

## Inquiry Process for Concerns of Ministerial Ethics, Professionalism, and Misconduct

**Introduction:** Congregants and community members are encouraged to bring disagreements with their minister to the congregation's elected leadership for resolution. Following through with internal processes designed to explore and respond to general concerns is an important part of the healthy life of a congregation.

However, there are more significant instances when bringing concerns about a rostered or synod authorized minister to the congregation's elected leadership for resolution may not be practical or appropriate. There are certain serious concerns of ethical and professional misconduct by a rostered or synod authorized minister that could result in formal discipline and are therefore not appropriate to resolve at the congregational level. Therefore, these concerns should be brought to the Office of Bishop for a formal inquiry.

The Northwestern Ohio Synod will utilize the following process for receiving, investigating, and resolving serious concerns regarding a rostered or authorized minister's professionalism, ethics, and misconduct.

**Purpose and Use of This Process:** As described in Chapter 20 on Consultation, Discipline, Appeals, and Adjudication of the Constitution of the Evangelical Lutheran Church in America, the responsibility for administering discipline is entrusted to the synods/bishops, and synods/bishops are further encouraged to attempt to resolve matters internally and firstly through resolution that does not involve a formal disciplinary hearing committee.

This inquiry process is a precursor to the formal disciplinary process. Whereas the disciplinary process outlines conduct incompatible with the ministerial office and how such unacceptable conduct is formally disciplined, this inquiry process outlines how questionable conduct is investigated, determined to be unacceptable or incompatible, and resolved with or without discipline.

The intention of this process is to provide the Office of Bishop and all parties with clear guidance on the process used to investigate all concerns of unethical/unprofessional conduct and misconduct, ensuring that all concerns are investigated and resolved consistently, thoroughly, and fairly.

**Applicability of This Process:** The Office of Bishop uses the following constitutional framework to evaluate when formal inquiry is applicable. This framework includes standards for ministry; responsibilities/letter of call; and disciplinary guidelines.

This inquiry process is applicable for concerns that a minister has fallen short of the following constitutional standards for ministers:

### **Standards for Rostered Ministers (7.31.01 and 7.61.01):**

- a. Commitment to Christ;
- b. Acceptance of and adherence to the Confession of Faith of this church;
- c. Willingness and ability to serve in response to the needs of this church;

- d. Academic and practical qualifications for ministry, including leadership abilities and competence in interpersonal relationships;
- e. Commitment to lead a life worthy of the Gospel of Christ and in so doing to be an example in faithful service and holy living;
- f. Receipt and acceptance of a letter of call; and
- g. Membership in a congregation of this church.

This inquiry process is applicable for concerns that a minister has fallen short of the following responsibilities/ letter of call/assignment for ministers:

**Responsibilities/ Letter of Call/Assignment for Rostered Ministers of Word and Sacrament (pastor, 7.31.02) and Synodically Authorized Ministers:**

- a. Preach the word
- b. Administer the sacraments;
- c. Conduct public worship
- d. Provide pastoral care;
- e. Seek out and encourage qualified persons to prepare for the ministry of the Gospel;
- f. Impart knowledge of this church and its wider ministry through available channels of effective communication;
- g. Witness to the Kingdom of God in the community, in the nation, and abroad; and
- h. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world

**Responsibilities/ Letter of Call for Rostered Ministers of Word and Service (deacon, 7.61.02):**

- a. be rooted in the Word of God, for proclamation and service;
- b. advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
- c. speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
- d. equip the baptized for ministry in God's world that affirms the gifts of all people;
- e. encourage mutual relationships that invite participation and accompaniment of others in God's mission;
- f. practice stewardship that respects God's gift of time, talents, and resources;
- g. be grounded in a gathered community for ongoing diaconal formation;
- h. share knowledge of this church and its wider ministry of the gospel, and advocate for the work of all expressions of this church; and
- i. identify and encourage qualified persons to prepare for ministry of the gospel

This inquiry process is always applicable for concerns that a minister has violated disciplinary guidelines (outlined in *Definitions and Guidelines for Discipline*):

