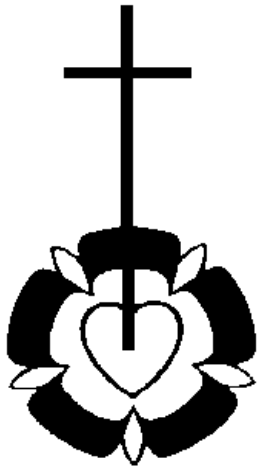

*Sexual Misconduct:
Harassment, Exploitation
and Assault*

POLICY and PROCEDURES

FOR ROSTERED PERSONS
OF THE
SYNOD OF ALBERTA and
the TERRITORIES
April, 2002



**SYNOD OF
ALBERTA
✧ AND THE ✧
TERRITORIES**

The ultimate goal of this policy is to see that in all ways possible the Synod seeks to prevent all incidents of sexual abuse. In cases of abuse, the Synod responds with healing and hope to those who have been hurt by ordained or diaconal rostered persons.

INDEX

I	POLICY	3
II	PREVENTION	
	A. Education	4
	B. Dating	4
	C. Screening	4
	D. Acknowledgment Form	4
III	PROCEDURES to Implement this Policy	
	A. Terms and Definitions	5
	B. Initiation of a Complaint	10
	C. Disclosure	11
	D. Bishop's Response	12
	E. Resource Group	15
	F. Investigation	16
	G. Discipline	19
	H. Complaint Form	21
	I. Acknowledgment Form	23
IV	APPENDIX	
	A. Bylaw References - Evangelical Lutheran Church in Canada	24
	B. ELCIC Manual re: Discipline of Ministers: Guidelines re: Grounds for Discipline of Ordained Ministers	28
	C. ELCIC Manual re: Discipline of Ministers: Rules for Synod Investigating Committees	31
	D. ELCIC Manual re Discipline of Ministers: Rules for Synod Committees on Discipline	35
V	STUDY GUIDE	
	<i>(This section has been added to offer an understanding of the rationale behind these procedures; and for the study of those who are willing to serve as advocates for justice and healing in situations of abuse.)</i>	
	A. Provision of Pastoral Care	42
	B. Thinking Theologically	54
	C. Social and Cultural Factors	72
	D. Foundational Principles	74
	E. Discussion Questions	76
I.	POLICY	

**of the Synod of Alberta and the Territories
regarding**

**SEXUAL MISCONDUCT:
Harassment, Exploitation and Assault
by ordained or diaconal ministers**

**It is the Policy of the Synod of Alberta
and the Territories:**

**That sexual misconduct, including
harassment, exploitation and assault,
by any of its rostered persons ,
will not be tolerated.**

**Sexual misconduct (harassment, exploitation and assault) is
defined in Section III.A of this document.**

**Complaint forms are available from the Synod Office (780, 439-
2636) or from most church offices.**

II. PREVENTION

A. Education

The Synod of Alberta and the Territories is committed to the prevention of sexual misconduct through a continuing program of education of rostered persons and laity.

1. The Bishop and the Executive Committee will take responsibility both for education about sexual exploitation, harassment and assault, and for the general implementation of this policy.
2. This sexual misconduct policy will be explained to existing ordained and diaconal ministers and their written agreement to comply with this policy will be required.
3. When a person is to be added to the Synod roster, agreement to comply with all personnel policies of the church including this sexual misconduct policy is required in writing as a condition of employment or appointment.
4. Part of the orientation for all persons added to the Synod roster will include a review of this policy and the procedure for making complaints.
5. Training for persons added to the roster will take place within the first six months of their appointment and at least once every three years thereafter.

B. Dating

Dating of parishioners is inappropriate.

C. Screening

For those ordained or diaconal ministers seeking a call to this synod, the following process will apply:

1. Personal communication will be made with their current governing body to determine the appropriateness of the call;
1. Two references (one employment reference and one personal) from other than the governing body, will be requested.

D. Acknowledgment Form

Use of the acknowledgment form on page 23 provides assurance that the candidate has reviewed the policy and understands it.

III.

PROCEDURES to implement this Policy

A. TERMS and DEFINITIONS

A.1 Sexual misconduct

For the purposes of this document, sexual misconduct encompasses sexual assault, sexual abuse, sexual harassment, and sexual exploitation.

A.2. Sexual assault

The Criminal Code of Canada defines sexual assault as any aggressive act which occurs without valid consent, ranging from unwelcome kissing and fondling to forced intercourse. Consent is not valid where it is obtained through the application of force, threats or fear of the application of force, or fraud, the use of drugs or alcohol, emotional manipulation or the exercise of authority. Valid consent is never present in a pastoral relationship. “It is misconduct when any person in a ministerial role of leadership or counselling engages in sexual contact or sexualized behaviour with an adult, teen or child”. (The Centre for the Prevention of Sexual and Domestic Violence)

A.3 Sexual abuse (including harassment and exploitation)

A.3.a Sexual abuse is any unwelcome, unwarranted, unsolicited or offensive sexual conduct that is directed at a person or persons and which demeans and undermines the inherent self-worth and dignity of that person or persons or denies individual human rights as guaranteed by the Alberta or Canadian Human Rights Codes. Sexual abuse may involve one (1) incident or a series of incidents that consist of verbal, emotional, mental or physical conduct, or any combination thereof that causes the above.

A.3.b Sexual abuse includes sexualized behaviour or conduct that coerces, pressures, manipulates, or threatens persons, or curtails a person from participating in the life of the church, fulfilling the duties of their position in the church workplace, freely expressing their ideas, practising in their chosen church vocation, or freely advancing in their church employment.

A.3.c Sexual abuse will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome, unwarranted, unsolicited or offensive.

Procedures

A.3.d Sexual abuse is unacceptable conduct. Sexual abuse does not apply in a relationship of mutual consent or in the expression of affection between friends as long as one's behaviour is not imposed on another. However, it is stressed that where one person holds power over another, whether perceived or in fact, a relationship of mutual consent is impossible to achieve. Examples of power imbalance are: adult-child; pastor-parishioner; counsellor-counselled; supervisor-supervised; employer-employee.

- i Sexual abuse may involve two or more persons of the opposite or of the same sex.
- ii Sexual abuse, including harassment and exploitation, may include, but is not limited to, the following:
 - sexual comments that are offensive.
 - unwelcome jokes with sexual overtones.
 - subtle innuendo or open taunting regarding perfections or imperfections about a person's body.
 - unwelcome displays of sexually offensive material such as pictures, photographs, sexually manipulative objects or sexual desire stimulants.
 - sexually offensive gestures or facial expressions.
 - sexually humiliating, insulting or intimidating behaviour including, but not limited to, boundary or space intrusion to obtain sexual favours.
 - unwelcome physical contact (i.e. touching, patting, pinching, cornering, etc.).
 - unwelcome invitation, direct or in person, by mail or through any other form of communication to engage in behaviour of a sexual nature.
 - prolonged, sexually suggestive staring.
 - unwelcome pressure for dates.
 - indecent exposure.
 - verbal abuse or threats.
 - sexual assault.
- iii Misconduct for the purposes of this policy is also deemed to include retaliation against an individual for having:
 - invoked this policy on behalf of oneself or another individual, or
 - participated or co-operated with any investigation under this policy, or been associated with a person who has invoked this policy or participated in these procedures.

Retaliation does not have a statute of limitations with regard to this policy.

Procedures

- A.4 Disclosure
Disclosure is shared written or verbal information regarding a situation of ordained or diaconal misconduct. This may be made by an alleged victim, a second or third party to whom the information was shared, the abuser (disclosure by acknowledgement) or by anyone suspecting inappropriate behaviour or offense.
- A.5 Alleged Abuser or Accused
Person against whom a complaint has been made, referred to in some titles and documents in this policy as the respondent.
- A.6 Complaint
A complaint is a written statement of the allegation of sexual misconduct by an ordained minister or diaconal minister which is signed by the complainant.
- A.7 Alleged victim
An alleged victim is the person who is said to have experienced sexual misconduct from a rostered person. If no second or third party is involved in making the charge of abuse or harassment, the alleged victim may also be referred to as the complainant.
- A.8 Complainant
A complainant is a person who initiates a complaint of sexual misconduct by a rostered person. The complainant may confide in the Bishop, a representative of the Bishop’s office, a colleague or anyone in whom they have trust and confidence. These persons shall respect the complainant’s confidence to the extent possible by law. The complainant may be second or third party to the information.
- A.9 Child
A “child” is a person under the age of fourteen years or a person over the age of fourteen without mental capacity to consent.

Procedures

- A.10 Consent
-

In Canada the law states that sexual activity without consent is always a crime regardless of the age of the individual. Consent is understood as non-coercive. Consent has not been given if an individual agrees to any sexual activity under threat, or if consent is obtained by fraud or through the influence of a person in authority over that person. Examples of such authority relationships include adult-child, pastor-parishioner, counsellor-counselled, supervisor-supervised, employer-employee.

A.11 Rostered person

A rostered person is defined as a person on the roster of the ordained ministers or diaconal ministers of the Evangelical Lutheran Church in Canada. The policy and procedures in this document apply, as if to rostered persons, also to persons who are licensed to serve in a pastoral capacity.

A.12 Representative of the Bishop

A representative of the Bishop is a person appointed by the Bishop to be involved in the preliminary steps of the initial investigation and to carry out such work as is deemed necessary by the Bishop.

A.13 Pastoral care support worker

A pastoral care support worker is a person with appropriate training and experience who is appointed by the Bishop in order to serve as interpreter of this procedure and provide support and pastoral ministry. An offer of a pastoral care support worker may be made to the complainant, and/or where appropriate, the alleged victim and his/her family, the alleged abuser and his/her family, and the congregation or supervisory body.

A.14 Investigating Committee

The Investigating Committee is a standing committee appointed to review the complaint and determine whether or not the complaint has substance as defined in this document.

A.15 Committee on Discipline

The Committee on Discipline makes recommendations as to the censure, suspension or removal of the rostered person as defined by this document and pursuant to Bylaws Part III, Section 12 and Part III.1, Section 11 of the Evangelical Lutheran Church in Canada.

Procedures

A.16

Resource Group

Persons appointed by the Bishop to provide education, prevention and crisis response. This group includes men and women, rostered ministers and lay people who have specialized training in this area.

Procedures

B. INITIATION OF A COMPLAINT

A person who has experienced sexual misconduct by a rostered individual should whenever possible:

- B.1 Call a trusted friend, family member, pastoral care support worker or synod representative in order to be accompanied through the steps of the process.
- B.2 Report the situation as soon as possible to the Bishop or a member of the synod resource group. Although the likelihood of resolving the problem satisfactorily is reduced when there is a lengthy delay in reporting the situation, the decision as to whether to make a formal or informal charge may be deferred until the procedures and the policy have been clearly described and the victim agrees to file a complaint.
- B.3 Be aware that every effort shall be taken to maintain the confidentiality requested by the complainant, subject to limits of disclosure imposed by law and investigative procedures.
- B.4 Understand that resolution cannot proceed without the complainant and/or the victim being identified to the accused.
- B.5 Recognize the options available to the complainant or alleged victim:
 - B.5.a Report the complaint to the Alberta Human Rights Commission (780-427-7661) or to the police if the assault is criminal in nature. (Refer to page 5, “Terms and Definitions”.)
 - B.5.b Proceed with a formal complaint to the synod by completing a written description of the situation of misconduct. A suggested form is included in this document on page 21 and may be used.
 - B.5.c Proceed with an attempt to resolve the complaint informally by mediation with or without the assistance of the synod Bishop and/or appointed member of the Resource Group.
 - B.5.d Take no further action and withdraw the complaint, although the synod may continue to investigate the complaint and to proceed with a complaint on its own behalf.
- B.6 Realize that accessing the support offered in this Policy in no way precludes the complainant from reporting sexual harassment complaints to the Alberta Human Rights Commission or, if the matter is perceived to be of a criminal nature, to the police.

Procedures

C. DISCLOSURE

Disclosure of ordained or diaconal sexual misconduct shall be made to the Bishop or to a pastoral care support worker. If there is a complaint against the Bishop, the complaint shall be made to any other synodical Bishop or to the national Bishop.

C.1 Verbal disclosure by a complainant

Should the disclosure be made verbally by a complainant and/or an alleged victim and this person chooses not to provide a written and signed complaint, the Bishop or pastoral care support worker shall inform the complainant that no formal action may proceed on the complainant's behalf. The complainant shall also be aware that the verbal disclosure will be documented and filed in the event that written disclosure may follow and/or in the event that similar complaints are received regarding the same abuser, thus warranting further investigation.

C.2 Complaint to be in writing

A written and signed complaint, including date and specifics of the alleged incident, should be forwarded to the Bishop or a pastoral care support worker as soon as possible. A complaint form (found on page 21 of this document) is offered in order to assist the complainant in preparing this disclosure. A parent may make and sign a complaint on behalf of a minor.

C.3 Self-acknowledgment

In all instances in which a rostered person acknowledges sexual misconduct, the Bishop shall initiate an investigation, request a written and signed statement from the rostered person, and inform this person of the procedures to be followed. Self-acknowledgment requires resignation from the current call or position.

If the rostered person acknowledges abuse of a minor/minors, the Bishop shall report the disclosure to social services as required by law, and immediately suspend the person.

D. BISHOP'S RESPONSE

(Reference - ELCIC Bylaws Part III Section 12 and Part III.1 Section 11 - provided in the Appendix)

The outlined procedures will be followed with respect to:

- D.1 The complainant/alleged victim:
 - D.1.a Make contact with the complainant or alleged victim within five (5) working days to establish the substance of the complaint.
 - D.1.b If the disclosure is made by a second or third party, provide written notification of the complaint to the alleged victim within seven (7) working days.
 - D.1.c Inform the complainant and/or alleged victim that the complaint must be disclosed to the accused.
 - D.1.d Provide initial guidance and support to the complainant and/or alleged victim.
 - D.1.e Provide the complainant and/or alleged victim with a written copy of this document and the "Policy and Operating Guidelines of the ELCIC Regarding Sexual Abuse or Harassment by its Ordained minister or Professional Lay Workers".
 - D.1.f Arrange for periodic communication to keep concerned parties informed about the process of the investigation and to minister to their needs. Resources for this communication may be garnered from the Response Group.
 - D.1.g Offer the assistance of Resource Group members who are trained in the dynamics of sexual abuse in order that pastoral ministry and assistance is provided to the complainant and/or the alleged victim and their family. This offer does not imply a determination of guilt or innocence.

- D.2 The accused (in all instances in which the accusation is denied):
 - D.2.a Provide written notification of the complaint to the accused within ten (10) days of disclosure, outlining the procedure for dealing with the complaint, and request that the accused provide a written and signed response within ten (10) days.
 - D.2.b Provide the accused with a written copy of this document and the "Policy and Operating Guidelines of the ELCIC Regarding Sexual Abuse or Harassment by its Ordained minister or Professional Lay Workers".

- D.2.c Seriously consider invoking ELCIC Bylaw III, Section 12 or Bylaw III.I, Section 11 of the national church policy to suspend the accused immediately and with full salary and benefits during the period of suspension if it is alleged that:
 - i he or she sexually abused a child/children; or
 - ii the sexual abuse was a criminal act; or
 - iii the sexual abuse occurred within a formal counseling situation.
 - D.2.d. Consider suspension as an option in instances of alleged sexual misconduct not listed in 2.c. in accordance with the “Evangelical Lutheran Church In Canada Manual re: Discipline of Ministers Rules for Synod Investigating Committees, C. Temporary Suspension of the Respondent”.
 - D.2.e. Advise the accused that, in the instances of alleged abuse listed in 2.c., the accused shall have no contact with the complainant or alleged victim and shall withdraw from involvement in the congregation or institutional community until the matter is resolved. In all other instances of abuse, the Bishop may require such withdrawal.
 - D.2.f Advise the accused that while suspended, they will not perform any ministerial duties or functions until the matter has been resolved.
 - D.2.g If suspended, encourage the accused to worship in a neighbouring congregation until the matter is resolved.
 - D.2.h. In instances of abuse as noted in 2.c., the Bishop shall arrange for a risk assessment of the accused by a qualified therapist.
 - D.2.i Arrange for periodic communication to keep concerned parties informed about the process of the investigation and to minister to their needs. Resources for this communication may be garnered from the Response Group.
 - D.2.j Offer pastoral ministry and assistance to the accused and their family through the services of pastoral care support worker(s) from the Resource Group trained in the dynamics of sexual abuse. This offer does not imply a determination of guilt or innocence.
- D.3 Related congregation and/or institution or agency:
- D.3.a Arrange to meet with: the Bishop’s representative, the conference dean, the council and congregation or the supervisory body of the institution/agency where the accused is serving, for the purpose of informing this body of
 - i the complaint;
 - ii the procedure; and,
 - iii the relevant bylaw provisions including the provision to suspend from office pursuant to Bylaw III, Section 12 and Bylaw III.1, Section 11 of the Bylaws of the ELCIC.

