

Sexual Misconduct
Policies and Procedures
for
Rostered Ministers
of the
North Carolina Synod
of the
Evangelical Lutheran
Church in America



North Carolina Synod
Evangelical Lutheran Church in America

8th Edition

Adopted March, 2004
Updated 2021

North Carolina Synod, ELCA
1988 Lutheran Synod Drive
Salisbury, NC 28144
704-633-4861

Bishop

The Reverend Dr. Timothy M. Smith

tsmith@nclutheran.org

Bishop's staff available for contact

The Reverend Sara Ilderton

silderton@nclutheran.org

The Reverend CeCee Mills

cmills@nclutheran.org

The Reverend Phil Tonnesen

ptonnesen@nclutheran.org

Policy Regarding Sexual Misconduct by Rostered Ministers of the North Carolina Synod of the Evangelical Lutheran Church in America

I. Introduction

An evangelical congregation is a people of God gathered to worship and bear witness to the reign of God in all that they do for the sake of the Gospel. There are many ways this witness takes place. At its 1989 churchwide assembly, the Evangelical Lutheran Church in America (ELCA) adopted a resolution establishing a commitment for this church to be a safe place for all persons. For the sake of the church's witness to the Gospel of Jesus Christ, we must be forthright, open and clear about the integrity and the standard of conduct to which it is called and appointed leaders are held accountable. Ordination of Ministers of Word and Sacrament and Ministers of Word and Service are based on the Holy Scriptures and questions are asked of the rostered minister during those services that relate to the church's call as God's call, the acknowledgement of the creeds and the Lutheran Confessions, the willingness to witness to God's love in the world, participation in prayer and the leading by example in holy living. To each question, the appropriate response is "I will, and I ask God help me."

Definitions & Guidelines has been approved by the ELCA Church Council as a statement of how we live within a community and what we expect from one another, especially of those in positions of trust and responsibility in this church.

This document, *Policy Regarding Sexual Misconduct by Rostered Ministers of the NC Synod* reflects the expectation of this church concerning sexual misconduct. Finally, this policy stands with those who have been victimized.

II. Theological framework

God's mission and ministry in the world is the redemption and restoration of all creation (Colossians 1:20). God's activity is to redeem what is lost, restore what is broken, and offer salvation and hope where there is transgression and despair. This policy provides a context for that gracious activity. It must be clear that God's restorative work is not without pain, suffering, discipline, and struggle. To live the life of faith is to enter a community that does not shy away from the struggle. The policy has this ministry of redemption as its goal: redemption of the victims of abuse, restoration of the community of faith in which that abuse happens, recognition of the integrity of the Gospel, and restoration of the perpetrator to a life of faithfulness. The policy seeks to be fair and consistent, and at the same time, evangelical. This policy indicates that within the parameters of the Gospel and the witness of the church, flexibility shaped by wisdom and prayer is present. Every individual will be looked at and responded to on the basis of their uniqueness within the

framework and consistency of the guidelines. God's mission and ministry in the world is the restoration of all creation. God's gathered people are called to live out that truth. God gathers communities of faith to bear witness to God's reign for the sake of the world. This faithful witness attends to three dynamics within the life of God's people: evangelical people are called to be a people of praise, righteousness, and compassion. The theological foundations for this sexual misconduct policy are congruent with the vision of faithful community.

A. Praise

This faithful community, through its praise, acknowledges that God is the source of all life, hope and meaning. All that is, seen and unseen, is from God. More specifically, we affirm that God creates all persons in God's image, both male and female. This creation affirms the equal value of both male and female. Further, God created humankind as sexual beings, thus we give God praise and thanks for this aspect of our humanity. This theological foundation begins by giving thanks to God for God's creation of humankind as male and female.

B. Righteousness

The faithful community struggles to structure its life that it might experience fully the redemption that is ours through Christ. Our human sinfulness, however, often becomes the source of destruction. This is evident in how we relate to one another as sexual beings. Human sexuality can be the basis for oppression and injustice, violating the intention of God. When human sexuality is misused, it is a sin against God, a sign of the fallenness of this creation, and contrary to the evangelical witness of this church.

The faithful community, as a community of righteousness, is responsible for providing standards for itself that reflect God's intentions. Policies, standards, and discipline have been and continue to be part of God's gathered people. The evangelical challenge is to shape these aspects of the community's life in such a way that the community witnesses to God's reign.