**Disciplinary Guidelines for Rostered and Authorized Ministers (20.22.01 or 20.23.01):**

- a. Preaching and teaching in conflict with the faith confessed by this church;
- b. Conduct incompatible with the character of the ministerial office;
- c. Willfully disregarding or violating the functions and standards established by this church for the office of ministry of Word and Sacrament [or Word and Service];
- d. Willfully disregarding the provisions of the constitutions, bylaws, and continuing resolutions of this church; or
- e. Willfully failing to comply with the requirements ordered by a discipline hearing committee under 20.24.08

The ELCA has established *Definitions and Guidelines for Discipline* to aid in interpreting the disciplinary guidelines referenced in the ELCA Constitutional provisions 20.22.01 and 20.23.01. These guidelines can be found here:

[http://download.elca.org/ELCA%20Resource%20Repository/Definitions\\_and\\_Guidelines\\_for\\_Discipline\\_2021.pdf](http://download.elca.org/ELCA%20Resource%20Repository/Definitions_and_Guidelines_for_Discipline_2021.pdf)

## **Definitions for this Policy**

For the purposes of this policy, the following definitions will be used:

**Complaint:** the initial concerns about a minister's ethics, professionalism, and/or misconduct. A complaint may be a formal written complaint received by the Office of Bishop through its online misconduct reporting service, or a complaint received or initiated through other means.

**Complainant:** An individual(s) who raises concerns about the ethical or professional conduct of a Rostered Minister or Synodically Authorized Minister. If the complainant is a group (such as a congregation council) the Office of Bishop may request that the group select a point person for the group (for a congregational council, this is ordinarily a council member).

**Respondent:** A Rostered Minister (pastor or deacon) or a Synodically Authorized Minister who is alleged to have acted unethically or unprofessionally or to have engaged in conduct prohibited by *Definitions and Guidelines for Discipline*

**Parties:** Both complainant and respondent.

**Supporter:** Both complainant and respondent may each have a supporter throughout the inquiry process. The supporter's role is limited and primarily one of support and guidance for the respective party. While the supporter may attend interviews and counsel a party on their written responses, supporters are not permitted to actively participate in interviews or otherwise answer on behalf of a party. Supporters are not permitted to contact other parties or the Office of Bishop, or otherwise serve as an intermediary between any individuals involved in the inquiry process.

**Office of the Bishop:** May refer to (collectively or individually): the synod bishop, synod staff, and other consultants, contractors, attorneys, or other key volunteers officially acting on behalf of the Northwestern Ohio Synod.

**Coordinator:** The individual or individuals designated by the bishop to coordinate the inquiry, gather facts and evidence, review and organize evidence, conduct interviews, compile reports, and serve as the contact person for the parties regarding the inquiry process. At all times, the coordinator works on behalf of and collaboratively with the Office of Bishop. All information and documentation received by the coordinator is shared with the Office of Bishop and retained in synodical files. The coordinator is required to inform the bishop of any potential conflict of interests that may prevent them from impartially coordinating the inquiry. The bishop will seek the advice and consent of the synod's Executive Committee regarding determination and resolution of a conflict of interest.

**Preponderance of the evidence:** the standard by which the Office of Bishop or advisory panel determines if a complaint is upheld. This standard is defined as: based on the available, reliable, and relevant evidence, the complaint is more likely to be true than not true.

**Constitutional framework:** The constitutional provisions used to assess ethical and professional conduct of ministers. These provisions include 7.31.01, 7.31.02, 7.61.01,

7.61.02, 20.22.01, 20.23.01, and the corresponding *Definitions and Guidelines for Discipline*.

**Inquiry Process:** The process for investigating and resolving concerns about the conduct of ministers in this synod, as outlined in this policy

**On leave from call review (or OLFC):** A synodical review process (outlined in a separate policy) to review requests for on leave from call status after a minister has resigned their current call

**Misconduct Review:** A form of OLFC Review (see below section *Use of OLFC Review* and this synod's OLFC Review policy)

**Roster of ministers (or roster):** May refer to the ELCA Roster of Ministers of Word and Sacrament, or the ELCA Roster of Ministers of Word and Service, or this synod's roster of Synodically Authorized Ministers

**Rostered Minister:** A Rostered Minister of Word and Sacrament (a pastor), or a Rostered Minister of Word and Service (deacon)

**Synodically Authorized Minister or authorized minister:** An individual authorized by the bishop and approved by the Synod Council to conduct word and sacrament ministry for a specific congregation/ministry

**Call or Assignment:** The congregation or ministry a rostered minister is called to and serves under a letter of call, or the congregation or ministry a synod authorized minister is assigned to and serves under a letter of authorization

**Advisory Panel:** A panel appointed by the bishop to provide recommendations and counsel. As used in this document, an advisory panel may refer to either an advisory panel or a consultation panel under 20.22.04.

