

**South Dakota Synod, ELCA
Reporting Sexual Misconduct
(public document)**

The South Dakota Synod of the Evangelical Lutheran Church in America (ELCA) is committed to preventing sexual misconduct within the church by rostered ministers and to responding promptly with justice and compassion when such misconduct occurs. All forms of sexual misconduct by rostered ministers within the church are unacceptable.

What is sexual misconduct?

Any rostered minister who uses his or her position in the church for personal sexual gratification it is misuse of the ministerial office and a betrayal of the ministerial relationship. Sexual misconduct includes, but is not limited to, request for sexual favor or any sexual contact between the rostered minister and a congregational member, person being counseled, employee, volunteer, or another rostered minister.

Who are rostered ministers?

There are two types of rostered ministers. Rostered ministers of Word and Sacrament are typically called pastors. Rostered ministers of Word and Service are typically called deacons.

Who should report sexual misconduct by a rostered minister?

Any person who knows or suspects that a rostered minister may have been involved in sexual misconduct is strongly encouraged to report that knowledge or suspicion. The person submitting a report is referred to as the complainant.

How can rostered minister sexual misconduct be reported?

Reports can be directed to the bishop or an associate to the bishop. Contact may be by mail, telephone, email, or in person.

Bishop Constanze Hagmaier
chagmaier@sdsynod.org
605-274-4020

Pastor Renee Splichal Larson
Associate to the Bishop
rsplichallarson@sdsynod.org
605-274-4022

Pastor Jonathan Steiner
Associate to the Bishop
jsteiner@sdsynod.org
605-274-4026

If a person is uncomfortable about contacting the bishop or an associate to the bishop, the synod vice president can be contacted. (Carla Borchardt at 605-361-7662 or email borchardtcarla@gmail.com.) This person has been authorized by the synod to receive reports of sexual misconduct and any information they are given will be shared with the bishop (unless it is the bishop who is being accused of sexual misconduct, in which case the presiding bishop of the ELCA will be contacted).

Reports may also be made to ELCA representative Barbara Keller at 773-380-2568 or email safeplace@elca.org

Can a report be made anonymously?

Yes, the complainant need not identify him/herself when first contacting the synod. The complainant may ask questions anonymously about how the synod would respond to a particular report of misconduct. However, the synod can do little about a report of sexual misconduct until the complainant identifies him/herself and the rostered minister involved in the incident.

Can the complainant remain anonymous?

The synod will respect the wishes of the complainant regarding confidentiality to the extent possible. However, the synod may be required by civil law or by the governing documents of the ELCA to disclose the identity of the complainant.

What steps are taken after a report is made?

The bishop or bishop's designee will promptly investigate each report of sexual misconduct to gather information and determine the extent of the accusations. The first step is conducting an interview of the complainant. The complainant may be accompanied at this interview by a friend, family member, or other person of his/her choice.

The bishop will request (but not require) a written statement from the complainant. The signed statement will document the details of the alleged misconduct and help provide a record of the information discussed during the interview.

The bishop or bishop's designee will meet with the accused after the initial investigation is complete. The bishop will provide the accused with an unbiased report of the allegations made against him/her, the synod's process for addressing reports of misconduct, and the potential consequences of proven allegations. The rostered minister will then have an opportunity to provide an initial response.

After an investigation, the bishop may enlist the assistance of a consultation panel. The bishop will determine whether to move forward with disciplinary proceedings. ELCA disciplinary proceedings are governed by Chapter 20 of the *Constitutions, Bylaws, and Continuing Resolutions of the ELCA* (<https://www.elca.org/About/Churchwide/Office-of-the-Secretary/Constitutions>) and by the *Rules Governing Disciplinary Proceedings*.

A rostered minister accused of misconduct may choose to resign from the roster at any time, thereby bringing an end to the process.

Any suspected sexual contact with a minor or vulnerable adult will be reported to the appropriate governmental agency.

The bishop will endeavor to keep the complainant as informed as possible throughout the process, including the outcome of the investigation.

What resources are available for a person experiencing sexual misconduct by a rostered minister?

The bishop or bishop's designee will discuss needs for pastoral care or professional counseling with the complainant. If the complainant requests, the bishop or bishop's designee, will assist the complainant in contacting person(s) who can provide pastoral care or professional counseling.

Post-reporting Care and Support

The congregational leadership will be informed when sexual misconduct is substantiated. The bishop discloses the misconduct in order to fulfill the Church's mission of reaching out to those in need of love, healing, and reconciliation. Disclosure may help prevent future abuse within the congregation and community.

The synod will work with congregations and others to help ensure care and support are available to those harmed by rostered minister sexual misconduct. The synod will assist congregations in dealing with the pain and disruption caused by the rostered minister's misconduct and will help the congregation continue in its mission and ministry for the sake of the Gospel.

03/19/2020 Approved Executive Committee