The righteous activity of the faithful congregation seeks to administer the community's life through teaching, caring, openness of communication, and supervision. The church is faithful when it provides resources and standards so that God's desire for humankind might be known. The absence of policies, standards, and discipline for the evangelical community denies the reality of sins and brokenness in all of life. A faithful community must seek to provide structures to enable the fullest possible intention for human relationships.

C. Compassion

The Christian church views the world through God, who delivered foreign slaves from Egypt, and in the person of Jesus, who walked with and advocated for the poor and outcast. God, as a God of compassion, stands with and on behalf of the victims of oppression. The policies of the evangelical community view the world from this perspective.

A policy for sexual misconduct thus begins by standing with and on behalf of the victim. When sexual misconduct by the leadership of the church occurs, at least four broad categories of victims can be identified. The first is the person who has been abused and his/her family. The second is the Gospel community, both local and universal, that is called to bear witness to the Lordship of Christ. The third is the perpetrator who also is a victim of sin, brokenness and separation from God. The fourth is the perpetrator's family.

This policy identifies the need to provide support, treatment, restitution, or protection to those who are victims and to prevent further victimization.

Another aspect of the compassionate life of the church is the breaking of silence. When pain, oppression, and victimization are kept secret, the powers of sin and brokenness are encouraged. The evangelical community must have the courage appropriately to tell the truth in love. Standing with and on behalf of victims means an openness to hearing and responding to their stories.

III. Definitions

“Sexual misconduct” - Federal and state law 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. These include, but are not limited to: (1) intimate physical sexual contact within a ministerial, professional, or employment relationship, whether or not consent is given or implied; (2) sexual conduct injurious to the physical or emotional health of another, such as offensive, obscene or suggestive language or behavior, unwelcome touching or fondling; (3) rape or sexual contact by force, threat, or intimidation; or (4) child abuse. This policy is intended to address those types of sexual misconduct that may lead to discipline of a rostered minister under Chapter 20 of *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

The Office of Bishop is concerned about all types of sexual misconduct by these persons, regardless of whether or how the misconduct is characterized by the law or by the governing documents of the ELCA. These distinctions do not need to be determined before reporting an incident of alleged misconduct by a rostered minister. Any sexual misconduct committed by one of these

persons should be reported to the Office of Bishop including, but not limited to, any sexualized behavior or conversation between the rostered minister and a congregant, counselee, employee, or volunteer.

It should be noted that the Office of Bishop may not be able to assume all responsibility for addressing all allegations of sexual misconduct. If a rostered minister is accused of an illegal behavior, civil law may require that the congregation, as employer, take timely and appropriate action; the law may prevent the Office of Bishop from interfering in the situation.

“Complainant” - As used in this *Statement of Policy*, “complainant” means a person who reports sexual misconduct to the Office of Bishop. This *Statement of Policy* will assume that the complainant is also the victim of the alleged sexual misconduct, but that may not always be the case.

“Congregational Care Team” - These selected and trained persons, lay and clergy, are available to consult with, advise, support and encourage congregations as they identify needs and develop plans to meet them in the aftermath of sexual misconduct by rostered ministers.

“Consultation or Advisory Panel” - A small group of clergy and laypersons selected by the bishop to serve at the bishop’s discretion throughout the investigative process.

“Coordinator” - The bishop shall appoint a specially-trained person to serve as the coordinator. This person shall receive special training in responding to allegations of sexual misconduct involving rostered ministers and in the investigative procedures established by the Office of Bishop. The coordinator has primary responsibility for implementing the investigation procedure and mobilizing the persons and resources necessary to respond to an allegation of sexual misconduct. The coordinator will convene, coordinate and manage other participants who may perform the interviewing, intervention, adjudication and pastoral care.

“Pastor” or “Clergy” - As used in this *Statement of Policy*, “rostered minister,” “pastor,” and “clergy” include Word and Sacrament ministers and Word and Service ministers. This *Statement of Policy* will assume that the rostered person who is accused of sexual misconduct is under call to a congregation, but it may also be adapted to calls in other circumstances.

“Support person” - A support person has the primary task of providing emotional support to the complainant, alleged victim, and the accused clergy. The support person shall not be a member of the complainant’s or the accused’s congregation; nor shall the support person be a lawyer. If the alleged victim is a minor, parents may serve as support persons or a separate

support person may be selected to attend any meeting with the child and/or parents.

“Victim” - this term becomes appropriate when it has been documented that sexual misconduct or harassment has occurred. This term may refer to a person, persons, or a group of persons such as a congregation, or any who are traumatized by the misconduct.

