

Northwest Washington Synod

Sexual Misconduct by Rostered Ministers

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Yet to be Approved by Synod Council:

I

God's Call, Our Commitment

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. As one expression of the church, the Northwest Washington Synod (NWWA Synod) is committed to creating and maintaining a safe climate and working to prevent sexual harassment and misconduct in all its forms. Moreover, if violations occur, the synod will create a culture of safe reporting, promptly investigate, and support all those impacted.

The synod has specific responsibilities related to *rostered ministers*¹. This includes managing the roster status of rostered ministers. The congregation has responsibility for employment matters for both rostered ministers and lay persons. The synod will provide support, training, and resources for congregational leaders in developing their own policies and practices on preventing and responding to misconduct by rostered ministers, employees, volunteers, or members. Please see the NWWA Synod website for additional information and sample policies.

The particular challenges of rostered leadership

Rostered ministers serving in congregations or in specialized ministries are highly involved in the personal lives of parishioners and the people they serve. Pastors and deacons in ministry often deal with people who are in crisis situations or are otherwise vulnerable and in need of help. Members of congregations and others receiving spiritual care look to their rostered ministers as their spiritual leaders. Leadership inevitably connotes power. Rostered ministers may not perceive or understand the degree of power held in relation to their congregational and community members. This power is heightened when people come to them for counseling or spiritual help.

¹ In the Evangelical Lutheran Church in America, there are two lists of professional ministers called within the church. These lists are called rosters. Pastors are ordained to the Ministry of Word and Sacrament. Deacons are ordained to the Ministry of Word and Service.

The power of the ministerial office contains authority and symbols derived from God. Such symbolic authority not only gives rostered ministers power but also establishes the expectation that people may come to them without fear of exploitation or abuse. As professionals, rostered ministers should not date or become sexually or emotionally involved with congregation members, counselees, or employees of the congregation, including other rostered ministers. To do so constitutes an abuse of the power inherent in their role and elevates personal gratification over the needs of the people served. The power of the office makes it very difficult for a rostered minister and parishioners or people they serve to be in a relationship of equality. Above all things, the Office of Ministry implies trust. The NWWA Synod is committed to responding with justice and compassion when misconduct occurs.

II

Synod and Congregational Responsibilities for Addressing Misconduct

The relationship between rostered ministers and congregations

- Theologically, the relationship between rostered ministers and congregations is based on the scriptural understanding of call.
- Legally, the relationship between rostered ministers and their congregations is that of employee and employer. A congregation calls its rostered minister, determines that person's duties and responsibilities, provides supervision, and decides if and when that person's call needs to be terminated in consultation with the bishop or the bishop's designated appointee.
- When a rostered minister engages in sexual misconduct, it is often members of their congregation or other rostered ministers or staff of the congregation who are impacted most and who first learn of the misconduct.

The relationship between Rostered Ministers and the Synod

The relationship between rostered ministers and the synod is ecclesiastical. With the exception of synod staff, the synod is not the employer and does not have the authority or the resources to supervise and control the daily activities of rostered ministers, but the synod is primarily responsible for administering the Church's disciplinary process regarding rostered ministers. If a rostered minister commits "conduct incompatible with the character of the ministerial office," the bishop is empowered to initiate a disciplinary process which can ultimately result in the removal of that person from the ELCA roster². If the alleged abuse involves a minor or a

² ELCA [Constitution §20.31.02](#)

vulnerable adult, the synod has a legal responsibility to report the allegation. If the misconduct is directed toward another rostered minister, these policies and procedures apply to each rostered minister.

The relationship between the Synod and Congregations

The synod is charged with providing pastoral care and leadership for its member congregations. The synod can offer assistance, advice, and care to the congregation, but the synod cannot fulfill the congregation's legal obligations. This policy is not intended to diminish in any way the legal and moral responsibilities of congregations, including, but not limited to, their responsibilities as employers under both Washington and federal law. Congregations should have up-to-date policies regarding sexual harassment and misconduct. Please see resources and sample policies on the [synod](#) and [ELCA](#) websites, or consult with a human resources or employment law professional.