Procedures

- D.3.b Arrange for periodic communication to keep concerned parties informed about the process of the investigation and to minister to their needs. Resources for this communication may be garnered from the Response Group.
 - D.3.c Offer the services of pastoral care support worker(s) who are trained in the dynamics of sexual abuse to the congregation, agency, or institution where the accused is serving. This offer does not imply a determination of guilt or innocence.
 - D.3.d Act or appoint an agent who will act as a media contact person.
 - D.3.e Inform the church council that while suspended, the accused will worship elsewhere until the matter is resolved.
 - D.3.f Arrange for the Synod to bear the costs for interim ministry as required during the investigation.
 - D.3.g Continue to provide for the salary and benefits of the accused during the period of suspension.
- D.4 Other responsibilities:
- D.4.a Report any allegations of sexual abuse of children to social services, as required by law.
 - D.4.b Should the disclosure be made verbally by a complainant/alleged victim and the person making the disclosure chooses not to provide a written and signed complaint, the Bishop or pastoral care support worker shall:
 - i document the verbal disclosure.
 - ii document the verbal request for a written and signed complaint.
 - iii advise the complainant that no action shall be taken by the synod until in receipt of a written and signed complaint.
 - iv retain this documentation indefinitely in a separate file in the Bishop's office.
 - D.4.c See Section B.5 of this document for a summary of the victim's options.

E. RESOURCE GROUP

- E.1 Appointment and structure of the Resource Group
- E.1.a The Bishop shall appoint one person to co-ordinate the resource group in the synod. This appointee will coordinate pastoral care support workers, education and prevention activities. The group will include persons skilled in conflict management, pastoral care support, therapy, and social work. Training will be provided to ensure that these persons are aware/familiar with this Policy and the dynamics and effects of sexual abuse.
- E.1.b These appointees will serve three-year terms with the terms staggered to ensure that a sufficient number of the group is trained and familiar with the synod's policy.
- E.2 Function of the pastoral care support worker(s)
- E.2.a In consultation with the coordinators for the resource group, the Bishop will assign a member of the group to those involved in the situation who've requested such support, being especially conscientious with respect to compatibility and confidentiality. The resource group member assigned shall not be or have been involved in the particular congregation where the ordained minister or diaconal minister is under investigation.
- E.2.b These persons will offer to meet with the complainant, alleged victim and their family, congregational council, congregational members, or institutional community and the accused and their family.
- E.2.c It is their responsibility to provide a safe setting in which those concerned may receive accurate information and in which plans to support the further restoration of the community can be made.
- E.2.d The pastoral care support workers for all parties involved in the complaint will work together to ensure continuing support throughout the process.
- E.3 Education and Prevention
- E.3.a In consultation with the coordinator of the resource group, the Bishop and Executive Committee will ensure that on-going education and prevention activities will occur.

Procedures

F. INVESTIGATION

(See ELCIC Bylaws Part III Section 12 and Part III.1 Section 11 and the “Evangelical Lutheran Church in Canada Manual re: Discipline of Ministers”)

F.1 Appointment and structure of the Investigating Committee

- F.1.a The Bishop shall appoint an Investigating Committee composed of four (4) members of the synod involved as specified in the bylaws (two ordained ministers and two lay members) some of whom are trained in the area of sexual abuse and the related dynamics. The operation of this committee shall be in accordance with the rules outlined in the “Evangelical Lutheran Church in Canada Manual re: Discipline of Ministers”.¹
- F.1.b The Investigating Committee will include someone who is familiar with techniques of investigation.
- F.1.c Members will serve three-year terms. These terms will be staggered to allow for training and orientation of new members.

F.2 Function of the Investigating Committee

- F.2.a Under the guidance of the chair, the committee shall review the complaint, gather information, determine whether or not the complaint has substance.
- F.2.b If there is a determination that the complaint has substance, the matter is referred to a Committee on Discipline pursuant to Bylaw Part III, Section 12 and Part III.1 Section 11 of the Bylaws of the Evangelical Lutheran Church in Canada.
- F.2.c If the Committee determines that there is no substance or insufficient evidence to proceed with the complaint, it shall report this to the Bishop who will notify all parties concerned.

F.3 Responsibilities of the Investigating Committee shall include:

- F.3.a Meet with the complainant or the alleged victim for the purpose of reviewing the complaint.
- F.3.b Meet with the accused for the purpose of reviewing the complaint and the accused’s response to the complaint.

Procedures

- F.3.c Ensure that all involved are informed as to the procedure and time lines.
- F.3.d Obtain further information and meet with other persons as

¹ELCIC Bylaws Part III, Section 12.b. and the “Evangelical Lutheran Church in Canada Manual re: Discipline of Ministers Section D. The Investigating Committee: Preliminary Matters”

necessary to make a determination as to the substance of the complaint.

- F.3.e Provide the accused with an opportunity of responding to all information gained as a result of the investigation.
- F.3.f Determine, after reviewing all information, whether the complaint has substance.
- F.3.g Report their findings to the Bishop within sixty (60) days from the date of the written complaint.
- F.3.h Request the Bishop to permanently maintain a copy of the final determination.

F.4 Multiple-synod investigation

Where the complainant or the alleged victim and the accused reside in different synods, the disclosure shall be made to the Bishop where the complainant or the alleged victim resides or where the alleged abuse occurred. The Bishop shall make disclosure to the Bishop of the synod in which the accused resides. The Bishop in which the accused resides shall have charge of the investigation. Both Bishops shall be responsible for meeting with the councils of the affected congregations in their respective synods and for the appointment of pastoral support workers.

F.5 Determination of the Investigating Committee

F.5.a Where the Investigating Committee determines that the complaint has no substance, the Bishop shall:

- i Notify the following: the complainant, the alleged victim, the accused, the congregational council or the supervisory body where the rostered person is serving, along with the councils of any congregations/boards/agencies that are directly affected.
- ii Lift the suspension from office.
- iii Take reasonable steps to publicly exonerate the accused to the extent the original complaint may have become known.
- iv Retain a copy of the Investigating Report of this false accusation in the complainant's or the alleged victim's file. The result of the investigation may be retained in the file of the accused, at that person's request.

Procedures

F.5.b Where the Investigating Committee determines that there is insufficient evidence to make a determination, the Bishop shall:

- i Notify the following: the complainant, the alleged victim, the

- accused, the congregational council or the supervisory body where the rostered person is serving, along with the councils of any congregations/boards/agencies that are directly affected.
- ii Lift the suspension from office of the accused.
- iii Take such reasonable steps as may be required to make the findings of the investigation known.
- iv Retain a copy of the Investigating Report of this accusation in the file of the accused, and the complainant's or the alleged victim's file.

F.5.c Where the Investigating Committee determines that the complaint is frivolous or that the alleged victim knowingly and willfully submitted a complaint based on false allegations, the Bishop shall:

- i Notify the following: the complainant, the alleged victim, the accused, the congregational council or the supervisory body where the rostered person is serving, along with the councils of any congregations/boards/agencies that are directly affected.
- ii Lift the suspension from office of the accused.
- iii Take reasonable steps to publicly exonerate the accused to the extent the original complaint may have become known.
- iv Consider disciplinary action against the complainant or alleged victim.
- v Retain a copy of the Investigating Report of this false accusation in the file of the accused, and the complainant's or the alleged victim's file.

F.5.d Where the Investigating Committee determines that there is sufficient evidence of misconduct, the Bishop shall:

- i Notify the following of the determination: the complainant, the victim, the accused, the congregational council or the supervisory body where the accused is serving, along with the councils of all congregations/boards/agencies where the accused has served in the past, and the councils of any congregations that are directly affected.
- ii Provide for the formation of a Committee on Discipline pursuant to the Bylaws of the Evangelical Lutheran Church in Canada; and the "ELCIC Manual re: Discipline of Ministers".
- iii Convey in writing the determination of the Investigating Committee to the Committee on Discipline.
- iv Retain a copy of the Investigating Report of this accusation in the file of the accused, and the complainant's or the alleged victim's file.

Procedures

G. DISCIPLINE

(See ELCIC Bylaws Part III Section 12 and Part III.1 Section 11 and the "Evangelical Lutheran Church in Canada Manual re: Discipline of Ministers")

G.1 Appointment and structure of the Committee on Discipline

(See “Evangelical Lutheran Church in Canada Manual, Re: Discipline of Ministers Rules for Synod Committees on Discipline; B. Committee on Discipline - Preliminary Matters”. Where differences exist, the ELCIC Bylaws take precedence over the ELCIC Manual re: Discipline of Ministers)

G.2 Role and action of Synod Council

In fulfilling their role as administrators of the roster, (Synod Bylaws Part VII, Section 1), the synod council shall:

- G.2.a Inform members of the Synod of Alberta and the Territories, church employees, congregations and related institutions and agencies about this Policy.
- G.2.b Make this Policy available to members of the Synod of Alberta and the Territories.
- G.2.c Ensure that this Policy is followed explicitly and in a timely fashion.
- G.2.d Take steps to educate employees, volunteers and rostered persons about sexual misconduct, and the procedures for investigating complaints. (See Section entitled “Education and Prevention”)
- G.2.e Foster an attitude and atmosphere that discourages and prevents sexual misconduct even in the absence of formal complaints.
- G.2.f Appoint members to the Committee on Discipline, as soon as possible after receipt of the report of the Investigating Committee.
- G.2.g Receive a copy of the written report of the Committee on Discipline and determine appropriate action, guided by ELCIC Bylaw Parts III, Section 12 and III.1 Section 11.
- G.2.h Provide for communication of the synod council action to:
 - i the complainant, or where appropriate, the alleged victim,
 - ii the accused,
 - iii the congregational council or the supervisory body where the accused is serving along with the councils of any congregations where the accused previously served, and any congregations directly affected,
 - iv the wider church through the synod publications.

Procedures

- G.2.i Monitor the accused’s re-integration into a worshipping community, defining an appropriate role and limitations in accordance with the recommendations of the Discipline Committee, if that is necessary.

- G.2.j Cooperate and support the determination of the Court of Adjudication of the ELCIC in appeal situations that have been forwarded to them.
- G.2.k Review this policy at least biennially.

G.3 Appeal of the discipline

The action of the synod council may be appealed to the Court of Adjudication of the ELCIC, in accordance with Bylaw Parts III, Section 12 and Part III.1, Section 11 of the Bylaws of the ELCIC.

**COMPLAINT OF SEXUAL MISCONDUCT BY
A ROSTERED PERSON OF THE SYNOD**

Today's Date:

Accused:

Congregation of Accused, if known:

Reported to:

Describe the alleged incident(s) including dates, places, if possible, and as accurately as possible (please use reverse side of this form to continue, if necessary):

Did anyone else witness the alleged incident(s), or is there any other corroborating evidence available? e.g. medical or physical evidence:

If the alleged incident(s) involves a minor(s), has this been reported to social services as required by law?

If the alleged incident(s) is criminal in nature, has it been reported to the police? Name the police department and date reported:

Have you received a copy of the Synod Policy and Procedures of the ELCIC regarding Sexual Abuse?

Have you been informed regarding the process which will follow from this disclosure:

Are you aware that a pastoral care support person will be assigned to you if you so wish?

Signature:
(Your signature implies consent to proceed with the complaint.)

Address: _____

Phone/Fax/E-mail: _____

Procedures

Form B - ACKNOWLEDGMENT

ACKNOWLEDGMENT FORM

Name: _____

I have been given a copy of “Sexual Misconduct: Harassment, Exploitation and Assault-Policy and Procedures for Rostered Persons of the Synod of Alberta and the Territories.

I understand the contents of this Policy and these Procedures.

I understand that to function as an ordained or diaconal person in ministry in the Synod of Alberta and the Territories I must comply with this Policy and these Procedures.

If you cannot check off any of the above statements or if you have questions about this, please contact the Bishop or Resource Group Coordinator prior to signing the document.

This form is to be completed and returned to the Synod Office (10014 - 81 Avenue, Edmonton; T6E 1W8) and shall be retained in your confidential personnel file.

(Signature)

(Date)

IV.

APPENDICES

Appendix A

Evangelical Lutheran Church in Canada BYLAWS

Part III, Section 12. Discipline (For Ordained Ministers)

A synod shall undertake to put in place the following provisions to deal with the discipline of ordained ministers:

- a The synod council shall subject an ordained minister to discipline for:
 - (i) preaching or teaching of doctrine in conflict with the confession of faith of this church;
 - (ii) conduct unbecoming an ordained minister;
 - (C) willful disregard for or violation of the functions and standards established by this church for the office of Word and sacrament; and
 - (D) willful disregard of the constitution, administrative by-laws or enactments of this church or of the synod.

The National Church Council may from time to time establish guidelines to define or to assist in the interpretation of the above grounds for discipline.

The National Church Council may also maintain a Manual on Discipline of Ministers containing materials which may provide guidance to individuals involved in a process dealing with a complaint against, or the discipline, of an ordained minister.

b. The synodical bishop, upon becoming aware of circumstances that might subject an ordained minister to discipline as outlined in the preceding subsection, shall investigate such matters, shall consult with the minister and seek to deal with such circumstances. Should these endeavors not be resolved to the satisfaction of the synodical bishop, the synodical bishop may censure or admonish the ordained minister either privately or before the synod council, or may initiate a complaint against the ordained minister, to be dealt with in the manner set out below.

- c. A complaint against an ordained minister which could lead to discipline should be specific and should be in writing, subscribed to by the complaint and made by one or more of the following
 - (i) a majority of the members of the congregational council of the congregation of which the ordained minister is under call, submitted to the synodical bishop;
 - (ii) a majority of the voting members of the congregation of which the ordained minister is under call, submitted to the synodical bishop;
 - (iii) a majority of the members of the governing body to which the ordained minister is accountable (if not a parish pastor) submitted to the synodical bishop;
 - (iv) at least 10 ordained ministers of the synod on whose roster the ordained minister subject to the complaint is listed, submitted to the synodical bishop; or
 - (v) the synodical bishop.

Upon receipt of a proper complaint, the synodical bishop shall immediately proceed to appoint an Investigating Committee to investigate the complaint.

- d. The Investigating Committee shall be composed of two ordained ministers and two lay members of the synod involved, appointed by the synodical bishop. The Committee shall review the complaint and make such inquiries as the Committee deems appropriate. If the Investigating Committee determines that there are no reasonable and probable grounds to believe the ordained minister should be subject to discipline, it shall report this finding to the synodical bishop who shall inform the parties involved. If, however, the Investigating Committee determines that there are reasonable and probable grounds to believe the ordained minister should be subject to discipline, the synodical bishop shall convene a Committee on Discipline as soon as possible to hold a hearing with respect to the matter.
- e. The Committee on Discipline shall consist of eight members appointed by the synod council. The bishop of this church shall be asked to nominate one ordained minister and one lay person from outside the synod involved to serve on the Committee on Discipline. In addition three ordained ministers and three lay persons from the synod involved shall be appointed to the Committee on Discipline.
- f. The Committee on Discipline shall choose as its chairperson one of its members who was a nominee of the bishop of this church and shall choose one of its members to serve as its secretary. The chairperson shall fix a time and place for the Committee on Discipline to hear the complaint. The ordained minister shall be given at least ten days notice in writing of such arrangements. The Investigating Committee shall, through its representatives, present its report and the ordained minister shall have the right personally or through counsel to question witnesses and to testify and to call witnesses. The ordained minister shall be entitled to a full hearing before the Committee on Discipline, but the Committee on Discipline may refuse to consider evidence that clearly has no bearing upon the charges or that is unduly cumulative. A record of the proceedings of the Committee on Discipline shall be maintained by the Committee.
- g. The Committee on Discipline shall make a written report, which shall be filed with the synodical bishop, stating what the Committee has found to be the facts in the case, whether the Committee believes the minister should be subject to discipline, and, if so, what discipline the Committee recommends imposing on the minister. If the complaint is to be upheld, at least six members who were present when all of the evidence was presented to the Committee must concur with the determination that the minister should be subject to discipline.
- h. The disciplinary actions which the Committee on Discipline may recommend are:
 - (i) private censure and admonition by the synodical bishop;
 - (ii) censure and admonition by the synodical bishop before the synod council;
 - (iii) suspension from the office and functions of the ordained ministry by the synod council for a designated period or until there is satisfactory evidence of repentance and amendment;
 - (iv) removal from the roster of ordained ministers by the synod council.
- i. The synodical bishop shall report the findings and recommendations of the Committee on Discipline to the next meeting of synod council and shall advise the synod council of any action taken by the synodical bishop as a result of such recommendations. The synod council may take action to suspend the minister from the office and functions of the ordained ministry or to remove the minister from the roster of ordained ministers in accordance with the recommendations of the Committee on Discipline; may reject such recommendations; or may refer such recommendations back to the Committee on Discipline for further review and recommendation.
- j. The action of the synod council to suspend the minister or to remove the minister from the roster may be appealed to the Court of Adjudication by the ordained minister within 45 days of the minister receiving written notice of the action of the synod council.

In addition the complainant may appeal the action taken by the synod council to the Court of Adjudication only with respect to whether or not due process was followed by the Committee on Discipline in dealing with

the complaint or to introduce new evidence which was not available prior to the conclusion of the hearing conducted by the Committee on Discipline.

