DEFINITIONS AND GUIDELINES FOR DISCIPLINE

ROSTERED MINISTERS, CONGREGATIONS, AND MEMBERS OF CONGREGATIONS



Evangelical
Lutheran Church
in America

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Grounding Values

Rooted in God's grace and steadfast love, we are called as followers of Jesus to live a life "of bold trust in God and joyful, generous service to everyone we know and meet in daily life."[1] Affirming God's gracious covenant made with us in baptism, we commit to live in right relationship with God and our neighbors.

When the gift of relationship with God and our neighbors is violated or used inappropriately, there is a need for accountability and just action. It is in this context that we, as a church body, establish guidelines for our conduct, actions, and ways in which we communicate with one another. These guidelines are necessary as we "continue in the covenant God made with us"[2] in our baptism to ensure that all people, and the church in particular, are protected from harmful or inappropriate actions, speech, communications, or other misconduct. As church, we must abide in a context that holds ourselves, and one another, to account for the sake and care of the whole church.

The following definitions and guidelines for discipline are set forth with the understanding that, following misconduct, the desired outcome is restoration of right relationships with God and with one another. This church embraces disciplinary processes which may include elements of counseling, admonition, and correction with the objective of healing and reconciliation. This church also acknowledges certain circumstances where reconciliation and restoration to the community may not be possible or may cause further harm. Particularly egregious conduct may result in suspension or removal from the roster or from membership.

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[1] *https://elca.org/Faith*

[2] In the rite of Affirmation of Baptism *(Evangelical Lutheran Worship, p. 236)*, the presiding minister asks:

> "You have made public profession of your faith. Do you intend to continue in the covenant God made with you in holy baptism:
> to live among God's faithful people,
> to hear the word of God and share in the Lord's supper,
> to proclaim the good news of God in Christ through word and deed, to serve all people, following the example of Jesus,
> and to strive for justice and peace in all the earth?"

Grounding Context

The *Constitution, Bylaws, and Continuing Resolutions of the ELCA* (CBCR) outlines the grounds for discipline, the discipline that may be imposed, and who may bring charges:

- for ministers of Word and Sacrament at 20.22.01. through 20.22.03.;
- for ministers of Word and Service at 20.23.01. through 20.23.03.;
- for congregations at 20.31.01. through 20.31.03.; and
- for members of congregations at 20.41.01. and 20.41.02.

The constitution also outlines the processes for discipline. The disciplinary process for ministers of Word and Sacrament is set forth at 20.22.04. through 20.22.24. These same processes also apply to ministers of Word and Service by operation of 20.23.04. and 20.23.05. and to congregations by operation of 20.31.04. and 20.31.05. The detailed operations of these processes are set forth in the rules governing disciplinary proceedings, a separate document also created by the Committee on Appeals and approved by the Church Council (20.22.14.). The disciplinary process for members of congregations is set forth in 20.41.03. through 20.41.11. and also in *C15.01. through *C15.07. of the *Model Constitution for Congregations.*

The CBCR assigns primary responsibility for the discipline process to synods (20.11.). Accordingly, it provides synod bishops with substantial discretion in the investigation of misconduct (20.22.04. through 20.22.06.).

Provision 20.21. of this church's constitution specifically calls for the Committee on Appeals to "establish **definitions and guidelines**, subject to approval by the Church Council, to enable clear and uniform application of **the grounds for discipline** of officers, rostered ministers, congregations, and members of congregations." The purpose of this document is to elaborate on the grounds for discipline and to guide rostered ministers, congregations, and members in our lives together. Additionally, it is intended to help bishops, synod staff, hearing officers, discipline committee members, and consultation committee members in their work and to clarify what conduct is not acceptable in this church.

This document is written in accordance with the decisions of churchwide assemblies. It is grounded in our biblical and Lutheran confessional sources, which help to shape this church's social teachings. No language in this document may be construed to contradict or override a current authorized social teaching of this church.

