



ARKANSAS-OKLAHOMA SYNOD
God's Grace In Motion

Sexual Misconduct by Rostered Ministers

Adopted by the Arkansas-Oklahoma Synod Council, February 2022

I. God's Call, Our Commitment

God intends for the Church to be a safe place for all people to experience God's love and mercy, grow in faith and equip themselves for ministry in the world. And yet at times the church has not been a safe place and sexual misconduct has caused injury and pain to individuals and communities. As one expression of the church, the Arkansas-Oklahoma Synod (AR-OK) of the Evangelical Lutheran Church in America (ELCA) is committed to creating and maintaining a safe climate and working to prevent sexual harassment and misconduct in all its forms. Moreover, if violations occur the AR-OK is committed to creating a culture of safe reporting, prompt investigating and providing support to all those impacted.

Rostered ministers (pastors and deacons) serving in congregations or in specialized ministries are highly involved in the personal lives of the people they serve. Pastors and deacons in ministry often deal with people who are in crisis situations or are otherwise vulnerable and in need of help. Members of congregations and others receiving spiritual care look to their rostered ministers as their spiritual leaders. Leadership inevitably connotes power. Rostered ministers may not perceive or understand the degree of power held in relation to those involved in their ministries. This power is heightened when people come to them for guidance or spiritual help.

The power of the ministerial office contains authority and symbol derived from God. Such symbolic authority not only gives rostered ministers power but also establishes the expectation that people may come to them without fear of exploitation or abuse. As professionals, rostered ministers should not date or become sexually or emotionally involved with congregation members, counselees, or employees of the congregation, other rostered ministers in the congregation or agency or anyone served by the congregation or ministry. To do so constitutes an abuse of the power inherent in their role and elevates personal gratification over the needs of the people served. The power of the office makes it very difficult for a rostered minister, congregation members, or the people they serve to be in a relationship of equality.

The Office of Ministry implies trust. The relationship between rostered ministers and those they serve is considered the same as the relationship between psychotherapists and their patients.

The Arkansas-Oklahoma Synod recognizes that responding to allegations of sexual misconduct requires determination, sensitivity, flexibility, respect, and care for all persons affected—the person who reports misconduct, the rostered person, their families and friends, the congregation, the Synod, and the whole church. This policy is intended to provide a framework for guidance in dealing with these cases while preserving the Synod's discretion to treat each person and each case in the manner necessitated by differing facts, circumstances, and the needs of those affected.

The Synod emphasizes that, unless required by a provision of a church governing document or Arkansas or Oklahoma law, the practices described in this policy are guidelines rather than binding rules. There may be circumstances where following a particular guideline would not be appropriate, and the Synod specifically reserves the right to handle allegations of misconduct on a case-by-case basis.

II. Definitions

The following definitions apply for purposes of this policy:

ELCA or church. “ELCA” and the “church” refer to the Evangelical Lutheran Church in America, a nationwide church dedicated to the propagation of the Christian faith in the Lutheran tradition. Consistent with the ELCA’s practice, the word “church” is in lower case letters to distinguish it from “Church” with a capital letter, which refers to the one holy, catholic and apostolic Church. The ELCA has three “expressions:” the churchwide organization headquartered in Chicago, 65 regional Synods, and congregations located throughout the United States. The churchwide organization, each of the 65 Synods, and most of the congregations are separate corporate entities.

The ELCA is not a hierarchical organization. The relationship between the church and its Synods and congregations is one of partnership, not in the legal sense but in the ecclesiastical sense. The same is true of the relationships between the ELCA’s Synods and the congregations in each Synod.

Synod. The “Synod” refers to the Arkansas-Oklahoma Synod of the ELCA, one of the church’s 65 Synods. This policy applies to ministers on the roster of the Synod. It does not apply to other ELCA Synods.

ELCA Governing Documents. This Policy refers as appropriate to the Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America (2019)

Rostered Minister. A “rostered minister” may be either a minister of Word and Sacrament (ELCA 7.22)—often referred to as a pastor—or a minister of Word and Service (ELCA 7.52).

Under ELCA 7.54.01, ministers of Word and Service are also known as deacons. This policy refers to both types as rostered ministers or ministers.

Sexual Misconduct. “Sexual misconduct” by a rostered minister includes any conduct on sexual matters that would be grounds for discipline under ELCA Chapter 20 and the ELCA’s publication *Definitions and Guidelines for Discipline*. (2020) The expectation of this church is that a rostered minister is to lead a chaste and decent life in word and deed. In keeping with this expectation, chastity and abstinence are required outside of marriage, and chastity and fidelity are required within marriage. Adultery, infidelity, casual sexual relationships, promiscuity, the sexual abuse of another or the misuse of the ministerial relationship for sexual activity constitute conduct that is incompatible with the character of the ministerial office as well as any other sexual conduct that would be punishable under Arkansas, Oklahoma or Federal law.

