



Care of Information on Persons Rostered

Advice for Synods of the Evangelical Lutheran Church in America

For teaching purposes, a PowerPoint presentation based on this manual is available.

Use a Three-Part Folder to Maintain and Retain Documents on Clergy and Other Rostered Leaders:

1. [Permanent biographical documents](#)
2. [Long term controlled access documents](#)
3. [Temporary documents](#)

[Constitutional Provisions for Special Circumstances](#)

[Candidacy Records](#)

Respect for Information on Rostered Persons

To practice good record keeping, bishops and synodical staff are encouraged to use these guidelines for the retention of documents in the files of clergy and other rostered persons:

Ownership

Information that is retained in hard copy or electronic formats is the property of the synod; it is not the property of the synodical bishop or the synodical staff members to remove, retain personally, or destroy at will. Synod staff members are the custodians of the documents they retain. Roster files are not personnel files. The person whose name is on a particular file does not own it and has no right to see what is in it. The synod may choose to share, or not, anything in that file with the person, but may also choose to keep the entire contents confidential. They may do so on a comprehensive policy basis or on a case-by-case basis.

Privacy

Only persons committed to privacy should have access to these documents on a need-to-know basis.

Needs

Balancing different needs is important in any records retention policy: There is the need to keep all relevant and important documents; there is also the need not to accumulate irrelevant material. Any one of the following may be required to

substantiate past policies, practices, and actions in many different settings: the individuals, the synodical or churchwide offices, the congregations, or other employing entities.

Consistency

Bishops or members of the synodical staff are frequently called upon to use good judgment in the retention and disposition of individual documents. A pattern of consistency in the care of records is needful. Any records retention policy has validity, once accepted as policy by the organization, only as it is uniformly practiced. It should be neither selectively implemented nor disregarded at the whim of the custodians of the records. Policies must not be modified or disregarded solely because of possible claims or litigation.

To make the task of maintaining and retaining documents on clergy and other rostered leaders more efficient, consider a three-part folder:

1. Permanent Biographical Documents

These documents will become the permanent biographical file for the synod's archives and should be transferred upon retirement, resignation, removal from the roster, or death.

- Educational and professional history;
- Copies of letters of call, acceptance, and termination;
- Questionnaires answered by the individual, including subjective essays describing the person's understanding of vocation;
- Family history, including marriages and divorces, which are legal contracts and part of the public record;
- Photographs, identified by name, location, and date;
- Personal correspondence between the pastor and the bishop (Retain only letters that relate to the pastoral vocation here.);
- Manuscripts and sermons should be acknowledged and filed by subject or treated as part of the basic biographical information file for later transfer to the synod's archives;
- News released, honors, bulletins for installations, anniversaries, retirement, and funerals

2. *Long-Term Controlled Access Documents

These documents will be kept, under controlled access, in the synod office or synod archives for **25 years** after retirement or death, and then destroyed.

- Signed letters regarding the performance of a rostered person. If such letters warrant the bishop's attention, they should be acknowledged and retained in the synod's file. A copy of the acknowledgement as well as a record of what action was taken regarding the issue must be retained.
- Personal correspondence between the pastor and the bishop or synodical staff member;
- Correspondence and documentation on matters that could result in disciplinary action or that relate to serious concerns about conduct;

- Rostered leader's reports to the bishop;
- Mobility forms;
- Performance evaluations;
- Letters of recommendation;
- Medical or psycho diagnostic reports are subject to physician / patient confidentiality. They should be retained if they relate to fitness for service or disability status.

*Access to the long-term controlled access files is reserved to the bishop of the synod, or a designated synod staff person, the secretary of the Evangelical Lutheran Church in America, and legal counsel.

3. Temporary Documents

These documents have temporary value and may be destroyed as soon as they are no longer useful or at the time of a change of call.

- Signed letters regarding the performance of a rostered person. If such letters relate to habits or practices that do not warrant the attention of the bishop, they should be acknowledged by directing the writers to address their concerns directly to the individual or to the congregation council involved. such material should not be allowed to accumulate in the rostered leader's file.
- Transcripts of academic records are private and should be purged after initial placement or after satisfactory completion of a graduate program for which leave time or money has been provided;
- Contractual arrangements, including grants or sponsorships, represent vital records while the contractual agreement is in effect. They need not be retained when the agreement is no longer in force.

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Constitutional Provisions for Special Circumstances

Files for persons removed from the roster

“When an ordained minister resigns or is removed from that roster of this church, the roster record shall be retained by the secretary of this church. . .” (churchwide bylaw 7.41.19.). A parallel provision exists for those on the official lay rosters (7.52.26.). Upon notification of the individual’s death, the file is to be sent to the archives of the synod in which the person was last listed on the roster.