DEFINITIONS

Unless the context indicates otherwise, for the purpose of this document:

1. "Adultery" means voluntary sexual intercourse between a married person and someone other than that person's current spouse.
2. "Constitution" means the *Constitutions, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America*.
3. "Church" or "this church" means the Evangelical Lutheran Church in America.
4. "Family" means not only persons related by genetics or marriage[3] but may also include "a variety of forms, more akin to the older term of 'household,' exclusively employed by Luther to include immediate family members, relatives, and others."[4]
5. "Harass" means to persistently annoy another or to create an unpleasant or hostile situation by uninvited and unwelcome verbal or physical conduct. Mere criticism or disagreement is not harassment.[5]
6. "Hate group" means an organization or group that encourages or promotes the dehumanization of others through hate speech, hostility, violence, or bigotry towards an individual or group on account of group characteristics such as race, sexual orientation, national origin, age, ethnicity, culture, religion, disability, language, socioeconomic status, gender, gender identity, or immigration status. "Hate group" does not include groups solely because they hold differing political or philosophical views regarding social controversies or advocate for the advancement or protection of historically underrepresented groups.
7. "Hate speech" means the expression of animosity or disparagement of an individual or group on account of a group characteristic such as race, sexual orientation, national origin, age, ethnicity, culture, religion, disability, language, socioeconomic status, gender, gender identity, or immigration status.
8. "Infidelity" means the act or fact of having a romantic or sexual relationship with someone other than one's spouse or partner.

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[3] In 2009, the ELCA adopted "A Social Statement on Human Sexuality: Gift and Trust" as a social statement of this church. In its section on marriage (pages 15–21), "Gift and Trust" described a range of views existing within this church. Included among these views was both a recognition of an understanding of marriage as a relationship between a man and a woman and a commitment to the support of couples in lifelong, monogamous, same-gendered relationships. In the intervening decade, the action of the United States Supreme Court in *Obergefell v. Hodges*, 576 U.S. 644 (2015), guaranteed access to legal marriage to LGBTQIA+ couples in all fifty states.

[4] See "A Social Statement on Human Sexuality: Gift and Trust," p. 21. See also pp. 15*ff.* and 25*ff*.

[5] See the social message, "Gender-Based Violence."

9. “Intellectual property” means property that derives from the work of the mind or intellect and can be registered and protected under state or federal copyright, trademark, or patent laws.

10. “Libel” means a written defamatory statement or representation that conveys an unjustly unfavorable impression.

11. “Plagiarism” means wrongly representing the works of others as one’s own, in oral or written form.

12. “Promiscuity” means having casual or indiscriminate sexual relations which do not proceed from or contribute to mutual respect, intimacy, commitment to, and care of others.

13. “Retaliation” or “retaliatory action” means the discharge, suspension, demotion, or other punitive action taken against an individual. Appropriately defending oneself against false accusations is not considered retaliation.

14. “Rostered minister” includes ministers of Word and Sacrament, ministers of Word and Service, and, in this context, candidates for rostered ministry.[6]

15. “Slander” means a false and defamatory oral statement about a person.

16. “Serious crime” means a crime that could be punishable by imprisonment for more than six months.

17. “Sexual abuse” means rape; sexual assault; sexual harassment; sexual relations with a minor child or a person otherwise not capable of consent; sexual relations resulting from threats, intimidation, coercion, blackmail, extortion, or manipulation; and sexual relations (outside of marriage) between a rostered minister and a person with whom the rostered minister has a pastoral or supervisory relationship, including, but not limited to, an employee, volunteer, student, or counselee, or a person in the congregation or other ministry served by the rostered minister.

[6] See paragraph 3, “Report of Actions of the Church Council (March 6–8, 2020).” The Church Council voted to include the following language in the candidate statement on the Entrance Information form provided in the ELCA Candidacy Manual:

> “As a candidate for rostered ministry in this church, I understand I will be held accountable to the synod’s candidacy committee regarding this church’s expectations for my speech and conduct as set forward in *Definitions and Guidelines for Discipline of Rostered Ministers.* I understand that my candidacy for rostered ministry brings increased attention to my life. I am responsible for informing my bishop regarding any circumstance that might subject me to discipline according to *Definitions and Guidelines* were I a rostered minister. I understand that the candidacy committee may modify my candidacy status in response to my speech and conduct.”

GUIDELINES FOR DISCIPLINE OF ROSTERED MINISTERS

The normative expectations of this church for its rostered ministers focus on faithful and effective exercise of ministerial leadership. In all matters of morality and personal ethics this church expects its rostered ministers to be exemplary in conduct.

Grounds for discipline of rostered ministers are as follows:

A. **Preaching or teaching in conflict with the faith confessed by this church** is grounds for discipline of rostered ministers. A summary of the faith confessed by this church is found in Chapter 2 of this church's constitution.

