

*Office of the Bishop of the Rocky Mountain Synod of the  
Evangelical Lutheran Church in America (ELCA)*

July 2021

**PROCESS FOR REPORTING AND ADDRESSING SEXUAL MISCONDUCT  
BY ROSTERED MINISTERS**

**I. INTRODUCTION**

The Office of the Bishop of the Rocky Mountain Synod recognizes that sexual misconduct of any kind between a rostered minister and another person is not acceptable and will be vigorously addressed. Sexual misconduct - in all its forms - has too long been tolerated, discounted or simply ignored in society and institutions; particularly religious ones, where hierarchy, patriarchy, investment in reputation and a culture of “forgiveness” has silenced victims. Misconduct of an intimate nature, in places where people bring vulnerability and trust, engenders a particular and pernicious harm. Leaders in churches have access to people in unique ways and must be held accountable.

This Office is both committed to preventing sexual misconduct within the church and to responding with justice when such misconduct occurs. This Statement of Process describes how the Office of the Bishop intends to fulfill these commitments.

Responding when a person comes forward with claims of sexual misconduct will require discernment regarding the process on the part of the Bishop. She or he will take the report as true (per crime-reporting practice), collect data, consult with designated supports and proceed with determination, flexibility, respect and care for all persons affected; including the victim, the rostered minister, their families and friends, the congregation, the synod, and the whole church. This document is intended to provide a framework for guidance as circumstances and needs of those affected will vary. It cannot be imposed as rigid law, binding the Office of the Bishop and others to its dictates. It must be interpreted and applied compassionately in accordance with the theological and biblical principles of the Gospel; it must acknowledge that secrecy and silence do not heal but further traumatize and perpetuate a system that tolerates abuse in both large and subtle ways. The Body of Christ is called to God’s work for the sake of justice and care of the vulnerable; above the self-interest of the ELCA, the Rocky Mountain Synod or the Office of the Bishop.

It must always be remembered, however, that any suspected sexual contact with a minor must be reported to the appropriate governmental agency as required by state laws concerning reporting of child abuse.

**A. Sexual Misconduct**

The Office of the Bishop is concerned about all types of inappropriate sexual behavior by rostered ministers, regardless of whether or how the misconduct is characterized by the law or by the governing documents of the ELCA. Federal and state laws make distinctions among various types of sexual misconduct, such as “sexual harassment,” “sexual abuse,” and “sexual assault.” Similarly, the governing documents of the ELCA define what types of sexual misconduct can result in a rostered minister being disciplined. (See Chapter 20 of *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.) With the increasing understanding of the harmful effects of sexual misconduct based on testimony of victims, the documents can be brought up to date: It is widely considered that sexual misconduct includes *assault, harassment based on gender identity and/or sexual orientation,*

*and intimate relationships of any kind between a rostered minister and congregation member, even if it seems consensual.* For those who are confused or wondering, the takeaway is that any inappropriate behavior on the part of a rostered minister containing sexual, sensual, emotionally-laden or harmful messages should be reported. This allows for intervention and possible correction, reparation and prevention of further harm to others.

When this document refers to “rostered” leaders, it includes pastors, deacons or others on the official rosters of the ELCA. This Statement of Process 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. Any sexual misconduct committed by one of these persons should be reported to the Office of the Bishop, including, but not limited to, any sexual contact between the rostered minister and a congregant, counselee, employee, or volunteer.

The following dynamics should be considered when someone reports misconduct:

- It is often very difficult for a person to speak out regarding someone who is admired by others and possibly admired by the one reporting as well
- Many victims expect that they won't be believed, that they will be blamed, that other relationships will be harmed and that very little will actually be done. In other words, they will most likely experience re-victimization. Additionally, much time may have passed before they understand and have the courage to speak. This does not diminish the urgency of taking action. Often, the tipping point comes from concern that others will also be hurt.
- Abuse may be overt, but it can also be covert; happening in subtle and coercive ways. Because of the nature of ministry and the inherent power-imbalance between leaders and members, intimacy of any kind - unless completely transparent and with equity of power and decision-making for both parties - can create a harmful loss of control.
- As is the practice in crime investigation, the standard for determining validity of claims need not be a “preponderance of evidence,” but rather “more likely than not.” This language is used in the university-mandated standard for rape and is applicable in the Church.

