

An ELCA Strategy for Responding to Sexual Abuse in the Church



EVANGELICAL LUTHERAN CHURCH IN AMERICA

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**AN ELCA STRATEGY
FOR RESPONDING TO
SEXUAL ABUSE IN THE CHURCH**

November 1992

Revised for Web display 2005

PLEASE NOTE: This is a historical document of the Evangelical Lutheran Church in America and while it is still a useful, valid resource, references made to unit and staff names, publications, financial figures, etc., may be out of date.

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ELCA STRATEGY FOR RESPONDING TO SEXUAL ABUSE IN THE CHURCH

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Action taken by the ELCA Church Council at its November 6-9, 1992 meeting.

To affirm the proposed four-year implementation of an ELCA strategy for responding to sexual abuse in this church (as contained in the document, “An ELCA Strategy for Responding to Sexual Abuse in the Church”);

To adopt the Recommended Elements of Policy and Procedures (Part 3 of the cited document);

To affirm the goals of education, training, and prevention as the central emphasis of this strategy;

To encourage the discussion of this document within churchwide units, synods, seminaries, and other expressions of this church, and the incorporation of its recommendations into programming, planning, education, and resource development throughout this church;

To direct that the Division for Ministry—working with the Department for Synodical Relations and in consultation with appropriate churchwide units, synods, and seminaries—prepare a plan to finance and implement this strategy, under the direction of the Division for Ministry; and

To request that such a plan be reported to the March 1993 meeting of the Church Council.

INTRODUCTION

Sexual abuse in the church has been a matter of concern to the ELCA since it formed in 1988. The first churchwide assembly in 1989 passed a resolution on making the church a safe place, free from sexual abuse and harassment (see Appendix B, p. 46). Synods, seminaries, congregations, colleges, social ministry organizations and the churchwide expression have been struggling with these issues since our beginnings. We have learned a great deal in these years. What is now needed are ways for sharing our experiences throughout the church, broadening and coordinating these efforts. To that end, the working group presents this strategy.

History and Process of the Working Group

In April, 1991, the ELCA Church Council voted the following action:

To request that the Commission for Women, in consultation with the Office of the Bishop, invite a working group of synodical bishops and/or synodical staff with expertise in dealing with incidents of sexual abuse, staff of the Commission for Women, the Conference of Bishops, the Division for Ministry, and general counsel to share information and to strategize about the ELCA's response to incidents of sexual abuse, the care of victims of such abuse, and measures to prevent sexual abuse within this church (CC91.4.67).

Since additional finances were not allocated for this work, the Commission for Women made an application for a grant from the Aid Association for Lutherans for this purpose. A grant for \$16,500 was received from AAL, with the budget of the Commission for Women providing the additional support. Staff of the Commission for Women and the Office of the Bishop outlined an agenda and schedule for the work of the consultation, and invited the following people to comprise the group:

The Reverend Patricia Hawley, member of the Ombudsteam serving the Minneapolis Area Synod, and Saint Paul Area Synod;

Bishop Sherman Hicks, Metropolitan Chicago Synod.

Bishop William Lazareth, Metropolitan New York Synod;

The Reverend Dr. Donald Luck, professor of Systematic Theology at Trinity Seminary;

Kathy Magnus, Assistant to the Bishop of the Rocky Mountain Synod and Vice-President of the ELCA;

Dr. Jane Mitcham, formerly with the Lutheran Counseling Center, Charlotte, North Carolina, presently Assistant to the Bishop, North Carolina Synod;

The Reverend Mary Ann Moller-Gunderson, formerly Assistant to the Bishop of the Greater Milwaukee Synod (since January Executive Director of the ELCA Division for Congregational Ministries);

Sylvia Pate, retired personnel expert for the federal government and former interim executive director of the Commission for Women;

Bishop Kenneth Sauer, Southern Ohio Synod.

In the spring of 1992, Bishop Lazareth was replaced by Bishop Jon Enslin, South-Central Wisconsin Synod, and Dr. Donald Luck was replaced by Dr. Leland Elhard, professor of pastoral theology from Trinity Seminary.

Churchwide staff of the units named in the resolution included:

The Reverend Tom Blevins, Executive Director, Department of Synodical Relations;
Dr. Charlotte Fiechter, Executive Director, Women of the ELCA.
David Hardy, ELCA General Counsel;
Lita B. Johnson, Assistant to the Bishop;
Dr. Mary D. Pellauer, Commission for Women;
The Reverend Joseph Wagner, Executive Director, Division for Ministry;
Charlotte Williams, Commission for Women.

The consultations were chaired by Joanne Chadwick, Executive Director, Commission for Women.

The working group met four times (January 27-28, February 24-25, May 6-7 and September 15-16, 1992). It made a progress report to the Church Council in the spring of 1992 and began preliminary conversations with the Conference of Bishops in that same season.

The group shared information in five central areas:

- a. Many real-life experiences of sexual abuse in the church were related by all the consultants. In this confidential setting, we discussed these experiences not as “cases” but as matters for deep pastoral concern in the ELCA.
- b. Seventeen essays on sexual abuse in the church were included in the agenda mailings. Several others were brought to the meeting by members and duplicated for distribution. Several videotaped educational materials were reviewed.
- c. Nine carefully worked out synod policies, and one denominational policy from another Protestant body, were distributed.
- d. The ELCA general counsel provided a briefing on the status of lawsuits and discipline cases in the church to date.
- e. The Department for Research and Evaluation provided a preliminary report on the sexual harassment research authorized by the same action of the Council that created this working group.

The limits of time, energy and budget meant that very early in the process the working group chose to focus its efforts on sexual abuse by clergy or other rostered individuals. We are aware that other forms of sexual abuses occur in which the church is called upon to play a healing role. We recommend that other means be found to determine the scope and impact of these other forms of sexual abuse.

Components of the Strategy

THEOLOGICAL REFLECTION. No matter what the topic of conversation—individual experience, synod policy, theoretical understanding, appropriate counseling, the discipline process—we could not escape discussing the theological implications or assumptions. The impact of this topic on the life of faith, the resources of our faith, misunderstandings of our faith, regularly returned as the pivot point of our conversation and deliberation. We believe that the centrality of faith and theology to this topic is essential.

We therefore begin this statement of a recommended strategy with some theological reflections. We do not propose these as the basis for the church's positions on this topic, but only as the result of our own meditating upon the meaning of what we have discussed. We call others in the ELCA, indeed the whole church, to continue this task of theological reflection, in dialogue with victims, in many areas related to sexual abuse.

SYNOD PROCEDURES. We have spent many hours of discussion on the matter of appropriate procedures for synods when responding to a complaint of sexual abuse. In the last five years, expressions of this church have acquired a great deal of experience, often hard won. It is imperative that we share this record of experience throughout the church; no one needs to re-invent the wheel. It is equally imperative that the church allow for diversity and creativity among synods, which often face startlingly different circumstances.

We have resolved this dilemma by offering a short document, “Elements of Policy and Procedure Recommended for Synod Responses,” which outlines the nine basic steps needed in an adequate response to a complaint. We also offer a much longer document, “Options for Implementing Policy/Procedure,” for information only (see Appendix A, p. 23). It suggests some of the many different ways in which the nine-step process may be implemented. It provides many examples of specific synod programs that fulfill the elements recommended in the short document. (For clarity and the convenience of the reader, it reproduces the nine elements in bold type.) This combination of elements of procedure recommended to be common to all synods, together with the diverse range of options that illustrate how these elements may be fulfilled, is a unique aspect of this strategy.

Many synods are to be praised for the diligence, sensitivity and creative gifts for healing they have brought to the topic of sexual abuse in the church. Synods are thus urged to borrow from other synods what will work best under their own local circumstances. Healing is the criterion by which to choose among these options. Synods are urged, where needed, to devise still other new and creative models, and to share the record of their experiences with each other. In this way, we believe that the ELCA can learn as we go to be more effective in responding to complaints of sexual abuse.

EDUCATION, TRAINING, AND PREVENTION. Healing and preventing have been uppermost in our minds, guiding our recommendations throughout every phase of this strategy. The education, training, and prevention portion of this strategy is its most important section.

The goals of this educational effort are large and ambitious: that every synod designate and train a case manager to follow complaints from start to finish (this person may be the bishop). That every pastor and every seminarian receive education aimed at the prevention of sexual abuse in the church. That every congregation receive educational materials on this topic.

Because these large goals involve many parts of the church, they require the coordination and consultation of many units of the church wide office, the Conference of Bishops, the seminaries, and other groups. The interdependence of the ELCA is the foundation of this work.

The centrality of education and prevention is reflected in the budget for this strategy. Five-sixths of the total estimate is devoted to measures for education, training, and prevention.

Implementing the strategy.

Because these goals are large and expensive, we recommend a timeline of four years for the strategy to unfold. Given the many other activities necessary for all the expressions of the church and the financial strains of our time, it is not realistic to expect a quicker process.

Because of the struggle of our church with financial issues over the last few years, we propose that the churchwide units involved in this strategy take some time to develop a financial plan to propose to the Church Council in April of 1993.

We believe that an energetic startup for this strategy may require the full-time efforts of one person to coordinate its many components.

Equally important is a means of evaluating the strategy. Means to monitor and evaluate the progress of this work must be devised as the work begins.

THEOLOGICAL REFLECTIONS

As a community of faith, the Lutheran church is shaped by the Word of God. Our faith is focused in the Incarnation in Jesus Christ, his death and resurrection. Jesus is the revelation which makes clear that law and gospel implicit in the Hebrew Bible and explicit in the New Testament literature. We believe that God's grace continues to be active in our lives today, as God's love heals and restores people even in the face of great damage and sin. God's presence with us in Word and Sacrament forms us into a community of shalom, a dynamic movement toward justice and wholeness.

Because the church is to be a place for healing and justice, it must recognize, prevent, stop, and heal sexual abuse. The members of this consultation have been appointed to research and recommend ways this church can live out its calling, bear witness to God's creative, redeeming and sanctifying activity in the world. We are members of the ELCA who have heard the stories of victims of sexual abuse by ordained ministers, who have worked with offending pastors and the congregations which have experienced traumatic betrayals and conflicts due to sexual abuse.

Sexual abuse in the church is a fundamental theological issue—not merely a legal, psychological, economic, or political reality. This concern is central to our being as a church. As we connect this matter to our faith, we are learning new words. Ten years ago, no one talked about “boundary” issues. Twenty years ago, only a few talked about the “healing process” for victims of any kind of abuse. This consultation is looking for the most insightful ways to relate these new words to many cherished and familiar theological words central to our Lutheran tradition. Only as the church sees this concern in light of the saving gospel will it deal appropriately with the deep human hurt with powerful hope. The consultation calls this church to engage in further theological reflection and dialogue related to sexual abuse.

POWER AND BOUNDARIES. Within the perspective of the community of faith, human beings are valued as part of God's vast good creation. God created the world by establishing boundaries between the light and dark, the dry land and the wet sea, and between people and other animals. Appropriate differences create the possibilities for the interactions and interdependence, which give fullness to life with God and each other. Boundaries are the structures which support the growth of the human and its appropriate intimacies and community. Boundaries may be seen as personal, communal, spiritual, psychological, or physical. They are signs of God's design in and around us. They are indications that we are not merely material stuff and processes, but always more, even when we are violated or violate. We are ethical and spiritual at our very centers, as we are appropriately together and appropriately separate.

As sin has entered human existence, human relating has become twisted and broken. In Jesus God has not turned away from this broken relating. God has joined the human and has dealt with our twisted boundaries in the cross and resurrection. God has joined us in Jesus, and so created a new being, a new intimacy, a spirit which overcomes the abusive and false intimacies we inflict on each other. In Jesus there is an empowerment by the gospel to recognize boundaries, prevent their destructive crossing, and to care for those who have been violated.

Power in the human community may be defined as the capacity to set boundaries. God sets the kind of boundaries which permit and enable human beings the finite freedom to grow in relation to their Creator, to each other and to all of creation. God draws us into freedom and responsibility.

These capacities are central to God's image in us. These capacities are not limitless license to abuse others for pleasure and power. They are structures of human care and character which nurture human growth and freedom—as much Gospel as Law. They are capacities to draw the limits and boundaries which protect the tender plant of life and provide the space wherein life and freedom develop.

In the new creation, the Church, a renewed vision of community arises. In that community, we are empowered to see abuse for what it is, a violation of a central feature of God's will for human life. In that community, one responsibility of leadership is to care for the boundaries which are crucial to the life of humanity under God. In that community, structures are to be developed which protect the precious humanity in all, and which provide space for growth and healing when violation has occurred. Structures are to provide for support, examination, and assessment of any and all leaders, to see that they act according to the boundaries which help, not hurt, which protect, not violate, the boundaries which uphold personhood and community.

LAW AND GOSPEL. The Lutheran perspective on law includes recognizing sin in all aspects of life, even in religious places. It is only realistic, not unduly pessimistic, to notice that the systemic forces of the world around us are twisted by sin. Brutalization and victimization can occur in all human relationships, including those in the church. Even in biblical stories, vulnerable individuals were not safe from abuse by the more powerful, including the priests. For example, the sons of Eli used their priestly status to violate women at the entrance to the Ark. Both they and their father were punished because of the sinful way they exercised their ministry (1 Samuel 1-4). The Lutheran perspective on the law includes uncovering the lies and deceptions perpetrated by trusted leaders in our communities. It includes being led, even by unlikely or secular forces, to awareness of brokenness and violation. Luther's use of the law included recognition for whatever causes individual and social pain, and drives people to receive God's gracious power and rule.