The synod council shall review any findings and recommendations of the Court of Adjudication and may take such action as may be appropriate in light of such findings and recommendations.

- k. If, upon investigation, but before a recommendation has been made by a Committee on Discipline, obvious heresy or flagrant immorality of an ordained minister is apparent to the synodical bishop, or if an ordained minister shall have admitted guilt or absconded, or if the circumstances are such that, in the opinion of the synodical bishop, the congregation, the synod, or this church would suffer injury if the ordained minister continued to exercise the office of the ordained ministry during the progress of disciplinary procedures, the synodical bishop may immediately suspend the ordained minister from the office of the ordained ministry until the complaint has been fully and finally decided by the synod council. Each such suspension shall be reported to the next meeting of the synod council.

Part III.1, Section 11 (For Diaconal Ministers)

Section 11. Discipline

- a. The synod bishop shall, upon becoming aware of the teaching of doctrine in conflict with the Confession of Faith of this church or of conduct unbecoming a lay diaconal minister, investigate such matters, counsel with the lay diaconal minister and seek to remove any cause for complaint. Should these endeavors fail, the bishop may appoint an investigating committee. If ten members in good standing of a congregation of this church or the council of a congregation request in writing that there be an investigating committee, the synod bishop shall immediately proceed with the necessary appointments.
- b. The investigating committee shall be composed of two ordained ministers and two lay members of congregations in the synod involved. This investigating committee shall hear the charges and, if it determines that there is no case, it shall report this finding to the synod bishop who shall inform the parties involved. If, however, there is reason to believe the charges have substance, the synod bishop shall convene a Committee on Discipline as soon as possible.
- c. The Committee on Discipline shall consist of seven members. The synod council shall appoint three ordained ministers and two lay persons from congregations within the synod. Another bishop shall be asked to appoint one ordained minister and one lay person from outside of the synod involved to the Committee on Discipline. At least six members of a Committee on Discipline shall be present for all sessions of the Committee.
- d. The synod bishop shall fix a time and place for the Committee on Discipline to hear the charges. The ordained minister shall be given at least ten days notice in writing of such arrangements. At its first meeting the Committee on Discipline shall elect a chairperson and secretary. The investigating committee, through its representatives, shall present its evidence and the lay diaconal minister shall have the right personally or through counsel to question witnesses and to testify and to call witnesses. The lay diaconal minister shall be entitled to a full hearing, but the Committee on Discipline may refuse to hear testimony that clearly has no bearing upon the charges. Proceedings by the Committee on Discipline may be recorded.
- e. The Committee on Discipline shall make a written report, which shall be filed with the bishop of the synod, stating what have been found to be the facts in the case. At least six members who have attended all sessions of the Committee on Discipline must concur if the charges are to be upheld, with a recommendation for appropriate action.
- f. The actions, which the Committee on Discipline may recommend, are
 - i. Private censure and admonition by the bishop of the synod;
 - ii. Censure and admonition before the synod council;

- iii. Suspension from the office and functions of the lay diaconal ministry for a designated period or until there is satisfactory evidence of repentance and amendment;
- iv. Removal from the roster of lay diaconal ministers.
- g. The bishop of the synod shall report the findings and recommendation to the next meeting of synod council for action. The synod council may take action in accordance with the report of the Committee on Discipline; may reject such report; or may refer such report back to the Committee on Discipline for further review and recommendation. The action of the synod council may be appealed to the Court of Adjudication by the lay diaconal minister within 30 days of receiving written notice of the action of the synod council. The decision of the Court of Adjudication shall be final.
- h. If, upon investigation, obvious heresy or flagrant immorality of a lay diaconal minister is apparent, or if a lay diaconal minister shall have admitted guilt or absconded, or if the circumstances are such that, in the opinion of the bishop of the synod it would be in the best interests of this church if the lay diaconal minister did not continue to exercise the office of the lay diaconal ministry during the progress of disciplinary procedures, the bishop of the synod may immediately suspend the lay diaconal minister from the office of the lay diaconal ministry until the charges have been fully and finally decided by the synod council. Each such suspension shall be reported to the next meeting of the synod council.

G:\tpd\evang\0001346\revised word documents\lg\the committee on discipline manual. April 5, 2001

Appendix B

EVANGELICAL LUTHERAN CHURCH IN CANADA MANUAL RE DISCIPLINE OF MINISTERS

GUIDELINES RE GROUNDS FOR DISCIPLINE OF ORDAINED MINISTERS

These guidelines describe the suggested grounds for which ordained ministers may be subject to discipline according to the practice of ELCIC and the Synods. Their purpose is juridical: to assist in the processes of consultation, discipline, and appeals. These Guidelines are separate from various procedures and guidelines which may be established by ELCIC or a Synod to deal with matters such as alleged sexual abuse or harassment and which are intended to ensure compliance with civil law and to provide a pastoral response.

Grounds for discipline of ordained ministers are as follows:

- a. **Preaching or teaching in conflict with the faith confessed by the ELCIC** shall be grounds for discipline of ordained ministers.
2. **Conduct unbecoming an ordained minister** shall be grounds for discipline of ordained ministers. Kinds of behaviour which are incompatible with the character of the ministerial function include:
 - a. **Conviction of a Criminal Offense**
Society has placed a high premium upon the role of law in regulating the rights and duties of individuals. This includes laws that define certain conduct as a criminal offense. The commission of an indictable offence, in the absence of some reasonable explanation for such conduct, is conduct unbecoming a minister and grounds for discipline.
 - b. **Membership in Organizations**
No ordained minister shall belong to any organization that in its documents, rites or practices contradicts the Gospel of salvation through faith in Jesus Christ.
 - c. **Confidential Communications**
Ordained ministers shall respect a confidential confessional communication and may not disclose such communication, except with the express permission of the person involved, or where required by law, or in order to prevent the commission of a crime.
 - d. **Relationship to Family**
Ordained ministers, whether married or single, are expected to uphold Christian ideals of marriage in their public ministry as well as in private life.

An ordained minister's spouse and children, are to be regarded by the minister with love, respect, and commitment.

Any departure from this normative behaviour shall be considered conduct unbecoming an ordained minister. Such departure might include any of the following:

- (i) Separation or divorce that occurs without consultation with the synodical bishop's office and without the ordained minister taking appropriate action

on any agreement reached in such consultation. Each case of separation or divorce must be considered pastorally.

- (ii) Desertion or abandonment of spouse or children.
- (iii) Abuse of spouse or children.
- (iv) Repeated failure to meet legally determined family support obligations.

e. Sexual Matters

Adultery, promiscuity, the sexual abuse of another, or the misuse of counseling relationships for sexual favors or other advantage would constitute conduct unbecoming an ordained minister.

f. Substance Abuse

Misuse of alcohol or mind-altering substances impairs the ability of an ordained minister to perform the duties of the office with full effectiveness. The failure to embark on an effective treatment program or to follow through on treatment and abide by the terms of such treatment and the consequent impairment of performance is conduct unbecoming an ordained minister.

g. Fiscal Responsibilities

Ordained ministers are expected to conduct their fiscal affairs in accordance with ethical and legal requirements. Among those fiscal activities which shall be considered conduct incompatible with the character of the ministerial office are:

- (i) indifference to or avoidance of legitimate and neglected personal debts.
- (ii) Embezzlement of money or improper appropriation of the property of others.
- (iii) Using the ministerial office improperly for personal financial advantage.

3. Willful disregard or violation of the functions and standards established by ELCIC for the Office of Word and Sacrament shall be grounds for discipline of ordained ministers. Such functions and standards are found in the Constitution, Article VII and the Administrative Bylaws, Part III

d. Willful disregard of the constitution, administrative bylaws or enactments of ELCIC or the Synods shall be grounds for discipline of ordained ministers.

ADOPTED by the National Church Council of the Evangelical Lutheran Church in Canada this day of _____, 200 .

Secretary, ELCIC

Appendix C

**EVANGELICAL LUTHERAN CHURCH IN CANADA
MANUAL RE DISCIPLINE OF MINISTERS**

RULES FOR SYNOD INVESTIGATING COMMITTEES

A. Definitions

“Complainant” is the person or persons who lodge a Complaint against an ordained minister which, if proven, could result in discipline of the ordained minister.

“Complaint” is the written description of the allegations made against an ordained minister which, if proven, could result in discipline.

“Respondent” is the ordained minister who is the subject of a Complaint which, if proven, could result in discipline of the ordained minister.

B. Establishing the Need for an Investigating Committee

- B1. Ordained ministers on the roster of the Synod shall be subject to discipline for:
- a. preaching and teaching in conflict with the faith confessed by the ELCIC;
 - b. conduct unbecoming an ordained minister;
 - c. willful disregard or violation of the functions and standards established by the ELCIC for the office of Word and sacrament;
 - d. willful disregard of the constitution, administrative by-laws, or enactments of the ELCIC or the Synod.
- B2. The synodical bishop, upon becoming aware of circumstances that might subject an ordained minister to discipline as outlined in the preceding Rule, shall investigate such matters, shall consult with the minister and shall seek to deal with such circumstances.

Should these endeavors not be resolved to the satisfaction of the synodical bishop, the synodical bishop may censure or admonish the ordained minister either privately or before the synod council, or may initiate a Complaint against the ordained minister, to be dealt with in the manner set out below.

- B3. A Complaint against an ordained minister which could lead to discipline must be specific and in writing, subscribed to by a Complainant, and may be made by one or more of the following:
- a. a majority of the members of the congregational council of the congregation of which the ordained minister is under call, submitted to the synodical bishop;
 - b. a majority of the voting members of the congregation of which the ordained minister is under call, submitted to the synodical bishop;
 - c. a majority of the members of the governing body to which the ordained minister is accountable (if the minister is not a parish pastor) submitted to the synodical bishop;
 - d. at least 10 ordained ministers of the synod on whose roster the ordained minister subject to the Complaint is listed, submitted to the synodical bishop;
or
 - e. the synodical bishop.

Upon receipt of a proper Complaint under this Rule B3., the synodical bishop shall immediately proceed to appoint an Investigating Committee to investigate the Complaint and shall arrange the first meeting of the Committee and provide each member of the Committee with a copy of all written material provided to the synodical bishop by the Complainant and the Respondent.

C. Temporary Suspension of the Respondent

If, upon investigation by the synodical bishop, but before a recommendation has been made by a Committee on Discipline, obvious heresy or flagrant immorality of an ordained minister is apparent to the synodical bishop, or if an ordained minister shall have admitted guilt or absconded, or if the circumstances are such that, in the opinion of the synodical bishop, the congregation, the Synod or the ELCIC would suffer injury if the ordained minister continued to exercise the office of the ordained ministry during the progress of disciplinary procedures, the synodical bishop may immediately suspend the ordained minister from the office of the ordained ministry until the Complaint has been fully and finally decided by the synod council. Each such suspension shall be reported to the next meeting of the synod council.

In the event an ordained minister is suspended from the office of ordained ministry, the congregation or other employing agency shall continue to pay the salary and benefits until the matter is resolved by the Committee on Discipline.

C. The Investigating Committee: Preliminary Matters

- D1. The Investigating Committee shall be composed of two ordained ministers and two lay members of the synod appointed by the synodical bishop.
- D2. The Investigating Committee must be seen to be impartial and without bias toward either the Respondent or the Complainant. No person may serve on the Investigating Committee who:
- a. has any substantial prior knowledge of the matters to be reviewed by the Investigating Committee;
 - b. is related to either the Respondent or the Complainant;
 - c. was, or is a member of a congregation served by the Respondent; or
 - d. was, or is, a member of a congregation where the Complainant are members.

Should such a person inadvertently be appointed to an Investigating Committee, such a person shall declare the conflict and withdraw immediately from the Committee so that another person may be appointed.

- D3. The Investigating Committee shall choose one of its members to serve as chairperson and one of its members to serve as its secretary. The chairperson shall be responsible for chairing the meetings of the Committee, arranging for all meetings of the Committee, arranging for interviews with all necessary persons in the course of the investigation, communicating with the synodical bishop and all parties involved in the investigation. The secretary shall be responsible for keeping accurate summary of all meetings and interviews and for correspondence resulting from the investigation.
- D4. The expenses of the Investigating Committee shall be the responsibility of the synod. The expenses of the Complainant shall be borne by the Complainant and the expenses of the Respondent shall be borne by the Respondent.

E. The Work of the Investigating Committee

- E1. A quorum for a meeting of the Investigating Committee shall be all four members.
- E2. The Committee shall review the Complaint, any responses to the Complaint by the Respondent and shall plan for how it will conduct the investigation. In conducting the investigation the Committee shall make such inquiries as the Committee deems appropriate.
- E3. The Committee shall arrange interviews with the Complainant and with the Respondent. Interviews should be scheduled in such a way as to maximize the use of time for the Committee while minimizing awkwardness for both the Complainant and the Respondent.
- E4. As a courtesy to the parties, the actual interviews should be carefully planned. The questions to be asked and follow up questions should be considered by the Committee.

F. The Investigating Committee: Determination, Report, and Post-Hearing Matters

- F1. For the purpose of reaching its determination, the Investigating Committee shall meet without the presence of any person who is not a member of the Committee other than its own attorney.
- F2. The Investigating Committee shall determine whether or not there are reasonable and probable grounds to believe that the Respondent should be subject to discipline. The report of the Investigating Committee shall be in writing, shall outline the evidence it heard, and shall indicate the conclusions of the Committee.
- F3. At least three members of the Investigating Committee must concur with a determination that there are reasonable and probable grounds to believe the Respondent should be subject to discipline.
- F4. If the Investigating Committee determines that there are no reasonable and probable grounds to believe the Respondent should be subject to discipline, it shall report this finding to the synodical bishop, who shall inform the parties involved. In such circumstances all documentary and physical evidence submitted to the Investigating Committee shall be returned to the party who presented it.
- F5. If the Investigating Committee determines that there are reasonable and probable grounds to believe the Respondent should be subject to discipline, the synodical bishop shall convene a Committee on Discipline as soon as possible, but not later than 60 days after the report of the Investigating Committee is submitted, to hold a hearing with respect to the matter. In such circumstances all documentary and physical evidence in the possession of the Investigating Committee shall be forwarded to the Committee on Discipline by the Investigating Committee together with the report of the Investigating Committee.
- F6. Upon completion of its report, the file and records of the Investigating Committee shall

be maintained in the synod office for safekeeping.

- F7. If a Committee on Discipline is convened, representatives of the Investigating Committee shall present the report of the Investigating Committee to the Committee on Discipline and may participate in any hearing conducted by the Committee on Discipline.

ADOPTED by the National Church Council of the Evangelical Lutheran Church in Canada this
day of _____, 200 .

Secretary, ELCIC

G:\tpd\evang\0001346\revised word documents\lg\the investigating committee manual April 5, 2001

Appendix D

EVANGELICAL LUTHERAN CHURCH IN CANADA **MANUAL RE DISCIPLINE OF MINISTERS**

RULES FOR SYNOD COMMITTEES ON DISCIPLINE

A. Definition of Terms

“Complainant” is the person or persons who lodge a Complaint against an ordained minister which, if proven, could result in discipline of the ordained minister, and includes the Investigating Committee.

“Complaint” is the written description of the accusations made against an ordained minister which, if proven, could result in discipline.

“Respondent” is the ordained minister who is the subject of a Complaint which, if proven,

could result in discipline of the ordained minister

B. Committee on Discipline—Preliminary Matters

- B1. If the Investigating Committee determines that there are reasonable and probable grounds to believe an ordained minister should be subject to discipline, the synodical bishop shall convene a Committee on Discipline as soon as possible, but not later than 60 days after the report of the Investigating Committee is submitted, to hold a hearing with respect to the matter. In such circumstances all documentary and physical evidence in the possession of the Investigating Committee shall be forwarded to the Committee on Discipline by the Investigating Committee together with the report of the Investigating Committee.
- B2. A Committee on Discipline shall consist of eight members appointed by the synod council. The national bishop of the ELCIC shall be asked to nominate one ordained minister and one lay person from outside the synod involved to serve on the Committee on Discipline. In addition three ordained ministers and three lay persons from within the synod shall be appointed to the Committee on Discipline.
- B3. The Committee on Discipline must be seen to be impartial and without bias toward either the Respondent or the Complainant. No person may serve on the Committee on Discipline who:
- a. has any substantial prior knowledge of the matters to be reviewed by the Committee of Discipline;
 - b. is related to either the Respondent or the Complainant;
 - c. was or is a member of a congregation served by the Respondent; or
 - d. was or is a member of a congregation where the Complainant are members.

Should such a person inadvertently be appointed such a person shall declare the conflict and withdraw immediately from the Committee so that another member may be appointed.