## **B. The Role of Congregations**

The Office of the Bishop, the Rocky Mountain Synod, and its member congregations have different responsibilities and different roles to play in preventing and responding to reports of clergy sexual misconduct. Each ELCA congregation governs itself and exercises control over its internal practices and policies and the use of its property. The congregation is responsible for its mission and ministry to the community and for its life together. The congregation elects its leadership, employs and supervises its own staff. In addition, each congregation calls its own pastor, determines its pastor's specific duties and responsibilities, sets the pastor's salary and benefits, and supervises its pastor's day-to-day ministry. The Office of the Bishop has neither the authority nor the ability to make those decisions for a congregation.

In accordance with the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, it is the congregation, in consultation with the Office of the Bishop, that finally decides whether to terminate the pastor's call. The congregation is also authorized to initiate disciplinary action against its Rostered ministers as well as its members. Obviously, then, the church cannot be a safe place unless every one of its member congregations shares its commitment to preventing clergy sexual misconduct.

This Statement of Process is the Office of the Bishop's; it says little specifically about the important role played by congregations in preventing and responding to reports of clergy sexual misconduct. This should not obscure the fact that congregations have a vital role to play. The Office of the Bishop strongly urges Rocky Mountain Synod congregations to develop their own sexual misconduct policies. The publication, *Safe Connections: What Parishioners Can Do To Understand and Prevent Clergy Sexual Abuse* is available from the ELCA Vocation and Education Program unit and from Augsburg Fortress, Publishers, Order Code 69-8110. The

Office of the Bishop recommends this publication as a useful resource for congregations addressing this issue.

It should be noted that the Office of the Bishop may not be able to assume primary responsibility for addressing all allegations of clergy sexual misconduct. For example, if a pastor 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 prevent the Office of the Bishop from interfering in the situation. Nevertheless, the Office of the Bishop should be consulted in all cases involving rostered ministers.

### **C. Role of the Office of the Bishop**

The Office of the Bishop's role is essentially twofold. First, the bishop is responsible for providing pastoral care and leadership to the Synod's congregations and rostered ministers. Reports of sexual misconduct invariably create an acute need for such care and leadership. Second, rostered ministers who commit sexual misconduct may be disciplined, leading to possible removal from the roster of the ELCA. The bishop is primarily responsible for overseeing the preliminary or consultation stage of the disciplinary process and, typically, the bishop initiates the formal stage of the disciplinary process if necessary. When the bishop provides pastoral care and leadership in the wake of clergy sexual misconduct, he or she is truly engaged in the Synod's ministry.

In every sexual misconduct case, the bishop and his or her staff will attempt to provide for the pastoral care of the victim of the misconduct, the victim's family, the pastor who committed the misconduct, the pastor's family, members of the pastor's present or former congregation, the pastor's colleagues, and others. However, the bishop and the bishop's staff do not themselves function as a pastor, counselor, advocate, attorney, or other care giver to any of these individuals. The ultimate responsibility of the bishop and his or her staff is to the Office of the Bishop, and not to any individual within the Office of the Bishop. If a conflict arises between what is in the Office of the Bishop's interests and what is in the interests of someone else, the bishop and the bishop's staff are obligated to act on the Office of the Bishop's behalf. In unusual circumstances, the fact that the bishop and bishop's staff are responsible to the Office of the Bishop may require that they act contrary to the wishes of the complainant.

Every report of clergy sexual misconduct involves unique people and unique circumstances. This Statement of Process merely describes the general approach that the Office of the Bishop will follow in responding to reports of clergy sexual misconduct. It will not be appropriate or even possible for the Office of the Bishop to follow this approach in every case. The Office of the Bishop reserves the right to depart from this Statement of Process at any time and for any reason.