B. **Conduct incompatible with the character of the ministerial office** is grounds for discipline of rostered ministers. These guidelines define and describe kinds of behavior which are incompatible with the character of the ministerial office and may be grounds for discipline.

   1. **Confidentiality:** Ministers of Word and Sacrament must comply with 7.45.[7] of this church's constitution and not disclose information protected by that provision unless expressly permitted by that provision. All rostered ministers must respect and protect other confidential information and not disclose it absent good cause. Good cause includes, but is not limited to, permission of those who shared the confidence, disclosure required by law, or disclosure necessary to prevent great harm.[8]

   2. **Integrity:** Rostered ministers must be honest and forthright in their dealings with others. Dishonesty, deception, duplicity, or the manipulation of others for personal benefit or gain is conduct incompatible with the character of the ministerial office.

   3. **Professional attention to duties:** A rostered minister of this church has made commitments through ordination and through acceptance of a letter of call or appointment. Continued neglect of or indifference toward such commitments constitutes conduct incompatible with the character of the ministerial office.

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[7] "In keeping with the historic discipline and practice of the Lutheran church and to be true to a sacred trust inherent in the nature of the pastoral office, no minister of Word and Sacrament of this church shall divulge any confidential disclosure received in the course of the care of souls or otherwise in a professional capacity, nor testify concerning conduct observed by the minister of Word and Sacrament while working in a pastoral capacity, except with the express permission of the person who has given confidential information to the minister of Word and Sacrament or who was observed by the minister of Word and Sacrament, or if the person intends great harm to self or others." (CBCR 7.45.)

[8] Communication in the nature of confession may be privileged by law. Other confidential information does not fall under this privilege. The question of which communications between a rostered minister and member are "privileged," such that their disclosure may not be compelled by law, varies from state to state. Questions regarding this issue should be directed to local legal counsel.

4. **Care of family:** For rostered ministers in a family, the following conduct is considered incompatible with the character of the ministerial office:

   a. Desertion or abandonment of a family member;
   b. Abuse of a family member; or
   c. Repeated failure to meet legally determined support obligations of a family member.

5. **Sexuality and public ministry:**[9] This church does not tolerate the abuse of the ministerial office for personal sexual gratification or exertion of authority over others. This church's understanding of human sexuality is stated in its authorized social teachings.

   Rostered ministers who abuse the trust placed in them by engaging in infidelity, adultery, promiscuity, or sexual abuse of another are engaging in conduct incompatible with the character of the ministerial office.[10]

6. **Addiction and substance misuse:**[11] Misuse of substances (such as alcohol or drugs) or compulsions (such as gambling or use of pornography) that impair the ministerial function of a rostered minister is conduct incompatible with the character of the ministerial office. Continued high-risk behavior or refusal to comply with treatment also constitutes conduct incompatible with the character of the ministerial office.[12]

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[9] See "A Social Statement on Human Sexuality: Gift and Trust" and the social message, "Sexuality: Some Common Convictions."

[10] In 2009, this church expressly addressed the question of sexuality and public ministry in "A Social Statement on Human Sexuality: Gift and Trust," which states (p. 35):

> This church does not tolerate the abuse of the ministerial office for personal sexual gratification. This church holds high expectations for those individuals called to serve as rostered leaders. Pastors, associates in ministry, deaconesses, and diaconal ministers who abuse the trust placed in them by engaging in promiscuity, infidelity, adultery, or forms of sexual abuse violate those high standards. Such violations severely damage the credibility of the public ministry to which this church and its leaders are called.

Provision B.5. is substantially based on this teaching of this church. This provision does not change the aspirational teaching of this church, set forth in its social statements, that all members of this church should abstain from sexual intercourse until married. See "A Social Statement on Abortion" (p. 4) and "A Social Statement on Human Sexuality: Gift and Trust" (p. 31).

[11] See the social message, "Commercial Sexual Exploitation."

[12] Consistent with the value of restoration of right relationships, the approach of this church to such misuse may be referral for and insistence on evaluation, and the church may counsel inpatient or outpatient treatment should addiction be identified. Refusal to explore the possibility of misuse may result in referral to behavioral health resources with the expectation that they will be used and recovery maintained. Public ministry may not be appropriate until health and wellness are restored.

