

**THE SOUTHERN OHIO SYNOD OF THE ELCA
POLICIES AND PROCEDURES FOR RESPONDING TO
ALLEGATIONS OF SEXUAL MISCONDUCT
AGAINST ROSTERED MINISTERS
PROPOSED AND SUBMITTED FOR APPROVAL - January 2022**

Preamble

The Church is called to be a safe place for all. The Southern Ohio Synod of the ELCA is committed to:

- Preventing sexual misconduct within the Church, and...
- Responding with justice and compassion to all parties concerned when an allegation of misconduct occurs.

When the gift of relationship with God and our neighbors is violated or used inappropriately, there is a need for accountability and just action. The following statement describes how the Southern Ohio Synod of the ELCA, hereinafter referred to as “the Office of the Bishop”, will act upon these commitments.

Theological Framework

Rooted in God’s grace and steadfast love, we are called as baptized children of God to “live among God’s faithful people; hear the word of God and share in the Lord’s Supper; proclaim the good news of God in Christ through word and deed; serve all people following the example of Jesus; and strive for justice and peace in all the earth.”¹ The Church, and thus the Synod, is called to create and maintain a climate of justice, joining Jesus in the creative, redemptive and empowering work on the cross and at the empty tomb. God’s activity, through Jesus Christ, is to redeem what is lost, restore what is broken and offer salvation and hope where there is transgression and despair. God’s restorative work, though, is not without pain, suffering, discipline and struggle. If we are to be a community that is stronger and better together, joining Jesus in the restoration of the world², then we cannot shy away from this struggle. We must be willing to name and address the sin and brokenness of sexual misconduct including but not limited to; sexual harassment, exploitation, and abuse. To the greatest extent possible, our response to survivors will seek to restore wholeness, create a safe place free from sexual misconduct and reestablish their trust in the faith community. To those who are accused of sexual misconduct, the Church’s response will be to confront the sin following the policy and procedures outlined in this document.

I. Definitions

Advisor: Member of the Office of the Bishop’s staff assigned by the Bishop to assist in coordination and implementation of the “Policy on Sexual Misconduct of Rostered Ministers”, and to be a primary participant as cases arise.

Complainant: A person who reports sexual misconduct to the Office of the Bishop.

Complainant Advocate: A person providing support to the complainant during the complaint process.

¹ Living Our Baptismal Covenant - Evangelical Lutheran Church in America (elca.org)

² The Southern Ohio Synod Vision Statement

Employee: An individual who works for an organization or congregation which is served by a rostered minister.

Parishioner: Includes not only those individuals who are on a congregation's rolls, but also all other individuals who relate with the rostered minister within the context of a church-sponsored function or the minister's responsibilities.

Recorder: Anyone appointed by the Bishop to keep an official record of the process.

Rostered minister: Pastors and deacons assigned to the Synod, no matter where they serve, including those serving on the Office of the Bishop's staff, active or on leave from call, on disability,³ retired, or a bishop⁴. Ministers need not receive remuneration for services rendered for the parishioner.

Sexual misconduct:⁵ Rape; sexual assault; sexual harassment; sexual relations with a minor child or a person otherwise not capable of consent; sexual relations resulting from threats, intimidation, coercion, blackmail, extortion, or manipulation; and sexual relations (outside of marriage) between a rostered minister and a person with whom the rostered minister has a pastoral or supervisory relationship including, but not limited to, an employee, volunteer, student, or counselee, or a person in the congregation or other ministry served by the rostered minister.

Survivor: Anyone who has been the target of sexual misconduct by a rostered minister following either an admission or finding of guilt on the part of that minister.

II. The Office of the Bishop and Congregation Responsibilities

1. The Office of the Bishop and congregations have different roles and responsibilities with different parts to play in preventing and responding to reports of sexual misconduct by a rostered minister. This policy of the Office of the Bishop governs its actions with regard to sexual misconduct. Congregations are encouraged to develop their own sexual misconduct policies.
2. **The relationship between rostered ministers and congregations.** Congregations issue a letter of call to their rostered ministers, determine their duties and responsibilities, and, in consultation with the Bishop of the Synod, and in accordance with the Synod governing documents, may terminate a call. The Office of the Bishop does not have the authority to make these decisions on behalf of congregations.
3. **The relationship between rostered ministers and Office of the Bishop** is ecclesiastical, in accordance with the Synod governing documents. The Office of the Bishop is primarily responsible for administering the church disciplinary process for "Conduct incompatible with the

³ The disciplinary process for retired Rostered ministers differs in certain aspects from the process in this policy, and is governed by the [Manual of Policies and Procedures for Management of the Rosters of the Evangelical Lutheran Church in America \(Adopted March 8, 2020\)](#), Part I, Section D. Paragraph 1(e). Pastors and congregations should verify the good standing of retired rostered leaders with the Bishop's office before allowing them to take a leadership role within their congregation.