Thus, the Spirit has awakened this church's awareness of serious violations of God's laws about proper respect and care for the neighbor, proper care and stewardship of our sexuality, and proper use of the authority of the ordained leadership of the church. Sin has been revealed. As sin has been revealed, many of us have been made uncomfortable. This discomfort is positive, a part of the necessary renewal of the church in this area. Brutalization and victimization can occur in all relationships, including those in the church.

One form grace is taking in our church is the determined drive and sensitive care to bring light and healing to bear on sexual abuse. The grace of God empowers a process of restoring the abused and weakened. This work is usually not quick, but gradual. With appropriate strength and alertness, God works with the brokenness both in perpetrators and in victims. St. Paul's image of childbirth, "the whole created universe groans in all its parts as if in the pangs of childbirth" (Romans 8:22 NEB), reminds us that grace provides the protective context for new birth of broken human beings. Central to the grace empowering rebirth is the Word expressed in all ways sacramental that God does not hold victims responsible for their victimization. Grace happens, often painfully, as the truth is faced and told. God's grace works with reality, including sinful deeds uncovered, understood, confessed by perpetrators. Forgiveness is never denying, forgetting, or glossing over the realities. Forgiveness is never excusing the perpetrator from owning the behavior and from its social, institutional, and legal consequences. Forgiveness is not an obligation of the victim due the perpetrator. It is more appropriately "working through" all

the profound emotions and attitudes which are occasioned by spiritual and psychological wounding. Forgiveness, in time, issues in personal peace and wholeness for the victim, and in repentant honesty, self understanding, and permanent change in behavior for the perpetrator.

God wills a human order which protects those who have been victimized and provides resources for their healing. Justice is an eschatological reality, envisioning that which will come to be as God's powerful grace will relentlessly and gently work among us. In the context of brokenness, justice is the strong way the healing process is to be done. It includes individuals and communities facing and dealing with the pervasive consequences of someone's abusive behavior. It impels the church toward the right use of power so that God's creation may become re-creation. As a re-creation process, it includes re-pentance, re-stitution, re-storation and re-newal. In this way, the re-demption wrought by Jesus Christ is re-discovered and re-newed in our life together.

The church must reflect on the power of the gospel as it is seen in our midst. As the truth is told in the scenarios of abuse and restoration, we may see God's spirit at work in the church leading to equality, mutuality, proper boundaries and proper intimacy. We all discover our true power in "power with" rather than "power over" others. We are to learn together the true power of our roles in the church, that of the servant. Together we learn about the just and healing uses of the deep meaning which people, including pastors, have for each other, and the deep trust we grant to one another.

A CALL TO THE CHURCH. We call the church, its pastors and lay members, its teaching theologians and seminarians, its pastoral care specialists and victims of sexual abuses, to explore in detail and depth, the resources of our faith and how they can enable us to respond, heal, and prevent sexual abuse in the church. Specific ways to do this theological exploration need to be devised as the church looks into the next several years of implementing this strategy. One avenue is already opening as the Commission for Women plans to convene a theological consultation about the church as called to be a safe place for victims of abuse.

ELEMENTS OF POLICY AND PROCEDURE RECOMMENDED FOR SYNOD RESPONSES TO COMPLAINTS OF CLERGY SEXUAL ABUSE¹

In keeping with ELCA polity, the 1989 Church wide Assembly called upon each synod to create policies and procedures to empower victims to report incidents of sexual abuse, provide healing for victims, and safeguard the rights of those accused. Since that time, several synods have developed such policies.

The material subsequently enumerated is offered to synods for guidance regarding essential elements of policy as each synod works to develop policies that reflect its specific circumstances and particular contexts for ministry. These essential elements can be viewed as a sequence of steps that would normally be followed in responding to a specific complaint, while recognizing that in applying any policy to a specific situation, some deviation in sequence may be appropriate.

As part of a larger strategy for this church in all its expressions to deal with the problem of sexual abuse, and especially sexual abuse committed by clergy, the Church Council of the Evangelical Lutheran Church in America now calls upon each of the synods to review existing policies and procedures and to develop policies that include each of the following elements:

¹ Rostered persons in the ELCA include ordained clergy and associates in ministry. At this time, there are no uniform discipline procedures for associates in ministry including those on rosters of predecessor church bodies. If the 1993 Churchwide Assembly accepts the recommendations of the Study for Ministry, references in this document to clergy will apply to associates in ministry as well.

To deal with complaints of sexual misconduct against non-rostered synod staff, synods ought to examine the procedures in this document (especially elements 1-5, 8, 9) and develop appropriate personnel policies in each synod.

For complaints against non-rostered employees of congregations, elements 1-5, 8, 9, can be used by congregations. Congregations may wish to consult the synod for advice.

1. Adequate Preparation

A synod is in the best position to receive and process a complaint if it is ready to do that. Being prepared to receive a complaint implies that the synod has policy and procedures in place and that a synod has established an inviting and hospitable atmosphere for hearing complaints of sexual abuse by clergy. In addition to an ongoing educational effort about sexual abuse, a synod needs to provide clear and well publicized information to congregations, related agencies, and institutions on how the synod will respond—and who, within the synod structure, should be contacted. Adequate preparation also implies an effort of theological reflection about sexual abuse in the church.

2. Initial Contact—First Response

Each bishop designates a qualified person (who may be the bishop) to hear fully and promptly the complainant's story, to assure the complainant that this church takes sexual abuse by clergy seriously, to provide information about the synodical procedure, and to respond with pastoral concern to the complainant.

3. Initial Investigation of the Complaint

The bishop (together with such individuals as the bishop designates) engages in an initial review of the complaint to determine what additional investigation is necessary, whether there may be additional complainants, how the complaining witness's story can be best documented, whether state law may have implications for the process, whether other synods need to be involved, how the complainant's story may be corroborated, whether immediate intervention with the pastor in question is necessary, and like matters. At the same time the bishop should determine how to provide for the pastoral care and the needs of the complainant. A complainant has a right to be accompanied to all meetings by an advocate of her/his choosing.

4. Conversation with the Pastor

The bishop provides the pastor with information on the complaints made against her/him, provides her/him with the opportunity for an initial response to those complaints, describes the synod's policy and procedure, informs the pastor of the action the synod will be taking in this case, discusses options and if appropriate makes recommendations to the pastor and provides for her/his pastoral care. In appropriate cases the bishop should also clarify that the pastor in question is to have no contact with possible complainants and is not to engage in or cause reprisal or retaliation of any kind against the complainant(s).

During this part of the process, it is important to provide continuing care of the complainant. Inform complainant(s) of the results of the meeting with the pastor in question and of the next steps in the process.

5. Assess the Information

The bishop determines a fair and equitable response to the complaint, which may include: no further action, further investigation; convening a consultation or advisory panel; 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. is in order.

6. Consultation or Advisory Panel

The bishop has the discretion to convene a consultation or advisory panel to assist her/him in bringing a just and appropriate resolution to the complaint. When appointed at the request of the synodical bishop, a consultation or advisory panel advises the bishop as to whether or not the bishop should bring charges. The consultation or advisory panel may recommend that the ordained minister resign from the current call from the clergy roster. Whenever possible, a consultation panel or an advisory panel shall endeavor to resolve the controversy through recommendations that are pastoral and therapeutic and that, if accepted by the parties and others concerned, will eliminate the necessity for proceedings before a discipline hearing committee.

7. Formal Hearing

Formal proceedings before a discipline hearing committee are commenced when written charges are filed, usually by the bishop. The charges set forth the offense of which the accused is alleged to be guilty with specifications stating what the accused is alleged to have done, which, if true, constitute an instance of the offense. The discipline hearing committee composed of a non-voting chair or hearing officer and twelve voting members, six from the synod discipline committee, and six from the churchwide discipline committee, then holds a formal hearing on the charges at which the testimony of witnesses and other evidence is presented by the accuser and the accused. The witness(es) for the accuser will normally include the complainant(s). This proceeding is to be conducted to assure due process, as defined, and due protection for the accused, other parties including the complainant(s), and this church.

8. Disclosure

The synod supports and enhances the process of healing for individuals, the congregation, and the community through the appropriate disclosure of information. Except in the most unusual of circumstances, disclosure is always necessary. Disclosure needs to be made to those who need to know, including the congregation. Experience has demonstrated that where disclosure is made to the congregation served by the pastor in question, the healing within that congregation is better realized, even though the initial trauma may be greater. Disclosure should never involve revealing the identity of the complainant(s), or of facts that would make the complainant(s) readily identifiable.

What needs to be decided is how much is to be disclosed and when. This decision needs to be tailored to the needs of the individuals and organizations most affected. Anytime there is admission of guilt, resignation from the congregation or the clergy roster, temporary suspension, or a finding of guilty in a discipline proceeding, then disclosure is essential to the healing process of all parties—the complainant(s), congregation, and accused pastor.

9. Follow-up

The synod should plan and implement long-range follow-up efforts with respect to each case, so that all those affected—individuals, their families, congregations, and the broader community—may experience grace, peace, and healing following this time of crisis.

EDUCATION, TRAINING, AND PREVENTION

Education and training are among the chief means of prevention. Therefore, educational events and resources have a high priority for this strategy. The fact that almost all the estimated costs of this strategy are related to education is an indicator of the seriousness of this projected work.

The task force is grateful that many bishops and synod staff have already received training. Some synods have also provided training for pastors and associates in ministry. Others have sought to provide information to congregations. It is a priority that these educational efforts be broadened, deepened, and shared.

Goals of this strategy include significant education or training for:

- all individuals designated as case managers of complaints (at least 1 per synod);
- all pastors and seminarians;
- all congregations.

Achieving these goals will require the cooperation and skills of many parts of the church. In each educational effort, experts and resource people in the field of sexual abuse in the church must be brought together with the related groups in the ELCA:

- Education for synod staffs needs to be designed in close consultation with the Conference of Bishops.

Estimated costs: \$107,650 (2 events)

- Education for pastors and seminarians needs to be designed in close consultation with synods, the Division for Ministry, the seminaries and continuing pastoral education professionals.

Estimated costs: \$148,900

- Educational materials for congregations need to be designed in consultation with the Division for Congregational Ministries, the Women of the ELCA, and other resource people in the field.

Estimated costs: \$12,900

Because of the seriousness of these costs, and the ambitious size of the goals, the working group recommends that this strategy take place over 4 years, 1993-1996.

The remainder of this section spells out in detail some possible ways to meet these goals in education, training, and prevention.

Note: It is not necessary for the ELCA to produce all resources ourselves. Several agencies have created audiovisual materials for training of pastors and other groups. We encourage the use of all such material that is responsible to the subject and compatible with our Lutheran theological perspectives. In a few cases, where there are no suitable resources available at present, the ELCA may need to create materials for our church's use.

TRAINING FOR SYNOD STAFF

A. Training event related to the recommended elements of policy and procedure.

GOAL: to ensure the training of all individuals designated by synod bishops to manage complaints of sexual abuse.

Because of the crucial role played by synod bishops with regard to rostered persons, it is essential that this training event be designed in close conjunction with the Conference of Bishops.

AUDIENCE: individuals designated by synod bishops as case managers for complaints of sexual abuse in the church.

Bishops may also wish to attend, even if they have designated someone other than themselves to manage the complaint process. Having a solid understanding between the bishop and the designated staff member about complaint management may prevent later misunderstandings.

PURPOSE: to provide training in the recommended elements of synod policies and procedures related to complaints of sexual abuse in the church for those who are authorized to implement these policies and procedures; to provide an occasion for those who are designated personnel to meet and share their experiences with each other so that collegiality across the church may grow.

TIME: several days in early December, 1993, for a large-scale initial training.

It is highly recommended that in December, 1995, a follow-up training occur. Two purposes may be served: (a) those who manage cases may evaluate the policies and procedures and propose needed changes; (b) those who manage cases may stay abreast of new information and changing trends related to sexual abuse in the church.

SUBJECTS: The training event might include these elements:

- the basic dynamics and trends of sexual abuse in the church;
- theological issues related to the church's response, victims' spiritual crises, the nature of the ordained ministry, and congregational responses;
- legal issues, trends, and recommendations;
- fundamental components of the responses of victims, perpetrators, and congregations;
- the nine-step process recommended by this consultation;
- the range of options that may be used to fulfill these recommendations;
- role-playing interviews with complainants, witnesses, and the pastor in question;
- basics of record-keeping during complaints;
- ways to enhance healing in congregations;
- the introduction of a flexible manual including these components of the church's response.

It may be desirable to design a flexible training model that can provide basic materials for those designated case managers who do not have previous training (perhaps on the first day or days) together with more advanced materials for those with previous exposure (perhaps on the later days).

TRAINERS: Because of the crucial importance of this topic, a team of trainers will be assembled, representing the current knowledge and skills in relationship to sexual abuse in the church. Since some of these people are not members of the ELCA, it is recommended that these experts be gathered early in order to work out ways in which their information and the structures of the ELCA can be coordinated. (A preliminary grant to do this has been received from AAL.)

ESTIMATED COSTS:

1993 training event

65 people designated case managers, 1 from each synod	
travel @ \$500 each (average costs return trip airfare to Chicago)	\$32,500
housing @ \$50 each person per day at a nearby retreat center, 5 days	14,500

(If a second person from a synod wishes to attend, costs will rise. Perhaps those synods desiring that two individuals attend may be asked to bear the additional cost themselves.)

trainers:

5 @ \$1800 honorarium/fee per day (average, 2 days each)	14,400
manual, 200 pages, 75 copies, 3-ring notebook covers	4,000
planning meeting, 5 trainers, several synod bishops and others Chicago, spring, 1993	10,800

Subtotal:	76,200
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Preliminary grant:	(21,600)
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Needed in 1993 budget:	\$54,600
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1995 follow up training

65 people, 1 from each synod	
travel @ \$500 each (average costs return trip airfare to Chicago)	32,500
housing @ \$50 each person per day at a nearby retreat center	9,750
3 trainers @\$1,800 per day	5,400

1995 total:	\$47,650
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B. A consultation of therapists and counselors

AUDIENCE: synod staff designated as case managers

PURPOSES: to provide guidelines for synod staff related to the best use of professional counseling expertise.