- B4. The Committee on Discipline shall choose as its chairperson one of its members who was a nominee of the national bishop of the ELCIC, and shall choose one of its members to serve as its secretary. The chairperson shall be responsible for chairing the meetings of the Committee, arranging for all meetings of the Committee, and shall fix a time and place for the Committee on Discipline to hold a hearing to consider the Complaint. The secretary shall be responsible for keeping a record of the proceedings of the Committee, for putting together the final written report of the Committee, and for all correspondence necessary to support the work of the Committee.
- B5. The quorum for a meeting of the Committee on Discipline shall be six members.
- B6. The expenses of the Committee on Discipline shall be the responsibility of the synod. The expenses of the Complainant shall be borne by the Complainant and the expenses of the Respondent shall be borne by the Respondent.

C. The Hearing Before the Committee on Discipline.

- C1. The Respondent shall be entitled to a full hearing before the Committee on Discipline, but the Committee on Discipline may refuse to consider evidence that clearly has no bearing upon the Complaint or that is unduly cumulative.
- C2. The Respondent, the Complainant, and the chairperson of the Investigating Committee shall be given at least ten days notice in writing of the time and place and date of the hearing.
- C3. The hearing before the Committee on Discipline shall commence at the time and place set forth in the notice issued pursuant to Rule C2, unless in the opinion of the chairperson of the Committee, after consultation, if practical, with the parties involved or their representatives, an emergency such as snowstorm, flood, or airline strike, necessitates a postponement or change of site of the hearing.
- C4. In the proceedings before Committee on Discipline there shall be a presumption of innocence in favor of the Respondent. Among other things this requires that:
 - (i) the Committee shall reach its finding and recommendations solely on the basis of the evidence presented at the hearing before the Committee;
 - (ii) the Complainant and/or the Investigating Committee have the burden of proof as provided in Rule C18; and
 - (iii) the evidence presented at the hearing, as well as the entire process before the Committee, shall be in conformity with the requirements of the constitution of the Synod and constitution and the administrative by-laws of the ELCIC and these Rules, including specifically the due process requirements set forth in Rules D1 through D5.
- C5. The hearing shall not be open to the public unless both the Complainant and the Respondent agree to a public hearing.
- C6. The Investigating Committee shall, through its representatives, present the report of the Investigating Committee to the Committee on Discipline, and may present evidence, call its own witnesses and question witnesses.
- C7. In the hearing:
 - a. the Respondent, the Complainant and the Investigating Committee may each be represented by not more than two representatives who may present or assist in the presentation of the evidence;
 - b. the Committee on Discipline may permit attendance by a limited number of other persons, with the consent of both the Respondent and the Complainant, or as may be otherwise determined by the Committee on Discipline;
 - c. while testifying a witness may be accompanied by a spouse and by a friend or advocate; and
 - d. witnesses shall be permitted in the hearing only when testifying.
- C8. Persons permitted to attend the hearing under Rule C7.b. and c. shall not have any role

in the proceedings, unless specifically authorized by an additional rule adopted by the Committee on Discipline in a particular case.

- C9. A verbatim record of the hearing shall be made by an audio or video tape recording or by a stenographer or a court reporter.
- C10. Following the presentation of its report by the Investigating Committee, the Complainant and the Respondent may, but need not, make opening statements. Such opening statements shall be limited to no more than one hour per side. The Complainant shall be entitled to make the first such opening statement.
- C11. The Investigating Committee and/or the Complainant may first call witnesses, including the Complainant if appropriate, to present evidence in support of the Complainant. They may also present documentary evidence in support of the Complainant.
- C12. After the Complainant and the Investigating Committee have had the opportunity to call witnesses and to offer any documentary evidence, the Respondent may call witnesses and offer documentary evidence.
- C13. After the Respondent has called witnesses and offered documentary evidence, first the Complainant and the Investigating Committee, then the Respondent may call witnesses and offer documentary evidence for the purpose of rebuttal.
- C14. The Respondent has the right to testify or to remain silent.
- C15. Whenever a witness (including the Respondent or the Complainant) testifies, the party who has called the witness shall first question the witness, following which the other party may question the witness on any matter relevant to the Complaint. Then the party calling the witness may again question the witness, but only with respect to new matters which arose during the other party's questioning of the witness. A representative of a party, in lieu of the party, may question any witness. Committee members may also question the witness for the purpose of clarification.
- C16. The Complainant and/or the Investigating Committee and the Respondent or their representatives may, but need not, present closing statements. Closing statements shall be limited to no more than one hour per side. The Respondent shall make the first closing statement. The Complainant and the Investigating Committee shall be entitled to make the final closing statements.
- C17. The rules of evidence and other rules used in formal judicial proceedings shall not necessarily apply to the hearing. Testimony or documentary evidence shall not be excluded merely because it would be excluded under such formal rules. For example, evidence shall not be excluded merely because it is hearsay, although individual members of a Committee on Discipline may choose to give hearsay evidence little or no weight or importance.

- C18. The Complainant and the Investigating Committee shall have the burden of proof. The Committee on Discipline shall not find that any allegation contained in the Complaint is true unless the Complainant and/or the Investigating Committee has proven that it is true by a preponderance of the evidence. An allegation has been proven true by a preponderance of the evidence if the Committee, after weighing all of the evidence presented at the hearing, believes that more likely than not the allegation is true.
- C19. At any time during the hearing the Committee on Discipline may decide to meet in-camera session for deliberations, either with the participation of the parties to the Complaint and their respective representatives, or without the participation of such parties.
- C20. If the Respondent and the Respondent's representative should fail to appear at the scheduled hearing before the Committee on Discipline, the Committee, after making a record that the Respondent was given notice of the date, time and place of the hearing, and other information relevant to the Respondent's absence of which the Committee has knowledge, may either:
- (i) proceed to hear the testimony and evidence offered by the Complainant and render its written decision; or
 - (ii) adjourn the hearing to a rescheduled date, if the Committee concludes that the absence is justified.

D. Due Process in Discipline Proceedings.

- D1. The Committee on Discipline shall afford the Respondent due process in discharging its responsibilities.
- D2. "Due process" means:
- a. the right to be given specific written notice of Complaint;
 - b. in the case of the Respondent, the right to testify in person or to remain silent;
 - c. the right to call witnesses;
 - d. the right to introduce documentary evidence concerning the Complaint;
 - e. the right to confront and cross-examine all witnesses;
 - f. the right to a hearing closed to the public unless both the Complainant and the Respondent agree to a public hearing;
 - g. the right to a written decision of the Committee on Discipline; and
 - h. the right to be treated with fundamental procedural fairness.
- D3. "Fundamental procedural fairness" means:
- a. avoidance by Committee members of written communications to or from either Respondent or Complainant without copy to the other;
 - b. avoidance by Committee members of oral communications with either the Respondent or the Complainant outside of the presence of the other;
 - c. maintaining decorum during the hearing;
 - d. allowing both the Complainant and the Respondent to present their cases without unnecessary interruptions;

- e. keeping a verbatim record of the hearing, either made by audio or video tape recording or a stenographer or court reporter;
- f. allowing both the Complainant and the Respondent to be accompanied at the hearing by a representative (who may, but need not, be an attorney) who may also participate in the proceedings;
- g. impartiality of the Committee which consider the Complaint; and
- h. the right to be treated in conformity with the governing documents of the Synod or the ELCIC.

D4. “Due process” and ‘fundamental procedural fairness’ shall be defined without regard to how these concepts may be defined in secular civil or criminal proceedings. “Due process” and “fundamental procedural fairness” shall mean nothing more and nothing less than what is provided in Rule D2 and Rule D3, respectively.

D5. Once a Complaint against a person has been considered by a Committee on Discipline, that person shall not be required to answer that Complaint again except if a different but related Complaint is laid.

E. The Committee on Discipline: Determination, Report, and Post-Hearing Matters

E1. For the purpose of reaching its findings of fact and recommendations, the Committee on Discipline shall meet without the presence of the Respondent, the Complainant, their representatives or any other person who is not a member of the Committee, other than the attorney of the Committee on Discipline.

E2. When the Committee on Discipline has determined by the preponderance of the evidence (as defined in Rule C18) the Respondent should be subject to discipline, it shall recommend the appropriate disciplinary action. Otherwise the Committee shall recommend the dismissal of the Complaint.

E3. At least six members of the Committee on Discipline who were present during the hearing when all evidence was presented to the Committee must concur with the determination that the Respondent should be subject to discipline.

E4. The Committee on Discipline shall report its findings and recommendations in writing. The report shall be in two parts:

- a. Findings of Fact: In this part, the Committee shall set forth what it has found to be the relevant facts—that is, what it believes to be the truth of the matter.
- b. Recommendation: In this part, the Committee shall state whether, based upon the evidence, it believes the Respondent should be subject to discipline and, if so, what discipline the Committee recommends be imposed on the Respondent. When making such determination the Committee should ensure that the recommendations are:
 - measurable (that it will be clear when the discipline is complete),
 - that there is a time line attached to the discipline (with a clear process for extensions),
 - that it is clear who will supervise compliance with the discipline, and
 - that there are specific consequences made for non-compliance by the

Respondent with the discipline.

- c. The disciplinary actions which the Committee on Discipline may recommend are:
- (i) private censure and admonition by the synodical bishop;
 - (ii) censure and admonition by the synodical bishop before the synod council;
 - (iii) suspension from the office and functions of the ordained ministry by the synod council for a designated period or until there is satisfactory evidence of repentance and amendment; or
 - (iv) removal from the roster of ordained ministers by the synod council.
- E5. The Committee on Discipline shall file its written findings and recommendation to the synodical bishop, the Complainant and the Respondent within 15 days from the time the Committee completed the hearing. The synodical bishop shall report the findings and recommendations of the Committee on Discipline to the next meeting of the synod council and shall advise the synod council of any action taken by the synodical bishop as a result of such recommendations. The synod council may take action to suspend the Respondent from the office and functions of the ordained ministry or to remove the Respondent from the roster of the ordained ministers in accordance with the recommendations of the Committee on Discipline; may reject such recommendations; or may refer such recommendations back to the Committee on Discipline for further review and recommendation.
- E6. The action of the synod council to suspend the Respondent or to remove the Respondent from the roster may be appealed to the Court of Adjudication by the Respondent within 45 days of the Respondent receiving written notice of the action of the synod council.
- In addition the Complainant may appeal the action taken by the synod council to the Court of Adjudication only with respect to whether or not due process was followed by the Committee on Discipline in dealing the Complaint or to introduce new evidence which was not available prior to the conclusion of the hearing conducted by the Committee on Discipline.
- E7. In event of an appeal, the chairperson of the Committee on Discipline shall furnish the record on appeal (as defined in the rules of the Court of Adjudication), to the Court of Adjudication and certify the completeness and accuracy of such record.
- E8. The synod council shall review any findings and recommendations of the Court of Adjudication and may take such action as may be appropriate in light of such findings and recommendations.
- E9. In the event there is no appeal, 75 days after giving the notice referred to in Rule E6, the chairperson of the Committee on Discipline shall make the following disposition of the material which would have constituted the record of appeal:
- (i) documentary and physical evidence and the transcript of the proceedings of the Committee on Discipline shall be forwarded to the synod office for safe

- keeping; and
- (ii) the synodical bishop shall keep the findings and determination of the Committee of Discipline in a confidential file.

ADOPTED by the National Church Council of the Evangelical Lutheran Church in Canada this day of _____, 200 .

Secretary, ELCIC

V. A STUDY GUIDE

A. PROVISION OF PASTORAL CARE in cases of SEXUAL ABUSE

This information is provided for the assistance of those persons who may be involved in or providing pastoral care to those persons involved in situations where sexual abuse has occurred. The material is not intended to be the sole reference; nor does this imply the policy position of the Synod of Alberta and the Territories.

The Survivor

- B.1 The most important message to give to a survivor of sexual abuse and harassment is that you believe them. It is extremely difficult to report sexual abuse and harassment. It takes great courage and strength to come forward and break the secrecy surrounding the abuse. When a person reports sexual abuse and harassment appropriate responses are: “I believe you.” “I am so sorry - in the name of the church that I serve in - that this happened to you.” “No matter what sense of responsibility you feel, it is always the ordained minister person’s responsibility as a professional to maintain the boundaries - it is not your fault.”² “Thank you for having the courage to come to me with this very painful episode in your life.” “Thank you for trusting me enough to come and tell me about what has happened to you.”

² Pamela Cooper-White, The Cry of Tamar: Violence Against Women and the Church’s Response, (Minneapolis: Fortress Press, 1995) 140.

- B.2 Validate the person's feelings. The feelings expressed can include rage, fear, grief, guilt, shame, intense pain, the sense of being torn apart, depression, hate of the abuser, self-loathing, panic, and anxiousness.³ The person who has survived abuse has experienced a traumatic event. Exposure of the abuse intensifies the pain and suffering the person experiences because in the telling the person re-experiences what has happened. This re-experiencing of what happened can include intense flashbacks and body pain which can be very difficult for the person to articulate, particularly when they do not understand what is happening to them.
- B.3 Disclosure of abuse by a minor must, by law, be reported to the appropriate authorities. Advise the minor and guardian of the help available to them to assist them through the legal process and the complaint/investigation/disciplinary process of the Synod. Disclosure of abuse by an adult shall be handled in accordance with the survivor's wishes. Adult survivors will be offered the assistance of a pastoral care support worker to determine which course of action is appropriate for them.
- B.4 If the survivor discloses abuse immediately after assault has occurred, assist the survivor in following the procedures necessary to ensure that evidence is preserved for criminal prosecution. Advise the survivor to immediately go to a hospital for a medical examination and not be bathe, douche, change clothes or clean up. Remember that sexual assault is very traumatic for the person even when no penetration has occurred.
- B.5. Share the policy and procedures of the Synod and ELCIC with the person reporting abuse. If the adult survivor has asked you to keep the abuse confidential, ask permission to share the information with the Bishop or the persons designated by the synod as pastoral care support workers. If the survivor says no, respect their wishes and follow their instincts in what is best for them. Keep on supporting their process so that they can begin the work leading to healing. If the survivor is not willing to report the abuse and you have become aware of it through another source, seek the Bishop's advice as to what is the appropriate course of action in this instance. At all times, however, the safety of the person who has been abused is primary.
- B.6 Assist the survivor in finding a pastoral care support worker within the denominational system who can accompany them through the process if they choose to report the abuse.⁴ Reporting abuse to the appropriate authorities is not an inconsequential matter. Assist the survivor in understanding that the decision to report the abuse is for their own personal integrity, and not because they need or expect the institution to respond perfectly to their complaint or for the abuser to " 'see the light', repent, and change' ".⁵ The church is a human institution and is, therefore, incapable of perfectly responding to a complaint.
- B.7. The church will ensure that a pastoral care support worker is available to provide guidance

³ Ibid.

⁴ Ibid.

⁵ Ibid.

and information about this process, advocate for the survivor, and to provide pastoral care when a survivor makes a complaint. Every effort will be made to ensure that the pastoral care support worker is someone with whom the survivor can establish the rapport and trust needed to accompany them through the investigation process.

- B.8. The survivor will be notified in writing of the procedure to be followed and the anticipated time-line. They will be kept informed by the pastoral care support worker of the progress in the investigation of the allegations and what steps might be taken to discipline the perpetrator if guilt is determined.
- B.9. Be alert to threats from the abuser. Abusers have been known to make all sorts of threats including threatening physical violence and suicide when a survivor decides to make a report. Should threats of retaliation occur, or if the survivor is concerned about the possibility of retaliation, the survivor will need assistance in working through an action plan to assure their safety.⁶
- B.10. Do not expect the survivor to offer forgiveness quickly or easily. Help the survivor understand that they have done nothing wrong and are not obligated to offer forgiveness.⁷ This reassurance may need to be given many times before the survivor accepts that they have nothing to feel ashamed or guilty about. It will be helpful to assist the survivor in understanding the difference between false shame and guilt and true shame and guilt.
- B.11. When someone other than the survivor makes a complaint, a pastoral care support worker will be appointed by the synod to assist the complainant through the investigation process and to provide pastoral care. Every effort will be made to ensure that the pastoral care support worker is someone with whom the complainant can establish the rapport and trust needed to accompany them through the investigation process. The wishes of the survivor will be taken into consideration in how the complaint will be handled. Every effort will be made to avoid further victimization of the survivor.
- B.12. If the accused admits guilt or if fault is found after an investigation, the survivor will be consulted as to their wishes regarding the possibility of a process of reconciliation. No apologies are to be issued by the perpetrator unless the survivor requests one. Each survivor's healing process is different. Forgiveness by the survivor of perpetrators of abuse is the end result of the healing process rather than the beginning.
- B.13. The complainant/alleged victim is not to be excluded from the community of the church at any point during the investigation and disciplinary process. Should they feel uncomfortable remaining within their congregation, alternatives should be made available so that the person may have their spiritual needs met. THE SURVIVOR IS TO BE SUPPORTED IN THEIR SEARCH FOR JUSTICE AND HEALING. Since each person's healing process will be different, the church needs to be flexible in its approaches to meeting the survivor's needs.

⁶ Ibid.

⁷ Ibid.

