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2
3 **GUIDELINES FOR ETHICAL CONDUCT**
4 **OF**
5 **CALLED SERVANTS OF THE GOSPEL**
6
7 **OF THE TEXAS DISTRICT**

8 **THE LUTHERAN CHURCH—MISSOURI SYNOD**
9

10
11 **September 2005**

12
13 **Preface from the Ethics Task Force**
14

15 The document before you is a tool to encourage and guide those who are on the official roster(s) of
16 The Lutheran Church—Missouri Synod in their ethical decisions and service to others. It is our
17 sincere hope that this will be a tool that serves the church in the Texas District as well as potentially
18 the entire Synod.

19 Since its introduction at the 2003 convention of the Texas District of The Lutheran Church—
20 Missouri Synod, the Task Force has received a number of suggestions and comments. We have
21 considered and acted on each of these with the utmost seriousness. In addition we have done a
22 further revision of the document in an attempt to make it more readable and grammatically correct.

23 The District Convention voted to recommend this document for study and guidance, so it is before
24 you now with that in mind. It is our hope that these Guidelines will be adopted at the next District
25 Convention. Furthermore, we hope that the Board or the District President will develop a means by
26 which it is disseminated and discussed by the workers of the District. Possible venues for this would
27 be the annual New Workers Conference, Theological Convocation, circuit meetings, and/or regional
28 conferences. A presentation of these Guidelines would also, quite likely, be of great benefit to all
29 graduating fourth-year students entering full time church work.

30 Following the 2003 District Convention the guidelines were studied in a number of forums and
31 places. Helpful feedback came from pastors, circuits, church councils, and other full time church
32 workers suggesting helpful changes and edits to the guidelines. The committee felt that many of
33 these suggestions (some were very specific and quite constructive) were helpful and we took many
34 into account in our final draft. The feedback of greatest substance centered around two issues of
35 importance.

- 36 1. It became obvious for the need to address full time church workers as the main focus of the
37 guidelines. The guidelines are now addressed to all church workers on the roster(s) of The
38 Lutheran Church—Missouri Synod. The term “called servants” is now defined as “one who
39 is listed on the official roster(s) of The Lutheran Church-Missouri Synod. (see **Preamble**, p.
40 4).
- 41 2. Secondly, issues of legitimate theological and moral concerns were raised regarding some of
42 the wording in dealing with sexual issues. We took a careful look at those concerns and have
43 clarified the guidelines around those issues.

1 Because of the focus of the guidelines on called servants, i.e., those who are full time church
2 workers on the roster(s) of The Lutheran Church—Missouri Synod, we strongly urge congregations
3 to adopt Appendix 1, or a similar policy/guideline to be applied to all church workers. Issues of
4 sexual misconduct and confidentiality/privileged communications impinge upon all church
5 workers—from custodian to teacher, principal to secretary. We believe that it is important that the
6 guidelines in Appendix 1 be applied to all church workers for legal reasons.

7 The members of the Task Force have each contributed invaluable insights and help in drafting this
8 set of Guidelines. They are: Lori Aadsen, Associate Director for LCMS District & Congregational
9 Services in Child Ministries; Alston Kirk, Emeritus, Trinity Lutheran Church, Corpus Christi; Pat
10 Klekamp, Principal, Lutheran High School of Dallas; Becky Krentz, DCE, Faith Lutheran Church,
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12 Buda, Texas; David Rahberg, DCE, Messiah Lutheran Church, Richardson; Richard Ryan,
13 Principal, Trinity Lutheran Church and School, Amarillo; John Stennfeld, Pastor, Christ Lutheran
14 Church, Austin; Carl Trovall, Campus Pastor, University of Texas, Austin. They have each
15 contributed much to the overall project and I am deeply honored to have worked with them.

16 To Christ be all glory!

17 David Bahn, Senior Pastor, St. John Lutheran Church, Cypress, Texas, Task Force Chairman

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Preamble

The Lutheran Confessions define the church as, “the congregation of saints, in which the Gospel is rightly taught and the Sacraments are rightly administered” (AC VII). The word “church” is derived from the Greek word *kyriakos* meaning “of or belonging to the Lord.” The word often used in the New Testament *ekklesia* means “to be called out.” The Church is, therefore, all those whom God has called out of the darkness of sin to the light of God’s eternal grace through the activity of the Holy Spirit (*Lutheran Cyclopedia*, p. 171). With this Church the Lord has shared His mission to “go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you” (Matthew 28:19-20). To the Church the Lord has given gifts that “some would be apostles, some prophets, some evangelists, some pastors and teachers, to equip the saints for the work of ministry, for building up the body of Christ” (Ephesians 4:11-12).

In order to accomplish the mission of the Church, the Lord has called people to be servants of His Church, both those for whom it is to be their life’s work and those who are volunteers. Luther points out that God has called His people into many different vocations, each contributing to His glory and to the well-being of the neighbor. (See CTCR document, [*Faith Active in Love: Human Care in the Church’s Life.*](#)) Within the Church some are called to devote themselves to full time service—pastors, teachers, administrators, directors of Christian education (DCE), for example. Others are called by God to perform specific services within congregations—Sunday school teachers, parish nurses, organists. Paid or volunteer, all contribute to the work of the Lord’s Church.

Traditionally, the term “called servant” is used to refer especially to those who have been divinely called to serve a specific ministry of the Church as their life’s work (e.g., pastor, teacher, DCE, DEO, and the like). In this document, “called servant” refers to those listed on the official roster(s) of The Lutheran Church-Missouri Synod. As a part of the people of God, called servants derive their identity from their Baptisms and the roles the Church has given them. Their calling is twofold—a call by God for service and a call by those acting on behalf of the Church for service in a particular role or position within the Church. This document does not specifically address people who work for a congregation or a ministry-related organization under a contract for short term services.

