
**POLICY AND OPERATING GUIDELINES
OF THE ELCIC REGARDING**

**SEXUAL
ABUSE OR HARASSMENT**

**BY ITS CLERGY OR
PROFESSIONAL LAY WORKERS**

IT IS THE POLICY OF THE EVANGELICAL LUTHERAN CHURCH IN CANADA:

THAT SEXUAL ABUSE OR HARASSMENT BY ANY OF ITS ORDAINED MINISTERS OR PROFESSIONAL LAY WORKERS WILL NOT BE TOLERATED;

THAT DISCLOSURE OF SUCH ALLEGED ABUSIVE CONDUCT WILL BE PROMPTLY ADDRESSED;

THAT THE ACCUSED WILL BE CONFRONTED BY THE CHURCH SO THAT JUSTICE IS DONE;

THAT THE ALLEGED VICTIM WILL BE SUPPORTED BY THE CHURCH THROUGHOUT THIS PROCESS;

THAT THE ACCUSED WILL BE DEALT WITH PASTORALLY AND RECEIVE A FAIR HEARING; AND

THAT THE FAMILIES AND THE CONGREGATION / INSTITUTION WILL BE SUPPORTED BY THE CHURCH.

IF THE ACCUSATION IS FOUND TO BE UNSUBSTANTIATED, THAT WILL BE PUBLICLY ACKNOWLEDGED.

THE OPERATING GUIDELINES

I. PROCEDURAL RESPONSE:

A. DISCLOSURE/ACCUSATION

1. Child Abuse

There is an obligation under law to report child abuse to provincial or territorial authorities. If such an allegation is made about a clergyperson or professional lay worker, the church will cooperate with that authority and follow its directives.

The church will also respond to the situation with pastoral and/or disciplinary procedures. This document and pastoral care support persons will be made available.

Pastoral Care Support Persons

Persons specially trained to deal with matters of sexual abuse and harassment in the church and appointed by their synod council. Their role is to “walk with” the complainant (victim) or the accused (perpetrator), providing guidance, information and pastoral care. They may be clergy or lay, male or female.

2. Adult Abuse/Harassment

Sexual abuse or harassment, past or present, can be reported to the bishop of the synod or a pastoral care support person by the victim or a confidante. The complainant will be informed of the procedures available to deal with the complaint and given this document.¹

In order for the church to take action, the complainant must put the disclosure in writing, noting the details (e.g. dates, location, circumstances, actions, witnesses), and give it to the bishop. This written disclosure belongs to the complainant.

Written permission is required in order for the bishop to inform the accused of the allegations and the identity of the complainant. In the case of ordained ministers, the bishop proceeds according to Bylaw III, Section 12 of the constitution. In the case of professional lay workers, the bishop proceeds guided by the procedures outlined in Bylaw III, Section 12 of the constitution.

The bishop provides the accused with this document. The bishop makes the accused aware that a pastoral care support person is available to accompany him or her through this process.

¹ If the accused is a bishop, the report of sexual harassment or abuse may be made to a pastoral care support person. Official written disclosure, however, shall be given to the national bishop and/or to the National Church Council, through the Office of the Secretary. The National Church Council shall investigate the allegations and proceed according to the process outlined in Bylaw IX of the constitution dealing with the Recall or Dismissal of an Officer.

3. Complaints Across Synods

In cases where the complainant and the accused reside in different synods, the complaint will be made to the bishop of the synod where the complainant resides. The written disclosure will be made to the bishop of the synod where the accused resides. Both bishops will cooperate to see that the victim is kept will informed of the progress of the investigation of the allegations.

4. Third Party Accusations

If the accusation is by a third party, it shall be made in writing to the synodical bishop. The third party receives a copy of this document.

The letter of accusation will be kept on file for two years. If subsequent letter of accusation concerning the same person are received, the bishop will investigate in consultation with a pastoral care support person.

5. Confidentiality

As much as possible, the confidentiality of the complaint is to be maintained and the complainant's identity is not to be shared outside of the pastoral care support person, the investigating committee and the committee on discipline without the written permission of the complainant or an Order of the Court. As much as possible, the identity of the accused will also be held in confidence during the investigation. Written records will be carefully safeguarded.

B. ACTING ON THE DISCLOSURE/ACCUSATION

1. Suspension

In the case of an ordained minister, the synodical bishop shall seriously consider invoking Bylaw III, Section 12 (h) of the constitution to suspend the accused if it is alleged:

- 1) that he or she sexually abused children,
- 2) that the sexual abuse was a criminal act,
- 3) that the sexual abuse violated the trust in a formal counseling situation.