Synod staff faced with complaints of sexual abuse in the church must often rely upon or refer to therapists for counseling and/or assessment/diagnosis for victims, the pastors involved, and often the congregation. In such a new area, with such specific dynamics, a synod may face a lack of trained and experienced professionals or find that some expertise is biased.

The Division for Church in Society is open to calling a consultation of synod staff and therapists experienced in this area to develop guidelines for selecting professionals to work with victims, offenders, and congregations in sexual misconduct cases.

TIME: 1993 (desirable to complete before the synod training event)

Estimated cost: \$6,000

(6-7 therapists, 3-4 experienced synod bishops or staff, for a 2 day consultation):

EDUCATION OF THE LAITY

AUDIENCE: Members of all ELCA congregations (adults and youth), members of congregational units of the Women of the ELCA, delegates to synod assemblies.

PURPOSE: to provide every member of the church with basic information describing sexual abuse, the church's policies on this topic, and helpful congregational responses to complaints of sexual abuse against staff or clergy. This education is aimed to help prevent boundary violations from occurring and to ease the healing process for those who are victimized.

Decisions will have to be made about whether these are for-sale items or to be distributed free to the appropriate audiences. These decisions will inevitably affect the costs involved.

TIME: 1993-1996

NOTE: Because several other agencies have produced excellent video training materials, we do not recommend that the ELCA produce anything in this expensive medium. We envision several separate resources being created and made available through the various distribution means of the ELCA:

A. A model statement for congregations

The model of a Congregational Members' Bill of Rights appealed to us as a short, clear resource that can help make the church safe from sexual abuse. This resource would describe, from the perspective of behavior and relationships, what members of congregations should expect from one another regarding respect for one another's person. A brief model statement could be developed for suggested display in congregations so that the issue of sexual or other abuse of individuals would be understood not to be tolerated in congregations of the ELCA. The statement would flow from theological roots and focus upon how congregational members behave toward one another. A brief study guide could be produced to encourage congregations to develop their own customized version of the suggested Members' Bill of Rights.

This resource would be seen as a very brief and inexpensive resource. The Division for Congregational Ministries is open to pursuing the possibility of developing such a resource. Goal is to produce and distribute in 1993.

Estimated costs: \$2,500

B. Annotated bibliography

An annotated bibliography related to sexual abuse would be made available for congregations, synods, victims, and others. This bibliography, much of which is already developed by the Commission for Women (see Appendix D., p. 50), would offer various resources and guidance on such matters as where to go for help, what to do regarding sexual abuse, and a listing of currently-available books and other resources for use. The Commission for Women's goal is to finish and distribute in 1993.

Estimated costs: \$1,500

C. Speakers bureau for synod assemblies

Speakers who are presently representing the ELCA should be briefed to include this topic in churchwide reports in various settings such as synod assemblies. Brief written materials summarizing this strategy, together with background materials, can be provided to ELCA representatives. These materials would present the ELCA statements on sexual abuse, the report of the consultation, and various other strategies being pursued in the area of sexual abuse in the ELCA.

Estimated costs: 0

D. Study guide regarding church policy and practice on sexual abuse

This printed resource would have as its audience congregational members, and would have as its objective the education of congregational members regarding sexual abuse described within the context of church policy. The resource would have to do with church policy related to sexual abuse in the church, and general matters related to sexual abuse. The resource might be a small booklet with a study guide for use in congregations. The Division for Congregational Ministries, is willing to consider developing such a resource. It would, however, be a new project and would require special funding. Aimed for 1994.

Estimated costs: \$4,800

E. A resource for youth/confirmation classes

As originally envisioned, this resource was seen as material which might be included in confirmation materials under development. The Division for Congregational Ministries has just completed a new confirmation curriculum, and no new materials are anticipated. However, there is a sexuality curriculum which is presently being developed under the leadership of Division for Congregational Ministries staff. The Consultation on Sexual Abuse recommends that the Division for Congregational Ministries be requested to include a special focus upon confirmation-aged young people in the development of the sexuality curriculum presently being produced. Goal is 1994-95.

Estimated costs: \$3,100

F. Programmatic resource for congregational units of Women of the ELCA

This material would be developed by Women of ELCA staff as a part of its 1994 Program Idea Book for use by congregational units of the organization. Writing and production of this resource would be managed from the existing budget of the organization, and would require no further approval or action. The Women of the ELCA have agreed to development and funding of this resource. Goal is 1994-95 Program Idea Book.

Estimated costs: \$3,000

Total resources for congregational study: \$12,900

EDUCATION FOR SEMINARIANS

AUDIENCE: All seminary students in all programs.

Implementation of this work will be carried out by the Division for Ministry through the Department for Theological Education, in close cooperation with the seminaries.

PURPOSE: To enable seminarians to understand what is involved in sexual abuse by clergy and other religious professionals and to help to ensure that they will not commit such infractions in their careers in the church; to provide information regarding power, authority, and boundary issues for clergy; to provide information related to the investigative and disciplinary processes of the church; to introduce issues related to the pastoral care of victims and the need not to revictimize complainants.

TIME: 1994 and thereafter

A. A component for incorporation into the seminary curriculum

Possible approaches:

1. Introduce into agenda of meeting of seminary presidents and deans.
2. Survey seminaries to see what is being done already.
3. Invite two faculty members from each seminary to training events for synod staff. Provide special attention to them to help them plan intervention into seminary curricula.

Estimated costs: \$5,000

B. Printing resources explaining the policy of the ELCA

To be made available to all students enrolled in ELCA seminaries, perhaps along with other material routinely provided as students enter seminary training.

Estimated costs: \$4,000

Seminaries may also wish to purchase audiovisual training and prevention resources from such groups as the Center for the Prevention of Sexual and Domestic Violence, the University of Wisconsin at Madison, or other sources (see Appendix D). Purchases such as these are not included in this budget.

CONTINUING EDUCATION FOR PASTORS

AUDIENCE: All pastors on the roster of the ELCA currently serving a ministry of this church (13,000).

PURPOSE: To provide information regarding the dynamics of sexual abuse by pastors, and healthful alternatives to abusive behavior; to provide a basic understanding of the responses of the church to victims, perpetrators, and congregations, and the consequences of abuse.

Continuing education for pastors needs to be designed in close consultation with the synods, the Division for Ministry, and continuing education professionals and centers.

TIME: 1994-1996. It will not be feasible to get all the ELCA's active rostered clergy through a workshop in one year. These efforts should be timed from 1994 through 1996 (for instance, aiming at 1/3 each year).

Estimated Costs:

Training for trainers on prevention of sexual abuse by clergy: \$9,900

A convenient example of costs may be found in the training workshops of the Center for the Prevention of Sexual and Domestic Violence. (This example is not to be taken to mean that the ELCA exclusively recommends this Center's training.)

1 trainer	
per region, @ \$600 workshop fee	5,400
travel @ \$500 each	4,500

Workshop (9 a.m. - 3 p.m.), organized by conferences, minimal costs
(a few handouts, coffee, doughnuts) for 13,000 clergy @ \$10 each 130,000

Total continuing education costs: \$139,900

EDUCATION, TRAINING AND PREVENTION BUDGET

Education Training, and Prevention total estimated costs:		\$272,050
Total cost spread over 4 years:		
1993:		\$ 74,500
Consultation with therapists	6,000	
1 training event, synod staff response	54,600	
Training for 9 regional trainers for pastoral prevention	9,900	
Model statement for congregations	2,500	
Annotated bibliography	1,200	
1994:		\$ 57,133
1 day workshop, 1/3 ELCA pastors	43,333	
Study guide for congregations	4,800	
Consultation with seminary faculty	5,000	
Seminary printed resource	4,000	
1995:		\$ 97,083
1 day workshop, second 1/3 ELCA pastors	43,333	
Follow-up training for synod designated staff	47,650	
Youth/confirmation resource	3,100	
Women of the ELCA program book	3,000	
1996:		\$ 43,333
1 day workshop, third 1/3 ELCA pastors	43,333	

IMPLEMENTING THE STRATEGY

TOTAL BUDGET

1. Estimated costs

Response to Complaints:

1993 training event, synod staff \$ 76,200

1993 consultation of therapists 6,000

1995 follow-up training, synod staff 47,650

Preliminary AAL grant for 1993 training event: (21,600)

Education, Training and Prevention:

resources for congregational study 14,900

resources for seminarians 9,000

continuing education workshop for all pastors 139,000

Contribution from Women of the ELCA: (3,000)

Contract staff to coordinate start-up of the strategy, 1993-94 50,000

TOTAL: \$319,050

The total costs represent \$24 per clergy active in ministry in the ELCA.

A plan to finance this strategy needs to be developed. Some options to explore include:

A. searching for outside funding

B. talking with synods about possibilities for sharing costs of the strategy

C. folding some costs into the budget planning of church wide units

2. Budget allocations over the proposed 4 years of the strategy 1993-1996

1993:		\$121,100
1 training event, synod staff response	76,200	
Consultation with therapists	6,000	
Training for 9 regional trainers for pastoral prevention	9,900	
Model statement for congregations	2,500	
Annotated bibliography	1,500	
1/2 year contract staff	25,000	
Preliminary AAL Grant for 1993 training event:	(21,600)	
1994:		\$ 82,133
1 day workshop, 1/3 ELCA pastors	43,333	
Study guide for congregations	4,800	
Consultation with seminary faculty	5,000	
Seminary printed resource	4,000	
1/2 year contract staff	25,000	
1995:		\$ 97,083
1 day workshop, second 1/3 ELCA pastors	43,333	
Follow-up training for synod designated staff	47,650	
Youth/confirmation resource	3,100	
Women of the ELCA program booklet	3,000	
Women of the ELCA contribution	(3,000)	
1996:		\$ 43,333
1 day workshop, last 1/3 ELCA pastors	43,333	
TOTAL COSTS:		\$319,050

3. Coordinating the strategy: staffing implications

The proposed strategy is ambitious. It is a large task. Its urgency is also serious. The interdependence of many units and expressions of the church has been stressed in this strategy, especially with regard to the priority tasks of education, training, and prevention.

For these reasons, we recommend that a staff member or members be responsible for coordinating, initiating, and following through on the details of the strategy that is passed. That individual has to be provided with full authorization and resources to make a strategy happen among all the various expressions of the church.

The ELCA has experienced severe financial stress during the last few years. Hiring of church-wide staff has been frozen. Present staff have already received additional responsibilities. The working group does not want the important goals and recommendations of this strategy compromised by proposing work that requires utopian financing.

Creative options will need to be devised. One of these is the provision for hiring contract staff—that is, a person whose job description is clearly defined in a focused way, whose contract is time-limited, and whose responsibility is to work with existing staff and resources.

4. Evaluating the strategy

Some means needs to be designed to assure that the strategy is doing what it was designed to do and to correct where and when adjustments need to be made.

It may be important early on to design the means to gather information about the progress of the strategy, the appropriate standards for evaluating the progress of the strategy, and the appropriate group to consider these questions.

In addition, it is desirable that in 1996, at the end of the four-year timeline, some assessment be made of the state of the ELCA regarding sexual abuse in terms similar to those established by the Church Council when it authorized this working group: responding to complaints, healing the wounds, and preventing the occurrence of sexual abuse in the church.

Periodic reports to the Church Council may be occasions for making such assessments as these.

APPENDIX A

FOR INFORMATION ONLY

OPTIONS FOR IMPLEMENTING POLICY/PROCEDURES FOR DEALING WITH COMPLAINTS OF SEXUAL MISCONDUCT AGAINST CLERGY¹

All people are created by God in the divine image, and human sexuality is a gracious gift of God. The family of God is called to stand firmly and pastorally against all forms of abuse. Sexual abuse betrays God's creation, inflicts grievous suffering on the victims, and rends the fabric of the whole community of the people of God.

In 1989 at its first Churchwide Assembly the Evangelical Lutheran Church in America committed itself to be a "safe place for all persons" by working to eliminate sexual abuse. The assembly made it clear that this church will not tolerate any form of sexual abuse by any of its personnel. It called on each congregation and place of ministry to become such a "safe place."

In living out this understanding of the congregation as a "safe place," the role of the pastor is critical. The Evangelical Lutheran Church in America expects its ordained ministers to be diligent and faithful in the exercise of the ministry, with a life and conduct that are above reproach (ELCA 7.22). Because of the nature of the pastoral office and the dynamics of trust, confidentiality, intimacy and power that characterize a pastor's relationship with those she/he serves, sexual abuse can result in profound damage to individuals, to congregations, and to the church's ability to proclaim the Word of God's grace.

Thus, ordained ministers are subject to discipline for "conduct incompatible with the character of the ministerial office" (ELCA 20.21.01.b). Specifically, "in all matters of morality and personal ethics, this church expects its ordained ministers to be exemplary in conduct" (Definition and Guidelines for Discipline). In sexual matters, the following are the expectations of clergy: "The biblical understanding which this church affirms is that the normative setting for sexual intercourse is marriage. In keeping with this understanding, chastity before marriage and fidelity within marriage are the norm. Adultery, promiscuity, the sexual abuse of another, or the misuse of counseling relationships for sexual favors constitute conduct that is incompatible with the charter of the ministerial office" (Definition and Guidelines for Discipline).