- B.14. The survivor may receive financial compensation for counseling. The primary responsibility for such compensation rests with the perpetrator. To ensure that crisis counseling is available immediately, the church is willing to provide the funds for up to eight (8) counseling sessions with a therapist with the appropriate credentials, and to arrange with the perpetrator for repayment. It is recognized that the counseling process in situations of sexual abuse and harassment may require long-term counseling. Where such counseling is needed and the survivor does not have the financial resources to pay for counseling, the church will assist the person in making arrangements for such counseling until funds can be recovered from the perpetrator.
- B.15. If in the course of investigation the allegation is found to be false, the complainant will be informed. While an apology to the accused is appropriate, it will not be demanded of the complainant. The pastoral care support person will work with the person to ensure that appropriate counseling and treatment are made available to the complainant. The church assumes no financial responsibility for such counseling and treatment. Church disciplinary policy will be followed if appropriate.
- B.16. Be aware of the consequences of abuse. While every person who is a survivor of abuse will respond differently, certain reactions are common to all survivors.

Emotional and psychological responses include:⁸

- Shock and denial. Did this really happen? Did this really happen to me? MY pastor did something like this?
- Bewilderment. How could a pastor do something like this? Perhaps I misread his sexual overtones? Did I in some way set myself up for something like this? Perhaps I gave off some kind of signal?
- Shame.
- Guilt.
- Fear of being blamed and/or disbelieved by the congregation or church official to whom the abuse is reported. Fear of being powerless.
- Inner conflict. Should I report what has happened to me or should I keep silent? Should I tell my spouse and/or family or keep the secret to myself?
- Feeling violated. Feeling dirty. Flashbacks. Body memories. Nightmares.
- Anger at church, God, self, others... .
- Depression. There's a high likelihood of suicidal ideation or actions, harming of self including self-mutilation, alcohol or drug abuse and sexual promiscuity, or poor body image.
- Desire for revenge.
- Minimization. "It's really no big deal".
- Vulnerability to further abusive relationships.
- Fear of intimacy and fear of being violated again.

Spiritual/religious responses include:

- Loss of faith in God. How could a loving God allow such a thing to

⁸ Thank you to Jes Schienbein for information on the consequences of sexual abuse for the survivor and their family, the accused and their family, and the church.

- happen?
- Loss of trust of religious leaders. Who can I go to for help? Will other religious leaders side with the pastor/diaconal minister?
 - Sense of sinfulness and “feeling dirty”.
 - False shame and guilt.
 - Maintaining the darkness of the secret vs. the light of truth.
 - Estrangement from the congregation. If the victim says nothing they distance themselves emotionally and/or physically. If the victim reports the abuse to an official in the congregation or institution/agency, that person will likely side with the ordained minister person/diaconal minister.
 - Sense of betrayal by the ordained minister person/diaconal minister, the church who trained this person for ministry, and the denominational leaders who would likely disbelieve the story and side with the abuser.
 - Suffering. Why am I suffering like this? How can healing occur?
 - Forgiveness. Should I forgive my abuser? When should this happen? Is reconciliation possible?
 - Confrontation with evil and the brokenness of humanity. What does this mean for my faith? How do I go on from here?
 - Sense of failing God. “I must have really failed God, if God let this happen”.

The Survivor’s Family

- SF.1 While it is best not to maintain secrecy when sexual abuse occurs, the survivor’s right to confidentiality will always be respected within the limits noted earlier. The decision to disclose the abuse to family members is up to the survivor rather than the church.
- SF.2 If the survivor gives permission, the family will be notified of the complaint and of the procedure being followed and the anticipated time-line.
- SF.3 No details of the allegation will be released to the family by the synod without the consent of the survivor. If such consent is granted, the family will be notified of the procedure being followed and the anticipated time-line.
- SF.4. Allegations of sexual abuse and harassment are painful for the survivor’s family. A variety of responses are possible. A pastoral care support worker will be made available to the family. Every effort will be made to ensure that the pastoral care support worker is someone with whom the family can establish the rapport and trust needed to accompany them through the investigation process.
- SF.5. Be aware of the consequences of abuse. While every family will respond differently, certain reactions are common to all families of survivors.

Emotional and psychological responses include:

- Shock. Did this really happen? Did this really happen to my child/spouse/sibling? MY/A pastor did something like this?
- Bewilderment. How could a pastor do something like this? Perhaps my

- child/spouse/sibling misread his sexual overtones?
- Shame and guilt. We should have known something was wrong.
- Fear of their family member being blamed and/or disbelieved by the congregation or church official to whom the abuse is reported.
- Fear of how others will respond to the report of the abuse. Will they blame us for not protecting our child? Will they think that there is something wrong with our family that something like this could happen to one of us?
- Inner conflict. Should we encourage our family member to report what has happened or should they keep silent? Do we keep this a secret within the family or will we be open about what happened?
- Feeling violated.
- Anger.
- Isolation. Families may feel that they are the only ones in the world going through this and that there is no one to talk to.
- Concern for other children if there is an accusation of child sexual abuse.

Spiritual/religious responses include:

- Loss of faith in God.
- Loss of trust of religious leaders.
- Sense of sinfulness and “feeling dirty”. There may be a feeling that there is “something wrong with us that something like this could happen.”
- False shame and guilt.
- Maintaining the darkness of the secret vs. the light of truth.
- Estrangement from congregation. If the survivor says nothing the family may distance themselves emotionally and/or physically. If the survivor reports the abuse to an official in the congregation or institution/agency, that person will likely side with the ordained minister person/diaconal minister. The family is then left to question their relationship with the congregation.
- Breaking of relationship with the congregation. The family may wonder whether the best thing is to leave the congregation. Leaving is especially hard when there is a long-term relationship with a congregation.
- Sense of betrayal by the ordained minister person/diaconal minister, the church who trained this person for ministry, and denominational leaders who would likely disbelieve the story and side with the abuser.
- Suffering. Why is our family suffering like this? How can healing occur?
- Forgiveness.
- Confrontation with evil and the brokenness of humanity.

Other concerns include:

- Possible relocation.
- Loss of economic stability if the survivor worked for the congregation/institution/agency.

The Accused

- A.1 A pastoral care support worker will be made available to assist the accused through the investigation process and to provide pastoral care. Every effort will be made to ensure that the pastoral care support worker is someone with whom the accused can establish the

rapport and trust needed to accompany them through the investigation process.

- A.2 The church will ensure that the accused has crisis counseling by a qualified therapist available to them immediately. The church does not assume any financial obligation for the costs of counseling. The accused will be informed of the assistance available to them through the Employee Assistance Plan (EAP).
- A.3 The accused is not to be excluded from the community of the wider church. They will be assisted in finding appropriate alternative arrangements so that their spiritual needs may be met while the complaint is under investigation. The accused will be advised that they are not to have contact with the complainant/alleged victim and their family and shall withdraw from involvement from the congregation or institutional community until the matter is resolved. Abusers will deny the need to withdraw from contact with the complainant/alleged victim, their family, and the congregation/institution/agency community and be resistant to the necessity of maintaining distance as their presence allows them to continue influencing and exerting control over the community.
- A.4 If there is not sufficient evidence to proceed with a complaint, a record of the complaint will be placed in a sealed file in the accused's permanent file. Should further complaints be received by the synod, the file will be reopened and the results of the initial complaint made available to the new investigating committee.
- A.5 If the accused admits guilt or fault is found upon investigation, church disciplinary policy will be followed. The perpetrator will undergo education and counseling at a specified centre leading to an assessment of trustworthiness. The perpetrator will be assisted in finding appropriate long-term counseling and treatment. If the perpetrator is an ordained pastor, they shall be removed from the ordained minister roster, according to Bylaw III, Section 12(h). Diaconal ministers shall be removed from the diaconal roster. No apologies will be asked of the perpetrator unless requested by the survivor. The pastoral care support worker will work with the survivor to determine what process, if any, of reconciliation is desired by the survivor.
- A.6 If the accused is found innocent and the accusations have become public knowledge, the Bishop shall publicize the innocence of the accused by a letter to all synod congregations and/or an announcement in the appropriate synod newsletter and the *Canada Lutheran*. The Bishop will visit the congregation/institution/agency served by the accused to inform them of the outcome of the investigation and to respond to any questions and concerns arising. The pastoral care support worker will work with the accused to determine what process, if any, of reconciliation is desired by the accused.
- A.7 Consequences of sexual abuse for a person who is an abuser may include:
Emotional and psychological responses include:
– Fear of disclosure.
– Loss of reputation, credibility, or ministerial status.
– Betrayal of trust with colleagues in ministry, co-workers and congregants.
– Possible change of job to secretly get the pastor out of the situation.
Spiritual/religious responses include:

- Broken covenant with God, one's self, the congregation, spouse and family.
- Shame.
- Guilt.
- An outpouring of support from the congregation and institution/agency, at least initially.

Other concerns include:

- Possibility of legal liability.
- Possible loss of job, spouse and family.
- Fear of the outcome even if innocent.

The Accused's Family

AF.1 Allegations of sexual abuse and harassment are painful for the accused's family. A variety of responses are possible. Some spouses will believe or be uncertain about the validity of the accusations. They will cooperate with the process and be open to support from the synod and to learning about the issues. Some spouses will deny any validity in the accusations and be angry at the victim(s), synod, Bishop, and church. They will generally be unreceptive to support from the synod and uncooperative with the process.⁹

AF.2 Pastoral care support workers need to be aware that while each spouse and family will respond differently, there are certain general responses when accusations are believed or there is uncertainty about their validity.

Possible emotional and psychological responses include:

- Experience of pain, loss and betrayal.
- Shock. This can include a sense of helplessness and of being powerless or out-of-control. Fear, uncertainty and anxiety about the future are common.
- Turmoil in the marriage. Spouses question the truthfulness of the spouse and the whole dimension of trust in marriage. They may wonder whether they should stay in the marriage or seek a divorce.
- Anger at the spouse, victim, the congregation, and the Bishop, the synod, the church.
- Fear of family reactions, media reporting and its impact, and of physical harm through exposure to sexually transmitted diseases including HIV/AIDS.
- Concern for children. This can include concern about whether or not one's children have been abused when there are accusations of child sexual abuse.
- Isolation. Spouses can feel that they are the only ones in the world going through this and that there is no one to talk to.
- Confusion.
- Identification with the accused so that they also feel responsible for the accused's actions leading to false shame and guilt.

Spiritual concerns include:

⁹Penelope Guntermann and Jane Mitcham, Caring for the Concerns of Family Members of Offenders, December 1998, 1.

- Anger at God.
- Sense of abandonment by God.
- Sense of abandonment by the church.
- Distrust of the church and the process.
- Dark night of the soul.
- Loss of worshipping community.
- Shame, guilt and humiliation.

Other concerns include:

- Possible relocation.
- Loss of economic stability.¹⁰

AF.3 Pastoral care support workers need to be aware that when the spouse and family deny the validity of sexual abuse accusations they often respond with anger and hostility. A spouse may join the ordained minister person/diaconal minister in undermining the process and contacting the congregation/institution/agency in unhelpful ways. A spouse can go into the role of victim of the Bishop and the church, rescuer of the spouse and persecutor of the victim, Bishop and church.¹¹

AF.4 A pastoral care support worker will be made available to the family. Every effort will be made to ensure that the pastoral care support worker is someone with whom the accused's family can establish the rapport and trust needed to accompany them through the investigation process.

AF.5 The pastoral care support worker will notify the family of the procedure being followed and the anticipated time-line. This includes being clear about the limits of information or support that can be provided, the expectations about the ordained minister person's/diaconal minister's contact with the congregation/institution/agency, what these limits mean for the ordained minister person's/diaconal minister's contact with the congregation or individual members, and what the consequences of contact are.¹² No details of the allegation will be released to the family by the synod without the consent of the survivor.

AF.6 When a ordained minister person or diaconal minister resigns for reasons of misconduct, the family still needs some form of closure with the congregation. Some way of saying goodbye needs to be provided.¹³

The Church at Large

1. Ensure that people in positions of leadership have received training in the dynamics and effects of sexual abuse. On a biennial basis regular refresher courses on boundaries and the

¹⁰ Ibid., 1-2.

¹¹ Ibid., 3.

¹² Ibid., 2.

¹³ Ibid.

pastoral relationship will be offered for all persons who function in a pastoral capacity either at a synod or conference level. While sexual abuse is an issue that is uncomfortable for people to discuss, it needs to be kept in the forefront to ensure that every ordained minister person and diaconal minister is aware of the expectations for those who are in a pastoral relationship. Presentations on the synod's sexual abuse policy will be included in these courses.

2. When conflict occurs within a parish and there is a presenting problem such as alcohol, family disruption, financial impropriety, or a parish dynamic of secrecy and closed or chaotic process, it is important to be alert to possible sexual abuse. An unhealthy parish dynamic typically features multilayered confidentiality, a lot of gossip, and just a few people in the inner circle "in the know." A healthy parish dynamic is marked by transparency, a few or no intentional secrets, and the open conducting of business.¹⁴
3. Expect to find other boundary violations if one has occurred. For example, if sexual abuse of a parishioner has occurred, then it is not uncommon to find unethical personnel practices, lying and financial abuses as well. Avoid burying one's head in the sand in order to avoid other painful revelations. It is better to have everything out in the open than to continue to keep secrets which in the end will lead to partial healing and further pain and suffering later on.¹⁵
4. Once sexual abuse and/or harassment is identified, the abuser will attempt to minimize, deny, and rationalize their behavior. Attempts will be made to divert the focus to other problems the abuser may have such as alcohol or extreme stress. Do not lose sight of the power dynamic that is occurring with the abuser. Keep the focus on treatment. Minimizing or making excuses for an abuser's behavior only reinforces it rather than bringing about healing and repentance.¹⁶
5. Emphasize that the sexual abuse is the exploitation of power. Emphasize that the abuser must take responsibility for their actions.
6. Give an unequivocal message that all sexual or romantic relationship with parishioners, counselees, students, employees, staff, etcetera is wrong. Educate ordained minister and diaconal ministers regarding why this is wrong and the socialization which has made such involvement seem acceptable. Help the abuser to see how this has harmed their ability to relate to those who are vulnerable, weak and powerless and has thus harmed their ministry and life.¹⁷

¹⁴ Cooper-White, The Cry of Tamar, 141-142.

¹⁵ Ibid., 142.

¹⁶ Ibid.

¹⁷ Ibid.

7. Avoid collusion. Confronting the abusing ordained minister person or diaconal minister is not necessarily the best choice of action. Such confrontations should only occur when the person doing the confronting feels safe in doing so. It is absolutely necessary to respect the safety of the person who has been abused. Do seek the advice of the Bishop, the advisor on sexual abuse and harassment, or the appointed pastoral care support workers. It is usually best to let them handle the matter. Always remember that the church's first loyalty is to the victims of abuse - past, present and future.¹⁸
8. The church will ensure that a pastoral care support worker is available to guide and inform the complainant, the accused, their families and the congregation or institution/agency. Pastoral care will be provided as needed and requested. Walking with the different parties involved in a complaint is essential for them as well as the church. No one should feel that they are in this process by themselves.
9. Take care to ensure the survivor's identity is kept confidential from the wider community unless they give permission for their name to be made known. Maintaining confidentiality is essential. Trust has already been broken when a person has been sexually abused. Every effort needs to be made to ensure that further betrayals of trust are avoided.
10. Be aware of the feelings within the church concerning what has occurred. Disbelief, anger and a sense of betrayal are common when accusations of sexual abuse are made. It is not uncommon to question why it took so long for abuse to come to the attention of the synod when there is a long-term pattern of abuse.
11. It is difficult to investigate and be objective about a close colleague. When appropriate, ask for help from outside resources to assist in the investigation and to work through the trauma of sexual abuse. Investigation of close colleagues is a clear conflict of interest. Every effort shall be made to avoid this.
12. Be aware of the consequences for the church at large and colleagues in ministry. These include:
 - Disbelief and anger. Colleagues feel guilty by association, that is, they belong to the same church body and find themselves trying to defend or explain the abuser and the abuse.
 - The denomination must deal with the victim(s), the abuser, and the congregations.
 - Possible legal implications, court appearances, liability and damages.
 - Identification of ways to teach, live and function in ways promoting spirituality and integrity in ministry. Concern for the spiritual well-being and nurturing of growth in the relationship with God, self, others, and the created world needs to be upheld as the underlying attitude in ministry.
 - Emphasis on the need for peer supervision. There has been a tendency in the training for ministry to develop lone rangers answerable to no one but themselves. Colleagues who will be honest and open with what they see occurring in a colleague's ministry and who can provide the ordained minister person/diaconal minister with needed critique and feedback are essential prevention tools.

¹⁸ Ibid., 142-143.

The Congregation/Institution/Agency

1. The Bishop will encourage the congregation's council to call a congregational meeting to provide them with the facts of the case. Institutions or agencies will be encouraged to call a meeting of their board and the appropriate personnel to provide them with the facts about the case.
2. A pastoral care support worker will be appointed by the Bishop to address those present and to deal with their turmoil, pain and requests for guidance.
3. The pastoral care support worker will inform the congregation/institution/agency of the results of the investigation and any disciplinary action, if any, which will be taken.
4. A pastoral care support worker will work with the congregation/institution/agency to determine what follow-up care is needed to bring about healing with the congregation/institution/agency.
5. The pastoral care support worker will help the congregation/institution/agency to become aware of the consequences of sexual abuse for them and their ministry.

