

***VI. What about disclosure?***

The synod's goal in intervening in such cases is to enhance the process of healing for individuals, the congregations, agency or community. Disclosure is made in an appropriate way to aid in the healing of all involved. Disclosure will be made to those who need to know, including the congregation or agency. Disclosure will never involve revealing the identity of the complainant(s), or of facts that would make the complainant(s) readily identifiable.

***VII. What support is offered in situations of misconduct?***

Support for situations of sexual misconduct will be offered by the Southern Ohio Synod to:

- a. Victims of abuse or harassment
- b. Offenders who are seeking help.
- c. Families of victims and offenders.
- d. Congregations/agencies affected by these situations.

***VIII. What are the goals of this procedure?***

The goals of this procedure are:

- a. To better enable the synod and its congregations to deal sensitively and responsibly with violations of the ministerial relationship.
- b. To foster a climate of safety wherein persons who believe they have experienced sexual harassment or abuse can tell their stories and receive the support, care, and concern they deserve as children of God.
- c. To deal with allegations in light of God's word and with a view to the well-being of persons, the honor and integrity of the church and its leadership and the credibility of the Gospel.

**A PASTORAL APPROACH**

**PROCEDURES FOR RESPONDING TO**

**ALLEGATIONS OF SEXUAL MISCONDUCT**

**WITHIN THE MINISTERIAL RELATIONSHIP**

## Summary of Misconduct Procedures

### I. What is “sexual misconduct within the ministerial relationship?”

It is misconduct when any person in a ministerial role (clergy or lay) engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member, etc. (adult, teenager or child) in a professional relationship.

There is always an imbalance of power present in ministerial relationships by virtue of the minister’s ordination or commissioning. This imbalance of power is violated when the minister fails to maintain appropriate boundaries with congregants, clients, students, staff, etc.

### II. What are the “Standards of Professional Conduct” which are to be upheld by ministers of the ELCA?

The standards of conduct for rostered leaders of the ELCA are spelled out in the Constitution and related church documents of the ELCA. The expectations of the ELCA leaders are high. “The ELCA has high expectations for those who serve within the ordained ministry, recognizing that when offense is given by an ordained minister, the witness of the gospel may be impaired and the ability to carry out public ministry is threatened.” (**Vision and Expectations: Ordained Ministers in the ELCA, adopted by the Church Council in 1990**).

These expectations include a ministry of servanthood and not the exercise of domination or coercive power.

### III. What happens when a complaint is received?

1. The bishop meets with the complainant as soon as possible.
2. The complaint, in written form, is reviewed and the bishop determines if other investigation is required, if there are any additional complaints, if state law may apply, or if other synods need to be consulted.
3. Meeting with the minister.
  - a. The bishop provides the minister with information on the allegations.
  - b. The minister is provided an opportunity to respond
  - c. The minister is told that he/she is not allowed to contact the complainant(s).

- d. The bishop describes the synod’s procedures and policy.
- e. The bishop informs the minister of action the synod will be taking
- f. Pastoral care is provided for the minister and his/her family where appropriate.
- g. Where there is concern for the safety of others in the congregation or agency, the bishop may arrange for the immediate suspension of the minister.
- h. The bishop may also request the minister’s resignation.

## IV Advisory Panels

The bishop has the option of convening an advisory panel to assist in bringing a just and appropriate resolution to the complaint.

This panel advises the bishop on:

- a. Whether or not the charges would be dropped
- b. Whether or not the minister should resign from his/her current call or the ELCA roster.
- c. Recommendations for pastoral and therapeutic options.

## V. What is a “discipline hearing?”

Formal proceedings before a discipline hearing committee are commenced when written charges are filed by the bishop. These charges are filed with the Office of the Secretary of the ELCA.

The discipline hearing is composed of:

- a. A non-voting chair or hearing officer
  - b. Six people from the synod discipline committee
  - c. Six people from the churchwide discipline committee
- A formal hearing is then held with testimony of witnesses and other evidence from the accuser and the accused.

## **SOUTHERN OHIO SYNOD, ELCA**

### **PROCEDURES FOR RESPONDING TO ALLEGATIONS OF SEXUAL MISCONDUCT WITHIN THE MINISTERIAL RELATIONSHIP**

#### **I. PREFACE**

The Evangelical Lutheran Church in America and the Southern Ohio Synod are committed to making congregations and other ministries of this church wellsprings of healing and hope amid a society which often exploits and abuses our God-given sexuality. In keeping with this commitment, the task force presents this statement describing procedures to be followed when there are allegations of sexual misconduct against the persons serving in a ministerial relationship on the roster of the Southern Ohio Synod. This procedure addresses the specific abuse of power by those who engage in sexual misconduct toward, or have sexual contact with, those for whose spiritual welfare they are responsible.

The goal of this proposed procedure is:

1. to better enable the synod and its congregations to deal sensitively and responsibly with such violations of the ministerial relationship;
2. to foster a climate of safety wherein persons who believe they have experienced sexual harassment or abuse can tell their stories and receive the support, care, and concern they deserve as children of God; and
3. to deal with allegations in light of God's word and with a view to the well-being of persons, the honor and integrity of the church and its leadership and the credibility of the Gospel.