IV. Roles

A. The role of the congregation - The Office of Bishop and its member congregations have different responsibilities and thus different roles to play in preventing and responding to reports of clergy sexual misconduct. Each ELCA congregation, not the Office of Bishop, calls its own rostered minister, determines its rostered minister’s duties and responsibilities, supervises its rostered minister’s day-to-day ministry, and decides whether to terminate its rostered minister’s call. The Office of Bishop is responsible for upholding the vision for Word and Sacrament ministry and Word and Service ministry in the life of this church and the high expectations its members have of those who serve in these ministries.

B. The role of the Office of Bishop is essentially two-fold. First, the bishop is responsible for providing pastoral care and leadership to the synod’s congregations and rostered ministers. Reports of clergy sexual misconduct invariably create an acute need for such care and leadership. Second, the Office of Bishop is responsible for maintaining the rosters of Ministers of Word and Sacrament and Word and Service. Rostered ministers who commit sexual misconduct may be disciplined, leading to possible removal from the clergy roster of the ELCA. The bishop is primarily responsible for overseeing the preliminary or consultation stage of the disciplinary process and for initiating the formal stage of the disciplinary process.

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

When the Office of Bishop provides pastoral care and leadership in the wake of clergy sexual misconduct, it is performing acts of ministry. The freedom of the Office of 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 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 Policy* is intended to diminish these freedoms in any respect or to create any legal rights or responsibilities.

In every sexual misconduct case, the bishop and his or her staff will attempt to provide pastoral care to the victim of the misconduct, the victim's family, the rostered minister who committed the misconduct, the rostered minister's family, members of the rostered minister's present and/or former congregation(s), the rostered minister's colleagues, and others. However, the bishop and the bishop's staff do not themselves function as a rostered minister, counselor, advocate, attorney, or other caregiver to any of these individuals. The ultimate responsibility of the bishop and his or her staff is to the Office of Bishop, and not to any individual within the Office of Bishop. If a conflict arises between what is in the Office of 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 Bishop's behalf.

V. Synod policy

An ELCA Strategy for Responding to Sexual Abuse in the Church (November 1992) recommended that nine elements be included in any synodical policy regarding clergy sexual misconduct. This synod has decided to incorporate those nine elements as follows:

A. Adequate preparation

Sexual misconduct by rostered ministers will not be tolerated in this synod. This policy is distributed to every rostered minister in the North Carolina Synod.

The Office of Bishop intends to provide ongoing educational opportunities regarding clergy sexual misconduct for rostered ministers, congregations, and others. Those efforts will focus on such subjects as the dynamics of clergy sexual misconduct and the impact of such misconduct on its victims. The Office of Bishop strongly urges its rostered ministers and congregations to take advantage of these educational opportunities, as well as appropriate educational programs offered by others.

The bishop and the bishop's staff will continue to take advantage of educational opportunities that are available to them. The Office of Bishop recognizes that society generally—and churches particularly—have much to learn about clergy sexual misconduct. As the Office of Bishop's

understanding of this problem changes, its *Statement of Policy* and educational efforts may change as well.

These preventive efforts are intended to complement similar efforts that have been or will be made by the Office of Bishop's member congregations, by the churchwide organization, ELCA seminaries, and by other entities affiliated with the ELCA.

B. Initial contact—first response

Even the best preventive measures cannot completely eliminate sexual misconduct by rostered ministers. The Office of Bishop must always be prepared to respond to reports of misconduct. The more open it is to receiving such reports, the more often clergy sexual misconduct will be reported.

Anyone who knows or suspects that a rostered minister may have been involved in sexual misconduct should report that knowledge or suspicion to the bishop or any member of the bishop's staff; however, one staff member is designated to work with the bishop in processing the complaint. The names, addresses, and telephone numbers of the bishop and his or her staff are attached to this *Statement of Policy*.

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 herself or himself when she or he first contacts the Office of Bishop. The complainant may anonymously ask questions about how the Office of Bishop would respond to a particular complaint of misconduct. However, the Office of Bishop can do little about a report of sexual misconduct until the complainant identifies herself or himself and the rostered minister involved in the misconduct.

The bishop or other person contacted by the complainant will:

- (1) assure the complainant that the Office of Bishop does not tolerate sexual misconduct and takes seriously all reports of such misconduct;
- (2) explain the Office of Bishop's process for responding to reports of sexual misconduct and offer to provide a copy of this *Statement of Policy*;
- (3) answer the complainant's questions about the policies and procedures of the Office of 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 rostered minister involved in the misconduct.

