

# **POLICY ON SEXUAL MISCONDUCT OF ROSTERED LEADERS**

## **Northeastern Pennsylvania Synod, ELCA**

*Adopted by the Synod Council of the  
Northeastern Pennsylvania Synod, ELCA on  
September 29, 1994  
Revised March 2008*

### **DEFINITIONS**

**Advisor:** Members of the synod staff assigned by the bishop to assist in coordination and implementation of the Policy on Sexual Misconduct of Rostered Leaders and to be a primary participant as cases arise.

**Complainant:** A person who reports sexual misconduct to the synodical bishop or staff.

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

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

**Rostered leader:** Includes pastor assigned to this synod, associate in ministry, rostered lay professional leader, deaconess, and diaconal minister, no matter where they serve, including those on leave from call or retired. A rostered leader need not receive remuneration for services rendered for the parishioner.

**Sexual misconduct:** Includes any of the following actions, whether or not occurring with the consent of a parishioner or employee or former parishioner or former employee and regardless of whether it occurred during any counseling, consultation, assessment, interview, or any other meeting or contact:

1. Verbal or physical conduct or communication of a sexual nature, such as:
  - a. Sexual conduct or communication that creates an intimidating, hostile, or offensive environment;
  - b. Requiring submission to sexual conduct or communication in order to obtain the services of the church or to be employed there;
  - c. Attempts to punish rejection of, or to reward submission to, sexual conduct by one seeking services or employment within the church;
  - d. Sexual conduct or communication that interferes with employment or the services received from the church or those affiliated with the church.

2. Sexual contact, which includes sexual intercourse or any intrusion, or the touching of or contact with the parishioner or employee for the purpose of sexual gratification or arousal.
3. Request by the rostered leader for conduct described in the preceding item.
4. The observation by a rostered leader of a parishioner or employee engaging in self-stimulation, if the self-stimulation occurs at the request or direction of the rostered leader.
5. Requesting, permitting, or directing observation by a parishioner or employee of the rostered leader engaging in self-stimulation.

**Victim Advocate:** A person providing support to the alleged victim during the complaint process.

## **EDUCATION AWARENESS PROGRAM**

- A. The synod shall provide an education awareness program for all rostered leaders and the congregations and agencies with whom they serve. This program will define issues; highlight the problems of sexual abuse by rostered leaders; identify areas of vulnerability; provide strategies for preventing incidents; indicate the effect of sexual misconduct upon congregations, parishioners, and the families of rostered leaders; describe the process for reporting misconduct; and provide a forum for the explanation and discussion of the synod policy.
- B. The synod secretary shall send the Policy on Sexual Misconduct of Rostered Leaders to rostered leaders, each congregation council, and agencies and institutions of the synod, and to the synod Committees on Consultation and on Discipline.
- C. The synod Communications Committee and the advisors initially shall prepare pamphlets, posters, newsletter articles, and other pertinent materials explaining the Policy on Sexual Misconduct of Rostered Leaders and shall distribute these to all congregations, institutions, and agencies of the synod.
- D. The advisors along with the bishop shall develop an education awareness workshop for rostered leaders.
  1. Initial workshops will be offered initially in two or three locations. These workshops will explain and discuss the policy more fully.
  2. Upon completion of a workshop, rostered leaders shall sign a statement indicating that they attended the workshop and that they understand and are aware of the synod's Policy on Sexual Misconduct of Rostered Leaders. The signed statement will be placed in each rostered leader's permanent file.
  3. All rostered leaders, congregations, institutions, and agencies will be notified of the synod policy requiring rostered leaders to attend a workshop and of the dates and places of the workshops.

E. Upon completion of the series of workshops, the bishop's office will compare the synod roster and the list of workshop participants. For any active rostered leader who has not attended a workshop:

1. The bishop will notify the rostered leader by letter of his or her need to participate in the next program. If the rostered leader fails to attend the next program, the bishop will notify the rostered leader's congregation council or agency board that he or she has not complied with this synod policy;
2. The rostered leader shall not be eligible for recommendation for call or for an interim appointment until the requirement is fulfilled, or until some equivalent education, as determined by the Bishop's Office, is completed.

