

No. 21-2524

In the United States Court of Appeals for the Seventh Circuit

LYNN STARKEY,
Plaintiff-Appellant,

v.

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, INC.,
and RONCALLI HIGH SCHOOL, INC.,
Defendants-Appellees.

On Appeal from the United States District Court for the
Southern District of Indiana, Indianapolis Division
Case No. 1:19-cv-3153 – Judge Richard L. Young

APPELLEES' SUPPLEMENTAL APPENDIX

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APPROVED
AND
FILED
Case 1:19-cv-03153-RLY-TAB
IND. SECRETARY OF STATE

ARTICLES OF INCORPORATION
OF
RONCALLI HIGH SCHOOL, INC.

INDIANA SECRETARY OF STATE
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The undersigned incorporator, desiring to form a corporation pursuant to the provisions of the Indiana Nonprofit Corporation Act of 1991 ("Act"), executes the following Articles. Words and phrases not otherwise defined in these Articles of Incorporation shall have the meanings set forth in the Act.

ARTICLE I
NAME AND CLASSIFICATION OF CORPORATION

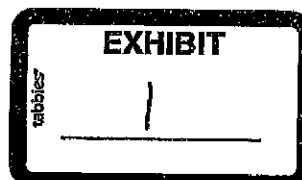
1.1 **Name.** The name of the Corporation is Roncalli High School, Inc. ("Corporation"). The single Member, the Roman Catholic Archbishop of the Archdiocese of Indianapolis, establishes the Corporation as an inter-parochial Catholic secondary school and separate corporation.

1.2 **Classification.** This Corporation is a religious corporation pursuant to the Act.

ARTICLE II
PURPOSES AND POWERS

2.1 **Purposes.** The Corporation is organized, and at all times will be operated, as a separate legal entity supporting and otherwise furthering the mission and purposes of, the Roman Catholic Archdiocese of Indianapolis, all in accordance with the Code of Canon Law of the Roman Catholic Church promulgated January 25, 1983 (or such other versions as may be promulgated from time to time) ("Canon Law"). To that end, the Corporation is organized and shall be operated exclusively for charitable, religious and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States Internal Revenue Law (the "Code"). The Corporation shall promote and advance the mission of the School for the faith formation, education and instruction of students in the South Deanery of Indianapolis, and to adopt in connection therewith a course of education in Catholic principles as well as a secular educational program for high schools as prescribed by the Archdiocese and the State of Indiana.

2.2 **Powers.** The Corporation shall have all powers and rights existing under Indiana law, including without limitation the Act, common law, and all statutes, regulations, ordinances, and rulings, and may do all things necessary or convenient not inconsistent with civil law, the Code and the purposes of the Corporation, including without limitation, the power to:



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- (a) To cease its activities and to dissolve and surrender its corporate franchise.
- (b) To indemnify any person against liability and expenses, and to advance the expenses incurred by such person, in connection with the defense of any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, investigative, or otherwise, and whether formal or informal, to the fullest extent permitted by applicable law or, if not permitted, then to any extent not prohibited by such law.

ARTICLE III **PERIOD OF EXISTENCE**

3.1 Perpetual Existence. The period during which the Corporation shall continue is perpetual.

ARTICLE IV **REGISTERED AGENT, OFFICE AND INCORPORATOR**

4.1 Registered Agent. The name and address of the Corporation's registered agent for service of process is:

Rev. Msgr. Joseph F. Schaedel
Roncalli High School, Inc.
c/o Roman Catholic Archdiocese of Indianapolis, Inc.
1400 North Meridian Street
P.O. Box 1410
Indianapolis, Indiana 46206-1410

4.2 Registered Office. The post office address of the registered office of the Corporation is:

1400 North Meridian Street, P.O. Box 1410
Indianapolis, Indiana 46206-1410.

4.3 Incorporator. The name and address of the Corporation's incorporator is:

John S. (Jay) Mercer, Attorney at Law
MERCER BELANGER
Chase Tower
111 Monument Circle, Suite 3400
P.O. Box 44942
Indianapolis, IN 46244-0942
317/636-3551

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ARTICLE V **MEMBERSHIP**

5.1 Number and Eligibility. There shall be one (1) member of the Corporation, who shall be known as the "Member." The Member shall be the individual appointed from time to time by the Roman Catholic Pontiff and formally installed as the Roman Catholic bishop of a defined territory located in central and southern Indiana as prescribed by the Pontiff, currently known as the Archdiocese of Indianapolis, or such other individual as is authorized by Canon Law to govern the defined diocesan territory.

5.2 Bylaws. The Member shall adopt the initial Bylaws for the Corporation. The power to alter, amend or repeal the initial Bylaws of the Corporation or to adopt new Bylaws shall be vested in the Board of Directors, subject to the approval of the Member. The Bylaws may contain any provision for the regulation and management of the affairs of this Corporation not in conflict with the Act, other applicable law, these Articles of Incorporation and Canon Law.

ARTICLE VI **BOARD OF DIRECTORS**

6.1 Number of Directors. The Bylaws of the Corporation shall prescribe the number of, and criterion for selection to, the Corporation's Board of Directors; provided, however, at no time shall the Bylaws provide for fewer than seven (7) directors.

6.2 Powers and Responsibilities. Except as provided for in Section 6.3 below, the business, property, affairs and funds of the Corporation shall be managed, supervised and controlled by the Board of Directors who shall exercise all of the powers of the Corporation in accordance with the Bylaws of the Corporation. The Board is established as a "Board of Limited Jurisdiction" as defined in *A Primer On Educational Governance In The Catholic Church*, NCEA, 1987, and is established consistent with the guidelines and directives promulgated by the Archdiocesan Office of Catholic Education and with Indiana law regarding not-for-profit corporations. The Board is a participatory policy-making body for all matters pertaining to the Corporation. All properly executed decisions of the Board shall be binding upon the School administration and shall be in compliance with the policies, rules, and regulations of the Archdiocese, the State of Indiana, and those powers reserved to the Archbishop.

6.3 Delegation of Powers and Responsibilities. A person or a group of persons other than the Board of Directors may be designated from time to time by written resolution of the Member, or in Bylaws approved by the Member, to manage, supervise and control the business, property, affairs and funds of the Corporation in whole or part and to exercise some or all of the powers of the Corporation in place of the Board of Directors; provided, however, any person or persons so designated may not authorize

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distributions; approve or recommend to the Member the dissolution, merger, sale, pledge or transfer of all or substantially all of the Corporation's assets; elect, appoint, or remove directors or fill vacancies on the Board of Directors or on a committee of the Board of Directors; or adopt, amend, or repeal the Corporation's Articles of Incorporation or Bylaws.

ARTICLE VII
ADDITIONAL PROVISIONS FOR REGULATION AND
CONDUCT OF THE AFFAIRS OF CORPORATION

7.1 Limitations. The Corporation shall be operated exclusively for charitable, religious or educational purposes within the meaning of Section 501(c)(3) of the Code and in the course of such operation:

- (a) No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein and as allowed by Section 501(c)(3) of the Code and the Act.
- (b) No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office except as may be otherwise authorized under the Code.
- (c) Notwithstanding any other activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

7.2 Conditional Limitations. Notwithstanding any other provision of these Articles of Incorporation and Bylaws, if for any taxable year the Corporation is deemed a "private foundation" described in Section 509(a) of the Code, the Corporation's income shall be distributed at such time and in such manner as not to subject the Corporation to the tax imposed by Section 4942 of the Code. In addition, at any time the Corporation is deemed a "private foundation" described in Section 509(a) of the Code, the Corporation shall not:

- (a) Engage in any act of self-dealing as defined in Section 4941(d) of the Code;
- (b) Retain any excess business holdings as defined in Section 4943(c) of the Code;

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- (c) Make any investment in such manner as to subject the Corporation to tax under Section 4944 of the Code; or
- (d) Make any taxable expenditure as defined in Section 4945(d) of the Code.

ARTICLE VIII **DISSOLUTION**

8.1 Disposition of Assets. Upon the dissolution of this Corporation, the Board of Directors, with the approval of the Member, shall pay or make provision for the payment of all liabilities of the Corporation, whether direct or indirect, contingent or otherwise, including without limitation, all outstanding loan agreements, credit agreements, bond indentures and similar obligations. All assets of the Corporation remaining after the payment of the Corporation's liabilities shall be distributed by the Board of Directors, with the approval of the Member, to an organization or organizations organized and operated exclusively for charitable, educational and religious purposes consistent with those of the Corporation and which shall at the time qualify as an exempt organization or organizations under §501(c)(3).

ARTICLE IX **AMENDMENTS**

9.1 Amendments to Articles. These Articles of Incorporation may only be amended or otherwise modified by the Board of Directors with the written approval of the Member.

IN WITNESS WHEREOF, I, the undersigned Incorporator, do hereby execute these Articles of Incorporation in duplicate and verify and affirm under the penalties of perjury that the facts stated herein are true to the best of our knowledge and belief, this 12th day of June, 2009.

Roncalli High School, Inc.


By: John S. (Jay) Mercer, Esq., Incorporator

This instrument was prepared by John S. (Jay) Mercer, Attorney at Law, MERCER BELANGER, P.C., Chase Tower, 111 Monument Circle, Suite 3400, P.O. Box 44942, Indianapolis, Indiana 46244-0942, Telephone: (317) 636-3551

State of Indiana
Office of the Secretary of State

CERTIFICATE OF INCORPORATION

of

RONCALLI HIGH SCHOOL, INC.

I, TODD ROKITA, Secretary of State of Indiana, hereby certify that Articles of Incorporation of the above Non-Profit Domestic Corporation have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Nonprofit Corporation Act of 1991.

Indiana Secretary of State
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NOW, THEREFORE, with this document I certify that said transaction will become effective Friday, June 12, 2009.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, June 12, 2009.

A handwritten signature in black ink, appearing to read "Todd Rokita".

TODD ROKITA,
SECRETARY OF STATE

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APPROVED
AND
FILEDARTICLES OF INCORPORATION
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ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, INC.

The following Articles of Incorporation of Roman Catholic Archdiocese of Indianapolis, Inc. are entered into pursuant to the provisions of the Indiana Nonprofit Corporation Act of 1991 ("Act"). Words and phrases not otherwise defined in this Articles of Incorporation shall have the meanings set forth in the Act.

ARTICLE INAME AND CLASSIFICATION OF CORPORATION

1.1 **Name.** The name of the Corporation is Roman Catholic Archdiocese of Indianapolis, Inc. ("Corporation").

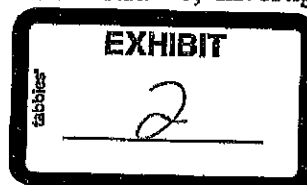
1.2 **Classification.** This Corporation is a religious corporation pursuant to the Act.

ARTICLE IIPURPOSES AND POWERS

2.1 **Purposes.** The Corporation is organized, and at all times will be operated, as a separate legal entity supporting and otherwise furthering the mission and purposes prescribed by the Member, Archbishop of the Roman Catholic Archdiocese of Indianapolis and such other organizations affiliated with the Member that qualify under Section 501(c)3 of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law) (the "Code"), all in accordance with the Code of Canon Law of the Roman Catholic Church promulgated January 25, 1983 (or such other versions as may be promulgated from time to time) ("Canon Law"). To that end, the Corporation is organized and shall be operated exclusively for charitable, religious and educational purposes within the meaning of Section 501(c)(3) of the Code.

2.2. **Powers.** The Corporation shall have all powers and rights existing under Indiana law, including without limitation the Act, common law, and all statutes, regulations, ordinances, and rulings, and may do all things necessary or convenient not inconsistent with civil law, the Code and the purposes of the Corporation, including without limitation, the power to:

- (a) cease its activities and to dissolve and surrender its corporate franchise.
- (b) indemnify any person against liability and expenses, and to advance the expenses incurred by such person, in connection with the defense of any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, investigative, or otherwise, and whether



formal or informal, to the fullest extent permitted by applicable law or, if not permitted, then to any extent not prohibited by such law.

ARTICLE III
PERIOD OF EXISTENCE

3.1 Perpetual Existence. The period during which the Corporation shall continue is perpetual.

ARTICLE IV
REGISTERED AGENT AND REGISTERED OFFICE

4.1 Registered Agent. The name and address of the Corporation's registered agent for service of process is:

Rev. Msgr. Joseph F. Schaedel
Roman Catholic Archdiocese of Indianapolis, Inc.
1400 North Meridian Street
Indianapolis, Indiana 46206-1410

4.2 Registered Office. The post office address of the registered office of the Corporation is:

1400 North Meridian Street, P.O. Box 1410, Indianapolis, Indiana 46206-1410.

4.3 Incorporator. The name and address of the Corporation's incorporator is:

John S. (Jay) Mercer, Attorney at Law
MERCER BELANGER
Chase Tower
111 Monument Circle, Suite 3400
P.O. Box 44942
Indianapolis, IN 46244-0942
317/636-3551

ARTICLE V
MEMBERSHIP

5.1 Number and Eligibility. There shall be one (1) member of the Corporation, who shall be known as the "Member." The Member shall be the individual appointed from time to time by the Roman Catholic Pontiff and formally installed as the Roman Catholic

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bishop of a defined territory located in central and southern Indiana as prescribed by the Pontiff, currently known as the Archdiocese of Indianapolis, or such other individual as is authorized by Canon Law to govern the defined diocesan territory.

5.2 Bylaws. The Member shall adopt the initial Bylaws for the Corporation. The power to alter, amend or repeal the Bylaws of the Corporation or to adopt new Bylaws shall be vested in the Member alone. The Bylaws may contain any provision for the regulation and management of the affairs of this Corporation not in conflict with the Act, other applicable law, these Articles of Incorporation and Canon Law.

ARTICLE VI

BOARD OF DIRECTORS

6.1 Number of Directors. The Bylaws of the Corporation shall prescribe the number of and criterion for selection to the Corporation's Board of Directors; provided, however, at no time shall provision be made in the Bylaws for fewer than three (3) directors.

6.2 Powers and Responsibilities. Subject to the reserved powers of the Member and except as provided for in Section 6.3 below, the business, property, affairs and funds of the Corporation shall be managed, supervised and controlled by the Board of Directors, which shall exercise all of the powers of the Corporation in accordance with the Bylaws of the Corporation.

6.3. Delegation of Powers and Responsibilities. A person or a group of persons other than the Board of Directors may be designated from time to time by written resolution of the Member, or in Bylaws approved by the Member, to manage, supervise and control the business, property, affairs and funds of the Corporation in whole or part and to exercise some or all of the powers of the Corporation in lieu of the Board of Directors; provided, however, any person or persons so designated may not authorize distributions; approve or recommend to the Member the dissolution, merger, sale, pledge or transfer of all or substantially all of the Corporation's assets; elect, appoint, or remove directors or fill vacancies on the Board of Directors or on a committee of the Board of Directors; or adopt, amend, or repeal the Corporation's Articles of Incorporation or Bylaws.

ARTICLE VII

ADDITIONAL PROVISION FOR REGULATION AND CONDUCT OF THE AFFAIRS OF CORPORATION

7.1 Limitations. The Corporation shall be operated exclusively for charitable and religious purposes within the meaning of Section 501(c)(3) of the Code and in the course of such operation:

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- (a) No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein and as allowed by Section 501(c)(3) of the Code and the Act.
- (b) No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office except as may be otherwise authorized under the Code.
- (c) Notwithstanding any other activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

7.2 Conditional Limitations. Notwithstanding any other provision of these Articles of Incorporation or Bylaws, if for any taxable year the Corporation is deemed a "private foundation" described in Section 509(a) of the Code, the Corporation's income shall be distributed at such time and in such manner as not to subject the Corporation to the tax imposed by Section 4942 of the Code. In addition, at any time the Corporation is deemed a "private foundation" described in Section 509(a) of the Code, the Corporation shall not:

- (a) Engage in any act of self-dealing as defined in Section 4941(d) of the Code;
- (b) Retain any excess business holdings as defined in Section 4943(c) of the Code;
- (c) Make any investment in such manner as to subject the Corporation to tax under Section 4944 of the Code; or
- (d) Make any taxable expenditure as defined in Section 4945(d) of the Code.

ARTICLE VII **DISSOLUTION**

8.1 Dissolution. Upon the dissolution of this Corporation, the Board of Directors, with the prior approval of the Member, shall pay or make provision for the payment of all the liabilities of the Corporation, whether direct or indirect, contingent or otherwise, including without limitation, all outstanding loan agreements, credit agreements, bond indentures and similar obligations. All assets of the Corporation remaining after the

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payment of the Corporation's liabilities shall be distributed by the Board of Directors, with the approval of the Member, to an organization or organizations organized and operated exclusively for charitable, educational and religious purposes consistent with those of the Corporation and that shall at the time qualify as an exempt organization or organizations under §501(c)(3).

ARTICLE IX
AMENDMENTS AND PRIOR ARTICLES

9.1 Amendments to Articles. These Amended and Restated Articles may only be amended or otherwise modified by the Member.

IN WITNESS WHEREOF, I, the undersigned Incorporator, do hereby execute these Articles of Incorporation in duplicate and verify and affirm under the penalties of perjury that the facts stated herein are true to the best of our knowledge and belief, this 12th day of June, 2009.

Roman Catholic Archdiocese of Indianapolis, Inc.


By: John S. (Jay) Mercer, Esq., Incorporator

This instrument was prepared by John S. (Jay) Mercer, Attorney at Law, MERCER BELANGER, P.C., Chase Tower, 111 Monument Circle, Suite 3400, P.O. Box 44942, Indianapolis, Indiana 46244-0942, Telephone: (317)636-3551

State of Indiana
Office of the Secretary of State

CERTIFICATE OF INCORPORATION

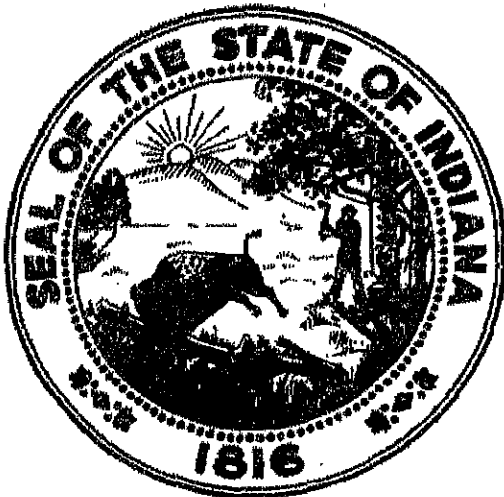
of

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, INC.

I, TODD ROKITA, Secretary of State of Indiana, hereby certify that Articles of Incorporation of the above Non-Profit Domestic Corporation have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Nonprofit Corporation Act of 1991.

Indiana Secretary of State
Packet: 2009061500521
Filing Date: 06/12/2009
Effective Date: 06/12/2009

NOW, THEREFORE, with this document I certify that said transaction will become effective Friday, June 12, 2009.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, June 12, 2009.

A handwritten signature in black ink, appearing to read "Todd Rokita".

TODD ROKITA,
SECRETARY OF STATE

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ARCHDIOCESE OF INDIANAPOLIS

MISSION STATEMENT

We, the Church in Central and Southern Indiana, called to faith and salvation in Jesus Christ in the Roman Catholic tradition, strive to live the Gospel by:

Worshipping God in word and sacrament
Learning, teaching and sharing our faith
Serving human needs

We commit ourselves to generosity and to the responsible use of our spiritual and material resources.

RONCALLI HIGH SCHOOL OUR MISSION

As a Catholic high school, our pledge is to provide, in concert with parents, parish, and community, an educational opportunity which seeks to form Christian leaders in body, mind, and spirit.

Guided by prayer and the Gospel values of faith, love, and justice, students are challenged to respond to the call of discipleship and to fulfill their potential as lifelong learners in service to others.

Our end is to make God's love complete among us.

HISTORICAL SKETCH

Roncalli High School is an Indianapolis Archdiocesan, co-educational high school. It is situated at 3300 Prague Road and is operated by the Roncalli High School Board of Directors under the auspices of the Roman Catholic Archdiocese of Indianapolis.

Roncalli High School has a long, rich and proud heritage of Catholic and private education. Our tradition of service to the Indianapolis Southside extends back over eighty years with the founding of Sacred Heart High School in 1914 which, in 1966, was renamed John F. Kennedy Memorial High School.

In the meantime, Bishop Chartrand High School was opened in 1962 to serve the growing needs of the suburban south and soon a vigorous rivalry was born between the two.

In 1969, the facilities of the two schools were merged and a new institution was created to provide the very best in educational opportunities. This new school was named (by the students) Roncalli High School in memory of Angelo Giuseppe Roncalli who is more familiar to the world as blessed Pope John XXIII.

COAT OF ARMS THE SEAL OF RONCALLI HIGH SCHOOL

The Roncalli High School Coat of Arms is rich in symbolism and tradition. The seal is a special manifestation of the ideals, philosophy and history of Roncalli High School.

The dominant cross on the elongated shield represents the central role of Christ in our lives as members of the Roncalli family.

The eternal flame of John F. Kennedy and the fleur de lis of Bishop Chartrand are visual reminders of the rich tradition of those two earlier schools which formed Roncalli.

In 1995, the Sacred Heart of Jesus was incorporated as a part of the Roncalli seal as a visual reminder of the traditions and history which Sacred Heart School passed on to Chartrand, Kennedy, and Roncalli High School.

The handshake over the Greek symbol for Jesus Christ represents the uniting of Chartrand and Kennedy in seeking greater educational horizons.

The name Roncalli rests on the cross symbolizing our dependence upon the example of love witnessed by Jesus giving up His life for the Church.

SCHOOL SONGS

ALMA MATER

Hail Roncalli, Alma Mater,
Hail we pledge our loyalty.
May thy sons be ever faithful,
Ever true to thee.
Let thy praises roar, thundering to the sky
We will ever love thee, our Roncalli High.