⁴ The disciplinary process for a bishop differs in certain aspects from the process in this policy, and is governed by the Constitutions of the Evangelical Lutheran Church in America 20.22.03(f).

⁵ [Definition And Guidelines For Discipline \(Adopted by the Church Council of the ELCA April 17, 2021\)](#), Definition 15, page 6

character of the ministerial office”⁶, including possible suspension or removal from the roster of the ELCA. If allegations of sexual misconduct involves a minor or a vulnerable adult, the Office of the Bishop has a legal responsibility to report the allegations to the appropriate government agency.

4. **Relationship between the Office of the Bishop and congregations.** The Office of the Bishop can offer assistance, advice, and pastoral care and leadership to congregations, but cannot fulfill the congregation’s legal obligations.
5. **The Role of the Office of the Bishop.** The responsibility of the Office of the Bishop is to the local Synod and not to any individual. If a conflict of interest arises, the Office of the Bishop is obligated to act on the local Synod’s behalf. The Office of the Bishop will comply with all relevant mandatory reporting statutes in the performance of their duties under the Constitutions of the ELCA and this policy.

III. The "Standards of Professional Conduct" which are to be upheld by rostered ministers.

1. The standards of conduct of the ELCA are spelled out in the Constitution and related church documents of the ELCA. The expectations of the ELCA leaders are high.⁷ These expectations include a ministry of servanthood and not the exercise of domination or coercive power.

IV. Misconduct Defined

1. It is misconduct when any rostered minister 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. This imbalance of power is violated when a rostered minister fails to maintain appropriate boundaries with congregants, clients, students, staff, and others.
2. This church does not tolerate the abuse of the ministerial office for personal sexual gratification or exertion of authority over others. This church's understanding of human sexuality is stated in its authorized social teachings. Rostered ministers who abuse the trust placed in them by engaging in infidelity, adultery, promiscuity, sexual harrassment by touch or communication (including by way of the internet, social media, texting, or other electronic means), the promotion of a sexualized workplace environment, or sexual abuse of another are engaging in conduct incompatible with the character of the ministerial office.

V. Reporting an Allegation of Sexual Misconduct

1. **Discerning readiness to make a report** - The Office of the Bishop recognizes that it may be a difficult decision to make a report. When a person is deciding whether or not to make a report, the ELCA hotline (1-773-380-2568) can provide resources and conversation that may help in making that decision.
2. **Who makes a report** - Sexual misconduct may be reported by anyone, including the person who experiences the misconduct, a member of that person's family, a member of the congregation, a concerned person, or a colleague of the rostered minister. The Office of the Bishop recognizes

⁶ Definition And Guidelines For Discipline (Adopted by the Church Council of the ELCA April 17, 2021), page 7

⁷ “An ELCA Strategy for Responding to Sexual Abuse in the Church”. (www.elca.org/safeplace)

that reporting sexual misconduct may be difficult, but reports are essential to the health of those hurt by misconduct, the congregation, the entire Church, and the accused rostered minister.

3. **How to make a report** - The Office of the Bishop seeks to remove barriers for reporting misconduct. *Any report will be sent to the Bishop promptly.* There are various ways to make a report including:

By mail: Bishop Suzanne Dillahunt, or Asst. to the Bishop Robert Abrams
The Southern Ohio Synod of the ELCA
9200 Worthington Rd. Suite 140
Westerville OH 43082

Email: BishopSDillahunt@southernohiosynod.org or rabrams@southernohiosynod.org

Call the Bishop or Asst. to the Bishop: 1-614-714-3157

Call the ELCA hotline: 1-773-380-2568

4. 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 the Bishop.
5. 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.
6. **What should be reported** - Any sexual misconduct between a rostered minister and a parishioner or others receiving pastoral care, employee, or another rostered minister should be reported to the Office of the Bishop and may also be reported to the employer. Sexual misconduct includes any unwelcome sexual advance, any request for a sexual favor, any sexually motivated physical contact, or any other verbal or physical conduct or communication of a sexual nature, such as:
 - a. sexual remarks, jokes, advances, leering, whistling, sexual gestures; sexually explicit or otherwise offensive posters, cartoons, photographs, music, video, or other media shared in any way including email, text message, social media, or other channels;
 - b. sexual touching, fondling, molestation, assault, or other intimate physical contact;
 - c. compelling another person to engage in a sexual act by threats or fear or undue influence;
 - d. providing or displaying pornographic materials to another person.

