

Ecclesiastical Investigation of the rostered leadership and regents of
Concordia University Texas
Preliminary Observations and Recommendations
July 26, 2023

Conducted by:

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Key to Abbreviations:

CTX: Concordia University Texas

CTX BOR: Concordia University Texas Board of Regents

CUS: Concordia University System

LCMS: Lutheran Church—Missouri Synod

LCMS BOD: Lutheran Church—Missouri Synod Board of Directors

Introduction:

Issues surrounding the relationship of Concordia University Texas to The Lutheran Church—Missouri Synod have become more complex leading up to the 2023 LCMS convention. President Harrison’s reports highlighted several concerns regarding both governance and theological issues. Acting as the ecclesiastical supervisor for the CTX rostered leaders and board of regent members, President Michael Newman launched an investigation of worker actions. The investigation commenced April 5, 2023, following the CTX BOR’s affirmation of its sole governance. In order to conform with LCMS bylaws and Standard Operating Procedures, President Newman invited Texas District First Vice-president John Davis to assist in the investigation for the purpose of avoiding bias in the investigation and reporting process.

This initial report contains observations and recommendations from findings in the investigation that is still in progress. Supporting documents, emails, resolutions and other communications—some confidential—are being held by the district president.

Observations:

1. CTX leadership/CTX Board of Regents and the LCMS BOD 7-03 Committee had a different understanding about the feedback process regarding the proposed 7-03 bylaws.

The CTX BOR understood that personal dialog would be part of the process of refining the 7-03 proposal. The LCMS BOD 7-03 committee understood the feedback process to be that of gathering input and examining it internally to determine the need for any adjustments to the proposal.

This misunderstanding, stretching from July 2020 through the fall of 2021, resulted in growing frustration, a sense of being marginalized, and diminished trust on the part of the CTX BOR toward the LCMS BOD 7-03 Committee and LCMS leadership.

2. CTX leadership/CTX Board of Regents and the LCMS BOD/CUS understood different motives in the CTX BOR’s examination of alternate governance models.

CTX understood a twofold purpose in this examination: a) To investigate contingency plans and procedures that may need to be in place if disaffiliation from the LCMS ever happened as outlined in the 7-03 proposal, and b) To bring detailed suggestions to the LCMS regarding viable alternatives to the 7-03 bylaw draft.

LCMS leadership later saw this discussion, recorded in the CTX BOR meeting minutes, as a pre-planned effort to separate from the LCMS.

This misunderstanding continued to diminish trust between CTX and the LCMS and hampered the ability to dialog together about the goal of improved governance for the Concordia Universities. COVID Isolation contributed to the communication gap.

3. The deterioration of a collegial and trusting relationship between CTX and the LCMS was exacerbated by the sudden and vociferous introduction of theological concerns by the President of Synod at the November 17,2021 gathering of the Council of Presidents and University Presidents.

The theological concerns dated back to June of 2020, 17 months earlier, with no communication about them prior to the November 2021 COP meeting. The encounter created a bigger gap in the relationship between the LCMS and CTX and further deteriorated the possibility of a trusting dialog. It also introduced the new element of theological concerns in the LCMS's work with CTX.

4. CTX leadership/CTX Board of Regents and the LCMS visitation team did not share a mutual understanding of the purpose or desired outcomes of the April 2022 LCMS visit.

LCMS President Harrison and a visitation team visited CTX from April 20-22, 2023. Team members met with a number of CTX leaders, administrators, faculty members, students, and BOR members. With no report or feedback until 8 months after the visit, the lack of trust and understanding between LCMS leaders and CTX grew.

5. The LCMS BOD/CUS and CTX leaders and the BOR understood different motives and outcomes with regard to the process outlined by the LCMS BOD as a way of discussing an alternate governance model.

The LCMS BOD introduced separation from the Synod as the only way permitted by the LCMS bylaws to discuss an alternate governance model at CTX. The LCMS BOD outlined a process for this separation discussion that would be managed by the CUS. The CTX BOR did not desire separation from the LCMS, but wanted a governance model that continued a relationship with the LCMS in place of the proposed 7-03 governance bylaws. Misunderstanding in communication grew—especially as it became limited to letters and a narrow bandwidth of email recipients per CUS leadership request.

6. CTX leadership/CTX BOR and the CUS understood different purposes and procedures for the process outlined by the LCMS BOD and managed by the CUS. Communication about the required proposal from CTX to the CUS diminished in effectiveness and clarity throughout the latter half of 2022.

