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Western Iowa Synod  
Evangelical Lutheran Church In America

**STATEMENT OF POLICY  
REGARDING SEXUAL MISCONDUCT  
BY ROSTERED MINISTERS,  
SYNOD AUTHORIZED MINISTERS AND SEMINARY CANDIDATES**

**PREFACE**

The Western Iowa Synod of the Evangelical Lutheran Church in America believes that all persons are created by God in the divine image. Human sexuality is a precious gift of God. God intends for the Church to be a safe place for all people to experience God's love and mercy, grow in faith, and equip themselves for ministry in the world. And yet at times the church has not been a safe place and sexual misconduct has caused injury and pain to individuals and communities.

*"You know that the rulers of the Gentiles lord it over them, and their great ones are tyrants over them. It will not be so among you; but whoever wishes to be great among you must be your servant..."*  
Matthew 20:25-26

Jesus' words to his disciples defined their leadership among the people of God in terms of servanthood. Repeatedly, in his parables and sayings, Jesus spoke also of stewardship. A steward is one who is given a sacred trust; one who understands clearly the responsibility to care for the gifts of another without exploitation. Ministers as leaders in the community, are to be servants and stewards engaged in care-giving ministries.

The **Ministerial Relationship** is the context within which a rostered minister exercises pastoral care, spiritual direction, teaching or therapeutic guidance with another person. Pastors are ordained rostered ministers of Word and Sacrament, and Deacons are ordained ministers of Word and Service. Synod authorized ministers (SAMs) and seminary candidates also have ministerial relationships.

A dynamic which is always present in this ministerial relationship is an **Imbalance of Power**. Rostered ministers are vested and entrusted with great power which stems out of our traditional respect for church workers, professional staff, credentials, knowledge, specialized education and conditions and circumstances that provide access and opportunity to be close to the intimate and vulnerable aspects of persons. Because of the power and authority vested in the rostered minister by the church, all relationships between rostered ministers and parishioners are characterized by an imbalance of power.

In order to safeguard the well-being of persons and uphold the integrity of the ministerial office, rostered ministers must give careful attention to maintaining **Professional Boundaries**. The rostered minister is always responsible for maintaining appropriate relationships and is likewise accountable whenever a professional violation occurs including sexual misconduct. For a rostered minister, there is no defense which mitigates responsibility for any act of sexual misconduct.

The Synod recognizes that responding to allegations of sexual misconduct requires a sense of urgency, determination, sensitivity, flexibility, respect, and care for all persons affected – the victim, the rostered person, their families and friends, the congregation, the Synod, and the whole church. This policy is intended to provide a framework for guidance in dealing with these cases while preserving the Synod's

discretion to treat each person and each case in the manner necessitated by differing facts, circumstances, and the needs of those affected, while also complying with applicable requirements of the law. The provisions of this policy do not create any legal liability beyond that which is established under state or federal law.

## I. INTRODUCTION

### A. Applicability

The Synod is concerned with inappropriate sexual behavior within the church, regardless of whether or how the misconduct is characterized by the law or by the governing documents of the ELCA. This policy, however, is intended to address those types and instances of sexual misconduct that may lead to discipline of a rostered minister under Chapter 20 of Constitutions, Bylaws, and Continuing Resolutions of the ELCA.

