

# SUMMARY OF POLICY REGARDING SEXUAL MISCONDUCT BY ROSTERED MINISTERS



The Saint Paul Area Synod of the Evangelical Lutheran Church in America (ELCA) is committed to preventing sexual misconduct within the church by rostered ministers and to responding promptly with justice and compassion when such misconduct occurs. 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. 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. The synod strongly encourages congregations to develop and adapt their own policies to prevent and address sexual misconduct within the congregation.

## Policy

The synod's policy is to not tolerate sexual misconduct by any rostered minister, and to take action to prevent and promptly respond to misconduct by rostered ministers. 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. 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.
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 synod will take seriously any reports of sexual misconduct by rostered ministers, and will act upon substantiated allegations, including reporting alleged criminal conduct to the appropriate authorities. This is not to say that the synod treats every case exactly the same. Sexual misconduct varies greatly by type, degree, and effect on those involved. The synod attempts to respond appropriately to each case, while not tolerating any misbehavior discovered to exist.

## Reporting Misconduct

Anyone who knows or suspects that a rostered minister may have been involved in sexual misconduct is encouraged and directed to report that knowledge or suspicion to the bishop or an assistant to the bishop. The names, addresses, and telephone numbers of the bishop and assistants are posted at [www.spas-elca.org/misconduct](http://www.spas-elca.org/misconduct).

If a complainant is uncomfortable about contacting the bishop or an assistant to the bishop, then the complainant should contact one of the other people listed on the website. Those people –

who may include men and women, clergy and laypersons – 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 themselves when they first contact 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 themselves and the rostered minister involved in the misconduct.

### **Investigation and Discipline**

The synod will promptly investigate allegations of sexual misconduct, beginning with an interview of the complainant. In all meetings with synod personnel, the complainant may be accompanied by a friend, family member, support person, or advocate of their choice, but in no circumstance will an employee of the synod or member of the synod council serve as such an advocate.

Importantly, the synod will respect the wishes of the complainant regarding confidentiality to the extent possible, but a complainant should understand that the synod may be required by civil law or by the governing documents of the ELCA to disclose the identity of the complainant. In addition, to effectively investigate a complaint, synod staff or their designees may be required to report certain facts to witnesses or a rostered minister accused of misconduct, and those facts may reveal the identity of the complainant or the basis for the complaint. The synod therefore cannot guarantee confidentiality to a complainant.

The bishop or bishop's designee will discuss with the complainant her or his needs for pastoral care and may suggest 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 pastoral care or professional counseling to the complainant pursuant to such terms as they may determine between themselves. No employee of the synod may function as the complainant's pastor, therapist or counselor.

After an investigation, the bishop will determine whether to move forward with disciplinary proceedings. ELCA disciplinary proceedings are 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.

### **Post-Reporting Care and Support**

The synod will work with congregations and others to help ensure that care and support are available to those harmed by clergy sexual misconduct. Synod personnel may not provide this individual care themselves, but the synod 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.