In this document, the word “Church” is used as the primary context of ministry or service. The term may refer to the local congregation, and by extension, to the synodical or district entity, school, early childhood education center, camp, social service agency, or other ministry contexts in which a Minister of Religion—Ordained or Minister of Religion—Commissioned may serve.

In common with all humanity, a called servant suffers from the effects of original sin, receives redemption through the Lord and Savior Jesus Christ, and finds purpose and meaning at the foot of the cross. It is neither possible, nor desirable, that a set of guidelines provide guidance for every ethical question that might arise within the life of the Church. Rather, a set of guidelines is a standard by which we might guide our life

together and encourage each other in the Church, and a set of expectations with which the people of God have a right to view the conduct of those whom they and the Lord have called as servants of the Gospel of Jesus Christ.

1. BASIC PRINCIPLES

1.1 Spiritual Wholeness

A called servant of the Word, with the help of the Holy Spirit, strives for a maturing faith in Christ grounded in Scripture and shaped by the Lutheran Confessions. He/she seeks personal spiritual growth through the Means of Grace. God nurtures Christian faith to fullness in regular participation in worship, study of the Word of God, personal prayer, and fellowship with members of the Body of Christ. The called servant involves him or herself in constructive peer relationships and seeks out opportunities for spiritual growth.

1.2 Servanthood

The Lord has called His servant not to a position of dominion or coercive power over the Body of Christ, but in order to carry out His mission. As the Lord Himself came “not to be served but to serve, and to give His life a ransom for many” (Mark 10:45), so the Lord calls His people to a life of service for the sake of the kingdom.

1.3 Professional Competence

The called servant strives to maintain the highest levels of competence in his or her work; he/she recognizes the limitations of his or her expertise; and he/she undertakes only those tasks for which he/she is qualified by education, training, or experience. He/she recognizes the need for ongoing education in order to remain professionally qualified; and he/she utilizes the appropriate professional, technical, and administrative resources in order to ensure currency and competence. He/she consults with other experts when necessary for the benefit of those served.

1.4 Integrity

A called servant strives toward the highest standard of respect for others, of honesty, and of fairness. He/she inspires trust and confidence in the organization of which he/she is a part in order to glorify the Lord whom he/she serves. He/she does not knowingly make false, misleading, or deceptive statements, nor create unhealthy dependencies of others upon him or herself.

1.5 Respect Others as the Creation of God

A called servant views all people as those whom God created and for whom Christ died. He/she strives to identify his or her own biases and eliminates discrimination in all of his

or her activities. He/she recognizes that everyone stands under the judgment of God and requires His grace for all of his or her failings.

1.6 Accountability

A called servant is accountable for his or her activities and behavior to the Lord, to the people of God, to society, and to him or herself. Sincere love for the Lord and respect for the public position held in the Church motivate the servant to hold always to the highest Scriptural standard of behavior.

1.7 Violations of ethical conduct

A called servant is expected to familiarize him or herself with these Guidelines. When a called servant is uncertain about whether a particular situation or action would be a violation of ethical behavior, he/she should consult with his or her peers or other knowledgeable persons. If a called servant believes that another is guilty of an ethical violation, he/she should discuss the concerns with the person involved (Matthew 18). For a thorough discussion of this principle, consult [Luther's Large Catechism, the Eighth Commandment](#). If this is not feasible, then he/she should bring the matter to the attention of the supervisor of the person involved and any other persons appropriate to the situation.

Called servants should make every effort to resolve the issue at the lowest possible organizational level. If the violation is reasonably perceived to be illegal, the called servant should immediately bring the matter to the attention of the appropriate authorities as required by law. Called servants, however, do not file or encourage the filing of ethical complaints that are either frivolous or intended to harm the person involved, rather than to protect the people of God.

1.8 Due process

A called servant respects the due process for dealing with ethical violations through duly established authority at the congregational, circuit, district, and synodical levels.

2. FAITHFULNESS TO THE CHURCH'S CONFESSION

2.1 A called servant of The Lutheran Church—Missouri Synod accepts without reservation that “the Scriptures of the Old and the New Testament as the written Word of God are the only rule and norm of faith and practice.” He/she accepts, teaches, and confesses the Apostles, the Nicene, and the Athanasian Creeds. He/she also acknowledges that the Symbolical Books of the Evangelical Lutheran Church, compiled in the *Book of Concord* and explicitly enumerated in Article II of the Constitution of The Lutheran Church—Missouri Synod, are a “true and unadulterated statement and exposition of the Word of God” (*2004 Handbook, The Lutheran Church—Missouri Synod*, p. 11).

2.2 The faith of the church is corporate, not individualistic; catholic, not sectarian; orthodox, not heretical. In teaching, the called servant keeps this same understanding in mind. Our life together demands that nothing is taught “that departs from the Scriptures or the catholic Church” (*Conclusion to the Augsburg Confession*).

2.3 He/she upholds the doctrinal tradition of The Lutheran Church—Missouri Synod. The following characteristics identify, in part, this tradition:

- a. Evangelical.** The Gospel is the Good News that the decisive turning point in human history occurred in the life, ministry, death, and resurrection of Jesus Christ. The evangelical witness is that “God was in Christ, reconciling the world to Himself” (2 Corinthians 5:19). This Gospel creates and sustains the Church for God’s mission in the world. By proclaiming in word and deed this saving Gospel of justification by grace through faith, the Church is equipped and equipping others for its Lord’s mission and ministry.
- b. Reforming.** The Church is to be characterized by the faithful witness of its saints through the power of the Holy Spirit. However, the visible church has been tainted by sin, error and betrayal of its Lord’s mission and ministry. Under the power of the Gospel, God frees the Church for repentance and confession, renewal, and reform. Therefore, its called servant acknowledges readily any past failures and seeks repentance and absolution.
- c. Faithful.** The Holy Scriptures, the Ecumenical Creeds, and the Confessions of the Lutheran Church identify the Author and Anchor of the Church’s hope: Jesus Christ. Therefore, a called servant commits and holds fast to Jesus, the “Alpha and Omega” (Revelation 1:8; 21:6, 13); and “the Pioneer and Perfecter of our faith” (Hebrews 12:2). He/she resists illusions or fads or conformity to the present culture that compromise the Gospel (Romans 12:2).
- d. Ethical.** The Church witnesses to the Gospel by what it is and does, by how it lives and acts. Therefore, a called servant leads, teaches, and serves through his or her life and conduct to give expression consistent with the Gospel. He/she strives not to impede the Church’s witness to the Gospel, but represents in