VI. Process of Investigating a Complaint of Misconduct

1. **Report of misconduct** - The allegation of misconduct against a rostered minister is reported.⁸
2. **Meeting with reporter and/or complainant** - The Bishop or designee (listed above) will meet with the reporter and/or complainant to hear the nature of the allegations and the sources of the information shared. The Bishop may ask another confidential person to join this

⁸ See V. *Reporting an allegation of sexual misconduct*

conversation. If the reporter is not the complainant, the Bishop or designee will then attempt to meet with the complainant. The Office of the Bishop encourages the complainant to bring someone to support them through the process of report and investigation.

3. **Written statement** - Although not mandatory, the Bishop will request a signed, written statement from the complainant. The written statement records the serious nature of the complaint and verifies the accuracy and completeness of the information discussed in the meeting in item 1, above. To the extent possible, confidentiality will be maintained throughout the process. The statement is not intended to be made available to anyone other than the Bishop, the Office of the Bishop staff and it's attorney. The statement may be subject to disclosure through a court order or other legal process.
4. **Investigation** - The Bishop or designee will promptly investigate each report made. During the investigation, it is the Bishop's goal to gather information and determine the extent of the accusations. Where appropriate, the Bishop may attempt to gather corroborative information from sources such as the reporter, the complainant, other possible witnesses or impacted people, and investigative reports obtained from civil authorities. If the Office of the Bishop or a discipline hearing committee later determines that the accused did not commit sexual misconduct, that conclusion will be communicated to the accused and to those who were contacted by the Office of the Bishop in the course of the preliminary investigation.
5. **Meeting with the accused** - The Bishop or designee will meet with the accused after the initial investigation is complete. It is the Bishop's goal to provide the accused rostered minister with the process for an unbiased report of the complaint(s) made against them, and the potential consequences of these complaints. In this meeting, the rostered minister will then have an opportunity for an initial response. The Bishop may encourage a psychological assessment, professional therapy, and/or help arrange for pastoral care. The Bishop will instruct the accused to refrain from contacting the complainant or reporter(s), or engaging in retaliation of any kind against them.
6. **Consultation Panel or Advisory Panel**⁹ - If possible, the Bishop will attempt to resolve the situation. The Bishop may appoint, for consultation and assistance, a consultation panel or an advisory panel. Such consultation will help the Bishop determine whether or not to bring charges through the Church's disciplinary process. The consultation panel or advisory panel may recommend that the rostered minister resign from the current call and/or from the roster of

⁹ ELCA Constitution 20.21.04 When there are indications that a cause for discipline may exist and before charges are made, efforts shall be made by the Bishop of the Synod to resolve the situation by consultation; for assistance in these efforts, the Bishop may utilize either a consultation panel or an advisory panel as herein provided:

a. When requested by the Synod Bishop, a consultation panel consisting of five persons (three (3) Rostered Ministers and two (2) laypersons) appointed from the members of the Consultation Panel of the Synod by the Synod Bishop, or, at the request of the Synod Bishop, by the Synod Council's Executive Committee or other committee authorized to do so by the Synod Council, shall assist the Synod Bishop in efforts to resolve a situation by consultation.

b. When requested by the Synod Bishop, an advisory panel consisting of five persons (three (3) Rostered Ministers and two (2) laypersons) appointed by the Synod Bishop shall assist the Synod Bishop in efforts to resolve a situation by consultation.

ministers. Whenever possible, the consultation panel or advisory panel will try to resolve the issue through recommendations that are pastoral and therapeutic. If the recommendations are accepted by the accused, a disciplinary hearing will not be necessary.

7. **Disciplinary hearing**¹⁰ - If the Bishop is unable to resolve the situation through the Consultation Committee or advisory panel process, then the Bishop must decide whether to file charges against the accused rostered minister and thereby initiate the ELCA's disciplinary process. If the Bishop decides to initiate that process, the Bishop and one other person will meet with the accused rostered minister to identify charges and explain the action being sought. The accused rostered minister will be informed of the ELCA's disciplinary process. The Synod's attorney will draft charges. In compliance with ELCA Constitution §20.21.21, the charges must be specific and in writing. Outcomes may include private censure and admonition by the Office of the Bishop, suspension from the office and functions of the ministry, or removal from the ministry of this church.
8. **Informing the complainant** - Throughout the process, the Bishop will keep the complainant as informed as possible. The complainant will be informed of the final results. The Bishop will affirm the need for and provide for spiritual care and support as desired, and may arrange for a third party referral at the Bishop's discretion. The Bishop will also encourage professional therapy.