FIGHT SONG

We'll fight ahead for the blue, white and red,
Our fealty we're showing.
For our team will fight with all of their might,
We'll charge on to victory!
Come on team, let's vie for our Roncalli High,
Our Alma Mater
So stand up march on everyone
For we'll do or die. Fight!

There are two foundational elements upon which Catholic education down through the centuries has been based. The first is an unwavering belief in the divine spark, which has been placed in every person as a result of their being created in the image and likeness of God. This divine spark, the human soul, is destined for eternal life: A recurring theme of scripture is well summarized in Deuteronomy 30:19 when the Lord says to Israel, "...today I have set before you life and death, blessings and curses. Choose life so that you and your descendants may live, loving the Lord your God, obeying Him and holding fast to Him." This is the most fundamental of choices – eternal life or death. Our unending passion is for students to choose life and thereby open the doors of possibility available when they understand themselves to be a divinely created child of God privileged to share in an eternal inheritance.

The second foundational element has been the missionary spirit of Catholic teachers. The evangelizing witness of faith in action that is so obvious in the life of our teachers serves as an irreplaceable model for our students. The nature of the relationship between teacher and student in a Catholic school has been characterized as "an intimate conversation between two souls." Teachers who give witness to a love for learning, a love for creation, and a love for students are an ever-open textbook studied and imitated by each of their students. Providing an environment where this evangelizing spirit is recognized and nurtured is critical to the success of our students.

Education then should first help students to understand who they are as unique and divinely created beings. This understanding gives rise to a need in students to fully develop the specific gifts and talents with which they have been uniquely endowed. This development is aided by teachers and others – parents, board members, administrators, staff – who work to provide an affirming, disciplined, Christ-centered environment. We expect to see the fruit of our labors as each student grows into moral, intellectual, and physical maturity.

Students at Roncalli High School will be challenged in their efforts to reach the following goals:

SPIRITUALLY

- ...develop an awe of and reverence for God
- ...know, understand and deepen their relationship with Jesus Christ
- ...build up God's Kingdom by sharing the spiritual gifts entrusted to them
- ...understand and develop a Catholic view of life
- ...demonstrate a respect for the dignity and worth of others, as well as oneself
- ...read and reflect on the Word of God as found in the Bible

- ...pursue a challenging core academic program complemented by opportunities to explore other areas of interest
- ...integrate their faith and values into all curricular areas
- ...develop critical thinking, problem solving and technological skills
- ...develop a passion for lifelong learning
- ...prepare for a successful transition to college, vocational or work experiences

PERSONALLY

- ...be responsible for their actions
- ...serve others
- ...discover and develop their gifts through participation in school activities
- ...gain the knowledge, confidence and courage to make healthy life decisions
- ...resolve conflict in a peaceful, respectful manner
- ...honor, respect and value diversity
- ...be informed, involved citizens in a democratic society

- Course to Unit to Lesson Building: Portfolios and Exhibitions

HABIT 2: FIRST THINGS FIRST

- Work smarter, not harder
- Inquire: How do students learn? How do your students learn?
- Prioritize: What is at the heart of your curricula? What are the standards?
Does the curricula reflect the standards?
- Reinforce: Behaviors need to be learned through practice

HABIT 3: LESS IS MORE

- Shorter works; shorter lessons with varied activities using theories of multiple intelligence
- Depth of Inquiry: use higher level thinking skills (Bloom's Taxonomy)
- Active learning with student accountability

HABIT 4: SYNERGIZE

- Interdisciplinary Curriculum
- Vertical and Horizontal and Course Teaming
- Groups and Group Projects
- Classroom support, guests, aides, readers, volunteers

HABIT 5: SHOW, DON'T TELL

- Active vs. Passive Learning
- Exhibitions to demonstrate competence
- Student centered individual and group projects

HABIT 6: KEEP IT FUN

- High Trust. High Risk. High Success
- Use humor and satire to reinforce lessons

HABIT 7: SHARPEN THE SAW

- To learn is to grow is to change is to be alive
- Take good care of yourself. You need down time, play time.
- Kaizen! Continual evolution of course: content and style
- Celebrations!
End of unit rewards
Enrichment: speakers, Trips
New works: new curricula: new activities
End of year games and celebrations

TEACHER

Teachers at Roncalli High School should demonstrate Christian values and ideals in all that they do. Their influence in the training and development of the students in religious matters is of highest importance and should never be forgotten. All teachers should strive to include in their specific lessons the values and principles espoused in our mission statement.

In particular, teachers will:

1. Implement and follow curricular guidelines of each department
2. Follow faculty directives as outlined in the Faculty Handbook and/or determined by the administration and department chairperson
3. Teach for a school term of four (4) quarters, and to be available 15 minutes before the start of the school day and 15 minutes after the end of the school day
4. Teach a schedule of classes as determined by the administration; this assignment may also include emergency substitution duty, extra-curricular activities, and extra duty assignments.
5. Perform all school-wide duties and extra duties assigned and/or expected, including care of equipment and books, the appearance and care of the classrooms, faculty lounge, and department offices
6. Attend all mandatory functions, including Back-To-School Night, Parent/Teacher Conferences, Open House, Baccalaureate, Graduation and in-service meetings
7. Contribute to the professional growth of the school faculty through attendance and participation at faculty meetings, committee activities, in-service days, and other work aimed at the improvement of instruction
8. Meet all educational and professional requirements set forth by the State of Indiana and Roncalli High School.
9. Show support of school-sponsored activities
10. Attend all general assemblies and religious programs, no exceptions, unless excused by the principal or assistant principal
11. Know and enforce all the regulations and policies of the school
12. Provide for adequate evaluation (written, oral, observation) of student performance in the classroom; this evaluation should include a variety of assessment methods and should be returned to the students in a timely manner
13. Follow the school's published grading scale when determining quarter and semester grades as well as daily class grades; any proposed exceptions to the use of this scale must be submitted at the start of the semester to the Assistant Principal for Academic Affairs
14. Maintain an accurate, current grade reporting system
15. Keep daily class attendance, including tardies and report all discrepancies to the attendance officer at the start of class
16. Be in communication with parents on an as-needed basis pertaining to the student's academic performance or behavior. (No student may receive a failing grade whose parents have not been contacted in a timely manner that allows for improvement.)

17. Provide seating charts to the assistant principal with regularly updated versions submitted
18. Provide weekly lesson plans to the Assistant Principal for Academic Affairs (due on Monday morning by 9:00) if a first, second or third year teacher at Roncalli
19. Maintain classroom silence and order during all announcements and the daily prayer and encourage participation in the Pledge of Allegiance
20. Assist in the general discipline of the school by maintaining good classroom order and helping to maintain good order in the halls, cafeteria and gym
21. Administer comprehensive final exams at the end of each semester
22. Report to each class before the ringing of the starting period bell and remain in the class until the ending period bell is rung; No student is to be left unattended in a classroom for any reason.
23. Respond in a timely manner to all requests for information by department chairperson and administration
24. Follow fire, tornado and disaster policies as outlined in the faculty handbook
25. Keep halls and classrooms free of obstruction; No student is allowed to sit or stand in the hall as punishment.
26. Teachers are encouraged to eat lunch in the cafeteria. There is to be no eating in the classroom by students or teachers.
27. Teachers are expected to dress professionally. A professional appearance is expected of all and has a positive effect on students and staff. It is expected that hosiery will be worn at all times. Women - Dresses or dress slacks with a blouse and/or sweater. No sweatshirts please. Men - Dress slacks and a shirt with a collar. Ties are a nice touch though not mandatory. No mohawks or earrings please. Special dress days for students may be followed by teachers also.

Professional Dress Code Guidelines

The Archdiocesan Principals' Association and the Office of Catholic Education suggest the following guidelines for all professional school personnel.

Teachers, principals, and other professional personnel are role models in their school and parish communities. Therefore, the expectation is that their professionalism will be exemplified by modest and appropriate attire, including the following:

- Dress slacks
- Skirts of appropriate length and style
- Collared shirts on male employees
- Conservative necklines on female employees
- Piercings limited to ears
- Walking or dress shoes, or dress sandals
- Business casual attire on some occasions

Attire that is considered unprofessional or inappropriate for the school setting includes the following:

- Exposed midriffs
- Tops or blouses that have straps
- Jeans (except for special designated days) and low-rise slacks
- Flip-flops
- Mini skirts
- Exposed tattoos

Each school is strongly encouraged to have a written professional attire guideline in the faculty handbook. The guidelines will be enforced at the local level at the discretion of the administrator.

PRESIDENT

The Office of President has as its primary purpose to provide leadership of the school in order to achieve the fullest attainment of the mission of Roncalli High School.

The President is the Chief Executive Officer of Roncalli High School and, as such, has the general charge and control of its personnel and budget; of its educational and development programs, of its business affairs; and of its facilities.

- * Attends appropriate meetings and functions related to institutional advancement and public relations
- * Approves all programs and campaigns of the development office
- * Monitors long-range planning and development goals
- * Insures the development and implementation of a marketing plan for the school
- * Oversees the student recruitment and retention effort of the school

VII. Other

- * On recommendation of the Principal, approves of hiring and dismissing of all members of faculty and staff
- * Develops Personnel Policies with assistance of the President's Council (Principal, Vice President for Advancement and Business Manager)
- * Accepts additional responsibilities as directed by the Board of Directors or the Archdiocese

PRINCIPAL

The Principal is the educational leader of the school, directly responsible to the President and, by extension, the Board of Directors and Archdiocese for the daily operation of the school and the teaching-learning process. This responsibility demands a close working relationship with the President, the faculty, staff and students, as well as parents and the community at large. The Principal is assisted in this task by the Assistant Principal for Academic Affairs, Assistant Principal for Student Activities, Athletic Director, Dean of Students, the Director of Guidance, the Campus Minister and the Chaplain.

The Principal, along with the President, is a facilitator of the community of faith and bears the responsibility for the integration of faith and culture within Roncalli High School.

The Principal, as the Chief Operations Officer of the school, has the primary responsibility for achieving the mission of Roncalli High School by maintaining and developing a school strong in academic achievement, counseling and guidance services, and ample programs to meet the co-curricular needs of the students.

In particular, the Principal:

I. Faith Community/Catholic Character

- * Insures that the Catholic character of the school is developed and nurtured
- * Hires faculty and staff whose values are compatible with the mission of Roncalli High School
- * Helps faculty and staff integrate the mission of Roncalli High School in academic affairs, student affairs, athletic affairs, and faith community affairs
- * Works with the Dean of Students to develop a discipline program which is consistent with the Catholic nature of the school
- * Provides opportunities for school liturgies and para-liturgical services in conjunction with the Campus Minister and Chaplain
- * Provides an opportunity for annual retreats for faculty and students in conjunction with the Campus Minister, Chaplain and senior retreat coordinator
- * Provides opportunities for the students to participate in community services
- * Insures that students and faculty have an awareness of social justice issues
- * Insures that the Campus Minister works to keep visible the Catholic character of the school

II. Overall Policy

- * Provides input into periodic review of the philosophy and mission statements of the school
- * Develops a Faculty Handbook and recommends it for approval of the President
- * Insures compliance with State of Indiana and Archdiocesan policy where applicable in the operation of Roncalli High School
- * Provides the President with a periodic financial needs analysis of the school

III. Staff Recruitment/Development

- * Consults regularly with the President regarding personnel matters
- * Interviews and employs staff after consultation with and approval of the President
- * Provides orientation for new teachers in conjunction with the Administrative team

- * Coordinates agendas for faculty meetings and in-service days
- * Insures the quality of the teaching-learning process in cooperation with the Assistant Principal for Academic Affairs, Dean, the Department Chairpersons and faculty
- * Responsible for the Performance Appraisal of the Assistant Principal for Academic Affairs, Assistant Principal for Student Affairs, Dean of Students, Director of Guidance, Athletic Director and the Campus Minister
- * Participates with the President in the performance appraisal of the school's Chaplain
- * Insures that the Department Chairpersons experience performance evaluation
- * Hires coaches in consultation with the Athletic Director
- * Insures the quality of the Guidance and Counseling Program
- * Responsible for the Performance Appraisal of all teachers as set forth in the Performance Appraisal Plan

IV. Student Affairs

- * Works closely with the Dean of Students and Assistant Principal for Student Activities
- * Makes final decision regarding suspensions and expulsions upon the advice of the Disciplinary Board
- * Supervises the administration of the discipline policies of the school
- * Insures the publication of the Student Handbook
- * Responsible for the appointment and supervision of all student activities moderators

V. Academic Affairs

- * Insures that the process of textbook selection is done in accordance with state guidelines
- * Provides a vehicle for the evaluation of courses within each department
- * Chairs the monthly meetings of the department chairpersons
- * Insures the regular meetings of the departments and the dissemination of the minutes of each meeting to appropriate offices
- * Supervises the generation of a Master Schedule for the faculty and students

- * Maintains a current record of students life at Roncalli High to include transcript, and up-to-date information regarding class rank, GPA, etc.
- * Provides for the issuance of all grade reporting formats to the students and parents and is responsible for the flow of information regarding registration of students to the Guidance Department for accurate recording of academic transcripts
- * Insures that an up-to-date Curriculum Guide is maintained
- * Works to develop curriculum that meets the needs of students
- * Assigns teaching and other professional responsibilities as the needs of the school require
- * Oversees the student registration process in conjunction with the Director of Guidance and Assistant Principal

VI. Other

- * Oversees the completion of all official Archdiocesan and State reports
- * Works cooperatively with the President and the Business Manager in the development of the annual school budget
- * Insures the coordination of the use of school facilities for school and non-school related functions
- * Works cooperatively with the Roncalli Parents Organization and various support Clubs maintaining close liaison with the Advancement Office
- * Conducts periodical Administrative Council meetings (Assistant Principal for Academic Affairs, Assistant Principal for Student Activities, Athletic Director, Dean of Students, Campus Minister, Guidance Director, Chaplain)
- * Assists the President in the communication of short and long-range plans to school community
- * Develops the school calendar in consultation with the President
- * Acts in the place of the President when he/she is not present
- * Works closely with those responsible for the recruitment of students as they are admitted to and register at Roncalli High School
- * Helps facilitate the work of the Advancement Office by providing information worthy of publicity to the wider community
- * Chairs the committee for student recruitment and retention

- * Interviews and hires the Cafeteria Manager, the Main Office and Guidance Office Support Staff, and Attendance Officer
- * Responsible for the annual Performance Appraisal of the Cafeteria Manager, the Main Office and Guidance Office Support Staff , and Attendance Officer

ASSISTANT PRINCIPAL FOR ACADEMIC AFFAIRS

The Assistant Principal for Academic Affairs is accountable to the Principal for the ongoing improvement and administration of the school's academic programs, policies, and activities. The Assistant Principal for Academic Affairs advances the mission of Roncalli High School by improving those areas which address what is taught, what is learned, how it is taught, and how the student is evaluated. The Assistant Principal for Academic Affairs also assumes the duties and responsibilities of the Principal in his/her absence.

In particular, the Assistant Principal:

I. Faith Community/Catholic Character

- * Insures that the mission statement and the Catholic character of the school is integrated in the entire curriculum in an explicit way

II. Overall Policy

DIRECTOR OF GUIDANCE

The Director of Guidance is responsible to the Principal of Roncalli High School. The Director of Guidance assists the students in strengthening and developing their social, emotional, intellectual and Christian development.

In particular, the Director of Guidance:

I. Academic Guidance

- * Coordinates with the Assistant Principal for Academic Affairs the administration of student standardized testing programs and the dissemination of results to the appropriate audiences (students, parents, teachers, department chairpersons and administration)
- * Provides for the faculty pertinent student academic and health information within the confines of appropriate confidentiality
- * Makes recommendations to teachers based on test results to aid them in their work with students
- * Acts as a referral source for students with academic difficulty
- * Assists in the development of annual course offerings

- * Counsels parents and students in course selection and scheduling
- * Oversees implementation of the peer tutoring program
- * Works with the Special Needs/Resource Director and the Assistant Principal for Academic Affairs as needed

II. Personal Counseling

- * Consults regularly with the Catholic Social Services counselor
- * Is available for consultation with the Student Assistance Team as needed

III. Career Guidance

- * Assists in integrating career education into the curriculum
- * Publishes weekly newsletter on careers, college information, scholarships, and job opportunities
- * Provides opportunities for student meetings with post secondary and military representatives
- * Oversees the coordination of the annual Career Fair

IV. College Placement

- * Provides college financial guidance and counseling
- * Processes applications for scholarships and admissions

V. Other

- * Determines and publishes a yearly counseling program calendar
- * Develops and maintains a public relations program for the dissemination of guidance information
- * Serves as liaison between the guidance department and the administration
- * Develops and supervises the guidance department budget
- * Supervises and participates in the performance appraisal of all members of the guidance department
- * Provides for personal professional growth
- * Assists the Assistant Principal for Academic Affairs with graduation activities
- * Oversees the maintenance of all Health Records

- * Serves as a member of the Administrative Council

Suggested Responsibilities for the College Counselor Position

INFORMATIONAL MEETINGS/WORKSHOPS/SEMINARS

1. Create and conduct individual/group counseling sessions with all students to discuss and formulate college information/plans. This would include assisting the student in developing a list of potential options as opposed to just considering a state university.
2. Assist individual students and parents (at the family's request) in the college search, application, financial aid and selection process.
3. Create, organize and conduct evening sessions for parents and students for all grades throughout the year that focus on specific aspects of college planning, admissions and financial aid.
4. Plan and implement college counseling classes and workshops for students in all grades.
5. Organize, host and advertise the annual University of Notre Dame evening presentation.
6. Conduct summer college planning/admissions workshops on topics including (but not limited to) topics such as resume writing, college match programs and the application process.
7. Oversee the development and maintenance of a fall calendar of college representative visits to RHS.
8. Meet with college representatives who visit Roncalli High School.
9. Within five years plan and implement a program for students to visit colleges, i.e. RHS bus tours, student participation in local and/or nationally sponsored/organized campus visits during school breaks.
10. Maintain a library of resource information and maintain and update college files in the guidance area including, but not limited to DVDs, applications, catalogs, videos, etc.
11. Prepare and disseminate information on financial aid.
12. Plan host and conduct the annual financial aid meeting that includes the presentation of the Free Application for Federal Student Aid (FAFSA) and the CSS Profile.
13. With input from the STARS Director, plan and implement college planning sessions for students (and their parents) with special educational needs.

I. PUBLICATIONS

1. Provide college planning articles for the Update issues five times a year that originate from the Office of Institutional Advancement.

4. Work with the RHS athletic department and counselor-liaison regarding NCAA and NAIA regarding the dissemination of athletic eligibility as well as the participation and scholarship opportunities on the college level.

Note:

1. Position is separate from personal/group counseling 'counselor' position
2. Position includes evening hours and travel
3. Position includes an extended school contract

Background

1. Counseling background—high school or college
2. Experience with college admissions
3. Well-developed writing and speaking skills are important to this position
4. Self-starter
5. Well-developed technology skills are required including but not limited to power point, Internet, Word, Excel and Publisher skills. Experience or knowledge of podcasts would also be a valuable tool.

Above all the College Counselor will abide by the Statement of Principles of Good Practice as an ethical guideline that governs the actions of all NACAC members.

GUIDANCE COUNSELOR

The Guidance Counselor is responsible to the Director of Guidance. The Guidance counselor assists the students in strengthening and developing their social, emotional, intellectual and Christian development.

In particular, the Guidance Counselor:

1. Works toward becoming knowledgeable of the individual student for the purpose of:
 - a. Learning the lifestyle of the student
 - b. Aiding the student in assessing and realizing the student's real interests
 - c. Aiding the student in appraising his/her strengths and weaknesses
 - d. Learning the past, present, and projected abilities of the student
 - e. Learning the background of the student
 - f. Aiding the student in discovering possible post-secondary options
2. Guides each student into classes and activities where he/she is most likely to be challenged and be successful
3. Assists students in developing current and future educational plans
4. Explores and utilizes strategies to assist students with:
 - a. Exceptional abilities
 - b. Underachieving problems
 - c. Emotional and/or social problems
 - d. Inappropriate behavioral problems
 - e. Home/environmental difficulties

5. Provides information regarding tutors, summer school work and correspondence work
6. Enlists the cooperation of parents of the individual students when necessary and/or appropriate
7. Serves as a resource to teachers, principal, and parents on matters relevant to guidance and counseling of today's high school youth
8. Maintains accurate, complete and cumulative records for each student
9. Provides, within the limits of ethical confidentiality, an exchange of information with teachers regarding the students referred for guidance and counseling
10. Assists in administering all standardized tests and dissemination of results to the appropriate audiences
11. Assists students in evaluating their aptitudes and abilities through the interpretation of individual standardized test scores and other pertinent data
12. Acts as a resource for parents and teachers when interpreting standardized test results
13. Assists students with the process of college applications, financial aid applications and scholarship applications
14. Takes an active role in the Student Assistance Program when possible
15. Keeps the Guidance Director informed as to needs of students and recommends changes in the curriculum, programs, and activities as needed
16. Assists in the development of follow-up programs pertaining to the effectiveness of the present curriculum
17. Assists in the planning and execution of guidance department activities (career programs, college visitations, student and parents orientation sessions, scheduling of students)
18. Works with fellow guidance counselors in providing students and parents with pertinent information on a timely basis
19. Assists with the annual Career Fair
20. Assists with the organization of graduation activities
21. Performs other job related duties pertaining to the efficient and effective operation of the Guidance Department and school as may be assigned by the principal or Director of Guidance

VICE PRESIDENT FOR ADVANCEMENT

The Vice President for Advancement for Roncalli High School is directly responsible to the President and, by extension, to the Board and Archdiocese for the development and maintenance of the ongoing, comprehensive program of institutional advancement, encompassing alumni affairs, communications and marketing, student recruitment and retention, and fund raising. The efforts are designed to promote understanding, acceptance and support among the various publics (alumni, parents, alumni parents, prospective students, parishes, businesses, foundations and friends) for the mission of Roncalli High School.

