



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

## Executive Summary

*ELCA Quality of Call Initiative for Women in Ministry*

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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 Sexual harassment statistics are high, rostered ministers suffer, and policies and practices are absent, out-of-date and ineffective.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.<sup>1</sup>

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.

This is an executive summary of the full report, “Sexual Boundary Violations in the ELCA: Prevalence, Policy and Prevention.” Sections of this summary correspond to sections of the full report, where more information can be found.

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

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

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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

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<sup>1</sup> The policy and reporting data used in this document were collected through each synod website from Oct. 25 to Nov. 10, 2022.

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>2</sup>

- Forty-six percent of women reported sexual harassment in the congregation or ministry setting.
- Only 26% of women reported that they have never experienced sexual harassment in ministry.
- When asked what advice they would give women entering or serving in rostered ministry, nearly 1 in 5 women in ministry responded, “to expect bias and/or harassment.”

## **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, outlined in this report.

1. **Ministerial sexual misconduct:** This is a violation of boundaries and an abuse of power.
2. **Sexual abuse of minors:** This is illegal, a violation of boundaries and an abuse of power.
3. **Sexual harassment of rostered ministers:** Sexual assault is illegal. Sexual harassment of religious leaders is considered discrimination and harassment in some states but not all.

Sexual harassment of a rostered minister is the most under-shared narrative and 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.

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

The following sections present numbers and percentages of synods that address boundary violations. 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**

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<sup>2</sup> See “[50th Anniversary of the Church’s Decision to Ordain Women Survey Report](#),” 39.

Policies,<sup>3</sup> information<sup>4</sup> and resources<sup>5</sup> are used to prevent and respond to the different types of sexual boundary violations in the church. Some synods address more than one type of sexual boundary violation.

- Across the ELCA, 80% of synods address on their synod website one or more types of sexual boundary violation.
- Eight synods (12%) have on their synod website a policy, information or resources to address ministerial sexual misconduct, sexual abuse of minors and sexual harassment in the church.<sup>6</sup>
- Thirteen synods (20%) do not address any type of sexual boundary violations on their synod website.

## **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.

- Half the synods in the ELCA (51%) have sample policies for congregations.
- Seven synods (11%) have more than one type of sample policy online.

## **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.

- One resource increasingly used is access to opportunities for congregations to engage in online programs for information about boundaries, safe church practices, etc. (28%).

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

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*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.

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<sup>3</sup> Content on a synod's website that is described as a "policy" is a document that states the expectation and procedure adopted to govern and guide the response to reports of sexual boundary violation.

<sup>4</sup> Content on a synod's website that is described as "information" is a description of expectations and/or reporting information but does not include a formal policy.

<sup>5</sup> Content on a synod's website that is described as a "resource" is supplemental material shared to communicate, educate or support members and ministries of the synod in sexual boundary violations prevention, reporting and response.

<sup>6</sup> Some but not all of these sexual harassment resources address sexual harassment of rostered ministers.

- Though most synods include a policy, information or resources to address ministerial sexual misconduct, 19 synods (29%) do not address ministerial sexual misconduct on their website.

## **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>7</sup> identifies nine elements that should be included in a policy addressing ministerial sexual misconduct:

- Adequate preparation.
- Initial contact — first response.
- Initial investigation of the complaint.
- Conversation with the rostered minister.
- Assessment of the information.
- Consultation or advisory panel.
- Formal hearing.
- Disclosure.
- Follow-up.

Nearly all synods (95%) with a ministerial sexual harassment policy include these nine elements.

## **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.

- Multiple identifiable actions (e.g., telling jokes or stories that are sexual in nature, forcible kissing, groping, etc.) are used to define sexual misconduct in 15 of the 46 synod policies or information about ministerial sexual misconduct (33%).

## **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 synods list contact information for reporting on their website, but seven of these synods have outdated contact information.

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<sup>7</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).

When synods use a response team to receive reports of ministerial sexual misconduct, it shows preparedness to respond, intention to diversity in roles to report to, and an expectation that if an incident occurs, the synod office will address it.

- Only eight synods (12%) have formed a response team to receive reports, with team members representing a variety of roles, including synod staff, synod council, rostered ministers and lay members.

## **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.

- Twenty-one synods (32%) have a page or section of a page dedicated to content about ministerial sexual misconduct, with descriptive explanations.

## **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 to prevent and respond to instances of sexual boundary violations. This assists individuals and faith communities in reporting or finding information to prevent sexual boundary violation.

- Ten synods (15%) have a button or link to report misconduct or to access the policy or information from the website home page.

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

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*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 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:

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

## 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 policy or resources addressing sexual harassment of people working in the church (e.g., rostered ministers, staff and volunteers): three synods (5%). This is addressed through:
  - An adopted policy that protects individuals employed by the synod against harassment and sexual harassment: one synod (2%).
  - Sample policies<sup>8</sup> for congregations to use to protect their employees from harassment and sexual harassment: two synods (3%).
- A sample policy for congregations to use to prevent and respond to instances of sexual misconduct:<sup>9</sup> four synods (6%).

## IV. COMMITMENTS AND RESPONSIBILITIES ACROSS THE ELCA

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

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For a summary of the directives, see the full report. For lists of specific directives for congregations, synods and the churchwide organization, see the full report appendix.

- The 1989 Churchwide Assembly [resolution on sexual harassment](#).
- The 2010 [Candidacy Manual](#).<sup>10</sup>
- The 2015 social message “[Gender-based Violence](#).”
- The 2019 social statement [Faith, Sexism, and Justice: A Call to Action](#).
- The 2021 revision of “[Definitions and Guidelines for Discipline: Rostered Ministers, Congregations, and Members of Congregations](#).”

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<sup>8</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>9</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.

<sup>10</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.

## **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.

### **1. Congregations**

Congregations have the authority and responsibility to develop and enact policies to which their members, 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. The same standards apply to authorized worshipping communities.

### **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 synod-affiliated ministry sites.

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

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

- Information for reporting both [ministerial sexual misconduct](#) and [sexual abuse of a minor](#) is available at [ELCA.org/SafePlace](https://www.elca.org/SafePlace) and through *Legal Issues* resources.
- ELCA.org does not offer a sample sexual harassment policy.
- 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**

- Sexual harassment in the workplace is generally regarded as a type of employment discrimination. Under the ministerial exception<sup>11</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 hostile work environment.

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<sup>11</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 realities of people targeting rostered ministers with sexual harassment. Within this text, sexual harassment of pastors who are women is described as more often involving a senior pastor or supervisor than a parishioner.

[Recent ELCA data](#) does not support this claim.<sup>12</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. 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 congregational ministry.

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>13</sup>

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<sup>12</sup> See “[50th Anniversary of the Church’s Decision to Ordain Women Survey Report](#),” 39.

<sup>13</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).



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>14</sup>

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. Review the full report to see a list of suggestions for more steps a church can take to be prepared to respond to sexual boundary violations.

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>15</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>14</sup> See “Definitions and Guidelines for Discipline,” for members of a congregation, part D, 14.

<sup>15</sup> See “[Sexual Harassment](#),” a social policy resolution adopted by the 1989 ELCA Churchwide Assembly.