VII. Healthy Congregational Disclosure

1. The congregational leadership is informed when sexual misconduct is substantiated. Allegations of sexual misconduct are particularly susceptible to rumors and distortions which over a period of time can destroy a congregation; therefore, it is healthier for a congregation to deal with the matter openly. Disclosure of the problem is the first step in the healing process leading to the congregation's future health and wellbeing.
2. The Bishop also discloses the misconduct in order to fulfill the Church's mission of reaching out to those in need of love, healing and reconciliation. Disclosure may help prevent future abuse within the congregation and the community.
3. The Bishop will work with the lay leadership and the congregation council in determining the most appropriate time and means of disclosure.
4. Regarding the congregation, it is the goal of the Bishop's office to:
 - a. Inform the congregational leadership of substantiated allegations.
 - b. Disclose the investigative process.
 - c. Request a meeting with the council.
 - d. Help the council draft a letter to be distributed to each member of the congregation.
 - e. Seek the council's invitation to meet with the congregation to disclose the allegations and the process.
 - f. Seek interim spiritual leadership and care where needed for the congregation and staff.
 - g. Update council and congregation regularly.

¹⁰ The disciplinary process for retired Rostered ministers differs in certain aspects from the process in this policy, and is governed by the [Manual of Policies and Procedures for Management of the Rosters of the Evangelical Lutheran Church in America \(Adopted March 8, 2020\)](#), Part I, Section D. Paragraph 1(e).

- h. Encourage other complainants to come forward.
 - i. Should the complainant be a rostered minister or another employee of the congregation, the Office of the Bishop will encourage the congregation to provide appropriate financial support and benefits.
- 5. If the rostered minister decides not to accept the Bishop's recommendation, the Bishop may then initiate disciplinary proceedings against the rostered minister.
- 6. If the Bishop chooses to present a draft of unsigned disciplinary charges, the rostered minister will be notified in writing to have 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.
- 7. If the rostered minister chooses to accept the Bishop's recommendation the Bishop will disclose this resolution according to the Bishop's best judgment.

VIII. Support To Be Offered

- 1. Support for situations of sexual misconduct will be offered by the Office of the Bishop to:
 - a. Survivors of abuse or harassment.
 - b. Families of survivors and offenders.
 - c. Congregations/agencies affected by these situations.
 - d. Rostered ministers and/or spouses seeking help upon request.
- 2. The role of the Bishop is complex, bearing a judicatory responsibility to investigate all allegations of misconduct, to make findings, administer policy, and oversee just resolutions.
- 3. The Bishop bears a pastoral role for all parties in the process. There is an inherent conflict of interest for the Bishop to act as the pastor or counselor of the accused. Therefore, the Bishop, or Bishop's designee will discuss with the rostered minister their personal needs for pastoral care or professional counseling. If requested by the rostered minister, 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 the Bishop function as the rostered minister's advocate, pastor or counselor.***

IX. Disclosure

- 1. The Office of the Bishop'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.

X. Rebuilding Trust

- 1. Restoring trust and the task of healing is a journey that takes a community of support, time, and commitment. Healing requires personal contact such as listening to stories, responding to and standing alongside the abused. This journey toward healing cannot be ignored or set aside, but needs attention and hard work. This is gospel work, holy work, liberative work, justice work.

2. FaithTrust Institute¹¹ (a multifaith, multicultural training and education organization working to end sexual and domestic violence) offers the following "*Elements of Justice-Making*" to assist congregations in rebuilding trust:

Truth-telling: Give voice to the reality of the abuse.

Acknowledging the violation: Hear the truth, name the abuse and condemn it as wrong.

Compassion: Listen to and empathize with the person who experienced the misconduct.

Protecting the vulnerable: Take steps to prevent further abuse.

Accountability: The abuser is confronted and negative consequences are imposed; this step makes repentance possible.

Restitution: Make symbolic restitution of what was lost; give a tangible means to acknowledge the wrongfulness of the abuse and the harm done and to bring about healing (e.g., payment for therapy).

Vindication: To aid the process of setting those impacted by sexual misconduct free from the pain caused by the abuse.

¹¹ Faith Trust Institute, Clergy Misconduct: Sexual Abuse in the Ministerial Relationship