**Policy 23-001 Policy Procedure for the Sierra Pacific Synod of the ELCA for**

**Discipline of a Rostered Minister when a Complaint is Reported**

Adopted by the Synod Council April 15, 2023 (SC23.04.54.)

**Introduction**

As an expression of its life in the gospel of Jesus Christ, this church embraces disciplinary processes of counseling, admonition, and correction, with the objective of forgiveness, reconciliation, and healing. Simultaneously, out of deep concern for effective extension of the gospel, this church remains alert to the high calling of discipleship in Jesus Christ. The rostered ministers of this church, as persons charged with special responsibility for the proclamation of the gospel, are to seek to reflect the new life in Christ, avoiding that which would make them stumbling blocks to others. To that end, this church recognizes that there is behavior that is deemed to be incompatible with ordained ministry and that calls for disciplinary action.[[1]](#footnote-1)

Public ministry is a position of trust and responsibility.

This document provides general policy statements and guidelines to be followed by the Sierra Pacific Synod of the ELCA in dealing with behavior that is incompatible with ordained ministry and that calls for disciplinary action. It must be emphasized that these policies and guidelines are not binding, rigid rules, but they are created to ensure that every ROSTERED MINISTER is treated equally and is provided an understanding of the procedures that will be followed if an official complaint is made against him/her/them. The synod encourages our member congregations work with the synod to implement this document. Every discipline case is unique, and therefore the synod reserves the right to depart from these policies and guidelines whenever the bishop deems necessary and appropriate.

The Synod Council will review this policy every three years and make updates if needed.

**Responding to Concerns of Behavior that is Incompatible with Ordained Ministry**

The bishop will hear and be involved with the oversight and consideration of all reported allegations of behavior that is incompatible with ordained ministry and that calls for disciplinary action.

The bishop encourages the complainant to have an Advocate. The Advocate’s purpose is to serve as support, and to provide assistance for the care of the complainant and his/her/their family. The Advocate is normally not involved in the investigation of the complaint, but simply in supporting the complainant.

Generally, the bishop shall call upon a trusted person, lay or rostered, or upon another trained and qualified individual to serve as an Advisor. The Advisor is recognized by the bishop as the bishop's professional assistant. Because of the nature, sensitivity and seriousness of this reporting, whenever possible the bishop shall be assisted by this Advisor throughout the entire process. The purpose of the Advisor is to help the bishop navigate the questioning, the listening, the documentation, and the filing and to assist with the resolution of the complaint.

Allegations implicating the synodical bishop with behavior that is incompatible with ordained ministry, and that calls for disciplinary action should be brought to the attention of the synodical vice president, who in turn will notify the churchwide bishop of the Evangelical Lutheran Church in America.

When allegations of behavior that is incompatible with ordained ministry, and that calls for disciplinary action are made to the congregational council of the congregation that has called the ROSTERED MINISTER, because of the possibility that the synod will become involved in a disciplinary proceeding, the congregation council should seek the assistance of the synodical bishop.

**Reporting an Allegation of Behavior that is Incompatible with Ordained Ministry**

Allegations of behavior that is incompatible with ordained ministry by rostered persons should be reported to the office of the bishop. The initial contact shall be made either by telephoning, emailing, writing, a zoom meeting, or speaking in person with the bishop. In all cases the bishop will schedule a formal meeting, where a full written or recorded report can be made, at a time that is mutually convenient with the complainant, the Advocate, the Advisor and with the bishop. If the complaint is made by a person whose primary language is other than English, it is advisable for him/her/them to make it in the language they prefer and it will be translated for the bishop.

The bishop, with the assistance of the Advisor, will hear the complainant’s allegations. The bishop shall listen to the complainant with sensitivity and care. More than one meeting with the complainant and Advocate may be necessary to establish the degree of trust and rapport necessary for the complainant to understand and agree to cooperate with the procedures described in this document and with the ELCA disciplinary process.