The advancement program exists to enhance the image of Roncalli High School, communicate the mission and objectives of the school and obtain the human and financial support necessary to insure a strong and vibrant future.

In particular, the Vice President for Advancement:

I. General

- * Advises and assists the President, the Board, the Advancement Committee and various support organizations in establishing and maintaining an ongoing program of institutional advancement to market the school for image, enrollment and resource
- * Designs, plans and coordinates all fund raising programs, including annual giving, capital fund raising, endowment growth and gift planning programs

1.0 Philosophy

Through the centuries, there have been two foundational elements upon which Catholic education has been based. The first is an unwavering belief in the divine spark, which has been placed in every person as a result of being created in the image and likeness of God. The second is the missionary spirit of Catholic school teachers.

The divine spark, or human soul, is destined for eternal life. A recurring theme of scripture is well summarized in Deuteronomy 30:19 when the Lord says to Israel, "Today I have set before you life and death, blessings and curses. Choose life so that you and your descendants may live, loving the Lord your God, obeying Him and holding fast to Him." This is the most fundamental of choices - eternal life or death. Our unending passion is for students to choose life and thereby open the doors of possibility that are available when they understand themselves to be a divinely created child of God, privileged to share in an eternal inheritance.

The second element of Catholic education has been the missionary spirit of Catholic teachers. The evangelizing witness of faith in action that is so obvious in the lives of our teachers serves as an irreplaceable model for our students. The nature of the relationship between teacher and student in a Catholic school has been characterized as "an intimate conversation between two souls." Teachers who give witness to a love for learning, a love for creation and a love for students are ever-open textbooks studied and imitated by each of their students. Providing an environment where this evangelizing spirit is recognized and nurtured is a hallmark of Roncalli High School and is critical to the success of our students.

Education should then help students to understand who they are as unique and divinely created beings. This understanding gives rise to a need in students to fully develop the specific gifts and talents with which they have been uniquely endowed. Teachers aid this development and along with others - parents, board members, administrators, staff - work to provide an affirming, disciplined, Christ-centered environment. We expect to see the fruits of our labors as each student grows into moral, intellectual and physical maturity.

2.0 Goals

Students at Roncalli will be challenged in the following ways:

SPIRITUALLY

- to develop an on-going love and reverence for God.
- to know, understand and deepen their relationship with Jesus Christ.
- to build up God's Kingdom by sharing their spiritual gifts.
- to understand and develop a Catholic view of life.
- to demonstrate respect for the dignity and worth of others as well as for oneself.
- to read and reflect on the Word of God as found in the Bible.

ACADEMICALLY

- to pursue a challenging core academic program complemented by the opportunity for exploration of other areas of interest.
- to integrate faith and values into all curricular areas.
- to develop critical thinking, problem solving and technological skills.
- to develop a passion for lifelong learning.
- to prepare for a successful transition to college, vocational or work experiences.

PERSONALLY

- to be responsible for one's actions.
- to better serve others.
- to discover and develop their talents through participation in school activities.
- to acquire knowledge, confidence, courage and hope in order to make healthy life decisions.
- to be able to resolve conflict in a peaceful, respectful manner.
- to instill honor, respect and value for diversity.
- to promote the value of community by keeping informed and involved as citizens of a democratic society.

Roncalli Human Resources Office for further information.

6.3 FINANCIAL ASSISTANCE & SCHOLARSHIPS

In an attempt to make available a Roncalli High School education to as many students and families as possible, the school offers a significant amount of need-based financial assistance. A family must submit a complete financial aid application to be eligible to receive any need-based financial assistance. Contact the Business Office for a financial assistance packet.

The school does have a limited number of scholarships available to incoming and current students as well as graduating seniors. These scholarships have a wide variance of criteria such as academics, extracurricular participation, leadership, mental attitude, etc. Please contact the Assistant Principal for Student Activities for a complete listing of scholarships and specific criteria.

7.0 Spiritual Formation Program

Since “true education is aimed at the formation of the human person in the pursuit of his ultimate end” a spiritual formation program is at the heart of Catholic education. Hence, the most important program at Roncalli is our spiritual formation program. It is comprised of two components: religious instruction and religious activity. All students receive instruction in the essential teachings of the Catholic faith from certified catechists. Students also have the opportunity to participate in activities designed to help them personally claim their Catholic faith. These activities are supported by the participation of the entire Roncalli staff. Religious activities include: Liturgies, Retreat Experiences, Adoration, Community Service, Service Learning, Days of Reflection and Penance Services. These activities are under the supervision of the Roncalli Campus Ministry Office.

Through this holistic program of religious instruction and religious activity, Roncalli seeks to form the Young Church for intelligent leadership and generous service.

ALCOHOL & DRUG POLICY

- Student will be included in the pool of students to be considered for random drug testing at the family's expense.

If a student refuses to take a drug test, or is found to be under the influence of drugs/alcohol at school during the school day, or is found to be in possession of drugs/alcohol at school during the school day...

- Student will be suspended for five days with probable expulsion

Please contact the Dean of Students with any questions you have related to the school's drug testing policy and procedures.

15.4 STUDENT ASSISTANCE PROGRAM

The Student Assistance Team is comprised of the Assistant Principal for Student Affairs, the Dean of Students, Guidance Counselors, the School Social Worker and teachers. The team seeks to identify individual students experiencing physical, social, emotional or spiritual difficulties and to remove the attendant barriers which interfere with student learning. The team offers these students affirmation, support, direction, counseling and community referrals. The team also supports students who are struggling with drug, alcohol or tobacco usage addictions by providing an avenue to receive assistance without incurring a disciplinary penalty. Our goal is to empower these students to experience the same opportunities for growth and development that God intends for all young people. Additionally, the team offers education and awareness programs regarding Mental Health Awareness, specifically, the components of stress, drug and alcohol use and the signs of depression/ anxiety.

The coordinating team acts upon referrals from faculty, staff, parents, and students. Overall, the SAP team seeks to identify students experiencing physical, emotional, social or spiritual difficulties.

15.5 STUDENT ASSISTANCE PROGRAM PROCEDURES

- Educate our school community regarding the purpose and procedures of the SAP team by offering presentations at the outset of each school year to students, parents and faculty.
- Receive and research referrals submitted by students, parents, faculty, coaches, or moderators.
- Identify individual students who are experiencing social, emotional, physical or spiritual difficulties.
- Take appropriate steps to intervene focusing on the use of a team approach.
- Evaluate the interventions of identified individual students.
- Follow up for results of recommended treatment plans and intervention.



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DECLARATION ON CHRISTIAN EDUCATION
GRAVISSIMUM EDUCATIONIS

PROCLAIMED BY
HIS HOLINESS
POPE PAUL VI
ON OCTOBER 28, 1965

INTRODUCTION

The Sacred Ecumenical Council has considered with care how extremely important education is in the life of man and how its influence ever grows in the social progress of this age.(1)

Indeed, the circumstances of our time have made it easier and at once more urgent to educate young people and, what is more, to continue the education of adults. Men are more aware of their own dignity and position; more and more they want to take an active part in social and especially in economic and political life.(2) Enjoying more leisure, as they sometimes do, men find that the remarkable development of technology and scientific investigation and the new means of communication offer them an opportunity of attaining more easily their cultural and spiritual inheritance and of fulfilling one another in the closer ties between groups and even between peoples.

Consequently, attempts are being made everywhere to promote more education. The rights of men to an education, particularly the primary rights of children and parents, are being proclaimed and recognized in public documents.(3) As the number of pupils rapidly increases, schools are multiplied and expanded far and wide and other educational institutions are established. New experiments are conducted in methods of education and teaching. Mighty attempts are being made to obtain education for all, even though vast numbers of children and young people are still deprived of even rudimentary training and so many others lack a suitable education in which truth and love are developed together.

To fulfill the mandate she has received from her divine founder of proclaiming the mystery of salvation to all men and of restoring all things in Christ, Holy Mother the Church must be concerned with the whole of man's life, even the secular part of it insofar as it has a bearing on his heavenly calling.(4) Therefore she has a role in the progress and development of education. Hence this sacred synod declares certain fundamental principles of Christian education especially in schools. These principles will have to be developed at greater length by a special post-conciliar commission and applied by episcopal conferences to varying local situations.

1. The Meaning of the Universal Right to an Education

All men of every race, condition and age, since they enjoy the dignity of a human being, have an inalienable right to an education (5) that is in keeping with their ultimate goal,(6) their ability, their sex, and the culture and tradition of their country, and also in harmony with their fraternal association with other peoples in the fostering of true unity and peace on earth. For a true education aims at the formation of the human person in

the pursuit of his ultimate end and of the good of the societies of which, as man, he is a member, and in whose obligations, as an adult, he will share.

Therefore children and young people must be helped, with the aid of the latest advances in psychology and the arts and science of teaching, to develop harmoniously their physical, moral and intellectual endowments so that they may gradually acquire a mature sense of responsibility in striving endlessly to form their own lives properly and in pursuing true freedom as they surmount the vicissitudes of life with courage and constancy. Let them be given also, as they advance in years, a positive and prudent sexual education. Moreover they should be so trained to take their part in social life that properly instructed in the necessary and opportune skills they can become actively involved in various community organizations, open to discourse with others and willing to do their best to promote the common good.

This sacred synod likewise declares that children and young people have a right to be motivated to appraise moral values with a right conscience, to embrace them with a personal adherence, together with a deeper knowledge and love of God. Consequently it earnestly entreats all those who hold a position of public authority or who are in charge of education to see to it that youth is never deprived of this sacred right. It further exhorts the sons of the Church to give their attention with generosity to the entire field of education, having especially in mind the need of extending very soon the benefits of a suitable education and training to everyone in all parts of the world.(7)

2. Christian Education

Since all Christians have become by rebirth of water and the Holy Spirit a new creature(8) so that they should be called and should be children of God, they have a right to a Christian education. A Christian education does not merely strive for the maturing of a human person as just now described, but has as its principal purpose this goal: that the baptized, while they are gradually introduced the knowledge of the mystery of salvation, become ever more aware of the gift of Faith they have received, and that they learn in addition how to worship God the Father in spirit and truth (cf. John 4:23) especially in liturgical action, and be conformed in their personal lives according to the new man created in justice and holiness of truth (Eph. 4:22-24); also that they develop into perfect manhood, to the mature measure of the fullness of Christ (cf. Eph. 4:13) and strive for the growth of the Mystical Body; moreover, that aware of their calling, they learn not only how to bear witness to the hope that is in them (cf. Peter 3:15) but also how to help in the Christian formation of the world that takes place when natural powers viewed in the full consideration of man redeemed by Christ contribute to the good of the whole society.(9) Wherefore this sacred synod recalls to pastors of souls their most serious obligation to see to it that all the faithful, but especially the youth who are the hope of the Church, enjoy this Christian education.(10)

3. The Authors of Education

Since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized as the primary and principal educators.(11) This role in education is so important that only with difficulty can it be supplied where it is lacking. Parents are the ones who must create a family atmosphere animated by love and respect for God and man, in which the well-rounded personal and social education of children is fostered. Hence the family is the first school of the social virtues that every society needs. It is particularly in the Christian family, enriched by the grace and office of the sacrament of matrimony, that children should be taught from their early years to have a knowledge of God according to the faith received in Baptism, to worship Him, and to love their neighbor. Here, too, they find their first experience of a wholesome human society and of the Church. Finally, it is through the family that they are gradually led to a companionship with their fellowmen and with the people of God. Let parents, then, recognize the inestimable importance a truly Christian family has for the life and progress of God's own people.(12)

The family which has the primary duty of imparting education needs help of the whole community. In addition, therefore, to the rights of parents and others to whom the parents entrust a share in the work of education, certain rights and duties belong indeed to civil society, whose role is to direct what is required for

the common temporal good. Its function is to promote the education of youth in many ways, namely: to protect the duties and rights of parents and others who share in education and to give them aid; according to the principle of subsidiarity, when the endeavors of parents and other societies are lacking, to carry out the work of education in accordance with the wishes of the parents; and, moreover, as the common good demands, to build schools and institutions.(13)

Finally, in a special way, the duty of educating belongs to the Church, not merely because she must be recognized as a human society capable of educating, but especially because she has the responsibility of announcing the way of salvation to all men, of communicating the life of Christ to those who believe, and, in her unfailing solicitude, of assisting men to be able to come to the fullness of this life.(14) The Church is bound as a mother to give to these children of hers an education by which their whole life can be imbued with the spirit of Christ and at the same time do all she can to promote for all peoples the complete perfection of the human person, the good of earthly society and the building of a world that is more human. (15)

4. Various Aids to Christian Education

In fulfilling its educational role, the Church, eager to employ all suitable aids, is concerned especially about those which are her very own. Foremost among these is catechetical instruction,(16) which enlightens and strengthens the faith, nourishes life according to the spirit of Christ, leads to intelligent and active participation in the liturgical mystery(17) and gives motivation for apostolic activity. The Church esteems highly and seeks to penetrate and ennoble with her own spirit also other aids which belong to the general heritage of man and which are of great influence in forming souls and molding men, such as the media of communication,(18) various groups for mental and physical development, youth associations, and, in particular, schools.

5. The Importance of Schools

Among all educational instruments the school has a special importance.(19) It is designed not only to develop with special care the intellectual faculties but also to form the ability to judge rightly, to hand on the cultural legacy of previous generations, to foster a sense of values, to prepare for professional life. Between pupils of different talents and backgrounds it promotes friendly relations and fosters a spirit of mutual understanding; and it establishes as it were a center whose work and progress must be shared together by families, teachers, associations of various types that foster cultural, civic, and religious life, as well as by civil society and the entire human community.

Beautiful indeed and of great importance is the vocation of all those who aid parents in fulfilling their duties and who, as representatives of the human community, undertake the task of education in schools. This vocation demands special qualities of mind and heart, very careful preparation, and continuing readiness to renew and to adapt.

6. The Duties and Rights of Parents

Parents who have the primary and inalienable right and duty to educate their children must enjoy true liberty in their choice of schools. Consequently, the public power, which has the obligation to protect and defend the rights of citizens, must see to it, in its concern for distributive justice, that public subsidies are paid out in such a way that parents are truly free to choose according to their conscience the schools they want for their children.(20)

In addition it is the task of the state to see to it that all citizens are able to come to a suitable share in culture and are properly prepared to exercise their civic duties and rights. Therefore the state must protect the right of children to an adequate school education, check on the ability of teachers and the excellence of their training, look after the health of the pupils and in general, promote the whole school project. But it must always keep in mind the principle of subsidiarity so that there is no kind of school monopoly, for this is

opposed to the native rights of the human person, to the development and spread of culture, to the peaceful association of citizens and to the pluralism that exists today in ever so many societies.(21)

Therefore this sacred synod exhorts the faithful to assist to their utmost in finding suitable methods of education and programs of study and in forming teachers who can give youth a true education. Through the associations of parents in particular they should further with their assistance all the work of the school but especially the moral education it must impart.(22)

7. Moral and Religious Education in all Schools

Feeling very keenly the weighty responsibility of diligently caring for the moral and religious education of all her children, the Church must be present with her own special affection and help for the great number who are being trained in schools that are not Catholic. This is possible by the witness of the lives of those who teach and direct them, by the apostolic action of their fellow-students,(23) but especially by the ministry of priests and laymen who give them the doctrine of salvation in a way suited to their age and circumstances and provide spiritual aid in every way the times and conditions allow.

The Church reminds parents of the duty that is theirs to arrange and even demand that their children be able to enjoy these aids and advance in their Christian formation to a degree that is abreast of their development in secular subjects. Therefore the Church esteems highly those civil authorities and societies which, bearing in mind the pluralism of contemporary society and respecting religious freedom, assist families so that the education of their children can be imparted in all schools according to the individual moral and religious principles of the families.(24)

8. Catholic Schools

The influence of the Church in the field of education is shown in a special manner by the Catholic school. No less than other schools does the Catholic school pursue cultural goals and the human formation of youth. But its proper function is to create for the school community a special atmosphere animated by the Gospel spirit of freedom and charity, to help youth grow according to the new creatures they were made through baptism as they develop their own personalities, and finally to order the whole of human culture to the news of salvation so that the knowledge the students gradually acquire of the world, life and man is illumined by faith.(25) So indeed the Catholic school, while it is open, as it must be, to the situation of the contemporary world, leads its students to promote efficaciously the good of the earthly city and also prepares them for service in the spread of the Kingdom of God, so that by leading an exemplary apostolic life they become, as it were, a saving leaven in the human community.

Since, therefore, the Catholic school can be such an aid to the fulfillment of the mission of the People of God and to the fostering of the dialogue between the Church and mankind, to the benefit of both, it retains even in our present circumstances the utmost importance. Consequently this sacred synod proclaims anew what has already been taught in several documents of the magisterium,(26) namely: the right of the Church freely to establish and to conduct schools of every type and level. And the council calls to mind that the exercise of a right of this kind contributes in the highest degree to the protection of freedom of conscience, the rights of parents, as well as to the betterment of culture itself.

But let teachers recognize that the Catholic school depends upon them almost entirely for the accomplishment of its goals and programs.(27) They should therefore be very carefully prepared so that both in secular and religious knowledge they are equipped with suitable qualifications and also with a pedagogical skill that is in keeping with the findings of the contemporary world. Intimately linked in charity to one another and to their students and endowed with an apostolic spirit, may teachers by their life as much as by their instruction bear witness to Christ, the unique Teacher. Let them work as partners with parents and together with them in every phase of education give due consideration to the difference of sex and the proper ends Divine Providence assigns to each sex in the family and in society. Let them do all they can to stimulate their students to act for themselves and even after graduation to continue to assist them with advice, friendship and by establishing special associations imbued with the true spirit of the Church. The work of

these teachers, this sacred synod declares, is in the real sense of the word an apostolate most suited to and necessary for our times and at once a true service offered to society. The Council also reminds Catholic parents of the duty of entrusting their children to Catholic schools wherever and whenever it is possible and of supporting these schools to the best of their ability and of cooperating with them for the education of their children.(28)

9. Different Types of Catholic Schools

To this concept of a Catholic school all schools that are in any way dependent on the Church must conform as far as possible, though the Catholic school is to take on different forms in keeping with local circumstances.(29) Thus the Church considers very dear to her heart those Catholic schools, found especially in the areas of the new churches, which are attended also by students who are not Catholics.

Attention should be paid to the needs of today in establishing and directing Catholic schools. Therefore, though primary and secondary schools, the foundation of education, must still be fostered, great importance is to be attached to those which are required in a particular way by contemporary conditions, such as: professional(30) and technical schools, centers for educating adults and promoting social welfare, or for the retarded in need of special care, and also schools for preparing teachers for religious instruction and other types of education.

This Sacred Council of the Church earnestly entreats pastors and all the faithful to spare no sacrifice in helping Catholic schools fulfill their function in a continually more perfect way, and especially in caring for the needs of those who are poor in the goods of this world or who are deprived of the assistance and affection of a family or who are strangers to the gift of Faith.

10. Catholic Colleges and Universities

The Church is concerned also with schools of a higher level, especially colleges and universities. In those schools dependent on her she intends that by their very constitution individual subjects be pursued according to their own principles, method, and liberty of scientific inquiry, in such a way that an ever deeper understanding in these fields may be obtained and that, as questions that are new and current are raised and investigations carefully made according to the example of the doctors of the Church and especially of St. Thomas Aquinas,(31) there may be a deeper realization of the harmony of faith and science. Thus there is accomplished a public, enduring and pervasive influence of the Christian mind in the furtherance of culture and the students of these institutions are molded into men truly outstanding in their training, ready to undertake weighty responsibilities in society and witness to the faith in the world.(32)

In Catholic universities where there is no faculty of sacred theology there should be established an institute or chair of sacred theology in which there should be lectures suited to lay students. Since science advances by means of the investigations peculiar to higher scientific studies, special attention should be given in Catholic universities and colleges to institutes that serve primarily the development of scientific research.

The sacred synod heartily recommends that Catholic colleges and universities be conveniently located in different parts of the world, but in such a way that they are outstanding not for their numbers but for their pursuit of knowledge. Matriculation should be readily available to students of real promise, even though they be of slender means, especially to students from the newly emerging nations.

Since the destiny of society and of the Church itself is intimately linked with the progress of young people pursuing higher studies,(33) the pastors of the Church are to expend their energies not only on the spiritual life of students who attend Catholic universities, but, solicitous for the spiritual formation of all their children, they must see to it, after consultations between bishops, that even at universities that are not Catholic there should be associations and university centers under Catholic auspices in which priests, religious and laity, carefully selected and prepared, should give abiding spiritual and intellectual assistance to the youth of the university. Whether in Catholic universities or others, young people of greater ability who

seem suited for teaching or research should be specially helped and encouraged to undertake a teaching career.

11. Faculties of Sacred Sciences

The Church expects much from the zealous endeavors of the faculties of the sacred sciences.(34) For to them she entrusts the very serious responsibility of preparing her own students not only for the priestly ministry, but especially for teaching in the seats of higher ecclesiastical studies or for promoting learning on their own or for undertaking the work of a more rigorous intellectual apostolate. Likewise it is the role of these very faculties to make more penetrating inquiry into the various aspects of the sacred sciences so that an ever deepening understanding of sacred Revelation is obtained, the legacy of Christian wisdom handed down by our forefathers is more fully developed, the dialogue with our separated brethren and with non-Christians is fostered, and answers are given to questions arising from the development of doctrine.(35)

Therefore ecclesiastical faculties should reappraise their own laws so that they can better promote the sacred sciences and those linked with them and, by employing up-to-date methods and aids, lead their students to more penetrating inquiry.