The synod, in dealing faithfully with offenses and offenders, must not only adhere to accepted legal standards of justice and due process, it must also be guided by the law and gospel of God. We believe that clearly defined policy and procedures, understood by the members of Southern Ohio Synod and implemented by the bishop, will serve to strengthen ministry, preserve the dignity of all, and promote healing in the lives of those affected.

## II. DEFINITIONS

### A. The Ministerial Relationship

The ministerial relationship is one within which pastoral care, spiritual direction, teaching or counseling with another person occurs. The ministerial relationship exists with all members of a congregation. Ministerial relationships are frequently established also with persons in the general public who are not officially congregational members. When one works in one's professional capacity with a community group or in an agency setting, a ministerial relationship may exist with others in those contexts.

### B. Imbalance of Power

In a ministerial relationship an imbalance of power is always present. By virtue of the minister's ordination or commissioning, he/she is authorized by the church to exercise the power of proclamation, leadership, teaching and healing. As stewards of the church's sacraments and with power to grant absolution, ordained ministers are vested with high authority and are entrusted with power by the faith community.

In order to safeguard the well-being of persons and to uphold the integrity of the ministerial office, ministers must give careful attention to maintaining professional boundaries. The minister is always responsible for maintaining appropriate relationships and is accountable whenever a professional boundary violation occurs. "I was seduced", "I was vulnerable", or "We were in love", are not responses which mitigate responsibility for any act of sexual misconduct or sexual harassment.

### C. Sexual Misconduct

It is misconduct when any person in a ministerial role (clergy or lay) engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member, etc. (adult, teenager, or child) in a professional relationship.

### D. Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.  
(Equal Employment Opportunity Commission, 1980)

### III. STANDARDS OF CONDUCT

Standards of professional conduct and expectations for rostered leaders are outlined in the Constitution and related church documents of the Evangelical Lutheran Church in America.

The document *Visions and Expectations: Ordained Ministers in the Evangelical Lutheran Church in America* was adopted by the Church Council in 1990 as a statement of this church. This statement describes the standards of conduct expected of those who serve in ministry.

“Ordained ministers are called by God through the church for ministry of servanthood, and not for the exercise of domination or coercive power.

The church expects its ordained ministers to resist the temptation to seek power over people, whether by force or manipulation.

The ELCA has high expectations for those who serve within the ordained ministry, recognizing that when offense is given by an ordained minister, the witness of the gospel may be impaired and the ability to carry out public ministry is threatened.

The expectations of this church regarding the sexual conduct of its ordained ministers are grounded in the understanding of sexuality as a gift from God and that ordained ministers are to live in such a way as to honor this gift.

Ordained ministers are expected to reject sexual promiscuity, the manipulation of others for purposes of sexual gratification, and all attempts of sexual seduction and sexual harassment, including taking physical or emotional advantage of others.”

An interim document, *Vision and Expectations*, has been developed by the ELCA for associates in ministry candidates. The standards and expectations are similar to those for ordained candidates. Following the churchwide assembly in August 1993, a document similar to the *Vision and Expectations: Ordained Ministers in the Evangelical Lutheran Church in America* will be developed for those who serve in other officially recognized public ministries of this church.

According to the Constitution, “ordained ministers shall be subject to discipline for conduct incompatible with the character of the ministerial office.” (20.21.01) Constitutional bylaws outline a course of discipline which assures due process and due protection for the accused and other parties. (20.11) Disciplinary actions which may be imposed are:

- Private censure and admonition by the bishop of the synod,
- Suspension from office for a designated period or until there is satisfactory evidence of repentance and amendment,
- Removal from the ordained ministry of this church. (20.21.02)

The 1993 churchwide assembly will consider changes to the Constitution which will provide for similar disciplinary action with regard to other officially recognized public ministries.

Given the standards of professional conduct and expectations set forward in the Constitution and the statements of the ELCA, it is the policy of the Southern Ohio Synod that all forms of sexual misconduct and sexual harassment are unacceptable within the church, and are subject to appropriate mediation and/or disciplinary action.

## **IV. PROCEDURE**

### **When a complaint is received**

The bishop will meet as soon as possible with the complainant

- To hear fully the complainant's story,
- To assure the complainant that this church takes sexual abuse by ministers seriously,
- To provide information about the synodical procedure,
- To respond with pastoral concern to the complainant and the complainant's family where appropriate.

The complainant has the right to be accompanied to this meeting and any future meetings by a person of his/her choosing.

The bishop will request that the allegations be submitted in writing. The documentation should be detailed and specific including dates and places if possible. It should be signed.

### **Review of Complaint**

Upon receipt of the written allegations, the bishop will review the complaint to determine

- Whether the complaint(s) is (are) valid,
- Whether additional investigation is necessary,
- Whether there may be additional complainants,
- Whether state law may have implications for the process,
- Whether other synods need to be consulted.

If the complainant chooses not to submit a written allegation, the bishop may continue the investigation if there appears to be sufficient evidence that misconduct occurred such that there is a concern for the well-being of others in the congregation or agency.