In all meetings with the Office of Bishop personnel, the complainant may be accompanied by a friend, family member, or support person of her or his choice. The complainant may decline to use a support person.

After a report of clergy sexual misconduct has been received from an identified complainant, the bishop and/or bishop's designee will interview that complainant in person or, if that is not possible, by telephone. This interview may occur through a combination of meetings, calls, and correspondence. The bishop or bishop's designee will ask the complainant to provide as much 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 Bishop. The bishop or bishop's designee will also ask the complainant what she or he is seeking 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 Policy* if she or he has not already received it.

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 Bishop will respect the wishes of the complainant regarding confidentiality. However, at some point, the Office of Bishop may be required by civil law or by the governing documents of the ELCA to disclose the identity of the complainant. Also, in unusual circumstances, the fact that the bishop or bishop's designee is responsible to the Office of Bishop may require that he or she act contrary to the wishes of the complainant. Finally, the identity of the complainant may become known despite the best efforts of the Office of Bishop to protect it. The Office of Bishop cannot guarantee confidentiality to the complainant.

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. If possible, the complainant will be notified before such a report is made.

The bishop or bishop's designee will discuss with the complainant her or his needs for pastoral care or 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 such care or counseling. Under no

circumstances will any employee of the Office of Bishop function as the complainant's support person, pastor or counselor.

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

C. Initial investigation of the complainant

After interviewing the complainant, the bishop and/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 rostered minister 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 Bishop, another ELCA synod, the ELCA, or an entity affiliated with the ELCA;
- (3) interviews of former bishops of the rostered minister, those who served as assistants to former bishops of the rostered minister, rostered ministers who succeeded the rostered minister at congregations that he or she served, rostered ministers who served on the same staff with the rostered minister at the congregations that he or she served, rostered ministers who presently serve on the same staff with the rostered minister, respected members of congregations that the rostered minister served, respected members of the congregation that the rostered minister now serves; or,
- (4) persons identified by the complainant, or friends, family members, rostered ministers, 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 Bishop or a discipline hearing committee later determines that the rostered minister did not commit sexual misconduct, that conclusion will be communicated to those who were contacted by the Office of Bishop in the course of its preliminary investigation.

D. Conversation with the rostered minister

The bishop will usually meet with the rostered minister 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 rostered minister is aware of the complainant's report or when the rostered minister may pose an immediate danger to members of his or her congregation—the bishop or bishop's designee may meet with the rostered minister immediately after or perhaps even before meeting with the complainant. If the bishop must meet alone with the rostered minister, 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 rostered minister with information regarding the complaint and ask the rostered minister to respond. The bishop may ask the rostered minister to reduce his or her response to writing. The bishop will also (1) assure the rostered minister that, while the Office of Bishop does not tolerate sexual misconduct, the Office of Bishop will give any rostered minister who denies an allegation of sexual misconduct a full and fair opportunity to contest it; (2) explain the Office of Bishop's process for responding to reports of sexual misconduct and provide a copy of this *Statement of Policy*; (3) answer the rostered minister's questions about the policies and procedures of the Office of Bishop; (4) express care and concern for the rostered minister, the rostered minister's family, and the affected congregation; (5) strongly discourage the rostered minister from having any contact with the complainant, either directly or indirectly; and (6) invite the rostered minister to contact a support person and be accompanied by that support person through the investigative, and, if necessary, disciplinary processes. If the rostered minister requests, the Office of Bishop will assist the rostered minister in finding a support person. The rostered minister may decline to use a support person.

Depending upon the circumstances, the bishop may ask the rostered minister to voluntarily agree to certain restrictions upon his or her ministry—such as agreeing not to have contact with children—until the investigation and/or disciplinary proceedings are concluded. If the rostered minister refuses, the bishop may ask the congregation to impose the restrictions upon the rostered minister. The bishop may also ask the rostered minister to take a leave of absence—either with or without pay—until the investigation and/or disciplinary proceedings are concluded. If the rostered minister refuses, the bishop may ask the congregation to place the rostered minister on involuntary leave of absence, or, in extreme circumstances, the bishop may temporarily suspend the rostered minister without prejudice. Finally, the bishop may ask the rostered minister to resign his or her call from the clergy roster of the ELCA. The bishop

cannot force the rostered minister to resign. Only a discipline hearing committee can remove the rostered minister from the clergy roster.