The freedom of the Office of the Bishop 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 Office of the Bishop's freedom to decide who will be on its clergy roster, and of the freedom of each congregation to decide who will preach and teach from its pulpit. Nothing in this Statement of Process is intended to diminish these freedoms in any respect or to create any rights or responsibilities under civil law.

## **II. Office of the Bishop's Responsibilities**

*An ELCA Strategy for Responding to Sexual Abuse in the Church* (Nov. 1992) recommended that nine elements be included in any Synod process regarding clergy sexual

misconduct. This Office of the Bishop has decided to incorporate those nine elements as follows:

### **A. Adequate Preparation**

The Office of the Bishop is committed to take action to prevent clergy sexual misconduct. The Office of the Bishop will make its position on this issue clear in educational opportunities that it provides, in the manner in which it responds to reports of clergy sexual misconduct, in discussions that it has with seminarians and others who seek to join its rosters, and in its public and private statements on the subject.

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

Second, the Office of the Bishop intends to provide or promote ongoing educational opportunities regarding sexual misconduct for rostered ministers, congregations, and others. Education will focus on such subjects as prevention of clergy sexual misconduct and the impact of such misconduct on its victims. The Office of the Bishop strongly urges its pastors, deacons and other rostered persons, 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 Office of the Bishop recognizes that society generally and churches particularly have much to learn about clergy sexual misconduct. As the Office of the Bishop's understanding of this problem changes, this Statement of Process and educational efforts may change as well.

This Office of the Bishop'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 clergy sexual misconduct. The Office of the Bishop must always be prepared to respond to reports of misconduct. The more open the Office of the Bishop is to receiving such reports, the more often clergy sexual misconduct will be reported, and hopefully prevented.

Anyone who knows or suspects that a pastor, deacon or other rostered person may have been involved in sexual misconduct should report that knowledge or suspicion to the bishop or to someone in the Office of the Bishop. As used in this Statement of Process, the term "complainant" means a person who reports sexual misconduct to the Office of the Bishop. This Statement of Process assumes that the complainant is also the victim of the alleged sexual misconduct, but that may not always be the case.

The names, addresses, and telephone numbers of the bishop and Office of the Bishop staff are attached to this Statement of Process. If a complainant is uncomfortable about contacting the bishop or someone in the Office of the Bishop, then the complainant should contact one of the other people listed in the attachment. Those people -- who may include men and women, clergy and laypersons, Lutherans and non-Lutherans -- 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 Office of the Bishop, 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, or in person. The complainant need not identify herself or himself when she or he first contacts the Office of the Bishop. The complainant may ask questions anonymously about how the Office of the Bishop would respond to a particular complaint of misconduct. However, the Office of the Bishop can do little about a report of sexual misconduct until the complainant identifies herself or himself and the pastor or deacon involved in the misconduct.

The bishop or other person contacted by the complainant will (1) assure the complainant that the Office of the Bishop does not tolerate sexual misconduct and takes seriously all reports of such misconduct; (2) explain the Office of the Bishop's process for responding to reports of sexual misconduct and offer to provide a copy of this Statement of Process; (3) answer the complainant's questions about the policies and procedures of the Office of the Bishop; (4) express care and concern for the complainant; (5) when the complainant is anonymous, encourage the complainant to identify herself or himself and the pastor or deacon involved in the misconduct.

### **C. First Response**

After a report of clergy sexual misconduct 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. This interview may continue through a series of meetings, calls, and correspondence. The bishop or bishop's designee will ask the complainant to provide as much detailed information about the sexual misconduct as the complainant is comfortable sharing. The complainant will be asked to reduce the information to writing or to sign a written statement prepared by the Office of the Bishop. 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 Process if she or he has not already received it.