**Advisory panel process:** The involvement of an appointed advisory panel to assist in determining a resolution to an inquiry

**Advisory Panel Representative:** An individual designated by an advisory panel to act as the point of contact on the panel's behalf, ordinarily a member of the panel

**Formal disciplinary proceedings:** The process to discipline a rostered minister as outlined in chapter 20 of the ELCA Constitution

**Disclosure:** The sharing of information about the findings and resolution of an inquiry process, needed to bring about closure and transparency for those affected. The identities of the complainant(s) and others who may be considered victims of misconduct will not be included in disclosure unless requested by the complainant(s) or victims.

## Inquiry Process

**Initial Receipt of Complaint:** After receiving a complaint, the bishop will designate a coordinator to process the complaint and coordinate the inquiry process. The coordinator will contact the complainant as expeditiously as possible. Depending on the severity of the complaint, the bishop may make arrangements for the pastoral care of the complainant.

If the complainant has not done so, and if at their discretion the coordinator determines it helpful, the coordinator may request the complainant file a formal written complaint. However, a formal written complaint is not necessary for the Office of Bishop to proceed with an inquiry process.

While the Office of Bishop may receive anonymous complaints and begin an inquiry process, anonymous complaints may limit the ability of the Office of Bishop to investigate and bring about resolution. The Office of Bishop will take into account the wishes of the complainant regarding anonymity and confidentiality and the Office of Bishop will uphold a high level of confidentiality regarding complaints; however, the Office of Bishop will inform the complainant that their anonymity or confidentiality cannot be guaranteed.

**Initial Assessment of Complaint:** Depending on the complaint and the amount of information and/or supporting evidence initially received, the coordinator may arrange an interview with the complainant to gather additional information and supporting evidence. In all interviews, the coordinator will be accompanied by another individual from the Office of Bishop and the complainant may be accompanied by a supporter.

The coordinator and Office of Bishop will assess the complaint and any supporting evidence to make an initial determination on the applicability of this inquiry process, or if another ecclesiastical process is applicable. This initial determination is not a determination or judgement of anything other than which ecclesiastical process is most appropriate based on the complaint. Such processes may include:

1. Resolution through the congregation – appropriate for some differences of opinion on the mission/vision of the congregation and local practices of the congregation
2. Resolution through informal or formal synodical assistance – appropriate for non-critical disagreements among the congregation and leaders (which may include rostered or authorized ministers), may involve conversations with leaders and informal action plans, or may utilize a listening process that provides more formal observations and recommendations for congregational resolution
3. Resolution through Adjudication and Consultation – appropriate for significant disagreements between factions of the congregation and is outlined by C15.11 of the model constitution for congregations
4. Resolution through termination of call – appropriate only after prior synod consultation and in cases of alleged ineffective conduct of the ministerial office per C9.05 and C9.25 of the model constitution for congregations

To aid in this assessment, the coordinator may request that the complainant provide additional written responses, interviews, and/or supporting evidence. In addition, the coordinator may conduct additional interviews or requests for written responses with other individuals as needed to assess the applicability of this inquiry process or other ecclesiastical processes.

The coordinator will inform the complainant of the applicable process and provide the necessary resources and guidance for such process(es).

**Potential Conflict of Interest:** If the bishop believes there may be a potential conflict of interest that prevents the Office of Bishop from utilizing existing synod staff or members of the Office of Bishop (including the bishop) for work on an inquiry, the bishop may designate an individual from outside of the organization to act as the coordinator for the inquiry process. The bishop may also limit the involvement of the Office of Bishop in the inquiry, and in doing so may appoint an advisory panel earlier in the inquiry process to ensure the coordinator has the proper resources and support. The bishop will seek the advice and counsel of the synod's Executive Committee before making any such appointments and designees, informing the committee of the potential conflict of interest.