The CTX BOR sent a draft proposal to the CUS in July of 2022 per the LCMS BOD process. CUS leaders requested unspecified additional documents, which CTX assumed to be governing documents to accompany the proposal. These were drafted and sent in September of 2022. While awaiting next steps for mutual discussion and refinement of the material, the CTX president was notified in late October of 2022 that the CUS had prepared a resolution, complete with supporting reasons and rationale, to share with the LCMS BOD at its November

18, 2022 meeting. The content of the resolution was not revealed by CUS leaders. Departing from the process outlined by the LCMS BOD, the introduction of a resolution from the CUS to the LCMS BOD and the refusal to reveal its contents caused confusion and concern for the CTX BOR..

7. CTX leadership/CTX Board of Regents and the CUS had no shared understanding about the CUS Board Resolution intended for LCMS BOD consideration on November 18, 2023.

The original discussion process between CTX and the CUS was now altered and a resolution with unrevealed content was to be presented by the CUS directly to the LCMS BOD. Understanding that the CUS and LCMS BOD could, acting together and without the consent of input of a local BOR, divest or consolidate CTX with another university according to bylaw 3.6.6.4.i (an authority granted with a 2019 change in bylaws), and having as a backdrop closure of three LCMS universities over the past four years, the CTX BOR, at an emergency meeting on November 8, 2022, voted 13-5 to adopt governing documents that gave the CTX BOR sole governing authority of the university.

8. Varied understanding about LCMS bylaws led to different conclusions regarding appropriate actions.

As the CTX BOR and LCMS leaders navigated the situation, varied understanding about the ecclesiastical supervision process (bylaw 1.2.1.j), CUS bylaw obligations (bylaw 3.6.6.1, *“coordinating the activities of the Synod’s colleges and universities as a unified system of the Synod through their respective boards of regents”*), university governance responsibilities (bylaw 3.10.6, 3.10.6.1, 3.10.6.4.a), and proper fiduciary duties toward the university (bylaw 3.10.6.4.i.6, *“In such event the board of regents shall have power to perform such acts as may be required by law to effect the corporate existence of the institution”*), created additional confusion and dissonance.

9. Subsequent communication between CTX and the LCMS showed broken trust and the inability to recover a working relationship.

In spite of meetings and conversations following the November 8, 2022 CTX BOR action, CTX and the LCMS remained at an impasse about the propriety of actions thus far and how to move forward.

10. Theological concerns raised in November of 2021 were addressed throughout the remainder of 2021 through early 2023. Some of the theological issues were due to carelessness on the part of CTX leadership. Others were concerns that should have been vetted through the CTX leadership before they were brought to the Synod President’s office. All have been addressed (see theological concerns summary page).

Some issues raised were based on hearsay and were not accurate. Other issues were legitimate and needed to be addressed through personal conversation and counsel. For each issue raised, the process required by the LCMS bylaws for handling theological questions and issues was bypassed.

Summary thoughts:

The situation between CTX and the LCMS is sad and distressing for the church. Lack of communication and a breakdown in trust led to the unfortunate outcome. In the context of

the consideration of the 7-03 proposal and in general leadership style, CTX and LCMS leaders had different focal points, fears, communication tendencies, and personality characteristics. These differences contributed misunderstanding, an adversarial spirit, and the ultimate rupture in the relationship.

Findings thus far in this investigation indicate that no rostered worker at CTX or on the CTX BOR had an intention or desire to disparage or depart from the LCMS. However, outside circumstances contributed to a deteriorating relationship between CTX and the LCMS: COVID isolation and anxiety; apprehension surrounding cultural upheaval in the areas of race, gender and sexuality issues; tension about institutional administration in a radically changing higher education environment; and differing viewpoints about the LCMS relationship to the Concordia Universities.

CTX has served as a faithful university of the LCMS for nearly 100 years and continues to demonstrate faithfulness to the Scriptures and Lutheran Confessions, rejoicing in successes and accepting counsel and correction where appropriate. While challenges will always exist in a university context, these challenges are reasons for rejoicing. At its universities, the LCMS has the opportunity to bring the Gospel of Jesus Christ to new generations, new cultures, and new people. In the midst of cultural upheaval and chaos, LCMS universities engage hopeless and drifting souls with the Good News of forgiveness and new life in Christ. Leaders entrusted with university ministries must ensure that mutual and collegial conversation and accountability prevail. The initial findings of this report indicate that the rostered LCMS workers at CTX and on the CTX BOR are committed to the theological standards of the LCMS, implementing corrective actions as counseled and committing to faithful action moving forward. Differences of opinion regarding the interpretation and implementation of bylaws (some noted in Observations point #8) still exist between some LCMS and CTX leaders/BOR members as evidenced in the CTX BOR action of April 4, 2023 and the communication between the LCMS BOD/CUS and the CTX BOR since that action. These outstanding differences lead to the following recommendations:

Recommendations:

1. CTX and LCMS leaders repent and return to the Scriptural foundations and direction for resolution of conflicts in order to build a trusting relationship as fellow Christians and servants of God.
2. After CTX and LCMS leaders build greater trust, they begin to discuss bylaw parameters that allow collegial conversation about governance models and practice, looking for the fruit brought about by the “ministry of reconciliation.”
3. Appropriate CTX and LCMS leaders enter into collegial dialog regarding theological concerns as they arise for the purpose of resolving issues, formulating solutions, and maintaining accountability and trust.
4. Mutual repentance on the part of all involved be expressed specifically, in person to one another, and publicly as necessary, trusting that repentance will bear God-pleasing fruit.

