Flowchart of Policy Regarding Sexual Misconduct

By members of the clergy and rostered lay persons

Central/Southern Illinois Synod
Evangelical Lutheran Chuch in America
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Central/Southern Illinois Synod, ELCA, Flowchart of C.S.A. Cases

First contact
Anyone who knows or suspects sexual misconduct should contact the bishop's office. If complainant is uncomfortable with that, they should contact one of the individuals listed at end of the policy for first contact. First contact people do the following:

1. Receive allegations of misconduct;
2. Give assurance that the synod does not tolerate sexual misconduct;
3. Explain the process, provide copy of policy;
4. Express care and concern;
5. Encourage complainant to reveal identity of self and of the alleged offender;
6. If requested, refer to advocate and therapist (not on synod staff payroll);
7. If complainant is ready, relay the allegation to the bishop's office; and
8. Keep descriptive notes on all interactions.

Complainant
Can make contact to appropriate persons, remain anonymous, ask questions. Little can be done without identities of those involved.

Safety
When there is any risk involved or there are other concerns, inform the complainant that you will proceed without revealing their name.

Case management
The bishop/case manager will receive the allegation from the complainant or from the first contact person. Case managers do the following:

1. Interview the complainant; if possible, with the bishop present;
2. Complainant can bring an advocate, explain process, give policy;
3. Request or receive complainant's written allegation;
4. Notify the insurance company;
5. Notify the churchwide general counsel for legal questions; and
6. If requested, refer to advocate and/or therapist.

Preliminary investigation
After receiving an allegation, the bishop/case manager can conduct a preliminary investigation in strictest confidence. At the end of the investigation, the bishop decides how the case will continue.

Deciding how to continue the case
The bishop, in consultation with appropriate person(s), chooses one of the following:

1. Stop the process;
2. Continue the process;
3. Start an informal process based on severity, frequency, and duration of unwanted sexualized behavior; and
4. Notify the alleged/victim of decision.

Interview alleged offender:

1. Arrange interview the clergy/rostered lay leader (RLL)
2. Bishop (if possible) and bishop's designee interview clergy/RLL-may bring an advocate (if clergy/RLL requests, the bishop's office will assist in finding an advocate; meeting is not confidential);
3. Explain the process, give policy, give information regarding the allegation, ask clergy/RLL for a response;
4. Assure clergy/RLL of a fair process;
5. Answer questions about policies and procedures;
6. Express care and concern for all involved; if requested recommend therapist and/or assessment;
7. Strongly discourage clergy/RLL from having any contact with complainant, directly or indirectly; and
8. A contact person within synod, appointed by bishop/case manager, will keep clergy/RLL updated on case process.

Consultation or advisory panel:

1. The bishop can appoint a consultation or advisory panel for assistance; and
2. These panels are small groups of clergy and lay persons who are asked to recommend a course of action to the bishop.

Formal hearing:

1. Used to determine guilt and penalty;
2. Chapter 20 of ELCA Constitution;
3. Usually bishop files written charges against pastor with facts supporting the charges;
4. Bishop will generally not initiate formal disciplinary proceedings unless the complainant agrees to testify against the clergy/rostered lay leader;
5. Discipline options:
   a. none;
   b. private censure and admonition;
   c. suspension from the clergy roster of ELCA for a designated period of time or until the clergy/rostered lay leader complies with specified conditions; and
   d. Removal from the clergy/rostered lay leader roster.
6. Decisions are generally made four months after charges are filed.

(OPTIONAL) Informal process:

1. Interview alleged victim;
2. Interview alleged offender;
3. Bishop, in consultation with appropriate person(s), decides if anything is needed to restrict and/or change alleged offender's behavior;
4. Notify victim and offender of decision;
5. Keep a record of offender's behavior and periodically check-in; and
6. Keep descriptive notes on all interactions.

Assess the information, determine course of action:

1. After meeting with the clergy/rostered lay leader (RLL) the bishop will decide, in consultation with case managers, upon a course of action. Options available are:
   a. no further action;
   b. further investigation;
   c. request clergy/RLL to undergo psycho-diagnostic evaluation;
   d. request clergy/RLL's congregation to take some action;
   e. convene advisory panel;
   f. initiate a formal disciplinary process.
2. Contact person keeps offender informed of the process;
3. If clergy/RLL resigns or is removed, meet with offender's church leaders and plan disclosure to congregation;
4. Other necessary disclosures such as colleagues will be planned by the bishop's office; and
5. Keep descriptive noted on interactions.

Alternative process:

1. Written charges specify that the accuser will not seek removal or suspension for a period exceeding three months; and
2. Proceedings are conducted before a hearing committee of six (6) members with less formality.

Follow-up, congregational recovery:
People in charge of recovery are present when the disclosure is made to the church leaders, congregations, and offender's colleagues. They work with the congregation for at least a year and are responsible for the following:

1. Assist in writing disclosure statement with church leaders and explaining process to them;

Optional ...

2. Establish ground rules of communication and behavior;
3. Debrief leaders and members, providing a safe structure in which feelings are expressed;
4. Educate people about appropriate boundaries, abuse of power, treatment of offender and victim, process of recovery;
5. Be present at disclosure to congregation;
6. After disclosure, if small groups are going to form, be accessible to groups or individuals needing debriefing;
7. Schedule meetings with leaders;
8. Meet with congregation;
9. Assess recovery status; recommend additional steps; and
10. Keep record of recovery process.

Reinstatement
If the former clergy/RLL wishes to be reinstated as a candidate for ministry, follow candidacy reinstatement guidelines. In addition, the following criteria for reinstatement can be used:

1. Recognized, understands abuse of power and exemplifies understanding in behavior;
2. Fulfilled recommended therapeutic course;
3. Assessed by an outside professional (preferably one who is certified in sexual disorders);
4. Made some type of restoration to the victim(s) and secondary victim(s);
5. Meets with the synodical bishop; and
6. Bishop can convey to candidacy committee his/her recommendations regarding the reinstatement of clergy/RLL.

Disclosure statement:
Includes the following:

1. Will be made to the leadership of the clergy's/RLL's congregation, members of present congregation, members of the clergy's/RLL's family, and other pastors within the synod. Sometimes wider disclosure to previous congregations or news media is made.
2. Will be made when
   a. clergy/rostered lay leader admits to committing sexual misconduct;
   b. clergy/rostered lay leader resigns call or roster of ELCA after being accused of sexual misconduct;
   c. clergy/rostered lay leader is placed on leave of absence or temporarily suspended in response to an allegation of sexual misconduct;
   d. clergy/rostered lay leader is suspended or removed from roster as a result of formal disciplinary proceedings; or
   e. secular legal proceedings (civil or criminal are initiated against the clergy/rostered lay leader.
3. Only the following information will be disclosed:
   a. the fact that the clergy/rostered lay leader has been accused of, admitted to, resigned, or been found guilty of committing sexual misconduct;
   b. the gender of the complainant;
   c. whether the complainant was an adult or minor at the time of the misconduct; and
   d. whether the complainant was a member of the clergy/RLL's congregation or a person to whom the clergy/rostered lay leader was providing pastoral care.

   Disclosure should never include the name of the complainant or facts from which complainant could be identified.
4. Persons who believe that they have been harmed (directly or indirectly) by the clergy/rostered lay leader will be invited to contact the leaders of the congregation, the synod, or others who have agreed to be available to those persons.