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*Lutheran school educators are not perfect, but they are forgiven through faith in Jesus Christ. Some make serious mistakes. Some are unable or unwilling to be effective in teaching or administration in a Lutheran school. When we become aware of such error or in competency our first reaction frequently is to remove or punish the teacher immediately. Some have said the church is the only organization that shoots its wounded.*

*Lutheran school educators are great gifts from God to His Church. We who have responsibility for supervising them, need to do so with a willingness to help. Sometimes that means helping them make a career change. But more often it means helping them to remedy their errors and increase their competency while retaining their ministry. Lutheran school educators are too valuable to throw away when they become tarnished. We need to work hard at polishing them for greater effectiveness in ministry. We need to help them. This document demonstrates how to help in specific, manageable, effective, and legal ways. We thank Dr. Moser and Dr. Boldt for preparing this document.*

*Use it as you help.*

*William D. Cochran*

*Director of School Ministry*

*District and Congregational Services*

*Permission is given to download this document.*

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# INTRODUCTION

This bulletin is a condensation of thoughts by the authors on how to deal appropriately, that is, evangelically, caringly, responsibly and fairly with teachers or administrators in Lutheran schools. The content and application of this bulletin are intended for use by LCMS congregations, which operate Lutheran schools. **THIS IS NOT A LEGAL DOCUMENT OR OPINION.** It is designed simply to give school administrators and boards guidance as they deal with personnel problems. It is not written from a legal point of view. Those seeking answers to specific legal questions should secure a qualified attorney.

This bulletin has four distinct sections. The first section sets forth a spirit and tone in which to deal with educators in trouble. The second provides a model for helping educators in trouble. The third suggests specific procedures to follow. The fourth addresses reconciliation.

## Four Sections

1. Spirit and tone in which to deal with educators in trouble.
2. A model for helping.
3. Specific procedures.
4. Reconciliation.

Although this bulletin is directed toward school administrators, the procedures and practices suggested are appropriate also for pastors and boards of Christian education in their dealings with educators in trouble.

## TERMINOLOGY AND DEFINITIONS

For purposes of this bulletin an incompetent educator is one who does not teach effectively. An erring educator is one who teaches false doctrine, acts immorally or illegally, or violates the requirements or intent of his or her call and its accompanying documents.

## Definitions

An incompetent educator: one who does not teach effectively.

An erring educator: one who teaches false doctrine, acts immorally or illegally, or violates the requirements or intent of his or her call and its accompanying documents.

Involved in the above definitions are actions or inactions, which are counterproductive to the school's mission. Each administrator and board will need to wrestle with his/her own subjective understanding and definition of what is competence and what is incompetence, on the basis of existing lists of responsibilities or job descriptions.

## CORRECTION IS MINISTRY

In this bulletin we are addressing the important ministry of ordained or commissioned ministers of religion who serve primarily in the classrooms of schools owned and operated by congregations of The Lutheran Church-Missouri Synod. The Synod again and again has affirmed the high calling of its ministers. In its 1983 convention, the Synod "Resolved, that the Synod declare emphatically that both 'Ministers of Religion, Ordained' and 'Ministers of Religion, Commissioned' are regarded fully by the Synod as ministers of religion, entitled to be regarded as such by all, in recognition of the fact, that even though the functions between and within these two categories may differ, all these functions contribute vitally to discharging the office of the public ministry." (St. Louis, 1983, Resolution 5-09A.)

Further, articles IV and V of the Augsburg Confession are important articles of faith for Lutherans. Article IV sets forth the most important doctrine of Lutherans: justification

by faith. The article reads, "Our churches teach also that men cannot be justified before God by their own strength, merits, or works but are freely justified for Christ's sake through faith when they believe that they are received into favor and that their sins are forgiven on account of Christ, who by His death made satisfaction for our sins. This faith God imputes for righteousness in His sight" (Romans 3, 4).