The relationship between the Synod and specialized ministries

In some situations, the employer does not call the rostered minister, and so the letter of call is issued by the Synod Council. These specialized ministers include chaplains, campus ministers, assistants to the bishop, and other calls. To the extent that this document refers to rostered ministers serving congregations, it also refers to the rostered ministers serving in specialized ministries. Each of these institutions maintains employment policies and has the authority to hire and fire rostered ministers. However, their ecclesiastical call³ comes from the synod, and therefore this document covers their rostered status within the ELCA.

III

Reporting Sexual Misconduct of a Rostered Minister

Definition of Terms

Reporter: *The person who makes a report.*

Complainant: *The person who directly experienced misconduct.*

Accused: *The rostered minister about whom the complaint is made.*

Vulnerable Adult: *A vulnerable adult is a person who cannot independently protect or provide for their own basic needs due to age, physical or mental disability, or disease.*

³ Ecclesiastical call refers to the administered call by congregations or synods of the ELCA for each rostered minister of this church.

Council: *Unless otherwise specified, Council will refer to the elected congregational leadership as stated in the congregational model constitution in Chapter 12.*

For additional definitions, refer to pages 5-6 of the [Definitions and Guidelines](#) for Discipline.

What Should Be Reported

Any sexual misconduct between a rostered minister and a parishioner, counselee, employee, another rostered minister, or person outside the congregation or church organization should be reported to the synod and may also be reported to the rostered minister's employer. Sexual misconduct includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or any other verbal or physical conduct or communication of a sexual nature, such as but not limited to:

- sexual remarks, jokes, advances, leering, whistling, sexual gestures;
- sexually explicit or otherwise offensive posters, cartoons, photographs, music, video, or other media shared in any way, including email, text message, social media, or other channels;
- sexual touching, fondling, molestation, assault, or other intimate physical contact;
- compelling another person to engage in a sexual act by threats, fear, or undue influence;
- downloading, viewing, and/or distributing pornographic or Child Sexual Abuse materials; and
- any involvement in sex trafficking.

[Washington](#) and federal laws address various types of sexual misconduct, such as sexual harassment, sexual abuse, and sexual assault. Similarly, [chapter 20 of the ELCA Constitution](#) and the [Definitions and Guidelines for Discipline](#) adopted by the ELCA's Church Council define the types of sexual misconduct that can result in discipline of a rostered minister.

The synod is concerned about all types of inappropriate sexual behavior by rostered ministers. Any inappropriate sexual behavior should be reported to the synod for investigation and appropriate action.

Discerning Readiness to Make a Report

The synod recognizes that it may be a difficult decision to make a report. When a person is deciding whether or not to make a report, local conversation partners (listed on the [synod website](#)) and the ELCA hotline (773-380-7142) can provide resources and conversation that may help in making that decision.

Who Makes a Report

Sexual misconduct may be reported by *anyone*, including the person who experiences the misconduct, a member of that person's family, a member of the congregation, a concerned person, or a colleague of the rostered minister. The NWWA Synod recognizes that reporting sexual misconduct may be difficult, but reports are essential to the health of those hurt by misconduct, the congregation, the synod, and the accused rostered minister.

How To Make a Report

The synod seeks to remove barriers to reporting misconduct. Therefore, there are various ways to make a report, including:

- To the Northwest Washington Synod:
5519 Phinney Ave N
Seattle, WA 98103
206-783-9292
- The bishop and their staff
- The ELCA hotline 773-380-7142
- Other designees listed on the [synod website](#)

All reports will be sent to the bishop who will begin an investigation.

What To Expect After Misconduct Is Reported

If you have experienced misconduct, it is the goal of the synod to:

- Listen respectfully to allegations;
- Affirm the need for and provide spiritual care as desired;
- Provide an opportunity for someone to advocate for you, if desired;
- Encourage professional therapy; and
- Provide you with a copy of this policy and other relevant information.

If you are the spouse and/or the immediate family member of one who has experienced misconduct, the synod will:

- Affirm the need for and provide spiritual care as desired;
- Encourage professional therapy and;
- Provide them with a copy of this policy and other relevant information.