Files for persons who resign from the roster

In keeping with [ELCA churchwide bylaws](#) (7.41.19.) and (7.52.26.), note that the roster records for those persons who resign from the roster are to be retained by the secretary of this church. A record of the location of the file should be kept in the synodical office for retrieval of the file in the event of an application for reinstatement. Upon notification of the individual’s death, the file is to be sent to the archives of the synod in which the person was last listed on the roster.

Files for ordained ministers who resign during disciplinary hearing

When the resignation of an ordained minister occurs during a disciplinary investigation, but before written charges are filed, the synodical bishop shall decide to what extent a record of the matter should be preserved. When the resignation of an ordained minister occurs after the written charges have been brought, a copy of the charges is to be forwarded to the secretary of the Evangelical Lutheran Church in America for retention as provided by ELCA churchwide bylaw (20.21.07.).

Records of the proceedings of the discipline hearing committee

If the charges were not sustained and a disciplinary hearing action was not imposed, documentary and physical evidence presented at the hearing should be returned to the party that presented the same and the balance of the material is to be destroyed. If the discipline hearing committee sustained the charges and imposed disciplinary action, (a) documentary and physical evidence shall be returned to the party that presented it; (b) the written charges, the written decision of the discipline hearing committee, and the certification or other proof that notice was given to the accused ordained minister or congregation is to be delivered to the secretary of the Evangelical Lutheran Church in America to be held as provided in ELCA churchwide bylaw (20.21.07.). All other material is to be destroyed.

Candidacy Records

Care of Information on Persons Who are Candidates for the Rosters of the ELCA

Synod Records

It is essential for the synod to maintain complete and accurate records on every candidate for rostered ministry.

1. The Congregational and Synodical Missions unit is to be notified of every Entrance, Endorsement, and Approval Decision whether the decision is to affirm, deny, or postpone.
2. Files on applicants/candidates are the property of the Candidacy Committee and should be maintained in a secure location and manner.
3. The Candidacy Committee in its discretion, may allow an applicant/candidate access to the committee's records concerning that applicant/candidate. The committee, in its discretion, may choose not to allow access to confidential communications, letters, or other information. The applicant/candidate may read the contents of the file at a location and under a procedure determined by the Candidacy Committee. When a candidate reviews the file, someone from synod staff or the committee should be present. Copies should be made only as authorized by the committee.
4. Committees should use care when duplicating file material in preparation for meetings. Duplicated file material should be sent as CONFIDENTIAL mail, and then such duplicates should be destroyed at the conclusion of the meeting. Special care must be used in any electronic distribution.
5. A candidacy file shall be maintained at the appropriate administrative office of the candidate's seminary in a secure location, available to the faculty advisor and synod Candidacy Committee members, as appropriate.
6. A candidacy file transferred from another synod requires a new congregation registration. Transfer of candidacy is made only when there is agreement by the bishops and Candidacy Committees of both synods.
7. In the case of a candidate whose endorsement or approval is denied or postponed with no further action or a candidate who withdraws from the Candidacy Process, the file is to be retained by the synod for ten years and then may be destroyed.
8. In the case of a candidate who is approved, the synod file is retained for 50 years and then destroyed.
9. All relevant information on a candidate is shared with the synod of assignment. The original contents of the candidacy file remain with the Candidacy Committee and are not forwarded to the synod of assignment; the candidacy file is not intended for use as part of the call process.

10. When a candidacy process is for any reason transferred to another synod, all materials in the candidacy file will be copied and sent to the new synod of candidacy. The originating synod also retains these records.

Seminary Records

- Seminaries are to maintain a separate and private candidacy file for use until a candidate is assigned to a synod.
- The seminaries may have separate policies for the retention of their candidacy files.

Congregational and Synodical Missions Deployed Staff Records

Deployed staff of the Congregational and Synodical Missions unit should retain files on active candidates in a secure manner. The file may include all of the information in the Candidacy Committee file. When the file is no longer active, it should be destroyed.

Churchwide Office Records

- The Congregational and Synodical Missions unit tracks the candidacy of every candidate.
- Essential dates and decisions are entered into and become part of the ELCA constituent Information System (ECIS) database
- The candidate's application and associated documents are maintained for reference and distribution purposes in a database.
- When a candidate's file is no longer active, paper copy of candidate's file is sent to the Records Center for **50 years** and then destroyed.
- In addition, essential dates and decisions are entered into and become part of the ELCA Rostered Leaders database.