

## 1. Dismissal

### a) Christian Concern for the Individual and for the Community

In solving problems, consideration needs to be given to the common good and the personal good of the individual. This calls for a sensitive balance between respect for the viewpoints and ideals of the broader community and the regard for the specific needs of the individual(s) concerned.

An excessive concern for the common good could focus on the ideal, while forgetting Christian compassion for the person—the one redeemed by Christ and forgiven by the Father. On the other hand, exclusive concern for the individual without sensitivity for other community members may be misleading and even an occasion of scandal in the community. When dealing with a particularly sensitive situation, persons responsible will recognize that decision is difficult and consequences multiple. They will rely on the presence, inspiration, and guidance of the Holy Spirit as they pastorally and compassionately come to prudential decision weighing in justice and equity the requirements of the ideal and the general policy with the specific circumstances surrounding the individual case and person(s).

The Catholic educational program in its day-to-day operation and the concern of its decision-makers and educators teaches not only in classes but also by patterns of communication and living, quality of interpersonal relationships, use of authority and resources and the processes and caliber of decision making. This education extends beyond students and teachers, to parents, supporters and to members of the civic community who, as they view the educational program, will perceive Christian ideals coupled with Christian compassion, understanding, forgiveness, and reconciliation patterned after the fashion of Jesus Christ.

### b) Dismissal in General

Proceedings to dismiss a member of the instructional staff during the contract period are instituted only after constructive efforts to bring satisfactory improvement have failed. Procedures for due process should be adhered to in a spirit of justice and charity (pp. 25+). The board seeks to protect the rights of all in an objective and professionally competent fashion. In a minority of cases, preventive measures may prove inadequate and the only remedial course left to the board is dismissal.

Dismissal during the contract period may take place for any of the causes indicated in the contract including but not limited to incompetence, incapacity, insubordination and immorality.

#### (1) Dismissal on Grounds of Incompetence or Incapacity, Insubordination and Disability

- (a) Specific examples of good and sufficient cause for discharge constituting:

- (b) inefficiency or incompetence;
- (c) insubordination; or,
- (d) disability, as shown by medical evidence resulting in an inability to teach effectively include disregard of school regulations and procedures, inability to teach, inability to control or discipline the class or classes, absenteeism, tardiness, nonprofessional attitude, and the noted inability to deal amicably with students or parents.
- (e) These examples are illustrative only and are clearly not to be considered exhaustive.

## (2) Dismissal on Grounds of Immorality

### (a) Rationale

In our society and cultural tradition the profession of teaching has carried with it a special trust by parents, children, the public, and the Church. An educator is in a position of significant influence and sacred trust. Like other professions (e.g. medicine, law, psychiatry, religion, etc.) there is a privileged relationship of influence between educator and students that demands qualities of character and morality, as well as teaching competencies. **This position of influence places a special moral responsibility not only on the educator but also on those responsible for his/her employment.**

For believers, the Bible gives guidance:

He said to his disciples: "Scandals will inevitably arise, but woe to him through whom they come. He would be better off thrown into the sea with a millstone around his neck than giving scandal to one of these little ones." Be on your guard. If your brother does wrong, correct him; if he repents, forgive him. If he sins against you seven times a day and seven times a day turns back to you saying, "I am sorry," forgive him. - Luke 17:1-4

Recent Catholic documents state:

The achievement of the specific aim of the Catholic school depends not so much on the subject matter or methodology as on the people who work there. The extent to which the Christian message is transmitted through education depends to a very great extent on the teacher. The integration of culture and faith is mediated by the other integration of faith and life in the person of the teacher. The nobility of the task to which teachers are called demands that, in imitation of Christ, the only Teacher, they reveal the Christian message not only in word but also by every gesture of their behavior. This is what makes the not only in word but also by every gesture of their behavior. This is what makes the difference between a school whose education is permeated by the Christian spirit and one in which religion is only regarded an academic subject like any other

The new awareness that all members of the faculty, at least by their example, are an integral part of the process of religious education has brought with it a more conscientious approach to the selecting of teachers and the professional development of staff. Teachers' life-style and character are as important as their professional credentials.