his/her personal and public life as a called servant, those characteristics set forth for leaders, e.g., to be humble, honest, hospitable, not giving offense (see Acts 20:17-35; 1 Corinthians 4:1-7; 2 Corinthians 5:20—6:11; 1 Timothy 3:1-13).

- e. **Servant Minded.** “Jesus’ own ministry sets the example for the life of the called servant [⁴³Not so with you. Instead, whoever wants to become great among you must be your servant, ⁴⁴and whoever wants to be first must be slave of all. ⁴⁵For even the Son of Man did not come to be served, but to serve, and to give his life as a ransom for many.” Mark 10:43-45] Jesus used his power to love and serve.”

- f. **Collaborative.** Our Lord calls the Church to “Make every effort to keep the unity of the Spirit through the bond of peace” (Ephesians 4:3). Therefore, it manifests the unity given to the people of God by leading the Church in that common witness to the Gospel that expresses the unity given by the Holy Spirit. Prayer, compassion, admonition, support, and above all else, Christ-like love mark both the unity and collaboration of called servants at every opportunity.

3. RESPONSIBLE USE OF AUTHORITY

3.1 Power Held by Called Servants

- a.** A called servant is, by the grace and calling of God, in a relationship of authority, responsibility, and influence among the people of God. Because God entrusts a servant with responsibility and a position of influence, he/she possesses power by virtue of this position, whether the servant is aware of it or not.
- b.** Therefore, a called servant does not ignore or downplay the unique power that he/she possesses in his or her relationship with the people with whom he/she works, some of whom, such as children, are quite vulnerable, and for whom the residual effects of power imbalance continue to endure even after formal ministry relationships conclude.
- c.** A called servant maintains clear boundaries in relationships with others. This means that he/she does not exploit the trust and dependency of those who seek his or her service. He/she does not manipulate other people to satisfy his or her own needs for esteem, attention, acceptance, and pleasure.
- d.** In order to maintain the highest degree of integrity, a called servant seeks to avoid conflicts of interest and the appearance of such conflict. Conflicts of interest arise when one exploits relationships for personal or financial gain, or where one's involvement may compromise commitments to impartial justice or the full teaching of the Word of God.
- e.** Called servants are alert to situations such as business dealings, etc., that might cause personal, political, or business exploitation or conflicts of interest. When potential conflicts of interest arise, they inform all appropriate parties involved, delineating clear boundaries, interpersonal needs, and role expectations.

4. RELATIONSHIPS

4.0 Care of People in Conflict

When wronged, or when it is perceived that another has sinned against him or her, the called servant engages in direct, mutual conversation and support with others (SA, III, iv) for the sake of reconciliation and growth. He/she speaks directly to the other (Matthew 18; Ephesians 4:2-3; 2 Timothy 3:16-17; Colossians 3), before going to outside people. Called servants deal with interpersonal conflicts or disagreements proactively; they do not ignore them or demand their own way. Conflicts are resolved by mutual charity or through the formal and informal use of the Office of the Keys, namely Confession and Absolution, which is the Lord Jesus' gift to the Church for reconciliation. This principle is true for every relationship in the called servant's personal life and public ministry ([Luther's Large Catechism, the Eighth Commandment](#)).

4.1 Care of Self and Family

- a. God gives a called servant his or her body, mind, and soul as a precious treasure, a temple of the Holy Spirit. For this reason, a called servant strives to keep physically, emotionally, spiritually, and mentally healthy.
- b. A called servant of the Word strives to manage his or her time as a good steward, maintaining a proper balance of time commitments among all important relationships, namely personal, familial, and ecclesiastical commitments. Called servants do not pit these relationships against one another in order to escape responsibility in the other areas of commitment.
- c. A called servant attends to proper nutrition, adequate sleep, sufficient rest, and appropriate diversion, and guards against addictions.
- d. A called servant, if married, attends to the spiritual, emotional, and physical needs of his or her spouse and children, nurturing healthy, enduring relationships and sharing God's good gifts with them.
- e. A called servant strives toward spiritual health through regular worship and participation in the sacraments and by following regular disciplines such as Scripture study, reflective reading, private and public prayer, spiritual mentoring, and other practices that enhance awareness of and responsiveness to God.
- f. A called servant participates in a regular, supportive community of colleagues to gain counsel and support in his or her ministry.
- g. A called servant strives to manage personal and household finances, modeling Biblical principles of stewardship.

- h.** A called servant attempts to keep personal and professional issues separate, seeking professional support when personal issues distract from ministry responsibilities.
- i.** A called servant seeks to develop friendships with colleagues for the purpose of experiencing deeper Christian relationships, and social, moral, and emotional wholeness.

