

THE SOUTHEASTERN PENNSYLVANIA SYNOD OF THE ELCA POLICY STATEMENT ON SEXUAL MISCONDUCT IN THE CHURCH

Approved by Synod Council ~ January, 1994, 2001, 2020

Introduction

As an expression of its life in the gospel of Jesus Christ, this church embraces disciplinary processes of counseling, admonition, and correction, with the objective of forgiveness, reconciliation, and healing. Simultaneously, out of deep concern for effective extension of the gospel, this church remains alert to the high calling of discipleship in Jesus Christ. The rostered ministers of this church, as persons charged with special responsibility for the proclamation of the gospel, are to seek to reflect the new life in Christ, avoiding that which would make them stumbling blocks to others. To that end, this church recognizes that there is behavior that is deemed to be incompatible with ordained ministry and that calls for disciplinary action.¹

Public ministry is a position of trust and responsibility. Sexual misconduct by a ROSTERED MINISTER violates this trust. Recognizing this, the ELCA has developed standards of professional conduct and expectations for its rostered leaders.

Sexual Matters: The expectation of this church is that a rostered minister is to lead a chaste and decent life in word and deed. In keeping with this expectation, chastity and abstinence are required outside of marriage, and chastity and fidelity are required within marriage. Adultery, infidelity, casual sexual relationships, promiscuity, the sexual abuse of another or the misuse of the ministerial relationship for sexual activity constitute conduct that is incompatible with the character of the ministerial office.²

This document provides general policy statements and guidelines to be followed by the Southeastern Pennsylvania Synod of the ELCA in dealing with allegations of sexual misconduct. It must be emphasized that these policies and guidelines are not binding, rigid rules. However, the synod hopes that its member congregations will work with the synod to implement this document. Every sexual misconduct case is unique, and therefore the synod reserves the right to depart from these policies and guidelines whenever the synod deems necessary and appropriate.

Responding to Concerns of Sexual Misconduct

¹ Definition and Guidelines for Discipline: Evangelical Lutheran Church in America (ELCA)
March 2020. p.1

² Definition and Guidelines for Discipline: Evangelical Lutheran Church in America (ELCA)
March 2020. p.2

The bishop will hear and be involved with the oversight and consideration of all reported allegations of misconduct made to the synod.

It is desirable that the complainant names an Advocate. The Advocate's purpose is to serve as support and to provide assistance for the care of the complainant and his/her family. The Advocate is normally not involved in the investigation of the complaint, but simply in supporting the complainant.

Generally the bishop shall call upon one of his/her assistants or upon another trained and qualified individual to serve as an Advisor. The Advisor is recognized by the bishop as his/her professional assistant. Because of the nature, sensitivity and seriousness of this reporting, whenever possible the bishop shall be assisted by this Advisor throughout the entire process.

Allegations implicating the synodical bishop in sexual misconduct should be brought to the attention of the synodical vice president, who in turn will notify the churchwide bishop of the Evangelical Lutheran Church in America.

When allegations of sexual misconduct are made to the congregational council of the congregation that has called the ROSTERED MINISTER, because of the possibility that the synod will become involved in a disciplinary proceeding, the congregation council should seek the assistance of the synodical bishop.

Reporting an Allegation of Sexual Misconduct

Allegations of sexual misconduct by rostered persons should be reported to the office of the bishop. The initial contact shall be made either by telephoning, writing to or speaking in person with the bishop. In all cases the bishop will schedule a formal meeting, where a full report can be made, at a time that is mutually convenient with the complainant, the Advocate, the Advisor and with the bishop.

The bishop, with the assistance of the Advisor, will hear the complainant's allegations. The bishop shall listen to the complainant with sensitivity and care. More than one meeting with the complainant and Advocate may be necessary to establish the degree of trust and rapport necessary for the complainant to understand and agree to cooperate with the procedures described in this document and with the ELCA disciplinary process.