12. Coordination to be Fostered in Scholastic Matters

Cooperation is the order of the day. It increases more and more to supply the demand on a diocesan, national and international level. Since it is altogether necessary in scholastic matters, every means should be employed to foster suitable cooperation between Catholic schools, and between these and other schools that collaboration should be developed which the good of all mankind requires.(36) From greater coordination and cooperative endeavor greater fruits will be derived particularly in the area of academic institutions. Therefore in every university let the various faculties work mutually to this end, insofar as their goal will permit. In addition, let the universities also endeavor to work together by promoting international gatherings, by sharing scientific inquiries with one another, by communicating their discoveries to one another, by having exchange of professors for a time and by promoting all else that is conducive to greater assistance.

CONCLUSION

The sacred synod earnestly entreats young people themselves to become aware of the importance of the work of education and to prepare themselves to take it up, especially where because of a shortage of teachers the education of youth is in jeopardy. This same sacred synod, while professing its gratitude to priests, Religious men and women, and the laity who by their evangelical self-dedication are devoted to the noble work of education and of schools of every type and level, exhorts them to persevere generously in the work they have undertaken and, imbuing their students with the spirit of Christ, to strive to excel in pedagogy and the pursuit of knowledge in such a way that they not merely advance the internal renewal of the Church but preserve and enhance its beneficent influence upon today's world, especially the intellectual world.

NOTES

1. Among many documents illustrating the importance of education confer above all apostolic letter of Benedict XV, *Communes Litteras*, April 10, 1919: *A.A.S.* 11 (1919) p. 172. Pius XI's apostolic encyclical, *Divini Illius Magistri*, Dec. 31, 1929: *A.A.S.* 22 (1930) pp. 49-86. Pius XII's allocution to the youths of Italian Catholic Action, April 20, 1946: *Discourses and Radio Messages*, vol. 8, pp. 53-57. Allocution to fathers of French families, Sept. 18, 1951: *Discourses and Radio Messages*, vol. 13, pp. 241-245. John XXIII's 30th anniversary message on the publication of the encyclical letter, *Divini Illius Magistri*, Dec. 30, 1959: *A.A.S.* 52 (1960) pp. 57-59. Paul VI's allocution to members of Federated Institutes Dependent on Ecclesiastic Authority, Dec. 30, 1963: *Encyclicals and Discourses of His Holiness Paul VI*, Rome, 1964, pp. 601-603. Above all are to be consulted the Acts and Documents of the Second Vatican Council appearing in the first series of the ante-preparatory phase. vol. 3. pp. 363-364; 370-371; 373-374.

2. Cf. John XXIII's encyclical letter, *Mater et Magistra*, May 15, 1961: *A.A.S.* 53 (1961) pp. 413-415; 417-424; Encyclical letter, *Pacem in Terris*, April 11, 1963: *A.A.S.* 55 (1963) p. 278 ff.
3. *Declaration on the Rights of Man* of Dec. 10, 1948, adopted by the General Assembly of the United Nations, and also cf. the *Declaration of the Rights of Children* of Nov. 20 1959; additional protocol to the Convention Safeguarding the Rights of Men and Fundamental Liberties, Paris, March 20, 1952; regarding that universal profession of the character of human laws cf. apostolic letter *Pacem in Terris*, of John XXIII of April 11, 1963: *A.A.S.* 55 (1963) p. 295 ff.
4. Cf. John XXIII's encyclical letter, *Mater et Magistra*, May 15, 1961: *A.A.S.* 53 (1961) p. 402. Cf. Second Vatican Council's *Dogmatic Constitution on the Church*, no. 17: *A.A.S.* 57 (1965) p. 21, and schema on the *Pastoral Constitution on the Church in the Modern World*, 1965.
5. Pius XII's radio message of Dec. 24, 1942: *A.A.S.* 35 (1943) pp. 12-19, and John XXIII's encyclical letter, *Pacem in Terris* April 11, 1963: *A.A.S.* 55 (1963) p. 259 ff. Also cf. declaration cited on the rights of man in footnote 3.
6. Cf. Pius XI's encyclical letter, *Divini Illius Magistri*, Dec. 31, 1929: *A.A.S.* 22 (1930) p. 50 ff.
7. Cf. John XXIII's encyclical letter, *Mater et Magistra*, May 15 1961: *A.A.S.* 53 (1961) p. 441 ff.
8. Cf. Pius XI's encyclical letter, *Divini Illius Magistri* 1, p. 83.
9. Cf. Second Vatican Council's *Dogmatic Constitution on the Church*, no. 36: *A.A.S.* 57 (1965) p. 41 ff.
10. Cf. Second Vatican Council's schema on the *Decree on the Lay Apostolate* (1965), no. 12.
11. Cf. Pius XI's encyclical letter *Divini Illius Magistri*, 1, p. 59 ff., encyclical letter *Mit Brennender Sorge*, March 14, 1937: *A.A.S.* 29; Pius XII's allocution to the first national congress of the Italian Catholic Teachers' Association, Sept. 8, 1946: *Discourses and Radio Messages*, vol. 8, p. 218.
12. Cf. Second Vatican Council's *Dogmatic Constitution on the Church*, nos. 11 and 35: *A.A.S.* 57 (1965) pp. 16, 40 ff.
13. Cf. Pius XI's encyclical letter *Divini Illius Magistri*, 1, p. 63 ff. Pius XII's radio message of June 1, 1941: *A.A.S.* 33 (1941) p. 200; allocution to the first national congress of the Association of Italian Catholic Teachers, Sept 8, 1946: *Discourses and Radio Messages*, vol. 8, 1946: *Discourses and Radio Messages*, vol. 8 p. 218. Regarding the principle of subsidiarity, cf. John XXIII's encyclical letter, *Pacem in Terris*, April 11, 1963: *A.A.S.* 55 (1963) p. 294.
14. Cf. Pius XI's encyclical letter, *Divini Illius Magistri*, 1 pp. 53 ff. and 56 ff.; Encyclical letter, *Non Abbiamo Bisogno* June 29, 1931: *A.A.S.* 23 (1931) p. 311 ff. Pius XII's letter from Secretariat of State to 28th Italian Social Week, Sept. 20, 1955; *L'Osservatore Romano*, Sept. 29, 1955.
15. The Church praises those local, national and international civic authorities who, conscious of the urgent necessity in these times, expend all their energy so that all peoples may benefit from more education and human culture. Cf. Paul VI's allocution to the United Nations General Assembly, Oct. 4, 1965: *L'Osservatore Romano*, Oct. 6, 1965.
16. Cf. Pius XI's motu proprio. *Orbem Catholicum*, June 29 1923: *A.A.S.* 15 (1923) pp. 327-329; decree, *Provide Sane*, Jan. 12, 1935: *A.A.S.* 27 (1935) pp. 145-152. Second Vatican Council's *Decree on Bishops and Pastoral Duties*, nos. 13 and 14.
17. Cf. Second Vatican Council's *Constitution on the Sacred Liturgy*, no. 14: *A.A.S.* 56 (1964) p. 104.

18. Cf. Second Vatican Council's *Decree on Communications Media*, nos. 13 and 14, *A.A.S.* 56 (1964) p. 149 ff.
19. Cf. Pius XI's encyclical letter, [*Divini Illius Magistri*](#), 1, p. 76; Pius XII's allocution to Bavarian Association of Catholic Teachers, Dec. 31, 1956: *Discourses and Radio Messages*, vol. 18, p. 746.
20. Cf. Provincial Council of Cincinnati III, a. 1861: *Collatio Lacensis*, III, col. 1240, c/d; Pius XI's encyclical letter, [*Divini Illius Magistri*](#), 1, pp. 60, 63 ff.
21. Cf. Pius XI's encyclical letter, [*Divini Illius Magistri*](#), 1, p. 63; encyclical letter, [*Non Abbiamo Bisogno*](#), June 29, 1931: *A.A.S.* 23 (1931) p. 305, Pius XII's letter from the Secretary of State to the 28th Italian Social Week, Sept. 20, 1955: *L'Osservatore Romano*, Sept. 29, 1955. Paul VI's allocution to the Association of Italian Christian Workers, Oct. 6, 1963: *Encyclicals and Discourses of Paul VI*, vol. 1, Rome, 1964, p. 230.
22. Cf. John XXIII's message on the 30th anniversary of the encyclical letter, [*Divini Illius Magistri*](#), Dec. 30, 1959: *A.A.S.* 52 (1960) p. 57.
23. The Church considers it as apostolic action of great worth also when Catholic teachers and associates work in these schools. Cf. Second Vatican Council's schema of the [*Decree on the Lay Apostolate*](#) (1965), nos. 12 and 16.
24. Cf. Second Vatican Council's schema on the [*Declaration on Religious Liberty*](#) (1965), no. 5.
25. Cf. Provincial Council of Westminster I, a. 1852: *Collatio Lacensis* III, col. 1334, a/b; Pius XI's encyclical letter, [*Divini Illius Magistri*](#), 1, p. 77 ff.; Pius XII's allocution to the Bavarian Association of Catholic Teachers, Dec. 31, 1956: *Discourses and Radio Messages*, vol. 18, p. 746; Paul VI's allocution to the members of Federated Institutes Dependent on Ecclesiastic Authority, Dec. 30, 1963: *Encyclicals and Discourses of Paul VI*, 1, Rome, 1964, 602 ff.
26. Cf. especially the document mentioned in the first note; moreover this law of the Church is proclaimed by many provincial councils and in the most recent declarations of very many of the episcopal conferences.
27. Cf. Pius XI's encyclical letter, [*Divini Illius Magistri*](#), 1 p. 80 ff.; Pius XII's allocution to the Catholic Association of Italian Teachers in Secondary Schools, Jan. 5, 1954: *Discourses and Radio Messages*, 15, pp. 551-55B; John XXIII's allocution to the 6th Congress of the Associations of Catholic Italian Teachers Sept. 5, 1959: *Discourses, Messages, Conversations*, 1, Rome, 1960, pp. 427-431.
28. Cf. Pius XII's allocution to the Catholic Association of Italian Teachers in Secondary Schools, Jan. 5, 1954, 1, p. 555.
29. Cf. Paul VI's allocution to the International Office of Catholic Education, Feb. 25, 1964: *Encyclicals and Discourses of Paul VI*, 2, Rome, 1964, p. 232.
30. Cf. Paul VI's allocution to the Christian Association of Italian Workers, Oct. 6, 1963: *Encyclicals and Discourses of Paul VI*, 1, Rome, 1964, p. 229.
31. Cf. Paul VI's allocution to the International Thomistic Congress, Sept. 10, 1965: *L'Osservatore Romano*, Sept. 13-14, 1965.
32. Cf. Pius XII's allocution to teachers and students of French Institutes of Higher Catholic Education, Sept. 21, 1950: *Discourses and Radio Messages*, 12, pp. 219-221; letters to the 22nd congress of Pax Romana, Aug. 12, 1952: *Discourses and Radio Messages*, 14, pp. 567-569; John XXIII's allocution to the Federation of Catholic Universities, April 1, 1959: *Discourses, Messages and Conversations*, 1, Rome, 1960, pp. 226-229; Paul VI's allocution to the Academic Senate of the Catholic University of Milan, April 5, 1964: *Encyclicals and Discourses of Paul VI*, 2, Rome, 1964, pp. 438-443.

33. Cf. Pius XII's allocution to the academic senate and students of the University of Rome, June 15, 1952: *Discourses and Radio Messages*, 14, p. 208: "The direction of today's society principally is placed in the mentality and hearts of the universities of today."

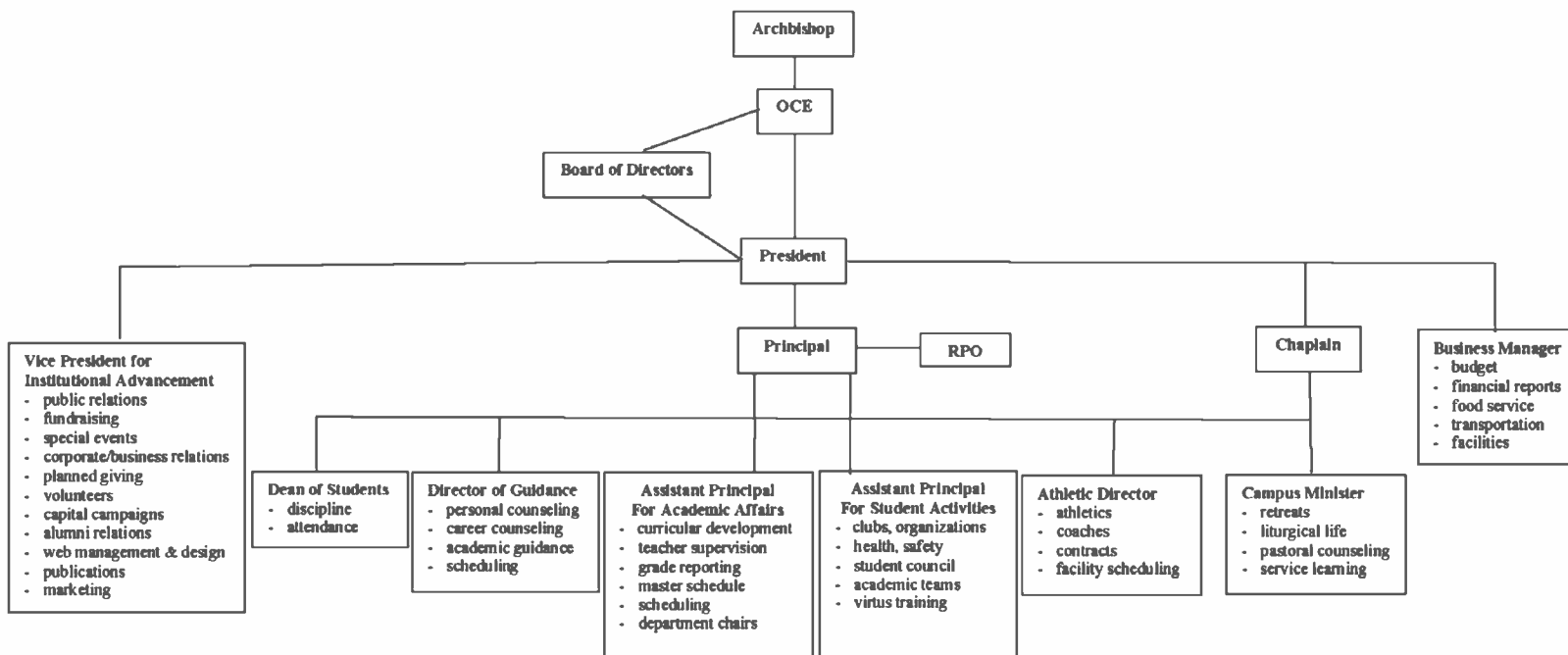
34. Cf. Pius XII's apostolic constitution, *Deus Scientiarum Dominus*, May 24, 1931: *A.A.S.* 23 (1931) pp. 245-247.

35. Cf. Pius XII's encyclical letter, *Humani Generis* Aug. 12, 1950 *A.A.S.* 42 (1950) pp. 568 ff. and 578; Paul VI's encyclical letter, *Ecclesiam Suam*, part III Aug. 6, 1964; *A.A.S.* 56 (1964) pp. 637-659; Second Vatican Council's *Decree on Ecumenism*: *A.A.S.* 57 (1965) pp. 90-107.

36. Cf. John XXIII's encyclical letter, *Pacem in Terris*, April 11, 1963: *A.A.S.* 55 (1963) p. 284 and elsewhere.

Roncalli High School
Indianapolis, IN

SPAN OF CONTROL



Revised 9/07

RONCALLI HIGH SCHOOL

STARKEY DEPO EXHIBIT 26

(For use by Schools ministries affiliated with the Roman Catholic Archdiocese of Indianapolis)

NOTE: This ministerial contract is for use between schools and professionals licensed under and performing duties aligned with the Indiana Department of Education requirements and guidance offered at <https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure> (website version active on 3/31/18)

School Guidance Counselor Name: LYNN STARKEY

Phone: [REDACTED]

Address: [REDACTED]

City, State Zip: [REDACTED]

| | | |
|-----------------------------------|---|-------------|
| | Daily Rate | \$322.36 |
| | (Includes Holidays & Professional Days) Contracted Days | x 192 |
| | Base Pay | \$61,893.00 |
| Extra Duty Pay | 13 Additional Days | \$4,191.00 |
| | Guidance Co-Director | \$7,240.00 |
| | 6th Class Stipend | \$7,074.00 |
| Coaching Pay | | |
| | | |
| | | |
| | Extra Duty Total | \$18,505.00 |
| | Coaching Total | |
| (26) Equal payments of \$3,092.23 | School Guidance Counselor Salary Total | \$80,398.00 |

Contract & benefits date begins September 1, 2018 ends August 31, 2019

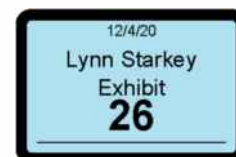
Pay date begins September 14, 2018 ends August 30, 2019

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| Indiana License #: 1355010 | Degree: MS | Kind: Professional |
| Date of Issue: 8/27/2014 | Subject Area(s): School Counselor | Grade Levels: 7-12 |
| Expires: 8/27/2019 | Status: Full-time / Salary Exempt | CEAP Level: D9 |
| Teaching Assignment: Secondary | Subject Area(s): Guidance Counselor | |

IN ACCORDANCE with the declarations above, the employer agrees to hire and the School Guidance counselor agrees to serve as the School Guidance Counselor in the school for the term of this contract on the following terms:

1. Duties. Under the supervision of the school principal and pastor, the School Guidance Counselor shall:

- Faithfully perform all duties of a School Guidance Counselor in the school, using such texts as are prescribed and supplied;
- Be accountable to the principal for curricular plans;
- Observe proper decorum as befits the profession;
- Observe the regulations and schedules of the school, the school commission or board, and/or the deanery high school board
- Continue professional growth and professional development sponsored by the archdiocesan Office of Catholic Schools
- Be responsible for keeping accurate records as prescribed by the school;
- Make all reports required by the principal, the school commission (or board), and laws of Indiana; and,
- Maintain licensure and renewal as needed.
- Comply in a timely manner with all employment screening and training expectations, including state and archdiocesan requirements.



2. Compensation. For each full day of service, the employer shall pay the School Guidance Counselor Salary at the Daily Rate designated above. Total compensation for the contract year shall not exceed the School Guidance Counselor Salary Total amount. School Guidance Counselor only shall receive compensation for actual days of service plus those days set forth in Section 5. Compensation shall be paid to School Guidance Counselor in accordance with the regular payroll procedures offered by the Roman Catholic Archdiocese of Indianapolis, as service provider, ("Service Provider"). In the event School Guidance Counselor's total compensation received exceeds the total number of days of service plus the available leave days multiplied by the Daily Rate, the employer is entitled to seek a setoff or refund of the amounts overpaid.

3. Benefits. All benefits are offered as published by the Service Provider. Benefit coverage begins on the contract date as determined in Contract Term date section above. Benefit coverage will terminate on the contract end date as determined in the contract term section above. All health benefits will begin on the 1st of the month.

4. Policies. School Guidance Counselor acknowledges having been provided with a copy of the Faculty Handbook and is familiar with the contents thereof in all matters pertaining to the school's philosophy of education, objectives, moral and ethical standards and procedures. School Guidance Counselor agrees that conscientious observance of the Faculty Handbook, as well as the Rules and Regulations of the school is an expressed duty of the School Guidance Counselor's performance of this contract. School Guidance Counselor acknowledges that the school reserves the right to amend and modify the Faculty Handbook and the Rules and Regulations upon reasonable notice to the School Guidance Counselor. In the event there is a conflict of any provision of this contract with any of the provisions of the above referred to policies, this contract shall control. School Guidance Counselor also acknowledges receipt of the ministry description that is attached to this contract and agree to fulfill the duties and responsibilities listed in the ministry description.

5. Paid Leave. If this contract is for a full two-semester term, the School Guidance Counselor may take nine (9) days sick leave with pay, except the first year, new School Guidance Counselors receive (10) days of sick leave with pay, plus the accumulated balance from the immediately preceding year, plus two (2) days for personal reasons. Unused personal leave is forfeited at the end of the school year. A maximum of nine (9) days of unused sick leave per contract year may be accumulated to a total of 90 days. After all sick leave has been used, a full day's pay shall be deducted from the School Guidance Counselor's salary for each day missed. In addition, the School Guidance Counselor may take five (5) days leave with pay for the funeral in case of a death in the immediate family. The immediate family includes parents, spouse, sibling, child, grandparent, grandchild and in-laws to the same degree. If the School Guidance Counselor is hired after the first day of school, the School Guidance Counselor may take one (1) day of sick leave per eighteen (18) current year contract days worked, up to a maximum of nine (9) days. Paid time off for part time employees will be prorated. Please reference the Archdiocese handbook for details on appropriate use of time.

6. **Defaults.** The School Guidance Counselor shall be deemed to be in default under this contract in the event of any breach of duty hereunder, including, but not limited to the following:

- a. Failure to perform or neglect of duties;
- b. Unprofessional conduct;
- c. Insubordination;
- d. Falsification of employment application or other documents or other misrepresentation;
- e. Violation of a rule or policy of the school or Archdiocese;
- f. Unsatisfactory attendance;
- g. Reporting to work under the influence of alcohol or drugs, or being under the influence of alcohol or drugs while overseeing youth at any church/school activities;
- h. Conduct endangering the safety of students or others;
- i. Relationships that are contrary to a valid marriage as seen through the eyes of the Catholic Church; and
- j. Any conduct in or out of school tending to reflect great discredit on the School Guidance Counselor or the school or tending to seriously impair the School Guidance Counselor's continued effectiveness as a School Guidance Counselor; and, any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church.

On any such default, the school principal and the pastor may, at their discretion and without notice, suspend or terminate the employment of the School Guidance Counselor.