If you have been accused of misconduct, the bishop or the bishop's designee shall:

- Follow the process outlined in Section IV: Process of Investigating a Complaint of Misconduct;
- Affirm the need for and provide spiritual care as desired;

- Encourage professional therapy;
- Provide you with a copy of this policy and other relevant information; and
- Review possible consequences of the behavior.

If you are the spouse and/or the immediate family member of a Rostered Minister who has been accused of misconduct, the synod will:

- Affirm the need for and provide spiritual care as desired;
- Provide them with a copy of this policy and other relevant information; and
- Should the family desire consultation, the bishop's office may provide information about possible consequences and the investigative process.

To the extent possible, confidentiality will be maintained throughout the process.

Certain types of misconduct (e.g. minors and vulnerable adults) will require the synod to report the allegations to state or county authorities or to law enforcement agencies. Civil and/or criminal procedures against the accused may follow.

The synod strongly encourages reports of any form of misconduct committed by a rostered minister, including reports from other rostered ministers. If the misconduct is directed toward another rostered minister, the same procedures for reporting are followed. The synod is committed to supporting rostered ministers in the difficult discernment in these situations and preventing adverse impact or retaliation when possible. Should temporary leave be necessary for the complainant, the synod will encourage the congregation to provide appropriate financial support and benefits.

IV

Process of Investigating a Complaint of Misconduct

For the purposes of this section, references to the bishop may also imply a designee appointed by the bishop in instances where the bishop is unavailable.

Step One: Report of Misconduct

The allegation of misconduct against a rostered minister is reported. See the previous sections on "Who Makes a Report" and "How to Make a Report."

Step Two: Meeting with Reporter and/or Complainant

The bishop will meet with the reporter and/or complainant to hear the nature of the allegations and the sources of the information shared. The bishop may ask another confidential person to join this conversation. If the reporter is not the complainant, the bishop will then attempt to meet with the complainant. The synod encourages the complainant to bring someone to

support them through the process of reporting and investigation. Under no circumstances will any employee of the synod function as the complainant's support person; however, at the complainant's request, the synod will contact a support person for them.

When meeting with the complainant, it will be asked that the complainant provide as much detailed information about the sexual misconduct as the complainant is comfortable sharing. The bishop will also ask the complainant what their preferred outcome is and whether the complainant is prepared to participate in the disciplinary process if necessary. A copy of this policy, as well as [Definitions and Guidelines](#), will be given to the complainant if not received already.

As far as possible, the bishop will respect the wishes of the complainant regarding confidentiality. However, at some point, the Office of the Bishop may be required by civil law or governing documents of the ELCA to disclose the identity of the complainant. Also, the identity of the complainant may be revealed by others or become known despite the best efforts of the Office of the Bishop to protect it. The Office of the Bishop cannot guarantee confidentiality to a complainant. The bishop will provide support for the complainant related to concerns about confidentiality.

The bishop will discuss with the complainant their needs for pastoral care and may suggest professional counseling. If the complainant requests, the bishop will help put the complainant in touch with a person or people who can provide pastoral care or professional counseling. No employee of the synod can function as the complainant's pastor, therapist, or counselor.

The bishop will be the contact person or will appoint a contact person for the complainant. The contact person will keep in regular contact with the complainant, informing the complainant of significant developments, and responding to questions and concerns about the process.

If the bishop learns that a child or a vulnerable adult may have been physically or sexually abused, the bishop is legally required to report that information to law enforcement authorities.

Step Three: Written Statement

The bishop may request a signed statement from the complainant. The statement records the serious nature of the complaint and verifies the accuracy and completeness of the information discussed in the meeting in Step Two.

To the extent possible, confidentiality will be maintained throughout the process. The statement will be kept in a secure location. While the statement is primarily for the bishop, it may be necessary to disclose the statement to the synod staff and/or the synod's attorney. The statement may also be subject to disclosure through a court order or other legal process.