4.2 Within the Congregation and to Individual Parishioners

- a.** A called servant loves every member of the congregation as a baptized and treasured child of God, and treats him/her with respect. (See CTCR Documents, [*Faith Active in Love: Human Care in the Church's Life; Guidelines for Crucial Issues in Christian Citizenship; Racism and the Church, Human Sexuality: A Theological Perspective.*](#))
- b.** A called servant strives to be alert and sensitive to and understanding of the unique culture of people receiving his or her ministry.
- c.** A called servant values the gifts of all, not of just a few members, in carrying out Christ's mission and ministry through the Church.
- d.** A called servant speaks well of congregation members and continually prays on their behalf. He/she uses the Second and Eighth Commandments to guide conversation. Slander or defamation of character in written, verbal, or electronic communications is always inappropriate.
- e.** A called servant does not engage in physical, emotional, sexual, or verbal harassment.
- f.** A called servant attempts to keep personal and professional issues separate, seeking professional support when personal issues distract from ministry responsibilities.
- g.** A called servant creates a climate of physical, mental, spiritual, sexual, emotional, and intellectual safety and takes reasonable steps to eliminate any conditions that violate, interfere with, or discourage that safety.
- h.** A called servant is a good steward of ministry resources, human or material, is honest in all financial dealings and funding appropriations, and employs the financial standards established by his or her congregation, school, or other agency of the Church.

4.3 To Congregational Staff

- a.** A called servant is supportive of other called servants' ministries.

- b. A called servant respects the roles and honors the ministry of all team members.
- c. A called servant respects the doctrinal and moral oversight given by their overseer within the congregation, school, or other agency of the Church.

4.4 Relations among Rostered Church Workers within The Lutheran Church—Missouri Synod

- a. A called servant treats colleagues with honor and respects their qualifications, views, and obligations.
- b. A called servant maintains appropriate professional boundaries and courtesies, seeking to discuss situations with the leaders from other governing bodies, the mutual interests, membership changes, and staff member considerations that would have an effect on both ministries. For example:
 - i. Pastors do not counsel the members from other congregations without the other pastor's concurrence, perform pastoral functions for them without approval of the other pastor, or criticize their congregation or pastor. (See Appendix for an example of a suggested explicit delineation of responsibilities in the case of a departing or retiring pastor, as well as a similar document for use by other called servants.)
 - ii. When a family seeks a transfer from one congregation to another while there still exists an unresolved problem, the pastors involved will meet to discuss the best avenue of spiritual care for the family.
 - iii. When a staff member seeks counsel from a pastor or principal of another church or school to consider changes in fulltime or part time positions outside the ministry the pastor or principal will encourage that staff person to talk with his/her ministry supervisor.
- c. A called servant works so that the Church might more faithfully represent the doctrinal and ethical teaching of the Scriptures and Gospel of Jesus Christ through appropriate, positive changes.
- d. When a colleague is accused of misconduct, whether justly or unjustly, a called servant supports and ministers to that colleague, in accord with sections 5 and 7 of these guidelines.
- e. A called servant who has direct knowledge of a colleague's incompetence or impairment offers assistance to the individual in the spirit of Christian charity. If he/she is aware of unethical behavior he/she will offer guidance in the same spirit of Christian charity. A called servant honors moral, ecclesiastical, and legal obligations.

- f. If a called servant has been found to have violated a doctrinal or moral standard, and the community is well aware of the issue, for the sake of a clear witness to God's Word, it may be addressed in a public manner ([Luther's Large Catechism, the Eighth Commandment.](#))

4.5 To People of Other Christian Denominations and Other Religions

- a. A called servant humbly respects other Christians and non-Christians and treats them as Jesus Christ Himself would, recognizing differences in beliefs yet witnessing faithfully to the truth. Respect does not necessarily entail agreement with others, but means both speaking and acting for the good and enrichment of one's neighbor.
- b. A called servant encourages other Christians to respect those who are outside of the faith and honor their inherent dignity as creatures of God.
- c. A called servant seeks to put the best construction on the efforts of the leaders and members of other denominations and religions, and does not speak maliciously or arrogantly of their efforts. He/she seeks always to speak "the truth in love" (Ephesians 4:15).
- d. A called servant avoids coercion of others, especially in times of vulnerability, and while witnessing faithfully to the truth he/she holds, does not impose his or her beliefs on others.

4.6 To Society as a Whole

- a. A called servant seeks opportunities to serve the society in which he/she lives in accordance with the Gospel of Jesus Christ.
- b. A called servant, in consultation with colleagues, seeks to participate as an active member of the civic community for the sake of the common good. (See CTCR Document, *Guidelines for Crucial Issues in Christian Citizenship*, [The Lutheran Church - Missouri Synod - Lutheran Participation in Civic Events](#))
- c. A called servant obeys all civil laws of the nation, state, and local governments (Romans 13). This includes the reporting of public health threats, incidents of abuse to minors, threats of violence to other persons, obedience of copyright laws, etc. Furthermore, a called servant strives to stay informed of current laws that relate to his or her ministry.
- d. When a called servant is conscience driven or compelled by Christian love and concern to engage in civil disobedience, he/she does so in consultation with peers and in accordance with Scripture and the guidance set forth by the CTCR Document, [Civil Obedience and Disobedience.](#)

- e. A called servant ensures appropriate recognition and credit are given to all those to whom it is due.

5. CONFIDENTIALITY

5.1 Goal of Confidentiality

A called servant maintains the strictest standards of confidentiality in order to provide an opportunity for people to confess any and every sin and to receive forgiveness; to permit discussion of matters of the utmost personal importance; and to protect the good name of Christ's holy people from malicious gossip and slander. The called servant also has a responsibility to the welfare of the community, which requires reporting information to legal authorities when life and health are discovered to be at risk.

5.2 Confession

An ordained servant of the Word does not reveal those matters that have been revealed to him as a consequence of the confession of an individual. (See CTCR Document, [*The Pastor Penitent Relationship*](#).)

5.3 Privileged Communications

A called servant regards any entrusted information as privileged communication to be held in the strictest confidentiality. The person divulging the information, not the called servant who receives it, owns the privilege. Entrusted information should be revealed with the full knowledge and consent of the individual. However, in situations where the health and welfare of other people are at risk, or where it is required by law, the called servant will comply with the legal stipulations except for matters under the confessional seal. (See 5.2) When such revelation occurs, the called servant should inform the individual as soon as possible, consistent with the circumstances as legally allowed.