In the case of a professional lay worker similarly accused, the synodical bishop shall, guided by Bylaw III, Section 12 (h) of the constitution, seriously consider suspending the accused.

If a pastor or professional lay worker is suspended by the bishop, the congregation will be informed of the reason for such a suspension. The confidentiality of the complainant will be respected.

2. Investigation of Sexual Abuse

In all cases of alleged sexual abuse by an ordained minister, the bishop moves immediately to convene an investigation committee as required by the constitution, Bylaw III, Section 12. In all cases of alleged sexual abuse by professional lay

workers, a parallel process to that outlined in Bylaw III, Section 12 of the constitution shall be followed, including the convening of an investigation committee. The committee will deal promptly with the allegation.

3. Investigation of Sexual Harassment

In cases of alleged sexual harassment, the bishop will investigate and has the discretion to decide whether to proceed with the appointment of an investigating committee (Bylaw III, Section 12). The bishop may decide that some other course of action is appropriate.

Because it is difficult to decide the gravity of the accusation, the bishop may consult with the pastoral care support person.

Sexual Abuse/Harassment

Synodical interpretations of what constitutes sexual abuse or sexual harassment will be governed by provincial legislation and/or Human Rights Codes.

4. At the Conclusion of the Investigation

If a pastor or professional lay worker confesses guilt, is convicted of a crime or is disciplined by the synod council, the congregation or institution will be informed by the bishop. The confidentiality of the victim will be respected.

If a pastor or professional lay worker is found innocent, the congregation or institution will be informed by the bishop with the written consent of the accused. The confidentiality of the complainant will be respected.

Institutions

Where institutions employing ordained ministers or professional lay workers have their own policy and procedures for dealing with sexual abuse or harassment, such policies and procedures are to be respected.

II. PASTORAL RESPONSE

1. The Complainant

The church will ensure that a pastoral care support person is available to provide guidance and information about this process to the complainant and to provide pastoral care.

Any written disclosure made to the synodical bishop will be treated with care and will be destroyed after the situation has been resolved.

A proper investigation will be conducted.

The complainant will be kept informed of the progress made in the investigation of the allegations and of steps taken to discipline the perpetrator if guilt is determined.

If the accused admits guilt or if, upon investigation, fault is found, the perpetrator will make a satisfactory apology to the victim.

The victim is not to be excluded from the community of the church. The victim is to be supported in her or his search for justice and healing.

The victim may receive financial compensation for counseling. The primary responsibility for such compensation rests with the perpetrator. To ensure that crisis counseling is available immediately, the church is willing to provide the funds for up to eight counseling sessions with a therapist with the appropriate credentials, and arrange with the perpetrator for repayment.

2. The Complainant's Family

The church will provide a pastoral care support person to the complainant's family if requested.

3. The Accused

The church will ensure that a pastoral care support person is available to guide and inform the accused.

A proper investigation will be conducted.

4. If the Accused is Guilty

If the accused admits guilt or if, upon investigation, fault is found, the perpetrator will make a satisfactory apology to the victim.

The perpetrator may be compelled to undergo education or counseling at a specified centre leading to an assessment of trustworthiness. If the perpetrator is an ordained minister, he or she may be removed from the clergy roster, according to Bylaw III, Section 12 (h). Professional lay workers may be removed from the List of Lay Professionals.

The perpetrator is not to be excluded from the community of the wider church. The perpetrator is to be supported and encouraged to confront, to understand and to change his or her behavior.

To ensure that crisis counseling is available immediately, the church will assist the perpetrator in obtaining counseling sessions with a therapist with the appropriate credentials, without assuming any financial obligations.

5. If the Accused is Innocent

If the accused is found to be innocent, the accuser will make an apology to the accused.

If the allegations have become public knowledge, the bishop shall publicize the innocence of the accused by a letter to all synod congregations and/or an announcement in the appropriate synod newsletter. The bishop may also visit the congregation served by the accused.

6. The Family of the Accused

The church will provide a pastoral care support person to the family of the accused if requested.

7. The Congregation/Institution

The bishop shall encourage the congregation council to call a congregational meeting or an institution to gather the appropriate personnel. A crisis response team will be appointed by the bishop to address those present and deal with their turmoil, pain and requests for guidance.

8. The Crisis Response Team

The crisis response team will include a person skilled in conflict management and other skilled persons such as pastoral support persons, therapists or social workers.

If invited, these persons will meet with the congregational council, congregational members, the accused and their family. It is their responsibility to provide a formal setting in which those concerned may receive accurate information and in which plans to support the further healing of the community can be made.

The crisis response team and the pastoral support persons for the victim and the perpetrator will work together to share information and support the process.



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