Article V then points out the importance of the office of the ministry. It states, "In order that we may obtain this faith, the ministry of teaching the Gospel and administering the sacraments was instituted. For through the Word and the sacraments, as through instruments, the Holy Spirit is given, and the Holy Spirit produces faith, where and when it pleases God, in those who hear the Gospel. That is to say, it is not on account of our own merits but on account of Christ that God justifies those who believe that they are received into favor for Christ's sake." "So that by faith we might receive the promise of the Spirit." (Galatians 3:14)

*"So that by faith we might receive the promise of the Spirit."*

*(Galatians 3:14)*

Note the Romans 3 and 4 Bible passages referred to in Article IV: "But now a righteousness from God, apart from law, has been made known, to which the Law and the Prophets testify. This righteousness from God comes through faith in Jesus Christ to all who believe. There is no difference, for all have sinned and fall short of the glory of God, and are justified freely by his grace through the redemption that came by Christ Jesus. God presented him as a sacrifice of atonement, through faith in his blood. He did this to demonstrate his justice, because in his forbearance he had left the sins committed beforehand unpunished-he did it to

demonstrate his justice at the present time, so as to be just and the one who justifies those who have faith in Jesus" (Romans 3:21-26).

"However, to the man who does not work but trusts God who justifies the wicked, his faith is credited as righteousness." (Romans 4:5).

We are speaking of the importance of competence and excellence in the ministerial performance of ordained and commissioned ministers of religion. This is a sensitive subject because we are all sinners. This bulletin is presented to help brothers and sisters encourage one another in their ministry and to deal evangelically and responsibly when a brother or sister fails or falls short in his/her performance of ministerial expectations.

When teacher performance problems arise, children are affected. Therefore something has to be done immediately. It is important not to delay facing the problem. A problem nipped in the bud makes arriving at a solution much easier. A serious problem or crisis is not a time to dodge the issue since performance problems are damaging and counterproductive to the school's mission. It is a time of dead seriousness. Nothing less can be expected from a school leader. The administrator must stick to the issue, avoid unrelated matters, and resist the temptation to avoid confrontation.

#### **ACKNOWLEDGEMENTS**

We thank Marilyn Beccue, Gary Beyer, Rudy Block, Philip Draheim, Walter Rosin and Neil Sandfort for their review and assistance in the development of this bulletin.

H. James Boldt

Carl J. Moser

## SECTION I

# SPIRIT OF HELPING

### MINISTRY

Dealing with teachers and their performance problems is one of the most important forms of ministry that a school administrator performs. It has potential for great joy or great anxiety. In any case, it is a challenging experience. Neither fear nor anxiety permits the administrator to lay aside his/her leadership and ministry no matter how demanding they may be. As in all leadership tasks, especially those involving people and their careers, The administrator, as minister, calls upon the Lord for help, guidance and a rich measure of wisdom.

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*"The administrator, as minister, calls upon the Lord for help, guidance and a rich measure of wisdom."*

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The administrator ministers to the individual involved by talking slowly and carefully with him/her about the problem, as a brother or sister in Christ. The administrator is genuinely concerned as he or she tactfully approaches the problem.

### ETHICS

Until the administrator has discussed the concern with the individual teacher, all other discussions are out of place. However, an administrator, as a professional leader and decision maker, may seek guidance from other appropriate professionals in confidence, such as the pastor, district education executive, or circuit counselor, with regard to proper procedures to use in an attempt to correct the situation. These consultations should start very early in the

### BE PREPARED TO DEFEND COLLEAGUES

School administrators hear a variety of stories—some true, others not. Many "apparent"

problems are rumors which lack substance. Making snap judgments can be damaging to everyone concerned. There are times when co-workers will be falsely accused or attacked. In such cases the administrator needs to protect the co-workers' good names and reputations (8th commandment). Members of the school faculty and staff count on their administrator's loyalty.

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*"Members of the school faculty and staff count on their administrator's loyalty?"*

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### THE IMPORTANCE OF FACTUAL INFORMATION

Good decisions stand on the foundation of good information. A lack of facts and documented information cause weak decisions which increase the possibility of error and damage the educator's ministry. Accurate information is powerful. Get the facts. The administrator proceeds with caution until there is enough data to make a wise decision and to pursue a defensible course of action. Each administrator, as any human, has biases. Personal values affect personal actions. These need to be recognized and held in check. Prejudice (pre-judging) by a leader can have terrible results, even if the leader intends to deal responsibly with people. Don't pre-judge anyone. Always operate from the strength of having facts. Never determine truth from rumor, hearsay, or innuendoes. Always determine the truth from indisputable facts.

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*"Good decisions stand on the foundation of good information."*

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## **THE PASTOR**

The pastor is a key resource in providing counsel, guidance, direction and spiritual nurture to the Lutheran educator with a problem. Although the pastor is not a "higher" authority with solutions for all problems, he should be consulted to double-check and review procedural plans in a disciplinary case. Testing the validity of a concern and the nature of the information which surfaced the concern with the pastor is a special blessing.