### B. Definitions Constitutions, Bylaws, and Continuing Resolutions of the ELCA.

1. **“ELCA”** means the Evangelical Lutheran Church in America.
2. **“WIS”** or **“Synod”** means the Western Iowa Synod of the ELCA.
3. **“Sexual Misconduct”** under this policy, when used with respect to a rostered minister, includes any conduct on sexual matters that would be grounds for discipline under Chapter 20 of the ELCA Constitution, bylaws and continuing resolutions, as amended, including, as described *in ELCA Definitions and Guidelines for Discipline*, as amended, any failure of a rostered minister to lead a chaste and decent life in word and deed, including any failure to be chaste and abstinent outside of marriage, or any failure to maintain chastity and fidelity within marriage. Sexual misconduct specifically includes, but is not limited to: unwelcome sexual advances; leering, whistling, or sexual gestures; undesired intimate physical contact; inappropriate comments about clothing or physical appearance; persistent sexually-oriented humor or language; contact of a sexual or inappropriate nature via Internet, phone, electronic, or social media; sexual or pornographic addictive behavior; adultery; infidelity; casual sexual relationships; promiscuity; the sexual abuse of another; the misuse of the pastoral relationship for sexual activity; causing another person to engage in a sexual act by threatening that other person, placing that other person in fear or asserting undue influence over that person; threatening or intimidation, verbal or nonverbal or by use of proximity or humiliation; acts of retaliation following rejection of sexual advances or behavior; and any other sexual conduct incompatible with the character of the ministerial office, or any other sexual conduct that would be punishable under Iowa Code Chapter 709.
4. **“Rostered Minister”** includes Minister of Word and Sacrament (clergy) or Minister of Word and Service (deacon) on the official rosters of the ELCA. This statement assumes that the rostered minister who is accused of sexual misconduct is under call to a congregation, but it may also be adapted to calls in other circumstances, including persons in specialized calls, or who are currently on leave from call or retired.
  - 4.a. For purposes of this policy, WIS synod authorized ministers (SAMs) and seminary candidates will be held to the same standards as a “Rostered Minister”. SAMs and seminary candidates are not covered by Chapter 20 of the Constitutions, Bylaws, and Continuing Resolutions of the ELCA.

5. **“Reportable action”** includes any sexual misconduct committed by a rostered minister including, but not limited to, any information or suspicion regarding alleged sexual contact between the rostered minister and a congregant, counselee, employee, or volunteer. Any suspected sexual contact with a minor must and will be reported to the appropriate state agency or law enforcement authority.

6. **“Complainant”** means any person who reports alleged sexual misconduct to the synod. This Statement assumes that the complainant is also the victim, but that may not always be the case.

### **C. The Role of Congregations**

The Synod and its member congregations each have different responsibilities and roles to play in preventing and responding to reports of sexual misconduct by rostered ministers. While this statement relates specifically to the Synod, this should not obscure the vital role of congregations in such matter. For example, each ELCA congregation governs itself and exercises control over its internal practices and policies and the use of its property. The congregation is also responsible for its mission and ministry to the community and for its life together. The congregation elects its leadership, and employs and supervises its own staff. In addition, each congregation calls its own rostered minister, determines its rostered minister's specific duties and responsibilities, sets the rostered minister's salary and benefits, and supervises congregational mission and ministry. Also, in accordance with the ELCA Constitutions, Bylaws, and Continuing Resolutions, it is the congregation, in consultation with the Synod, which finally decides whether to terminate the rostered minister's call. The congregation is also authorized to initiate disciplinary action against its rostered ministers as well as its members. The Synod has neither the authority nor the ability to make those decisions for a congregation. Obviously, then, the church cannot be a safe place unless every member congregation shares the commitment to preventing sexual misconduct.

The Synod strongly urges its member congregations to develop their own sexual misconduct policies. The publication, *Safe Connections: What Parishioners Can Do to Understand and Prevent Clergy Sexual Abuse*, is a useful resource for congregations available for download at: [http://download.elca.org/ELCA%20Resource%20Repository/How\\_Congregations\\_Can\\_Prevent\\_Clergy\\_Sexual\\_Abuse.pdf](http://download.elca.org/ELCA%20Resource%20Repository/How_Congregations_Can_Prevent_Clergy_Sexual_Abuse.pdf)

It should be noted that, in some cases, the Synod may not be able to assume primary responsibility for addressing all allegations of rostered minister sexual misconduct. For example, if a rostered minister who is under call to a congregation is accused of sexually harassing another of the congregation's employees, civil law may require that the congregation, as employer, take timely and appropriate action; the law may even prevent the Synod from interfering in the situation. Nevertheless, at a minimum, the Synod should at least be consulted in all cases involving rostered ministers.

### **D. Role of the Synod**

The Synod's role is essentially twofold:

1. The bishop is responsible for seeing that pastoral care and leadership is provided to the Synod's congregations and rostered ministers. Reports of sexual misconduct invariably create an acute need for such care and leadership.

2. Rostered ministers who commit sexual misconduct may be disciplined, leading to public or private censure or possible removal from the roster of the ELCA.

The bishop is primarily responsible for overseeing the preliminary or consultation stage of the disciplinary process.<sup>1</sup> Typically, the bishop is also responsible for initiating the formal stage of the disciplinary process, if necessary. When the bishop provides for pastoral care and leadership in the wake of rostered minister sexual misconduct, they are engaged in the Synod's ministry.