7. **Fiscal responsibilities:**[13] The following fiscal misconduct is considered conduct incompatible with the character of the ministerial office:

   a. Indifference to or avoidance of legitimate and neglected personal debts;
   b. Embezzlement of money or improper appropriation of the property of others;
   c. Using the ministerial office improperly for personal benefit or financial gain;
   d. Soliciting members or others to directly or indirectly acquire gifts, bequests, or similar benefits for personal gain.

8. **Membership in certain organizations:** This church has specifically declared in 7.31.11.[14] and 7.61.05.[15] that discipline may be administered to any of its rostered ministers who belong to any organization other than the Church which claims to possess in its teaching and ceremonies that which the Lord has given solely to the Church.

   Conduct considered incompatible with the character of the ministerial office includes membership in, or taking actions in concert with, a hate group or groups.

9. **Commission of a serious crime:**[16] A rostered minister who commits a serious crime is subject to discipline for engaging in conduct incompatible with the character of the ministerial office. If the violation of law is purposefully and exclusively done as a principled act of civil disobedience to protest or to test a law which is reasonably perceived as unjust or contrary to Christian beliefs, it may not be grounds for discipline. Rostered ministers charged with a crime shall promptly notify the bishop's office in their synod of roster.

[13] See "A Social Statement on: Sufficient, Sustainable Livelihood for All."

[14] "No person who belongs to any organization such as a lodge or fraternal order which claims to possess in its teachings and ceremonies that which the Lord has given solely to the Church shall be called and received onto the roster of Ministers of Word and Sacrament or otherwise received into the ministry of this church, nor shall any person so called and received onto the roster of Ministers of Word and Sacrament or otherwise received by this church be retained in its ministry who subsequently joins or is discovered to be a member of such an organization. (CBCR 7.31.11.)

[15] "No person who belongs to any organization such as a lodge or fraternal order which claims to possess in its teachings and ceremonies that which the Lord has given solely to the Church shall be called and received onto the roster of Ministers of Word and Service or otherwise received into the ministry of this church, nor shall any person so called and received onto the roster of Ministers of Word and Service or otherwise received by this church be retained in its ministry who subsequently joins or is discovered to be a member of such an organization. (CBCR 7.61.05.)

[16] See "A Social Statement on: The Church and Criminal Justice: Hearing the Cries," Section 2D.

10. **Hateful speech or actions:**[17] A rostered minister's use of harassing, abusive, discriminatory, libelous, slanderous or hateful speech or actions, at any time, whether in person or on any form of social media, is conduct incompatible with the character of the ministerial office.

11. **Abusive activity:** A rostered minister's physical, mental, emotional, or spiritual abuse of staff, colleagues, congregation members, or others is conduct incompatible with the character of the ministerial office. Such abuse could include, but is not limited to, bullying or harassment in written or verbal form, either in person or by remote communication.

12. **Intellectual property:** Rostered ministers will remain committed to protecting and honoring all intellectual property. Rostered ministers must also work to ensure that they do not misuse the intellectual property of others without appropriate permission and/or citation. Plagiarism is conduct incompatible with the character of the ministerial office.

13. **Retaliatory action:** A rostered minister may not take retaliatory action toward anyone who submits a complaint against the rostered minister to the leadership of a congregation; to the dean of a conference; to a synod bishop, synod council member, or synod staff member; to the presiding bishop or churchwide staff; or to any other person who holds the capacity to receive a complaint. Such retaliatory actions constitute conduct incompatible with the character of the ministerial office.

14. **Relationship with prior congregation(s) or ministry:** Rostered ministers who have resigned or retired from or otherwise no longer officially serve a congregation or other ministry shall honor the integrity of the congregation or ministry. They shall respect and honor the current rostered minister(s) and mission of the congregation or ministry they no longer are called to serve.[18] They shall decline invitations from members to perform pastoral acts and refrain from asking members to directly or indirectly seek permission to perform such acts from the currently serving rostered minister. They shall not participate or interfere, whether personally or through a proxy, in the life of the congregation or ministry in any way, unless invited to participate by the current rostered minister(s) in conjunction with the congregation council or governing board. Such interference constitutes conduct incompatible with the character of the ministerial office or retirement status.

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[17] See "A Social Statement on: Freed in Christ: Race, Ethnicity and Culture," "A Social Statement on: Faith, Sexism, and Justice: A Call to Action," and the social policy resolution, "Condemnation of White Supremacy and Racist Rhetoric."