Emotional and psychological responses include:

- Confusion. There is often a difference in the way victims see the ordained minister person/diaconal minister and the way the non-victimized laity view the ordained minister person/lay person.
- Temptation to blame the victim.
- Divisiveness and discord.
- Public embarrassment.
- Sense of being betrayed by the ordained minister person/diaconal minister.
- Erosion of ability to trust. It has happened in other churches and now it is here. If I can't trust the church and its ordained minister persons/diaconal ministers, whom can I trust?
- Possible legal liability.
- Polarization and taking of sides.
- Loneliness/feeling lost. "I have lost my pastor."

Effects on their Ministry include:

- Loss of public credibility.
- Damaged reputation in the community.
- Loss of ordained minister person/diaconal minister.
- Loss of members.
- Confusion about the appropriateness of touching.
- Isolation of the church by the community.

V. STUDY GUIDE

B. THINKING THEOLOGICALLY REGARDING SEXUAL ABUSE AND HARASSMENT

You shall love the Lord your God with all your heart, and with all your soul, and with all your strength, and with all your mind; and your neighbor as yourself.. Luke 10:27

This is my commandment, that you love one another as I have loved you. John 15:12

The primary norm for human relationships is our relationship with God. As Jesus noted many times, our relationship with God is based on unconditional love, a love which is creative, giving and empowering. God's love shares life with others. It does not dominate others. Our relationship with God is one of shared life and love rather than domineering power. Our God "loves in freedom, lives in community and wills creatures to live in community."¹⁹ The love that God pours out is "self-sharing, other-regarding, community-forming love"²⁰ which brings life and hope to humanity and the possibility of change and growth personally and communally. Such love calls forth the desire for forgiveness, repentance, and the radical transformation of life. It cries for justice for all people and empowers reconciliation and liberation. God's love is thus a "costly love that liberates and reconciles"²¹ human beings personally and within their communities.²² The power such love gives to human beings is the power of love and friendship. Communities may isolate a person who is suffering because they are unwilling to deal with their own pain and brokenness.

The power of love and friendship within the Trinity is the power which unites human beings to Christ and to each other. Through the Holy Spirit God creates community where previously there were insurmountable barriers. As Paul writes in Galatians 3:28 : "There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus." In Christ and by the power of the Holy Spirit human beings are made one community. We are all members of one body with equal rights, and responsibilities. What affects one part of the body affects all parts of the body. Sexual abuse and harassment is not confined to only one part of the body but ripples through the whole body. The suffering of one part of the body does not occur in isolation. All are affected by the pain and suffering of those persons

¹⁹ Daniel L. Migliore, Faith Seeking Understanding: An Introduction to Christian Theology (Grand Rapids: Wm. B. Eerdmann's Publishing Co., 1991) 64.

²⁰ Ibid.

²¹ Ibid., 63.

²² Ibid., 63-65.

who are abused just as the healing of one part of the body is the cause for rejoicing in the whole community (1 Corinthians 12:26).

Suffering isolates a person from their community. Such suffering is by its nature evil. It removes a person from the support and resources that aids the process of healing and leads to despair and the loss of hope. Suffering which is embraced by a community which is part of the body of Christ can bring healing and life to all. An example is the wandering of the Israelites in the desert for forty years. It is Jesus, the Good Shepherd, who brings the isolated sheep, that is, those who are lost, hurting, outcast and powerless, back into community and opens the possibilities for healing.

Sexual abuse and harassment by ordained minister and diaconal ministers is thus a matter which concerns all members of our church locally, synodically and nationally. Its effects are felt throughout the whole body because it is a violation of one of the primary trust relationships we have within the body of Christ. Evil deeds such as abuse isolate us from the holy and keep us “in the dark”. It is a deed of darkness that needs to be brought into the light. As Ephesians 5:11 says, “Take no part in the unfruitful works of darkness, but instead expose them.” Christians are called to live as children of light. Such children bring forth the fruit of light which is “found in all that is good and right and true: (Ephesians 5:8b-9).

Sexual abuse and harassment is a work of the flesh which is opposed to the Spirit. Flesh is understood as referring to sin and the dominion of sin while Spirit is the dominion of God’s power. Flesh as sin is a power that tries to win us away from God. God has broken that power through Christ. Life in the Spirit is not a life of perfection. It is a life in the flesh with all the ambiguities of human life. The powerful things that the Spirit does can be easily overlooked. In Christ, God’s grace comes to us and we live in reliance on that grace. By God’s grace sin is overcome. Only when a person is willing to genuinely expose sinful attitudes and patterns of behaviour to the light of God will they be free of the yoke of slavery burdening their soul (Galatians 5:16-26).

The Spirit has a strong ethical direction. It moves Christians in the direction of ethical living. (Galatians 5:22-26 and Ephesians 4:17-32)

There are many examples in the Bible of the abuse of trust. Such abuse invariably victimizes the vulnerable, the trusting and the powerless. Victims may be immediate family members such as Joseph’s treatment by his brothers (Genesis 37:12-36) or the rape of Tamar by her half-brother Amnon (2 Samuel 13:1-22). They may also have no relation to each other, for example, Lot’s guests (Genesis 19:1-12) or David’s neighbours Uriah and Bathsheba (2 Samuel 11:1-27). Abuse, whatever form it takes, is a choice to act in a way which counterfeits the spiritual gifts of love, joy, peace, kindness, generosity, faithfulness, gentleness, and self-control. It also calls into question the virtues of vigilance, humility, and hospitality.

Sexual abuse and harassment, like all forms of abuse, has spiritual, psychological, and sociological roots. The spiritual roots of abuse are the irresponsible and selfish use of power and authority and the desire to control another human being. Often that misuse of power and authority comes in the form of an otherwise legitimate and God-given trust. Examples of such trust

relationships are that of parent and child, employer and employee, teacher and student, pastor and parishioner, and supervisor and trainee. God did establish different forms of human authority for the nurturing of human life in community. When a person uses the authority given them for the good of others and the community, then both individuals and the community are built up. When authority is misused, it is destructive for everyone involved, including the person in authority. Such abuse of authority is sin. Sin twists what God has intended for the good of human beings into something which serves the desires of those holding the advantage in power. What God intended as a relationship based on love, compassion and care for those who are vulnerable is perverted into something causing pain, suffering and even death.

Sexual abuse of parishioners, counselees, residents or co-workers by ordained or diaconal ministers in the church and its affiliated institutions and agencies creates lasting devastation and anguish for the people who have experienced this abuse, which in some instances lasts for many years. The primary victims of such abuse are women although recent revelations of abuse show that age and sex are no barrier when it comes to sexual exploitation. It is likely that more children are being sexually abused than we are aware of. Child sexual abuse is something that we do not like to admit happens in our churches, homes or communities. There are “many parallels between pastoral sexual abuse and incest and wife or partner-battering.”²³ These parallels are particularly appropriate since the church often defines itself as a family.

No one religion or denomination is more prone to such sexual misconduct than any other. Often the abuse is viewed by parishioners and leaders of church governing bodies as something else. Excuses given may include that the person has a problem with alcohol or drugs, there is an emotional or relationship problem either with the ordained minister person/diaconal minister or the person who has been victimized by the abuse, a parish conflict has led to the accusations, or the ordained minister person/diaconal minister was under too much pressure and slipped up. It is always the pastor’s or diaconal minister’s responsibility to maintain appropriate boundaries when they are involved in pastoral relationships.

Power Over vs. Power With

Sexual or romantic involvement between a ordained minister person/diaconal minister and someone with whom they are involved in a pastoral relationship is about power and control rather than sex and sexuality as such relationships are rarely between two people who have equal power. The majority of ordained minister persons and diaconal ministers who become involved in abusive pastoral relationships “do so primarily because there is an imbalance of power between them at the onset, and because they need to reinforce and heighten the intensity of that power dynamic.”²⁴

One common belief about sexual abuse and harassment is that an abuser has momentarily lost their head. But this is not true. There is a critical shift in perspective which occurs in an abuser’s head.

²³Pamela Cooper-White, The Cry of Tamar: Violence Against Women and the Church’s Response (Minneapolis: Fortress Press. 1995) 128.

²⁴Ibid., 129.

As with all violence, sexual abuse and harassment begins with the personal, with the I, and with a point of decision, a crossing of a line, where each of us chooses momentarily to view another living being as an It rather than a Thou. The ultimate purpose of each act of violence, each reduction of another person from a Thou to an It, is to control the other.²⁵

When this occurs, the person victimized is no longer viewed as a human being who is equally precious to God and to other people, but is only an object to be manipulated. The person victimized becomes an It, something to be used, exploited and dominated, rather than being seen as a Thou, someone to be valued and who is deserving of love, care compassion and respect.

The I-It relationship is based on the “Power Over” understanding which has been considered normative within Judeo-Christian civilization for at least four thousand years. It is the power to manage and control others. It is the power to have dominion or lordship over other people and the natural world (Genesis 1:28). The amount of power one has is based on the number of people and creatures under one’s care and authority. The world view accompanying this understanding of power is one of struggle, striving and competition. A person is either over or under the power and control of someone else. Those considered lower beings based on their gender, age race, or class are regarded as the property of those who have power over them. The tendency has been to use and even abuse them.²⁶ This type of power controls others, preserves privilege, originates in hierarchy, and is accountable only to the hierarchy/structure.²⁷

The one role for “Power Over” is that of advocating “Power For.” Legitimate authority can cut through red tape and get things done. It has the ability to set limits, organize, and coordinate as well as being decisive in times of crisis. It is the power which is able to get things done quickly when the need arises.²⁸

The “Power With” understanding accepts that each person has inner wisdom, intuition, self-esteem, and celebrates the inherent goodness in human beings. It is the power of an individual to reach out to others in a way that upholds both parties. Mutuality rather than control is sought in relationships. Negotiation and consensus are the techniques used in decision-making. It is an understanding of power which seeks justice for those who are vulnerable and powerless within society. The process by which people arrive at a given point is given as much value as tasks, goals, and outcomes. Care must be taken, however, that conflict is dealt with rather than avoided in the interests of being nice and achieving agreement. As well, since indecisiveness is a pitfall of power with social organization, so much attention can be paid to process that decisions

²⁵ Cooper-White, The Cry of Tamar. 20.

²⁶ Ibid., 31-33.

²⁷ Based on a handout received in a class lecture on *Ordained minister Misconduct: Sexual Abuse in the Ministerial Relationship* by Jes Schienbein during Clinical Pastoral Education.

²⁸ Cooper-White, The Cry of Tamar, 37-38.

are not made and therefore tasks are unable to be carried out.²⁹ “Power With” provides leadership, protects the vulnerable, sees power as originating within the community, and is accountable to the community.”³⁰ It is this type of power which builds up the community and the individuals within it. It will equip the saints to grow up in every way into Christ and promote the growth of the whole body (Ephesians 4:15-16).

The inherent goodness in human beings is the result of being created in the image of God. At the same time, because of the fall, there is also an inherent desire for human beings to control others and to want to be gods. The old Adam/Eve continues to insist throughout our lives that he/she knows best and that our will, what we want and what we like is all that matters. Throughout life human beings attempt to go it alone. This comes at the expense of our relationships with God and with other people. The desire for power and control is part of the struggle of the old Adam/Eve as is the denial that human beings need God’s help and grace. The old Adam/Eve does not want to admit their dependence upon God unless it is with the proviso that they can tell God exactly what to do and how to do it. It is God’s grace which transforms the misuse of power into “Power With,” which seeks solidarity, partnership and communion with other people, rather than “Power Over,” which seeks domination and treats others as less than human.

Sexual abuse and harassment is less likely to occur when “Power With” is upheld as the acceptable understanding of the power relationship that exists between people. As studies of men who rape show, men who rape are not seeking sexual gratification. Such acts have more to do with

issues of anger and power than with pleasure and desire. Rape is a pseudo-sexual act, a distortion of human sexuality, symptomatic of personality dysfunction in the offender, rather than a sexually satisfying experience.³¹

In fact, rapists report little sexual satisfaction or pleasure from the assault. What pleasure rapists do experience arises from having power over a woman, her actions, and her life rather than the sexual activity. Sexual abuse and harassment is thus an act of violence and aggression for both the victim and the offender. Such sexual contact is against the will of the person who is being abused. Even when no sexual intercourse occurs the abuse inflicts injury upon a person.³²

Search for Justice

The God who spoke through the prophets calls us to “learn to do good; seek justice, rescue

²⁹ Ibid., 33-36.

³⁰ Based on a handout received in a class lecture on *Ordained minister Misconduct: Sexual Abuse in the Ministerial Relationship* by Jes Schienbein during Clinical Pastoral Education.

³¹ Marie Marshall Fortune, Sexual Violence: The Unmentionable Sin An Ethical and Pastoral Perspective (New York: The Pilgrim Press. 1983) 9.

³² Ibid., 9-10.

the oppressed, defend the orphan, plead for the widow” (Isaiah 1:17). Ezekiel warned the leaders of Israel “You have not strengthened the weak, you have not bound up the injured, you have not brought back the strayed, you have not sought the lost, but with force and harshness you have ruled them. So they were scattered, because there was no shepherd; and scattered they become food for all the wild animals” (Ezekiel 34:4-5). Jesus also upheld the need to care for the “little ones.” Jesus further speaks against putting stumbling blocks before the little ones (Matthew 18:6). “Little ones” are those who have a childlike relationship to another person, that is, a relationship based on trust and the expectation of genuine care and concern for their well-being. These words can also be extended to anyone who is in such a trust relationship. Thus a parishioner, a counselee, a student, or employee, etcetera are all entitled to the care Jesus extended to the “little ones.”

Justice is thus a process which begins with “the acknowledgment that harm has been done to one person by another.”³³ Since the majority of abusers will not willingly admit that they have abused another person, they must be called to account for their acts. This is referred to as “rebuking” in Luke 17:3. In contemporary terms, this is the process of confrontation. Confrontation is truth-telling. It includes stating the facts of what occurred, the belief that this really did happen and one’s outrage over what has transpired. Confronting an abuser holds that person accountable for unjust acts. When confrontation leads an abuser to confess the harm done to others, then the process of accepting responsibility for one’s actions begins.³⁴

Confrontation breaks the silence and secrecy surrounding abuse. Secrecy allows abuse to continue and protects offenders from the consequences of their acts. Justice calls for openness at the same time it respects the right to privacy of those who are survivors of abuse and their right to make choices regarding the public discussion of their experience. An essential part of the openness about what occurred is ensuring that the seriousness of the abuse is not minimized and the whole story is heard. There is a tendency to minimize abuse as a way of dealing with the horror of the truth of abuse. Being willing to hear and believe the experiences of survivors is part of the process of standing with them. It is an essential part of justice-making as is the responsibility to protect any other people who might be at risk.³⁵

Justice for survivors must come from other sources when an abuser is neither remorseful nor repentant or if the abuser is unavailable or unwilling to participate in the healing process. This includes acknowledgment of the abuse by the wider church and support when criminal charges are laid or a civil suit is brought for damages. Only when justice has been achieved for a

³³ Marie M. Fortune, “Forgiveness: The Last Step”, Violence Against Women and children: A Christian Theological Sourcebook, eds. Carol J. Adams and Marie M. Fortune (New York: The Continuum Publishing Company. 1995) 202.

³⁴ Ibid., 202-203.

³⁵ Ibid.

survivor of abuse is forgiveness possible.³⁶ When there is no justice, “forgiveness is an empty exercise”³⁷ that further victimizes a person who has been abused.

While healing is possible when there is a severely wounded person, “most evidence points to a *very poor statistical prognosis for nearly all forms of male violence against women and children*³⁸ because many abusers will not acknowledge their abuse or may refuse treatment. Justice thus calls the church to take stands which may at first seem counter to the Christian doctrines of grace and forgiveness. It is important for the good of all God’s people that abusers not be placed back in positions of trust unless a qualified therapist states that they can return to ministry and the conditions under which such a return is viable. Unfortunately, not all abusers, for a wide variety of reasons, are treatable. An in-depth evaluation using a clinically proven risk assessment instrument, psychological testing and interviews will determine the type of offender the abuser is, what treatment plan, if any, is appropriate, and the prognosis. Very guarded or poor prognoses indicate that stronger measures for containment and accountability are recommended to ensure the safety and healing of past victims and prevent further victims.³⁹ The church needs to understand that these limitations are appropriate and “not press for treatment when it would only create a false hope (or evasion of responsibility) for the offender and a false sense of safety or justice for victims.”⁴⁰

Both the prophets and Jesus warned against those who would victimize God’s flock. Jesus speaks about such people as ravenous wolves dressed in sheep’s clothing. Jesus states that the disciples will be able to know such people by their fruits (Matthew 7:15-20). Malachi warns that God will judge the wicked and godless which includes those who oppress widows and orphans (Malachi 3:5). 2 Peter 2 warns against false prophets and teachers who will lead the faithful astray. The author speaks of these people as slaves of corruption who exploit others to feed their own desires. The warnings of Jesus, the early church leaders, and the prophets leave little room for the church to excuse sexual abuse and harassment, neglect to take action or engage in misplaced alliances with people who exploit anyone who is in a pastoral relationship with them. The church is called to seek justice for these people.