In every sexual misconduct case, the bishop and his or her staff will attempt to arrange for the pastoral care of the victim of the misconduct, the victim's family, the rostered minister who committed the misconduct, the rostered minister's family, members of the rostered minister's present or former congregation, the rostered minister's colleagues, and others. However, such pastoral care will not be provided directly by the bishop, the bishop's staff or any member of Synod Council. In other words, none of these Synod leaders may themselves directly function as a pastor, counselor, advocate, attorney, or other care giver to any of these individuals. The ultimate responsibility of the bishop and their staff and the synod council is to the Synod, and not to any individual within the synod.

If a conflict arises between what is in the Synod's interests and what is in the interests of someone else, the bishop and the bishop's staff and members of Synod Council are obligated to act on the Synod's behalf. In unusual circumstances, the fact that the bishop and bishop's staff and synod council members are responsible to the Synod may require that they act contrary to the wishes of the complainant or the accused.

Every report of rostered minister sexual misconduct involves unique people and unique circumstances. This statement of policy and procedure describes the general approach that the Synod will follow in responding to reports of rostered minister sexual misconduct. The Synod reserves the right to depart from this Statement of Policy at any time and for any reason. The freedom of the Synod to decide for itself how God has called it to minister to those harmed by sexual misconduct is a precious one that is constitutionally protected from governmental interference. The same is true of the Synod's freedom to decide who will be on its roster, and of the freedom of each congregation to decide who will preach and teach from its pulpit. Nothing in this statement of policy is intended to diminish these freedoms in any respect or to create any rights or responsibilities under civil law.

## **II. SYNOD POLICY**

The Synod's policy is not to tolerate sexual misconduct by any rostered ministers, and to take action to prevent and promptly respond to misconduct by rostered ministers. An ELCA Strategy for Responding to Sexual Abuse in the Church (Nov. 1992) recommended that nine elements be included in any synodical policy regarding sexual misconduct. This Synod incorporates those nine elements as follows:

### **A. Preparation and Education**

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<sup>1</sup> This policy shall not limit the rights of the Bishop to immediately suspend or limit the authority of SAMs or seminary candidates who are not covered by Chapter 20 of the Constitutions, Bylaws, and Continuing Resolutions of the ELCA.

The Synod is committed to take action to prevent rostered minister's sexual misconduct. The Synod will make its position on this issue clear in educational opportunities that it provides, in the way it responds to reports of rostered minister's sexual misconduct, in discussions that it has with candidates for ministry and others who seek to join its rosters, and in its public and private statements on the subject.

First, the Synod will not tolerate sexual misconduct by rostered ministers. This means, the Synod will not ignore reports, will act upon substantiated allegations, and will properly disclose findings of rostered minister's sexual misconduct. This is not to say that the Synod will treat every case exactly the same. Sexual misconduct varies greatly by type, by degree, and by its effect on those involved. The Synod will attempt to respond appropriately to each case while not tolerating any misbehavior discovered to exist.

Second, the Synod intends to provide or promote ongoing educational opportunities (such as Boundaries training) regarding sexual misconduct for rostered ministers, congregations, and others. Education will focus on such subjects as prevention of rostered minister's sexual misconduct and the impact of such misconduct on its victims. The Synod strongly urges its pastors, deacons, and congregations to take advantage of these opportunities, as well as appropriate educational programs offered by others.

In addition, the bishop and the bishop's staff will continue to take advantage of educational opportunities that are available to them. The Synod recognizes that society generally and churches particularly have much to learn about rostered minister's sexual misconduct. As the Synod's understanding of this problem changes, this Statement of Policy and educational efforts may change as well.

This Synod's preventative efforts are intended to complement similar efforts that have been or will be made by the Synod's member congregations, by the churchwide organization, by ELCA seminaries, and by other entities affiliated with the ELCA.

## **B. Initial Contact**

Even the best preventative measures cannot completely eliminate sexual misconduct by rostered ministers. The Synod must always be prepared to respond to reports of misconduct. The more open it is to receiving such reports, the more often sexual misconduct by rostered ministers will be reported, and ideally prevented.