*"Most often the pastor is the pastor of all the persons involved in a problem?"*

Most often the pastor is the pastor of all the persons involved in a problem. While the administrator is the administrative head of the school, the pastor is the spiritual head of the entire congregation of which the school is a part. An issue of the magnitude of staff discipline certainly is important enough to share with the pastor. The administrator can discuss the situation with the pastor confidentially while not betraying loyalties or violating the Matthew 18 procedures for cases of offense.

## **DUE PROCESS AND FAIRNESS**

There are many models that can be followed in dealing with problems and problem teachers. The important thing is to use a model that is fair. Fairness is the substance of "substantive due process."

*"Fairness is the substance of 'substantive due process.'*

The *World Book Dictionary* defines due process as "the legal steps and measures to which a person is entitled to protect him/herself and his/her interests." That makes sense. The concern for fairness is extremely important to the Christian administrator. Servant leadership is always focused on the welfare of others, especially students--even in problem situations. Legal due process allows

accused persons to hear the evidence against them, speak on their own behalf, and appeal when they feel they are being treated unfairly. Christian due process would provide these parts of the process with patience and Christian love.

## **THE IMPORTANCE OF DOCUMENTATION**

From the beginning, it is vital for the administrator to document in writing all important discussions and events involved in the issue. Without written documentation no supervisory or disciplinary model will work effectively.

*"Without written documentation no supervisory or disciplinary model will work effectively?"*

Documents need the signatures of the administrator and, when most sensitive, the teacher under discipline. Even if teachers disagree with the administrator, they are to sign the document, indicating that the document's contents were shared with them by the administrator. Teachers should be given the opportunity to add their own written comments. Both the administrator and the teacher should receive copies of all documentation.

In addition to the documentation given to the person, a helpful strategy is to prepare a summary of all meetings. These summaries also are shared and signed. (Note sample documentation.)

## **COUNSEL FROM SCRIPTURE**

**MATTHEW 18: 15-20** provides a helpful procedure for dealing with cases of offense. Offense, in this case, deals with actual sin or the belief that the person in trouble has sinned or is living in sin. Matthew 18 provides guidance for one-on-one confrontation. Study the whole chapter included at the end of this bulletin. It is filled with the concept of forgiveness and reconciliation, not retaliation. Colossians 3:12-14 and Luke 17:1-4 are also helpful and appear on the next page.

### COLOSSIANS 3:12-14

Therefore, as God's chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience. Bear with each other and forgive whatever grievances you may have against one another. Forgive as the Lord forgave you. And overall these virtues put on love, which binds them all together in perfect unity.

### LUKE 17:1-4

“Jesus said to his disciples: “Things that cause people to sin are bound to come, but woe to that person through whom they come. It would be better for him to be thrown into the sea with a millstone tied around his neck than for him to cause one of these little ones to sin. So watch yourselves. If your brother sins, rebuke him, and if he repents, forgive him. If he sins against you seven times a day, and seven times comes back to you and says, 'I repent', forgive him.”

### PSALM 105:15

"When a congregation calls a teacher (non-tenured or tenured) and the call is accepted, all parties should enter into their relationship with the distinct understanding that, as far as they are concerned, this relationship is to continue until the Lord clearly indicates that the call is terminated. Congregations, boards or individual members of the congregation who are constantly finding fault with their teacher and making life miserable for him or her in the hope that the teacher will leave are transgressing the command of the Lord: **Touch not Mine anointed, and do My prophets no harm" (Psalm 105:15)**

(Theodore Laetsch, The Abiding Word. Vol. 1, St. Louis: Concordia Publishing House, 1953, p. 383-384)

### COUNSEL - CHURCH OR LEGAL

School administrators and boards of Christian education are advised to seek the counsel of their LCMS district leadership when facing issues that may lead to the release of a Lutheran school educator from his or her call. This should be done early in the process of dealing with the educator. Whenever possible, try to avoid using legal counsel. Handling issues in an ecclesiastical manner is far better than trying to solve them in the civil courts.

*"Handling issues in an ecclesiastical manner is far better than trying to solve them in the civil courts."*

Nevertheless, the use of legal counsel may become necessary, especially in this day of lawsuits. The retention of legal counsel, again, should be done in consultation with District leaders whose concern is for the congregation and its school as well as the individual ordained or commissioned minister of religion. Finally, if you need to engage an attorney, engage one who is not a member of your congregation. An attorney who is a member of your congregation may know the person or situation so well that legal objectivity would be difficult.