Step Four: Investigation

The bishop will promptly investigate each report made. During the investigation, it is the bishop's goal to gather information and determine the extent of the accusations. Where

appropriate, the bishop may attempt to gather corroborative information from sources such as the reporter; the complainant; other possible witnesses or impacted people; records of the synod; another ELCA synod; the ELCA or an entity affiliated with the ELCA; interviews of former bishops of the accused; those who served as assistants to former bishops of the accused; rostered ministers who succeeded the accused at congregations that they served; rostered ministers who presently serve on the same staff with the rostered minister; members and leadership of the congregation that the rostered minister currently serves; other persons identified by the complainant; friends family members, rostered ministers, or counselors of the complainant; investigative reports obtained from civil authorities; and other sources as needed.

The investigation by the Office of the Bishop will be conducted as quickly and as discreetly as possible. All of those contacted will be asked to keep the contact in strictest confidence. If it is determined that the rostered minister did not commit sexual misconduct, that conclusion will be communicated to those who were contacted by the Office of the Bishop in the course of its investigation.

If a criminal investigation or other official investigation by law enforcement authorities is underway, the Office of the Bishop 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.

Step Five: Meeting with the Accused

The bishop will meet with the accused after the Office of the Bishop's investigation is concluded. The accused will be advised that they may bring one person with them to the meeting. The bishop will clarify that the meeting is not confidential, not privileged communication, nor does it fall under the Seal of Confession. At this meeting:

- The bishop will be accompanied by a witness to take notes for the bishop's use;
- the bishop will provide the accused with the synod's process for complaints of misconduct, an unbiased report of the complaint(s) made against them, and the potential consequences of these complaints;
- the bishop will encourage and/or help arrange for pastoral care for the accused and/or the family of the accused. Under no circumstances will any employee of the synod function as an advocate, pastor, or counselor to the accused or the accused's family;
- the bishop will instruct the accused to refrain from contacting the complainant or reporter(s) or engaging in retaliation of any kind against them; and
- the rostered minister will have an opportunity for an initial response.

In appropriate cases, the bishop may:

- encourage a psychological assessment and/or professional therapy;
- ask the accused to voluntarily agree to certain restrictions upon their ministry until the investigation and/or disciplinary proceedings are concluded; and/or

- ask the accused to resign from their current call, and/or ask them to resign from the roster of the ELCA.⁴

If the accused refuses any of these things, the bishop may:

- ask the accused's current congregation to impose restrictions;
- ask the accused to take a leave of absence - either with or without pay - until the investigation and/or disciplinary proceedings are concluded;
- ask the congregation to place the accused on an involuntary leave of absence; and/or
- in extreme circumstances, the bishop may temporarily suspend the accused without prejudice.

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 their congregation), the bishop may meet with the accused immediately after or perhaps even before meeting with the complainant.

Step Six: Further Actions

Consultation Committee and Advisors

The bishop may use advisors or the NWWA Synod Consultation Committee⁵ in the course of the investigation or following the meeting with the accused. Such consultation will help the bishop determine whether or not to bring charges through the Church's disciplinary process. The Consultation Committee or advisors may affirm the previous recommendations of the bishop or may make additional recommendations. If the recommendations are not accepted by the accused, the next step will be the initiation of the ELCA disciplinary process.

ELCA Disciplinary Process

If the bishop is unable to resolve the situation using the above steps, the bishop will initiate the ELCA's disciplinary process. This process is governed by chapter 20 of the [Constitutions](#), Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. We encourage the accused to read this chapter in full.

⁴ The bishop cannot force the rostered minister to submit a resignation. In most cases, only a discipline hearing committee can remove a rostered minister from the roster involuntarily.

⁵ [ELCA Constitution §20.22.04](#)

a. 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.

b. 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. Up to two members of the advisory panel appointed by the synod bishop may be members of church bodies with which this church is in a relationship of full communion.

When the bishop decides to initiate this process, the bishop will meet with the accused rostered minister, and the accused rostered minister will be informed of the ELCA's disciplinary process. The bishop will be accompanied by a witness to take notes for the bishop's use. The synod's attorney will draft ecclesial charges. In compliance with ELCA [Constitution §20.19](#), the charges must be specific and in writing. Outcomes may include private censure and admonition by the synod bishop, suspension from the office and functions of the ministry, or removal from the roster of the ELCA. There is a process for appeals to the churchwide [Committee on Appeals §20.61.A21](#).