5.4 Confidential Information

A called servant holds information shared in confidence simply through a relationship of defined trust. He/she will only use such confidential information in the best interest of the person with whom there is a relationship of service, and such information will only be revealed when required by law. When such revelation occurs, the called servant should inform the individual as soon as possible.

5.5 Those Who Become Privy to Confidential Information

From time to time, a person who works within the Church, e.g., a secretary, office staff member, may inadvertently overhear confessional or privileged communication. He/she holds such information as confidential as the one to whom it was entrusted.

5.6 Confidential Records

Proper safeguards should be maintained to prevent the inadvertent or unwarranted disclosure of confidential information. This is especially true insofar as a great deal of

information is now stored electronically. Access to such records should be strictly limited and a disclosure list maintained at all times.

6. SEXUAL MISCONDUCT

6.1 Definitions

Sexual misconduct (legal definitions). Activity, conversation, or contact (not limited to sexual intercourse) in which the called servant takes advantage of the vulnerability of another person causing, leading to, or allowing the person to engage in inappropriate sexual behavior (including, but not limited to sexual immorality, sexual assault, sexual harassment, or sexual exploitation, or sexual misconduct—see below) within a pastoral, teaching, counseling, supervisory, peer, or other relationship. Sexual Misconduct may take the form of:

- a. **Sexual Assault.** Intentionally or knowingly causing physical contact with another when the called servant knows or should reasonably believe that the other will regard the contact as offensive or provocative.
- b. **Sexual harassment.** Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise and enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.
 - i. Sexual harassment includes situations involving a hostile work environment in which sexually offensive conversation, jokes, or other sexual activities are allowed to continue, whether or not directly targeted at potential victims of the sexual harassment.
 - ii. Sexual harassment includes **Grooming:** To prepare a person for a specific role or advancement or position in exchange for sexual favors.
- c. **Sexual exploitation.** The illegal or improper act or process of a called servant in a position of authority or trust who has a personal relationship with a child, elderly or disabled person, or other individual with a dependent relationship with such called servant, taking advantage of such position for his or her personal sexual gratification, whether or not there is alleged consent.
- d. **Sexual Misconduct of Others.** A called servant shall take appropriate action to stop or, if such action would place the called servant in danger, to report activities that are reasonably believed to be of a sexual assault nature and should work to establish an environment that discourages sexual harassment or sexual exploitation by others.

Sexual Misconduct (Biblical definitions). The Biblical witness is clearly opposed to the sins of adultery, fornication, and homosexuality. Consult the CTCR document, [Human](#)

Sexuality: A Theological Perspective, for definitions and a thorough discussion of proper Biblical expressions of human sexuality.

6.2 Preface

The Church entrusts a called servant with a sacred responsibility. This responsibility places each one in a position of Biblical authority, as well as a position of power by virtue of his or her position as supervisor, teacher, counselor, etc., over others. In ministry settings, power also arises from the mere fact that many called servants are seen as professionals; that they have been ordained, commissioned, or otherwise “set apart”; that they represent God to others; and that they often have “charisma,” a form of personal power or attractiveness. Both authority and power may be abused.

While a called servant may betray trust in many ways, this section deals with the specific abuses that arise out of sexual misconduct. The following policy is intended to help the Church and its leaders deal sensitively, responsibly, and justly with sexual misconduct offenses, offenders, and victims.

The Church, in dealing with sexual misconduct, not only adheres to the accepted legal standards of justice and due process, but also seeks guidance from the Law and Gospel of God. Further, only by the Spirit can the Church hope to discern and apply Law and Gospel in exercising the Church’s authority to bind and loose sin.

Forgiveness for violators shall not be withheld, but given as quickly as practicable (2 Corinthians 2:1-10). The goal shall always be to restore the offender to fellowship with God and communion with the Church even when the Church deems restoration to the former position unwise, untimely, or precluded.

6.3 Policy

- a.** A called servant remains responsible for the spiritual, emotional, and physical protection of people who come to him or her for help or over whom he/she has any kind of authority. He/she especially ensures that policies, personnel screenings, reporting procedures, safety measures, and safeguards are in place to protect children from sexual assault or abuse. Breach of this protective relationship is not tolerated.
- b.** Sexual misconduct between a called servant and those whom he/she serves in a pastoral, teaching, counseling, peer, or supervisory capacity is unethical, unprofessional, and sinful.
- c.** Both congregational/institutional superiors and ecclesiastical supervisors (hereafter referred to as “leaders”) will ensure that the alleged offender is informed of the complaint(s) as soon as possible. Supervisors will simultaneously provide a counselor to give support/pastoral care to the alleged offender.
- d.** Leaders will ensure that sexual misconduct offenses and offenders are reported to the appropriate Federal, state, county, and local authorities (i.e., sheriff’s

office, police department, child protective services, etc.) as soon as is required by law. Leaders must cooperate with civil authorities.

- e.** Leaders will ensure the protection and pastoral care of victims, the accused, their families, and the related congregation or institution during fact-finding, adjudication, and beyond, as necessary.
- f.** Those responsible for helping those involved in sexual misconduct offenses must (1) be healthy spiritually, psychologically, and emotionally; (2) be adequately prepared and educated for helping those involved; and (3) have continued supervision in place to deal with the inherent risks caused by dependency and/or transference if involved in the counseling process.
- g.** When addressing allegations of misconduct, including receiving an allegation, conducting an investigation, and/or actions following a completed investigation, leaders follow the “Guidelines for Ecclesiastical Supervision Addressing Allegations of Misconduct,” LCMS Council of Presidents, revised November 1998 (document available from Texas District office). Leaders shall ensure pastors adhere to the behaviors specified in paragraph 5, page 16-18, of “Commitments of the Shepherd, Principles of Conduct for Ordained Ministers” (a statement adopted by the LCMS Council of Presidents, September, 1990, available from Texas District office). In the event of finding an alleged offender not guilty, leaders will ensure the safeguarding of all official and unofficial records in order to protect the privacy of all parties involved.
- h.** Leaders shall make available qualified professional care for the victimized persons and their families. This includes counseling or treatment, as well as sensitive disclosure of the offense to persons whose attitudes toward the abused person may have been adversely affected. Leaders shall also encourage offenders to provide restitution to the victim(s) to the fullest extent possible, e.g., the cost of medical or therapy expenses, etc.
- i.** Leaders shall offer trained people and resources to their constituencies affected by sexual misconduct in order to assist them in dealing with the anger, confusion, shame, guilt, and other emotions brought on by the misconduct.