III. Synod and Congregational Responsibilities for Addressing Misconduct

The relationship between rostered ministers and congregations

Legally, the relationship between rostered ministers and their congregations is that of employee and employer. Theologically, the relationship between rostered ministers and congregations is based on the scriptural understanding of call. A congregation calls its rostered minister, determines that person’s duties and responsibilities, provides day-to-day supervision, and decides if and when that person’s call needs to be terminated. When a rostered minister engages in sexual misconduct, it is often members of their congregation or other rostered ministers or staff of the congregation who are impacted most and who first learn of misconduct.

The relationship between rostered ministers and the Synod

The Arkansas-Oklahoma Synod has specific responsibilities related to rostered ministers. The relationship between rostered ministers and the Synod is ecclesiastical. This includes managing the roster status of rostered ministers. With the exception of Synod staff, the Synod is not the employer and does not have the authority or the resources to supervise and control the daily activities of rostered ministers. The Synod is primarily responsible for administering the Church’s disciplinary process regarding rostered ministers. If a rostered minister commits “conduct incompatible with the character of the ministerial office” the Bishop is empowered to initiate a disciplinary process which can ultimately result in the removal of that person from the ELCA roster. If the alleged abuse involves a minor or a vulnerable adult, the Synod may have a legal responsibility to report the allegation. If the misconduct is directed toward another rostered minister, these policies and procedures apply to each rostered minister.

The relationship between the Synod and congregations

The Synod is charged with providing pastoral care and leadership for its member congregations. The Synod can offer assistance, advice, and care to the congregation, but the Synod cannot fulfill the congregation's legal obligations. This policy is not intended to diminish in any way the legal and moral responsibilities of congregations including, but not limited to, their responsibilities as employers under Arkansas, Oklahoma and federal law. Congregations should have up-to-date policies regarding sexual harassment and misconduct.

The Arkansas-Oklahoma Synod can provide support, training and resources for congregational leaders in developing their own policies and practices on preventing and responding to misconduct by rostered ministers, employees, volunteers or members. Please see resources and sample policies on the Synod or ELCA website or consult with a human resources or employment law professional.

The Relationship between the Synod and specialized ministries

In some situations, the employer does not call the rostered minister and so the letter of call is issued by the Synod Council. These specialized ministers include chaplains, campus ministers, bishop's associates, interim and other calls. To the extent that this document refers to rostered ministers serving congregations, it also refers to the rostered ministers serving schools, hospitals, and many other institutions. Each of these institutions maintain employment policies and have the authority to hire and fire rostered ministers. However, their ecclesiastical call comes from the Synod and therefore this document covers their rostered status within the ELCA.

III. Reporting Sexual Misconduct of a Rostered Minister

Even the best preventive measures cannot completely eliminate sexual misconduct by rostered ministers. The Synod will take seriously any reports of such sexual misconduct, and will act upon substantiated allegations, including reporting alleged criminal conduct to the appropriate authorities.

Crucial to the Synod's response is an initial posture of taking seriously all allegations of sexual misconduct by a rostered minister. The Synod is committed to responding with care and sympathy to reporters of sexual misconduct by rostered ministers, treating them as likely victims of sexual abuse. This is a matter of recognizing that they have suffered pain and trauma and showing the compassion the church should show to all people who suffer.

Definition of Terms

Reporter *The person who makes a report.*

Complainant *The person who directly experienced misconduct.*

Accused *The rostered minister about whom the complaint is made.*

What Should Be Reported

Any sexual misconduct between a rostered minister and a member, volunteer, counselee, employee or another rostered minister should be reported to the Synod and may also be reported to the rostered ministers employer. Sexual misconduct includes unwelcome sexual advances, request for sexual favor, sexually motivated physical contact, or any other verbal or physical conduct or communication of a sexual nature, such as, but not necessarily limited to:

- sexual remarks, jokes, advances, leering, whistling, sexual gestures;
- sexually explicit or otherwise offensive posters, cartoons, photographs, music, video, or other media shared in any way including email, text message, social media, or other channels;
- sexual touching, fondling, molestation, assault, or other intimate physical contact;
- continued nonconsensual touch of any nature especially after non-consent has explicitly been given.
- compelling another person to engage in a sexual act by threats or fear or undue influence;
- providing or displaying pornographic materials to another person.

Arkansas, Oklahoma and federal laws address various types of sexual misconduct, such as sexual harassment, sexual abuse and sexual assault.

The Synod is concerned about all types of inappropriate sexual behavior by rostered ministers. Any inappropriate sexual behavior should be reported to the Synod for investigation and appropriate action.