¹Rostered persons in the ELCA include ordained clergy and associates in ministry. At this time, there are no uniform discipline procedures for associates in ministry. If the 1993 Churchwide Assembly accepts the recommendations of the Study of Ministry, references in this document to clergy will apply to associates in ministry as well.

To deal with complaints of sexual misconduct against non-rostered synod staff, synods ought to examine the procedures in this document (especially steps 1-4, 8, 9) and develop appropriate personnel policies in each synod.

For complaints against non-rostered employees of congregations, steps 1-4, 8, 9, can be used by congregations. Congregations may wish to consult the synod for advice.

As all pastors are rostered in individual synods, matters of potential discipline are the responsibility of synods. The bishop of each synod bears the responsibility for overseeing and administering the work of the synod and providing pastoral care and leadership for the synod's congregations and ordained ministers. The bishop's responsibilities include upholding the standards of conduct for ordained ministers in the synod and overseeing the ELCA's disciplinary process

within the synod. As the synod's pastor, the bishop also works to restore health and wholeness to all whose lives—individual and communal—have been affected by sexual misconduct by clergy.

In keeping with ELCA polity, the 1989 Churchwide Assembly called upon each synod to create policies and procedures to empower victims to report incidents of sexual abuse, provide healing for victims, and safeguard the rights of those accused. Since that time, several synods have developed such policies. All synods are now called upon to review existing policies and to develop new policies to deal compassionately and justly with allegations of sexual misconduct, and to establish an inviting and hospitable atmosphere for hearing complaints of sexual abuse by clergy.

The following recommendations build on the deepening experience in synods as this church strives to deal justly and pastorally with matters related to sexual abuse by clergy.

- * **The material in bold type** is offered to synods for guidance regarding essential elements of policy and procedure as each synod works to develop policies that reflect its specific circumstances and particular contexts for ministry.

State laws may significantly affect the shaping of synod policy, with significant differences from state to state about the definition of child sexual abuse, who are mandatory reporters of child sexual abuse, definitions of sexual offenses such as sexual exploitation by a counselor. It is therefore essential that each synod investigate its own state's laws on the many kinds of sexual offenses, and that the state laws be written specifically into the synod's policy and procedures.

- * The material that is in regular type is offered as suggestions and options to be considered and adapted as appropriate by any synod in its own particular policy.

These essential elements are set forth as a sequence of steps that would normally be followed in responding to a specific complaint. In applying any policy to a specific situation, some deviation in sequence may be appropriate.

Step 1

Adequate Preparation

A synod is in the best position to receive and process a complaint if it is ready to do that. Being prepared to receive a complaint implies that the synod has policy and procedures in place and that a synod has established an inviting and hospitable atmosphere for hearing complaints of sexual abuse by clergy. In addition to an ongoing educational effort about sexual abuse, a synod needs to provide clear and well publicized information to congregations and related agencies, and institutions on how the synod will respond—and who, within the synod structure, should be contacted. Adequate preparation also implies an effort of theological reflection about sexual abuse in the church.

Synods need to provide clear and well-publicized information to congregations and related agencies and institutions on how the synod will respond—and who, within the synod structure, should be contacted.

A fully developed educational strategy is developed elsewhere. Some options for providing a hospitable atmosphere may include:

- Informing all congregations of the synod of the church's perspective and the synod's policy and procedures, with a careful explanation of how they work. This may be done best at a plenary meeting of a synod assembly, with added workshops to answer questions and provide further information.
- Informing groups in the synod such as the Women of the ELCA, the Lutheran Youth Organization, Lutheran Men in Mission, the Lutheran social service agencies and camps.
- Creating special groups for receiving an initial complaint. There are several creative examples in synods:

The Minneapolis Synod and Saint Paul Area Synod employ an Ombudsteam of trained professionals (therapists, chaplains, sexual assault counselors, pastors) to receive complaints and make recommendations to synod staff.

The Southwestern Minnesota Synod has created a First Response Team of both laity and clergy whose only purpose is to hear a complaint and refer it to the appropriate synod staff member.

- Identifying and publicizing the names of individuals in your synod or nearby area with special expertise in dealing with sexual abuse. These resource people may conduct workshops, provide adult forums or serve as consultants to your synod processes.
- Scheduling an Awareness Sunday to highlight possible abuses, healing, and prevention in the congregations. Adult forums, Sunday School classes, prayers of the church, special bulletin inserts, sermons on the topic, special services of healing for individuals or communities, public announcements of whom to contact, could all be used.
- Giving the topic priority from appropriate synod committees, such as family life, education, youth, social ministry, inclusiveness, vocations committees. The synod newsletter can provide announcements from all these groups as well as reminders about whom to contact with a complaint.

Step 2

Initial Contact—First Response

Each bishop designates a qualified person (who may be the bishop) to hear fully and promptly the complainant's story, to assure the complainant that this church takes sexual abuse by clergy seriously, to provide information about the synodical procedure and to respond with pastoral concern to the complainant.

The following options may be useful suggestions for your synod's procedures.

Appointment of a designated person

Each synod needs at least one designated person qualified to be the case manager for complaints of sexual abuse by clergy and authorized to provide oversight of the handling of a complaint from start to finish. This coordinated case management ensures that conditions are in place for fair, consistent, timely and appropriate responses to complaints.

Who should be designated? There are many possibilities. Some of these include:

- the bishop may prefer to handle all such complaints
- an assistant to the bishop may be designated

In synods without staff other than the bishop, or with few available resources, other options may be useful:

- a trained person from a near-by synod, such as a synod assistant, may be borrowed to deal with sexual abuse complaints.
- a therapist or other professional in the field of sexual abuse may be designated as the synod's contact person and case manager.

What does “qualified” mean? Once again, several possibilities exist at the present time.

- Some bishops and synod staff have received a baptism by fire. Sharing their experiences with others can be a source of learning for the church. Asking the advice and experience of these resource persons is already common. The church affirms with gratitude this way of learning.
- The ecumenical Center for the Prevention of Sexual and Domestic Violence, Seattle, Washington, offers many training sessions specifically related to sexual abuse by clergy.
- The training at many rape crisis centers and battered women's shelters may provide a local foundation for the awareness and skills needed. In some areas, state, county, and municipal agencies may provide training sessions specific to the dynamics of sexual abuse.
- In some areas, training for advocates in cases of clergy sexual misconduct may bring together secular and religious professionals to provide basic information and skill-building. The Minnesota Council of Churches is an example.
- The ELCA General Counsel and the Commission for Women may provide assistance upon request.
- A synod, group of synods, or a region, may wish to design a special training program for its unique concerns.

Hear the Complainant's Story

The bishop or her/his designated representative should understand the dynamics of sexual abuse, the healing needs of victims, and the process for investigation/discipline. It is important that synods avoid revictimization of the complainant, keep to a minimum the number of times a victim needs to repeat her/his story, and carry out the interview process in a way that lessens fear and anxiety. It is important that complainants not feel blamed,

shamed, or punished by representatives of the church. More than one meeting may be necessary to establish the trust and rapport necessary for a full and frank discussion of the allegations and their implications.

Hearing the complainant's story is both the first step in pastoral care and also the first step in an investigation. It is helpful to assess the complainant's emotional state at a first meeting. Some have never disclosed to anyone before, or only to one other person. The readiness of these individuals to share fully may be very different from those who have been in therapy for some time before disclosing to a representative of the church.

The initial response is full attention. When the complainant is comfortable with the idea, detailed notes on the story should be taken. It is important that there be an accurate recording of the reported information. Detailed notes can be useful both for respectful pastoral care of each individual and for accuracy in potential discipline proceedings. When there are multiple complainants, it can be confusing if notes are not available. These records should include, as is possible,:

- a description of the sexual behavior(s) involved, as specifically as possible;
- the status or position of the pastor involved (e.g., pastor of a congregation, youth minister, pastoral counselor);
- the date(s) of the behavior(s) alleged;
- the status of the complainant at the time of the incident(s) (e.g., member of the congregation, employee of the congregation, member of youth group; whether the complainant was in counseling with the pastor in question when the sexual activity took place);
- the age of the complainant at the time of the incident(s) described;
- the consequences or aftermath for the complainant (e.g., leaving the congregation, spiritual and emotional crises, therapy);
- information about others who may have experienced similar abuse or may have witnessed the alleged abuse.

It is useful to invite complainants to initial these notes when the interview is over, to signal an agreement that the notes represent a fair and complete account of the information that has been given.

If the complainant is a minor, or was a minor at the time of the sexual abuse: Many states mandate reporting on the part of certain professionals. In some states clergy are exempt from mandatory reporting. Write that state requirement into your policy, including the specific agency to which the report must be submitted.

The church's call to care for victims has strong implications. Almost all professionals in the field of child sexual abuse are convinced that reporting complaints of child sexual abuse is a strong ethical obligation. Individuals and organizations like churches are helpless to stop child sexual abuse without using protective services. While there may be doubt in some communities about the ability of these agencies to perform perfectly in every case, that does not alleviate the moral responsibility to report. It is important to clarify the value of reporting the incident(s) before receiving a report from a minor.

(It may be important to get to know the professionals in the social service agencies in each synod as part of the education and training of staff.)

It is extremely important to inform the complainant of the intention to report to a state agency. It may also be important to encourage and empower the complainant to make the report themselves. If the complainant can make this report, this is ideal. However, it may be extremely difficult for a child victim or a family member of a child victim to report themselves. They may actually wish that someone else would report—after all, they have disclosed to you, and by doing so they asked for help.

This may not be comfortable for individuals who have not had experience doing so. Some examples of ways to approach this conversation include:

- “I am required by law (or the ethics of my profession) to report this to the authorities. I would prefer you to do that. Here is the phone number and the name of a social worker I know and trust. I will make a follow-up call to discharge my responsibility.”
- “We want you to be safe, but we cannot make that happen by ourselves. We need help from the agencies that have the power to make this stop.”

After the call to the authorities, a second call needs to be made back to the complainant. “I have made the call. State law says that within 24 hours, there will be an investigation opened. I’m here for you.”

Clarify the Church’s Position on Sexual Abuse

The person hearing the complaint states the stance of the church on matters of sexual abuse, assures the complainant that the concern has been heard and that there will be an investigation into the complaint.

The most important concerns here are pastoral. It may be extremely important to say:

- We take your complaint very seriously.
- I am sorry to hear what you have been through.
- We are sorry that you have this story to tell.

Avoid making statements that assume motives, suggest action, or imply a conclusion or verdict on your part without the benefit of an investigation. Avoid saying things like this:

- I’m sure she/he meant no harm.
- Surely you misinterpreted.
- That kind of behavior was acceptable in the old days so we have to make allowances.
- She/he has needs too.
- Can’t you forgive and forget?
- What did you do to bring this on?
- It takes two to tango.

These kinds of statements will be taken to mean that the church's stance is to identify with the pastor in question and not with the complainant. And while the church's stance includes care and responsibility toward alleged abusers (see step 4 below), this is not the time to express them.

Provide information to the complainant about synodical procedure

The bishop or designated staff informs complainants about:

- the synodical process for dealing with matters of sexual misconduct by clergy.
 - It helps to have a written outline of the procedure to give to the complainant as well as to go through the process orally.
- information on issues relating to confidentiality and its limits.
 - If designated staff hear the report, they need to be clear that they will report the substance of the complaint to the bishop.
 - Anyone hearing a complaint may find it advisable to be clear that they will not release the complainant's identity to the pastor in question, the congregation, the media, or anyone else (unless there is a minor involved, see above).
 - In cases with multiple complainants, some may wish to be put in touch with other complainants. Usually legal staff will discourage this until after a disciplinary process is done or the pastor in question resigns from the roster. After this point, always explain the circumstances carefully and ask permission of each complainant before putting them in touch with each other.
- projected timeline for dealing with this specific complaint. Two slightly separate points need to be considered here:
 - the approximate dates or schedule for activities related to the procedure;
 - a commitment to keep the complainant informed on a regular basis. (For instance, promptly after each step of the process; on a weekly basis, etc.)

Encourage people to ask any questions they have now, or at any later time.

Express pastoral concern for the needs of the complainant

The bishop or designated staff responds with pastoral concern to the wants/needs of the complainant and discusses options.

“What do you want to have happen?” may be a useful question. Listen carefully to the response, as it may guide subsequent steps. On the other hand, complainants may not always know right away just what they want. Sometimes they are not familiar enough with the church to know what options might be possible. Asking at more than one point in the process may be helpful. Asking clarifying questions can help a complainant to formulate their wants and needs. It is particularly important to give people permission to know they have a right to wants and needs in the church's processes, for there will also be parts of the process when people are constrained.

You may wish to suggest options that the complainant has not thought of before. Some complainants are in shock because they have only recently realized what happened to them; others do not understand the specific ways the church works.

Some needs of complainants which require pastoral concern include:

- a desire to know that the church cares about them
- a desire that someone from the church apologizes or expresses regret about what has happened to them
- a desire that the pastor stop doing what she or he is doing to members
- a desire to prevent others from being victimized as they were
- a desire to confront the sexually abusive pastor and explain just exactly what damage the complainant experienced
- a desire to heal from the sexual abuse experienced, possibly including therapy
- a desire to have therapy costs reimbursed or shared by the church
- a desire to see justice done
- a desire to see established policies and procedures be implemented, or implemented in a fair and consistent way
- a desire to have the abusive pastor educated, punished, or removed from the ministry
- a desire to find a representative of the church who understands and will act
- a desire for spiritual healing; answering of spiritual or theological questions or crises that have resulted from the abuse
- a desire that the promises of the gospel be kept, and/or that sin be acknowledged and repented
- a desire for revenge
- and many others

Complainants' desires are not always realistic. It is frequent for complainants to say that they do not want the offending pastor removed from the ministry. You may have to inform them, gently, that this is up to the bishop to decide after a full investigation.