6.4 Prevention

A called servant can help avoid the temptations and pitfalls of sexual misconduct when he/ørshe:

- a.** Cultivates an active personal devotional life.
- b.** Schedules time for and gives attention to his or her own needs for intimacy, affection, and nurture.
- c.** Avoids sharing personal problems with those who seek help.
- d.** Avoids compromising situations and actions; weighs carefully oral, electronic, and written communications; sets boundaries for meeting times, places, and even room and seating arrangements; errs on the side of caution when it comes to hugs or other personal contact.
- e.** Establishes relationships with such people or groups as mentors, confessors, trusted advisors, or colleagues. Most sexual misconduct by a called servant occurs in secret; presumes ownership; exploits power; invites role-crossover; and reflects a double-bind. A trusted confidant is essential to keeping a clear perspective.
- f.** Utilizes screening and background checks for called workers that conform to the legal standards identified by the Texas Department of Protective and Regulatory Services.

7. ACCOUNTABILITY

7.1 A called servant must be accountable to the congregation, school, or other agency of the Church through the designated means. Being accountable means to be answerable directly to the Church or its leaders, and ultimately to God for attitudes, words, and actions. Being called, as distinguished from being hired, implies accountability around the clock in all settings and circumstances. Whenever feasible the called servant regularly informs appropriate persons on how he/she can be reached.

7.2 Supervisors expect accountability in the called servant's relationships with God, those whom he/she serves, the church body, the community, and self.

7.3 The Church or leaders maintain the responsibility for holding called servants accountable and providing discipline as needed according to the standards identified in these Guidelines. The Texas District provides support and counsel for leaders in their efforts to support this document, "Guidelines for Ethical Conduct."

8. INSTITUTIONAL SAFEGUARDS AND CONSIDERATIONS

8.1 Congregational and Institutional Procedures for Ethical Violations

The Lutheran Church—Missouri Synod is an assembly of congregations sharing a common doctrine and joined together to proclaim boldly the Gospel of Jesus Christ. Christ Himself is the Head of His Church. Each congregation is self-governing and a member of Synod by choice. The Synod is advisory in its relationship to the congregations. However, in its advisory capacity, Synod and District have established certain procedures and offices to help and to serve the member congregations as they “walk together” in the grace and love of God. Congregations may avail themselves of this guidance and assistance at any time and particularly when ethical violations cause hurt and harm within and outside the congregation.

a. Rights of Those Charged:

In keeping with the Eighth Commandment, “putting the best construction on everything,” means that anyone charged with an ethical violation should be presumed innocent until proven guilty. Anyone charged with an ethical violation should have the opportunity to defend him or herself either personally or with legal counsel, depending on the severity of the violation (Sec. 4.4.d; Sec. 6.3.c, d, and h; Sec. 5 & 7).

b. Legal Issues:

Some instances of ethical misconduct are violations of civil or criminal law. Crimes, such as child abuse and sexual molestation, must be promptly reported to appropriate legal authorities (Sec. 6.3.e.) The congregation, school, or agency leaders shall report such violations according to the legal requirements.

c. Ethical Violations NOT of a Legal Nature:

Ethical violations not of a legal nature are to be dealt with on a one-to-one basis if possible (Sec.1.7). However, when a person has been found to have violated a doctrinal standard, and knowledge of this violation is known in the community, then for the sake of a clear witness to the truth of God’s Word, the situation may need to be handled in public by the leadership of the congregation, school, or Church agency so that no one believes that the Church accepts or approves of false doctrine or sinful behavior ([Luther’s Large Catechism, the Eighth Commandment](#)).

d. Care to Victims and Their Families: (Sec. 6.3.f, g, and j).

e. Care to the Accused and His or Her Family: (Sec. 4.4.d: Sec 6.3.h and j).

f. Fingerprinting and Criminal Background Checks

The safety of children is of utmost importance. In 1990, national legislation was passed requiring fingerprints and criminal history checks for all individuals applying to work or come in contact with children in order to keep persons who have been convicted of child abuse or child sexual abuse out of the field. Criminal history checks may not always be effective in screening potential abusers; however, they are a step in the hiring process that should never be overlooked. Both paid staff and volunteers working directly with children should be screened using Texas state and local licensing regulations. Contact your local governmental childcare licensing authority as well as the Texas District Director of School Ministry (800-951-3478).

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APPENDIX 1

LEGAL GUIDELINES APPLICABLE TO ALL NON-ROSTERED CHURCH WORKERS

It is appropriate that the following issues be addressed to all who are involved in ministry in the church—including, therefore, not only called servants (those listed on the official roster(s) of The Lutheran Church—Missouri Synod), but also contract, part time, occasional, and volunteer workers. Churches, schools, and other ministries and organizations are urged to establish policies and guidelines such as these in regard to the following issues:

1. CONFIDENTIALITY

A-3.1.1 Goal of Confidentiality

A called servant maintains the strictest standards of confidentiality in order to provide an opportunity for people to confess any and every sin and to receive forgiveness; to permit discussion of matters of the utmost personal importance; and to protect the good name of Christ's holy people from malicious gossip and slander. The called servant also has a responsibility to the welfare of the community, which requires reporting information to legal authorities when life and health are discovered to be at risk.