**Meeting with the ROSTERED MINISTER**

If the bishop has determined that there is enough evidence indicating that conduct incompatible with the character of the ministerial office may have occurred, the bishop will arrange for a meeting with the ROSTERED MINISTER to provide an opportunity for an initial response to the complaint(s). The bishop will make every effort to conduct this meeting with sensitivity and in a way that assures support, care and Christian love. The ROSTERED MINISTER has the right to ask questions or make any observations that he/she/they so desires. The ROSTERED MINISTER is also free not to make any comments regarding innocence or guilt at this initial meeting. At this meeting the bishop will inform the ROSTERED MINISTER that this is not a time of confessional privilege and explain that anything said by the ROSTERED MINISTER may be disclosed to others by the bishop. Further follow up interviews with other people involved in any way with the complaint should be considered.

**A Fair and Equitable Response**

Following an administrative inquiry and after consultation with the Advisor, the bishop will determine a fair and equitable response to the complaint. The decision will reflect, among other things, the seriousness of the offense and the opinions of those involved in the situation and those consulted by the bishop. The bishop may choose one or more of the following options:

1. Appropriate follow-up and closure of the case

2. Further administrative inquiry
3. Letter of reprimand
4. Recommend therapy without leave from call

5. Recommend education

6. Recommend leave of absence with therapy
7. Recommend resignation from call
8. Recommend resignation from the roster
9. Convening a Consultation Panel or Advisory Panel (See ELCA 20.21.04 a,b; 20.21.05; 20.21.06 a, b, c, d, e, f,)
10. Proceeding directly to written charges and a formal hearing before a Disciplinary Hearing Committee

If the ROSTERED MINISTER decides not to accept the bishop’s recommendation, the bishop may then initiate disciplinary proceedings against the ROSTERED MINISTER.

If the bishop chooses to present a description of disciplinary charges, the ROSTERED MINISTER will be given 72 hours upon receipt of written charges to consult with family, or other advocates or advisors to determine a course of action in response to the allegations. Failure of the ROSTERED MINISTER to respond within 72 hours may result in signing the charges, thereby initiating the formal disciplinary proceedings.

If the ROSTERED MINISTER chooses to accept the bishop’s recommendation, the bishop will disclose the complaint report according to his/her/their best judgment. The complaint report will then be added to the permanent file of the ROSTERED MINISTER.

If the ROSTERED MINISTER decides not to accept the bishop’s recommendation, the bishop may then initiate disciplinary proceedings against the ROSTERED MINISTER.

If the ROSTERED MINISTER has objections to the process that the Synod Bishop chooses and the decisions made regarding the resolution of the complaint, he/she/they may request a full investigation through the Synod Vice President, who in turn will appoint an advisor for assistance.

**Formal Hearing**

If the ROSTERED MINISTER, rejects the Recommendation by the Synod Bishop the process moves to the process outlined in the ELCA Constitution chapter 20.; Consultation, Discipline, Appeals, and Adjudication.

**Disclosure**

When there is admission of guilt, resignation from the congregation, and/or the ELCA roster, or a finding of guilty in disciplinary proceedings, then disclosure is essential. Except in the most unusual circumstance, the healing process of all parties concerned is necessary. Disclosure needs to be made to the congregation, or the Synod in case the ROSTERED MINISTER is the bishop, and others who need to know the nature of the ROSTERED MINISTER misconduct. Unless the consent of the complainant(s) is given, disclosure should never involve revealing the identity of the complainant(s) or of facts that would make the complainant(s) readily identifiable.

Please note that the recommended action and disclosure will be documented in written form before it is publicly disclosed and shared with the ROSTERED MINISTER. The bishop and Advisor will make sure that the complainant is informed of the resolution.

Selected Resources

*Definition and Guidelines for Discipline: Evangelical Lutheran Church in America (ELCA)*, March 2020

*ELCA Constitution for Synods*. 2019 *particularly* Chapter 14 Rostered Ministers
*Manual of Policies and Procedures for Management of the Rosters of the Evangelical Lutheran Church in America*. Adopted March 8, 2020 by the Church Council

1. *Definition and Guidelines for Discipline: Evangelical Lutheran Church in America (ELCA), March 2020, p. 1.* [↑](#footnote-ref-1)