Step 3

Initial Investigation of the Complaint

The bishop (together with such individuals as the bishop designates) engages in an initial review of the complaint to determine what additional investigation is necessary, whether there may be additional complainants, how the complaining witness's story can be best documented, whether state law may have implications for the process, whether other synods need to be involved, how the complainant's story may be corroborated, whether immediate intervention with the pastor in question is necessary, and like matters. At the

same time the bishop should determine how to provide for the pastoral care and the needs of the complainant. A complainant has a right to an advocate of her/his choosing at all meetings.

The following issues may be important considerations at an early stage in the process, depending on the scope and severity of the complaint:

Initial issues for decision and action

Immediate action. Many complaints concern behavior in the past, even long ago. This may change as more people become aware of the stance of the church and the way to make complaints.

If the behavior is current, a plan for immediate intervention may be required to interrupt the abusive behavior. Sometimes this may involve a legal action (such as reporting the sexual abuse of a minor to the authorities), or an immediate temporary suspension of the pastor by the bishop.

Jurisdiction. The bishop of the synod where the pastor in question is currently rostered has jurisdiction over the handling of the case. Complications may arise where either or both the complainant and the pastor in question have moved from synod to synod in the time since the alleged abuse occurred. In cases where more than one synod is involved, it is assumed that there will be free and full cooperation with the bishop who has jurisdiction. It is also assumed that there will be assistance with costs and with pastoral care.

In cases where more than one synod is involved, it is important to ascertain jurisdiction for dealing with the complaint and to make necessary contact with the bishops of all synods involved in order to determine responsibilities, share information, and provide for coordination of efforts.

When the complainant resides or reports in another synod than the pastor in question, there are choices. Some synods prefer to pass the complainant along immediately to the synod with jurisdiction. Others may be willing to listen to the complainant's story and provide for the pastoral care needs of the complainant. In this case it needs to be explained promptly that all this information needs to be passed along immediately to the synod with jurisdiction over the pastor in question.

The involvement of several synods may be of particular concern with regard to money and the costs of the case involved. No single item so stands out among the variations between synods as the different resources of money and people which are available. It is essential that there be fairness in sharing the costs associated with a particular complaint, and that bishops negotiate the sharing of costs with each other in a fair and equitable manner.

State Law. In cases where the victim is (was) a child at the time of the abuse, comply with state law in the reporting of the allegation to the proper civil authority in the state in which the offense occurred.

Legal Counsel. Depending upon the severity of the complaint, consult with legal counsel.

Further investigation

Further investigation will be needed in most instances. The following should be considered:

Seeking additional information. Allow sufficient time for an efficient investigation. (Within five business days is reasonable for an investigation to begin.) Staff have to balance, on the one hand, the need for a thorough investigation, which may take time, with the need of the complainant for a response.

In some cases with many complainants, investigators may be overwhelmed by the number and scope of the abusive behaviors. All victims do not have to be complainants in order for the bishop to act decisively and fairly. Bishops need enough evidence to have reason to move to the next step (a conversation with the pastor in question). Bishops differ in the cautiousness and thoroughness with which they prepare for a conversation with the pastor in question. Especially where there are multiple complainants, it may be unnecessary to document every possible complaining witness.

The specifics of the complaint provide statements of alleged fact that may allow an investigation to find corroborating information. If the complaint asserts that sexual contact occurred in a motel, for instance, there may be records available which can cast light upon the complaint.

Determine other sources of information to verify, corroborate or disprove the allegation. Sources and trails for additional information may be virtually infinite. The facts as they are alleged suggest the best lines of investigation and discovery. Follow the clues provided by the complainant and consult the synod lawyer.

This may include seeking information from other people:

- the complainant may have some basis for identifying other possible victims;
- former bishops who previously presided over synods where the pastor in question has served, including bishops of predecessor church bodies;
- subsequent pastors of the congregation where the abuse occurred may have heard of something that bears on the previous pastor's conduct;
- should pastoral confidentiality be invoked, the investigator may ask the pastor to request those members with such specific knowledge to contact immediately the bishop with jurisdiction;
- in multiple staff situations, other staff who served with the pastor in question may know of others with similar experiences;
- synod staff from the time of the abuse may sometimes know other members of the congregation with whom to inquire.

In each case decisions about trust and confidentiality are of the highest importance. The highly confidential nature of the inquiry should always be stressed.

Decisions about the presentation of evidence need to be made. If the unfolding investigation suggests that the complaint is trustworthy and that the process may involve a decision about a disciplinary process, how the evidence is to be preserved and presented may require decisions.

Some synods require a sworn affidavit. An affidavit is a written statement of the facts signed and sworn to by the complainant before a notary public. Others require only a written and signed statement in the complainant's own words. Here are some considerations on either side of the case:

Affidavit(s). If the bishop believes the allegations are credible, secure an affidavit from the initial complainant and, subsequently, from all others who come forth with allegations of abuse. Explain the limited use of the affidavit to the complainant. Clarify that there may be a hearing as part of the discipline process and seek agreement of the victim(s) to testify.

Signing an affidavit documenting allegations of sexual misconduct is beneficial to both the individual and to the synod. From the standpoint of the individual, the process of reviewing the allegation in print may help her/him confront and deal with a difficult series of events. From the standpoint of the synod, the process of preparing and signing an affidavit helps highlight the serious nature of the process and thus provides for the accuracy and completeness of the information. The existence of one or more affidavits is beneficial in the defense of any claim that an accused pastor might assert in civil court that the synod had somehow acted inappropriately in taking disciplinary action.

The affidavit is not intended to be made available to anyone other than the synod's attorney, the bishop and the bishop's staff. The ELCA's disciplinary procedures, unlike civil litigation, do not provide for pretrial discovery, so the affidavit itself will not ordinarily be presented to either the consultation or advisory panel or the Committee on Discipline. The affidavit will not be voluntarily disclosed to the pastor, the pastor's attorney, or the pastor's congregation. The affidavit is subject to involuntary disclosure only through a court order or other legal process. However, information contained in the affidavits will be used to confront the accused. Names will not be disclosed.

A written statement is less formal. It should contain the same information as an affidavit—that is, the basic information about the who, where, when and what of the allegations. A written statement is not notarized (that is, sealed by someone authorized to administer oaths).

Both an affidavit and a written statement can be composed with sensitivity and care for the process and feelings of the complainant.

Ongoing Care of the Complainant(s)

If the bishop did not meet with the complainant during the first interview, arrangements for such a meeting should be made so that the bishop can express personal and pastoral concern, under-score the church's sentiments on matters of sexual abuse, and answer any other questions.

Staff should stay in regular contact with the victim, keeping her/him informed of the progress of the case. Make sure to follow through with the contacts promised in the initial conversation. Help the complainant to understand what possibilities exist for him/her at this and at future stages of the process.

Develop a plan for synod assistance (possibly including treatment and counseling) for complainant(s) and their families.

Families of complainants may also be in distress. Like complainants, they may respond in a variety of ways.

- They can be in various stages of denial or of blame for the complainant.
- They may themselves feel wounded—for instance, spouses of complainants may feel betrayed.
- They may have suffered from the consequences of the abuse because of the impact on the complainant, without knowing the cause of the behavior or feelings of the complainant.
- Any of these family members may feel shamed because of myths and misunderstandings around sexual abuse.
- Like complainants themselves, many may feel loss of faith, loss of connectedness to the church.

When making a plan for pastoral care of complainants, the needs of these family members should not be overlooked.

The complainant has the right to the presence of an advocate, whom the complainant may choose. Advocates provide support and assist the victim in bringing the full story of the alleged abuse forward. The advocate assists the victim to understand her/his rights within the synodical process and provide a supportive presence to the victim when meeting with committees and others involved in the process.

It is important to inform a complainant of the right to an advocate of one's own choice—a friend, a therapist or counselor, a pastor, a paraprofessional in the field of sexual violence, or a specially trained advocate in sexual abuse issues in the church.

Some areas have provided training for advocates through a statewide council of churches (such as the Minnesota Council of Churches). This is an option which the ELCA wishes to support and encourage throughout the many areas of the church. Bishops may wish to inquire of their ecumenical counterparts about willingness to join together to provide training and support of advocates in cases of clergy sexual misconduct.

Step 4

Conversation with the Pastor

The bishop provides the pastor with information on the complaint(s) made against her/him, provides her/him with the opportunity for an initial response to those complaint(s), describes the synod policy and procedure, informs the pastor of the action the synod will be taking in this case, discusses options and if appropriate, makes recommendations to the pastor, and provides for her/him pastoral care needs. In appropriate cases the bishop should also clarify that the pastor in question is to have no contact with possible complainants and is not to engage in or cause reprisal or retaliation of any kind against the complainant(s).

During this part of the process, it is important to provide continuing care of the complainant. Inform complainant(s) of the results of the meeting with the pastor in question and of the next steps in the process.

Before a conversation with the pastor careful preparation is required

Depending on the evidence, the bishop may indicate her/his intent to bring charges against the pastor (see Step 6 below) or bring another recommendation for action; or the bishop may view this session as an additional step in the information-gathering process, leaving a decision about charges until after the conversation with the pastor in question.

Consider the following issues:

- Who, if anyone, besides the bishop, should be present?
 - Some bishops prefer to be accompanied by other staff, such as the person who did the primary investigation to date. Others prefer to be alone, believing that this creates a more pastoral atmosphere.
 - If a bishop chooses to meet the pastor alone, it is important for the bishop to emphasize at the beginning of the meeting that this is not a time of confessional privilege. Any admissions by the pastor do not bind the bishop from appropriate disciplinary action.
- When and where should the conversation take place?
 - Many bishops prefer to have this conversation with the pastor in question after a complaint has been well investigated and documented. This option may take a little longer, for it depends on the complainant(s) being ready for the complaint to be recorded. However, it may best protect everyone involved, for it insures that the synod has acted in the most responsible fashion.
 - Ensuring privacy for this conversation is the most important factor in determining where it occurs: the bishop's office, the pastor's office, or in some third place, depending on convenience and local circumstances.
- What information will be shared with the pastor who has been accused of sexual abuse? How will the pledges of confidentiality made to the complainant(s)/victim(s) be upheld?
 - Many variables may come into play here. A conversation with the synod's lawyer about the specifics of the individual case is desirable. Pledges of confidentiality to the complainant(s) need to continue to be honored.
- Is there a need for assessment and diagnosis of the pastor in question by a psychotherapist expert in dealing with sexual abusers?
 - In some cases, bishops may wish to insist upon such an assessment in order to supply the bishop with additional essential information that will inform her/his future actions.
- What action, if any, will be brought at this time? What is the purpose and the desired outcome of the meeting?
 - A bishop need not have made a decision about action before this conversation, or before a therapist's diagnosis. In some other cases, the bishop may be certain before this step.
- How will pastoral care be provided for the pastor in question?

The bishop's recommendations, graded according to the seriousness of the offense and the outcome of the assessment (if applicable), may include such actions as:

- Therapy without leave (at bishop's discretion);
- Letter of reprimand (at bishop's discretion);
- Education (at bishop's discretion);
- Resignation from the roster (mandatory);
- Resignation from call (mandatory);
- Leave of absence with therapy (mandatory).

During the conversation with the pastor, the following elements should be considered:

- Presentation of the complaint.
Present the allegation—that is, the description of the alleged sexual behaviors—and ask if the pastor did in fact engage in these specific behaviors.
 - The pastor may respond: Yes, I did those behaviors.
 - This may be acknowledged to be a confession of guilt or responsibility.
 - This may not be acknowledged as a confession of guilt or responsibility. Depending on the nature of the complaint, the pastor's further response may be, in effect, "So what? We were both consenting adults" or variations on this theme.

In cases where the pastor acknowledges the abuse—proceed to Step 6 or 7 below.

- The pastor may respond: No, I did not do those behaviors.
- Some pastors also engage in threats of counterattacks or of suits against the synod or possible complainants, in bluster or bluff at this point.
- Description of Synod Process.
Depending upon the nature of the complaints and the amount of evidence, some or all of the following may apply:
 - Inform the pastor in question of the bishop's decision concerning assessment and diagnosis by professionals trained in dealing with sexual abuse.
 - Describe the process used by the synod in dealing with matters relating to sexual misconduct, including the pastor's rights in such circumstances.
 - Clarify the pastor's options for response to these allegations.
 - Clarify implications of pastor's options (e.g., severance pay, if any).

The bishop should also clarify that the alleged accuser is to have no contact with any possible complainant(s) and is not to engage in or to cause reprisal or retaliation of any kind against the victim(s).

Some pastors have indeed organized their congregations against complainants and synods. Some have engaged in or caused acts of retaliation against complainants—for

example, shunning or ostracizing them; shaming, blaming or name-calling; threats of bodily harm and even death.

This step is extremely important to the safety of the complainant(s).

- Pastoral care for the pastor in question.

The bishop's involvement in the discipline process makes it impossible for the bishop to provide adequate pastoral care to the pastor in question. Therefore, a discussion of the possibilities for pastoral care for the pastor and his/her spouse/family is in order here.