## A CHECKLIST FOR SECTION 1

- Realize that as the school administrator, you are responsible for supervising teachers.
- Pray for the Lord's guidance and a rich measure of wisdom.
- Realize that confrontation must occur if you want to solve the problem.
- Whenever possible, nip the problem in the bud.
- Defend colleagues when they are unfairly accused or attacked.
- Deal with factual information and be careful of rumors.
- Consult with the pastor. He is a key resource.
- In serious cases, consider utilizing district leaders and legal counsel.
- Realize that each person has a different and distinct role to perform in the process.
- Follow the Matthew 18 model.
- Act to ensure due process and fairness.
- Think through how you can support the teacher. Right or wrong, the teacher usually deserves and needs your support.
- Be prepared to involve others as necessary and helpful.
- HAVE WRITTEN DOCUMENTATION PREPARED (i.e. who, what, where, when, how,) Include dates, times, who was present, what happened, etc.
  - Think through what has to be documented.
  - Put in writing exactly what the problem is in terms of what is happening to people and why. Be brief, but thorough. This serves notice.
  - Put in writing the assistance offered. This is offering assistance.
  - Put in writing the specific deadline for specific improvements or corrections. You will use this to reinforce the seriousness of the problem.
  - Remember, have the teacher sign the documentation and give the teacher a copy. Do this carefully

## SECTION II

# A FOUR COMPONENT MODEL

There are many models available for the administrator to use in dealing fairly with educators in trouble and to fulfill the due process criteria. This model is not original. It suggests four basic components: (1.) Serve notice, (2.) Clearly explain, (3.) Offer assistance, and (4.) Specify a time frame. Using all four components will help lead to a resolution of the problem in a logical manner. These components, while distinct, are not separate. They are intended to occur simultaneously. Together they form an appropriate and effective way to deal with individuals.

### **4 Components**

1. **Serve notice**
2. **Clearly explain**
3. **Offer assistance**
4. **Specify a time frame**

#### **COMPONENT 1: Serve Notice**

Before serving notice, be prepared with written documentation. Never rely on opinion or recall only.

*"Never rely on opinion  
or recall only."*

Never quote others' opinions or assumptions. (See Matthew 18:15-20). This would be interpreted justifiably as "ganging up" and as proof of the administrator's inability to stand on his/her own feet with conviction. The administrator is to know what is going on in the school and to operate from the power-base of firsthand information, observation and involvement.

*"Begin by expressing Christian  
love and concern for the teacher"*

Begin by expressing Christian love and concern for the teacher. Be "up front" with the teacher and relate that "what is happening" cannot continue and the reason(s) why it cannot. This needs to be stated in terms of what is adversely affecting people: children, other teachers, parents or whomever. To start by addressing the teacher's action or conduct probably will generate resistance and be interpreted as a person~ attack.

*"The welfare of the problem  
teacher is just as important for  
the administrator"*

Always start by speaking in specific terms of what is happening to people that is not good for them. It is important to deal in terms of the welfare of others involved, especially as it is being damaged by unacceptable behavior. At the same time, the welfare of the "problem teacher" is just as important for the administrator. Because your concern is factual and documented, there should be little room for resistance or debate. Once the truth has been established, speak about the behavior that is causing the problem. State the behavior, the concrete effect it has on you and others, and your feelings about it. Point out how negative behavior or performance impacts people, the school's goals or even the educator in trouble. Sequencing your approach in this way will help the educator listen to you and accept your counsel.

The administrator also documents the essence of the conference and that N~CE was served.

## **COMPONENT 2: Clearly Explain**

The seriousness of the situation must be explained effectively. EXPLAIN, EXPLAIN, EXPLAIN! A teacher with a problem will often disagree with the administrator's first comments about observations, concerns or facts. An incompetent rarely says, "You know, you're absolutely right. I couldn't have said it better myself." The teacher needs to understand clearly what the administrator's concern is, right or wrong. Comfortable or uncomfortable, easy or not, tell it like it really is for the sake of those who are being hurt by the teacher's conduct.

*"Tell it like it really is for the sake of those who are being hurt by the teacher's conduct."*

This confrontation is Law-oriented and may be painful. Continue the conference until you are certain the teacher understands the gravity of the situation.