**Initiation of its Own Complaint:** Nothing in this process prevents the Office of Bishop from beginning an inquiry based on its own complaint. The Office of Bishop may initiate its own complaint based on the admission of a potential respondent; concerns from its own experience or interaction with the potential respondent; after attempted informal resolution or other ecclesiastical processes have not succeeded in addressing concerns; or other unique circumstances.

**Presumption of Non-Engagement:** Every inquiry begins with the presumption that the respondent has not engaged in the conduct described in the complaint. This presumption is overcome if, based on a preponderance of the evidence, the respondent is found to have more likely than not engaged in the conduct described in the complaint. For the purposes of this policy, a preponderance of the evidence is defined as: based on the available, reliable, and relevant evidence, the complaint is more likely to be true than not true.

**Notice of Complaint or Concern:** If the Office of Bishop and coordinator determine the complaint warrants resolution through this inquiry process, the respondent may receive a written notice of complaint/concern, which will ordinarily include:

1. A summary of the complaint/concerns, referencing the constitutional framework the complaint falls under: basic standards for ministers; responsibilities/letter of call or authorization for ministers; and/or disciplinary guidelines for ministers.
2. A request for written reply to the complaint/concerns within a specified timeframe.
3. Notice that the respondent is allowed a supporter, however the supporter may not respond on behalf of the respondent

4. If applicable, notice of pastoral care arrangements for the respondent and notice that the bishop is not able to provide pastoral care or counsel during the inquiry process
5. Contact information for the coordinator
6. If applicable, notice that respondent is not permitted to contact the complainant or suspected complainant and retaliation is not tolerated
7. If applicable and only if appropriate, a statement that the complaint may be resolved through corrective action

The identity of the complainant will not be included in the written notice unless the complainant requests or consents to do so.

While the respondent is not required to reply to this notice, their lack of reply does not prevent the Office of Bishop from continuing the inquiry process.

**Interviews:** Interviews may be conducted to gather additional information related to the complaint. The coordinator will be accompanied by another individual from the Office of Bishop for all interviews with the complainant and respondent, and such interviews will be conducted separately.

The coordinator will answer any questions from the parties about the inquiry process.

Both parties are permitted to have a supporter present for interviews, however the supporter may not answer on behalf of the complainant or respondent. The supporter is permitted to ask questions related to the process.

The bishop may or may not be present during interviews and their presence/absence is not an expression of opinion on any aspect of the complaint, the parties, or inquiry.

In circumstances where the Office of Bishop believes corrective action may be an appropriate resolution, the Office of Bishop may not conduct interviews but instead rely solely on written responses. If desired, the respondent may request an interview in these circumstances.

**Opportunity to Submit Supporting Evidence:** All parties can submit additional supporting evidence to the coordinator at any time in the inquiry. Likewise, the coordinator may request supporting evidence if applicable such as texts, emails, phone messages, letters, etc.

**Opportunity to Identify Potential Witnesses:** All parties can identify witnesses or other individuals that they believe may provide additional information relevant to the inquiry. When identifying potential witnesses, a party should also provide a brief reasoning for what insight may be gained from interviewing the individual(s).

The identification of potential witnesses or other individuals by either party does not require the coordinator to interview or follow-up with those identified.

The coordinator may also ask the parties for names and contact information for potential witnesses in addition to interviewing individuals not previously identified by the parties.



The coordinator may begin interviews prior to the issuance of written notice of complaint to the respondent.

**Additional Written Responses:** At any time in the process, the coordinator may request additional written response(s) from any party to clarify statements made in earlier interviews; clarify supporting evidence; or gain additional and more specific information.

The coordinator may request written responses from other witnesses and individuals and may do so prior to the issuance of a written notice of complaint/concern to the respondent.

**Additional Interviews:** At any time in the process, the coordinator may request additional interview(s) with the parties or others, to clarify statements made in earlier interview(s); clarify written responses; or gain additional and more information.

**Additional Complaints or Concerns:** During this process, additional complaints (beyond the initial complaint) may be brought forward by the initial complainant, or additional complainants may be identified with similar or different complaints. Furthermore, the Office of Bishop may identify additional concerns beyond the scope of the original or subsequent complaint(s). The Office of Bishop will add these additional complaints or concerns to its inquiry process and make appropriate investigation and findings.