Discerning Readiness to Make a Report

The Arkansas-Oklahoma Synod recognizes that it may be a difficult decision to make a report. When a person is deciding whether or not to make a report, local conversation partners listed on the [Synod website](#) and the [ELCA hotline](#) (773-380-2568) can provide resources and conversation that may help in making that decision.

Who Makes a Report

Sexual misconduct may be reported by *anyone*, including the person who experiences the misconduct, a member of that person's family, a member of the congregation, a concerned person, or a colleague of the rostered minister. The Synod recognizes that reporting sexual misconduct may be difficult, but reports are essential to the health of those hurt by misconduct, the congregation, the Synod, and the accused rostered minister.

How To Make a Report

The Synod seeks to remove barriers for reporting misconduct. Therefore, there are various ways to make a report including:

To the Arkansas-Oklahoma Synod:
4803 S. Lewis Ave
Tulsa, OK 74105

918-492-4288

To the Bishop or Synod Staff.

- becca@aokelca.org
- sara@aokelca.org

To [The ELCA hotline](#) 773-380-2568

All reports will be sent to the bishop promptly. The congregational leadership is informed when sexual misconduct is substantiated.

What to Expect After Misconduct is Reported

For those who have experienced misconduct, please know that it is the goal of the Synod to:

- Listen respectfully to allegations
- Affirm the need for and provide spiritual care as desired
- Provide an opportunity for someone to advocate for them, if desired
- Provide a copy of this policy and other relevant information

For the spouse and/or family of those who have experienced sexual misconduct, the Synod will:

- Affirm the need for and provide spiritual care as desired
- Provide them with a copy of this policy and other relevant information

For those who have been accused of misconduct, the Synod will:

- Follow the process outlined in the section entitled *Process of Investigating a Complaint of Misconduct*
- Affirm the need for and provide spiritual care as desired
- Provide a copy of this policy and other relevant information
- Review possible consequences of the behavior

For the spouse and/or immediate family member of someone who has been accused of misconduct, the Synod will:

- Affirm the need for and provide spiritual care as desired

- Provide a copy of this policy and other relevant information
- Should the family desire consultation, the bishop's office may provide information about possible consequences and the investigative process

To the extent possible, confidentiality will be maintained throughout the process. Certain types of misconduct (e.g. minors and vulnerable adults) will require the Synod to report the allegations to state or county authorities or to law enforcement agencies. Civil and/or criminal procedures against the accused may follow.

The Synod strongly encourages reports of any form of misconduct committed by a rostered minister, including reports from other rostered ministers. If the misconduct is directed toward another rostered minister, the same procedures for reporting are followed. The Synod is committed to supporting rostered ministers in the difficult discernment in these situations and preventing adverse impact or retaliation when possible. Should temporary leave be necessary for a complainant, the Synod will encourage the congregation to provide appropriate financial support and benefits.

IV. Process of Investigating a Complaint of Misconduct

Step One: Report of Misconduct

The allegation of misconduct against a rostered minister is reported. See the previous sections on "Who Makes a Report" and "How to Make a Report."

Step Two: Meeting with Reporter and/or Complainant

The bishop or designee will meet with the reporter and/or complainant to hear the nature of the allegations and the sources of the information shared. The bishop may ask another confidential person to join this conversation. If the reporter is not the complainant, the bishop or designee will then attempt to meet with the complainant. The Synod encourages the complainant to bring someone to support them through the process of report and investigation.

Step Three: Written Statement

Although not mandatory, the bishop will request a signed, written statement from the complainant. The written statement records the serious nature of the complaint and verifies the accuracy and completeness of the information discussed in the meeting in Step One.

To the extent possible, confidentiality will be maintained throughout the process. The statement is not intended to be made available to anyone other than the bishop, the Synod staff, and the Synod's attorney. The statement may be subject to disclosure through a court order or other legal process.

Step Four: Investigation

The bishop or designee will promptly investigate each report made. During the investigation, it is the bishop's goal to gather information and determine the extent of the accusations.

Where appropriate, the bishop may attempt to gather corroborative information from sources such as the reporter, the complainant, other possible witnesses or impacted people, and investigative reports obtained from civil authorities.

Step Five: Meeting with the Accused

The bishop and/or designee will meet with the accused after the initial investigation is complete. It is the bishop's goal to provide the accused rostered minister with the Synod's process for complaints of misconduct, an unbiased report of the complaint(s) made against them, and the potential consequences of these complaints. In this meeting, the rostered minister will then have an opportunity for an initial response. The bishop may encourage a psychological assessment, and/or professional therapy. The bishop or designee cannot serve as the rostered minister's pastor, but can help arrange for pastoral care. The bishop will instruct the accused to refrain from contacting the complainant(s) or reporter(s), or engaging in retaliation of any kind against them.