F. An education awareness workshop will be held regularly for those who are new to the synod or who have not previously attended a workshop. As part of the call process, all individuals shall receive a copy of the Policy on Sexual Misconduct of Rostered Leaders..

G. Special focus conversations among rostered leaders should take place at mission district or ministry association meetings. Topics could relate to parish ministry, personal and professional development, maintenance of appropriate boundaries, updates on policy issues pertaining to sexual misconduct, and human needs. Topics of these special focus conversations can be developed and led by synod staff, deans, or advisors.

## **THE COMPLAINT PROCESS**

### **A. INITIAL REPORT**

1. The initial report concerning a violation of sexual boundaries on the part of a rostered leader may come from the alleged victim(s), a member of the alleged victim(s)' family, or a witness to the unethical behavior. If the report does not come directly from the alleged victim, efforts shall be made to encourage that person to come forward. Taking action on the basis of hearsay is unlikely.
2. The report shall be made to the synod bishop or to an associate of the bishop with the understanding that, in the latter case, the associate of the bishop will confer with the bishop immediately. The initial contact may be made by mail, by telephone, or in person.
3. Rostered leaders are obligated to share with the bishop complaints related to alleged sexual misconduct shared with them about a rostered colleague.
4. In cases where a minor is the alleged victim, civil authorities, as well as the Bishop's Office, need to be contacted immediately.

### **B. CONTACT WITH THE BISHOP**

1. The synod bishop shall arrange for a meeting with the alleged victim(s) as quickly as possible. If this is not possible, a telephone interview may be conducted.

2. The purpose of the meeting(s) is to ascertain the credibility of the complaints and to review possible courses of action.
3. Attending the meeting(s) shall be the bishop, a member of synod staff, a recorder, and the alleged victim(s). The alleged victim(s) shall be encouraged to bring a support person.
4. The bishop will encourage the alleged victim(s) to select a support person (e.g., friend, therapist or counselor, pastor) who could:
  - a. Provide support for the alleged victim(s);
  - b. Assist the alleged victim(s) in bringing to light the full story of the alleged misconduct;
  - c. Assist the alleged victim(s) in understanding the process.
5. The bishop will discuss with the complainant the possibility that her or his identity may become known to the accused or others. As far as possible, the synodical bishop and staff will respect the wishes of the complainant regarding confidentiality. However the synodical bishop or staff may be required by civil law or by 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 Synod to protect it. The Synod cannot guarantee confidentiality to the complainant.
6. If the bishop is unable to oversee the case, the bishop or executive associate of the bishop may designate a member of synod staff to oversee it.
7. The recorder shall begin the process of keeping a detailed log and minutes of all meetings and contacts between synod authorities and the victim(s). This step is the beginning of the formal complaint process.

#### C. INITIAL INVESTIGATION OF THE COMPLAINT

1. The bishop, together with such persons as the bishop designates, will engage in an initial review of the complaint to determine what additional investigation is necessary, whether there may be additional victim(s), how the alleged victim(s)' story can be best documented, whether state law may have implications for the process, whether other synods or institutions need to be involved, how the alleged victim(s)' story may be corroborated, whether immediate intervention with the rostered leader in question is necessary, and like matters.
2. At the same time, the bishop should determine how to provide for the pastoral care and the needs of the alleged victim(s), and to determine ways to keep the alleged victim(s) informed of developments.

#### D. CONVERSATION WITH THE ROSTERED LEADER

1. Without undue delay, the bishop will contact the accused rostered leader for conversation.

2. The bishop, in the company of a member of Synod Staff and/or the recorder, will provide the rostered leader with information on the complaints made against her/him, provide her/him the opportunity for an immediate initial response to those complaints, describe the synod's policy and procedure, inform the rostered leader of the action the synod will be taking in this case, discuss options and make recommendations to the rostered leader and provide for pastoral care for her/him. The rostered leader may choose to wait twenty-four hours before making a response.
3. The rostered leader may bring a support person to conversations during the process.
4. The bishop shall offer to meet with the rostered leader's family to arrange for pastoral care and counseling for the, rostered leader, spouse, and family. The bishop will urge the spouse and family to have professional counseling. If no meeting with the bishop is scheduled with the rostered leader's family, the bishop will attempt phone contact with the spouse as soon as possible.
5. The bishop should also clarify that the rostered leader in question is to have no contact with possible victim(s) and is not to engage in or cause reprisal or retaliation of any kind against the victim(s).
6. The bishop should determine ways to keep the rostered leader informed of developments.