7. **Liability for Default.** Schools affiliated with the Roman Catholic Archdiocese of Indianapolis dedicate substantial resources annually in the recruitment and retention of its School Guidance Counselors. The termination of School Guidance Counselor Contracts by School Guidance Counselors without cause during the term of the contract, results in significant organizational and financial detriment to the schools. School Guidance Counselor and the School acknowledge that the cost and detriment to the school is not easily calculated and that liquidated damages in the sum of 10% of the annual salary of the School Guidance Counselor is a fair and accurate estimate of the detriment suffered by the School in the event the School Guidance Counselor Contract is prematurely terminated by the School Guidance Counselor.

- a. In the event School Guidance Counselor terminates this School Guidance Counselor Contract without just cause (which shall be determined by the School in its sole discretion), prior to the expiration of the contract term, School Guidance Counselor agrees to pay to the School as liquidated damages, a sum equal to 10% of the School Guidance Counselor's annual salary (hereinafter referred to as "Liquidated Damages") within 30 days of the date of termination.
- b. In the event School Guidance Counselor fails to pay the Liquidated Damages in full within 30 days of the date of termination, the School shall be entitled to such additional sums, including payment of interest at the rate of 10% per annum, cost of collection and attorney fees.
- c. This Section 7 shall be governed by and interpreted in accordance with the laws of the State of Indiana. School Guidance Counselor and School hereby consent to the exclusive jurisdiction of the state courts located in Marion County, Indiana and waive any objection which may have been based on improper venue or forum non-conveniens to the conduct of any court proceedings.

TS School Guidance Counselor shall initial and date here to indicate that he/she has read and accepts Section 6 - Defaults and Section 7 - Liability for Defaults.

8. **Term** This contract is not automatically renewable. The School Guidance Counselor has no right to, or the promise of, a contract exceeding the school year. No compensation shall be paid for unused sick or personal leave. No one may waive this paragraph.

9. **Entire Agreement** This contract supersedes all prior oral or written agreements and can be modified only by a mutual agreement in writing signed by both parties.

10. **Conflicting Provisions** In the event there is a conflict of any provision of this contract in any provision of the above referred to policies, this contract shall control.

11. **Dispute Resolution** The School Guidance Counselor and school agree that the Superintendent of Catholic Schools is appointed by the parties to resolve dispute concerning the terms of this contract. In the event of a dispute concerning the terms of this contract, the School Guidance Counselor agrees to submit the dispute for mediation by the Superintendent of Catholic Schools for the Archdiocese of Indianapolis. The decision of the Superintendent concerning any dispute is a final decision. Mediation of a dispute is not applicable to the termination, withdrawal or non-renewal of this contract.

IN WITNESS WHEREOF, the parties have hereunto set their hands at Indianapolis, Indiana.

Dated 6/28/18

EMPLOYER'S NAME:

Roncalli High School
3300 Prague Road
Indianapolis, IN 46227

Lynn Simoney

Printed Name of School Guidance Counselor

Ly Starkey

Signature of School Guidance Counselor

Jan Hollowell

Principal Administrator

ARCHDIOCESE OF INDIANAPOLIS

MINISTRY DESCRIPTION

School Guidance Counselor

FINAL 05.08.2018

I. IDENTIFYING INFORMATION

Title: Catholic School Guidance Counselor
 Status: Part-time or Full-time, Exempt
 Reports To: Principal and, if applicable, Department Director



II. PRIMARY FUNCTIONS

The school guidance counselor, a minister of the faith, is a professional educator licensed under and performing duties aligned with Indiana Department of Education requirements and guidance offered at <https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure> (website content active on 3/31/18).

Adhering to mission, and within the school's supervisory structure, including the school principal and pastor or high school principal and president, the school guidance counselor will collaborate with parents and fellow professional educators to foster the spiritual, academic, social, and emotional growth of the children entrusted in his/her care.

III. POSITION CONTENT

(Note: Recognizing that Catholic schools differ in their programming and structures, site-specific position content may also be provided by the school administration.)

A. Role: Facilitates Faith Formation

1. Communicates the Catholic faith to students and families through implementation of the school's guidance curriculum, academic course planning, college and career planning, administration of the school's academic programs, and by offering direct support to individual students and families in efforts to foster the integration of faith, culture, and life.
2. Prays with and for students, families, and colleagues and their intentions. Participates in and celebrates liturgies and prayer services as appropriate.
3. Teaches and celebrates Catholic traditions and all observances in the Liturgical Year.
4. Models the example of Jesus, the Master Teacher, in what He taught, how He lived, and how He treated others.
5. Conveys the Church's message and carries out its mission by modeling a Christ-centered life.
6. Participates in religious instruction and Catholic formation, including Christian services, offered at the school. Non-Catholic school guidance counselors are expected to participate to the fullest extent possible (e.g., non-Catholics would come forward to receive a blessing instead of Holy Communion in the Catholic Mass).

B. Role: Designs and Plans the School's Guidance Curriculum and Programming

1. Participates in ongoing assessment of guidance department quality and uses archdiocesan and state standards, including diploma and graduation pathway requirements, for long-range and short-range planning.
2. Develops and communicates the school's guidance department goals and calendar to all constituencies.
3. Prepares daily, weekly, and/or monthly plans for the implementation of the school's guidance curriculum and submits them to the principal per the principal's directive.
4. Develops varied strategies to meet the needs of diverse learners and families, using data to inform professional practice.
5. Chooses high quality and appropriate materials for use with students and families aligned with the

school's mission and the school's guidance curriculum.

6. Plans, if appropriate, field trips that enrich the school's guidance curriculum.

C. Role: Implements and Manages the School's Guidance Curriculum and Programming

1. Ensures high quality academic planning, including class/course scheduling aligned with progress toward graduation and attainment of goals for all learners and families.
2. Conducts, as appropriate and necessary, large group, small group, and individual school guidance counseling initiatives to meet the needs of all learners and families.
3. Uses a variety of methods and strategies suited to diverse students and families and aligned with the goals of the school's guidance programming.
4. Encourages the exploration of diverse curricular and extracurricular learning opportunities along with the exploration of diverse higher education and career pathways.
5. Uses media and technology to support learning, as appropriate.
6. Establishes efficient routines to maximize impact of the school's guidance curriculum and programming.
7. As directed by the principal, assists in the development of, follows, and ensures the implementation by each teacher of ISPs, CSEPs, and Catholic School Accommodation Plans for students who have them.
8. Is available to support students and families learning outside of traditional school hours (before and after school meetings and programming, etc.).
9. Works with incoming students and families to develop academic plans and to assist with induction into the life of the school.
10. As directed by the principal, coordinates and/or assists in the coordination of and implementation of assessments, including state and other standardized testing, and accommodations.
11. Works with students and families for post-high school educational and career placements, including assisting with identifying and applying for scholarships, college/university applications, and job applications.
12. Follows best practices and ethical responsibilities of the school guidance counseling profession, including following all mandatory reporting requirements.

D. Role: Assesses and Communicates Results

1. Uses both formal and informal methods to evaluate and document the progress of students toward graduation and the formation of students aligned with the mission of the school. Adjusts programming and methods in response to the needs of learners and families.
2. Aligns student and family programming with guidance curriculum objectives and uses data to enhance programming for the growth of all learners.
3. Provides frequent and useful feedback on progress to students and parents along with specific suggestions for improving performance.
4. Coordinates and/or participates in the school's Response to Intervention / Multi-Tiered System of Supports programming for all learners, as directed by the principal.
5. Communicates, as appropriate, progress according to the quarterly and interim school schedule.
6. Communicates individual and school-wide progress as per the principal's and/or president's directive.
7. Communicates the school's guidance department goals and programming to students, families, and colleagues.
8. Initiates conferences with parents/guardians, both proactively and reactively, as necessary and as aligned with the school's guidance curriculum.
9. Maintains accurate permanent records for students.

E. Role: Develops and Maintains a Positive Learning Environment

1. Maintains a caring rapport and relationship with students and families and demonstrates enjoyment in working with them.
2. As directed by the principal, coordinates safe environment programming and education for students and families, including Circle of Grace, bullying awareness and prevention, suicide awareness and prevention, substance abuse awareness and prevention, and other appropriate safe environment

- programming.
3. Contributes positively to the learning environment of the entire institution.
 4. Supports teachers, staff members, and administrators in developing and implementing developmentally-appropriate practices and policies to ensure well-being and responsiveness to student needs.
 5. Proactively identifies and addresses physical, social, emotional, and spiritual needs of individuals and of the community of learners, engaging other professionals as appropriate.
 6. Uses techniques and methods that foster a Christ-centered atmosphere and the internalization of self-discipline and a sense of personal responsibility.
 7. Maintains and communicates high academic and behavioral expectations and supports students in meeting those expectations.
 8. Develops and maintains a stimulating, safe, and engaging environment that is neat, orderly, and attractive, including appropriate and engaging bulletin boards and displays.
 9. Supports positive student behavior so that goals can be accomplished.
 10. Addresses behavior and academic issues in an effective, consistent, and fair manner.
 11. Documents and communicates issues and concerns to parents and the principal in a timely and appropriate manner.
 12. Provides supervision and engages students outside of the classroom and as assigned by the principal.

F. Role: Professional Growth and Development

1. Commits to lifelong learning and demonstrates a passion for ongoing professional growth and development.
2. Maintains proper certification and licensure as required by the State of Indiana.
3. Meets the Archdiocese of Indianapolis's professional growth requirements and all local requirements as determined by the principal and/or his/her designee(s).
4. Maintains records of Professional Growth Points (PGPs) and submits them to the IDOE in collaboration with the principal or his/her designee.
5. Participates fully in faculty meetings and professional development meetings/in-services, contributes to school-wide goals, and supports colleagues and administrators in their own professional growth.
6. Participates fully in the school's performance appraisal processes for educators.
7. Participates in spiritual retreats, days of reflection, and spiritual formation programs as directed by the principal and as required by Archdiocesan faith formation expectations.

G. Role: Additional Professional Responsibilities

1. Follows local protocols as published in the faculty/staff handbook, student/family handbook, and in other related policies, protocols, rules, and regulations.
2. Serves on school committees and in other capacities as directed by the school principal.
3. Assists as requested with school fundraisers and development efforts.
4. Prepares for, attends, and participates in Registration, Open House, Christmas Program, Graduation, etc. as directed by the school principal.
5. Prepares, attends, and participates in grade level specific events/programs/initiatives, etc.

H. Communication and Interpersonal Effectiveness

1. Contributes positively to morale and to the culture of the Catholic school in service of the mission in all communications and actions.
2. Demonstrates loyalty to the school and its mission above individual views.
3. Openly and respectfully communicates concerns at the appropriate level.
4. Collaborates with and supports fellow school guidance counselors, teachers, staff members, and administrators.
5. Proactively engages parents in the formation of their children.
6. Communicates effectively with parents and works to resolve concerns or disagreements in a constructive manner.

7. Respects and maintains confidentiality.
8. Maintains the good reputation of the parish, school, and archdiocese.

IV. POSITION SPECIFICATION/REQUIREMENTS

A. MINISTERIAL EXPECTATIONS

1. Display of Gospel values, good judgment, diplomacy, and the safeguarding of confidential information are required.
2. Has the potential and talent to be an effective Catholic school guidance counselor.

B. EDUCATION, TRAINING, AND/OR EXPERIENCE

Licensure/Degree

1. Holds an advanced degree and license as prescribed by the Indiana Department of Education's Office of Educator Effectiveness and Licensing (<https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure>; content as of 3/31/18).
2. Progress toward a degree and emergency licensure may be sufficient as prescribed by the Indiana Department of Education's Office of Educator Effectiveness and Licensing (<https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure>; content as of 3/31/18).

Other Training/Expectations

1. "Safe and Sacred" Child Protection Training
2. Criminal Background Check
3. Acknowledgment of this Ministry Description document for School Guidance Counselors
4. Ongoing professional development and faith formation

V. WORKING ENVIRONMENT

- A.** Catholic schools are ministries of the Catholic Church, and school guidance counselors are vital ministers sharing the mission of the Church. School guidance counselors are expected to be role models and are expressly charged with leading students toward Christian maturity and with teaching the Word of God. As role models for students, the personal conduct of every school guidance counselor, teacher, administrator, and staff member, both at school and away from school, must convey and be supportive of the teachings of the Catholic Church. These teachings include, but are not limited to: honoring the dignity of each human life from conception to natural death, care for God's creation, and the belief that all persons are called to respect human sexuality and its expression in the Sacrament of Marriage as a sign of God's love and fidelity to His Church. The Seven Themes of Catholic Social Teaching can be found at <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm>. A thorough description of Catholic Church teaching can be found in the *Catechism of the Catholic Church*.
- B.** Determining whether a school guidance counselor is conducting him/herself in accordance with the teachings of the Catholic Church is an internal Church matter and is at the sole discretion of the principal and/or president, pastor / deanery dean, and/or Archbishop.
- C.** The Archdiocese recognizes that many school guidance counselors, who contribute positively to the mission of the Church in forming young people through our Catholic schools, are not practicing Catholics. For school guidance counselors of other faith traditions, there remains an expectation that, regardless of their personal religious affiliations and beliefs, they will become knowledgeable of Catholic Church teachings, will be credible witnesses of the Catholic faith, and will be models of Christian values.

2017-2018 TEACHING MINISTRY CONTRACT

(For use by Schools affiliated with the Roman Catholic Archdiocese of Indianapolis)

Name of Teacher: LYNN STARKEY

Phone: 443-8546

Address: [REDACTED]

City, State Zip: [REDACTED]

| | | |
|----------------|---|-------------|
| | Daily Rate | \$312.97 |
| | (Includes Holidays & Professional Days) Contracted Days | x 192 |
| | Base Pay | \$60,090.00 |
| Extra Duty Pay | 13 Additional Days | \$4,069.00 |
| | Guidance Co-Director | \$7,029.00 |
| | 6th Class Stipend | \$6,868.00 |
| Coaching Pay | | |
| | | |
| | | |
| | Extra Duty Total | \$17,966.00 |
| | Coaching Total | |
| | Salary Total | \$78,056.00 |

(27) Equal payments of \$2,890.96 Contract start date beginning on September 1, 2017 to contract end date August 31, 2018
Benefits: September 1, 2017 thru August 31, 2017

| | | |
|----------------------------|-----------------------------------|--------------------|
| Indiana License #: 1355010 | Degree: MS | Kind: Professional |
| Date of Issue: 8/27/2014 | Subject Area(s): Counseling | Grade Levels: 5-12 |
| Expires: 8/27/2019 | Status: Full-time / Salary Exempt | CEAP Level: D9 |

Name of School (Employer): Roncalli High School
Teaching Assignment: Secondary
Subject Area(s): Mathematics

IN ACCORDANCE with the declarations above, the employer agrees to hire and the Teacher agrees to serve as the Teacher in the school for the term of this contract on the following terms:

1. Duties. Under the supervision of the school principal and pastor, the Teacher shall:

- Faithfully perform all duties of a Teacher in the school, using such texts as are prescribed and supplied;
- Be accountable to the principal for curricular plans;
- Observe proper decorum as befits the profession;
- Observe the regulations and schedules of the school, the school commission or board, and/or the deanery high school board
- Continue professional growth and professional development sponsored by the archdiocesan Office of Catholic Schools
- Be responsible for keeping accurate records as prescribed by the school;
- Make all reports required by the principal, the school commission (or board), and laws of Indiana; and,
- Maintain licensure and renewal as needed.
- Comply in a timely manner with all employment screening and training expectations, including state and archdiocesan requirements.



2. Compensation. For each full day of service, the employer shall pay the Teacher Salary at the Daily Rate designated above. Total compensation for the contract year shall not exceed the Teacher Salary Total amount. Teacher only shall receive compensation for actual days of service plus those days set forth in Section 5. Compensation shall be paid to Teacher in accordance with the regular payroll procedures offered by the Roman Catholic Archdiocese of Indianapolis, as service provider, ("Service Provider"). In the event teacher's total compensation received exceeds the total number of days of service plus the available leave days multiplied by the Daily Rate, the employer is entitled to seek a setoff or refund of the amounts overpaid.

3. Benefits. All benefits are offered as published by the Service Provider. Benefit coverage begins on the contract date as determined in Contract Term date section above. Benefit coverage will terminate on the contract end date as determined in the contract term section above.

4. Policies. Teacher acknowledges having been provided with a copy of the Faculty Handbook and is familiar with the contents thereof in all matters pertaining to the school's philosophy of education, objectives, moral and ethical standards and procedures. Teacher agrees that conscientious observance of the Faculty Handbook, as well as the Rules and Regulations of the school is an expressed duty of the Teacher's performance of this contract. Teacher acknowledges that the school reserves the right to amend and modify the Faculty Handbook and the Rules and Regulations upon reasonable notice to the Teacher. In the event there is a conflict of any provision of this contract with any of the provisions of the above referred to policies, this contract shall control. Teacher also acknowledges receipt of the ministry description that is attached to this contract and agrees to fulfill the duties and responsibilities listed in the ministry description.

5. Paid Leave. If this contract is for a full two-semester term, the Teacher may take nine (9) days sick leave with pay, plus the accumulated balance from the immediately preceding year, plus two (2) days for personal reasons. Unused personal leave is forfeited at the end of the school year. A maximum of nine (9) days of unused sick leave per contract year may be accumulated to a total of 90 days. After all sick leave has been used, a full day's pay shall be deducted from the teacher's salary for each day missed. In addition, the Teacher may take five (5) days leave with pay for the funeral in case of a death in the immediate family. The immediate family includes parents, spouse, sibling, child, grandparent, grandchild and in-laws to the same degree. If the Teacher is hired after the first day of school, the Teacher may take one (1) day of sick leave per eighteen (18) current year contract days worked, up to a maximum of nine (9) days. Paid time off for part-time employees will be prorated. Please reference the Archdiocese handbook for details on appropriate use of time.

6. Defaults. The Teacher shall be deemed to be in default under this contract in the event of any breach of duty hereunder, including, but not limited to the following:

- a. Failure to perform or neglect of duties;
- b. Unprofessional conduct;
- c. Insubordination;
- d. Falsification of employment application or other documents or other misrepresentation;
- e. Violation of a rule or policy of the school or Archdiocese;
- f. Unsatisfactory attendance;
- g. Reporting to work under the influence of alcohol or drugs, or being under the influence of alcohol or drugs while overseeing youth at any church/school activities;
- h. Conduct endangering the safety of students or others;
- i. Cohabitation (living together) without being legally married; and
- j. Any conduct in or out of school tending to reflect great discredit on the Teacher or the school or tending to seriously impair the teacher's continued effectiveness as a Teacher; and, any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church.

On any such default, the school principal and the pastor may, at their discretion and without notice, suspend or terminate the employment of the Teacher.

7. Liability for Default. Schools affiliated with the Roman Catholic Archdiocese of Indianapolis dedicate substantial resources annually in the recruitment and retention of its teachers. The termination of Teacher Contracts by teachers without cause during the term of the contract, results in significant organizational and financial detriment to the schools. Teacher and the School acknowledge that the cost and detriment to the school is not easily calculated and that liquidated damages in the sum of 10% of the annual salary of the Teacher is a fair and accurate estimate of the detriment suffered by the School in the event the Teacher Contract is prematurely terminated by the Teacher.

- a. In the event Teacher terminates this Teacher Contract without just cause (which shall be determined by the School in its sole discretion), prior to the expiration of the contract term, Teacher agrees to pay to the School as liquidated damages, a sum equal to 10% of the Teacher's annual salary (hereinafter referred to as "Liquidated Damages") within 30 days of the date of termination.
- b. In the event Teacher fails to pay the Liquidated Damages in full within 30 days of the date of termination, the School shall be entitled to such additional sums, including payment of interest at the rate of 10% per annum, cost of collection and attorney fees.
- c. This Section 7 shall be governed by and interpreted in accordance with the laws of the State of Indiana. Teacher and School hereby consent to the exclusive jurisdiction of the state courts located in Marion County, Indiana and waive any objection which may have been based on improper venue or forum non-conveniens to the conduct of any court proceedings.

 Teacher shall initial and date here to indicate that he/she has read and accepts Section 6 - Defaults and Section 7 - Liability for Defaults.

8. Term This contract is not automatically renewable. The Teacher has no right to, or the promise of, a contract exceeding the school year. No compensation shall be paid for unused sick or personal leave. No one may waive this paragraph.

9. Entire Agreement This contract supersedes all prior oral or written agreements and can be modified only by a mutual agreement in writing signed by both parties.

10. Conflicting Provisions In the event there is a conflict of any provision of this contract in any provision of the above referred to policies, this contract shall control.

11. Dispute Resolution The teacher and school agree that the Superintendent of Catholic Schools is appointed by the parties to resolve dispute concerning the terms of this contract. In the event of a dispute concerning the terms of this contract, the Teacher agrees to submit the dispute for mediation by the Superintendent of Catholic Schools for the Archdiocese of Indianapolis. The decision of the Superintendent concerning any dispute is a final decision. Mediation of a dispute is not applicable to the termination, withdrawal or non-renewal of this contract.

IN WITNESS WHEREOF, the parties have hereunto set their hands at Indianapolis, Indiana.

