but can force a local BOR to remove an appointed BOR member for
66 the same.
67 • That the prior approval panel, with a disproportionate amount of influence by the
68 CUE, creates the list of presidential nominees from which the BOR may select
69 their president vs. the BOR creating and narrowing a list of nominees to be vetted
70 and approved by the prior approval panel.
71 • That the LCMS BOD, in consultation with the CUE, can specify, amend, or
72 rescind the benefits of affiliation from time to time without the consultation of the
73 local BOR, creating an unclear future for universities legally, financially,
74 strategically, and missionally, and doing the same to students themselves.
75 • That the CUE’s decisions regarding accreditation with respect to Lutheran
76 identity and mission outcome standards may not be appealed. Regional (secular)
77 accreditors all have an appeal process in place that is outlined and known.

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81 WHEREAS, this review has produced **questions**, among them being:

- 82 • How might the reality of today’s students and the schools as a mission field be
83 more prominent and celebrated in the Preamble and throughout?
84 • It appears that the workload of the CUE is even greater than the CUS. How will
85 that work be resourced? What will be any added costs to the church and/or
86 schools over time? What is meant by “direct costs” in terms of accreditation visits
87 and board training?
88 • What happens when the CUS is dissolved? What entities would retain any
89 remaining assets or liabilities? How will all of the endowment funds currently
90 overseen by the CUS be managed? As members of the CUS, would the schools
91 now be liable for any debt that might remain? What are the legal implications of
92 dissolving the CUS?

- 93 • What is the difference between being accredited and affiliated? Can a university
94 be affiliated and not accredited?
- 95 • While an institution is on probation for up to five years, it can no longer certify
96 graduates for placement on the LCMS roster. How do those students become
97 certified for placement? Additionally, while a church work program is on
98 probation for up to three years, would students within the program need to
99 transfer to a Concordia with an accredited program?

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103 WHEREAS, the Governance and Administration Floor Committee for the 2021 Texas
104 District Convention made an initial assessment of the CUS Governance Model Proposal to foster
105 feedback and comment to the LCMS 2019 res. 7-03 committee as requested of districts; and

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107 WHEREAS, previous complex proposals involving many changes to Synod bylaws have
108 benefitted from the information-sharing and consensus-building that occurs when those
109 proposals are widely discussed across the Synod (the proposals of the Blue Ribbon Task Force
110 on Synod Structure and Governance (BRTFSSG) discussed in regional conferences prior to
111 being acted upon at the 2010 convention being a recent example); therefore be it

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113 *Resolved*, that the LCMS Texas District in convention submit the previously stated
114 affirmations, concerns, and questions as their own comments to the LCMS 2019 Resolution 7-03
115 Committee; and be it further

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117 *Resolved*, that the Texas District recommends to the Resolution 7-03 Committee that a
118 process for Synod-wide introduction to, discussion of, and consensus concerning these
119 significant changes be designed and implemented by the Board of Directors of the Synod, with
120 the concurrence of the Council of Presidents (COP), to be completed no later than six months
121 prior to the convention of the Synod during which these proposals will be considered, using the
122 regional conferences held by the BRTFSSG as a model; and be it further

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124 *Resolved*, that this resolution should also constitute an overture from the Texas District in
125 Convention to the 2023 LCMS Convention to further study and/or amend the LCMS 2019 RES.
126 7-03 CUS Governance Model Proposal; and be it further

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128 *Resolved*, that the Texas District Board of Directors provide additional comments to the
129 LCMS 2019 Resolution 7-03 Committee as necessary, with any additional comments to also be
130 submitted as an overture to the 2023 LCMS Convention to further study and/or amend the
131 LCMS 2019 RES. 7-03 CUS Governance Model Proposal; and be it finally

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133 *Resolved*, that congregations and circuits also be encouraged to submit comments to the
134 Resolution 7-03 Committee.

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136 Submitted:

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138 The Governance and Administration Floor Committee

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Rev. John Davis, Chair
Mr. Tim Miesner, Secretary