#### E. ASSESSING THE INFORMATION

1. The bishop shall determine a fair and equitable response to the complaint, keeping in mind that changed circumstances may require changes in direction as the matter progresses. These options may include no further action, further investigation, requesting the rostered leader 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, or proceeding directly to written charges and hearing before a discipline hearing committee. The bishop may also need to decide whether temporary suspension pursuant to ELCA 20.21.23 and 20.21.24 or 20.22.06 and 20.22.07 is in order.

#### F. APPOINTING AN INVESTIGATIVE TEAM

1. Following the initial meeting(s) with the alleged victim(s) and the accused rostered leader, the bishop may appoint an investigative team of three persons, at least one of whom shall be a rostered leader.
2. The investigative team shall meet separately with both the alleged victim(s) and the rostered leader.
3. The task of the investigative team is to:
  - a. Investigate the allegations;
  - b. Determine if other non-reported misconduct may have occurred and if there may be other victims;

- c. Consider whether civil authorities need to be informed when the alleged victim(s) is a minor and advise the bishop to act accordingly;
  - d. Insure that the laws of the Commonwealth of Pennsylvania and the constitutions and policies of the ELCA and Northeastern Pennsylvania Synod are followed;
  - e. Keep written minutes of all meetings with the alleged victim(s) and the accused.
4. The alleged victim(s) will be encouraged to put into writing the allegations with details and to sign such a statement; or, the alleged victim(s) may sign an "official" copy of the investigative team's summary of such allegations.

*Note: The willingness of the alleged victim(s) to sign a written statement of the allegations is not always forthcoming. Victims sometimes have feelings of embarrassment and shame, concern about privacy, and fears of retaliation or of offending or harming the career of the perpetrator. In such cases the bishop shall strongly encourage the alleged victim(s) to sign a written statement. If the alleged victim(s) refuse(s), then the bishop shall respect the confidentiality and the decision-making autonomy of the alleged victim(s). However, acting alone without the full cooperation of the alleged victim(s), the bishop is limited in his/her ability to bring charges and administer discipline unless the rostered leader admits that the allegations are true. It is the shared responsibility of the synod and individuals who have been abused by a church worker to see that the misconduct comes to light. When individuals choose to report and to cooperate with the structure and design of this policy, then the alleged victim(s), other potential victims, the perpetrator, and the whole church will benefit.*

- 5. The accused shall meet with the investigative team and respond to the allegations in a written, signed statement.
- 6. Upon the completion of its tasks, the investigative team shall prepare and deliver a written report to the bishop, including an assessment of the case and recommendations for further action.
- 7. The principles in the investigative process are as follows:
  - a. The alleged victim(s), complainant(s), and the accused rostered leader shall be treated with care, respect and dignity.
  - b. The complaint shall be taken seriously. It shall be investigated immediately and thoroughly.
  - c. The confidentiality of the person(s) making the complaint will be maintained as far as possible (see B5). The identity of the complainant(s) and alleged victim(s) shall not be shared outside the work of the investigative team without a signed release.
- 8. If allegations are deemed to be well founded, the following shall occur:
  - a. Disciplinary procedures as outlined in the ELCA and the Northeastern Pennsylvania Synod constitutions will be followed;

- b. The bishop's associate will negotiate the removal of the rostered leader's belongings from the church property;
- c. The rostered leader will have no further contact with parishioners.

