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PERSONAL CONDUCT OF PROFESSIONAL STAFF



At some time or other, Catholic educational administrators confront the issues of actual or perceived inappropriate staff conduct. They may wonder what legal rights they have to demand certain standards of behavior from staff members, particularly during off-campus times.

What a staff member does, both in and outside the educational setting, has an impact on the quality and integrity of ministry within the setting. The doctrine of separation of church and state allows administrators of religious institutions to set standards of personal behavior not permitted in the public sector.

Behavioral Expectations

Catholic educational administrators should ensure that documents governing employment state that staff members are expected to support the teachings of the Catholic Church through their behavior. Obviously, many programs have non-Catholic staff members, and one would not expect such individuals to attend Mass on a regular basis or to be participating members of a parish.

But non-Catholics who seek to acquire or retain positions in Catholic settings should expect that standards of behavior will be in force. For example, if the fact that an individual has an abortion becomes known and is a source of scandal, the administrator has every right to terminate that individual's employment or volunteer status. To do otherwise may send a confusing message to parents, students, and the larger community.

Issues of sexual preference pose special problems. While no one should condemn a homosexual orientation, a Catholic educational administrator, as an agent of the church, cannot ignore manifestations of a gay lifestyle that pose scandal. Equally difficult decisions must be made in situations involving divorced teachers who remarry without an annulment, if the fact becomes known. There is no easy solution, but the administrator has an obligation to see that the teachings of the Catholic Church are respected and not compromised in the witness given by staff members.

In summary, once an individual performs an act that is inconsistent with a teaching position in church ministry, that person may no longer be qualified as a minister in a given situation at a certain time. While such a reality may seem obvious, it is a good idea to have documents that state the requirement of supporting the teachings of the church.

Illegal Activity

A person who has committed an illegal act may certainly have his or her employment terminated. One who is convicted of or who admits confession of a crime should be removed from professional or volunteer status. The harder question arises when a person is simply accused of or arrested on suspicion of a crime. Administrators may be sharply divided on the proper response to such a situation.

The United States has long operated under the principle of “innocent until proven guilty.” It may appear that, until guilt is established, the fair approach would be to let the person continue in ministry, but the reality is often that effectiveness in such situations is severely compromised.

How, then, should one deal with an arrest of or serious accusation about a staff member? Every educational entity should have a policy in place that allows the administrator to place the accused individual on a leave of absence pending the outcome of an investigation or an adjudication of guilt. The time to enact a policy is not when it is needed. The prudent administrator and educational board will have a policy in place that anticipates such situations. It will be much easier to deal with an established policy and procedure when one is needed than to try to fashion a policy after the fact.

Relationships With Students

Past columns have offered discussion of the legal risks posed by student/staff relationships. Obviously, adult teachers and ministers want to demonstrate a personal interest in their students. It is a sad reality, however, that administrators must be vigilant in monitoring staff behavior to avoid even the appearance of impropriety.

Administrators should be especially concerned and seek to intervene in the following situations:

- A staff member appears to spend an inordinate amount of time with one student to the exclusion of others.
- A staff member makes frequent visits to a student's home for no discernable professional reason.
- A staff member takes social trips with one student.
- A staff member is present when students are engaged in drinking or taking recreational drugs and takes no action.
- A staff member shares intimate details of his or her life with students.

While realizing the complexity inherent in many of the situations discussed above, the Catholic educational administrator must ensure that both fidelity to the church and compliance with law characterize policies and procedures. 