Particular concern for the pastor's spouse and family is called for. Sometimes a pastor's spouse learns of the behavior for the first time because of a formal complaint. Sometimes a pastor's spouse may indeed have been aware of the behavior and suffered in silence for a long time. These are both traumatic for the pastor's spouse. Special care must be taken that the spouse and family are not forgotten.

Appropriate, timely concern should be accorded the pastor's spouse, who may be considered a "secondary victim"—that is, another to whom ripple out the harmful effects of sexual abuse. In some instances it may be helpful to appoint an advocate for her/him to keep her/him apprised of the process and to listen to the needs and concerns related to the complaint. These needs and concerns may include finances, the effect on the children, the spouse's relationship to the congregation, the possibility of counseling, the media coverage, and similar points.

- After the conversation with the pastor in question.
During this part of the process, it is important to provide continuing care of the complainant. Informing complainant(s) of the pastor's response to the complaints, and of the next steps in the process is crucial.

Depending on the desired outcome of the meeting, it may also be useful to think about the implications of the next step for dealing with the media and for others (e.g., the congregation) who have a close connection to the pastor in question.

Step 5

Assess the Information

The bishop determines a fair and equitable response to the complaint, which may include: no further action; further investigation; convening a consultation or advisory panel; proceeding directly to written charges and a 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 is in order.

Often the substance of this step is settled during Step 4, the conversation with the pastor in question. If it is not, however, further deliberation or action may be needed.

Determine Next Steps

In cases where the accused does not admit to the alleged behavior, the bishop (with designee) evaluates the information in hand and decides whether to:

- Drop the case;
- Continue further investigation into the allegations;
- Convene the advisory panel; or
- Proceed directly to written charges and use of the discipline committee.

The bishop determines the need for temporary suspension pursuant to ELCA 20.21.23 and 20.21.24.

Provide Information to Participants. Inform both complainant(s) and the pastor in question of the decision that has been made and the timeline anticipated.

Disclosure. Determine what disclosure or involvement of other parties is appropriate at this point in the process, within the context of the healing process. (See Step 8 below.) It may be useful to alert, for instance, the president of the congregation council that a complaint of a serious nature against the pastor in question has been received, though no further details are shared at this time.

In cases where there is a good deal of uncertainty, such as concern about the credibility of the witnesses or close to an equal balance of evidence on either side, bishops may wish to proceed to Step 6.

Step 6

Consultation or Advisory Panel

The bishop has the discretion to convene a consultation or advisory panel to assist her/him in bringing a just and appropriate resolution to the complaint. When appointed at the request of the synodical bishop, a consultation or advisory panel advises the bishop as to whether or not the bishop should bring charges. The consultation or advisory panel may recommend that the ordained minister resign from the current call or from the clergy roster. Whenever possible, a consultation panel or advisory panel shall endeavor to resolve the controversy through recommendations that are pastoral and therapeutic and that if accepted by the parties and others concerned, will eliminate the necessity for proceedings before a discipline hearing committee.

[Since a consultation or advisory panel is described in ELCA Bylaws and Rules Governing Disciplinary Proceedings, the following description of the role of such panels can be used in a synod's policy statement with or without modification.]

Appointment of a panel is not required; it is done at the option of the bishop. Since the purpose of a panel is to assist the bishop, a panel together with the bishop must address how this can best be done in any particular case. Flexibility is a key word in describing the work of a panel.

- Each synod has a twelve member Consultation Committee elected by the Synod Assembly.
- The bishop, or the Synod's Executive Committee at the bishop's request, may appoint a five member consultation panel consisting of two lay persons and three clergy.

- Members of an advisory panel must be members of ELCA congregations, whether of this or another synod.
- Members of either panel shall refrain from discussing matters considered by a panel except as required to discharge the duties of the panel.

The function of either type of panel is identical, with the single exception of the unusual case where written charges are brought by an authorized group other than the bishop. (In this latter case, only a consultation panel may recommend to the bishop that some or all of the charges be dismissed; upon such recommendation the bishop may dismiss some or all of the charges.)

It is important to understand that a panel does not conduct a formal hearing. Accordingly, none of the due process requirements that apply before a discipline hearing committee (discussed in the next section) are applicable to the work of a panel. The options for its work are many:

- A panel may meet with both complainant(s) and pastor in question either at the same time or separately.
- A panel may meet with a pastor in question, but not complainant(s), or with the complainant(s), but not the pastor in question.
- A panel may meet with neither the pastor in question nor the complainant(s), but rather with other witnesses or with experts to formulate recommendations that might resolve the matter without resort to the filing of written charges that commence the formal proceeding.

One type of situation where a panel has proved particularly useful is where there is one complainant whose allegations are being denied by the pastor in question. The judgment of a panel on the question of who is to be believed can be particularly helpful to a bishop confronted by such a case.

Any individual—complainant(s), pastor in question or others—who appears before a panel may be accompanied by a spouse, friend, relative, advocate, or representative. Such accompanying person does not participate in any discussion with a panel.

A pastor in question may decline to appear before a panel. If she/he does appear, members of a panel may not testify in subsequent proceedings before a discipline hearing committee as to statements made by her/him. But, evidence, witnesses, or testimony identified as a result of statements made by the pastor in question may be used by the accuser in subsequent proceedings before a discipline hearing committee.

Step 7

Formal Hearing

The formal proceedings before a discipline hearing committee are commenced when written charges are filed, usually by the bishop. The charges set forth the offense of which the accused is alleged to be guilty with specifications stating what the accused is alleged to have done, which, if true, constitute an instance of the offense. The discipline hearing

committee composed of a non-voting chair or hearing officer and twelve voting members, six from the synod discipline committee, and six from the churchwide discipline committee, then holds a formal hearing on the charges at which the testimony of witnesses and other evidence is presented by the accuser and the accused. The witness(es) for the accuser will normally include the complainant(s). This proceeding is to be conducted to assure due process, as defined, and due protection for the accused, other parties including the complainant(s), and this church.

Formal proceedings before a discipline hearing committee are governed by Chapter 20 of the ELCA Constitution and Bylaws and Rules Governing Disciplinary Proceedings adopted under ELCA Bylaw 20.21.16. While the following is a summary of those provisions, individuals involved in a disciplinary proceeding will need to refer to the documents themselves. Since the same process is applicable in all synods, the following discussion is recommended for inclusion without modification in a synod's policy statement.

Formal proceedings of discipline begin when the bishop files written charges. The charges set forth the offense of which the accused is alleged to be guilty with specifications stating what the accused is alleged to have done, which, if true, constitute an instance of the offense.

The discipline hearing committee is composed of:

- six individuals from the synod (three clergy and three lay) who have been elected to this committee by the Synod Assembly, and
- six individuals (three lay and three clergy) appointed by the Executive Committee of the Church Council of the ELCA from the group of twenty-one individuals elected by the Churchwide Assembly.
- The accused will have the privilege of selecting two of the six who are to be appointed from the pool of twenty-one.
- A hearing officer will be appointed by the Presiding Bishop of the ELCA from the six member churchwide Committee of Hearing Officers elected by the Church Council. The hearing officer serves as the non-voting chair of the committee.

Thus, half of the committee's voting members are from outside the synod, and the half who are from within the synod are elected by the Synod Assembly, not appointed by the bishop or a committee that might be perceived to be close to the bishop. This procedure helps protect against a biased hearing committee and therefore promotes a fair and impartial determination of the matter based on the evidence.

Because of the practical requirements involved in determining the membership for a particular discipline hearing committee, it normally takes four to six weeks between the time charges are filed and the date the committee is constituted.

Once constituted, the committee has sixty days to hold a hearing, reach its decision, and render its written report. Members of the committee shall refrain from discussing matters considered by the committee except as required to discharge the duties of the committee.

The hearing that is held before the committee is closed to the public, unless both the accused pastor and the accuser bishop agree to a public hearing.

The accused pastor and the accuser bishop may have two representatives who may, but need not, be attorneys to assist in the presentation of the case. The accused pastor may also be accompanied by a limited number of family members and close friends, as determined by the discipline hearing committee. Complainant(s) may be accompanied by an advocate. None of these accompanying individuals may participate in the proceedings.

The complainant(s) will be called as witness(es) to testify under oath first to questioning by the bishop's representative and then to cross-examination by the accused pastor's representative.

The accused pastor may either testify or not. If the accused pastor does testify, she/he can be cross-examined by the bishop's representative. Either party may also introduce other kinds of evidence.

The burden of proof is upon the accuser bishop to prove by preponderance of the evidence presented that the accused pastor committed the offense(s) contained in the charges.

The ELCA has made a concerted effort to provide certain defined procedural and substantive rights—referred to as “due process”—so that disciplinary hearings will be fair proceedings. The due process rights include:

- the right of the accused to be given written notice of the charges against her/him,
- the right to a hearing before an impartial discipline hearing committee,
- the right to testify or remain silent,
- the right to call witnesses and introduce documentary evidence,
- the right to confront and cross-examine all witnesses in support of the charges,
- the right to be represented by counsel.

Following completion of the hearing, the committee must determine whether or not the accused committed one or more of the offenses charged, and, if so, what the discipline should be. Decisions of the committee are based on a preponderance of the evidence presented at the hearing and are made by a majority vote of the members present and voting.

- If the committee finds the accused did not commit any of the offenses, it must dismiss the charges.
- If the committee finds the accused did commit one or more of the offenses charged, it must decide upon appropriate disciplinary action. The possible disciplinary actions which may be imposed against an ordained minister are:
 1. private censure and admonition by the accuser bishop;
 2. suspension from service as an ordained minister for a designated period or until there is satisfactory evidence of repentance and amendment; or
 3. removal from the ordained ministry of the ELCA.
- Within the sixty day period the committee must prepare a written decision to reflect its findings of fact, and its determination of which disciplinary penalty is to be imposed.

Either the accused pastor, or the accuser bishop may, within thirty days of receipt of the committee's written decision, appeal to the churchwide Committee on Appeals, a twelve member committee elected by the Churchwide Assembly. The circumstances under which the churchwide Committee on Appeals may reverse or modify the decision of the discipline hearing committee, and the consequences thereof, are set forth in a bylaw.

Step 8

Disclosure

The synod supports and enhances the process of healing for individuals, the congregation and the community through the appropriate disclosure of information. Except in the most unusual circumstances, disclosure is always necessary. Disclosure needs to be made to those who need to know, including the congregation. Experience has demonstrated that where disclosure is made to the congregation served by the pastor in question, the healing within that congregation is better realized, even though the initial trauma may be greater. Disclosure should never involve revealing the identity of the complainant(s) or of facts that would make the complainant(s) readily identifiable.

What needs to be decided is how much is disclosed and when. This decision needs to be tailored to the needs of the individuals and organizations most affected. When there is admission of guilt, resignation from the congregation or the clergy roster, temporary suspension, or a finding of guilty in a discipline proceeding, then disclosure is essential to the healing process of all parties—the complainant(s), congregation and accused pastor.

The Case for Disclosure

Disclosure needs to be made to those who need to know, including the congregation. Experience has demonstrated that where disclosure is made to the congregation served by the pastor in question, the healing within that congregation is better realized, even though the initial trauma accompanying disclosure may be greater.

At least three important reasons justify appropriate disclosure of the problem of clergy sexual misconduct to a congregation whose pastor has either resigned to avoid disciplinary proceedings or who faces such proceedings.

- First, synods have found through experience that it is easier for a congregation to deal with a matter, no matter how unpleasant, if it is confronted openly rather than shrouded in secrecy. The truth is always better than lies or rumors. A pastor who in fact has been involved in sexual misconduct cannot necessarily be relied upon to be truthful in dealing with the congregation council or congregation, and, without intervention from the synod, the entire matter may not be confronted and resolved. Allegations of sexual misconduct are particularly susceptible to rumors and distortions that, over a period of time, could destroy a congregation. Disclosure of the problem, synods have found, is the first step in the healing process that must take place for the congregation's health and well-being in the future.
- Second, disclosure is also necessary if the synod is to fulfill its mission as a church body to reach out to people who need the love, healing, and reconciliation that are the heart of the gospel of Jesus Christ. Under the synod's constitution, the bishop is to oversee and

administer the work of the synod and provide pastoral care and leadership to all congregations in the synod. This responsibility necessarily includes reaching out to individuals who have been victims of sexual misconduct but who have not confronted and dealt with the problem. This responsibility further includes reaching out to parishioners whose lives have been disrupted by the sudden and apparently inexplicable resignation of their pastor. All these people need ministry that the synod is able to provide. Disclosure may also help to prevent future abuse within the congregation and the community.

- Third, disclosure may also be required to help protect both the synod and the congregation from potential legal liability for the actions of a pastor involved in sexual misconduct. As the problem of clergy sexual misconduct is increasingly recognized and dealt with, there is likely to be increased litigation as victims seek legal redress for the pain and hurt they have suffered. Neither the synod nor a congregation whose pastor is the subject of allegations of sexual misconduct can prudently ignore potential legal liability problems, and the first step in confronting such problems is disclosure.

Developing a plan for appropriate disclosure

Decisions as to how allegations or admissions of sexual misconduct by a pastor should be disclosed to the congregation must be made on a case-by-case basis. As a general rule, however, the synod will work with the lay leadership and council of the congregation involved in order to determine the most appropriate means of disclosure. Experience has shown the usefulness of sending letters to the membership, holding congregational meetings and educational forums, and involving professional counselors.

Disclosure should not reveal by name the identity of the victim(s), unless a victim has specifically requested that she/he be identified. Likewise, care should be taken to avoid the disclosure of facts that are likely to reveal the identity of the victim(s).

Disclosure of other information should be accurate and as factual as possible.

