

## **Sexual Boundary Violations in the ELCA: Prevalence, Policy and Prevention**

*ELCA Quality of Call Initiative for Women in Ministry*

*Report prepared by Deacon Shannon Johnson, project coordinator, in collaboration with Dr. Mary J. Streufert, director, and advisory bishops the Rev. Susan Candea, the Rev. Laurie Jungling, the Rev. Leila M. Ortiz and the Rev. Kevin Strickland.*

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## **I. RESEARCH AND REPORT RATIONALE**

Since its formation, the Evangelical Lutheran Church in America (ELCA) has sought to be a safe place for the people of God and to be a community actively engaged in preventing and responding to sexual harassment and sexual misconduct. The 1989 ELCA Churchwide Assembly adopted a resolution on sexual harassment that states, “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.” The resolution outlines ways congregations, synods, the churchwide organization and all spheres of the ELCA shall commit to be a safe place by preventing and responding to instances of sexual harassment or abuse.

However, rostered ministers in the ELCA report that people violate their sexual boundaries. Sexual harassment statistics are high, rostered ministers suffer, and policies and practices are absent, out-of-date and ineffective. This report presents an overall examination of the ways sexual boundary violations are addressed in expressions of the ELCA and outlines the complexity of the problem and the need for prevention and redress.

This report functions as a mirror reflecting our current state and as an exhortation to review and improve the policies and practices for the prevention of and response to sexual boundary violations in all expressions of the ELCA.

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<sup>1</sup> The purpose of the ELCA Quality of Call Initiative is to understand and address inequity and variances in the quality of calls experienced by rostered ministers related to identity markers targeted for discrimination, oppression and bias. The three foci of the initiative are: women in ministry; rostered ministers who are black, Indigenous or people of color; and rostered ministers who identify as LGBTQIA+. Each focus has its own leadership, process and goals but is in conversation with the others because the work and identities are intersectional. This report has been prepared by the Quality of Call for Women in Ministry, so the content addresses issues identified by people who identify as women. We recognize that gender is an overlapping area of the focus for rostered ministers who identify as LGBTQIA+ and hope that this report and this church’s response to it improve the experiences for rostered ministers regardless of their identity markers. Some data in this report compares the experiences of women and men taken from the survey report for the 50th anniversary of the church’s decision to ordain women. The survey report does not include statistics on experiences of rostered ministers whose gender identity is nonbinary, because the sample size did not allow for meaningful interpretations to be made.

## A. Definitions and Research References

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**“50th Anniversary of the Church’s Decision to Ordain Women Survey Report”:**<sup>2</sup> The ELCA churchwide organization regularly conducts [research](#) to explore the differences and similarities in ministerial experiences based on gender and race. Data was collected Nov. 8, 2019, through Jan. 8, 2020, and is used in this report to present the prevalence of sexual harassment experienced by rostered ministers, particularly women.

**Sexual boundary violations:** Describes any sexually related acts that violate a boundary, regardless of the role, age or gender of the persons targeted or committing the violation.

**Sexual harassment:** Any sexually related behavior that is unwelcome or offensive, or that fails to respect the rights of others. A challenge to identifying sexual harassment is that the effect the behavior or action has on the targeted person determines whether or not it is sexual harassment, even if the person committing the behavior or action does not feel their intent was to sexually harass.

The U.S. Equal Employment Opportunity Commission defines sexual harassment thus:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment.<sup>3</sup>

In the context of ministry as employment, especially within the polity and practices of the ELCA, the dynamics of the employee-employer relationship are much more complex and nuanced than in most secular work environments. This can affect the ways sexual harassment of a rostered minister is prevented, reported and addressed.

**Sexual misconduct:** Unacceptable or improper behavior, especially by an employee or professional person, that is sexual in nature.

It should go without saying that the violation of sexual boundaries is unacceptable and improper for any person. Within the context of the ELCA governing documents and resources, sexual misconduct primarily refers to sexual boundary violations by a rostered minister. “This church is concerned about all types of sexual misconduct by these

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<sup>2</sup> See “[50th Anniversary of the Church’s Decision to Ordain Women Survey Report](#).”

<sup>3</sup> “Fact Sheet: Sexual Harassment Discrimination,” U.S. Equal Employment Opportunity Commission, 1997, [www.eeoc.gov/laws/guidance/fact-sheet-sexual-harassment-discrimination](http://www.eeoc.gov/laws/guidance/fact-sheet-sexual-harassment-discrimination).

individuals [rostered ministers], regardless of whether or how the misconduct is characterized by the law or by the governing documents of the ELCA.”<sup>4</sup>

Throughout this report the phrase “ministerial sexual misconduct” will be used to refer to sexual boundaries violated by rostered ministers.<sup>5</sup>

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<sup>4</sup> “What Is Sexual Misconduct?” Report Misconduct (Evangelical Lutheran Church in America, n.d.), [elca.org/Our-Work/Leadership/Vocation-Become-a-Leader/Report-Misconduct](https://www.elca.org/Our-Work/Leadership/Vocation-Become-a-Leader/Report-Misconduct).

<sup>5</sup> In some existing ELCA resources about ministerial sexual misconduct, the phrase “clergy sexual misconduct” is used.