When EXPLAINING the problem, the principal uses documentation and approaches the problem from different angles until there is understanding.

*Carefully document the complete explanation.*

Carefully document the complete explanation along with other important matters which took place during the exchange.

## **COMPONENT 3: Offer Assistance**

Be prepared to give assistance to the teacher.

*"To identify deficiencies, but not to suggest alternatives for improvement, is hurtful not helpful."*

To identify deficiencies, but not to suggest alternatives for improvement, is hurtful, not helpful. Before approaching the teacher, have a variety of helpful suggestions ready: people to

consult, similar situations and their solutions, possible graduate courses, professional counseling opportunities, resource books, periodicals and references, budgeting and time management suggestions, task planning assistance, and the like. Also consider brainstorming with the teacher. He or she may have additional *suggestions*.

*"Document in writing the types of assistance suggested."*

Document in writing the types of assistance suggested, and, if necessary, how they might be financed. Both educator and administrator should sign the documentation.

## **COMPONENT 4: Specify a Time Frame**

Specify a time frame which sets the exact date or time by which improvement or correction must occur. On rare occasions this may be negotiated, but the administrator must clearly and carefully explain the consequences if the deadlines are not met. There is no place for empty threats or unrealistic consequences in this model. Just as required improvements or corrections are specific, consequences must also be specific, realistic and achievable. The deadlines naturally take into consideration the nature of the problem and the assistance or remedy to be pursued. For example, the problem of tardiness or absenteeism will have a very short time frame for correction, while issues dealing with attitudes or instructional strategies typically require more time.

*"In writing, confirm the deadlines and required improvements or corrections with the teacher."*

In writing, confirm the deadlines and required improvements or corrections with the teacher. Again, on rare occasions it may be possible to negotiate the deadline or improvements.

## **ANTICIPATE INVOLVING OTHER PEOPLE**

Along with **the** four components discussed above, the administrator will anticipate - and be prepared for - the involvement of other people in the counseling process. Such involvement becomes necessary especially if:

- 1) The teacher resists the administrator's efforts. If this happens, schedule a follow-up meeting and ask another professional person to sit in, listen, clarify and facilitate the exchange of information.
- 2) The individual respectfully listens, but asks for a meeting where they could bring another person or persons to either challenge the administrator's documentation or corroborate the teacher's own explanation or assessment of the situation.

In each case the administrator stands firm and remains calm because of the factual and indisputable documentation in hand.

*"The administrator stands firm  
and remains calm because of  
the factual and indisputable  
documentation in hand."*

When others are brought into the process, using the documentation, the administrator can repeat the four component process described on page 9.

# A FOUR COMPONENT MODEL CHECKLIST

## I. SERVE NOTICE.

- Deal *with* what's happening to people for whom the teacher is responsible.
- Deal in facts, not opinions.
- Never attack. Avoid any appearance of attacking the teacher.
- Have your documentation ready.
- File all documents generated in *this* step.

## II. CLEARLY EXPLAIN.

- Explain the concern as often as necessary and from several perspectives to assure that the teacher understands.
- Again, deal with facts, not opinions.
- Use your documentation.
- File all documents generated in this step.

## III. OFFER ASSISTANCE.

- Have your ideas for assistance in writing.
- Share and explain all reasons for help (i.e. what, how and why).
- Together, zero in on acceptable assistance strategies.
- File all documents generated in this step.

## IV. SPECIFY A TIME FRAME.

- Have a time frame in mind ahead of time.
- Be prepared but reluctant to negotiate the time needed for correction. Arrive at as much agreement as possible, but remember the time frame is set by the administrator.
- File all documents generated in this step.
- SIGN AND SHARE YOUR DOCUMENTATION**  
Have the teacher sign both copies of the original, albeit revised, documentation. The teacher retains one copy and the administrator the other. Also, consider preparing a summary of the entire exchange and share it with the teacher, again signing all copies.
- Remember you are dealing with people redeemed by God. You will always want to function as a minister of the Lord Jesus. Your perspective is always one of serving others.

## PROCEDURES TO FOLLOW IN DEALING WITH AN INCOMPETENT OR ERRING TEACHER

An incompetent teacher is one who does not teach effectively. An erring teacher is one who teaches false doctrine, acts immorally, acts illegally, or violates the requirements or intent of his or her call and accompanying documents. Involved in the above definitions are actions or inactions which are counterproductive to the school's mission.