- Information on what, in our church's understanding, constitutes sexual misconduct and how the pastor's action violates this church's expectations of its ordained ministers should be provided.
- Where a pastor has resigned without admitting guilt, and before a formal hearing, the disclosure should refer to the allegations of his/her conduct, but should also state that the pastor denied the allegations if that be the case.
- It is appropriate to describe the conduct of which the pastor is accused, or which she/he has admitted. This includes identifying whether the victim(s) are minors or adults and whether the alleged behavior is heterosexual or homosexual.
- Information should be given as to how members of the congregation can obtain assistance if needed. Names of several contact persons, and how contact with them is to be made, should be provided.
- The congregation should be informed of steps that the synod has taken to provide care for the victim(s), for the pastor in question, and their families.

Disclosure is also appropriately made to pastors in the same conference. Under some instances, disclosure may appropriately be made to all clergy in the synod.

More difficult issues may be involved in deciding whether disclosure should be made to congregations previously served by the pastor in question. If such disclosures involve a congregation of another synod, the bishop of that synod will be consulted, and the concurrence of that bishop is required as to disclosures to congregations of that synod.

Disclosure will ordinarily not be made to either the secular or church media. However, the synod office should be prepared to answer inquiries from the media, since experience dictates that inquiries may be made by the media.

In no event should the synod make any disclosures until it decides that the appropriate time for disclosure has arrived.

Step 9

Follow-up

The synod should plan and implement long-range follow-up efforts with respect to each case, so that all those affected—individuals, congregations, and the broader community—may experience grace, peace, and healing following this time of crisis.

The synod should develop a plan for follow-up after the immediate crisis has passed. Consideration should be given to questions of how healing can be enhanced for the pastor and her/his family, the victim and the victim's family, the congregation(s) involved, the new pastor, the synod, and the community.

Such a plan may include:

- assistance with counseling for victims;
- Professional counseling for congregation or groups within the congregation, or in congregations with multiple staff, for other members of the staff;
- Severance/medical benefits for pastor, as determined;
- Pastoral care for others involved in the process, including the synod bishop, synod staff, and synod council.

Continued care for the concerns and well-being of the congregation as it struggles with many changes after disclosure of sexual misconduct may be crucial for its long-term health. Creative options are being devised to facilitate the healing processes of congregations. Some examples include:

- Simultaneous cottage meetings held in several homes of congregation members may help people to express their doubts, anger, fears, concerns in a context which is small and trusting. Having facilitators present who understand the position of the church and the healing processes after sexual abuse may help ensure a positive foundation for the congregation's later work. The Metropolitan Chicago Synod has used this approach.
- A series of forums in the weeks following disclosure is a model other synods have used. Such meetings with a pastoral care specialist might occur on Sunday evening or on week nights. This model allows people to surface their concerns over a period of time.

It may be important to ask complainants to evaluate the process. What went best? What did not work so well? What do you hope will be different for future complainants? Evaluate these responses in order to determine revisions and amendments needed in your synod's procedure.

Interim pastors or other staff who follow may be crucial in the healing of a congregation.

A plan for their care may also be needed.

- Some synods, such as the Greater Milwaukee Synod, have formed a support group for those pastors who follow pastors who engaged in sexual misconduct. In other areas, after-pastors groups have included pastors from more than one synod.
- In some areas, other professionals are becoming experienced in guiding a congregation's healing. These groups frequently complement the role of the interim or following ordained person, and will ordinarily consult freely with the new minister.
- Lutheran social service agencies in each area may be important resources for the grieving and healing of congregations.

Individuals involved in the many levels of anguish and suffering occasioned by sexual misconduct in the church need to be assured that the synod, as one agency of the church, has not abandoned or deserted them after the crisis or formal process has ended.

APPENDIX B

RESOLUTION ON SEXUAL HARASSMENT ADOPTED BY THE 1989 ELCA CHURCHWIDE ASSEMBLY

WHEREAS, all persons were created by God in the divine image, and human sexuality is a gracious gift of God;

WHEREAS, our baptism into the family of God calls us to stand firmly and pastorally against all forms of abuse and to respect and empower our brothers and sisters in Christ;

WHEREAS, sexual violence of many kinds is widespread in our society (including sexual harassment on the job, rape and sexual assault, incest, and child sexual abuse), and experts estimate that two-fifths of working women experience sexual harassment, two-fifths of all American women experience one or more incidents of sexual assault, and one-third of American children experience sexual abuse before the age of 18; and

WHEREAS, sexual harassment and sexual abuse betray God's creation, inflict grievous suffering on the victims and rend the fabric of the whole community of the people of God; therefore be it

RESOLVED, that the Evangelical Lutheran Church in America commit itself to work to make our church a safe place for all persons by working to eliminate these abuses; and be it further

RESOLVED, that the Evangelical Lutheran Church in America will not tolerate any forms of sexual abuse or harassment by any of its personnel; and be it further

RESOLVED, that each congregation commit itself to become a safe place by working to

- a. provide an atmosphere where sexual abuse can be discussed with the freedom and compassion of the gospel, and where specific acts of ministry be encouraged;
- b. engage in education and prevention of all forms of sexual abuse and harassment;
- c. provide pastoral care for survivors and referrals for treatment of offenders;
- d. create policies and procedures that assist and support the members of the congregation and its leadership to cope in healing and redemptive ways with these abuses; and
- e. manifest its concern for problems of this kind in its community, e.g., families, schools, and workplaces;

and, be it further

RESOLVED, that each synod shall commit itself to:

- a. examine the issues of sexual harassment and abuse as manifested in its synod, in cooperation with appropriate ELCA churchwide units, and with local or regional specialists in its area;
- b. create policies and procedures that empower victims to report incidents of sexual harassment and abuse, provide healing for victims, and safeguard the rights of those accused;

c. assist congregations in creating their policies and procedures; and urge congregations to inform personnel of these policies and procedures; and

d. sponsor and encourage theological reflection and insight on these issues;

and, be it further

RESOLVED, that this assembly call upon the Commission for Church in Society to include sexual harassment and abuse in its forthcoming Social Statement on Sexuality.

APPENDIX C

CW Commission for Women, ELCA, 8765 West Higgins Road, Chicago, IL 60631, 312-380-2860.

SEXUAL HARASSMENT: DEFINITIONS

Sexual harassment policies are not intended to regulate normal healthy interaction between mutually consenting adults. As our church and society struggle to disentangle healthy sexual interaction from coercive and abusive sexuality, however, it is important for the church to struggle with the increasing number of precise distinctions of law and ethics which are arising for abusive sexuality. These definitions are not offered in the spirit of casuistic legalism, but in order to help the church to become more fully prepared to respond with pastoral compassion and prophetic justice to the situations in which we live.

Frequently people complaining of sexual offenses use very general language. It is common that a complainant may call what they have experienced “sexual harassment” when it is technically another kind of offense. Helping to sort out the vocabulary of these offenses may be one important educational step in the church’s changed environment.

Sexual Harassment. In 1980 the Equal Employment Opportunity Commission declared sexual harassment to be illegal and issued the following definition:

1. unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature, when
2. submission to or rejection of that conduct is used as a factor in decisions affecting an individual’s employment or education; or
3. that conduct has the purpose or effect of substantially interfering with an individual’s employment or education, or creating an offensive, hostile or intimidating environment for work or education.

Though sexual harassment most often refers to a work or school environment, in some states, sexual harassment codes also include housing, public accommodations, or public services. Check your state’s legal code to determine what is covered in your own area.

Sexual harassment that falls under part two of the definition is often called “quid pro quo” harassment because sexual behavior is requested or demanded in exchange for some other good, such as a passing grade in a class, keeping a job, receiving a favorable employee appraisal or promotion, or retaining housing.

Part three of the definition, often called “subtle sexual harassment,” is often harder to understand. But an offensive, hostile or intimidating environment is no less illegal and no less intolerable.

Sexual harassment may include verbal behaviors (sexual jokes or innuendoes), touching, ogling, sexual solicitation, other sexual contact and sexual offenses such as sexual assault or attempted sexual assault.

Two elements are essential to sexual harassment complaints: (1) that the behavior complained of be sexual (in the common sense meaning of the term), and (2) that it be unwelcome.

Sexual harassment as defined above is in contrast to other forms of sexual misconduct, such as the following:

- **Sexual Exploitation by a Counseling Professional.** This is a relatively new category in our legal and ethical environment. New civil or criminal statutes have been enacted in such states as Minnesota, Wisconsin, New Hampshire, Michigan, Wyoming, Colorado, California, Florida, Illinois, and North Dakota. Legislation on this topic is pending in other areas, such as Massachusetts and New Mexico. In most of the states whose legal codes now include this abuse, consent is not a defense. A complaint of sexual exploitation must be based on a counseling relationship with the alleged offender.

It includes ANY sexual contact between a therapist/counselor and a client, including pastoral counselors. Such contact may include the use of a “therapeutic deception” (representing to the counselee that the sex will be healing or therapeutic) or dating a client.

Regardless of the legal variations, sexual contact between a counselor and a client is a grave breach of professional ethics. The Ethical Standards of the American Psychological Association state that “sexual intimacies with clients are unethical.” (New guidelines are being drawn up in this organization, due to the recent investigations of sexual exploitation by counselors.) The principles of ethics of the American Psychiatric Association states that “sexual activity with a client is unethical.” The code of ethics of the American Association of Pastoral Counselors asserts that “Pastoral counselors do not engage in sexual misconduct with their clients.”

- **Rape and Sexual Assault.** Sexual assault of an adult includes any sexual contact that is achieved by force, coercion, threats, blackmail, manipulation, trickery, or deceit. Penetration or sexual intercourse is no longer central to changed criminal sexual conduct codes. Many states now include several degrees of criminal sexual conduct and attempted criminal sexual conduct. In a number of states, marital rape has also been criminalized.
- **Child Sexual Abuse.** Any sexual contact between an adult and a minor, and in some states between an older minor and a younger minor. Intrafamilial child sexual abuse occurs within a family (biological, legal, or emotional family). Extrafamilial child sexual abuse occurs outside of those family relationships.

Any sexual contact between a religious professional and a minor constitutes child sexual abuse and should be reported to the police or child protective agency in the local community.

- **Sexual Abuse/Sexual Misconduct/Sexual Malfeasance.** These are the broadest of all terms. “Sexual abuse” is often used to summarize the whole range of sexual offenses. It includes any sexual contact (not limited to sexual intercourse) between a pastor and anyone with whom the pastor has a professional/pastoral relationship because of the abuse of pastoral power. “Sexual malfeasance” or “sexual misconduct” may be used to describe breaches of sexual ethics, especially by a professional presumed to adhere to a code of conduct or ethics appropriate to that profession.

In the case of religious professionals, sexual abuse also includes any breaches of sexual ethics such as adultery, affairs, or other sexual contact between the professional and those with whom the professional works. Sexual contacts between a pastor and a member of the pastor’s parish are frequent subjects of complaints; but note that sexual contact between a pastor and other people outside of marriage and outside the parish also qualify. The other sexual offenses listed here also constitute sexual abuse by a pastor.

APPENDIX D

SELECTED RESOURCES SEXUAL ABUSE IN THE CHURCH

People: Services and Groups

The Center for the Prevention of Sexual and Domestic Violence for 15 years has been the first place many religious people call for resources about abuse. They have specialized in the religious dimensions of all kinds of physical and sexual abuse. Founder, the Reverend Marie Fortune (UCC), has published numerous books and essays related to abuse of every kind; her *Is Nothing Sacred? When Sex Invades the Pastoral Relationship* was one of the first resources related to clergy sexual abuse. The Center also has pioneered in providing training materials for preventing clergy sexual abuse. They provide written materials, referrals, workshops, trainings, consultations. Call 206-634-1903.

Commission for Women, Evangelical Lutheran Church in America, 8765 W. Higgins Rd, Chicago, IL 60631, 312-380-2714 (or 2860) or call 800-638-3522 and ask for the Commission for Women.

The National Organization for Victim Assistance, 717 D Street N.W., Washington, D.C. 20004, provides referral to the nearest rape crisis center. Call 202-393-NOVA.

Support Groups and Other Services:

Support groups, advocacy groups, and individual therapists who work with victims of clergy sexual misconduct are springing up daily around the country. We cannot provide more than a sampling of some of these services. The ELCA cannot endorse any specific practitioner.

East:

Boston Associates to Stop Therapy Abuse (BASTA), 617-277-8066. Nancy Avery.

Ethical Treatment in Health Care (ETHC), network for national information and support related to sexual exploitation by health care professionals. Gail Sostek, P.O. Box 112, Weston, MA 02193.

Mennonite Conciliation Services offers mediation services and training to many groups locked in conflict; many of their centers have dealt with congregations facing pastoral sexual abuse. Offices are located in 8 states. For further information regarding services or centers, contact the central office, 717-859-1151.

Therapy Exploitation Link Line (TELL) is a phone referral service for those who have been sexually exploited by professionals (especially health and therapy professionals). Call 617-964-TELL.

Midwest:

Ellen Luepker and Associates. 2445 Park Avenue South, Suite E, Minneapolis, 55404. One of the first therapists to do extensive support group work with survivors of sexual exploitation by therapists. Provides individual assessments, individual therapy, groups and family therapy as well as training and consultations. Call 612-729-0111.

Family and Children's Services of Minneapolis offers a therapy group for women who have been sexually exploited by religious leaders. Sliding scale for fees. For more information, call 612-884-7353.