Dated 26 May, 20 17

EMPLOYER'S NAME: Roncalli High School
3300 Prague Road
Indianapolis, IN 46227

Lynn Stanley
Printed Name of Teacher

Lynn Stanley
Signature of Teacher

Joseph A. Hollowell
Principal/Administrator

NAME OF TEACHER: Lynn Starkey

TELEPHONE: 843-1630

ADDRESS: [REDACTED]

DEGREE: MS

CITY, STATE, ZIP: [REDACTED]

SALARY AT THE RATE OF:

| | | | | |
|---------------|--------------------|---|-----------|-------------|
| Daily Rate: | \$228.49 | X Number of Contracted Day 205 = | Base Pay: | \$46,840.00 |
| | | (includes holidays and professional days) | | |
| EXTRA DUTIES: | 13 Additional Days | | | \$3,172.00 |

Teacher Salary Total: \$50,012.00

(24) equal payments of \$2,083.83 beginning on September 15, 2007

INDIANA LICENSE NUMBER: 464193

KIND: Standard

Date of Issue: 8/2/03

Expires: 8/2/08

Subject Area(s): Counseling

Grade Levels: 7-12

NAME OF SCHOOL (EMPLOYER): Roncalli High School

TEACHING ASSIGNMENT: Secondary

SUBJECT AREA(S): Guidance Counselor

IN ACCORDANCE with the declarations above, the employer agrees to hire and the teacher agrees to serve as a teacher in the school for the term of this contract on the following terms:

- Duties.** Under the supervision of school principal and pastor, the teacher shall:
 - Faithfully perform all duties of a teacher in the school, using such texts as are prescribed and supplied;
 - Be accountable to the principal for curricular plans;
 - Observe proper decorum as befits the profession;
 - Observe the regulations and schedules of the school, the school commission (or board) and/or the interparochial high school board;
 - Continue professional growth and attend, and be willing to participate in the exercises of required professional meetings and complete all required Catholic Educator program courses;
 - Be responsible for keeping accurate records as prescribed by the school;
 - Make all reports required by the principal, the school commission (or board), and laws of Indiana; and,
 - Maintain licensure and renewal as needed.
- Compensation.** For each full day of service, the employer shall pay the Teacher Salary at the Daily Rate designated above. Total compensation for the contract year shall not exceed the Teacher Salary Total amount. Teacher only shall receive compensation for actual days of service plus those days set forth in Section 5. Compensation shall be paid to Employee in accordance with the Archdiocesan regular payroll procedures. In the event teacher's total compensation received exceeds the total number of days of service plus the available leave days multiplied by the Daily Rate, the employer is entitled to seek a setoff or refund of the amounts overpaid.
- Benefits.** All benefits are offered as published by the Archdiocese of Indianapolis. Benefit coverage begins on September 1, 2007 and ends August 31, 2008.
- Policies.** Teacher acknowledges having been provided with a copy of the Faculty Handbook and is familiar with the contents thereof in all matters pertaining to the school's philosophy of education, objectives, moral and ethical standards and procedures. Teacher agrees that conscientious observance of the Faculty Handbook, as well as the Rule and Regulations of the school and the Office of Catholic Education is an expressed duty of the teacher's performance of this contract. Teacher acknowledges that the school and the Office of Catholic Education reserve the right to amend and modify the Faculty Handbook and the Rules and Regulations upon reasonable notice to the teacher. In the event there is a conflict of any provision of this contract with any of the provisions of the above referred to policies, this contract shall control.
- Sick Leave.** If this contract is for a full two-semester term, the teacher may take nine (9) days sick leave with pay, (plus the accumulated balance from the immediately preceding year), plus two (2) days for personal reasons. A maximum of seven (7) days of unused sick leave or personal leave per contract year may be accumulated to a total of 90 days. After all sick leave has been used, a full day's pay shall be deducted from the teacher's salary for each day missed. In addition, the teacher may take five (5) days leave with pay for the funeral in case of a death in the immediate family. The immediate family includes parents, spouse, sibling, child, grandparent, grandchild and in-laws to the same degree. If this contract is terminated before completion of term, or if the teacher is hired after the first day of school, the teacher may take one (1) day of sick leave per eighteen (18) current year contract days worked, up to a maximum of nine (9) days.

6. **Defaults.** The teacher shall be deemed to be in default under this contract in the event of any breach of duty hereunder, including, but not limited to the following:
- Failure to perform or neglect of duties;
 - Unprofessional conduct;
 - Insubordination;
 - Falsification of employment application or other documents or other misrepresentation;
 - Knowing violation of a reasonable rule of the school;
 - Unsatisfactory attendance;
 - Reporting to work under the influence of alcohol or drugs, the consumption of alcohol or drugs on employer's premises or the sale of alcohol or drugs;
 - Conduct endangering the safety of students or others;
 - Cohabitation (living together) without being legally married; and
 - Any conduct in or out of school tending to reflect great discredit on the teacher or the school or tending to seriously impair the teacher's continued effectiveness as a teacher; and any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church.

On any such default, the school principal and the pastor may, at their discretion and without notice, suspend or terminate the employment of the teacher. Within ten (10) days the former teacher may present a written statement regarding the suspension or termination to the Executive Director, Catholic Education for review. The Executive Director may, in his or her discretion, suggest possible mediation between the parties.

7. **Liability for Default.** The Archdiocese of Indianapolis and its schools dedicate substantial resources annually in the recruitment and retention of its teachers. The termination of Teacher Contracts by teachers without cause during the term of the contract, results in significant organizational and financial detriment to the schools and the Archdiocese. Teacher and the Archdiocese acknowledge that the cost and detriment to the schools and Archdiocese is not easily calculated and that liquidated damages in the sum of 10% of the annual salary of the Teacher is a fair and accurate estimate of the detriment suffered by the Archdiocese in the event the Teacher Contract is prematurely terminated by the Teacher.
- In the event Teacher terminates this Teacher Contract without just cause (which shall be determined by the Archdiocese in its sole discretion), prior to the expiration of the contract term.**
Teacher agrees to pay to the Archdiocese/School as liquidated damages, a sum equal to 10% of the Teacher's annual salary (hereinafter referred to as "Liquidated Damages") within 30 days of the date of Termination.
 - In the event Teacher fails to pay the Liquidated Damages in full within 30 days of the date of termination, the Archdiocese/School shall be entitled to such additional sums, including payment of interest at the rate of 10% per annum, cost of collection and attorney fees.
 - This Section 7 shall be governed by and interpreted in accordance with the laws of the State of Indiana.
Teacher and Archdiocese/School hereby consent to the exclusive jurisdiction of the state courts located in Marion County, Indiana and waive any objection which may have been based on improper venue or forum non-conveniens to the conduct of any court proceedings.

W

Teacher shall initial here to indicate that he/she has read and accepts Section 6 – Defaults and Section 7 – Liability for Defaults.

8. **Term.** This contract is not automatically renewable. The teacher has no right to, or the promise of, a contract exceeding the school year. No compensation shall be paid for unused sick or personal leave. The Archdiocesan Conciliation Policy does not apply to non-renewal of a contract. No one may waive this paragraph.
9. **Entire Agreement.** This contract supersedes all prior oral or written agreements and can be modified only by a mutual agreement in writing signed by both parties.
10. **Conflicting Provisions.** In the event there is a conflict of any provision of this contract in any provision of the above referred to policies, this contract shall control.
11. **Dispute Resolution.** In the event of dispute concerning the terms of this contract, the teacher agrees to submit the dispute for mediation by the Executive Director, Catholic Education for the Archdiocese of Indianapolis. The decision of the Executive Director concerning any dispute is a final decision. Mediation of a dispute is not applicable to the termination, withdrawal or non-renewal of this contract.

IN WITNESS WHEREOF, the parties have hereunto set their hands at Indianapolis, Indiana.

Dated: 21 June, 2007

EMPLOYER'S NAME RONCALLI HIGH SCHOOL

L. M. Stankus
Signature of Teacher

Administrator

ROMAN CATHOLIC INDIANAPOLIS DEANERIES SCHOOL TEACHER CONTRACT

EMPLOYER (name of parish if single parish school; name of board of education if high school or consolidated school) _____

RONCALLI - South DeaneryNAME OF SCHOOL RONCALLITERM OF CONTRACT: The duration of the 19 86 -19 87 School Year: 187 contract-days.TEACHING LEVEL: Secondary X Elementary _____ Grade(s) _____SUBJECT AREA(S) Music / ReligionExtra Duties Music, Drama Degree M. S.NAME OF TEACHER Lynn M. Starkey Telephone 887-1273

ADDRESS _____

CITY _____ STATE IN ZIP _____SALARY AT THE RATE OF: Base Pay \$ 15,321.00Extra Duty \$ 1,000.00Total \$ 16,321.00 \$ 81.931 per contract day for 187 contract-days. Payments shall be madesemi-monthly in ☐ twenty (20) ☒ twenty-four (24) equal payments, beginning on
September 15, 19 86INDIANA LICENSE NUMBER 377072 Kind Life Date of Issue / / Expires / /SUBJECT AREA(S) Music Grade Levels K-12

IN ACCORDANCE with the declarations above, the employer agrees to hire and the teacher agrees to serve as a teacher in the school for the term of this contract on the following terms:

1. The employer shall pay the teacher the salary designated above, and shall enroll the teacher in the Archdiocesan Benefits Plan, if the teacher voluntarily elects to enroll in the program. If enrolled, the teacher will contribute toward the premium cost of the plan according to the Archdiocesan published scale. The balance of the premium shall be paid by the employer. However, the teacher shall pay the premium cost for any dependents, for whom the teacher elects to provide coverage under the program.
2. If the school is closed before the end of the term of this contract, the teacher's salary shall not abate, unless this contract is otherwise lawfully terminated.
3. If this contract is for a full two-semester term, the teacher may take seven (7) days sick leave with pay, (plus the balance from the immediately preceding year), two (2) days of which may be used for personal reasons. A maximum of five (5) days of unused sick leave per contract year may be accumulated to a total of 90 days. After all sick leave has been used, a full day's pay shall be deducted from the teacher's salary for each day missed. In addition, the teacher may take five (5) days leave with pay for the funeral in case of death of a spouse, child, parent, brother or sister. If this contract is terminated before completion of term, or if the teacher is hired after the first day of school, the teacher may take one day of sick leave per eighteen (18) current-year-contract days worked, up to a maximum of seven (7) days.
4. Under the supervision of the school principal, the teacher shall (a) faithfully perform all duties of a teacher in the school, using such texts as are prescribed and supplied, (b) be accountable to the principal for curricular plans, (c) observe proper decorum as befits the profession, (d) observe the regulations and schedules of the school, the school board of education, and the deanery board of education, (e) continue professional growth and attend and be willing to participate in the exercises of professional meetings that from time to time are required by the principal, (f) be responsible for keeping accurate records as prescribed by the school, and (g) make all reports required by the principal, the boards of education, and the laws of Indiana.
5. This contract shall not be terminated or withdrawn without cause. For any of the following causes, the principal may terminate or withdraw this contract: failure to perform, neglect of duty, unprofessional conduct, insubordination, any conduct in or out of school tending to reflect great discredit on the teacher or the school or tending seriously to impair the teacher's continued usefulness as a teacher, any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church, or any material falsification in the teacher's application for employment, which is made part of this contract. The teacher shall not be entitled to salary or unused sick pay after such termination or withdrawal of this contract.
6. This contract is not automatically renewable and may be non-renewed without cause. No compensation will be paid for unused sick pay on non-renewal.
7. This contract supersedes all prior oral or written agreements and can be modified only by a mutual agreement in writing signed by both parties.
8. This contract is not effective until approved by the payroll administrator of the Roman Catholic Indianapolis Deaneries School System, whose initials must appear below.
9. The Conciliation Process of the Archdiocesan Board of Education is made a part of this contract. If the teacher believes that a decision by the principal affecting the teacher's work violates a term of this contract or violates a policy or rule of the Archdiocese, the deanery or the school, the teacher has the right to challenge such decision as specified in the Conciliation Process. The Conciliation Process does not apply to the non-renewal of this contract.

IN WITNESS WHEREOF, the parties have hereunto set their hands at Indianapolis, Indiana.

Dated: August 27, 19 86
Lynn M. Starkey
 Signature of Teacher

Dated: 8-25, 19 86
 EMPLOYER'S NAME Roncalli High School
South Deanery Bd of Education
 By Bateman J. G.
 Signature of Principal

3 day of 4 (106), 19 86 by the Payroll Administrator of the
 Indianapolis Deaneries _____ Committee of the Roman Catholic Indianapolis Deaneries School System.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

| | | |
|-----------------------------|---|--------------------------------|
| LYNN STARKEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:19-cv-03153-RLY-TAB |
| |) | |
| ROMAN CATHOLIC ARCHDIOCESE |) | |
| OF INDIANAPOLIS, INC. and |) | |
| RONCALLI HIGH SCHOOL, INC., |) | |
| |) | |
| |) | |
| Defendants. |) | |

DECLARATION OF ANGELA MALY

Pursuant to 28 U.S.C. § 1746, I, Angela Maly, declare the following:

1. I am over 21 years old and fully capable and competent to make this declaration. I have not been convicted of a felony or been convicted of a crime of dishonesty. I have personal knowledge of all the contents of this declaration.

2. I joined Roncalli High School as a Guidance Counselor in August 2018, and I have worked in that capacity at Roncalli at all times since then.

3. Before joining Roncalli, I worked at Port Huron High School in Port Huron, Michigan (Fall 2012 – Spring 2017), and Rushville Consolidated High School in Rushville, Indiana (Fall 2017 – Spring 2018), as a guidance counselor. I earned my bachelor’s degree in 2007 at the University of Dayton, and my master’s degree in Counseling with an endorsement in School Counseling at the University of Detroit Mercy. Both institutions, like Roncalli, are Catholic institutions. And I understand that Roncalli viewed it as a positive during my interviewing and hiring process that I attended Catholic institutions. After my masters, I also went on to complete two years of AmeriCorps that I served in Metro-Detroit.

4. As a guidance counselor at Roncalli, I am required to, and do, assist students with their social, mental, academic, emotional, and spiritual needs.
5. Being welcoming to the sharing of struggles, and being kind and open in doing so, is part of showing the face of Christ to the Roncalli family, which I strive to do in my work.
6. Personal topics I have discussed with students in my role as guidance counselor at Roncalli, in just the last two-and-a-half years, have included anxiety, stress, depression, romantic relationship issues, thoughts of suicide, sexual orientation, gender identity, and questions and doubts about the Catholic faith and its moral teachings.
7. For example, I was recently approached by a female student who was going through a breakup and wanted to discuss that with me. I talked her through how to not only get through the breakup, but more broadly how to rely on God, seek his wisdom through prayer, and trust his plan through difficult times.
8. I have also worked with students who are struggling to reconcile their sexual orientation with their faith. Guided by Catholic teaching, I have open conversations with these students, assuring them that their sexuality does not define them and that God loves them no matter what.
9. When students are struggling to come to an answer on a topic, whether academic, social, emotional, spiritual or personal, I work with them on processing their struggle and working through the issue, and often recommend that we "offer the struggle up to Christ through prayer."
10. Faith and prayer are also essential components of the academic and career counseling aspects of my job. For example, one of my students was up for a major, competitive scholarship that would have given her a full ride to one of many competitive schools in the country. Through the process, we prayed and focused on the fact that God has a plan bigger than we can imagine. Though she was not awarded this scholarship, she has told me on several occasions that the process helped her realize that God is in control, and she is currently enrolled at a university that is fulfilling her academically, socially and spiritually.

11. Similarly, before the fall of a student's Senior Year, counselors meet with each student and a parent/guardian to discuss their future plans/goals. In these meetings, I always encourage students to pray about their plans and goals, and I am firm in letting them know that I am there to assist them in getting to a college, trade, job or military position that will help them be the best version of who God intended them to be.
12. Another example is when a student wants to withdraw from a class that they feel is too difficult, I not only discuss the long-term effects this will have on their academic plan and how colleges may view this, but I also always encourage them to go and pray about it before a final decision is made.
13. I regularly pray with students during our one-on-one counseling sessions, often incorporating traditional Catholic prayer practices. For example, I sometimes give students "tiny saints," small keychains with an image of a saint, and suggest we pray on the keychain and come back to an issue. I also sometimes give students prayer cards to keep and use.
14. In my role as guidance counselor, I am part of the "STAND UP" program, which was previously named SAP, or Student Assistance Program. The STAND UP or Student Assistance Program provides confidential wraparound services for students (education shorthand for services that try to address all aspects of a young person's well-being).
15. All guidance counselors serve on STAND UP, along with a few other staff members including the school social worker, the director of campus ministry, Assistant Principal for Academic Affairs, Dean of Students, Assistant Principal for Student Life, and a rotating teacher. I have recently taken on the leadership role within the STAND UP program. This role entails all communication about our programming to the Roncalli Community, facilitating weekly meetings within the group, and managing the confidential reporting made by members of the Roncalli Community.
16. We encourage students to reach out to STAND UP when they or fellow students are struggling with depression, anxiety, eating disorders, any form of bullying, self-harm, substance abuse, aggressive behaviors and/or an incident involving harassment, or anything that may negatively affect a student's physical, social, emotional or spiritual health. We remind them it is a safe, confidential way to get help for themselves or their friends.

17. The STAND UP team meets regularly. During meetings, we lean on each other's expertise for helping students with deeply personal issues. That includes discussing how we can give the students the resources to teach them how to pray and talk to God about their issues. For example, I recall asking the director of campus ministry during one meeting whether he would recommend a specific saint for a student to pray to.
18. In STAND UP and elsewhere, I have often found myself sitting with other staff and praying for students even when the students themselves are not present.
19. Prayer is a huge part of my daily life and work at Roncalli; it comes out everywhere I look, from formal prayer with students to the language we use in our day to day emails.
20. For example, I start every workday in the Chapel of the Sacred Heart, which is located in the main lobby of Roncalli's Campus and serves as a central reminder of our shared Catholic identity and faith. On Monday through Wednesday I start the day in silent prayer. Every Thursday I lead a rosary, and on Fridays I lead adoration of the Blessed Sacrament. Everyone in the Roncalli community is invited to these times of collective prayer and worship—students, faculty, and staff. The Principal, Assistant Principal, football coach, teachers and other staff members regularly attend and participate, and we regularly have anywhere from a handful of students to fifteen or more.
21. During this pandemic, I have led virtual rosary gatherings with students and all members of the Roncalli Community as a means to maintain our spiritual connection for our faith-based community.
22. I could have never engaged in this kind of prayer with students openly when I worked in a public school.
23. Our entire school also prays together twice daily and three times on Friday, led over the all school announcements.

24. Teachers are encouraged to pray with each of their classes daily. I have also been present when our test proctors have begun a testing period with prayer as a matter of course.
25. As guidance counselors, we are often called to interview transfer students or students who are “out of deanery,” meaning students who do not attend a school in the South Deanery of Indianapolis. We also meet with all incoming 9th graders and their families for scheduling meetings. In these interviews and meetings, we always address the topic of faith.
26. As a guidance department team, we begin every all-team meeting with prayer and have done so for the entire time I have been at Roncalli. This opening prayer is rotated among the team. This includes any meeting that happens within our department off campus.
27. Recently the Guidance team attended a retreat for our department that was led by a Catholic priest. We consulted with the priest during that time about our work, how to better incorporate our Catholic identity in to our work, and particularly how to address questions about sex and sexuality among the students. This retreat was organized by our Director of Campus Ministry and our current Director of Guidance.
28. Along with the other guidance counselors, I participate in monthly Mass at Roncalli. When available, I would also attend Masses that were offered before or during the school day.
29. I often serve as an extraordinary Eucharistic minister at those Masses—meaning I distribute the body and blood of Christ to faculty, staff, and students, as well as any visitors to our Mass.
30. Roncalli encourages teachers and guidance counselors to participate in religious services outside of Roncalli.
31. All Roncalli guidance counselors, along with other Roncalli staff who work directly with students, are a part of what we call an “Angelo Group,” which is named for Angelo Roncalli, also known as Pope Saint John XXIII, the namesake of Roncalli. These groups were formed at the beginning of the 2019-2020 school year, and are led by Catholic priests, members of our Theology Department, and members of our Campus Ministry Team.

32. For Fall 2020, each Angelo Group meets to pray and listen to different Catholic priests talk and to give us guidance in our work. We are often reminded that our work is a ministry. We meet every month, on Wednesdays.
33. As a guidance counselor, I am instructed and encouraged by Roncalli to participate in service as part of our commitment to putting faith into action. Since my time at Roncalli, I have worked alongside our Student Body at St. Vincent DePaul Food Pantry, Beggars of the Poor, St. Vincent House, and through our Appalachia Mission Trip.
34. For example, on our Appalachia Mission trip, two teachers, a dean, and I took eleven or twelve students on a Sunday through Friday service trip during Spring Break. We drove cross country and stayed together at a Christian community center. Every day begins and ends with shared prayer. During the day, we did service projects—such as building a ramp for a wheelchair bound woman who hadn't been out of her house in years. At night, we prayed together and took walks with the kids. This trip formed deep bonds among staff members and between the staff and kids—particularly because it allows the kids to see us not just as professionals but as flawed but faithful persons.
35. Beyond mission trips and service projects, our students are encouraged to participate in our retreat program, which includes Sophomore Day of Reflection, Junior Retreat Day, and is culminated in our Senior Christian Awakening retreat. The ultimate goal of these retreats is to help students understand how Christ is present in their daily life.
36. I attended a retreat last year and am speaking at one this year. I will be providing the “Graph of Life” talk, discussing the highs and lows of my life, and how we strive to celebrate God in the good times and lean on Him in the bad times.
37. Another example of a talk adult staff give at retreats is the “God’s Friendship” talk, which is a talk about friends that have shown God’s love to us.
38. I am familiar with the School Guidance Counselor Ministry Description incorporated into my Ministry Contract, attached to this affidavit as Exhibit 1.

39. The Ministry Description for School Guidance Counselors is a fair description of the day-to-day expectations of guidance counselors at Roncalli.

40. Section III.A of the Description is also an accurate description of my role in facilitating faith formation among students. That is, I strive to communicate the Catholic faith to my students and families. I pray with and for them. I join with them in liturgies and prayer services. I teach and celebrate Catholic traditions with them. I strive to model the example of Jesus and show the face of Christ to every student in how I treat them and how I live. I strive to communicate the Church's message and carry out its mission in how I live and do my work. And I try to help them understand and be formed in the Catholic faith. I'm far from perfect, but my day-to-day work is specifically geared toward modeling and teaching not just a generic "Christian" faith but the Catholic faith specifically.