Teachers not eligible for a call must be dealt with fairly and legally. Procedures used in the local public school usually are good models for dealing with lay educators (contracted teachers).

*"Be sure to follow contract  
law requirements."*

The following procedures are to be followed by the school administrator in sequence for a Minister of Religion, Commissioned. If the problem is solved at any given level, no further procedures are to be followed. It is assumed that, beginning with the very first procedure, the administrator keeps accurate and complete records. (For a brief summary of this section, note "A Checklist of Procedures to Follow" on page 14.)

1. If a called teacher seems to be incompetent or erring, informally present the concerns to the teacher personally, privately and as tactfully as possible. The administrator must keep careful records including incident, date and witnesses until the problem is solved. (Note sample documentation on page 17.)
2. Document in writing continued evidences of incompetency or error.
3. Take the evidence you have gathered to the individual personally, share the information with the individual and together determine a future course of action. You may do this by making specific requirements or suggestions to the individual or by negotiating directions for future activity with the individual. The teacher being counseled should be given a copy of the evidence and asked to sign it and/or make a written response to it.
4. Continue to gather evidence, and, if necessary, confront the individual again.
5. If incompetency or error continues, present to your school board the evidence gathered, including specifics about meetings between you and the individual. Prior to this meeting, the administrator must consult with the pastor of the operating congregation and should consult with the district education executive.
6. At a later meeting of the board, with the erring or incompetent person present, confront the individual with the evidence. The teacher should receive notification of the meeting and its purpose in writing and have the opportunity to bring an advocate to the meeting. Allow the teacher to speak on his or her behalf. The board may give specific directives to the teacher.
7. If error or incompetency continues, call another meeting of the board and confront the individual at the board meeting again. At this time the teacher may choose to resign. If the teacher resigns, ordinarily the teacher will complete and receive salary for the rest of the school year (contract duration). If the resignation is offered early in the year, if the problem is severe, or if the salary is not promised on an annual basis, the resignation and termination may become effective sooner or immediately, with due concern for the worker.
8. If error or incompetency continues, the board should bring the issue before the church council, providing the information received, action taken and results of that action. The board should suggest possible recommendations for action by the council or the congregation.
9. Inform the district president, the district education executive, and the circuit counselor of actions taken and recommendations made by the council, and ask for their advice and

counsel. Invite their participation in the voters assembly in which actions related to the teacher may be taken. Inform the erring or incompetent teacher of your contacts with these people and encourage him/ her to contact the same officials directly.

10. If erring continues, with the advice and counsel of district officials, the congregation may need to take action. The following are some alternatives for congregational action. None should be taken without having followed all of the steps above except in the most severe cases of false doctrine, immorality, illegality or incompetency. A careful review by a lawyer of the teacher's contract, solemn agreement or call document should be done before any of the following actions should be taken. The announcements of the meeting and the printed agenda should include the point that action may be taken relative to the called teacher. Either prior to or during the meeting the individual may resign. Then the congregation merely needs to accept the resignation and make arrangements to facilitate it. If the individual does not resign, the congregation may:

- a. Make specific requirements of the individual which must be completed by a given date.
- b. Offer to help the individual receive training to change vocations.
- c. Request or require the individual to see a ministry elsewhere, but only in those cases where there is reason to conclude that a change in location may be of benefit to the individual, the congregation, and the church at large.
- d. Complete the legal requirements of the contractual arrangements with the individual, but release the individual from service effective at the end of the real or implied contract period. If immediate removal seems necessary, provide appropriate severance pay or

leave of absence.

- e. Request the district president to investigate the situation and, if he concurs, begin actions leading to the suspension or expulsion of the member (called pastor or teacher) from the Synod.
  - f. Indicate a termination point for the individual's salary, benefits and housing arrangements.
11. In some cases where erring has stopped, (i.e. scandalous or illegal behavior), it may be that the repercussions of the offense are so great that a congregation may not be able to continue in ministry with the erring worker. This is not to suggest that one sin is greater than another or less forgivable than another, but that one's qualification for ministry (See I Timothy 3:1-8) may be destroyed by the scandalous or illegal behavior. On rare occasions a call might be terminated after such an event, even when the worker is penitent. Without question, he/she would be forgiven, but the consequences of the act(s) involved still would be there to deal with. Examples might include: child abuse, sexual abuse, chronic alcoholism, homosexual behavior, adultery or fornication. A period of time would need to pass for new life empowered by forgiveness, to be demonstrated after repentance, before qualification for the ministry might once again be recognized and restored. There may need to be a decisive and timely termination of ministry. In these cases, under advisement with the district president, the congregation may not be obliged to continue salary and benefits.