In all meetings with Office of the Bishop personnel, the complainant may be accompanied by a friend, family member, support person, or advocate of her or his choice. The complainant may contact an advocate and may be accompanied by that advocate through the reporting, investigative, and, if necessary, disciplinary processes. Under no circumstances will any employee of the Office of the Bishop function as the complainant's advocate; however, at the complainant's request, the Office of the Bishop will contact an advocate for her or him. 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 Office of the Bishop's policies and procedures. This list may include advocates who are affiliated with the ELCA and advocates who are not. The complainant is welcome to use an advocate who does not appear on the Office of the Bishop's list -- such as a friend or family member -- or to decline to use an advocate.

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 Office of 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 by the 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 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. No employee of the Office of the Bishop can function as the complainant's pastor, therapist or counselor.

The bishop or bishop's designee will appoint a contact person within the Office of the Bishop. 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.

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. The bishop or designee may also urge and assist the complainant to file a report with the authorities. If possible, the complainant will be notified before such a report is made by the Office of the Bishop.

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

This preliminary investigation will 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 Office of the Bishop or a discipline hearing committee later determines that the pastor 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 preliminary 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.

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

The bishop will usually meet with the accused pastor or deacon after the preliminary investigation is concluded. The bishop should be accompanied by the bishop's designee or another person. In some cases -- such as when the pastor is aware of the complainant's report or when the pastor may pose an immediate danger to members of his or her congregation -- the bishop or bishop's designee may meet with the pastor immediately after or perhaps even before meeting with the complainant. If the bishop meets alone with the pastor, the bishop will clarify

that the meeting is not confidential, and that the bishop may disclose anything that he or she is told.

At their meeting, the bishop will provide the pastor with information regarding the complaint and ask the pastor to respond. The bishop may ask the pastor to reduce his or her response to writing. The bishop will also (1) assure the pastor that, while the Office of the Bishop does not tolerate sexual misconduct, the Office of the Bishop will give any pastor who denies an allegation of sexual misconduct a full and fair opportunity to contest it; (2) explain the Office of the Bishop's process for responding to reports of sexual misconduct and provide a copy of this Statement of Process; (3) answer the pastor's questions about the policies and procedures of the Office of the Bishop; (4) express care and concern for the pastor, the pastor's family, and the affected congregation; (5) strongly discourage the pastor from having any contact with the complainant, either directly or indirectly; and (6) invite the pastor to contact an advocate and to be accompanied by that advocate through the investigative, and, if necessary, disciplinary processes. If the pastor requests, the Office of the Bishop will assist the pastor in finding an advocate. The pastor may decline to use an advocate.

In appropriate cases, the bishop may ask the pastor to resign his or her call or resign from the clergy roster of the ELCA. The bishop cannot force the pastor to submit a resignation. In most cases, only a discipline hearing committee can remove the pastor from the clergy roster involuntarily.

Depending upon the circumstances, the bishop may ask the pastor to voluntarily agree to certain restrictions upon his or her ministry until the investigation and/or disciplinary proceedings are concluded. If the pastor refuses, the bishop may ask the congregation council to impose the restrictions upon the pastor. The bishop may also ask the pastor to take a leave of absence -- either with or without pay -- until the investigation and/or disciplinary proceedings are concluded. Again, if the pastor refuses, the bishop may ask the congregation to place the pastor on an involuntary leave of absence. In extreme circumstances, the bishop may consider temporarily suspending the pastor without prejudice.

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

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

## **F. Assess the Information**

After meeting with the pastor, the bishop will carefully review the information provided by the complainant, discovered during the preliminary investigation, and provided by the pastor. 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 at this time; pursuing further investigation; requesting the pastor to undergo a psycho-diagnostic evaluation; seeking a resolution by consulting directly with the parties; requesting the pastor'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 pastor 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. To assist him or her in making these decisions, a bishop may, at his or her sole discretion, appoint a consultation or advisory panel. 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. Further detail appears in Section “D” of *Rules Governing Disciplinary Proceedings Against an Ordained Minister, a Rostered Layperson, or a Congregation of the Evangelical Lutheran Church in America*. Both of these documents are available from the Office of the Bishop.