Theological Concerns Summary

The theological issues raised regarding CTX included:

- *Presentations by Dr. Darrell Jodock, an ELCA higher education scholar, Dr. Gina Garcia, an expert in Hispanic Serving Institutions, and Jelani Consulting, experts in managing diverse staffs and workplaces.* In each instance, CTX leaders received challenge and stimulation regarding the subject matter and applied it to the particular context of being a faithful Lutheran university, but did not adopt every area of teaching or recommendation. Such presentations with non-LCMS scholars were not unique to CTX, but are a common practice in higher education, including that of our seminaries <https://www.csl.edu/2021/07/registration-now-open-for-31st-annual-theological-symposium/>
- *The allegation that two faculty members were dismissed due, in part, to their fidelity to the Lutheran Confessions.* The identity of these faculty members has not been specified or addressed with CTX, but no faculty member has been dismissed for this reason in the history of CTX. Faculty members have only been released due to personnel issues, performance issues, or budget issues.
- *Chapel speakers.* A non-LCMS MBA graduate and former CTX employee was invited to give his testimony at a special evening chapel for the MBA students. He asked attendees to raise their hands to give indication of their commitment to Christ. His leading of chapel was a violation of LCMS worship practice and his calling for an indication of commitment caused doctrinal confusion. The CTX BOR discussed how to keep this from happening in the future.
- *The “Consent” web page.* Initially, Title IX verbiage was posted on the web page. Correction and counsel were accepted and changes were made. The page now stays within legal guidelines and reflects Lutheran Christian Biblical practice. There is no agenda on the CTX campus for a non-biblical approach to sexuality.
- *Diversity, Equity, and Inclusion (DEI).* The Concordia University Texas student population is 60% students of color with at least 40% of the student body indicating they are of Hispanic origin. CTX is committed to ensuring that students from all backgrounds are given the opportunity to complete higher education successfully. To that end, a University Equity Team was established. It is comprised of 9 faculty and staff members, 4 of whom are rostered LCMS church workers. The goal is to ensure that student support is given with the firm foundation of fidelity to the Scriptures and Confessions. Counseling is also offered to students by qualified mental health professionals. A part-time mental health professional was listed as “LGBTQ-affirming” on the CTX website. This incorrect notation was corrected to “LGBTQ trained,” indicating to students that the counselor understands these issues and can be trusted with this conversation. Each counselor and staff member at CTX operates according to Lutheran Biblical and Confessional standards. CTX has no intention of being a progressive liberal university and is not moving in the direction of a permissive and confused culture.
- *The visitation team members’ quotes that “CTX is Lutheran in name only, and they seem to be proud of that fact” and, CTX is “a church growth campus.”* No ecclesiastical conversations were had about these subjective and offhand observations. CTX is working to grow in outreach so as many people as possible can hear the Gospel and receive the gift of eternal life in Jesus Christ. CTX is very much Lutheran, with many students and staff receiving and confessing the great blessing of grace alone by faith alone in Jesus Christ alone. God’s living Word is taught and practiced at CTX. The university is not content to go through Lutheran motions.

- *Science Curriculum.* The CTX Academic Freedom Policy notes that “A Concordia faculty member will not actively promote a doctrinal position that is in opposition to the doctrinal position of the LCMS.” The broad range of scientific history and theories are taught responsibly, making students aware of other teachings they will encounter without opposing the Biblical creation account.

Other questions raised included:

- *The number of LCMS faculty members at CTX.* 38% of faculty and leadership team members are members of LCMS congregations. This compares favorably to other CUS schools.
- *How CTX could remain faithful the LCMS confession if not governed by the LCMS.* CTX continued to express its desire for a relationship with the LCMS along with theological accountability. CTX has reinforced its doctrinal commitment by including unconditional subscription to the Scriptures and Lutheran Confessions in its formation documents.
- *The professor of Lutheran Identity.* This professor was a former LCMS pastor who had a deep understanding of and adherence to Lutheran identity. The position is currently vacant.
- *The Eighth Commandment.* Unfortunately, each party involved in this disagreement has not consistently put the best construction on everything or explained everything in the kindest way.