## **DISCLOSURE**

### **A. NATURE OF DISCLOSURE**

1. To protect the privacy of those harmed by the rostered leader, only the following will be disclosed:
  - a. The fact that the rostered leader has been accused of, admitted to, resigned or been found guilty of committing sexual misconduct;
  - b. Whether the alleged victim(s) or actual victim(s) was/were an adult or a minor at the time of the alleged or actual misconduct.
  - c. Whether the alleged victim(s) or actual victim(s) was a member of the rostered leader's congregation or agency or a person to whom the rostered leader was providing pastoral care.
2. Disclosure will almost never include the name of the complainant(s) or alleged victim(s) or actual victim(s) or facts from which she or he could readily be identified.
3. If the rostered leader has denied the allegations, that fact will also be disclosed.

### **B. DISCLOSURE TO THE ROSTERED LEADER'S CONGREGATION OR AGENCY**

1. Prior to disclosure to the congregation or agency, the congregation's staff or appropriate agency personnel will be informed.
2. Appropriate disclosure of a rostered leader's alleged or actual sexual misconduct will be made to the congregation or agency in which the rostered leader is employed or from which the church worker has resigned to avoid disciplinary proceedings. Updates may be given when or if new information is discovered, as appropriate.
3. The method for disclosing allegations or admissions of sexual misconduct by a rostered leader to the congregation or agency will be decided on a case-by-case basis. Synod staff will work with the leadership of the congregation or agency involved to determine the most appropriate means of disclosure.

### **C. DISCLOSURE TO PREVIOUSLY SERVED CONGREGATIONS OR AGENCIES**

The bishop will contact the congregation council or appropriate persons in agencies in which the church worker previously served as paid staff or as a volunteer to inform them of the church worker's alleged or actual sexual misconduct. The bishop will determine with these persons if and how the congregation or agency shall be informed. Disclosure also will be made to synods where the rostered leader previously served.

#### D. ADDITIONAL DISCLOSURE

Disclosure may be made in other settings, or to other individuals, as deemed appropriate by the office of the bishop, in consultation with the congregation council. This may include, but is not limited to cluster groups, professional leaders' groups, ecumenical colleagues. Such communication may be written or oral.

#### E. DISCLOSURE TO THE MEDIA

1. Neither the synod staff nor the congregation or agency shall initiate disclosure of the rostered leader's sexual misconduct to the secular or church media.
2. A single individual representing the bishop's office and the executive committee of the congregation council or agency board shall serve as a spokesperson for both groups, disclosing as much as necessary on a case-by-case basis.
3. Appropriate synod staff and the executive committee of the congregation council or agency board will be prepared to answer inquiries from the media.
4. This policy document, upon request, shall be made available to the media and to any interested party.

### **CARE OF CONGREGATIONS AND AGENCIES**

#### A. APPOINTMENT OF A LIAISON

1. A synod staff person or other liaison shall be appointed by the synod bishop to work with the congregation or agency served by the rostered leader, to provide education and to enable the healing process to begin.
2. The staff of the congregation or agency shall be encouraged to name an ordained person from outside the congregation's or agency's staff to serve as the staff's pastor during the process. If necessary, the bishop shall appoint an individual(s) to provide pastoral care to the church worker's colleagues.

#### B. Congregational Members and Staff

1. The congregational leadership, with the assistance of the liaison person, will determine the method to be used to inform the membership of the congregation about the sexual misconduct.
2. If a pastoral vacancy occurs, an interim pastor with skills in this type of intervention should be appointed to care for the congregation and the staff.

### **CONGREGATIONAL AFTER CARE**

1. The interim serving the congregation may choose to participate in team meetings, which will include a consultant, a pastor/mentor who has served in a similar capacity, a member of the bishop's staff, and other congregational staff members (as appropriate).

Instead of meeting with a team of individuals, the interim may choose to meet with any of the above-named persons individually. Should the interim choose to meet with a consultant, the cost of the consultant will be paid by the office of the bishop.

During the interim period, there shall be regular contact between the associate of the bishop and the congregation council.

2. When a new pastor is called, that person may choose to take advantage of the support offered above. The interim will be available for meetings as requested by the newly called pastor.
3. At the first and second anniversary following the church worker's resignation or removal, the above mentioned team, or some part of it, will meet with the council and/or other appropriate group to assess the climate of the congregation.