## II. PREVALENCE: SEXUAL BOUNDARY VIOLATIONS IN THE CHURCH

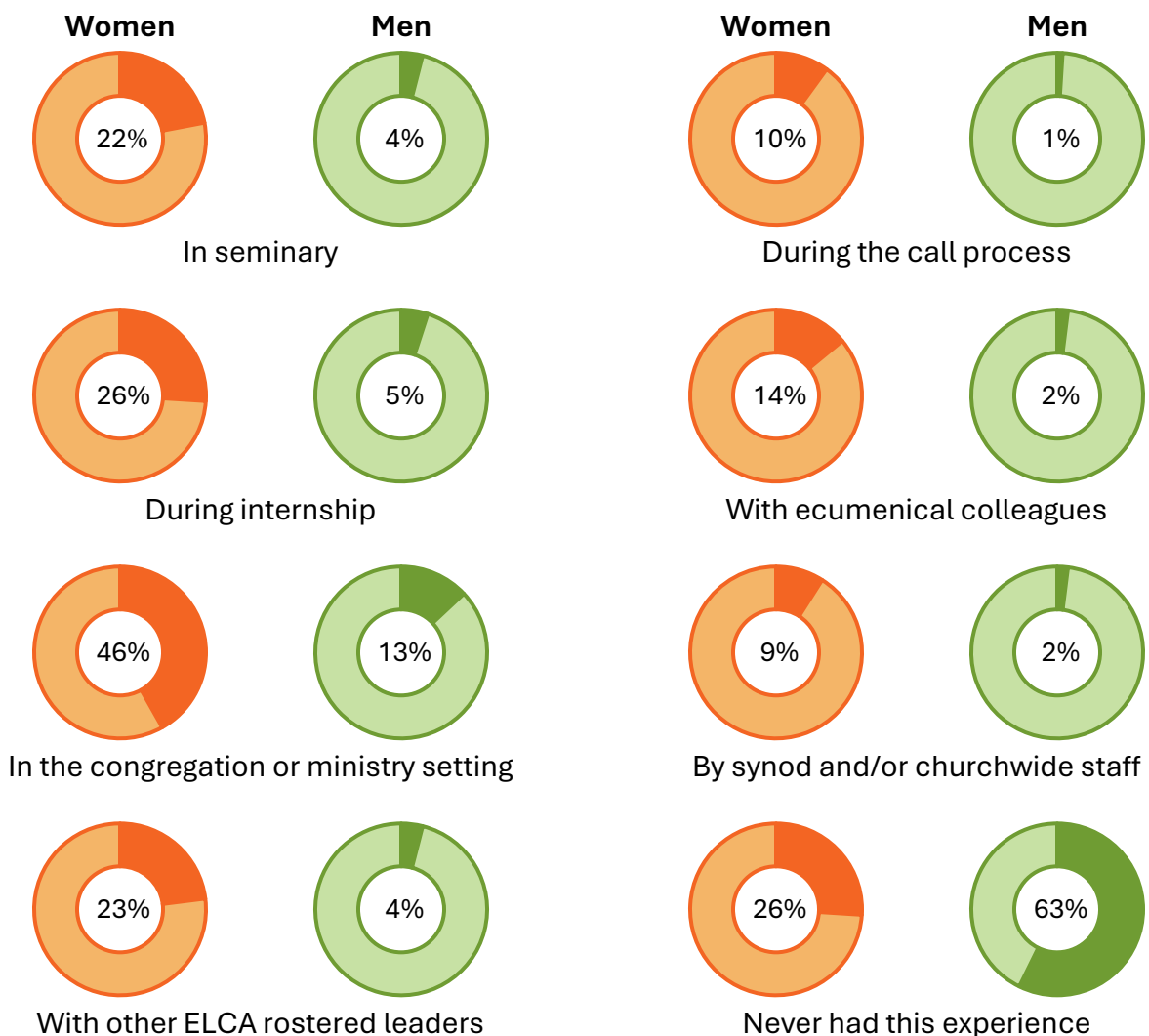
### A. Revelations From the 50th-anniversary Survey Report

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#### 1. Reported sexual harassment experienced by rostered ministers

In the “[50th Anniversary of the Church’s Decision to Ordain Women Survey Report](#),” rostered ministers were asked to respond to the statement “I have experienced sexual harassment (i.e., any sexually-related behavior that is unwelcome, offensive, or which fails to respect the rights of others)” in the following contexts or relationships of ministry:<sup>6</sup>

These graphs portray the responses of the women and men surveyed and reveal the many ways sexual harassment is experienced by rostered ministers.



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<sup>6</sup> See “[50th Anniversary of the Church’s Decision to Ordain Women Survey Report](#),” 39.

## 2. Needs and advice from women in ministry

In the [50th-anniversary survey](#), women in ministry were asked open-ended questions. The responses were analyzed using content analysis.<sup>7</sup> The following are questions and analyzed answers from women in ministry, with attention to the intersection of gender and race.<sup>8</sup>

- a. What is your greatest need in order to minister more effectively?<sup>9</sup>
  - i. Proactive, supportive synod: 24% of women of color and 17% of white women.
  - ii. Safety/safe places to be: 24% of women of color.
- b. Please provide any advice you have for women entering into or serving in rostered ministry in the ELCA.<sup>10</sup>
  - i. To expect bias and/or harassment: 17% of women of color and 17% of white women.
  - ii. Set and keep boundaries: 30% of white women.
- c. Please provide any advice you have for bishops, synod councils or churchwide staff related to women in rostered ministry in the ELCA.<sup>11</sup>
  - i. Listen to and believe women: 23% of women of color and 27% of white women.

### **B. Types of Sexual Boundary Violations in the Church**

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There are three predominant types of sexual boundary violations in the church. Each of the corresponding narratives is a generalization.

1. A pastor has a sexual relationship with an adult congregation member or staff member. Most often this is a male pastor in a sexual relationship with a female congregation or staff member. This is a violation of boundaries and an abuse of power.