**Timeframe for Inquiry Process:** The coordinator and Office of Bishop will strive to conduct an inquiry within ninety (90) to one hundred twenty (120) days. In circumstances where this is not possible, the Office of Bishop will work as expeditiously as possible.

**Finalization of Inquiry Process, Reporting, and Proposed Resolution:** The Office of Bishop may make initial findings based on the evidence gathered and otherwise submitted. Based on the evidence and findings, the Office of Bishop will propose resolution.

The Office of Bishop will prepare a report on the background and findings which will ordinarily include:

1. Background – a summary of facts regarding the complaint and the inquiry process, etc.
2. Findings – a summary of the findings and rationale for findings; identification of additional concerns and rationale for concerns; and resolution through any of the following means:
  - a. Resolution through written corrective action/ plan of action: this may be utilized only if it is an appropriate remedy for the complaint. Corrective action identifies behaviors or concern (as determined through the inquiry process) and offers mutually agreed upon intervention to address these concerns. The Office of Bishop will ordinarily uphold the complaint on a preponderance of evidence. For this inquiry process, a preponderance of evidence is defined as: based on the available, reliable, and relevant evidence, the complaint is more likely to be true than not true.

- b. Resolution through the advisory panel process: if corrective action is not an appropriate remedy; and/or the Office of Bishop desires additional counsel and assistance in making a finding on whether to uphold a complaint; and/or the Office of Bishop believes the respondent's conduct may warrant the respondent's voluntary resignation from the current call/assignment and the applicable roster of ministers, or removal from the roster through formal discipline.
- c. Resolution through dismissal: A complaint may be dismissed if the Office of Bishop finds the complaint cannot be upheld based on a preponderance of evidence and does not seek resolution through the advisory panel process; or if the complainant withdraws the initial complaint and the Office of Bishop decides not to continue with an inquiry process. A complaint that is dismissed does not prevent the Office of Bishop from restarting the inquiry process later if additional evidence is produced, a complainant re-submits the complaint, or a new complainant submits a similar complaint. A complaint that is dismissed does not prevent the Office of Bishop from making findings, corrective action, or other recommendations to address other concerns identified during the inquiry process.
- d. Resolution through other means: if appropriate, the Office of Bishop may find other means to resolve a complaint including but not limited to mediation and other resolution agreements.

A copy of the report on background and findings will be provided to both the complainant and respondent, and both parties may submit a written response at their discretion. Such written response is not required.

Neither party will receive or otherwise have access to any supporting evidence the Office of Bishop has accumulated during its inquiry process.

**Implementation of Corrective Action/ Plan of Action:** If corrective action is found to be an appropriate remedy, the Office of Bishop will prepare a corrective action plan. A corrective action plan will ordinarily be a short document that includes:

1. Expectations: the expectations of ministers (drawn from the constitutional framework) applicable to the concerns.
2. Concerns: a summary of the respondent's concerning conduct and a brief description of why the concerning conduct does not align with expectations.
3. Action: the steps required of the minister to realign conduct with expectations. Such steps may include counseling to address personal mental/emotional health; coaching/mentoring to address professional skills; or other action as determined by the Office of Bishop and agreed to by the respondent. Accountability and timeframe will ordinarily be specified.

The Office of Bishop will meet with the respondent to review the plan and address any questions. If the respondent agrees to the corrective action plan, the Office of Bishop may meet with the respondent and the congregation's Executive Committee (or similar

governing body) to review the plan, the circumstances that led to the inquiry process, and answer any questions. The Office of Bishop will also follow up with the complainant, informing them of resolution through corrective action. The Office of Bishop will follow up on the progress of the plan and if the respondent is not complying with the plan, an advisory panel may be appointed.

If the respondent refuses to agree to the plan, or if corrective action is not an appropriate remedy, the Office of Bishop may notify the respondent of resolution through the advisory panel process.

**Disclosure:** To provide closure and transparency, the Office of Bishop may provide disclosure or updates to the appropriate parties regarding the outcome of an inquiry process.

**Follow-Up:** The coordinator will follow up with the complainant within 60 days of the finalization of the inquiry process and reporting. If appropriate, the coordinator will seek to and address any remaining concerns of the complainant as expeditiously as possible. There will be no tolerance for retaliation by the respondent during or following the inquiry process and reporting.