Anyone who knows or suspects that a rostered minister may have been involved in sexual misconduct should report that knowledge or suspicion to the bishop or an assistant to the bishop. The names, addresses, and telephone numbers of the bishop and his or her assistants are attached to this Statement of Policy. If a complainant is uncomfortable about contacting the bishop or an assistant to the bishop, then the complainant should contact one of the conference deans (see Appendix A), who have agreed to be available to receive reports of sexual misconduct from complainants who are uncomfortable contacting the bishop directly. However, it must be stressed that these people are acting on behalf of the Synod, and any information that they are given will be shared with the bishop (unless it is the bishop who is being accused of sexual misconduct, in which case the presiding bishop of the ELCA will be contacted).

A contact may be made with the bishop or other authorized person by mail, by telephone, by email, or in person. The complainant need not identify herself or himself when she or he first contacts the Synod. The complainant may ask questions anonymously about how the Synod would respond to a particular complaint of misconduct. However, the Synod can do little about a report of sexual misconduct until the complainant identifies herself or himself and the rostered minister involved in the misconduct.

The bishop or other person contacted by the complainant will

- (1) assure the complainant that the Synod does not tolerate sexual misconduct and takes seriously all reports of such misconduct;
- (2) explain the Synod's process for responding to reports of sexual misconduct and offer to provide a copy of this Statement of Policy;
- (3) answer the complainant's questions about the policies and procedures of the Synod;
- (4) express care and concern for the complainant;
- (5) when the complainant is anonymous, encourage the complainant to identify herself or himself and the rostered minister involved in the misconduct.

In all meetings with Synod personnel, the complainant may be accompanied by a friend, family member, support person, or advocate of her or his choice. The bishop or other person contacted by the complainant may also offer to provide the complainant with a list of advocates who are available to provide support and to help interpret the Synod's policies and procedures. This list may include advocates who are affiliated with the ELCA and advocates who are not. The complainant will be invited to contact an advocate and to be accompanied by that advocate through the reporting, investigative, and, if necessary, disciplinary processes. If the complainant requests, the Synod will contact an advocate for her or him. The complainant is welcome to use an advocate who does not appear on the list -- such as a friend or family member -- or to decline to use an advocate.

### **C. First Response**

After a report of alleged sexual misconduct by a rostered minister has been received from an identified complainant, the bishop or bishop's designee will interview the complainant in person or, if that is not possible, by telephone or video conference. This interview may occur through a combination of meetings, calls, video conference and written correspondence. The bishop or bishop's designee will ask the complainant to provide as much information about the sexual misconduct as the complainant is comfortable sharing. The complainant may be asked to prepare a written affidavit and sign it in the presence of a notary, or sign before a notary a written affidavit prepared by the Synod. The bishop or bishop's designee will also ask the complainant what she or he is seeking in coming forward and whether the complainant is prepared to participate in the disciplinary process if necessary. The complainant should be given a copy of this Statement of Policy if she or he has not already received it.

The bishop or bishop's designee will discuss with the complainant how she or he feels about the possibility that her or his identity may become known to the accused or others. Insofar as possible, the Synod will respect the wishes of the complainant regarding confidentiality. However, at some point, the Synod may be required by civil law or by the governing documents of the ELCA to disclose the identity of the complainant. Finally, the identity of the complainant may become known despite the best efforts of the Synod to protect it. The Synod cannot guarantee confidentiality to a complainant.

If the bishop or bishop's designee learns that a child or vulnerable adult may have been neglected or physically or sexually abused, the bishop or bishop's designee may be legally required to report that information to law enforcement authorities. If possible, the complainant will be notified before such a report is made.

The bishop or bishop's designee will discuss with the complainant her or his needs for pastoral care or professional counseling. If the complainant requests, the bishop or bishop's designee will help to put the complainant in touch with persons who can provide such care or counseling. Under no circumstances will any employee of the Synod function as the complainant's advocate, rostered minister, or counselor.

The bishop or bishop's designee will appoint a contact person within the Synod. That contact person (who may be the bishop or bishop's designee) will keep in regular contact with the complainant and will inform the complainant of significant developments. That contact person will also be available to respond to the complainant's questions and concerns about the process.