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

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

E. Assess the information

After meeting with the rostered minister, the bishop will carefully review the information provided by the complainant, discovered during the preliminary investigation, and provided by the rostered minister. The bishop will then decide upon a course of action. Among options available to the bishop are the following: no further action; further investigation; requesting the rostered minister to undergo a psycho-diagnostic evaluation; requesting the rostered minister's congregation to take some action; convening a consultation or advisory panel; or initiating the formal disciplinary process.

F. 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 Sections 20.21.04 to 20.21.06 of the *Constitution and Bylaws of the ELCA* and Section D of *Rules Governing Disciplinary Proceedings Against a Word and Sacrament Minister, a Rostered Layperson, or a Congregation of the Evangelical Lutheran Church in America* (Nov. 20, 1995). Both of these documents are available from the Office of 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 interview the

complainant, the rostered minister, the bishop, the bishop's designee, and/or 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 rostered minister's denial of the report appear credible, and no one but the complainant and the rostered minister can know for certain who is being truthful. The consensus of a panel may be the best indicator of whom to believe.

G. Formal hearing

Disciplinary proceedings are the process by which the ELCA determines if a rostered minister is guilty of the charges and, if so, what the penalty should be. The process is governed by Chapter 20 of the *Constitution and Bylaws of the ELCA* and by the *Rules Governing Disciplinary Proceedings*. A rostered minister may be disciplined for committing "conduct incompatible with the character of the ministerial office," which is defined in *Definitions and Guidelines for Discipline of Word and Sacrament Ministers* (Dec. 5, 1993) to include "[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 Bishop.

To briefly summarize the disciplinary process, generally, the bishop will initiate the proceedings against a rostered minister by filing written charges setting forth the offense that the rostered minister is accused of committing (e.g. "the sexual abuse of another") and the alleged facts supporting the charge (e.g., the name of the person that the rostered minister is alleged to have abused and the date, place, time, and other circumstances of the alleged abuse). A committee of twelve persons is appointed to hold a hearing on the charges. The hearing resembles a court trial. The bishop presents testimony and other evidence in support of the charges, and then the rostered minister presents testimony and other evidence in opposition of the charges. A bishop generally will not initiate formal disciplinary proceedings unless the complainant agrees to testify against the rostered minister. The governing documents of the ELCA provide certain rights for the accuser, the accused, and the complaining witnesses.

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 rostered minister 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.

H. Disclosure

Except in unusual circumstances, the Office of Bishop will disclose all serious allegations of clergy sexual misconduct. Although disclosure can increase the short-term pain caused by 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 rostered minister, and demonstrates the commitment of the Church to deal openly and honestly with the problem.

The decisions regarding who will make what disclosure to whom and when will vary from case to case. In general, though, the Office of Bishop will abide by the following guidelines:

1. Disclosure of clergy sexual misconduct will be made to the leadership of the rostered minister's congregation, the members of the rostered minister's present congregation, the members of the rostered minister's family, and other rostered ministers within the Office of Bishop. In some situations, wider disclosure to previous congregations or even to the news media may be made as well.
2. Disclosure will be made when 1) the rostered minister admits to committing sexual misconduct; 2) the rostered minister resigns his or her call or from the clergy roster of the ELCA after being accused of sexual misconduct; 3) the rostered minister is placed on leave of absence or temporarily suspended in response to an allegation of sexual misconduct; 4) the rostered minister 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 rostered minister.

3. The Office of Bishop intends to work closely with the congregational leaders regarding appropriate disclosure to the members of the congregation. Disclosure to the members will usually be made by one or more of the leaders or by the bishop.
4. To protect the privacy of those harmed by the misconduct, only the following will be disclosed: 1) the fact that the rostered minister 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 4) whether the complainant was a member of the rostered minister's congregation or a person to whom the rostered minister 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 rostered minister has denied the allegations, that fact will also be disclosed.
5. Persons who believe that they have been harmed (directly or indirectly) by the rostered minister will be invited to contact the leaders of the congregation, the Office of Bishop, or others who have agreed to be available to those persons.

I. Follow-up

The Office of 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, the Office of Bishop cannot provide this care itself, 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.

Congregational Care Teams may be available to assist congregations in the aftermath of clergy sexual misconduct. These selected and trained persons, lay and clergy, would be available to consult with, advise, support, and encourage congregations as they identify needs and develop plans to address them in the aftermath of sexual misconduct by rostered ministers.