41. In my role as a guidance counselor, I am supervised by a Director of Guidance (previously divided into two Co-Director positions). When I started at Roncalli in 2018, I was supervised by Lynn Starkey and Shelly Fitzgerald. In July of 2018, prior to the beginning of my official start date, Shelly reached out to me and took me out to lunch. During lunch Shelly told me that she and Lynn were lesbians and had same-sex unions. She told me that I must keep that information confidential. Shelly told me that she was disclosing this information with me because I was now a part of the guidance family. This situation left me very conflicted, as I had grown to like and respect Shelly and Lynn both personally and professionally in the short period of time I had known them. And because they were my direct supervisors, I felt threatened with loss of respect from my colleagues if I let their secret out.

42. I am now evaluated annually by the Director of Guidance and the Principal.

43. In my evaluation process, I present my goals for the coming year. One of my goals is always spiritually based.

44. In my role as a guidance counselor, I participate in a Day of Reflection at the start of the school year with other staff including teachers and other guidance counselors, where we reflect on our spiritual mission at Roncalli. I recall that last year, the Day of Reflection involved traveling to many different parishes around Indianapolis.

45. I have reviewed the document labeled "Commissioning," and attached as Exhibit 2, and recall reciting the prayer there together with other staff.
46. I do not know how I could perform my job effectively or happily without the faith component that I value so much. Faith is in the center of all we do at Roncalli.
47. I would not have chosen to work at Roncalli over the public school system if it wasn't for my ability to participate in the religious aspects of guiding students.
48. It can be a great deal of pressure working at a Catholic school, especially because the standard for living as you model the Catholic faith to students is harder because it is lived at all times in my life. But at the same time, the work is so much easier when you have God at the center.
49. I am blessed to work at a place and be a part of a community that accompanies each student to grow in the evolution of their personal relationship with God. I thank God daily that it was in His plan to have me work at a place that will help me grow personally, professionally and faithfully.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 12-21-20

Date

Signed: Angela Maly
Angela Maly

ARCHDIOCESE OF INDIANAPOLIS

MINISTRY DESCRIPTION

School Guidance Counselor

FINAL 05.08.2018

I. IDENTIFYING INFORMATION

Title: Catholic School Guidance Counselor
 Status: Part-time or Full-time, Exempt
 Reports To: Principal and, if applicable, Department Director



II. PRIMARY FUNCTIONS

The school guidance counselor, a minister of the faith, is a professional educator licensed under and performing duties aligned with Indiana Department of Education requirements and guidance offered at <https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure> (website content active on 3/31/18).

Adhering to mission, and within the school's supervisory structure, including the school principal and pastor or high school principal and president, the school guidance counselor will collaborate with parents and fellow professional educators to foster the spiritual, academic, social, and emotional growth of the children entrusted in his/her care.

III. POSITION CONTENT

(Note: Recognizing that Catholic schools differ in their programming and structures, site-specific position content may also be provided by the school administration.)

A. Role: Facilitates Faith Formation

1. Communicates the Catholic faith to students and families through implementation of the school's guidance curriculum, academic course planning, college and career planning, administration of the school's academic programs, and by offering direct support to individual students and families in efforts to foster the integration of faith, culture, and life.
2. Prays with and for students, families, and colleagues and their intentions. Participates in and celebrates liturgies and prayer services as appropriate.
3. Teaches and celebrates Catholic traditions and all observances in the Liturgical Year.
4. Models the example of Jesus, the Master Teacher, in what He taught, how He lived, and how He treated others.
5. Conveys the Church's message and carries out its mission by modeling a Christ-centered life.
6. Participates in religious instruction and Catholic formation, including Christian services, offered at the school. Non-Catholic school guidance counselors are expected to participate to the fullest extent possible (e.g., non-Catholics would come forward to receive a blessing instead of Holy Communion in the Catholic Mass).

B. Role: Designs and Plans the School's Guidance Curriculum and Programming

1. Participates in ongoing assessment of guidance department quality and uses archdiocesan and state standards, including diploma and graduation pathway requirements, for long-range and short-range planning.
2. Develops and communicates the school's guidance department goals and calendar to all constituencies.
3. Prepares daily, weekly, and/or monthly plans for the implementation of the school's guidance curriculum and submits them to the principal per the principal's directive.
4. Develops varied strategies to meet the needs of diverse learners and families, using data to inform professional practice.
5. Chooses high quality and appropriate materials for use with students and families aligned with the

- school's mission and the school's guidance curriculum.
6. Plans, if appropriate, field trips that enrich the school's guidance curriculum.

C. Role: Implements and Manages the School's Guidance Curriculum and Programming

1. Ensures high quality academic planning, including class/course scheduling aligned with progress toward graduation and attainment of goals for all learners and families.
2. Conducts, as appropriate and necessary, large group, small group, and individual school guidance counseling initiatives to meet the needs of all learners and families.
3. Uses a variety of methods and strategies suited to diverse students and families and aligned with the goals of the school's guidance programming.
4. Encourages the exploration of diverse curricular and extracurricular learning opportunities along with the exploration of diverse higher education and career pathways.
5. Uses media and technology to support learning, as appropriate.
6. Establishes efficient routines to maximize impact of the school's guidance curriculum and programming.
7. As directed by the principal, assists in the development of, follows, and ensures the implementation by each teacher of ISPs, CSEPs, and Catholic School Accommodation Plans for students who have them.
8. Is available to support students and families learning outside of traditional school hours (before and after school meetings and programming, etc.).
9. Works with incoming students and families to develop academic plans and to assist with induction into the life of the school.
10. As directed by the principal, coordinates and/or assists in the coordination of and implementation of assessments, including state and other standardized testing, and accommodations.
11. Works with students and families for post-high school educational and career placements, including assisting with identifying and applying for scholarships, college/university applications, and job applications.
12. Follows best practices and ethical responsibilities of the school guidance counseling profession, including following all mandatory reporting requirements.

D. Role: Assesses and Communicates Results

1. Uses both formal and informal methods to evaluate and document the progress of students toward graduation and the formation of students aligned with the mission of the school. Adjusts programming and methods in response to the needs of learners and families.
2. Aligns student and family programming with guidance curriculum objectives and uses data to enhance programming for the growth of all learners.
3. Provides frequent and useful feedback on progress to students and parents along with specific suggestions for improving performance.
4. Coordinates and/or participates in the school's Response to Intervention / Multi-Tiered System of Supports programming for all learners, as directed by the principal.
5. Communicates, as appropriate, progress according to the quarterly and interim school schedule.
6. Communicates individual and school-wide progress as per the principal's and/or president's directive.
7. Communicates the school's guidance department goals and programming to students, families, and colleagues.
8. Initiates conferences with parents/guardians, both proactively and reactively, as necessary and as aligned with the school's guidance curriculum.
9. Maintains accurate permanent records for students.

E. Role: Develops and Maintains a Positive Learning Environment

1. Maintains a caring rapport and relationship with students and families and demonstrates enjoyment in working with them.
2. As directed by the principal, coordinates safe environment programming and education for students and families, including Circle of Grace, bullying awareness and prevention, suicide awareness and prevention, substance abuse awareness and prevention, and other appropriate safe environment

- programming.
3. Contributes positively to the learning environment of the entire institution.
 4. Supports teachers, staff members, and administrators in developing and implementing developmentally-appropriate practices and policies to ensure well-being and responsiveness to student needs.
 5. Proactively identifies and addresses physical, social, emotional, and spiritual needs of individuals and of the community of learners, engaging other professionals as appropriate.
 6. Uses techniques and methods that foster a Christ-centered atmosphere and the internalization of self-discipline and a sense of personal responsibility.
 7. Maintains and communicates high academic and behavioral expectations and supports students in meeting those expectations.
 8. Develops and maintains a stimulating, safe, and engaging environment that is neat, orderly, and attractive, including appropriate and engaging bulletin boards and displays.
 9. Supports positive student behavior so that goals can be accomplished.
 10. Addresses behavior and academic issues in an effective, consistent, and fair manner.
 11. Documents and communicates issues and concerns to parents and the principal in a timely and appropriate manner.
 12. Provides supervision and engages students outside of the classroom and as assigned by the principal.

F. Role: Professional Growth and Development

1. Commits to lifelong learning and demonstrates a passion for ongoing professional growth and development.
2. Maintains proper certification and licensure as required by the State of Indiana.
3. Meets the Archdiocese of Indianapolis's professional growth requirements and all local requirements as determined by the principal and/or his/her designee(s).
4. Maintains records of Professional Growth Points (PGPs) and submits them to the IDOE in collaboration with the principal or his/her designee.
5. Participates fully in faculty meetings and professional development meetings/in-services, contributes to school-wide goals, and supports colleagues and administrators in their own professional growth.
6. Participates fully in the school's performance appraisal processes for educators.
7. Participates in spiritual retreats, days of reflection, and spiritual formation programs as directed by the principal and as required by Archdiocesan faith formation expectations.

G. Role: Additional Professional Responsibilities

1. Follows local protocols as published in the faculty/staff handbook, student/family handbook, and in other related policies, protocols, rules, and regulations.
2. Serves on school committees and in other capacities as directed by the school principal.
3. Assists as requested with school fundraisers and development efforts.
4. Prepares for, attends, and participates in Registration, Open House, Christmas Program, Graduation, etc. as directed by the school principal.
5. Prepares, attends, and participates in grade level specific events/programs/initiatives, etc.

H. Communication and Interpersonal Effectiveness

1. Contributes positively to morale and to the culture of the Catholic school in service of the mission in all communications and actions.
2. Demonstrates loyalty to the school and its mission above individual views.
3. Openly and respectfully communicates concerns at the appropriate level.
4. Collaborates with and supports fellow school guidance counselors, teachers, staff members, and administrators.
5. Proactively engages parents in the formation of their children.
6. Communicates effectively with parents and works to resolve concerns or disagreements in a constructive manner.

7. Respects and maintains confidentiality.
8. Maintains the good reputation of the parish, school, and archdiocese.

IV. POSITION SPECIFICATION/REQUIREMENTS

A. MINISTERIAL EXPECTATIONS

1. Display of Gospel values, good judgment, diplomacy, and the safeguarding of confidential information are required.
2. Has the potential and talent to be an effective Catholic school guidance counselor.

B. EDUCATION, TRAINING, AND/OR EXPERIENCE

Licensure/Degree

1. Holds an advanced degree and license as prescribed by the Indiana Department of Education's Office of Educator Effectiveness and Licensing (<https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure>; content as of 3/31/18).
2. Progress toward a degree and emergency licensure may be sufficient as prescribed by the Indiana Department of Education's Office of Educator Effectiveness and Licensing (<https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure>; content as of 3/31/18).

Other Training/Expectations

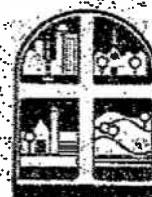
1. "Safe and Sacred" Child Protection Training
2. Criminal Background Check
3. Acknowledgment of this Ministry Description document for School Guidance Counselors
4. Ongoing professional development and faith formation

V. WORKING ENVIRONMENT

- A.** Catholic schools are ministries of the Catholic Church, and school guidance counselors are vital ministers sharing the mission of the Church. School guidance counselors are expected to be role models and are expressly charged with leading students toward Christian maturity and with teaching the Word of God. As role models for students, the personal conduct of every school guidance counselor, teacher, administrator, and staff member, both at school and away from school, must convey and be supportive of the teachings of the Catholic Church. These teachings include, but are not limited to: honoring the dignity of each human life from conception to natural death, care for God's creation, and the belief that all persons are called to respect human sexuality and its expression in the Sacrament of Marriage as a sign of God's love and fidelity to His Church. The Seven Themes of Catholic Social Teaching can be found at <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm>. A thorough description of Catholic Church teaching can be found in the *Catechism of the Catholic Church*.
- B.** Determining whether a school guidance counselor is conducting him/herself in accordance with the teachings of the Catholic Church is an internal Church matter and is at the sole discretion of the principal and/or president, pastor / deanery dean, and/or Archbishop.
- C.** The Archdiocese recognizes that many school guidance counselors, who contribute positively to the mission of the Church in forming young people through our Catholic schools, are not practicing Catholics. For school guidance counselors of other faith traditions, there remains an expectation that, regardless of their personal religious affiliations and beliefs, they will become knowledgeable of Catholic Church teachings, will be credible witnesses of the Catholic faith, and will be models of Christian values.

STARKEY DEPO EXHIBIT 54

Commissioning of Ministers of the Faith



ARCHDIOCESE
OF INDIANAPOLIS

The Church in Central and Southern Indiana

Open Doors + Open Arms + Open Hearts

Commissioning:

Leader: (Please Stand.) Do you accept the responsibilities of a minister of the faith in the Archdiocese of Indianapolis?

All: I accept the responsibilities of my ministry.

Leader: Do you promise to lead as a faithful servant with joy and love?

All: I promise to faithfully serve.

Leader: Do you promise to be a witness of your own deep faith?

All: I promise to share my faith with others.

Leader: Do you promise to form young people and support families through holistic, engaging, and academically excellent programming that integrates faith, culture, and life as modeled by our Lord and Savior, Jesus Christ?

All: I promise to form youth and support families in the faith by following the example of our Master Teacher, Jesus Christ.

Leader: Do you promise to advance the mission of the Church with joy?

All: I promise to joyfully answer God's call to this vocation of Catholic education.

Leader: I hereby commission you to faithfully and joyfully serve as ministers of the faith in the Catholic schools of the Archdiocese of Indianapolis.

All: Eternal Father, we ask for your blessings on all of us today. Grant us the gifts of faith, hope, and love as we begin a new school year. May we serve with honesty, dignity, and grace.

We ask that our faith may grow stronger, that we may be filled with the hope of your promise of eternal salvation, and that we may know the love of families, friends, and You, our Creator, each day.

Keep us faithful, and remind us always that whatever we do, we do IN You, WITH You, and THROUGH You.

AMEN!



SA70

Lynn Starkey
Exhibit
54

12/4/20

Called to Commitment

Leader: Let us come before our God of all creation with open minds, open hearts, and open arms.

All: **Let us praise and thank God.**

Leader: Our God is in all things, full of love and mercy.

All: **God calls us by name to serve as His intentional, missionary disciples.**

Leader: God calls us to faithful leadership.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to seek opportunities to share His love with others.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to persist in our service, our hunger for justice, and our compassion for all life.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to utilize our gifts fully so that we may, in turn, honor and glorify Him.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to love one another as He loves us – without judgment, without reservation.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to serve as intentional, missionary disciples in all that we do and all that we are.

All: **It is time for us to renew our commitment to serve.**

Leader: God brings us to this moment and gives us all we need to aid in the formation of saints.

All: **It is time for us to renew our commitment to serve.**

Remembering Our Purpose

Leader: We gather as one community of believers to celebrate our mission and serve with hunger, relentless curiosity, and zeal. We know our roots and celebrate our heritage. We praise Christ's presence in our lives. We rejoice in having been chosen to work with one another and our school families to speak and live God's word with courage, compassion, and love.

All: **We gather because we are men and women of faith joined together in hope. God has called us to build and to renew. We ask God to walk with us, through all the changes of our lives. We ask the Holy Spirit to remain with us, guiding our plans and our works. We bask in God's enduring love and peace. We remember that it is His will that we are called to serve, not our own.**

Hear us, O God, as we unite ourselves to you. Give us your wisdom and your strength to look with joy to this new program year. Give us faith, hope, and love, and give us the courage and persistence we need to share these gifts willingly and joyfully with all those in our midst.

Prayers of Petition

Leader: Gracious God, through all time you listen to the pleas of your people. You listen to the gentle prayers of children and hear the anguished cries of those in pain. You give ear to all who need your help. Confident in your gracious mercy, we present our needs to you.

Leader: When fear and uncertainty creep into our lives,
All: **remind us of Your protective care.**

Leader: When we are weary and think we have reached our limits,
All: **comfort and soothe us with Your love; help us to persist.**

Leader: When new opportunities present themselves,
All: **let us readily accept Your will and excel in Your name.**

Leader: When we look at the student, the parent, or the colleague in front of us,

All: **let us see You and Your unending love.**

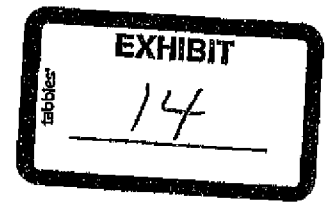
Leader: When we consider the frailty of our humanness,
All: **let us seek You for strength and courage.**

Leader: As we serve You,
All: **help us not to count the cost, but instead embrace the investment You have made in us.**

Leader: If ever we struggle to understand the meaning and purpose of change and transformation,

All: **give us open minds, open hearts, and open arms necessary to better bear witness to Your boundless love.**

COMMISSIONING



CALLED TO COMMITMENT

- Leader: Please stand so that we may acknowledge our shared mission as co-workers in the vineyard of our Lord.
- Leader: Our God is in all things, full of love and mercy.
- All: God calls us by name to serve as ministers of our Catholic faith.
- Leader: God calls us to faithful leadership.
- All: We renew our commitment to serve.
- Leader: God calls us to seek opportunities to share his love with others.
- All: We renew our commitment to serve.
- Leader: God calls us to utilize our gifts fully in ways that honor and glorify Him.
- All: We renew our commitment to serve.
- Leader: God calls us to love one another as He loves us -- without judgment, without reservation.
- All: We renew our commitment to serve.
- Leader: God brings us to this moment and gives us all we need to aid in the formation of saints.
- All: We renew our commitment to serve.

REMEMBERING OUR PURPOSE

Leader: We gather as one community of believers to celebrate our mission and to serve with the same zeal, integrity, and charity demonstrated by Christ himself.

All: We gather because we are men and women of faith called by God to model Jesus Christ, the Master Teacher, in what He taught, how He lived, and how He treated others.

We ask God to walk with us as spiritual leaders, instructional leaders, and administrative leaders of Catholic schools throughout southern and central Indiana.

Hear us, O God, as we unite ourselves to you. Please give us faith, hope, and love, and give us the courage and persistence we need to share these gifts willingly and joyfully with all those in our midst. May the Holy Spirit guide us as we bring Christ to others through our ministry.

COMMISSIONING

- Leader: Do you accept the responsibilities of a minister of the faith in the Archdiocese of Indianapolis?
- All: I embrace the responsibilities of my ministry.
- Leader: Do you promise to lead as a faithful servant with joy and love?
- All: I promise to faithfully serve.
- Leader: Do you promise to bear witness to our Catholic faith as a spiritual leader, an instructional leader, and an administrative leader in the Archdiocese of Indianapolis?
- All: I promise to willingly share my faith with others.
- Leader: Do you promise to form young people and support families through holistic, engaging, and academically excellent programming that integrates faith, culture, and life as a modeled by our Lord and Savior, Jesus Christ?
- All: I promise to form youth and support families in the faith by following the example of our Master Teacher, Jesus Christ.
- Leader: Do you promise to advance the mission of the Church with gratitude and joy?
- All: I promise to joyfully answer God's call to this vocation of Catholic education.
- Leader: I hereby commission you to faithfully and joyfully serve as ministers of the faith in the Catholic schools of the Archdiocese of Indianapolis.
- All: Eternal Father, thank you for the blessings of this day and this beautiful ministry. May we serve you and your Church with honesty, dignity and grace. We ask that our faith may grow stronger, that we may be filled with the hope of your eternal salvation, and that we may know the love of family, friends, and You, our Creator, each day. As You accompany us down every road, please help us to seek the face of Christ in all those we encounter and be Christ to one another. Amen.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

| | | |
|-----------------------------|---|--------------------------------|
| LYNN STARKEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:19-cv-03153-RLY-TAB |
| |) | |
| ROMAN CATHOLIC ARCHDIOCESE |) | |
| OF INDIANAPOLIS, INC. and |) | |
| RONCALLI HIGH SCHOOL, INC., |) | |
| |) | |
| |) | |
| Defendants. |) | |

DECLARATION OF CHARLES (“CHUCK”) WEISENBACH

Pursuant to 28 U.S.C. § 1746, I, Chuck Weisenbach, declare the following:

1. I am over 21 years old and fully capable and competent to make this declaration. I have not been convicted of a felony or crime of dishonesty. I have personal knowledge of all the contents of this declaration.
2. I am the Principal at Roncalli High School, and have served in that capacity since 1995. I served in other roles at Roncalli for 11 years prior to taking on my current role.
3. As Principal, I hold responsibility for the day-to-day operations and spiritual life of the school, which includes supervising other leaders within our school.
4. The main leadership body within the school is the Administrative Council. It consists of me as Principal, two Assistant Principals, the Dean of Students, the Athletic Director, the Director of Campus Ministry, the Chaplain/Chaplain Coordinator and the Director of Guidance (or Directors when there have been two). It meets weekly and addresses the vast majority of important issues affecting the day-to-day operations and spiritual life of the school. This (and the description that follows) is how Roncalli has operated for many years.

5. Most faculty and staff recognize the Administrative Council as the lifeblood of decision-making at the school—where the big decisions get made relating to the school’s mission, specific student needs, and most other day-to-day operations.
6. Aside from the Administrative Council, I also meet as a group with our Department Chairs every month. These meetings are focused on all aspects that impact the academic life of the school. And I serve on Roncalli’s President’s Council—a body that includes the President, Principal, Vice President of Advancement, and Vice President of Finances and Facilities—which meets weekly and focuses on mission, financial planning (tuition, salaries, endowment, etc.) and strategic planning for the school.
7. Generally speaking, the Administrative Council and the Department Chairs are responsible for 95% of Roncalli’s daily ministry, education, and operations. Aside from me and the Assistant Principal for Academic Affairs, the Director (or Co-Directors) of Guidance—the role held by Lynn Starkey and Shelly Fitzgerald—is the only staff member who serves on both those bodies.
8. The Administrative Council meets weekly, in part, because it covers a broad set of urgent issues. Some of those issues relate to students in crisis, such as those facing family difficulties, students in different stages of distress (mental, emotional, physical, spiritual, academic). We also discuss how to address personal and spiritual struggles of faculty members so that we can provide them with as much support as possible. Nearly every week, a challenging issue arises that we must discern how to address compassionately and faithfully in light of our Catholic faith as it relates to a student, family or faculty/staff member who is in need.
9. The Administrative Council also addresses how to live out the mission of the school practically and dynamically. Our mission, set forth in the Roncalli Faculty Handbook, requires us to “form Christian leaders in body, mind, and spirit,” and to challenge students to both “fulfill their potential as lifelong learners in service to others” and also “respond to the call of discipleship.” As the Handbook notes, Catholic education must “first help students to understand who they are as unique and divinely created beings,” by teaching the fullness of the faith and making students “disciples of Jesus.”