In subsequent sections of this report, this type of sexual boundary violation is referred to as ministerial sexual misconduct.

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<sup>7</sup> Content analysis is a method of changing qualitative data into quantitative data. In this survey, open-response questions were coded and analyzed for themes because most included multiple examples of different kinds of experiences and challenges. Themes are identified by frequency, that is, how often comments related to these categories occurred in the responses.

<sup>8</sup> The 50th-anniversary survey report presented the five most common themes of responses to the open-ended questions. If a statistic is not listed for women of color or white women, that response was not one of the five most common themes for that group's responses.

<sup>9</sup> See "[50th Anniversary of the Church's Decision to Ordain Women Survey Report](#)," 51.

<sup>10</sup> See "[50th Anniversary of the Church's Decision to Ordain Women Survey Report](#)," 52.

<sup>11</sup> See "[50th Anniversary of the Church's Decision to Ordain Women Survey Report](#)," 53.

2. A rostered minister, staff member or adult volunteer commits an act of sexual abuse against a minor in the congregation. This is illegal, a violation of boundaries and an abuse of power.

In subsequent sections of this report, this type of sexual boundary violation is referred to as sexual abuse of minors.

3. A rostered minister or congregation member sexually harasses or assaults a rostered minister. Most often this is a male rostered minister or congregation member harassing or assaulting a female rostered minister. This is a violation of boundaries and in some cases an abuse of power. Sexual assault is illegal. Sexual harassment in the workplace is generally regarded as a type of employment discrimination. However, the U.S. courts differ on whether, and under what circumstances, a minister may bring a claim for sexual harassment in the workplace. (See page 17 for further explanation of legality.)

Sexual harassment of a rostered minister is the most under-shared narrative and the most under-resourced in terms of prevention, reporting procedure, response and support. The data from the 50th-anniversary study indicates that this sexual boundary violation occurs most often.

In subsequent sections of this report, this type of sexual boundary violation is referred to as sexual harassment of rostered ministers.

### III. POLICIES, INFORMATION AND RESOURCES TO ADDRESS SEXUAL BOUNDARY VIOLATIONS IN THIS CHURCH

The policy and reporting data used in this report were collected through each synod website from Oct. 25 to Nov. 10, 2022. Synod websites were selected as a means of research for this report because of the accessibility of information. Step one of the policy elements outlined in [“An ELCA Strategy for Responding to Sexual Abuse in the Church”](#) states the importance for synods of being adequately prepared to respond to reports of sexual misconduct. According to the strategy, in addition to having policies and procedures in place, synods are to prepare by having clear and well-publicized communication regarding sexual boundary violation prevention, procedures for reporting, and resources to assist congregations. The content found on a synod website should reflect this preparation and readiness to respond to sexual boundary violations. Such clarity, accessibility and provided content can help to build trust with a victim or witness that their report will be taken seriously, offenders will be held accountable, and synods will administer justice and care.



Across the ELCA, synod websites vary in the content shared to prevent, respond to and communicate about sexual boundary violations. The following terms are used to describe the types of content found on synod websites.

- a. **Policy:** A document that states the expectation and procedure adopted to govern and guide the response to reports of sexual boundary violations.
- b. **Information:** A description of expectations and/or reporting information that does not include a formal policy.
- c. **Resource:** Supplemental material shared to communicate, educate or support members and ministries of the synod in sexual boundary violations prevention, reporting and response. These resources are downloadable content or external links and can include brochures on reporting, sample policies<sup>12</sup> for congregations, programs to support healthy boundaries in ministry, etc.

The following sections present numbers and percentages of synods that address boundary violation. These statistics reflect all 65 synods unless otherwise stated.

## **A. Prevention of and Response to Sexual Boundary Violations**

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*This section presents an overview of the content synods offer related to all types of sexual boundary violations.*

### **1. Policies, information and resources to address different sexual boundary violations**

With multiple types of sexual boundary violations, synods need policies that prevent and respond to the different types of sexual boundary violations. Fifty-two synods (80%) have policies, information or resources that address sexual boundary violations. Some synods address more than one type of sexual boundary violation. Synod websites address:

- a. Ministerial sexual misconduct, sexual abuse of minors and sexual harassment:<sup>13</sup> eight synods (12%).
- b. Both ministerial sexual misconduct and sexual abuse of minors but not sexual harassment: 21 synods (32%).
- c. Both ministerial sexual misconduct and sexual harassment but not sexual abuse of minors: two synods (3%).
- d. Only ministerial sexual misconduct: 15 synods (23%).
- e. Only sexual abuse of minors: six synods (9%).
- f. Nothing found: 13 synods (20%).

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<sup>12</sup> A sample policy is considered a resource because it is a template for congregations to use to develop and adopt as a policy to use within their setting. A sample policy is not considered a policy, because it has not been adopted and put into use.

<sup>13</sup> Some but not all of the sexual harassment resources address sexual harassment of rostered ministers.

**Action Steps:** Review synod policies, information and resources around sexual boundary violations. All synods should have policies, information and resources to address ministerial sexual misconduct, sexual abuse of minors, sexual harassment in the church (including of rostered ministers) and sexual harassment of church workers (rostered ministers, lay staff and volunteers).

## 2. Sample policies to address different sexual boundary violations

Sample policies are a resource used to guide and support congregations in creating environments that are safe and in which sexual boundaries are known and honored. Thirty-three synods (51%) have sample policies for congregations. Seven synods (11%) have more than one type of sample policy online. Types of sample policies for congregations include:

- a. Prevention of sexual abuse of minors sample policy: 25 synods (38%).
- b. Sexual misconduct sample policy: seven synods (11%).
- c. Reference to sample policies on ELCA.org:<sup>14</sup> six synods (9%).
- d. Employee protection from sexual harassment: two synods (3%).
- e. No sample policies found: 32 synods (49%).