#### **D. Initial Investigation of the Complaint**

After interviewing the complainant, the bishop or bishop's designee will carefully review the information provided by the complainant. If the report appears credible and involves sexual misconduct for which the alleged perpetrator might be disciplined, the bishop or bishop's designee may conduct a preliminary investigation to determine whether information either supporting or contradicting the report exists. This preliminary investigation may include one or more of the following:

- (1) further discussions with the complainant;
- (2) a review of the records of the Synod, another ELCA synod, the ELCA, or an entity affiliated with the ELCA; or
- (3) interviews of former bishops of the rostered minister, those who served as assistants to former bishops of the rostered minister, rostered ministers who succeeded the accused at congregations that he or she served, rostered ministers who served on the same staff with the accused at congregations that he or she served, rostered ministers who presently serve on the same staff with the accused, respected members of congregations that the accused has served, respected members of the congregation that the accused now serves; or
- (4) persons identified by the complainant, or friends, family members, pastors, or counselors of the complainant.

This preliminary investigation is intended to be conducted as quickly and as discreetly as is possible under the circumstances. All of those contacted will be asked to keep the contact in strictest confidence. If the Synod or a discipline hearing committee later determines that the rostered minister did not commit sexual misconduct, that conclusion will be communicated to those who were contacted by the Synod in the course of its preliminary investigation.

If a criminal investigation or other official investigation by law enforcement authorities is underway, the Synod may need to postpone its own investigation pending the outcome of the government's inquiry or prosecution. However, a final determination in a related civil or criminal legal proceeding does not necessarily dictate the necessity for, or the outcome of, the church's disciplinary process.

## **E. Conversation with the Rostered Person**

The bishop will usually meet with the accused rostered minister after the preliminary investigation is concluded. The bishop will normally be accompanied by the bishop's designee or another person. In some cases – such as when the rostered minister is aware of the complainant's report or when the rostered minister may pose an immediate danger to members of his or her congregation – the bishop or bishop's designee may meet with the rostered minister immediately after or perhaps even before meeting with the complainant. If the bishop meets alone with the rostered minister, the bishop will clarify that the meeting is not confidential, and that the bishop may disclose anything that they are told.

At their meeting, the bishop will provide the rostered minister with information regarding the complaint (except the name of the complainant) and ask the accused to respond. The bishop may ask the accused to commit their response to writing. The bishop will also:

- (1) assure the accused that, while the Synod does not tolerate sexual misconduct, the Synod will give any rostered minister who denies an allegation of sexual misconduct a full and fair opportunity to contest it;
- (2) explain the Synod's process for responding to reports of sexual misconduct and provide a copy of this Statement of Policy;
- (3) answer the rostered minister's questions about the policies and procedures of the Synod;
- (4) express care and concern for the rostered minister, the rostered minister's family, and the affected congregation;
- (5) strongly discourage the rostered minister from having any contact with the complainant, either directly or indirectly; and
- (6) invite the rostered minister to contact an advocate and to be accompanied by that advocate through the investigative, and, if necessary, disciplinary processes. In such case, all arrangements regarding the terms of any such engagement and of payment to the advocate by the rostered minister, if any, shall be made between the advocate and the rostered minister.

When and as appropriate, the bishop may, in the bishop's discretion:

- Allow the rostered minister to resign his or her call or resign from the roster of the ELCA.
- Allow the rostered minister to voluntarily agree to certain restrictions upon their ministry until the investigation and/or disciplinary proceedings are concluded. If that person refuses, the bishop may ask the congregation council to impose the restrictions upon the rostered minister.
- Allow the rostered minister to take a leave of absence -- either with or without pay -- until the investigation and/or disciplinary proceedings are concluded.
- If the rostered minister refuses to voluntarily take a leave of absence, ask the congregation to place the rostered minister on an involuntary leave of absence
- Temporarily suspend the rostered minister without prejudice.
- Convene a formal disciplinary proceeding before a hearing committee to remove the rostered minister from the roster involuntarily.

The bishop or bishop's designee will discuss with the rostered minister their needs for pastoral care or professional counseling, as well as the care of the rostered minister's family. If the rostered minister requests, the bishop or bishop's designee will help to put the rostered minister in touch with persons who can provide such care or counseling to the rostered minister and/or the rostered minister's family pursuant to such terms as they may determine between themselves. Under no circumstances will any employee of the Synod or member of the Synod Council function as advocate, pastor, or counselor to the rostered minister or the rostered minister's family.