Gethsemane Center for Spiritual Formation, Interchurch Center of the Twin Cities, 122 W. Franklin Ave., Minneapolis, MN. Catherine Bergeron. Provides a women's spiritual growth group for victims/survivors of clergy sexual abuse (deals with issues such as images of God, anger, forgiveness, prayer). 612-872-4840.

Mental Health Associates in Milwaukee is an advocacy group that also forms support groups for victims of both clergy sexual abuse and sexual exploitation by counselors. Ask for Karen Robison, 414-276-3122.

Minnesota Council of Churches Committee on Sexual Exploitation within the Religious Community. Has sponsored cooperative efforts within its member communions since the middle to late 1980s, offered the first advocates' training, etc. Contact Margaret Thomas, Executive Director of the Minnesota Council of Churches, 612-871-5311.

Parish Consultation Services specializes in the intermediate and long term healing process for congregations. These professionals do not work either directly with victims or with perpetrators, but seek to complement the work of interim ministers or after-pastors. They will also train others or consult by phone. Contact Ann Legg in Minnesota (612-488-3139) or Nancy Hopkins in Maine (207-829-5002).

"A Safe Place," a support group for victims of sexual abuse of many kinds, meets at 7:30 p.m. the third Wednesday of every month, at the Naperville Church of the Brethren, 1020 W. Jefferson, Naperville, IL 60540, 708-355-7171. A strong evangelical emphasis in theology. Contact Ruth Theis, Woodridge, IL, call 708-515-0696.

Sexual Violence Center, 1222 W. 31st St., Minneapolis, MN 55408, 612-824-2864. Provides support counseling, advocacy, workshops, trainings and consultations for victims of sexual abuse in the churches as well as providing the full services of a rape crisis center. For consultations related to ritual or satanic abuse, ask for Dorothy Fisker.

Victims of Clergy Abuse Linkup (VOCAL) was begun by family members of the victims of Roman Catholic priests, but Protestants are also welcome and active. A name change is in the works for this group since the acronym (VOCAL) was already used. But at present, for more information, write VOCAL, PO Box 1268, Wheeling, IL 60090.

Western:

Center for Women and Religion, Graduate Theological Union, 2400 Ridge Road, Berkeley, CA 94709. Pamela Cooper-White. Provides educational materials, workshops, referrals, occasionally a support group for victims of sexual abuse in the church.

Forbidden Zone Recovery groups have formed in the Bay area of California. (Named for Peter Rutter's *Sex in the Forbidden Zone*, but no formal connection with Rutter.) For referrals call 510-654-7199.

South and Southwest:

Center for Women in Ministry in the South provides education and consultation with both congregations and judicatories. Contact Jeannette Stokes, Center for Women in Ministry in the South, 331 West Main Street, Suite 608, Durham, NC 27701, 919-687-0408.

Project Recovery offers support services to women recovering from abusive relationships and education about abuse to the religious community. Staff is available for consultation with parish and denominational leaders. Contact Sarah Bentley, New Life Institute, PO Box 1666, Austin, TX 78767, 512-469-9447.

Rapha offers counseling, inpatient treatment, workshops and seminars around sexual abuse issues. ("Rapha" is Hebrew for "the God who heals.") The theological perspective is conservative. For referrals to counselors and other facilities around the country, contact 8876 Gulf Freeway, Suite 340, Houston, TX 77017, 800-227-2657.

Individual Therapists

We cannot list individual therapists. There are too many in the country, and their experience with sexual abuse in the church varies widely. Complainants who need personal healing are encouraged to interview counselors and therapists to determine whether their experience and expertise matches the needs of the complainant.

People seeking healing need to know that they have the right to "shop" for a counselor or therapist who fits their unique needs. They are encouraged to obtain the names of several counselors who may serve their needs, and to interview each to determine whether their own healing process will be best enhanced. This may be especially important for those who have been sexually victimized during therapy or counseling. It is appropriate to ask about the therapist's previous experience with the kind of problems the individual is facing, to ask about therapist's understanding of the religious community or faith, and their experience with sexual abuse.

Lutheran social service agencies around the country may be good sources for counseling or for referrals to other qualified counselors. Like the groups listed above, many sexual violence or rape crisis centers maintain lists of therapists knowledgeable and experienced with sexual abuse. These groups may be suited to helping individuals find counselors suited to their needs. In addition, synod staff are often well-informed about counseling referrals in the areas they serve.

Publications

From the Evangelical Lutheran Church in America:

(These items can be obtained from Augsburg Fortress, 426 S. Fifth St., Box 1209, Minneapolis, MN 55440, 800-328-4648.)

If You Have Been Sexually Abused or Harassed A Guide to Getting Effective Help in the ELCA, provides definitions of sexual offenses that commonly occur in the church, basic dynamics and practical action steps for victims/survivors. Order code 69-115; \$1.00 plus postage and handling.

Five Ways Your Parish Can Work to Become a Safe Place, code no. 68-8006, is free, comes in bundles of 25, with a postage and handling charge.

A button for the theme, "Called to be a Safe Place," available in packets of 25 for \$5.00 (plus shipping); use order code 69-1339.

Background reading:

Beissel, Elizabeth. "Church Develops Screening Procedures," *Accent: A Newsletter from Holden Village*, June, 1991.

Bonavoglia, Angela. "The Sacred Secret," *Ms.*, March/April, 1992, pp. 40-45.

Brubaker, David R. "Finding Hope for the Victims, the Offender and the Congregation...in Cases of Clergy Sexual Abuse or Misconduct," *Alban Institute Action/Information*, (17:6), Nov.-Dec., 1991, pp. 18-22.

Cooper-White, Pamela. "Soul-Stealing: Power Relations in Pastoral Sexual Abuse," from *The Christian Century*, Feb. 20, 1991.

Cooper-White, Pamela. "Some Preliminary Guidelines for Reporting Pastoral Sexual Abuse." Available from the Center for Women and Religion, Graduate Theological Union, 2400 Ridge Road, Berkeley, CA 94709.

Fortune, Marie. *Is Nothing Sacred? When Sex Invades the Pastoral Relationship* (HarperSanFrancisco, 1989).

Groenewold, Sonia. "Victims in Our Midst: Clergy Sexual Abuse," *Seasons: The InterFaith Family Journal*, fall, 1991, pp. 7-9.

Hopkins, Nancy. "The Congregation Is Also a Victim: Sexual Abuse and the Violation of Pastoral Trust," from the Alban Institute, 4125 Nebraska Avenue N.W., Washington, D.C. 20016, 800-457-2674 or 202-244-7320.

Hopkins, Nancy. "Congregational Intervention When the Pastor Has Committed Sexual Misconduct," *Pastoral Psychology*, May, 1991.

Lebacqz, Karen and Ronald G. Barton. *Sex in the Parish*. Louisville, KY: Westminster/John Knox Press, 1991.

Merrell, Susan. "Professional Misconduct," *New Woman* April, 1992, pp. 130-136

Milgrom, Jeanette Hofstee and Gary Schoener. "Responding to Clients Who Have Been Sexually Exploited by Counselors, Therapists and Clergy," in Mary Pellauer, Barbara Chester and Jane Boyajian, eds., *Sexual Assault and Abuse: A Handbook for Clergy and Religious Professionals* (San Francisco: Harper and Row, 1987).

Moller-Gunderson, Mary Ann. "Victims of Clergy Sexual Abuse: The Church's Response" and "Set the Believers an Example," *Accent: Holden Village Newsletter*, June, 1991.

Moller-Gunderson, Mary Ann. "Clergy Sexual Abuse: A Justice Issue of the Church," Lutheran Human Relations Association of America *Vanguard*, May-June, 1991.

Morey, Ann-Janine. "Blaming Women for the Sexually Abusive Pastor," *The Christian Century*, Oct. 5, 1988.

O'Connell, Ginger. "A Personal Story," from the Holden Village Newsletter, *Accent*, summer, 1991.

Pellauer, Mary, Barbara Chester and Jane Boyajian, eds. *Sexual Assault and Abuse: A Handbook for Clergy and Religious Professionals*. San Francisco: Harper & Row, 1987.

Pellauer, Mary. "Sex and Power in the Family of God," *Christianity and Crisis*, Feb. 16, 1987.

Pogrebin, Mark, Eric Poole and Amos Martinez, "Accounts of Professional Misdeeds: The Sexual Exploitation of Clients by Psychotherapists," 1991, Graduate School of Public Affairs, University of Colorado at Denver, Denver, CO 80202.

Rambo, Lewis. "Interview with Reverend Marie Fortune," *Pastoral Psychology* (39:5) 1991, pp. 305-319. A good introduction for those who have not read her book.

Rambo, Lewis. "Interview with Peter Rutter," *Pastoral Psychology* (39:5) 1991, pp. 321-334. A good introduction for those who have not read Rutter's book.

Rutter, Peter. *Sex in the Forbidden Zone: When Men in Power—Therapists, Doctors, Clergy, Teachers and Others—Betray Women's Trust*. Los Angeles: Jeremy Tarcher, 1990.

Sanderson, Barbara, ed. *It's Never OK: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists*. St. Paul, MN: Minnesota Program for Victims of Sexual Assault, Minnesota Department of Corrections, 1989.

Schoener, Gary, and John Gonsiorek, "Assessment and Development of Rehabilitation Plans for Counselors Who Have Sexually Exploited Their Clients," *Journal of Counseling and Development*, December, 1988.

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Washington Association of Churches, "Sexual Abuse: The Churches' Responsibility for the Safety of Children, Youth and Vulnerable Adults," 1991. Contains guidelines for the screening of staff and volunteers as well as for reporting disclosures of sexual abuse. The Washington Association of Churches, 4759 Fifteenth Avenue NE, Seattle, WA 98105, 206-525-1988.

Washington Association of Churches, "Sexual Conduct by Pastors and Pastoral Counselors in Professional Relationships: A Study with Recommendations to Denominational Judiciaries," January, 1984. The Washington Association of Churches, 4759 Fifteenth Avenue NE, Seattle, WA 98105, 206-525-1988 (11 pages, \$1.25).

Audiovisual resources

"Choosing the Light: Victims of Clergy Sexual Misconduct Share Their Stories," \$18 (includes postage) from the Greater Milwaukee Synod of the ELCA, 1212 S. Layton Blvd., Milwaukee, WI 53215, 414-671-1212. Includes a study guide.

"Not in My Church," 45 mm. dramatization of clergy sexual misconduct and a complaint process. Includes study guide and leader guide. \$149 for purchase, \$60 to rent. Awareness brochures and study guide for leaders are also available for congregational audiences. From the Center for the Prevention of Sexual and Domestic Violence, 1914 N. 34th St., Suite 105, Seattle, WA 98103, 206-634-1903.

“Once You Cross the Line: A Training Tape on Preventing Clergy Sexual Misconduct.” 50 min. training video providing examples of misconduct and alternative behaviors. Includes leader manual, participant manuals; mandatory training for users. Curriculum cost \$375; for current training sessions, costs and locations, call. From the Center for the Prevention of Sexual and Domestic Violence, 1914 N. 34th St., Suite 105, Seattle, WA 98103, 206-634-1903.

“Sexual Ethics in Ministry,” 11 vignettes dramatizing dilemmas clergy may face related to sexual ethics. Audiences include judicatory leaders; pastoral care supervisors; parish pastors. Leader’s guide included in \$249 price. Training for leaders is also available. Contact: Sexual Ethics in Ministry, Health and Human Issues, University of Wisconsin at Madison, Room 324, Lowell Hall, 610 Langdon Street, Madison, WI 53703, 800-442-4617 or 608-263-2195.

“Sexual Ethics for Church Professionals,” 9 vignettes illustrating boundary violations, and a panel of pastoral care and legal people. \$75 price includes video, facilitator’s guide, Rediger’s *Ministry and Sexuality* and shipping charges (no rentals). General Conference of the Seventh Day Adventists. Contact: Ministerial Continuing Education, 12501 Old Columbia Pike, Silver Spring, MD 20904, 301-680-6503.

APPENDIX E

For Information Only

THE RESPONSE OF THE CONFERENCE OF BISHOPS

On October 6, 1992, several members of the consultation joined the Conference of Bishops to discuss the proposed strategy. (In April, 1992, the bishops had been asked for their perceptions of the needs of the church in this area and much of their advice had been incorporated into the strategy.) After a brief introduction to the material, the bishops broke into regional groups for discussion, with a member of the consultation in each group as a resource. Following reports back from each regional group, it was moved that the Conference of Bishops “supports the proposed strategy.” The vote was unanimous and the bishops broke into applause.

The regional group discussions surfaced items for further work. Some of these issues include:

1. This is “a job well begun” but it is just that, a beginning. Some suggested that the consultation ought to continue. Some were concerned about the limits of the consultation (see p. 3) and insisted that sexual harassment and other forms of sexual violence could not be separated from this work.
2. More theological discussion is needed. Examples included: our understanding of forgiveness as it applies to this area; our understanding of the nature of the ordained ministry as a public trust; the church’s view of sexual ethics.
3. Prevention was emphasized. Could we develop more effective diagnostic instruments to alert the church to potential offenders early in their careers or before ordination? How can we help the seminaries fulfill their critical role in preparing candidates for ministry? Is there such a thing as rehabilitation or enough counseling for an offender?
4. Some practical issues have not yet been addressed: Can we use this strategy document immediately? What parts of the budget belong appropriately to the synods and what to the churchwide expression? How can we share resources with the wider church, including people resources? What is our responsibility for notifying an offending pastor’s next employer? How do we handle situations in which the evidence suggests that there is a false accusation? A glossary of terms and definitions is needed so that materials are user-friendly.

As the strategy unfolds, these and other items will receive attention in ongoing cooperation with the Conference of Bishops.