**Action Steps:** Review the sample policies of the synod. Synods should have sample policies to support congregations and other ministry settings in preventing and responding to sexual boundary violations, sexual abuse of minors, sexual harassment of church workers (rostered ministers, lay staff and volunteers) and sexual misconduct in the church (beyond ministerial sexual misconduct).

## 3. Resources to prevent, report or heal from sexual boundary violations

Resources are an effective way that synods equip and educate congregations about sexual boundary violations. Forty-nine synods (75%) offer supplemental resources, including:

- a. ELCA sexual boundary violation resources:<sup>15</sup> 24 synods (37%).
- b. Background check support: 24 synods (37%).
- c. Opportunities for congregations to engage in online programs for information about boundaries, safe church practices, etc.: 18 synods (28%).
- d. Information to make a report to law enforcement:
  - i. Contact information for reporting sexual abuse of minors: ten synods (15%).
  - ii. Recommendation to report sexual abuse of minors to law enforcement: five synods (8%).

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<sup>14</sup> At the time of this research, the ELCA website did not have antiharassment sample policies for congregations or synods. New resources are forthcoming.

<sup>15</sup> See further evaluation of these resources in the section “Roles and Responsibilities of the Expressions of the ELCA: The Churchwide Organization” on page 16 of this report.

- iii. Contact information to file a police report: one synod (2%).
- e. Pastoral care or congregational healing resources in policy: nine synods (14%).
- f. Congregational brochure to identify and report ministerial sexual misconduct: six synods (9%).
- g. Organizations and associations for domestic violence or victims of sexual violence: three synods (5%).

**Action Steps:** Consider what resources could be available to support congregations in preventing and responding to sexual boundary violations. Add these resources to your synod’s website and promote them at synod gatherings.

## **B. Prevention of and Response to Ministerial Sexual Misconduct**

*This section examines the content synods offer to prevent and respond to violations of sexual boundaries committed by rostered ministers in the ELCA.*

### **1. Policies, information and resources to address ministerial sexual misconduct**

When a synod shares policies, information and resources for ministerial sexual misconduct on its website, it communicates an expectation that the violation of sexual boundaries committed by rostered ministers is not tolerated, and it offers guidance on reporting and healing. Forty-six synods (71%) have content on their websites regarding ministerial sexual misconduct. Ministerial sexual misconduct is addressed by:

- a. A policy regarding ministerial sexual misconduct: 40 synods (62%).
- b. Information or resources about ministerial sexual misconduct but not a policy: six synods (9%).
- c. No policy, information or resources on the synod website: 19 synods (29%).

**Action Steps:** Every synod should have a policy to address ministerial sexual misconduct. Review the policy to ensure that its language and procedures are current and publicly accessible online. Incorporate regular review of the policy into synod council practices.

### **2. Synod policies for ministerial sexual misconduct according to the 1992 ELCA directive**

“[An ELCA Strategy for Responding to Sexual Abuse in the Church](#)”<sup>16</sup> identifies nine elements that should be included in a policy addressing ministerial sexual misconduct. These elements are:

- a. Adequate preparation.
- b. Initial contact — first response.

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<sup>16</sup> “An ELCA Strategy for Responding to Sexual Abuse in the Church” (Evangelical Lutheran Church in America, 1992), 9-11, [download.elca.org/ELCA%20Resource%20Repository/Responding\\_to\\_Sexual\\_Abuse\\_in\\_the\\_Church.pdf](https://download.elca.org/ELCA%20Resource%20Repository/Responding_to_Sexual_Abuse_in_the_Church.pdf).

- c. Initial investigation of the complaint.
- d. Conversation with the rostered minister.
- e. Assessment of the information.
- f. Consultation or advisory panel.
- g. Formal hearing.
- h. Disclosure.
- i. Follow-up.

Thirty-eight of the 40 synod policies addressing ministerial sexual misconduct (95%) include these nine policy elements.

**Action Steps:** Review your policy and the explanations of these nine elements from “[An ELCA Strategy for Responding to Sexual Abuse in the Church](#)” (pages 9-11 in print, 14-16 online) to ensure that the policy includes each element.

### 3. Sexual misconduct defined in ministerial sexual misconduct policies and information

Definitions of sexual misconduct are critical to addressing ministerial sexual misconduct. When not well-defined, violating behaviors may be overlooked or unreported. At the same time, any concerns should always be reported, even if they do not fall within the scope of definitions suggested in a policy or resource. Thirty-eight of the 46 synods with a policy or information addressing ministerial sexual misconduct (83%) define sexual misconduct. Definitions include:

- a. Naming types of sexual misconduct without further explanation (e. g., “sexual misconduct is sexual harassment, sexual assault or sexual abuse”): 23 of 46 policies or information (50%).
- b. Defining sexual misconduct, harassment, assault or abuse, and including identifiable actions (e.g., telling jokes or stories that are sexual in nature, forcible kissing, groping, etc.): 15 of 46 policies or information (33%).
- c. Having a policy or information for ministerial sexual misconduct but not offering a definition or explanation of sexual misconduct: eight of 46 policies or information (17%).

**Action Steps:** Review the definition used for sexual misconduct in synod policies and information. Definitions should include identifiable actions to assist understanding beyond general terms related to sexual misconduct. It is also important to note that any concerns should always be reported, even if they do not fall within the scope of definitions suggested in a policy or resource.