The bishop or bishop's designee will appoint a contact person within the Synod. That contact person (who may be the bishop or bishop's designee) will keep in regular contact with the rostered minister and will inform the rostered minister of significant developments. That contact person will also be available to respond to the rostered minister's questions and concerns about the process.

#### **F. Assess the Information**

After meeting with the rostered minister, the bishop will carefully review the information provided by the complainant, discovered during the preliminary investigation, and provided by the rostered minister. The bishop also may consult with staff or other advisors. The bishop will then decide upon a course of action, keeping in mind that changed circumstances may require changes in direction as the matter progresses.

Among options available to the bishop are the following:

- Taking no further action;
- Pursuing further investigation;
- Requesting the rostered minister to undergo a psycho-diagnostic evaluation;
- Seeking a resolution by consulting directly with the parties;
- Requesting the rostered minister's congregation to take some action
- Convening a consultation or advisory panel;
- Initiating the formal disciplinary process.

These latter two options are discussed further below. Depending upon the circumstances, additional options may be considered as well, including inviting the rostered minister to resign from the call, from the roster, or both.

#### **G. Consultation or Advisory Panel**

Reports of sexual misconduct always present a bishop with difficult decisions. A bishop may, in the bishop's sole discretion, appoint a consultation or advisory panel (such as, but not limited to, the WIS Discipline Committee) to provide assistance in making these decisions. The function of a consultation or advisory panel is described at length in Bylaws 20.21.04 to 20.21.06 of the ELCA Constitution and Bylaws, as they may be amended from time to time. Further detail also appears in Section "D" of *Rules Governing Disciplinary Proceedings Against an Ordained Minister, a Rostered Layperson, or a Congregation of the ELCA*, as it may be amended from time to time.

Essentially, a consultation or advisory panel is a small group of rostered ministers and laypersons who are asked to recommend a course of action to the bishop. Before making that recommendation, the panel may do its own investigation including interviewing the complainant, the rostered minister, the bishop, the bishop's designee, and others. If possible, the panel will seek to resolve the controversy through

recommendations that are pastoral and therapeutic and that will eliminate the need for disciplinary proceedings if they are accepted by all concerned. If such a resolution does not appear possible, the panel will advise the bishop whether it believes that the disciplinary process should be initiated. Whether to employ the advisory or consultation process is always at the discretion of the bishop.

Use of such panels may be beneficial in a variety of circumstances. For example, a bishop may be confronted with “one person's word against another's” – that is, a situation in which both the complainant's report and the rostered minister's denial of the report appear credible, and there is no corroborating evidence supporting either version. Numerous other reasons may also cause the bishop to call for a consultation or advisory panel or the bishop may decide to utilize such panels routinely.

#### **H. Formal Hearing**

Disciplinary proceedings are the process by which the ELCA determines if a rostered minister or congregation is guilty of the charges and, if so, what penalty should be applied. The process is governed by Chapter 20 of the *Constitutions, Bylaws, and Continuing Resolutions of the ELCA and by the Rules Governing Disciplinary Proceedings*, as it may be amended from time to time.

A rostered minister may be disciplined for committing “conduct incompatible with the character of the ministerial office,” which according to *Definitions and Guidelines for Discipline of Ordained Ministers* and similar provisions for other rostered ministers as currently written, includes “[a]dultery, promiscuity, the sexual abuse of another, or the misuse of counseling relationships for sexual favors.” *Definitions and Guidelines* is available from the Synod or on the ELCA website.

To briefly summarize the disciplinary process, generally the bishop as “accuser” will initiate the proceedings against a rostered minister, as the “accused,” by filing written charges setting forth the offense that the rostered minister is accused of committing, detailing the facts supporting the charge, and describing any other circumstances concerning the alleged misconduct. A committee of twelve persons – six from a panel elected by the Synod and six from a panel elected by the Churchwide Assembly – are convened to hold a hearing on the charges. The hearing resembles a court trial, at which an appointed hearing officer presides. The bishop presents testimony and other evidence in support of the charges, and then the rostered minister presents testimony and other evidence in opposition to the charges. The governing documents of the ELCA provide for certain rights for the accuser, the accused, and the witnesses. Typically, a bishop will not initiate formal disciplinary proceedings unless the complainant agrees to be a witness against the rostered minister, but that is not always the case. The hearing described in the preceding paragraph is the usual process for hearing the written charges. There is an alternative process described in ELCA Bylaws 20.23.01. through 20.23.09. as may be amended from time to time, that is invoked when the written charges specify that the accuser will not seek removal or suspension for a period exceeding three months. In such cases, the proceedings are conducted before a hearing committee of six members with less formality and without all of the procedural requirements of the full hearing process. Under either process, the discipline hearing committee decides whether the charges are true and, if so, what discipline should be imposed.