A-3.1.2 Privileged Communications

A called servant regards any entrusted information as privileged communication to be held in the strictest confidentiality. The person divulging the information, not the called servant who receives it, owns the privilege. Entrusted information should be revealed with the full knowledge and consent of the individual. However, in situations where the health and welfare of other people are at risk, or where it is required by law, the called servant will comply with the legal stipulations except for matters under the confessional seal. (See 5.2) When such revelation occurs, the called servant should inform the individual as soon as possible, consistent with the circumstances as legally allowed.

A-3.1.3 Confidential Information

A called servant holds information shared in confidence simply through a relationship of defined trust. He/she will only use such confidential information in the best interest of the person with whom there is a relationship of service, and such information will only be revealed when required by law. When such revelation occurs, the called servant should inform the individual as soon as possible.

A-3.1.4 Those Who Become Privy to Confidential Information

From time to time, a person who works within the Church, e.g., a secretary, office staff member, may inadvertently overhear confessional or privileged communication. He/she holds such information as confidential as the one to whom it was entrusted.

A-3.1.5 Confidential Records

Proper safeguards should be maintained to prevent the inadvertent or unwarranted disclosure of confidential information. This is especially true insofar as a great deal of information is now stored electronically. Access to such records should be strictly limited and a disclosure list maintained at all times.

2 SEXUAL MISCONDUCT

A-3.2.1 Definitions

Sexual misconduct (legal definitions). Activity, conversation, or contact (not limited to sexual intercourse) in which the church worker takes advantage of the vulnerability of another person causing, leading to, or allowing the person to engage in inappropriate sexual behavior (including, but not limited to sexual immorality, sexual assault, sexual harassment, or sexual exploit, or sexual misconduct—see below) within a pastoral, teaching, counseling, supervisory, peer, or other relationship. Sexual Misconduct may take the form of:

- c. Sexual Assault.** Intentionally or knowingly causing physical contact with another when the church worker knows or should reasonably believe that the other will regard the contact as offensive or provocative.
- d. Sexual harassment.** Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise and enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.
 - i. Sexual harassment includes situations involving a hostile work environment in which sexually offensive conversation, jokes, or other sexual activities are allowed to continue, whether or not directly targeted at potential victims of the sexual harassment.
 - ii. Sexual harassment includes **Grooming:** To prepare a person for a specific role or advancement or position in exchange for sexual favors.
- e. Sexual exploitation.** The illegal or improper act or process of a church worker in a position of authority or trust who has a personal relationship with a child, elderly or disabled person, or other individual with a dependent relationship with such church worker, taking advantage of such position for his or her personal sexual gratification, whether or not there is alleged consent.

- f. Sexual Misconduct of Others.** A church worker shall take appropriate action to stop or, if such action would place the church worker in danger, to report activities that are reasonably believed to be of the nature of sexual assault and should work to establish an environment that discourages sexual harassment or sexual exploitation by others.

Sexual Misconduct (Biblical definitions). The Biblical witness is clearly opposed to the sins of adultery, fornication, and homosexuality. Consult the CTCR document, [*Human Sexuality: A Theological Perspective*](#), for definitions and a thorough discussion of proper Biblical expressions of human sexuality.

A-3.2.2 Preface

The Church entrusts a church worker with a sacred responsibility. This responsibility places each one in a position of Biblical authority, as well as a position of power by virtue of his or her position as supervisor, teacher, counselor, etc., over others. In ministry settings, power also arises from the mere fact that many church workers are seen as professionals; that they have been ordained, commissioned, or otherwise “set apart”; that they represent God to others; and that they often have “charisma,” a form of personal power or attractiveness. Both authority and power may be abused.

While a church worker may betray trust in many ways, this section deals with the specific abuses that arise out of sexual misconduct. The following policy is intended to help the Church and its leaders deal sensitively, responsibly, and justly with sexual misconduct offenses, offenders, and victims.

The Church, in dealing with sexual misconduct, not only adheres to the accepted legal standards of justice and due process, but also seeks guidance from the Law and Gospel of God. Further, only by the Spirit can the Church hope to discern and apply Law and Gospel in exercising the Church’s authority to bind and loose sin.

Forgiveness for violators shall not be withheld, but given as quickly as practicable (2 Corinthians 2:1-10). The goal shall always be to restore the offender to fellowship with God and communion with the Church even when the Church deems restoration to the former position unwise, untimely, or precluded.

A-3.2.3 Policy

- a.** A church worker remains responsible for the spiritual, emotional, and physical protection of people who come to him or her for help or over whom he/she has any kind of authority. He/she especially ensures that policies, personnel screenings, reporting procedures, safety measures, and safeguards are in place to protect children from sexual assault or abuse. Breach of this protective relationship is not tolerated.