### 4. Contact information to report ministerial sexual misconduct

Contact information to report ministerial sexual misconduct should be easily accessible, be clear on how to report misconduct and whom to contact, and be maintained with up-to-

date information. Thirty-five of the 46 synods with ministerial sexual misconduct policies, information or resources (76%) have contact information listed in their policy, a reporting resource, or an information webpage about sexual misconduct. Further examination on contact information showed that synods:

- a. Have out-of-date contact information listed: seven of these 35 synods (20%).
- b. Have policies, information or resources for misconduct but do not have any contact information listed for reporting purposes: 11 of the 46 synods (24%).

**Action Steps:** Confirm that all contact information is current and that all response team members are listed in all policies, information or resources that reporting information is part of. Review this annually to ensure that information is up-to-date. Post contact information to report ministerial sexual misconduct on the page of the synod's website for sexual boundary violations to assist anyone reporting ministerial sexual misconduct.

When a synod uses a response team to receive reports of ministerial sexual misconduct, it shows preparedness to respond, an intention to diversity in roles to report to, and an expectation that if an incident occurs, the synod office will address it. In the 28 synods with up-to-date contact information, the reporting contacts were people in the following roles:

- c. Bishop and synod staff members: 13 of 28 synods (46%).
- d. Synod response team: eight of 28 synods (29%).
- e. Bishop, synod staff and synod council members: four of 28 synods (14%).
- f. Bishop and ELCA consultant: three of 28 synods (11%).

**Action Steps:** Form a response team to receive reports of ministerial sexual misconduct. This team should have members that represent a variety of roles (rostered ministers, lay members, synod staff members, synod council members) within the synod. Equip the response team with expectations of what they should do when receiving a report, caring and responsive skills for talking with the reporting person, knowledge of the procedure outlined in the synod's policy on ministerial sexual misconduct, and any resources to share with the reporting person.

## **5. Placement of policies, information and resources for ministerial sexual misconduct on synod websites**

The placement of a synod's policy, information and resources on ministerial sexual misconduct on a synod website demonstrates a commitment to preventing and addressing instances of ministerial sexual misconduct and to supporting individuals and communities of faith to do the same. When this material is given its own space and includes descriptive explanations, policies, resources and contact information for reporting, it is easier to understand and use. Arrangement of this information on synod websites includes:

- a. A page or section of a page dedicated to content about ministerial sexual misconduct (e.g., a page titled “sexual misconduct”) with a descriptive explanation: 21 synods (32%).
- b. A themed resource page (e.g., a page titled “boundaries”) without a descriptive explanation: nine synods (14%).
- c. A general resource page (e.g., a page titled “resources for congregations”) without a descriptive explanation: 10 synods (15%).
- d. A collective resource list composed of all the synod’s resources: six synods (9%).
- e. No policies or information about ministerial sexual misconduct: 19 synods (29%).

**Action Steps:** Create a page on your synod’s website for all policies, information and resources to address sexual boundary violations. Include a brief statement of the synod’s commitment to prevent and respond to any instances of sexual boundary violations. Where policies, information or resources are shared, include brief descriptions of the shared item.

## **6. Access to ministerial sexual misconduct policy and information on synod websites**

The accessibility of a synod’s policy and information on ministerial sexual misconduct communicates a value and expectation that the synod will prevent and respond to instances of sexual boundary violations. This assists individuals and faith communities in reporting or finding information to prevent this type of misconduct. One way to assess accessibility is to count the number of times your computer mouse must be clicked to view a synod’s policy or information. Access to this information was:

- a. One click away: ten synods (15%). (These synods have a button or direct link on their home page to report misconduct or to access the policy or information.)
- b. Two clicks away: 12 synods (18%).
- c. Three clicks away: 21 synods (32%).
- d. Four or more clicks away: three synods (5%).

**Action Steps:** Create a button or direct link on the synod website home page or in the website footer that leads people to the page for sexual boundary violations in one click.

## **C. Prevention of and Response to Sexual Abuse of Minors in the Church**

*This section examines the content synods offer to protect minors from and prevent violations of sexual boundaries committed by an adult (rostered minister, staff member, volunteer, etc.) in the church.*

### **1. Policies, information and resources to address the sexual abuse of minors in the church**

Thirty-five synods (54%) use policies, information or resources to prevent and address the sexual abuse of minors in the church. These include:

- a. Resources, such as a sample policy, guidance or access to a program to assist congregations in developing policies to prevent the sexual abuse of minors in the congregation: 29 synods (45%).

**Action Steps:** Share a sample policy for preventing the sexual abuse of minors; best practices for protecting children and training and screening adult volunteers; and guidelines to make the church a safe place for children. [Church Mutual®](#) offers multiple shareable resources to prevent sexual abuse of minors in the church.

- b. A policy in place to prevent the sexual abuse of minors during synod events: eight synods (12%).

**Action Steps:** Adopt a policy to prevent the sexual abuse of minors during synod events.

## **D. Prevention of and Response to Sexual Harassment in the Church**

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*This section examines the content synods offer to prevent acts of sexual harassment in the church, against rostered ministers and more broadly.*

### **1. Policies, information and resources to address sexual harassment in the church**

Sexual harassment in the church (when it is not classified as ministerial sexual misconduct or sexual abuse of a minor) is seldom addressed by policies, information or resources on synod websites.