## A CHECKLIST OF PROCEDURES TO FOLLOW

These procedures must be followed in sequence. Once the problem is solved, these procedures should be stopped immediately.

- 1. Informally present the concerns to the educator personally and privately.
- 2. Document in writing continued evidences of incompetency or error.
- 3. Share documented evidence with the educator.
- 4. Continue to gather evidence and confront the individual again.
- 5. Consult with the pastor and district officials, then present the evidence to the school board.
- 6. Call a board meeting to confront the educator with the evidence and to take specific board action relative to the problem.
- 7. Confront the individual at another board meeting.
- 8. Bring the issue to the church council for recommendations for action by the council or voters assembly.
- 9. Inform district officials of recommendations for voters' assembly action.
- 10. Take *action* at a *voters assembly meeting*.
  - A. Specify improvement required for the individual.
  - B. Offer help for retraining the individual.
  - C. Request the individual to seek a ministry elsewhere.
  - D. Release the individual from future service.
  - E. Begin procedures to suspend or expel the individual from Synod.
  - F. Indicate a termination point for the individual's salary, benefits and housing arrangements.
  - G. In severe cases, terminate the individual's salary and benefits immediately

## SECTION IV

# SYNODICAL DISPUTE RECONCILIATION

The teacher (ordained or commissioned minister of religion) involved in a termination or disciplinary action has the constitutional right of the dispute resolution process explained in the *Handbook of The Lutheran Church Missouri Synod* Bylaws 8.01 through 8.21.

*"Sometimes an erring or incompetent teacher feels that your concerns about his or her ministry are unwarranted and unjust"*

Sometimes an erring or incompetent teacher feels that your concerns about his or her ministry are unwarranted and unjust. Usually such feelings are alleviated if the procedures in this booklet are followed and the evidence is undeniable. Some, however, may request that Synod's dispute resolution process take place and petition in writing the Secretary of Synod, requesting the formal reconciliation process.

As part of the process, the parties involved in a dispute must meet together face to face in a good faith attempt to settle their dispute. Once that has occurred the complainant (teacher) may in writing request that a reconciler be appointed by the secretary of his or her district to assist in seeking reconciliation. Individuals have been trained as reconcilers in each district. They are appointed by the secretary of the district and funded by the district. The reconciler will investigate the matter and may request a meeting or meetings with the complainant and the administrator. The process will end with a report from the reconciler. The parties involved are required to follow the recommendations of the reconciler. However, the complainant can request the formation of a dispute resolution panel by the Secretary of Synod. The final decision of the dispute resolution panel, once the process has been completed, shall be binding on both parties. The purpose of the dispute resolution process is to resolve in a God-pleasing manner disputes that involve as parties, members of the Synod and others. It is applicable whether the dispute involves only a difference of opinion without personal animosity or involves ill will and sin, which requires repentance and forgiveness.

### The Process

1. **Attempt good faith reconciliation**
2. **Request a reconciler**
3. **Reconciler investigates**
4. **Reconciler reports**
5. **Those involved must follow reconciler's recommendations.**
6. **Request a dispute resolution panel**
7. **Panel decision is final**

# MATTHEW 18

## **The Greatest in the Kingdom of Heaven**

<sup>1</sup>At that time the disciples came to Jesus and asked, "Who is the greatest in the kingdom of heaven?" <sup>2</sup>He called a little child and had him stand among them. <sup>3</sup>And he said: "I tell you the truth, unless you change and become like little children, you will never enter the kingdom of heaven. <sup>4</sup>There fore, whoever humbles himself like this child is the greatest in the kingdom of heaven. <sup>5</sup>And whoever welcomes a little child like this in my name welcomes me. <sup>6</sup>But if anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depths of the sea. <sup>7</sup>"Woe to the world because of the things that cause people to sin! Such things must come, but woe to the man through whom they come! If your hand or your foot causes *you* to sin, cut it off and throw it away. It is better for you to enter life maimed or crippled than to have two hands or two feet and be thrown into eternal fire. <sup>9</sup>And if your eye causes you to sin, gouge it out and throw it away. It is better for you to enter life with one eye than to have two eyes and be thrown into the fire of hell.

