

An Overview of the ELCA Disciplinary Process

The Evangelical Lutheran Church in America (ELCA) has a process for the discipline of clergy and rostered laypersons. The disciplinary process is set forth in Chapter 20 of the ELCA Constitution and Bylaws, and in *Rules Governing Disciplinary Proceedings Against an Ordained Minister, a Rostered Layperson, or a Congregation of the Evangelical Lutheran Church in America*. The booklet *Definitions and Guidelines for Discipline ... Ordained Ministers, Associates in Ministry, Members of the Deaconess Community, and Diaconal Ministers, Congregations* sets forth the types of conduct that may lead to discipline.

The disciplinary process can be characterized as a continuum or line that begins at one end when there are indications that a cause for discipline may exist. This line is terminated at any point if the pastor or other rostered individual chooses to resign, or is otherwise removed, from the church's roster. Absent a resignation or other resolution of the matter, the time line may continue until there is a decision of a discipline hearing committee (DHC) or, if appealed, a decision of the ELCA Committee on Appeals. At approximately the midpoint of this line, an important event may occur — the filing of written charges, usually by the synodical bishop, although four other groups are also authorized by the governing documents to file formal written charges against a rostered person.

Prior to the filing of written charges, the process is very informal; it begins with consultation aimed at resolving the matter without resorting to discipline. How the process works at this stage is largely within the discretion of the synodical bishop and is often guided by synodical policies. The emphasis is pastoral and efforts are usually made to find a resolution of the controversy that would not involve a hearing before a DHC. At this stage, the synodical bishop has the option of convening a five member panel to assist the bishop by gathering and evaluating the evidence or by making recommendations to resolve the issues presented.

Upon the filing of written charges with the Secretary of the Church, the process becomes very formal. There are specific rules that must be faithfully followed. Many of these rules are designed to insure numerous rights that are intended to protect the accused individual and the complainant. Once this formal discipline process has begun, the procedural and due process provisions of the ELCA Constitution and Bylaws must be observed.

When the ELCA Secretary receives written charges, a DHC is convened. A DHC consists of a hearing officer who serves as the non-voting chair, six members of the synod's Committee on Discipline (previously elected at the Synod Assembly), and six members chosen from the 36 member churchwide Committee on Discipline (previously elected at the Churchwide Assembly). A hearing is held before this DHC at which time the accuser, who signed and filed the written charges presents witnesses and other evidence in support of the charges. The accused may cross-examine the accuser's witnesses, as well as present

additional witnesses and evidence. Both accuser and accused may be represented by attorneys or non-lawyer advocates.

After the hearing is concluded, the DHC deliberates to decide what it has found to be the relevant facts, i.e., what it believes to be the truth of the matter, and based upon the facts it has found, what discipline should be imposed, if any. If discipline is imposed, it can range from private censure and admonition, to suspension for a designated period or until there is satisfactory evidence of repentance and amendment, or to removal from the roster of the ELCA. The DHC cannot award damages or impose monetary penalties. Where the DHC determines that no discipline shall be imposed, the individual is entitled to reimbursement for reasonable attorney fees and other expenses related to the defense of the charges.

Either party can appeal a decision of a DHC to the 12 member Committee on Appeals that has been previously elected by the Churchwide Assembly. A decision by the Committee on Appeals is final.

The following resources are the key documents for a more detailed study of the ELCA disciplinary process:

- *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* is distributed every two years to each ELCA congregation by the ELCA Secretary. Additional copies may be ordered from Augsburg Fortress, Code #23-952601 or 23-952603 (without binder).
- *Definitions and Guidelines for Discipline...* is a booklet which has been distributed to all rostered persons. Additional copies may be obtained from the Office of the ELCA Secretary.
- The document entitled *Rules Governing Disciplinary Proceedings Against an Ordained Minister, a Rostered Layperson, or a Congregation of the Evangelical Lutheran Church in America* is approved by the Church Council. The current version of the rules dated April 11, 2005, may be obtained from the Office of the ELCA Secretary.
- *Vision and Expectations...Ordained Ministers in Evangelical Lutheran Church in America* is approved by the Church Council and may be requested from the ELCA Division for Ministry.
- *Vision and Expectations...Commissioned Associates in Ministry in the Evangelical Lutheran Church in America* is approved by the Church Council and may be requested from the ELCA Division for Ministry.



**Evangelical Lutheran
Church in America**

Living in God's amazing grace

www.elca.org/safeplace