

Office of the Bishop
Virginia Synod
Evangelical Lutheran Church in America

PROTOCOL
IMPLEMENTING THE SYNOD'S

STATEMENT OF POLICY REGARDING SEXUAL MISCONDUCT
BY ORDAINED PASTORS, ASSOCIATES IN MINISTRY,
AND DIACONAL MINISTERS

Approved by Synod Council
At its October 2000 Meeting

1. Purpose

The purpose of this protocol is to implement this Synod' Policy on Sexual Misconduct by ordained pastors, associates in ministry, and diaconal ministers of this synod (herein referred to as "rostered persons" or "clergy"). Every report of clergy sexual misconduct involves unique people and unique circumstances. This protocol describes the general approach that the Office of the Bishop will follow in responding to reports of clergy sexual misconduct. It will not be appropriate or even possible for the Office of the Bishop to follow this protocol in every case. The Bishop reserves the right to depart from this protocol at any time and for any reason.

2. Initial Report of Misconduct

1. All reports of potential clergy misconduct will be immediately reported to the Bishop.
2. The Bishop will then call a meeting of the Case Management Team. This team

will be composed of the Rev. Jean Bozeman, Assistant to the Bishop (permanent member), and Mark N. Reed, Secretary and Legal Counsel for the Synod (permanent member). In addition the Bishop may request the dean of the accused person's conference to be on this team. In the event that the dean is the accused, the Bishop may appoint another conference dean to serve on the team. The Bishop will review the known facts of the case with the team and together they will formulate a plan for handling the case, after appropriate consultation with ELCA's General Counsel.

3. At this time the Bishop or his designee will normally notify the Synod's clergy misconduct insurance carrier of the complaint.
4. The Bishop will also notify the Synod Council Executive Committee in executive session of the general nature of the complaint and keep it advised of the progress of the investigation. Normally this will be done at the Committee's regularly scheduled meetings.
5. The Bishop may form an Investigation Team. The Investigation Team will generally be composed of the Rev. Jean Bozeman (team leader), a conference dean (not of the same conference as the accused) and a layperson.

3. Investigative Phase

1. The Bishop will generally contact the complainant/victim, if he has not already done so, and advise her or him of the steps the Synod is following in this matter. Generally he will offer the victim and their family the services of a pastor to provide pastoral care for the victim. This pastor will normally be of the same sex

as the victim. The Bishop will also advise the complainant that the Investigative Team will be interviewing her or him concerning the allegations. He will also appoint a contact person for the complainant/victim. This will normally be the Rev. Jean Bozeman.

2. The Bishop may contact the chair of the congregational council of the accused's congregation and advise him/her of the allegations and the Synod's plan for investigating the matter. Normally the chair will be asked to keep this information confidential and further be requested not to start a congregational investigation of the same matter pending the outcome of the Bishop's investigation. This guideline would not apply in emergency situations or situations in which the victim is an employee of the congregation. The chair of the congregation will then be advised of a contact/liaison person between the chair and the Synod. Generally this will be either the dean of the conference in which the accused has his/her call, if he or she is on the Case Management Team, or the Rev. Jean Bozeman. The chair will also be advised of the need to notify the congregation's sexual misconduct insurance carrier of the complaint.
3. The Investigative Team will then interview the complainant/victim and such other persons that it deems necessary to carry out a complete investigation of the matter. However all interviews and other actions by the Investigative Team will need to be approved by the Case Management Team in advance.
4. Once the Investigative Team has completed their preliminary investigation, they shall report their findings to the Bishop and the Case Management Team.

4. Interview with the Accused

1. Generally the Bishop and one member of the investigative Team will then interview the accused concerning the matter.
2. At this interview the accused and his/her family will be offered the services of a pastor (who will not be a dean or a member of the Synod Staff) to provide pastoral care for the accused and his/her family. The accused and where appropriate his/her family will then be advised of a contact/liaison person between them and the Synod. Generally this will be the dean who serves on the Investigative Team (not the accused's dean). The accused should be advised that this contact person is not their advocate, pastor or adviser but only a point of contact with the Synod during the investigation.

5. Post Interview Actions

1. The results of the Bishop's interview with the accused will be shared with the Case Management Team, and depending on the results of that interview, additional investigation may be required. In those situations where the case has not been resolved as a result of the Bishop's interview with the accused, upon completion of any necessary additional investigative work, the Case Management Team will make a recommendation to the Bishop on how to handle this matter.
2. The Bishop will then decide how he will resolve the case after consulting with any additional persons he deems appropriate, including but not limited to a 5 person consultation panel drawn from the Synod's Consultation Committee or a 5 person advisory panel, in accordance with section 20.21.04 of the ELCA

Constitution.

3. The Bishop or his designee(s) will then advise the victim, the accused, the accused spouse (if appropriate), the congregational council chair of his decision on the matter and the reasons for it. Thereafter, if the results call for it, the disciplinary action imposed will be disclosed to the persons and in the manner set forth in the Synod's Sexual Misconduct Policy.

4. In cases where discipline requiring congregational disclosure is required, the Bishop will work with the Conference Dean, to assist the congregation and those persons involved in the matter with after care pastoral needs.