## **The Parable of the Lost Sheep**

<sup>10</sup>"See that you do not look down on one of these little ones. For I tell you that their angels in heaven always see the face of my Father in heaven. <sup>11</sup>What do you think? If a man owns a hundred sheep, and one of them wanders away, will he not leave the ninety-nine on the hills and go to look for the one that wandered off? <sup>13</sup>And if he finds it, I tell you the truth, he is happier about that one sheep than about the ninety-nine that did not wander off. <sup>14</sup>In the same way your Father in heaven is not willing that any of these little ones should be lost.

## **A Brother Who Sins Against You**

<sup>15</sup><sup>4</sup>If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. <sup>16</sup>But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses. <sup>17</sup>If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, treat him as you would a pagan or a tax collector. <sup>18</sup><sup>1</sup> I tell you the truth, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven. <sup>19</sup>Again, I tell you that if two of you on earth agree about anything you ask for, it will be done for you by my Father in heaven. <sup>20</sup>For where two or three come together in my name, there am I with them."

## **The Parable of the Unmerciful Servant**

<sup>21</sup>Then Peter came to Jesus and asked, "Lord, how many times shall I forgive my brother when he sins against me? to seven times?" <sup>22</sup>Jesus answered, "I tell you, not seven times, but seventy-seven times. <sup>23</sup>Therefore the kingdom of heaven is like a king who wanted to settle accounts with his servants. <sup>24</sup>As he began the settlement, a man who owed him ten thousand talents was brought to him. <sup>25</sup>Since he was not able to pay, the master ordered that he and his wife and his children and all that he had be sold to repay the debt."

## SAMPLE DOCUMENTATION

**September 14, 1988, 2:00-2:15 p.m.** Four seventh grade boys came into my office during recess to complain that their teacher, Mrs. Joyce Nevermeyer, is unfair to the boys in her classroom. These four boys enjoy play at recess very much, but they were concerned enough to give up their recess to talk to me. Specific examples of unfairness mentioned by the boys were: boys always had to be at the end of the lines, girls' questions were answered and boys were ignored, boys are disciplined more harshly and frequently than girls. The boys were thanked for sharing their concerns.

**September 14, 1988, 4:00 p.m.** I went to Mrs. Nevermeyer's classroom to discuss the boys' concerns. Five boys were in the classroom, but Mrs. Nevermeyer was not. The boys hurried to their desks when I arrived. Upon questioning, the boys indicated they were being kept after school for one hour for various forms of classroom misbehavior. They didn't know where Mrs. Nevermeyer was. One boy said she had left at about 3:40.

After visiting the classroom, I found Mrs. Nevermeyer talking with Miss Schultz over a cup of coffee in the teachers' workroom. I asked Mrs. Nevermeyer to stop by my office before she left for home. At 4:30 I saw Mrs. Nevermeyer leave in her car. She did not come to the office.

**September 15, 1988, 8:15 a.m.** I went to Mrs. Nevermeyer's classroom and asked for a moment to talk. She said she was much too busy then, so she agreed to come to my office at 3:45 that day.

**September 15, 1988, 4:00 p.m.** Mrs. Nevermeyer left for the day without stopping by the office.

**September 16, 1988, 8:15 a.m.** I went to Mrs. Nevermeyer's classroom and told her I must see her immediately. We walked to the office together. I expressed my concern over her lack of meeting my two requests to see her. She responded, "I was busy. I don't see why I should come to your office to talk when I am busy." I expressed a need for her cooperation. Then I briefly explained my initial reason for wanting to talk. She replied, "Those snots! Wait until I get them! They'll be staying after school until they grow beards!" The warning bell rang and she hurriedly left after I said we needed to talk some more. As she left, she said, "When I have time."

**September 29, 1988, 8:30 a.m.** I observed the first 30 minutes of the day in Mrs. Nevermeyer's classroom. During that time the students were very boisterous. The tardy bell rang at 8:30. The teacher tried to get order at 8:35. By 8:40 she announced who was to lead devotion that day. The students named seemed surprised. After a moment's searching, they found a devotion book and were before the class by 8:45. They read the devotion aloud, then sat down while giggling. Eight different students whispered to other students during the eight minute devotion. Three times Mrs. Nevermeyer shouted, "Shut up!"