### **Meeting with the Minister**

The bishop will arrange to meet with the minister as soon as possible following receipt of the written allegations. The bishop will be accompanied by a synod staff member or other person of his/her choosing. The bishop will

- Provide the minister with information on the allegations,
- Provide an opportunity for initial response to the allegations,
- Inform the minister that he/she may not contact the complainant(s)
- Describe the policy and procedure of the synod and the ELCA\*,
- Inform the minister of the action the synod will be taking, either to terminate or continue the procedure,
- Provide for pastoral care of the minister and his/her family where appropriate.

\*Chapter 20, ELCA Constitution and Bylaws

**An ELCA Strategy for Responding to Sexual Abuse in the Church**

When there is concern for the safety of others in the congregation or agency, the bishop may arrange for the immediate suspension of the minister. The bishop may also request the minister's resignation.

### **The Advisory Panel**

The bishop may convene an advisory panel to assist in bringing a just and appropriate resolution to the complaint. The advisory panel will advise the bishop as to whether or not charges should be brought. They may advise that the minister resign from the current call or from the clergy roster. The advisory panel shall endeavor to resolve the controversy through recommendations that are pastoral and therapeutic and that, if accepted by the parties and others concerned, will eliminate the necessity for proceedings before a discipline hearing committee.

### **The Discipline Hearing Committee**

Formal proceedings before a discipline hearing committee are commenced when written charges are filed by the bishop with the Office of the Secretary, ELCA\*. The charges set forth the offense of which the accused minister is alleged to be guilty with specifications stating what the accused is alleged to have done, which, if true, constitute an instance of the offense. The discipline hearing committee composed of a non-voting chair or hearing officer and twelve voting members, six from the synod discipline committee and six from the churchwide discipline committee, then holds a formal hearing on the charges at which the testimony of witnesses and other evidence is presented by the accuser and the accused. The witness(es) for the accuser will normally include the complainant(s). This proceeding is to be conducted to assure due process and due protection for the accused, other parties including the complainant(s) and this church.

### **Disclosure**

The synod will support and enhance the process of healing for individuals, the congregation or agency, and the community through the appropriate disclosure of information. Disclosure will be made to those who need to know, including the congregation or agency. Disclosure will never involve revealing the identity of the complainant(s), or of facts that would make the complainant(s) readily identifiable.

Following the review of the complaint and at the discretion of the bishop, disclosure may occur at any point in this procedure.

\*See Chapter 20, ELCA Constitution and Bylaws



### **Employer Responsibility: Sexual Harassment**

When the alleged sexual misconduct of a minister involves an employee of the congregation, agency, or institution where the minister is serving, then the allegation is one of sexual harassment.

Sexual harassment laws (generally) require the employer (congregation, agency, or institution) to take timely and appropriate action to investigate the allegations and, if harassment is found, to remedy the situation. The legal responsibility for responding to the allegations is that of the employer.

It is the responsibility of the synod to determine whether “conduct incompatible with the character of the ministerial office” has occurred. The two inquiries are very different. “Sexual harassment” is a legal concept that relates to the employment context. It is defined by legislatures and courts. “Conduct incompatible” is an ecclesiastical concept that is not restricted to the employment context. It is defined by the church.

## **V. EDUCATION AND SUPPORT OPPORTUNITIES**

The first goal of addressing sexual misconduct in the Southern Ohio Synod of the ELCA is prevention. Through educational opportunities, open discussion and direct support, a safe environment can be created so that God's people may respect one another and respond to the call of the Gospel with conviction. Creating a safe place is essential for proclaiming the Gospel to all people.

### **A. Education for Pastors, Associates in Ministry, Lay Leaders**

Comprehensive, ongoing training will be provided for leaders of our synod in cooperation with the Leadership Strategy Team as they oversee educational opportunities. Workshops, presentations during Professional Leaders Conferences and other opportunities to dialogue and learn will be made available across the synod. The initial educational opportunities will be focused on 1993-94. However, educational opportunities should be held on an annual basis to update leaders and to offer orientation to new leaders to this synod.

### **B. Education for Congregations**

Comprehensive, ongoing educational opportunities will be made available to members of the Southern Ohio Synod through newsletters, synod assembly opportunities, etc. These will be coordinated with the Nurture Strategy Team of the synod. Opportunities should be made available for all members of the synod to be familiar with the policies, procedures, and support available through the synod.

### **C. Support**


Support opportunities will be provided through the Southern Ohio Synod office for people who are victims of abuse or harassment, for offenders who are seeking help, and for congregations. A list of support opportunities will be made available upon request. These opportunities will include:

Counseling agencies with special emphasis on sexual harassment/abuse, conflict management and grief.

Support groups for the sexually abused/harassed.

Spiritual guidance and support for all who are affected.

Building bridges for personal support, emotional nurture, spiritual care and intellectual growth are essential to maintaining health and wholeness among rostered leaders. Support for rostered leaders can also be a preventative resource against sexual misconduct. Rostered leaders are encouraged to take part in peer support groups, mentoring programs, self-care workshops, workshops on stress reduction and other continuing education opportunities.



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