

DISMISSAL OF A PROFESSIONAL EMPLOYEE

The Professional Employee is expected to conduct himself or herself at all times in accordance with Catholic morality and the rules and regulations of the school and the Diocese of Harrisburg and to avoid any embarrassment or scandal to the individual school or the Diocese.

Under ordinary circumstances, the Principal, as the agent of, and in consultation with either the Pastor/Executive Pastor in an elementary school or the President of the Board of Directors in a secondary school, reserves the right to terminate the employment of a Professional Employee. Where the secondary school follows the President/Principal model of administration, the administrator who supervises the employee shall take the appropriate actions described in this policy. The Superintendent of Schools must be consulted with regards to the potential termination of a professional employee.

A. Causes for Termination

The causes for termination of a Professional Employee are as follows:

1. Immorality
2. Incompetence
3. Unsatisfactory teaching performance based on two (2) consecutive ratings of the Professional Employee's teaching performance that are to include classroom observations, not fewer than four (4) months apart, in which the Professional Employee's teaching performance is rated **unsatisfactory**.
4. Being under the influence of drugs and/or alcohol while performing official duties.
5. Physical, mental, and/or emotional abuse of students.
6. Persistent negligence in the performance of duties.
7. Willful neglect of duties.
8. The Professional employee is not able to perform the essential functions of his or her position, even with any legally mandated accommodations.
9. Conviction of a felony or a misdemeanor which renders the employee ineligible for school employment under state law or diocesan policy, or which

in the judgement of the principal would cause serious scandal or harm to the school community.

10. Persistent and willful violation or the failure to comply with the official directives and established policies, rules, and regulations of the school or the Diocese of Harrisburg.

B. Procedures for Termination

1. If the Professional Employee is judged to be exhibiting any of the above misconduct and/or deficiencies, the Principal must discuss this deficiency with the Professional Employee as soon as possible. A formal written notice stating clearly the specific action, deficiency, or behavior which gave rise to the Principal's concern and what the Principal's future expectations are for the Professional Employee, including an anticipated time frame, when appropriate, for correcting the deficiency, must be given to the Professional Employee.
2. If the Professional Employee has not shown improved performance/behavior in the area specified in the first written notice or exhibits another of the above misconduct and/or deficiencies, a second formal notice must be given to the Professional Employee. This second written notice must state clearly the specific action, deficiency or behavior, which gave rise to concern.
3. In each of the two formal written notices, the Professional Employee's signature is requested, indicating that the Professional Employee acknowledges having seen it. If the Professional Employee is unwilling to sign, this should be noted on the form and, if possible, a witness should be asked to verify that the notice was shown to the Professional Employee.
4. If, after two formal written notices, the Professional Employee continues to exhibit misconduct and/or deficiencies, the Professional Employee may be terminated.

C. Post Termination Review.

In the event of termination, the Professional Employee may petition for a review of the case. Such an appeal must be made in writing and within ten days to the Principal. A committee of the local Board of the elementary or secondary school may hold a review of the circumstances of the case. In the event that such a committee does not exist, the appeal shall be referred to the Secretary for Education who will authorize a review committee.

D. Termination of Religious

In the case of the termination of a Religious, in addition to following the procedures outlined above, the Principal must notify the Secretary for Education who, in turn, will notify the proper religious superior.

E. Immediate Termination.

1. If the Professional Employee engages in conduct in or out of the workplace which, in the judgment of the Principal, constitutes a violation of civil law, serious or public immorality, sacrilege, lewd conduct, endangerment of health or safety, abusive conduct, public scandal or the rejection of, or the holding up to doubt or question of, the official teaching, doctrine or laws of the Catholic Church, the Professional Employee may be terminated immediately, without prior notice, by the Principal after consultation with both the Pastor/Executive Pastor and the Secretary for Education in an elementary school or with the President of the Board of Directors and the Secretary for Education in a secondary school.
2. A Professional Employee whose employment is terminated pursuant to the above paragraph may, within seven (7) days of his or her termination, petition the Bishop of the Diocese of Harrisburg to, at his discretion, review the termination decision. Petition to the Bishop shall be the sole and exclusive means of review of terminations for violations described above.
3. The Bishop of the Diocese of Harrisburg shall have the final authority to review and approve the termination of a Professional Employee for violations described under immediate termination.

Policy adopted:
September 1, 1998
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July 1, 2019

RWG/Bishop of Harrisburg