There can be no healing without justice and justice requires courage on the part of the church as well as the person who has been hurt by sexual abuse and harassment. There is a distinct ministry for the church when someone has been abused. This includes addressing the root causes of abuse as well as working with both the survivor of abuse and the perpetrator of the abuse.

³⁶ Ibid.

³⁷ Ibid., 201.

³⁸ Cooper-White, The Cry of Tamar. 220.

³⁹ Ibid.

⁴⁰ Ibid., 208.

The destructive potential and persistence of abuse within the church and society necessitates the church taking action when incidents of sexual abuse and harassment occur within its congregations, institutions and agencies. Failure to seek justice for those who have been abused further victimizes these people. It impairs the healing process, often turning people away from the church and further destroying their faith. Genuine healing for victims and offenders requires the consistent application of the Office of the Keys. The use of the redemptive means of grace provides the church with a unique opportunity to hold people accountable for their actions. The authority to “forgive the sins of those who repent and to declare to those who do not repent that their sins are not forgiven”⁴¹ is an effective tool that the church has to assist abusers in recognizing the sinful nature of their acts. Justice comes in different forms for different people. Care must therefore be exercised in helping each survivor understand what they need to ensure that justice is achieved for them.

Through the preaching of the Gospel and the exercise of Christian discipline towards repentance, the church has the means of assuring both victims and abusers of God’s compassionate, healing grace. When abusers refuse to confess the truth and repent of their ways, the church has the legitimate responsibility to use the established discipline process to bar the person from leadership in the church. God’s love is able to set abusers free from entrenched, destructive attitudes and behaviour when there is genuine repentance and the desire to change. Such healing is only possible when these sinful patterns are exposed to the means of God’s grace and there is full acknowledgment of what has occurred (confession) and a willingness to be held accountable for one’s actions.

The Office of the Keys holds those in leadership positions accountable for their actions when incidents of abuse are brought to their attention. It also calls all Christians to mutual accountability according to Jesus’ teachings and commands. Christians cannot allow the desire to avoid embarrassing situations to prevent them from addressing sexual abuse and harassment.

The matter of abuse and its consequences cannot simply be left up to the law courts and therapists to address. Christians are called to be Christ’s ambassadors, to discern God’s ways, to be agents of God’s peace, to bind up the broken within our world, to seek justice for those who are vulnerable, weak, powerless, and to warn men and women that Christ the Judge will come again to expose to the light of God everything now hidden because of shame and secrecy. God will hold us accountable for what we have done on behalf of the vulnerable, weak and powerless (Matthew 25:31-46).

Repentance

Therefore I will judge you, O house of Israel, all of you according to your ways, says the Lord God. Repent and turn from all your transgressions: otherwise iniquity will be your ruin. Cast away from you all the transgressions that you have committed against me, and get yourselves a

⁴¹ Martin Luther, The Small Catechism by Martin Luther in Contemporary English. (Minneapolis: Augsburg Publishing House, 1960 and 1968) 29.

new heart and a new spirit! Why will you die, O house of Israel? For I have no pleasure in the death of anyone, says the Lord God. Turn, turn, and live. Ezekiel 18:30-32.

Cheap grace is the preaching of forgiveness without requiring repentance, baptism without church discipline, Communion without confession, absolution without personal confession. Cheap grace is grace without discipleship, grace without the cross, grace without Jesus Christ, living and incarnate...

Costly grace is the gospel which must be sought again and again, the gift which must be asked for, the door at which a man must knock.

Such grace is the gospel which must be sought again and again, the gift which must be asked for, the door at which a man must knock.

Such grace is costly because it calls us to follow, and it is grace because it calls us to follow Jesus Christ. It is costly because it costs a man his life, and it is grace because it gives a man true life. It is costly because it condemns sin, and grace because it satisfies the sinner. Above all it is costly because it cost God the life of his Son: "ye were bought at a price", and what has cost God much cannot be cheap for us.. .

Costly grace is the incarnation of God.

Dietrich Bonhoeffer, *The Cost of Discipleship*⁴²

There is a difference between the glib pseudo-repentance of a person trying to escape the consequences of their actions and the genuine repentance of a person willing to do the long-term work of turning one's behavior and attitudes around.

Repentance is:

- change of behavior
- long-suffering
- regeneration, that is, a new start
- accountability
- tied to restitution
- genuine, that is, there is behavioral evidence that repentance has occurred.⁴³

Repentance is not:

- remorse
- easy, that is, casual
- always accepted
- always sufficient

⁴² Dietrich Bonhoeffer, *The Cost of Discipleship*. Trans. R.H. Fuller and I. Booth (New York: Macmillan, 1976) 47-48.

⁴³ Carol J. Adams, *Woman-Battering* (Minneapolis: Fortress Press. 1994) 94.

- just saying I'm sorry
- freedom from restitution
- repeating the offense
- cheap grace⁴⁴

Repentance is the active change of wrongful behavior. Its root is *metanoia*, the changing of mind and life by those who genuinely hate their transgressions and are determined to follow a better course of life (Matthew 3:8-11 and Acts 26:20). The idea of *metanoia* includes deep sorrow over sin (II Corinthians 7:9), turning away from and desisting from sin (Hebrews 6:1), the sincere amendment for any harm done, and a life which bears the fruit of this change (Luke 3:8). This change is not something that comes about by good intentions. It takes time, hard work and a willingness to confront the darkness within one's self. Repentance brings a new heart, spirit and life to a person.

Remorse is usually a temporary emotion. Often what lies behind it is "I got caught and now I'm going to have to say something to get myself out of trouble." An apology may be given for the behavior which harmed another person, but there is generally not the commitment to change and actively work to achieve that change. With sexual abuse and harassment, as with any abusive behavior, remorse is often part of a pattern of escaping responsibility for one's behavior rather than the beginning of the real changes in behavior that begin the process of healing for the offender.

In a process similar to religious conversion, where there is a turning around of behavior, genuine efforts rather than empty words which sound nice characterize the person. This "conversion" needs to address all the controlling behaviors used to intimidate or pressure a person sexually as well as the issues within the person's own life which cause them to see power over and control of another human being as the means of achieving a sense of personal worth.

One of the major roadblocks to repentance is the temptation of the church to avoid conflict or confrontation. Victims of abuse are often told that they must quickly smooth things over for "the good of the community" or "so that everyone can get on with their lives" or "because that is the Christian thing to do." There is no cost offered to this type of forgiveness. Such cheap grace impedes true repentance and ultimately undercuts reconciliation. It shortcuts the painful journey that leads to the realization of authentic forgiveness.⁴⁵

Forgiveness

And forgive us our debts, as we also have forgiven our debtors. Matthew 6:12

If any of you put a stumbling block before one of these little ones who believe in me it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea. Matthew 18:6

⁴⁴ Ibid.

⁴⁵ James Alsdurf and Phyllis Alsdurf, Battered Into Submission: The Tragedy of Wife Abuse in the Christian Home. (Downers Grove, IL: InterVarsity Press. 1989) 102.

Forgive one another, just as in Christ God forgave you. Ephesians 4:32

Forgiveness is one of the most powerful means of grace at the church's disposal. It is a key element in reconciliation and spiritual healing. The forgiveness available from God through Jesus Christ is limitless because it does not depend upon human attitudes or acts but upon Christ's sacrifice. For this reason, forgiveness is one of the basic tenets of Christianity. It is held up as the only appropriate behaviour toward those who have harmed us intentionally or unintentionally. Included within the church's vision of forgiveness is restoration. Restoration requires justice. Biblical justice includes vindication, restitution, rehabilitation, protection and mercy in the practical affairs of a wholesome society. The Hebrew word *mispat* also includes the sense of a return to harmony within the community and between individuals. Justice is in fact one of the primary concerns of the Old Testament and Jesus' teachings. Justice which stops abuse and helps victims is part of our obligation and responsibility in the relationship of love human beings have with God and with their neighbours.

Those who have suffered abuse can find healing and wholeness again in Christ. Abusers can be redeemed. The road to restoration for both parties is neither easy nor quick. It is a process which takes the courage, patience, and love to seek God's grace at the end of what may be a long and thorny path to healing.

The strong meaning of forgiveness has been lost in our society. Forgiveness in instances of sexual abuse can be a contrived resolution to a very uncomfortable situation. It can be both realistically unattainable and psychologically undesirable depending on the situation. It is an important objective from the spiritual perspective since the harbouring of anger does interfere with a person's relationship with God. For a survivor of sexual abuse, however, the healthier spiritual course may be retaining a modicum of justifiable anger and resentment towards the offender. Depending on the person, the healthier spiritual course may or may not be forgiveness.

Forgiveness is the means of restoring the self to wholeness and refocusing negative energy into positive. It requires the "articulation of rage, anger, despair, and letting go",⁴⁶ something which can only occur when the trauma is over. While the actual abuse may have occurred many years or even decades in the past, the memory of the abuse can be as fresh and painful as if it happened yesterday. Forgiveness for survivors of abuse means:

letting go of the immediacy of the trauma, the memory of which continues to terrorize the victim and limit possibilities. The memory is the lens through which the world is viewed. Forgiving involves putting that lens aside but keeping it close at hand. It is the choice to no longer allow the memory of the abuse to continue to abuse. But this step of healing must be carried out according to the victim's timetable.⁴⁷

Forgiveness is:

⁴⁶ Adams, Woman-Battering, 82

⁴⁷ Marie M. Fortune, Forgiveness: The Last Step, 203.

- C Acknowledgment of the hurt caused. Until the offender willingly acknowledges the harm they have caused and that they have committed an offense, there is no question of forgiveness. Forgiveness must never be coerced.
- C An attitude rather than forgetting. Urging a person who has survived abuse to forgive and forget is insulting. Trying to forget only short-circuits the healing process. Victims are often urged to ‘forgive and forget’. A person can never forget these offenses. The memory of the event will always be in the victim’s consciousness. The abuse is now part of the person’s history and needs to be acknowledged as one of the elements of their story. It is just as much a part of a person’s history as their positive experiences. Nothing will ever make the offense a non-offense. It will never be okay that a person was raped, molested or harassed.

Forgiveness is:

“Premature, pseudo-, or at best partial forgiveness, unless and until the victim of violence has taken the long journey from victim to survivor, including uncovering enough of the factual story to know what really happened to her, solidly acknowledging it as real in its full magnitude, grieving what was taken from her, working through her pain and fear, claiming her anger and rage, and somehow integrating the experience to a place where she no longer feels powerless, but in touch with her own beauty, strength, and power”.⁴⁸

Lewis Smedes notes that:

- C Forgiveness, cheaply given, is dangerous, let us face it. If we forgive, we are likely to forget; and if we forget the horrors of the past we are likely to let them happen again in the future...Forgetting, in fact, may be a dangerous way to escape the inner surgery of the heart that we call forgiving...The pains we dare not remember are the most dangerous pains of all...You do not excuse people by forgiving them at all only because you hold them to account and refuse to excuse them.⁴⁹
- C Forgiveness is able to lead to healing. It does not relieve the offender of guilt or responsibility. Healing does not begin with forgiveness. Forgiveness occurs as a result of healing. Feelings of forgiveness and compassion need to arise naturally and spontaneously during the course of healing otherwise the person is being revictimized. Only when a person feels safe and is ready can forgiveness occur.
- C Forgiveness does not provide excuses for the offender’s behaviour. There is a parallel between forgiveness between humans and between God and humans. The offender is not necessarily deserving, by anything they have done, of forgiveness. As well, there is no relationship between a survivor’s decision to forgive and the offender’s statements about regrets, apologies, penitence or, on the other hand, (their) continued justification of why (they) offended.⁵⁰

⁴⁸ Cooper-White, The Cry of Tamar, 255.

⁴⁹ Lewis Smedes, Forgive and Forget, (San Francisco: Harper & Row. 1984) 134, 39 and 49.

⁵⁰ Marie Marshall Fortune, Sexual Violence, 202.

The most commonly used word for forgiveness in the Old and New Testaments is *aphiemi*. *Aphiemi* means to send or let off or away. Only God forgives, blots out or ‘covers’ sins. This is the word used in Jesus’ teachings. In Luke 11:4, forgiving those who are our debtors carries the sense of releasing someone from obligation. The major exception in Hebrew is *kaphar*, which means to cover. The only one who forgives, blots out or covers in this sense is God.⁵¹ This blotting out occurs because of Jesus’ action on the cross. Human beings are not able to act in this way.

It is natural for a survivor of abuse to want an apology, a statement of guilt, financial compensation, even respect, love and understanding from their abuser, but often a survivor gets to the point where trying to get from abusers what they are not willing to give simply keeps them trapped in the abuse. The survivor reaches a point when what they feel about the abuser is less important than what they feel about themselves, their current life, and their future. This does not pardon or excuse the abuser but simply acknowledges that the abuser is not the survivor’s primary concern. Their primary concern is themselves. A person is not a better Christian because they can forgive.

Forgiveness is

- Ⓒ A process. It is not always necessary for a person to forgive their abuser to heal. Genuine forgiveness occurs sometime late in the healing process. It is not the goal nor the end-point in the healing process. The prerequisite for forgiveness is justice. It only occurs when a person has worked through the horror of what has happened to them and all the feelings that surround the experience.
- Ⓒ Letting go but remembering.
- Ⓒ A choice. Forgiveness cannot be ordered, owed, or demanded. It can only be freely given, with no conditions or expectations of the other. In forgiving, the survivor freely gives up their anger and any claims, moral or material, they have against the offender. The offender is no longer obligated to the survivor by anything they have done. The offender is released from any hold the survivor has over them because of their misdeeds.
- Ⓒ Relationship. Forgiveness does not happen quickly when trust has been broken. When a survivor forgives an abuser this does not automatically mean that trust is restored in the abuser. It is up to the survivor to decide whether or not they can trust this person again. The choice to forgive is not tied to the choice to trust. Like forgiveness, restoration of trust takes time.
- Ⓒ Hope and relief rather than automatic trust.
- Ⓒ Readiness rather than a magic prayer that makes everything right.
- Ⓒ Genuine rather than a Christian duty.
- Ⓒ Empowerment rather than something required so that God will forgive the person who has survived abuse.

It is the Holy Spirit who enables the healing process to take place for both the survivor and the abuser. The survivor is given the strength to forgive and to let go. The person who has

⁵¹ Cooper-White, The City of Tamar, 259.

abused is given the strength to repent and to change. The church is given the strength to help both persons in the process of justice-making. “The power of the Holy Spirit is released only when justice is made manifest (for the survivor and the abuser). Whenever there is an attempt to cut the process short and jump to premature reconciliation, the possibility of authentic healing is lost.”⁵² Patient waiting with survivors until they are able to forgive is the most charitable and compassionate act the church can extend when abuse occurs. Being quick to grant forgiveness and absolution to an abuser sharply diminishes the possibility for permanent change while establishing conditions which have to be met prior to forgiveness and absolution facilitates permanent change. The church’s responsibility is to ensure that abusers do not manipulate and distort the process of forgiveness in order to avoid the negative consequences of their actions. When the church acts in this way it takes “seriously the power of forgiveness to bring people to healing”.⁵³ The hope that forgiveness will bring healing and resolution to the pain of sexual abuse for the survivor and repentance for the abuser becomes a reality.⁵⁴ The power of God’s grace through the Holy Spirit to restore wholeness is thus revealed.

Self-Forgiveness

One of the issues with a person who is a survivor of sexual abuse is self-forgiveness. Most, if not all, survivors blame themselves to some extent for what has happened to them. Often these feelings have been reinforced by the perpetrator’s direct or indirect messages that imply the victim is responsible and culpable for the abuse inflicted on them. There is a trap in any form of self-forgiveness. Any suggestion that the survivor needs to forgive themselves may suggest that the person is to blame for what occurred. When the survivor needs to be assured of forgiveness to relieve their burden of pain, assurance of pardon should be given. Such requests for pardon should only be initiated by the survivor. The survivor also needs to be assured that they are not at fault here as well as the fact that they are not to blame for the violence committed against them. When a survivor “is bent on taking responsibility, it may be helpful to redirect this from a burden of guilt for what was done to her toward taking responsibility and authority for her recovery.”⁵⁵

If survivors have been forced to be perpetrators by their abusers, then the intense shame and guilt that this carries adds an additional burden. The survivor needs to mourn this loss of moral integrity and find their own way to atone for what has occurred. This does not exonerate the perpetrator; rather, it assures the survivor that they do have moral choice in the present.⁵⁶

Shame and Guilt

Create in me a clean heart, O God, and put a new and right spirit within me. Do not cast me away from your presence, and do not take your holy spirit from me. Psalm 51:10-11

⁵² Marie Fortune, Forgiveness: The Last Step, 205.

⁵³ *Ibid.*, 206.

⁵⁴ *Ibid.*, 205-206.

⁵⁵ *Ibid.*, 258.