Seven synods (11%) address sexual harassment in the church through a policy or resource. These include:

- a. A policy or resource addressing sexual harassment of people working in the church (e.g., rostered ministers, staff and volunteers): three synods (5%). This is addressed through:
  - i. An adopted policy that protects individuals employed by the synod against harassment and sexual harassment: one synod (2%).
  - ii. Sample policies<sup>17</sup> for congregations to use to protect their employees from harassment and sexual harassment: two synods (3%).
- b. A sample policy for congregations to use to prevent and respond to instances of sexual misconduct:<sup>18</sup> four synods (6%).

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<sup>17</sup> A sample policy is considered a resource because it is a template congregations can develop and adopt as a policy within their setting. A sample policy is *not* considered a policy, because it has not been adopted and put into use.

<sup>18</sup> These sample policies broadly target instances of sexual misconduct and do not exclusively address ministerial sexual misconduct. In addition, these sample policies include sexual harassment as a definition of sexual misconduct.

**Action Steps:** Develop resources for reporting sexual harassment that also address sexual harassment of rostered ministers. Share [sample policies](#) that protect church workers from sexual harassment. Adopt synod policies to protect people employed by the synod from sexual harassment. Raise awareness of the prevalence of sexual harassment reported by women in ministry.

#### IV. COMMITMENTS AND RESPONSIBILITIES ACROSS THE ELCA

##### **A. ELCA Directives to Address Sexual Boundary Violations**

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One way this church acts upon its values is by adopting directives that serve to interpret, articulate and enact our values and beliefs in action and advocacy. This church makes decisions and commitments through churchwide assembly resolutions, calls to action by the ELCA Church Council, implementing resolutions related to ELCA social statements, and governing documents. This is a summary of ELCA directives relating to sexual boundary violations.<sup>19</sup>

See the appendix for lists of the specific directives for congregations, synods and the churchwide organization.

##### **1. The 1989 Churchwide Assembly [resolution on sexual harassment](#)**

- a. For congregations to (1) provide an atmosphere where sexual abuse can be discussed; (2) engage in education and prevention of all forms of sexual abuse and harassment; (3) provide pastoral care; (4) create policies and procedures; and (5) engage within the community about concern for the problem of sexual harassment.
- b. For synods to (1) examine the issues of sexual harassment and abuse in the synod; (2) create policies and procedures to empower reporting, healing and safeguarded rights; (3) assist and urge congregations to develop and utilize policies; and (4) sponsor and encourage theological reflection on these issues.
- c. For the ELCA to (1) commit itself to work to make our church a safe place for all by eliminating these abuses and (2) not tolerate any form of sexual abuse or harassment by any of its personnel.

##### **2. The 2010 [Candidacy Manual](#)<sup>20</sup>**

- a. Internship settings must have a written policy for sexual ethics.

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<sup>19</sup> Three synods memorialized the 2022 Churchwide Assembly to develop a social statement on child abuse and protection. The assembly requested that the Church Council consider authorizing development of a social message on child abuse and protection.

<sup>20</sup> This directive was added in 2010 and is in the current manual, which the ELCA Church Council approved in 2016, with revisions from 2023.



### **3. The 2015 social message [“Gender-based Violence”](#)**

- a. The directives of this social message outline a multitude of ways in which all expressions of this church can work against gender-based violence in the church and the world through acts of education, advocacy and care.

### **4. The 2019 social statement [Faith, Sexism, and Justice: A Call to Action](#)**

- a. Implementing Resolution 3: “To encourage members to be guided by the ELCA social message ‘Gender-based Violence’ (2015) in taking action, such as urging their congregations to implement policies and to become intentional sites of advocacy and support for local efforts that serve those affected by such violence” (p. 81).
- b. Implementing Resolution 16: “To call on the church in all its expressions and related agencies, organizations, and institutions to embed and incorporate anti-sexism training and protocols in their ongoing work, including appropriate adaptations to boundaries training for rostered ministers, and to create institutional resources to support rostered ministers who experience sexual misconduct or gender-based harassment, as well as pastoral care resources for all affected by sexism” (p. 83).

### **5. The 2021 revision of [“Definitions and Guidelines for Discipline: Rostered Ministers, Congregations, and Members of Congregations”](#)**

- a. Guidelines for Discipline of Rostered Ministers
  - i. “Sexuality and public ministry: This church does not tolerate the abuse of the ministerial office for personal sexual gratification or exertion of authority over others. ... Rostered ministers who abuse the trust placed in them by engaging in infidelity, adultery, promiscuity, or sexual abuse of another are engaging in conduct incompatible with the character of the ministerial office” (page 8, part B, number 5).
  - ii. “Commission of a serious crime: A rostered minister who commits a serious crime is subject to discipline for engaging in conduct incompatible with the character of the ministerial office” (page 9, part B, number 9).
- b. Guidelines for Discipline of Congregations
  - i. “Willful disregard or violation of the constitutions, bylaws, or continuing resolutions of this church is grounds for discipline of a congregation of this church” (page 12, part C).
- c. Guidelines for Discipline of Members of Congregations
  - i. “Willful and/or criminal conduct grossly unbecoming of a member of the Church is grounds for disciplinary action against a congregation member,” such conduct including rape, attempted rape, sex crimes and child abuse (page 13, part B).
  - ii. “Willful and repeated harassment, abuse, bullying, libel, or slander of member(s) of the congregation are grounds for discipline of a member. If the treatment of another, including rostered ministers or staff, by a member of the

congregation repeatedly devolves into slanderous, vicious, or intentionally hurtful communications, no matter the means of such communications, the behavior is unacceptable and may warrant disciplinary action” (pages 13-14, part D).