When appropriate, the bishop may, at the bishop's discretion:

- Ask the rostered minister to resign from his or her call or to resign from the roster of the ELCA. The bishop cannot force the rostered minister to submit a resignation. In most cases, only a discipline hearing committee can remove the rostered minister from the roster involuntarily.
- Allow the rostered minister to agree voluntarily to certain restrictions upon his or her ministry until the investigation or disciplinary proceedings are concluded. If the minister refuses, the bishop may ask the congregation council to impose appropriate restrictions.
- Allow the rostered minister to take a leave of absence—with or without pay—until any further investigatory or disciplinary proceedings are concluded.
- Ask the congregation to place the rostered minister on an involuntary leave of absence – with or without pay.
- Temporarily suspend the rostered minister without prejudice.
- Convene a formal disciplinary proceeding before a hearing committee to remove the rostered minister from the roster involuntarily.

Step Six: Consultation Committee or Advisory Panel

If possible, the bishop will attempt to resolve the situation by consultation, using the assistance of a consultation panel or an advisory panel appointed by the bishop ([ELCA Constitution 20.22.04](#)). Such consultation will help the bishop determine whether or not to bring charges through the church's disciplinary process. The consultation panel or advisory panel may recommend that the rostered minister resign from the current call and/or from the roster of ministers. Whenever possible, the consultation panel or advisory panel will try to resolve the issue through recommendations that are pastoral and therapeutic. If the recommendations are accepted by the accused, a disciplinary hearing will not be necessary.

Step Seven: Disciplinary Hearing

If the bishop is unable to resolve the situation through the consultation panel or advisory panel process, then the bishop must decide whether to file charges against the accused rostered minister and thereby initiate the ELCA's disciplinary process.

If the bishop decides to initiate that process, the bishop and one other person will meet with the accused rostered minister to identify charges and explain the action being sought. The accused rostered minister will be informed of the ELCA's disciplinary process. The Synod's attorney will draft charges. In compliance with [ELCA Constitution §20.21.21](#), the charges must be specific and in writing. Outcomes may include private censure and admonition by the Bishop of the Synod, suspension from the office and functions of the ministry, or removal from the ministry of this church.

Step Eight: Informing the Complainant

Throughout the process, the bishop will keep the complainant as informed as possible. The complainant will be informed of the final results. The bishop will affirm the need for and provide spiritual care and support as desired.

V. Healthy Disclosure

The congregational leadership is informed when sexual misconduct is substantiated. Allegations of sexual misconduct are particularly susceptible to rumors and distortions which over a period of time can destroy a congregation; therefore, it is healthier for a congregation to deal with the matter openly. Disclosure of the problem is the first step in the healing process leading to the congregation's future health and wellbeing.

The bishop also discloses the misconduct in order to fulfill the Church's mission of reaching out to those in need of support, care, healing and reconciliation. Disclosure may help prevent future abuse within the congregation and the community.

The bishop will work with the lay leadership and the congregation council in determining the most appropriate time and means of disclosure.

Regarding the congregation, it is the goal of the bishop's office to:

- Inform the congregational leadership of substantiated allegations
- Disclose the investigative process
- Request a meeting with the council
- Help the council draft a letter to be distributed to each member of the congregation
- Seek the council's invitation to meet with the congregation to disclose the allegations and the process
- Seek interim spiritual leadership and care where needed for the congregation and staff
- Update council and congregation regularly
- Encourage other complainants to come forward
- Should the complainant be a rostered minister or another employee of the congregation, the Synod will encourage the congregation to provide appropriate financial support and benefits.

When appropriate healthy disclosure may also be made to the other rostered ministers of the Synod, previous congregations served by the rostered ministers and others who may have been impacted by the sexual misconduct.

To protect the privacy of those harmed by misconduct, the disclosure is normally limited to:

- The fact that the rostered minister was accused of sexual misconduct, and admitted or denied the allegations;
- Whether a hearing has been or will be held, and, if a hearing has been held, the result of the hearing;
- The gender of the alleged victim of the misconduct, and whether they were an adult or minor when the misconduct occurred; and, if appropriate,
- Whether the reporter or victim was a member of the minister's congregation or a person to whom the minister was providing pastoral care.

Disclosure will never include the name(s) of the reporter(s) or victim(s) of misconduct or facts from which their identities could be readily determined.

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

VI. Follow-up

The Synod will work with congregations and others to help arrange for care and support for those harmed by sexual misconduct by rostered ministers. Synod personnel cannot provide this individual care themselves, but will assist the primary and secondary victims of sexual misconduct to find resource persons and materials that might help them on their journey to healing. The Synod will assist the congregation in dealing with the pain and disruption caused by a rostered minister's misconduct and will help the congregation continue in its mission and ministry for the sake of the Gospel.