⁵⁶ *Ibid.*, 258-259.

Beloved, we are God's children now; what we will be has not yet been revealed. 1 John 3:2

Guilt and shame are not the same thing. Guilt is the feeling that occurs when something a person has said, done, or thought is unacceptable to God, to others, and to one's self. Guilt makes people aware of the behaviors and thought patterns which need to be changed so a person can relate better to God, to others, to themselves, and to the rest of God's creation.

Shame occurs when a person feels unacceptable to God. It is not simply something a person has said, done, or thought. All human beings are spiritually sick people trying to get well. The old Adam or old Eve still tries to get the upper hand in our lives. Though the sources of shame are many, a part of it comes from human beings' efforts to hide from God. We know that we are not the people God created us to be and are aware that the possibility exists for us to be more. Shame thus comes from our very being while guilt arises from our action and inactions. Shame does not distinguish between who one is and what one does.

A person can suffer from false shame and guilt. This is the case with people who have been abused. The trauma of the experience and the manipulations which occur lead the person to feel that they are at fault for what has happened to them. There is also the sense that there must be something deeply wrong with them spiritually, psychologically and mentally for something like this to happen to them.

The only way to break the chains of shame and guilt, both false and real, is through God's grace. Breaking free of the chains of shame and guilt is not about doing anything but about being. "Shame drives us to be 'human doings.' Grace frees us to be human beings."⁵⁷ God's grace and healing is experienced directly by people and communities and through persons and communities who act as agents of God's grace and healing in creation.

The power of healing is available to all people. God's grace awaits anyone who is willing to accept their acceptance by God. God declares us worthy of salvation even when we are not all we could be. God calls us out of bondage to sin to be fully human, to be free, to be the person God intended us to be even before we were knit together in our mother's womb. God intends us to get well, to feel acceptance and relief rather than shame and guilt.

Easter proclaims that sin, brokenness, and shame do not have the last say. The last say is God's. Easter tells us that in the midst of sin, brokenness, shame, and pain, Christ brings us a safe refuge, makes us a new creation, and gives us a life lived in God's love. God's amazing grace accepts us, the whole us, with no regard to our strengths and frailties, virtues and vices. We are accepted once and for all, as we are.

Broken Covenant with God

Covenant is an important theological idea in the Bible. The Christian understanding of covenant begins with the covenants established between God and all creatures, especially Israel,

⁵⁷ Karen Schelb, "A Time of Preparation." In Alive Now. March/April 1996, 8.

in the Old Testament. Covenants exist with “the patriarchs and matriarchs of Israel, with Moses and all Israel, with David, and in the prophetic hope for Israel, with all people and the earth itself.”⁵⁸ Added to these covenants is the one established through the death and resurrection of Jesus. These covenants are the free gift of God. They are God’s ‘free decision and the gift of life together’⁵⁹ to which believers respond with their own ministry.

There are four ideas underlying the idea of covenant. The first is that covenants are arrangements created by God. It is God who initiates and makes the covenant, rather than human beings. Human beings are in relationship with God through covenants but it is that of supplicant rather than giver. Secondly, covenants stipulate a form of life based upon the gift. A response of faith and obedience is expected of Christians. The third idea is that covenant is the relationship based on consent, rather than coercion. This establishes “a responsible moral relation between people and God.”⁶⁰ The final idea is that a way of life is envisioned which is universal rather than bounded by culture. The covenant “seeks a universal community of justice and friendship, a blessing in the midst of the earth.”⁶¹ The covenant Christians have with God applies to all members of the body of Christ no matter where they live or how they are called to service within the body of Christ. God’s covenant of grace with each believer establishes their partnership with God and through them with the institutions human beings establish.

Persons called to ordained or commissioned ministry within the church establish a covenant with God at their ordination or commissioning. Sexual abuse ruptures the covenant that each ordained minister person and diaconal minister has established with God when they answered the call to ministry. The call to ministry is both an inner calling prompting men and women to seek training and service in the church and the corporate affirmation and ratification that a person is indeed called to service within the Body of Christ. While all Christians have a call to ministry and are part of the priesthood of all believers, the call to service within the church formally sets a person apart within God’s kingdom.

The covenant is affirmed each time a ordained minister person or diaconal minister is installed in a new ministry. In the service for installation of a pastor, they are called before God and the assembled people and questioned regarding their intentions for the pastoral relationship. To each question the candidate replies: “I will, and I ask God to help and guide me.” Then the congregation is questioned concerning their part of the relationship. Those present respond “we will” to each question. The covenant is then sealed by the presider in the name of the Triune God. A similar covenant is established when a person is commissioned for diaconal ministry within the church.

⁵⁸ Donald W. Musser and Joseph L. Price, eds., A New Handbook of Christian Theology. (Nashville: Abingdon Press. 1992) 106.

⁵⁹ Ibid., 105.

⁶⁰ Ibid., 106.

⁶¹ Ibid.

There are always consequences to breaking this covenant. When sexual abuse is the cause, however, the violation of trust is experienced more intensely because along with the emotional, psychological and spiritual violation goes an actual physical violation of the person. Even when no actual touching has occurred, there is a physical experience of violation.

Sexuality

Then God said, "Let us make humankind in our image, according to our likeness...So God created human kind in (God's) image, in the image of God (God) created them: male and female (God) created them. God blessed them...God saw everything that (God) made, and indeed, it was very good. Genesis 1:26a, 27-28a, 31a.

The Church has had great difficulty in discussing sexuality openly. The duality of body and spirit has continued to impact upon how sexuality is viewed within the Church and within society. The so-called sexual revolution has not created a new openness around human sexuality. Instead, it has created added pressures upon men and women as to what is considered normal sexual behavior for modern people. While the sexual revolution has led to better sexual education, a holistic understanding of sexuality within the wider population is missing. As well, it is only recently that the impact of sexual abuse has been recognized by society. Attitudes, even unhealthy ones, are slow to change.

As the creation story in Genesis points out, human sexuality is viewed as good in God's eyes. It is one of the gifts God gives to human beings. Human sexuality is more than genital sexual activity. It is a combination of the physical, emotional, mental, and spiritual parts of a person. It is the way human beings relate to the created world, including other human beings, through their bodies. It is the way people respond to each other in other areas of life besides sexual intercourse. It is intimacy with another human being. There is thus within all human relationships an element of sexuality. Healthy sexuality builds up relationships.

Sexual abuse has little to do with human sexuality. It is rather a perversion of what Christians understand as a gift from God. It is about power and control of another human being rather than mutual sharing of one's body, mind, emotions, and spirit. It destroys a person's sense of worth and creates pain and suffering rather than encouraging love, commitment, empathy, communication, and respect. It creates insecurity and bondage rather than a sense of being secure with one's partner and the freedom to express one's self fully as a sexual being. Whereas healthy sexuality creates a foundation upon which both partners can function fully in all parts of their relationship, sexual abuse blocks full expression of the self.

Healthy sexual activity involves a feeling of intimacy with one's partner, trust, a balance of power in the relationship, genuine consent, and open communication. Consent is not possible when there is an imbalance of power such as occurs when a person is in a pastoral relationship. God intends sexual activity to be an exciting, rich part of life, free of conflicts and problems. Sexual abuse inevitably creates conflicts and problems for both the person abused, the abuser, their families, and the wider community. It traps the life energy of human sexuality rather than freeing it to be a creative force within people's lives.

The Church has "historically been quick to say NO about certain sexual matters, but has

done little to encourage and reinforce a healthy sexuality and healthy sexual behaviors.”⁶² This includes insuring that seminary students and persons in active ministry are sexually healthy or are moving towards sexual health. Sex role stereotypes and gender issues need to be addressed by all parts of the Church. Opportunity needs to be given to explore sexual orientation, fantasies, and behaviors, especially when there is the potential for harming others by one’s sexual behavior.

Both in the church-at-large and within congregations there need to be efforts made to encourage members to express sexual issues, to understand and reinforce appropriate sexual boundaries and behaviours, and to understand the dynamics of sexual abuse.⁶³

Conclusion

Sexual abuse is more than a problem of sexual morality, emotional instability or addiction. It is a question of whether the Church is a “safe place of authentic power, healing, and proclamation for both women and men.”⁶⁴ Sexual abuse is thus not a simple right/wrong issue to be corrected by admonitions and prohibitions. While it is clearly a sin for a person to sexually exploit another human being, there are deep theological and biblical understandings that need to be addressed by the Church if it wishes to create an environment in which sexual abuse is stopped. Addressing the issue of sexual abuse will involve self-examination and confession on the part of the Church so that change can occur within the structures and institutions and it can move toward wholeness.

V. A STUDY GUIDE

C. SOCIAL AND CULTURAL FACTORS

- C.1 Our cultural, social and theological beliefs are important because they define our attitudes about power, sexuality and relationships between men and women. Historically, our society and our churches have been patriarchal structures: male oriented and dominated with woman’s place being one of dependency upon the male. Men were viewed as superior to women and more able to be in positions of power. Often, gaining sexual access was a “way of testing whether one has power over women.”⁶⁵ Add to this the “Star Factor”, where the minister is in a position of dominance with many opportunities to be centre-stage and responsible for interpreting God, life, and morality for the congregation - the stage is set for boundary crossing. In one of many surveys with similar results, 33% of a group of

⁶² The Commission of Inquiry and Counsel, ELCIC - Alberta and the Territories Synod. Growing Together Through Pain, January 1993. 32.

⁶³ Ibid.

⁶⁴ Cooper-White, The Cry of Tamar, 144.

⁶⁵ Nils C. Friberg and Mark R. Laaser. Before the Fall” (Preventing Pastoral Sexual Abuse. (Collegeville, Minnesota: Liturgical Press.1998) 45

300 ordained ministers confessed to sexually inappropriate behaviour with someone other than their spouse, and 13% reported having sexual intercourse with a parishioner.⁶⁶

- C.2 Specific social factors contribute to sexual abuse: “weariness, personal depletion, adversity and frustration, grief, loss, anger, stress”⁶⁷. These factors, along with opportunities to take advantage of needy people in order to meet one’s own internal needs, and lack of external input and accountability, can easily lead to abuse of power and sexual abuse.
- C.3 Sexual abuse is primarily perpetrated by heterosexual men against women and children. About 90% of abusers are male. This is increasingly seen as a problem of male socialization. Boys are taught to be tough, to deny their feelings, and to avoid touching for fear of being called homosexual or effeminate. The only opportunity to express care and tender feelings is during sex. Boys are encouraged to take charge and to dominate and control. In our society, “men’s violence is often normalized, naturalized and eroticized.”⁶⁸ A myth persists that males are incapable of controlling their sexual urges and therefore, it is always the woman’s responsibility to maintain the boundaries. This is being challenged, particularly through our legal system.
- C.4 Patriarchal and androcentric social structures continue to influence society especially in church and religious families. Men continue to earn significantly more than women for work of equal value and expertise. Women continue to be responsible (on average) for 75% of the care giving and management of the home, although we have seen many changes in the last three decades. “In this dominance-and-submission social order, there is no true mutual care. Subordinates are to care for the needs of the dominants.”⁶⁹
- C.5 Culturally we are bombarded with messages that are degrading and abusive: semi-clothed women standing beside vehicles in car advertisements, women wearing animal prints or bondage type clothing, anorexic looking models, children made up into “sexy, little adults”. Movies, television, the internet, and music are also full of sexual content.

Pornography thrives. It is not obscene because it is too sexual or erotic, but

⁶⁶ Neil and Thea Ormerod. When Ministers Sin: Sexual Abuse in the Churches (Alexandria, Australia: Millenium Books) 7.

⁶⁷ Friberg and Laaser, Before the Fall, 52.

⁶⁸ Carolyn Holderread Heggen, Sexual Abuse in Christian Homes and Churches. (Waterloo: Herald Press) 79.

⁶⁹ Ibid, 85.

“because it distorts those acts by dehumanizing them”.⁷⁰ Pornography is about power, not sex: women are depicted as sexual objects who enjoy being humiliated, raped and mutilated. The root word *porno* means female captive. Only about 2% of victims ever file a formal complaint. They fear they will not be believed, or they will be ridiculed or “disowned”, usually because the abuser is such a strong, popular figure. Those who do complain experience huge losses.

In Trauma and Recovery, Dr. Judith Herman has written: “It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement and remembering...After every atrocity one can expect to hear the same predictable apologies: it never happened; the victim lies; the victim exaggerates; the victim brought it upon herself; and in any case it is time to forget the past and move on. The more powerful the perpetrator, the greater is his prerogative to name and define reality, and the more completely his arguments prevail.”

V **A STUDY GUIDE**

D. FOUNDATIONAL PRINCIPLES

- D.1 All human beings are made in the image of God (Genesis 1 and 2). Respect of human sexuality is inherent in respect for others and for ourselves as made in the image of God. God expects human beings to use their sexuality in ways which create health and well-being with individuals and communities.
- D.2 The Church believes in, worships, and follows a God who is just and works to exact justice in the world. Justice works to restore wholeness. It is not vengeance but the revelation of truth and responsible action before God.
- D.3 Ordained minister persons and members of the diaconal ministry in pastoral relationships are given significant power as part of their office. Responsible power is exercised when the vulnerability of relationships is honoured and ministry is performed with integrity. It is exercised within the church when it acts on behalf of:
- victims for their protection, treatment and healing;

⁷⁰Pamela Cooper-White, The Cry of Tamar: Violence Against Women and the Church’s Response (Minneapolis: Fortress Press. 1995) 59.

- offenders to facilitate repentance and restoration; and
 - society to prophetically challenge the attitudes that promote violence.
- Abuse of ministerial power often has more far-reaching effects than other abuses of power because it has a direct effect upon a person's relationship with God.

- D.4 Christ came to bring light out of darkness and to bring truth to the awareness of all people. Christ also acknowledged that people invited to stand in the light often prefer darkness. Secrecy is enabled by darkness and promotes continued abuse. The truth, however, is more powerful. It enhances relationships, brings wholeness within and between persons, creates a community of safety and accountability rather than peril, and dares to name what is broken in the expectation of another reality. Care must be taken, however, not to push a person who is not ready for the facts to be made public as it further violates that person.
- D.5 Valuing God's word enables the Church to hold itself accountable for its mechanisms and attitudes. God's word also reveals the woundedness in all people. The Gospel reveals that we are a forgiven and a reconciled people called to be forgiving and reconciling. The mercy and compassion shown us by God in Jesus Christ empowers victims to come forward seeking healing and abusers to come forward seeking the possibility of new life.
- D.6 Scripture teaches us that God seeks admission of sin and repentance when sinfulness occurs. Admission of sin and repentance begins the process of resurrection that is part of the life of all believers.
- D.7 Compassion listens with openness and acceptance. True compassion for the abuser is not whole hearted belief but a true spirit of discernment which may require pressing, challenging, confronting, moving more deeply into the reality of the behaviour and into the reality of the pain.
- D.8 The compassionate church suffers with those who are victims of the abuse of pastoral power. Its walk with victims is one of patience rather than apathy or hurried efforts to fix the situation. The church becomes an accomplice to violence rather than a compassionate source of healing when it requires victims to be more submissive, more prayerful and more forgiving than other Christians.
- D.9 Forgiveness is a process. It is a gift of grace. It may even be a series of gifts as forgiveness is realized in stages. Being too quick to forgive may restrain the abuser from confronting and acknowledging abusive behaviours and their effects.
- D10 The Church is gifted by God for the care and healing of persons. The ministry of healing and reconciliation belongs to the whole community. (I Cor. 12:14-16).
- D.11 Christ's directive in Matthew 18:15-20 guides the church and individuals in resolving disputes. The church recognizes the potential imbalance of power in resolving issues involving a person in religious authority. Based on this text and

current accepted practice the Synod of Alberta and the Territories has developed procedures and guidelines for addressing complaints of sexual abuse in achieving healing, justice and rehabilitation.

V. A STUDY GUIDE

E. Discussion Questions

1. What is meant by power?
2. How is power used appropriately and inappropriately in the church?
3. How is power used appropriately and inappropriately in human relationships?
4. What are appropriate boundaries in a ministerial relationship?
5. At what points in their lives or what circumstances are people vulnerable in relationships?
6. How do the ideas of sin and grace apply to our understanding of:
 - a) power
 - b) human sexuality
 - c) relationships
 - d) sexual abuse
7. How do we express the understanding of being created in God's image in our relationships with other people?

8. What is healthy sexuality?
9. What does the church need to do to better educate members concerning healthy sexuality?
10. People are often told to “forgive and forget” when they are hurt by others. How does the understanding of forgiveness within the church assist the process of forgiveness when sexual abuse and harassment occurs? When does the church’s understanding of forgiveness add to the pain and trauma of sexual abuse and harassment?
11. How does the church understand the idea of justice?
12. What is the relationship between justice and forgiveness?
13. How do our understandings of shame and guilt affect how we as the church and as individuals respond when we become aware of sexual abuse and harassment?
14. How can our church be a place of healing for those who have experienced sexual abuse and harassment?
15. How can we as individual Christians ensure that our communities, including our faith communities, are places where sexual abuse and harassment are not tolerated?