## **B. Roles and Responsibilities of the Expressions of the ELCA**

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Congregations, synods and the churchwide organization have different responsibilities to prevent and respond to sexual boundary violations in this church. Much of the information already presented focuses closely on the ways that synods address sexual boundary violations. Synods have a unique role in the way they relate to other expressions of this church, but they do not bear all the responsibility to address and prevent sexual boundary violations.

### **1. Congregations**

Congregations have the authority and responsibility to develop and enact policies to which their members, their staff members and people affiliated with their congregation are to be held accountable. In instances of sexual boundary violation in the congregation, when the accused is a staff member who is not a rostered minister, issues should be reported to the pastor, the congregational council or a response team.<sup>21</sup> The same standards apply to authorized worshiping communities.

- a. Nine of 65 synod websites (14%) encourage congregations to develop policies related to sexual boundary violations in the congregation.
- b. All five of the directives listed above resolve, call upon or expect congregations to develop policies to promote a community safe from sexual boundary violations.

### **2. Synods**

Synods have the authority and responsibility to develop and enact policies to prevent and respond to sexual boundary violations involving rostered ministers, synod staff members and participants in synod-sponsored events. Synods receive reports of sexual boundary violations when the accused is a rostered minister or synod staff member. Synods are also responsible for supporting congregations in developing policies and procedures to prevent sexual boundary violations in the congregation or at synod-affiliated ministry sites.

- a. Thirty-two synod policies (49%) outline the distinction between the congregation’s and synod’s roles in responding to reports of sexual boundary violations, based on the accuser’s role as a rostered minister or layperson.

### **3. The churchwide organization**

The churchwide organization is responsible for providing supportive, preventative, responsive and healing resources to synods and congregations. In instances of sexual

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<sup>21</sup> See “[Reporting Sexual Misconduct in the ELCA.](#)”

boundary violations in which the accuser is a synod bishop, reports should be made to the presiding bishop.

- a. The churchwide organization has developed resources to prevent, respond to and heal from ministerial sexual misconduct in congregations.
- b. Information for reporting both ministerial sexual misconduct and sexual abuse of a minor is available at ELCA.org/SafePlace and through [Legal Issues](#) resources.
- c. The [sample policy for sexual misconduct prevention](#) on ELCA.org was developed by Church Mutual® and is targeted at prevention of and response to sexual abuse of minors in the church.
- d. ELCA.org does not offer a sample sexual harassment policy or other resources to prevent or respond to sexual harassment.
- e. All employees of the churchwide organization are required to participate in regular sexual harassment awareness training.

#### **4. Criminal law, civil law and sexual boundary violations in the church**

- a. Any suspected sexual contact with a minor should be reported to the appropriate governmental agency as required by state laws concerning that reporting of child abuse, except in the rare circumstances where the clergy-penitent privilege would prevent such a report.<sup>22</sup> Ministers facing this situation should consult with legal counsel in their jurisdiction.<sup>23</sup>
- b. Sexual assault of any person is illegal under criminal laws.
- c. Sexual harassment in the workplace is generally regarded as a type of employment discrimination. Under the ministerial exception<sup>24</sup> to employment discrimination laws, however, courts differ on whether, and under what circumstances, a minister may bring a claim for sexual harassment in the workplace or a hostile work environment.
- d. In the church, sexual harassment and sexual assault are often seen as the same. However, under U.S. law, sexual assault and sexual harassment are two different offenses. Sexual assault is a violation of criminal law. Sexual harassment is a violation of civil law. If sexual harassment includes unwanted touching, physical intimidation or extreme forms of coercion, these actions are classified as sexual assault and would be considered criminal offenses.

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<sup>22</sup> To learn about mandatory reporting and the use of clergy-penitent privilege in each state and territory, see [“Clergy as Mandatory Reporters of Child Abuse and Neglect,”](#) produced by Child Welfare Information Gateway, part of the U.S. Department of Health and Human Services.

<sup>23</sup> For more on confidentiality and ministers of Word and Sacrament, see provision 7.45. in the [Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America](#), 39.

<sup>24</sup> Ministerial exception is a legal protection used to exempt religious institutions from antidiscrimination laws in their employment of ministers.

## V. RESPONDING TO THE UNADDRESSED SEXUAL BOUNDARY VIOLATION

### A. An Acknowledgement of Sexual Harassment Experienced by Women in Ministry

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In the 1996 ELCA educational resource “[Safe Connections: What Parishioners Can Do to Understand and Prevent Clergy Sexual Abuse](#),” a small section titled “Sexual Harassment of Pastors by Parishioners or Professional Superiors” addresses the reality of people targeting rostered ministers for sexual harassment. The document states:

Sexual harassment can occur when the pastor is more vulnerable to the professional superior or to a parishioner. In such a case, a supervisor, superior, senior pastor or parishioner with significant resources (e.g., physical strength, age, status and standing in the community, influence, charisma, a strong and forceful personality) can coerce a pastor into a sexualized relationship. Most often, sexual harassment of pastors is perpetrated against female pastors by senior pastors or other supervisors, and less often by parishioners with enough power to present a credible threat.<sup>25</sup>

[Recent ELCA data](#) does not support this claim.<sup>26</sup>

Within the numerous resources to prevent, respond to and eliminate sexual harassment and sexual misconduct within this church, this is the only text that overtly acknowledges that individuals called to lead this church as rostered ministers may also be targets of sexual boundary violations by colleagues or people among whom they serve.

### B. Sexual Harassment, Roles and Power

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Through policies, training and information, this church communicates that accountability for violations of sexual boundaries lies with rostered ministers.