Meeting with the ROSTERED LEADER

If the bishop has determined that there is enough evidence indicating that conduct incompatible with the character of the ministerial office may have occurred, the bishop will arrange for a meeting with the ROSTERED MINISTER to provide an opportunity for an initial response to the complaint(s). The bishop will make every effort to conduct this meeting with sensitivity and in a way that assures support, care and Christian love. The ROSTERED MINISTER has the right to ask questions or make any observations that he / she so desires. The ROSTERED MINISTER is also free not to make any comments regarding innocence or guilt at this initial meeting. At this meeting the bishop will inform the ROSTERED MINISTER that this is not a time of

confessional privilege and explain that anything said by the ROSTERED MINISTER may be disclosed to others by the bishop.

A Fair and Equitable Response

Following an administrative inquiry and after consultation with the Advisor, the bishop will determine a fair and equitable response to the complaint. The decision will reflect, among other things, the seriousness of the offense and the opinions of those involved in the situation and those consulted by the bishop. The bishop may choose one or more of the following options:

1. Appropriate follow-up and closure of the case
2. Further administrative inquiry
3. Letter of reprimand
4. Recommend therapy without leave from call
5. Recommend education
6. Recommend leave of absence with therapy
7. Recommend resignation from call
8. Recommend resignation from the roster
9. Convening a Consultation Panel or Advisory Panel (See ELCA 20.21.04 a, b; 20.21.05; 20.21.06 a, b, c, d, e, f,).
10. Proceeding directly to written charges and a formal hearing before a Disciplinary Hearing Committee.

If the ROSTERED MINISTER decides not to accept the bishop's recommendation, the bishop may then initiate disciplinary proceedings against the ROSTERED MINISTER.

If the bishop chooses to present a draft of unsigned disciplinary charges, the ROSTERED MINISTER will be given 72 hours upon receipt of written charges to consult with family, attorney or other advisors to determine a course of action in response to the allegations. Failure of the ROSTERED MINISTER to respond within 72 hours may result in signing the charges, thereby initiating the formal disciplinary proceedings.

If the ROSTERED MINISTER chooses to accept the bishop's recommendation the bishop will disclose this resolution according to his / her best judgment.

Formal Hearing

Formal proceedings before a Discipline Hearing Committee are governed by Chapter 20 of the ELCA Constitution and Bylaws and Rules Governing Disciplinary Proceedings adopted under ELCA Bylaw 20.21.16.

After charges are filed against an ROSTERED MINISTER, a Discipline Hearing Committee is appointed to hear testimony and consider evidence regarding the charges. Within 60 days after the committee is appointed, the committee determines, based on the evidence, whether the charges are true. If the committee so finds, it decides what discipline is to be imposed upon the ROSTERED MINISTER. The discipline may range from admonition to removal from the ELCA roster of ROSTERED MINISTER.

Either the accuser (bishop) or the accused (ROSTERED MINISTER) may appeal the decision of the discipline hearing committee to a Committee of Appeals.

Disclosure

When there is admission of guilt, resignation from the congregation and/or the ELCA roster, or a finding of guilty in disciplinary proceedings, then disclosure is essential, except in the most unusual circumstance, for the healing process of all parties concerned. Disclosure needs to be made to the congregation and others who need to know the nature of the ROSTERED MINISTER alleged conduct. Unless the consent of the complainant(s) is given, disclosure should never involve revealing the identity of the complainant(s) or of facts that would make the complainant(s) readily identifiable .

Policy Review

In order that this policy might best serve all concerned --ROSTERED MINISTERS, congregations, the synod, and particularly victims of abuse -- it shall be reviewed periodically by synod staff and the executive committee of synod council. The review of this policy is to be seen as part of the church's continued effort to find ways to offer pastoral support and concern both to those who have been victimized and to those who have been disciplined.

Selected Resources

Definition and Guidelines for Discipline: Evangelical Lutheran Church in America (ELCA)
March 2020

ELCA Constitution for Synods. 2019 *particularly* Chapter 14 Rostered Ministers

Manual of Policies and Procedures for Management of the Rosters of the Evangelical Lutheran Church in America. Adopted March 8, 2020 by the Church Council

For more information on synodical guidelines for reporting, definition of sexual misconduct, understanding boundaries, and a detailed commentary account of the policy document:

By calling the Synod Office at 1-267-323-3737

Or by writing:

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Of the ELCA

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