- b.** Sexual misconduct between a church worker and those whom he/she serves in a pastoral, teaching, counseling, peer, or supervisory capacity is unethical, unprofessional, and sinful.
- c.** Both congregational/institutional superiors and ecclesiastical supervisors (hereafter referred to as “leaders”) will ensure that the alleged offender is informed of the complaint(s) as soon as possible. Supervisors will simultaneously provide a counselor to give support/pastoral care to the alleged offender.
- d.** Leaders will ensure that sexual misconduct offenses and offenders are reported to the appropriate Federal, state, county, and local authorities (i.e., sheriff’s office, police department, child protective services, etc.) as soon as is required by law. Leaders must cooperate with civil authorities.
- e.** Leaders will ensure the protection and pastoral care of victims, the accused, their families, and the related congregation or institution during fact-finding, adjudication, and beyond, as necessary.
- f.** Those responsible for helping those involved in sexual misconduct offenses must (1) be healthy spiritually, psychologically, and emotionally; (2) be adequately prepared and educated for helping those involved; and (3) have continued supervision in place to deal with the inherent risks caused by dependency and/or transference if involved in the counseling process.
- g.** When addressing allegations of misconduct, including receiving an allegation, conducting an investigation, and/or actions following a completed investigation, leaders follow the “Guidelines for Ecclesiastical Supervision Addressing Allegations of Misconduct,” LCMS Council of Presidents, revised November 1998 (document available from Texas District office). Leaders shall ensure pastors adhere to the behaviors specified in paragraph 5, page 16-18, of “Commitments of the Shepherd, Principles of Conduct for Ordained Ministers” (a statement adopted by the LCMS Council of Presidents, September, 1990, available from Texas District office). In the event of finding an alleged offender not guilty, leaders will ensure the safeguarding of all official and unofficial records in order to protect the privacy of all parties involved.
- h.** Leaders shall make available qualified professional care for the victimized persons and their families. This includes counseling or treatment, as well as sensitive disclosure of the offense to persons whose attitudes toward the abused person may have been adversely affected. Leaders shall also encourage offenders to provide restitution to the victim(s) to the fullest extent possible, e.g., the cost of medical or therapy expenses, etc.

- i.** Leaders shall offer trained people and resources to their constituencies affected by sexual misconduct in order to assist them in dealing with the anger, confusion, shame, guilt, and other emotions brought on by the misconduct.

A-3.2.4 Prevention

A church worker can help avoid the temptations and pitfalls of sexual misconduct when he/she :

- a.** Cultivates an active personal devotional life.
- b.** Schedules time for and gives attention to his or her own needs for intimacy, affection, and nurture.
- c.** Avoids sharing personal problems with those who seek help.
- d.** Avoids compromising situations and actions; weighs carefully oral, electronic, and written communications; sets boundaries for meeting times, places, and even room and seating arrangements; errs on the side of caution when it comes to hugs or other personal contact.
- e.** Establishes relationships with such people or groups as mentors, confessors, trusted advisors, or colleagues. Most sexual misconduct by a church worker occurs in secret; presumes ownership; exploits power; invites role-crossover; and reflects a double-bind. A trusted confidant is essential to keeping a clear perspective.
- f.** Utilizes screening and background checks for church workers that conform to the legal standards identified by the Texas Department of Protective and Regulatory Services.

APPENDIX 2

A Sample Covenant between a Departing Pastor and a Congregation

A COVENANT BETWEEN A DEPARTING PASTOR AND A CONGREGATION

I thank God for the privilege of joining you in mission and for the opportunity of serving as your pastor for the last [number of] years. I rejoice that God has blessed our work together. I thank you for your support during my tenure. Where we have grown together in faith and service, I give thanks to God. Where I have failed you personally or professionally, I ask your forgiveness.

As the congregation faces a vacancy, it is good that we understand our relationship to one another, in order that the work of the congregation might continue unhindered.

A. [My wife and] I will continue to pray for the Lord's work here and ask for grace and every needed blessing on your ministry. [We/I] will not forget your many kindnesses and your love.

B. I will not be involved in the vacancy process nor in the selection of my successor. It is necessary for the congregation to assess its current ministry needs and to extend a call to the person best suited to provide leadership for the future.

C. Normally, I will not be available for Baptisms, weddings, or funerals of members of the congregation, except by the specific invitation of the vacancy pastor or of the pastor whom you call.

D. Although some of you have become close friends through the years and I would certainly like to continue that friendship, it must be understood that I will not discuss the affairs of the congregation.

E. I ask that you keep [my wife and] me in your prayers as [we/I] face this new phase of [our/my] life.

[For Pastors who are retiring and remaining as members of the congregation:]

F. As "pastor emeritus" I will not be attending worship services here for the next [number of] months to permit the congregation to realize that I am no longer the pastor.

G. I may from time to time be called upon to lead services or serve as a vacancy pastor at a neighboring congregation. I would ask that you respect the integrity of this congregation and that of the congregation I may serve, and not seek to follow me to another congregation.

H. As a pastor emeritus I will not hold office or serve on any committee of the congregation.

I. As a pastor emeritus I will be happy to assist the pastor whom you call in any way in which I am capable, but the responsibility for the congregation has passed to him. I will conduct services, preach, and perform ministry only at his request or direction.

APPENDIX 3

A COVENANT BETWEEN A DEPARTING WORKER AND SCHOOL OR OTHER AGENCY

I thank God for the privilege of joining you in mission and ministry; and for the opportunity of serving as a [name of position] at [name of congregation or agency] for the last [number of] years. I rejoice that God has blessed our work together. I thank you for your support during my tenure. Where we have grown together in faith and service, I give thanks to God. Where I have failed you personally or professionally, I ask your forgiveness.

As [name of congregation or agency] faces the challenge of filling a position, it is good that we understand our relationship to one another, in order that the work and ministry of [name of congregation or agency] might continue unhindered.

A. [My spouse and] I will continue to pray for the Lord's work here and ask for grace and every needed blessing on your ministry. We will not forget your many kindnesses and your love.

B. It is necessary for [name of congregation or agency] to assess its current ministry needs and to extend a [call/contract] to the person best suited to provide leadership for the future.

C. Although some of you have become close friends through the years and I would certainly like to continue that friendship, it must be understood that I will not discuss inappropriately the affairs of [name of congregation or agency].

D. I ask that you keep [my spouse and] me in your prayers as [we/I] face this new phase of [our/my] life.

E. I pledge to complete all responsibilities in a timely manner, facilitating a seamless transfer of required data and resources.

[For workers who are retiring and remaining in the area:]

F. I will be happy to assist from time to time in any way in which I am capable, but will do so only at the request of [name of congregation or agency]'s leadership.

G. As appropriate, I will continue to support [name of congregation or agency]'s ministry [and students] with my presence at events.