**Use of OLFC Review:** If at any point in the inquiry process, the respondent resigns from their current call but not from the ELCA roster of ministers, the respondent may apply for on leave from call in accordance with the ELCA's policies and procedures. Consistent with 20.17 of the ELCA Constitution, such application for OLFC will then be reviewed in accordance with this synod's OLFC review process.

**Use of Private Censure and Admonition:** Consistent with 20.18 of the ELCA Constitution, nothing in this process prevents or constricts the bishop from administering private censure and admonition upon a rostered or authorized minister, even in conjunction with resolutions outlined in this process.

**Use of Temporary Suspension of Rostered Ministers:** Consistent with 20.22.23, 20.22.24, 20.23.06, or 20.23.07 of the ELCA Constitution, nothing in this process prevents or constricts the bishop from temporarily suspending a rostered minister from service to a congregation or similar ministry, in circumstances when the minister cannot effectively conduct the ministerial office in view of local conditions, or the potential for local conditions to be adversely affected.

**Use of Temporary Suspension of Synodically Authorized Ministers:** Nothing in this process prevents or constricts the bishop from temporarily suspending the authorization of Synodically Authorized Ministers from service to a congregation or similar ministry, in circumstances when the minister cannot effectively conduct ministry in view of local conditions, or the potential for local conditions to be adversely affected.

**Use of an Advisory Panel or Consultation Panel:** Nothing in this process prevents or constricts the bishop from appointing, at any time, an Advisory Panel or Consultation Panel as provided for in 20.22.04.

## **Advisory Panel Process**

**Appointment of an Advisory Panel:** The bishop may appoint an advisory panel in accordance with 20.22.04 which states “...when requested by the synod bishop, an advisory panel consisting of five persons (three ministers of word and sacrament and two laypersons) appointed by the synod bishop shall assist the synod bishop in efforts to resolve a situation by consultation”.

**Purpose of the Advisory Panel:** As outlined in 20.22.05, an Advisory Panel “shall advise the synod bishop as to whether or not the bishop should bring charges or may make other recommendation for resolution of the controversy that would not involve proceedings before a discipline hearing committee”. As such, the advisory panel makes findings and recommendations for action by the bishop.

**Investigative and Review Process:** The advisory panel will review the Office of Bishop's report of background and findings. Additionally, the panel may have access to documentation and evidence gathered by the Office of Bishop during its inquiry.

The panel will appoint a representative to act as a point of contact on its behalf. While the representative will ordinarily be a member of the panel, it is generally not the coordinator from the preceding inquiry process.

The representative will be the main contact person for the parties, scheduling any interviews and receiving any additional supporting evidence and written responses.

If the parties have not done so, the advisory panel may request a written reply to the Background and Findings report. A lack of reply does not prevent the panel from proceeding with its process.

The panel may, at its discretion, conduct additional interviews of the parties and any other individuals.

Both parties can submit additional supporting evidence to the panel if they wish. The panel may, at its discretion, request additional written responses or supporting evidence.

**Timeframe for Advisory Panel Process:** An advisory panel will work as expeditiously as possible and will ordinarily conclude its process in thirty (30) to forty-five (45) days.

**Report of the Advisory Panel:** The panel may consult with the Office of Bishop in finalizing their report, which will ordinarily include:

1. Findings: the panel may summarize its primary findings from their review. As necessary, the panel may make a finding on whether to uphold a complaint based on a preponderance of evidence, defined as: based on the available, reliable, and relevant evidence, the complaint is more likely to be true than not true. The panel may also provide a rationale for their findings. If applicable, the panel may summarize any new evidence or general findings from the advisory panel process.
2. Recommendations: the panel may recommend to the Office of Bishop, resolution through one of the following:

- a. Resolution through corrective action – the panel may recommend corrective action if they believe it is an applicable and appropriate remedy for the conduct (and the panel should provide a rationale for this); and/or if new evidence has been submitted that had it been available may have led the Office of Bishop to originally pursue corrective action.
- b. Resolution through voluntary resignation from the ELCA roster of ministers or synod roster of authorized ministers or formal discipline - the panel may recommend voluntary resignation/initiation of disciplinary proceedings if the panel upholds the complaint and finds the conduct violates disciplinary guidelines and/or warrants removal from ministry. The panel should provide a rationale for upholding a complaint.