*Teach Them*

b) Norms of the Diocese of Davenport:

**Employees in Catholic educational programs hold a unique public position of importance and dignity within the Catholic community.**

Indeed, appropriate public ceremonies are encouraged which proclaim and celebrate their special role.

**The commitment to forgiveness and reconciliation is essential to the Church.**

While we profess that all members of the Catholic community are sinners in need of redemption, it is also true that immoral behavior by educator's carries with it additional gravity because of their special position in the community. Some immoral actions or habits because of their nature or circumstances may disqualify a person, at least for a time, from holding an office, role or function within the Catholic community. This is true for Catholic educators.

The board and administration do not pass judgment on subjective morality. In assuming their rightful responsibilities, **the board and administration do properly consider behavior, which in their judgment is publicly and manifestly inconsistent with the moral standards of the community and the school/educational program.**

**Teaching or living a life-style in contradiction to the teachings of the Church can disqualify one as an employee of our educational system, at least for a time, particularly when this is done deliberately, publicly, without contrition, and/or without an openness to repair any scandal resulting from his/her actions.**

People of good will approach reconciliation with mutual respect, personal integrity and freedom of conscience. In some cases the parties concerned come to reconciliation with common understanding and mutual acceptance. In such a case reinstatement may follow.

In other cases the parties concerned come to reconciliation without common agreement but with mutual respect. The parties "agree to disagree" and to go their separate ways with love and good will. In such a case reinstatement does not follow. For example, an educator may come to disagree in conscience with the teaching of the church as interpreted by

responsible authority. The school/educational program cannot be expected to retain or reinstate an educator who would not have been hired initially had the conflict in conscience existed and been known at that time. On the other hand, the educator cannot be expected to teach or live contrary to deeply held conscience convictions

(Cf. Vatican II: *Declaration on Religious Liberty*.)

When there are actions contrary to this moral policy, the board and administration reserve the option to release or retain/reinstate the employee having considered the following:

- The public action of the employee was, in fact, immoral as outlined in (3) below.
- The openness of the employee to be responsible for both his/her actions and their effects. (See pages 33-35)
- The openness of the employee to make a commitment to the ideals of the community. (See page 33-35)
- The nature and extent of the public scandal according to “Norms” on page 35.
- The willingness of the employee to repair any scandal, public or private, insofar as possible. (See (3) below)
- The pastoral circumstances, which affect the welfare of the community and the welfare of the individual as, judged by the board and administration. (See point (3)(e) below)

#### C) Actions Considered Moral Grounds for Dismissal

Actions that are considered moral grounds and may be judged as cause for dismissal include, but are not limited to the following:

- Violations of criminal law considered as aggravated misdemeanors and felonies.
- Teaching or publicly advocating principles contrary to the dogmatic and moral teaching of the Church and the judgment of the bishop (i.e. newspaper, TV, radio, public demonstrations). If there is a conflict as to the teaching of the Church, the judgment of the bishop shall be the final arbiter.
- **Violations of the teachings of social justice as taught and commonly viewed by the Catholic Church, with the judgment of the bishop as final arbiter. Such violations include unjust aggression against persons, abortion, unlawful discrimination, and breach of contract, theft, perjury, and defamation of character and similar violations.**
- The continued abuse of alcohol or other chemical substances when proper treatment has been refused or has been unsuccessful and the functioning of the person is impaired; advocating the use of alcohol or other chemical substances in an abusive manner.

- **Public violations or publicly advocating violations of the standards of sexual morality taught by the Catholic Church, with the judgment of the bishop as final arbiter. Such violations include cohabitation, sexual relations outside a legal marriage, advocating or practicing homosexuality, child molestation and similar violations.**
- Habitual abuse by Catholic Christians of the precepts of the Church.

(b) Precepts of the Church, such as:

- To keep holy the Lord's day.
- To observe the sacramental life of the Church.
- To observe the marriage laws of the Church; to give religious training, by example and word, to one's children; to use parish schools and catechetical programs.
- To strengthen and support the Church—one's own parish community and parish priests, the worldwide Church and the Pope.
- To do penance, including abstaining from meat and fasting from food on the appointed days.
- To join in the missionary spirit and apostolate of the Church, such as being an active member of a parish and participating in parish/inter-parish programs.