The options available (except under the alternative process described in the preceding paragraph) are:

- 1) private censure and admonition,

2) suspension from the clergy roster of the ELCA for a designated period of time or until the rostered minister complies with specified conditions, or

3) removal from the roster.

The discipline hearing committee's decision is generally made about four months after charges are filed. There is a process for appeals to the churchwide Committee on Appeals.

## **I. Disclosure**

Except in unusual circumstances, the Synod will disclose all serious allegations of rostered minister sexual misconduct. Experience has demonstrated that disclosure speeds the healing of the primary and secondary victims of the misconduct, empowers unknown victims to come forward and seek help, protects others from being victimized by the same rostered minister, starts the congregation on the path to new health, and demonstrates the commitment of the ELCA to deal openly and honestly with the problem.

Decisions will vary from case to case regarding a) who will make what disclosure, b) to whom, and c) when. In general, though, the Synod will abide by the following guidelines:

1. Typically, disclosure of sexual misconduct will be made to
  - a. the leadership of the rostered minister's congregation,
  - b. to the members of the rostered minister's present congregation,
  - c. to synods where the rostered minister was previously rostered, and
  - d. to other rostered ministers within the conference or the entire Synod.

In some situations, wider disclosure to previous congregations, to the entire Synod, or even to the news media may be made as well.

2. In most cases, disclosure will be made when:

- (1) The rostered minister admits to committing sexual misconduct;
- (2) The rostered minister resigns his or her call or from the roster of the ELCA after being accused of sexual misconduct;
- (3) The rostered minister is placed on leave of absence or temporarily suspended in response to an allegation of sexual misconduct;
- (4) The rostered minister is suspended or removed from the roster as a result of formal disciplinary proceedings; or
- (5) Secular legal proceedings (civil or criminal) are initiated against the rostered minister.

Other events may give rise to the need for disclosure as well.

3. The Synod intends to work closely with the congregational leaders regarding appropriate disclosure to the members of the congregation. The victim's concerns regarding disclosure will be considered as well. The actual announcement to the congregation will be made by one or more of the leaders, or by the bishop, and usually to the adult members only.

4. To protect the privacy of those harmed by the misconduct, only the following will be disclosed:

- (1) the fact that the rostered minister has been accused of, admitted to, resigned, or been found guilty of sexual misconduct;
- (2) the gender of the complainant;
- (3) whether the complainant was an adult or a minor at the time of the misconduct; and sometimes
- (4) whether the complainant was a member of the rostered minister's congregation or a person to whom the rostered minister was providing pastoral care.

Disclosure should never include the name of the complainant or facts from which she or he could readily be identified. If the rostered minister has denied the allegations, that fact will also be disclosed.

5. Persons who believe that they have been harmed (directly or indirectly) by the rostered minister will be invited to contact the leaders of the congregation, the Synod, or others who have agreed to be available to those persons.

#### **J. Follow-up**

The Synod will work with congregations and others to help ensure that care and support are available to those harmed by /sexual misconduct by a rostered minister. As noted above, Synod personnel cannot provide this individual care themselves, but it will assist the primary and secondary victims of sexual misconduct to find resource persons and materials that might help them on their journey to healing. The Synod will assist the congregation in dealing with the pain and disruption caused by the rostered minister's misconduct and will help the congregation continue in its mission and ministry for the sake of the Gospel.

#### **K. Conclusion**

Sexual misconduct is a difficult issue to confront and resolve. Lives are disrupted by allegations of sexual misconduct by a rostered minister. People are deeply hurt and often angry. Any particular situation may seem hopeless. Revelation 21:5 promises, however, that God in Jesus Christ makes all things new. As baptized and believing Christians we claim this promise together. It is the Synod's goal to prevent sexual misconduct. Recognizing it exists, however, the Synod intends to continue to deal with the problem truthfully and responsibly. These procedures are intended to help the church, its people, and its rostered ministers so that persons in need of counsel and support may continue to come to their rostered leaders with confidence and trust.