[18] "Ministers of Word and Sacrament shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council. (*Constitution for Synods,* †S14.19.)

15. **Adherence to covenantal relationships:** Rostered ministers who actively and affirmatively incite, initiate, or encourage a congregation to leave the ELCA are engaged in conduct incompatible with the character of the ministerial office.[19] This does not apply to exploring a cooperative relationship with a full-communion partner congregation.

C. **Willful disregard or violation of the functions and standards established by this church for the rostered ministries of this church** is grounds for discipline. Such standards and responsibilities established by this church are found in Chapter 7 of this church's *Constitution, Bylaws, and Continuing Resolutions.*

D. Willful disregard of the constitutions, bylaws, or continuing resolutions of this church is grounds for discipline of rostered ministers.

[19] "Consistent with the faith and practice of the Evangelical Lutheran Church in America ... Each pastor with a congregational call shall, within the congregation ... encourage adherence to covenantal relationships with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*." (CBCR 7.31.02.)

GUIDELINES FOR DISCIPLINE OF CONGREGATIONS

A. Departing from the faith confessed by this church is grounds for discipline of a congregation of this church. A summary of the faith confessed by this church is found in Chapters 2 and 3 of this church's constitution.

B. Willful disregard or violation of any of the criteria for recognition as congregations of this church is grounds for discipline of a congregation of this church. These criteria are set forth in 9.21. and 9.22. of this church's constitution.

C. Willful disregard or violation of the constitutions, bylaws, or continuing resolutions of this church is grounds for discipline of a congregation of this church.

GUIDELINES FOR DISCIPLINE OF MEMBERS OF CONGREGATIONS

A. **Persistent and public denial of the Christian faith by a member of a congregation of this church** may be grounds for disciplinary action against the member. The behavior must be seen to bring harm to the faith of others and detract from the mission and ministry of the congregation. The Christian faith as confessed by this church is expressed in Chapter 2 of the *Model Constitution for Congregations.* A congregation member who persists in denial of this faith and seeks to convince others to do so may be subject to discipline. In order to warrant discipline, such behavior must be more than occasional expressions of doubt, private comments, or conduct contrary to the Christian faith.

B. **Willful and/or criminal conduct grossly unbecoming of a member of the Church** is grounds for disciplinary action against a congregation member. Commission of violent crimes including murder, attempted murder, manslaughter, rape, attempted rape, sex crimes, hate crimes, child abuse, intimate partner abuse, elder abuse, or any similar offense is seen as reprehensible to the Christian community and may warrant discipline. Persons who are found to have engaged or who are currently engaging in such actions remain in need of pastoral care and compassion.

   A member's use of harassing, abusive, discriminatory, libelous, slanderous, or hateful speech or actions, at any time, whether in person or on any form of social media, may be grounds for discipline.

   Conduct which includes membership in, or taking actions in concert with, a hate group or groups may be grounds for discipline.

C. **Continual and intentional interference with the ministry of the congregation** is grounds for discipline of a member engaging in such behavior. A congregation member who repeatedly interrupts the congregation's gatherings, worship services, fellowship or educational activities, congregation or council meetings, or disparages the congregation or its ministry to others in ways that damage or destroy the ability of other members to carry out the church's mission may be disciplined by the church. In order to warrant discipline, such conduct must be more serious than a member merely expressing disagreement, being impolite, or even exhibiting anger. The member must have engaged in a course of conduct and communication so persistent, inappropriate, and objectionable that the congregation's ability to perform ministry is being impaired.

D. **Willful and repeated harassment, abuse, bullying, libel, or slander of member(s) of the congregation** are grounds for discipline of a member. If the treatment of another, including rostered ministers or staff, by a member of the congregation repeatedly devolves into slanderous, vicious, or intentionally hurtful communications, no matter the means of such communications, the behavior is unacceptable and may warrant disciplinary action. Similarly, if any members, rostered ministers, or staff are being constantly harassed by another member for any reason, whether such harassment is based upon race, sexual orientation, national origin, age, ethnicity, culture, religion, disability, language, socioeconomic status, gender, gender identity, or immigration status or any other reason, perceived or real, the behavior may warrant discipline without regard to the nature of the harassment. The use of phone, email, text messages, social media or other remote communication, and behaviors including anything from shouting and gestures to actual stalking, may all be means of unacceptable defamatory or harassing behavior between members.