For the sake of the integrity of gospel ministry, this church holds its pastors accountable for actions undertaken in the context of professional relationships. All interaction between pastors and parishioners is within this context. We do not want to undermine the message of the gospel or the witness of the church. We do not want anyone in this church, or anyone who

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<sup>25</sup> Jan Erickson-Pearson, “Safe Connections: What Parishioners Can Do to Understand and Prevent Clergy Sexual Abuse,” ELCA Safe Place (Evangelical Lutheran Church in America, 1996), 51-52, [download.elca.org/ELCA%20Resource%20Repository/How\\_Congregations\\_Can\\_Prevent\\_Clergy\\_Sexual\\_Abuse.pdf](https://download.elca.org/ELCA%20Resource%20Repository/How_Congregations_Can_Prevent_Clergy_Sexual_Abuse.pdf).

<sup>26</sup> See “[50th Anniversary of the Church’s Decision to Ordain Women Survey Report](#),” 39.

comes seeking its ministry, to be harmed in the context of relationship with its pastors.<sup>27</sup>

On the surface this exclusive assignment of responsibility seems logical because the rostered minister is accountable to the church, has been prepared and credentialed for ministry leadership, and serves in a professional role within ministry relationships.

But this assignment operates on the assumption that all sexual boundary violations involving a rostered minister are acts of ministerial sexual misconduct, and ignores that 46% of women in ministry have reported being sexually harassed within the congregation or ministry setting.

Studies outside the church environment have shown that women in leadership roles, particularly roles with power and authority, experience sexual harassment at a higher rate than women who do not work in a supervisory role. This has been referred to as the *paradox of power* and is described as follows:

Research supports the reality that sexual harassment is usually about intimidation, humiliation, domination and degradation, rather than sexual desire. And it is driven by power dynamics. What is not discussed often enough, is that while harassment can be facilitated when a perpetrator has power, it can also be prompted by resentment towards a woman in power.<sup>28</sup>

Power dynamics have greater complexity than “Safe Connections” and other ELCA resources present. The policies in place across the ELCA fall short of protecting rostered ministers from sexual harassment, and they fail to prevent congregations or other ELCA ministry sites from being microsystems of abuse and harassment.

## VI. BEING A CHURCH PREPARED TO RESPOND TO SEXUAL BOUNDARY VIOLATIONS

In the 2021 revision of “Definitions and Guidelines for Discipline,” the guideline to address instances of harassment committed by members of congregations was amended to expand the protections from harassment previously outlined only for members of the congregation. The words “including rostered ministers or staff” were added to address that rostered ministers are also targets of harassment by members of the congregation and that such behavior is grounds for discipline.<sup>29</sup>

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<sup>27</sup> See “[Safe Connections: What Parishioners Can Do to Understand and Prevent Clergy Sexual Abuse](#)” (1996), 29.

<sup>28</sup> Wendy L. Patrick, “Target at the Top: Why Powerful Women Are Sexually Harassed,” *Psychology Today*, May 16, 2020, [www.psychologytoday.com/us/blog/why-bad-looks-good/202005/target-at-the-top-why-powerful-women-are-sexually-harassed](http://www.psychologytoday.com/us/blog/why-bad-looks-good/202005/target-at-the-top-why-powerful-women-are-sexually-harassed).

<sup>29</sup> See “Definitions and Guidelines for Discipline,” for members of a congregation, part D, 14.

Many steps like this are being taken across the ELCA to listen, to reconsider our policies and practices, and to respond to the unaddressed issue of sexual boundary violations.

Here are some examples and ideas:

- a. Expand and redesign the requirement of boundaries education for rostered ministers to a three-year rotation model teaching boundaries basics, gender justice and racial justice. Use an educational pedagogy rather than a training one.
  - i. Twenty-four synods (37%) have or are preparing to shift to this model.
- b. Assess how your ministry setting is living out the ELCA directives related to sexual boundary violations, and set goals for the next steps in furthering your ministry setting's response to the directives.
- c. Host a small group to explore the study guide for the social statement *Faith, Sexism, and Justice: A Call to Action*.<sup>30</sup>
- d. Join the growing number of ministry contexts that have adopted anti-sexual harassment policies, and host discussions about the policy and the meaning of sexual harassment.
- e. Review a congregation or synod's policies, information and resources on sexual boundary violations. Check that the reporting information and language are updated. Pay attention to how accessible these materials are and what might be missing.
- f. Listen to the experiences of women in ministry, whether in your own context or by exploring materials on the #MeToo #ChurchToo movements.
- g. Offer boundaries education and/or bystander training to lay leaders in congregations and synods.
- h. Examine your setting's preparedness to receive and respond to a report of sexual boundary violation. For example, are people in your setting trained to respond with care, trust, and knowledge of the process?
- i. Join with other member communions in the Lutheran World Federation to use a misconduct policy and process at every event and meeting. Add it to every agenda.
- j. Find opportunities at synod or congregational events to use language and practices that promote healthy boundaries and integrate safe community practices, such as simply saying "That's not OK" if someone says or does something inappropriate.

In 1989, this church 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."<sup>31</sup> Important initial steps were taken, yet 34 years later, it is time to act across this church to address the gaps in policies, practices and faith perspectives that allow or ignore the high prevalence of sexual harassment of rostered ministers so that we are a church prepared to respond, where all people can be safe from all sexual boundary violations.

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<sup>30</sup> See [www.elca.org/fsjstudyguide](http://www.elca.org/fsjstudyguide).

<sup>31</sup> See "[Resolution on Sexual Harassment Adopted by the 1989 ELCA Churchwide Assembly](#)."