Essentially, a consultation or advisory panel is a small group of clergy 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 pastor, 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 discretionary with 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 pastor'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 pastor is guilty of the charges and, if so, what the penalty should be. The process is governed by Chapter 20 of the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and by the Rules Governing Disciplinary Proceedings. A pastor 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* 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 Office of the Bishop.

To briefly summarize the disciplinary process, generally the bishop as accuser will initiate the proceedings against a pastor, as the accused, by filing written charges setting forth the offense that the pastor 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 Office of the Bishop 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 pastor 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 pastor, 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., 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 private censure and admonition, suspension from the clergy roster of the ELCA for a designated period of time or until the pastor complies with specified conditions, or removal from the clergy 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 Office of the Bishop will disclose all serious allegations of clergy 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 pastor, 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 regarding who will make what disclosure to whom and when will vary from case to case. In general, though, the Office of the Bishop will abide by the following guidelines:

1. Typically, disclosure of clergy sexual misconduct will be made to the leadership of the pastor's congregation, to the members of the pastor's present congregation, to Offices of the Bishops in Synods where the pastor was previously rostered, and to other pastors within the Conference or to other pastors throughout 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 pastor admits to committing sexual misconduct; (2) the pastor resigns his or her call or from the clergy roster of the ELCA after being accused of sexual misconduct; (3) the pastor is placed on leave of absence or temporarily suspended in response to an allegation of sexual misconduct; (4) the pastor is suspended or removed from the clergy roster as a result of formal disciplinary proceedings; or (5) secular legal proceedings (civil or criminal) are initiated against the pastor. Other events may give rise to the need for disclosure as well.

3. The Office of the Bishop 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 pastor has been accused of, admitted to, resigned, or been found guilty of committing 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 pastor'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 she or he could readily be identified. If the pastor has denied the allegations, that fact will also be disclosed.

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

## **J. Follow-up**

The Office of the Bishop will work with congregations and others to help ensure that care and support are available to those harmed by clergy sexual misconduct. As noted above, Office of the Bishop 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 Office of the Bishop will assist the congregation in dealing with the pain and disruption caused by the pastor's misconduct and will help the congregation continue in its mission and ministry for the sake of the Gospel.

### **Contacts**

Office of the Bishop 303-777-6700

The Rocky Mountain Synod, ELCA

7375 Samuel Drive Denver CO 80221

OR Barbara Keller 773-380-2568 (Evangelical Lutheran Church in America)

## **Resources on the ELCA webpage**

*Home / Our Work / Become a Leader / Called to Lead- Become a Leader in the ELCA / Report Misconduct*

*([www.elca.org/safeplace](http://www.elca.org/safeplace))*

### **PDF Resources**

- Safe Connections
- Healing in Congregations after clergy sexual abuse
- An ELCA Strategy for responding to sexual abuse in the church

### **Other**

- Reducing the Risk: Making Your Church Safe from Child Sexual Abuse (a kit with DVD and training manual from Christian Ministry Resources)

*Home / About / Churchwide Organization / Office of the Secretary / Legal Issues / Sexual Misconduct Prevention*

## **Resources for Congregations**

### **Preventing the abuse**

- Create a sexual misconduct prevention policy/ process (and sample)
- What parishioners can do to understand and prevent clergy sexual abuse

### **After abuse is suspected**

- Report the abuse: [www.elca.org/safeplace](http://www.elca.org/safeplace) and Barbara Keller
- Reporting child abuse, clergy reporting laws
- Responding to allegations of clergy misconduct
- Congregations Healing After Clergy Sexual Abuse

*Home / About / Churchwide Organization / Office of the Secretary / Definitions and Guidelines for Discipline*

- Definitions and Guidelines for Discipline
- Also see the ELCA Constitution 20.22.01ff

*Home / Resources / Justice for Women*