Step Seven: Informing the Complainant

Throughout the process, the bishop will keep the complainant as informed as possible. The complainant will be informed of the final results. The bishop will affirm the need for and provide spiritual care and support as desired. The bishop will also encourage professional therapy.

V

Disclosure

The council is informed when sexual misconduct is substantiated in a congregation. If the misconduct occurred in a specialized ministry, appropriate leadership will be notified.

In most cases, disclosure will be made when one or more of these occur:

- The rostered minister admits to committing sexual misconduct.
- The rostered minister resigns their call or from the roster of the ELCA after being charged with sexual misconduct.
- The rostered minister is placed on leave of absence or temporarily suspended in response to a charge of sexual misconduct.
- The rostered minister is suspended or removed from the roster as a result of formal disciplinary proceedings.
- Legal proceedings (civil or criminal) are initiated against the rostered minister.
- Other events may give rise to the need for disclosure as well.

Disclosure is important because:

- Charges of sexual misconduct are particularly susceptible to rumors and distortions, which, over a period of time, can destroy a congregation; therefore, it is healthier for a congregation to deal with the matter openly.
- It is the first step in the healing process, leading to the congregation's future health and well-being.
- It fulfills the Church's mission of reaching out to those in need of love, healing, and reconciliation.

- It allows any other victims to come forward and may help prevent future abuse within the congregation and the community.

Disclosure of clergy sexual misconduct will be made to the leadership of the rostered minister's congregation, to the members of the rostered minister's present congregation, to other rostered ministers within the synod, to synods where the rostered minister was previously rostered, and to previous congregations. In some situations, wider disclosure may be made, including organizations in which the rostered minister is involved or the news media.

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The bishop will work with the lay leadership and the congregation council in determining the most appropriate time and means of disclosure. The victim's concerns regarding disclosure will be considered as well. The actual announcement to the congregation will be made by the bishop, and usually to the adult members only.

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

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

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

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

The bishop will disclose to the congregation using the following process:

- Inform the council president of substantiated allegations;
- Disclose the investigative process to the council president;
- Schedule a meeting with the council;
- Seek the council's invitation to meet with the congregation to disclose the allegations and the process;
- Seek interim spiritual leadership and care where needed for the congregation and staff;
- Update the council and congregation regularly;
- Encourage other complainants to come forward.

In the event the complainant is a rostered minister or lay employee of the congregation, and agrees for their name to be disclosed to the council, the synod will encourage the congregation to provide appropriate financial support and benefits.

VI

Rebuilding Trust

Restoring trust and the task of healing is a journey that takes a community of support, time, and commitment. Healing requires personal contact, such as listening to stories, responding to, and standing alongside those harmed. This journey toward healing cannot be ignored or set aside, but needs attention and hard work. This is gospel work, holy work, liberative work, justice work.

FaithTrust Institute (a multifaith, multicultural training and education organization working to end sexual and domestic violence) offers the following “Elements of Justice-Making” to assist congregations in rebuilding trust:

1. **Truth-telling:** Give voice to the reality of the abuse.
2. **Acknowledging the violation:** Hear the truth, name the abuse, and condemn it as wrong.
3. **Compassion:** Listen to and empathize with the person who experienced the misconduct.
4. **Protecting the vulnerable:** Take steps to prevent further abuse.
5. **Accountability:** The abuser is confronted, and negative consequences are imposed; this step makes repentance possible.
6. **Restitution:** Make symbolic restitution of what was lost; give a tangible means to acknowledge the wrongfulness of the abuse and the harm done and to bring about healing (e.g., payment for therapy).
7. **Vindication:** To aid the process of setting those impacted by sexual misconduct free from the pain caused by the abuse.⁶

⁶ Faith Trust Institute, *Clergy Misconduct: Sexual Abuse in the Ministerial Relationship*