The panel will review their report with the bishop, and at the sole discretion of the bishop, the panel may provide a copy of their report to the parties.

Neither party will receive or otherwise have access to any supporting evidence the Office of Bishop or Advisory Panel has accumulated during its inquiry or review process.

**Additional Recommendations:** Consistent with 20.22.05 of the ELCA Constitution, nothing in this process prevents or constricts an advisory panel from providing additional recommendations for resolution.

**Action on the Panel's Recommendations:** The bishop may act on the advisory panel's recommendations in the following manner:

1. If the panel recommends resolution through corrective action – the bishop may work with the panel to prepare a corrective action plan. A corrective action plan will ordinarily be a short document that includes:
  - a. Expectations: the expectations of ministers (drawn from the constitutional framework).
  - b. Concerns: a summary of the respondent's concerning conduct and a brief description of why the concerning conduct does not align with the expectations.
  - c. Action: the steps required of the minister to realign conduct with expectations. Such steps may include counseling to address personal mental/emotional health; coaching/mentoring to address professional skills; or other action as determined by the Office of Bishop and agreed to by the respondent. Accountability and timeframe will ordinarily be specified.

The Office of Bishop will meet with the respondent to review the plan and address any questions. If the respondent agrees to the corrective action plan, the Office of Bishop will meet with the respondent and the congregation's Executive Committee (or similar governing body) to review the plan, the circumstances that led to the inquiry process, and answer any questions. The Office of Bishop will follow up on the progress of the plan and if the respondent is

not complying with the plan, the advisory panel may be reconvened; and/or the Office of Bishop may request the respondent's resignation from their current call/assignment and the applicable roster of ministers; and/or initiate formal disciplinary proceedings/revocation of authorization.

If the respondent refuses to agree to the plan, the Office of Bishop may request the respondent's resignation from their current call/assignment and the applicable roster of ministers; and/or initiate formal disciplinary proceedings.

2. If the panel recommends resolution through voluntary resignation from the ELCA roster of ministers or synod roster of authorized ministers: the bishop will meet with the respondent to request that they voluntarily resign from their current call/assignment and from the applicable roster of ministers. The respondent will be informed that if they do not resign from their call and the roster, the bishop may initiate formal disciplinary proceedings (for Rostered Ministers) or recommend the Synod Council revoke authorization (for Synod Authorized Ministers). If the respondent refuses to resign, the bishop may initiate formal disciplinary proceedings.
3. If the panel provides additional recommendations, the bishop may act on those recommendations.

**Initiation of Formal Disciplinary Proceedings:** The Office of Bishop will inform the respondent's congregational council (or similar governing body), the respondent, and complainant of the initiation of formal disciplinary proceedings. The Office of Bishop will ordinarily meet with the respondent's council or similar governing body and provide them with copies of the advisory panel's report. The Office of Bishop will also review the rights of the congregation (or similar calling body) to terminate the call of the respondent as outlined in C9.05 of the constitution for congregations (or applicable section of the constitution).

Should the congregation or similar body desire to terminate the call, the Office of Bishop will provide guidance for such process as outlined in C9.05. Should the respondent's call be terminated, and should the respondent apply for on leave from call in accordance with the ELCA's policies and procedures, the OLFC application will be reviewed in accordance with the synod's review procedures.

Should the congregation or similar body desire to continue the call, the Office of Bishop will begin the formal disciplinary process as outlined in chapter 20 of the ELCA Constitution and provide formal written charges to the respondent per C20.22.07.

**Disclosure:** To provide closure and support transparency, the Office of Bishop may provide disclosure or updates to the appropriate parties regarding the outcome of the advisory panel process, or when necessary, at other points of the process.

**Follow-Up:** The Office of Bishop will follow up with the complainant within 60 days of the finalization of the advisory panel process and reporting. If appropriate, the Office of Bishop will address any remaining concerns of the complainant as expeditiously as possible. There will be no tolerance for retaliation by the respondent during or following the inquiry process and reporting.



## **Formal Disciplinary Process**

The process for discipline of rostered ministers is set forth in chapter 20 of the ELCA Constitution and the Rules Governing Disciplinary Proceedings. Please see the latest edition of the ELCA constitution and the [Rules Governing Disciplinary Proceedings.pdf \(elca.org\)](#) for this process.