10. Lynn was an active participant in discussions about how we differentiate ourselves from the local public school. The biggest difference is that we minister to students' spiritual, academic, and personal needs and seek to form them in the Catholic faith. So the Council continually works to strengthen the spiritual, social, and emotional elements of our Catholic educational environment.
11. Generally, all members of the Council would participate in our strategic or mission discussions, even if the discussion related mostly to one department or another. For example, when we were discussing how to infuse our faith formation into the athletic program, Shelly and Lynn would chime in and be comfortable providing their own views.
12. To give another example, I recall a discussion of how to respond to the Parkland school shooting and minister to the concerns and emotions of our students. Lynn and Shelly were at the forefront of that conversation in helping us craft a response that reflected our Catholic faith and met the students' spiritual and personal needs.
13. To focus on the faith formation aspect of our mission, the Administrative Council would also engage in book studies together. In the last few years Lynn was on the Council, books we read included Living As Missionary Disciples: A Resource for Evangelization, Forming Intentional Disciples, and Rediscovering the Heart of a Disciple: Pope Francis and the Joy of the Gospel. The first two were read by the Council alone, and the last book was read by all faculty.
14. Living As Missionary Disciples is a publication of the United States Conference of Catholic Bishops, directed at both clergy and leaders of religious ministries such as schools. The focus we had in discussing the book and its content was on the proclamation of Jesus Christ and an invitation to deeper missionary discipleship, especially for those of us serving in the ministry of Catholic education. The book provides resources for assisting in the work of evangelization.
15. Forming Intentional Disciples is a book directed at helping leaders in Catholic ministry encourage Catholics to develop a deeper understanding of their faith and relationship with God and how to help in the transmission of the faith to others.

16. Rediscovering the Heart of a Disciple is a book about how to live out Pope Francis's specific call to be a disciple for mission for the Church.
17. These books and the ensuing discussions were well received by members of the Administrative Council. Each book resulted in some of the most vibrant, lively discussions our administrative team had ever had as it relates to our mission as a Catholic school. They also brought forth some wonderful ideas for us to incorporate into our school.
18. As a Catholic high school we set aside time each school day for a member of our school community to lead us in prayer. A rotation we have used for leading our school in prayer for a number of years is as follows: Monday – principal; Tuesday – member of the Administrative Council; Wednesday – member of the senior class; Thursday – President; Friday – teacher or staff member who has asked to be included in the rotation. This normally involves offering a personal reflection and original prayer written by the person delivering prayer for that day. I generally rotated the Tuesday dates among all the members of the Administrative Council, and expect I asked each member about once every nine weeks.
19. Before each school year, we hold a Faculty Retreat or Day of Reflection. These days are designed specifically for our faculty and have a very direct, intentional focus on our Catholic mission and how each of us is called to live out that mission in our specific roles. The format of the day has changed over time, ranging from a full day off campus, to more recently a four- to six-hour day where we try to bring in an outside Catholic speaker to speak to us about the faith component of our mission. During recent Days of Reflection, we have visited local or historic churches in the South Deanery of the Archdiocese, which is the area we serve.
20. The structure or ideas for the Faculty Retreat Day/Day of Reflection is typically an agenda item for the Administrative Council to discuss and provide ideas and input.
21. At the Day of Reflection, we generally concluded with a liturgy followed by lunch provided by our parents organization.

22. At the Day of Reflection, I lead a call-and-response Commissioning Prayer with our educators. A version of the Commissioning Prayer is attached as Exhibit 2. The prayer exhorts all Roncalli faculty to embrace our Catholic ministry at the school, and asks God to empower us to fulfill our sacred purpose. We generally hold the Commissioning Prayer after liturgy.
23. Throughout my 31 years as an administrator at Roncalli, the teaching and guidance staff have been required to come to the Day of Reflection. While we welcome other non-faculty members of our Roncalli staff to join, like our advancement team, we only require it for the smaller group of faculty who are impacting kids in their spiritual life on a day-to-day basis.
24. I also try to keep our teachers and guidance counselors' minds on their personal faith journey when we have faculty meetings throughout the year, and keep them involved in faith formation generally. For example, for years I have sent out a "Weekly Greetings" email on Sunday night/early Monday morning. Along with any key activities unfolding in that coming week, these greetings would always include a biblical passage, quote from a saint or influential person, along with a reflection for faculty/staff to read and reflect on as to how it relates to their work that week. Each month we hold a faculty meeting that is required of all teachers, guidance counselors, and administrators. These meetings always open with prayer and for the past few years have also included a short reading/passage about our school's namesake, Angelo Giuseppe Roncalli/St. John XXII.
25. In addition to the liturgy at the Day of Reflection, we also have monthly all school Masses at Roncalli, which all teachers and guidance counselors are required to attend. Lynn attended those Masses regularly during her time at Roncalli and for a number of years was the liturgical music director for our all school masses. Another aspect of our school's faith formation experience is an all school Good Friday Prayer Service, which also was required attendance for all teachers and guidance counselors.
26. I am familiar with the School Guidance Counselor Ministry Description attached to this affidavit as Exhibit 1. It accurately reflects the job responsibilities of guidance counselors at Roncalli.
27. Section III.A of the Description also accurately reflects the role guidance counselors are expected to play in helping form students in their faith life.

They are expected to, and do, communicate the Catholic faith to students and families; help students and families integrate the Catholic faith in their lives; pray with and for students and families; participate in liturgies with students; teach and celebrate Catholic traditions with students; model the example of Jesus—his life, teachings, and treatment of others—to students; convey the Church’s message to students and carry out its mission by modeling a Christ-centered life; teach and form the Catholic faith in students; and participate in Catholic services at the school.

28. I have also reviewed the declaration of Angela Maly, dated December 21, 2020. Her description of her work accurately reflects what Roncalli expects of its guidance counselors, including praying with students, modeling the Catholic faith, placing faith at the center of difficult and sensitive topics, and playing a major role in forming the Catholic faith of its students.
29. The guidance department is the only school department whose staff members hold one-on-one meetings with every student throughout the year. Thus, guidance counselors are often the first to identify when students are grappling with difficult social, mental, academic, emotional, family, or spiritual issues, and they are often the first to converse with students about those issues.
30. Guidance counselors are a crucial component of Roncalli’s Student Assistance Program, where they work with other staff members to support students who could be facing any of a number of challenges (social, emotional, mental health, abuse, substance use, addictions, family, suicidal ideation, etc. This program is currently called “STAND UP,” but was previously called “SAP.”
31. The Co-Director of Guidance role that Lynn held was compensated above and beyond what a counselor was compensated because of the significant leadership work it involved. The Director or Co-Director of the Guidance Department is recognized by faculty and staff as a key, visible leader of the school. This is a result of their inclusion on the two primary leadership groups at the school (Administrative Council and Department Chairpersons) as well as due to their role in overseeing and leading so many public activities sponsored by the school (College Planning Nights, FAFSA Information Nights, Financial/Scholarship Information Nights, Graduation) as well as by their role in the registration, scheduling, and conferencing with every student in the school.

32. When hiring for roles like teachers and guidance counselors, I consider it a significant benefit if a candidate is a faithful Catholic, someone who is involved in the Catholic community and wants to grow with us. When at all possible we would prefer to hire Catholics to serve in teaching, administrative, and guidance counseling roles at Roncalli. As it relates to the mission of our school it would be ideal if all teachers and guidance counselors that are hired would be qualified, faithful Catholics.
33. When reviewing candidates for teaching, administrative, or guidance counseling roles, I do specifically look for candidates who have attended Catholic high schools and/or Catholic universities. I also look for candidates who have sought out ways to support young people prior to applying to Roncalli, particularly in a religious context such as leading student retreats, working vacation Bible school, or working at a summer camp for a faith-based institution. I want candidates who have personal experience in various forms of Christian ministry, since that experience and personal faith commitment significantly improves their ability to advance Roncalli's Catholic mission.
34. Once hired, we continue to consider which teachers and counselors are actively seeking opportunities to be involved in the faith formation and overall development of our students even outside school hours. For instance, are they willing to go to the St. Vincent de Paul food pantry with students, work a senior retreat, assist with a junior or sophomore retreat day, moderate a club, coach a team, assist in any of our Performing Arts, or otherwise engage with advancing our Catholic mission outside of classroom hours? Teachers and counselors who do that are critical to our school's ability to effectively fulfill its mission, and we consider this involvement in the retention and promotion of teachers and guidance counselors.
35. One of the common messages from the books we read as an Administrative Council was that it is vital for educators who are guiding students at Roncalli to be actively attending church and keep an active involvement in their faith and prayer life—otherwise, it becomes nearly impossible for them to effectively serve as a disciple of Christ, leading others to grow in their faith life. If this component of our mission is missing, we become no different than our neighboring public school.

36. As Principal, I have the responsibility to help review the performance of the Director (or Co-Directors) of Guidance. In 2014, I conducted a review of Shelly Fitzgerald's performance as Co-Director and sent her a performance appraisal narrative that we both signed, which discussed her goals, strengths, and areas for growth and improvement. I have reviewed the document attached as Exhibit 3, and it is an accurate copy of that narrative.
37. We currently evaluate teachers and guidance counselors using what we call the CEAP, or the Catholic Educator Advancement Program. We have been using CEAP for nine years now. CEAP allows educators to advance in their career levels and pay scale based on their performance in seven different domains. The program was designed to promote growth toward maximum performance by the faculty by aligning pay levels with levels of job performance mastery and mission effectiveness. We believe that a focus on job performance quality and overall ongoing professional growth and development will result in a high quality educational and faith formation experience for our students, families, and the Roncalli community.
38. While CEAP started with teachers, we also expanded it to guidance counselors, on the prompting of Lynn and Shelly. They worked to adapt the program for counselors.
39. Since its inception, the CEAP has always had as one of its domains "Spirit of Roncalli"—which seeks to identify in specific ways how the teacher/guidance counselor is living out the mission of our school, supporting the fulfillment of the mission of our school, and living out the charisms of Saint John XXIII ("Roncalli").
40. That domain recognizes that it's not enough for educators to just teach or counsel well during school hours, but that it is imperative for the fulfillment of the mission of our school that the teacher/counselor share and expand their gifts and talents beyond their assigned subject matter/role and beyond the 3:00 p.m. end of the school day. This domain recognizes that you are not eligible for advancement unless you're actively choosing to advance our Catholic mission. So this domain takes into consideration the effort a teacher or counselor is making to advance the spiritual life of the school.
41. For example, within our CEAP there is the expectation that the educator will make an effort to engage in prayer with students at least once a week, and

that this should develop over time into educators engaging in daily prayer with students. These prayers may take many forms in the Catholic tradition—led by the educator, led by the student, contemplative prayer with both—but prayer should be present.

42. We've also woven into the CEAP program that participants must attend one of the senior retreats. That retreat is the cornerstone of the senior experience, lasting three-and-a-half days. It is a considerable time commitment for adult participants, especially given the preparation work and follow-up work involved. We require educators to do it at least once for CEAP advancement, even if the significant time commitment might not be for everyone on an annual basis. Lynn has participated in this senior retreat program and has offered personal reflections and prayers during this time.
43. In 2016, Shelly Fitzgerald (as Co-Director of Guidance) received a CEAP evaluation to assess her performance and whether she should be advanced in her career level. As part of that evaluation process, she submitted her own narrative where she provided a self-assessment of her performance and professional development, including a narrative regarding the Spirit of Roncalli domain. The document attached as Exhibit 4 is an accurate copy of that self-narrative.
44. When we chose to have Lynn take on a leadership role as Co-Director of Guidance, I was aware that she had served previously not only as a guidance counselor, but as a New Testament teacher and a Choir Director. I knew she had multiple degrees from Catholic institutions and was previously certified as a Catechist. My understanding was that she regularly participated in Mass, received communion, and often provided music for Mass. I was aware that as Choir Director, she helped prepare our students for participation at liturgies. This track record of Lynn's commitment to and leadership in these areas of faith formation was a part of what made me comfortable elevating Lynn to the Co-Director role.
45. Given Lynn's background, her participation in Mass, and my interactions with her on spiritual matters in our regular communications, including on the Administrative Council, I never had any reason prior to 2018 to believe Lynn was not Catholic. Nor did I have any reason to believe Lynn did not hold the Catholic faith as important to her or did not seek to integrate the Catholic faith into her guidance work as required in her ministry description.

In fact, I regularly encouraged Lynn, along with all our teachers and guidance counselors, to keep the faith formation of ourselves and our students at the center of our work.

46. I was involved a few years ago in a conversation where I was informed that guidance counselors might have to be moved to hourly pay. That possibility made no sense to me. Lynn and Shelly wrote a strong letter explaining that guidance counselors perform nearly all the same important mission tasks as teachers, including forming the faith of students, and that treating them differently than teachers didn't make sense and would be wrong and unethical. I agreed with that letter and thought they characterized their roles accurately.

47. Lynn was not renewed in her role because she entered into a same-sex union in violation of her contract, demonstrating public disagreement with a core Church teaching. This is a teaching that guidance counselors are sometimes called to address in their work with students, and Lynn could not effectively convey that teaching, serve as a leader of the school, and form students in the Catholic faith while living in opposition to Catholic teaching in this way.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 12/22/20

Date

Signed: Chuck Weisenbach

Chuck Weisenbach

ARCHDIOCESE OF INDIANAPOLIS

MINISTRY DESCRIPTION

School Guidance Counselor

FINAL 05.08.2018

I. IDENTIFYING INFORMATION

Title: Catholic School Guidance Counselor
 Status: Part-time or Full-time, Exempt
 Reports To: Principal and, if applicable, Department Director



II. PRIMARY FUNCTIONS

The school guidance counselor, a minister of the faith, is a professional educator licensed under and performing duties aligned with Indiana Department of Education requirements and guidance offered at <https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure> (website content active on 3/31/18).

Adhering to mission, and within the school's supervisory structure, including the school principal and pastor or high school principal and president, the school guidance counselor will collaborate with parents and fellow professional educators to foster the spiritual, academic, social, and emotional growth of the children entrusted in his/her care.

III. POSITION CONTENT

(Note: Recognizing that Catholic schools differ in their programming and structures, site-specific position content may also be provided by the school administration.)

A. Role: Facilitates Faith Formation

1. Communicates the Catholic faith to students and families through implementation of the school's guidance curriculum, academic course planning, college and career planning, administration of the school's academic programs, and by offering direct support to individual students and families in efforts to foster the integration of faith, culture, and life.
2. Prays with and for students, families, and colleagues and their intentions. Participates in and celebrates liturgies and prayer services as appropriate.
3. Teaches and celebrates Catholic traditions and all observances in the Liturgical Year.
4. Models the example of Jesus, the Master Teacher, in what He taught, how He lived, and how He treated others.
5. Conveys the Church's message and carries out its mission by modeling a Christ-centered life.
6. Participates in religious instruction and Catholic formation, including Christian services, offered at the school. Non-Catholic school guidance counselors are expected to participate to the fullest extent possible (e.g., non-Catholics would come forward to receive a blessing instead of Holy Communion in the Catholic Mass).

B. Role: Designs and Plans the School's Guidance Curriculum and Programming

1. Participates in ongoing assessment of guidance department quality and uses archdiocesan and state standards, including diploma and graduation pathway requirements, for long-range and short-range planning.
2. Develops and communicates the school's guidance department goals and calendar to all constituencies.
3. Prepares daily, weekly, and/or monthly plans for the implementation of the school's guidance curriculum and submits them to the principal per the principal's directive.
4. Develops varied strategies to meet the needs of diverse learners and families, using data to inform professional practice.
5. Chooses high quality and appropriate materials for use with students and families aligned with the

school's mission and the school's guidance curriculum.

6. Plans, if appropriate, field trips that enrich the school's guidance curriculum.

C. Role: Implements and Manages the School's Guidance Curriculum and Programming

1. Ensures high quality academic planning, including class/course scheduling aligned with progress toward graduation and attainment of goals for all learners and families.
2. Conducts, as appropriate and necessary, large group, small group, and individual school guidance counseling initiatives to meet the needs of all learners and families.
3. Uses a variety of methods and strategies suited to diverse students and families and aligned with the goals of the school's guidance programming.
4. Encourages the exploration of diverse curricular and extracurricular learning opportunities along with the exploration of diverse higher education and career pathways.
5. Uses media and technology to support learning, as appropriate.
6. Establishes efficient routines to maximize impact of the school's guidance curriculum and programming.
7. As directed by the principal, assists in the development of, follows, and ensures the implementation by each teacher of ISPs, CSEPs, and Catholic School Accommodation Plans for students who have them.
8. Is available to support students and families learning outside of traditional school hours (before and after school meetings and programming, etc.).
9. Works with incoming students and families to develop academic plans and to assist with induction into the life of the school.
10. As directed by the principal, coordinates and/or assists in the coordination of and implementation of assessments, including state and other standardized testing, and accommodations.
11. Works with students and families for post-high school educational and career placements, including assisting with identifying and applying for scholarships, college/university applications, and job applications.
12. Follows best practices and ethical responsibilities of the school guidance counseling profession, including following all mandatory reporting requirements.

D. Role: Assesses and Communicates Results

1. Uses both formal and informal methods to evaluate and document the progress of students toward graduation and the formation of students aligned with the mission of the school. Adjusts programming and methods in response to the needs of learners and families.
2. Aligns student and family programming with guidance curriculum objectives and uses data to enhance programming for the growth of all learners.
3. Provides frequent and useful feedback on progress to students and parents along with specific suggestions for improving performance.
4. Coordinates and/or participates in the school's Response to Intervention / Multi-Tiered System of Supports programming for all learners, as directed by the principal.
5. Communicates, as appropriate, progress according to the quarterly and interim school schedule.
6. Communicates individual and school-wide progress as per the principal's and/or president's directive.
7. Communicates the school's guidance department goals and programming to students, families, and colleagues.
8. Initiates conferences with parents/guardians, both proactively and reactively, as necessary and as aligned with the school's guidance curriculum.
9. Maintains accurate permanent records for students.

E. Role: Develops and Maintains a Positive Learning Environment

1. Maintains a caring rapport and relationship with students and families and demonstrates enjoyment in working with them.
2. As directed by the principal, coordinates safe environment programming and education for students and families, including Circle of Grace, bullying awareness and prevention, suicide awareness and prevention, substance abuse awareness and prevention, and other appropriate safe environment

- programming.
3. Contributes positively to the learning environment of the entire institution.
 4. Supports teachers, staff members, and administrators in developing and implementing developmentally-appropriate practices and policies to ensure well-being and responsiveness to student needs.
 5. Proactively identifies and addresses physical, social, emotional, and spiritual needs of individuals and of the community of learners, engaging other professionals as appropriate.
 6. Uses techniques and methods that foster a Christ-centered atmosphere and the internalization of self-discipline and a sense of personal responsibility.
 7. Maintains and communicates high academic and behavioral expectations and supports students in meeting those expectations.
 8. Develops and maintains a stimulating, safe, and engaging environment that is neat, orderly, and attractive, including appropriate and engaging bulletin boards and displays.
 9. Supports positive student behavior so that goals can be accomplished.
 10. Addresses behavior and academic issues in an effective, consistent, and fair manner.
 11. Documents and communicates issues and concerns to parents and the principal in a timely and appropriate manner.
 12. Provides supervision and engages students outside of the classroom and as assigned by the principal.

F. Role: Professional Growth and Development

1. Commits to lifelong learning and demonstrates a passion for ongoing professional growth and development.
2. Maintains proper certification and licensure as required by the State of Indiana.
3. Meets the Archdiocese of Indianapolis's professional growth requirements and all local requirements as determined by the principal and/or his/her designee(s).
4. Maintains records of Professional Growth Points (PGPs) and submits them to the IDOE in collaboration with the principal or his/her designee.
5. Participates fully in faculty meetings and professional development meetings/in-services, contributes to school-wide goals, and supports colleagues and administrators in their own professional growth.
6. Participates fully in the school's performance appraisal processes for educators.
7. Participates in spiritual retreats, days of reflection, and spiritual formation programs as directed by the principal and as required by Archdiocesan faith formation expectations.

G. Role: Additional Professional Responsibilities

1. Follows local protocols as published in the faculty/staff handbook, student/family handbook, and in other related policies, protocols, rules, and regulations.
2. Serves on school committees and in other capacities as directed by the school principal.
3. Assists as requested with school fundraisers and development efforts.
4. Prepares for, attends, and participates in Registration, Open House, Christmas Program, Graduation, etc. as directed by the school principal.
5. Prepares, attends, and participates in grade level specific events/programs/initiatives, etc.

H. Communication and Interpersonal Effectiveness

1. Contributes positively to morale and to the culture of the Catholic school in service of the mission in all communications and actions.
2. Demonstrates loyalty to the school and its mission above individual views.
3. Openly and respectfully communicates concerns at the appropriate level.
4. Collaborates with and supports fellow school guidance counselors, teachers, staff members, and administrators.
5. Proactively engages parents in the formation of their children.
6. Communicates effectively with parents and works to resolve concerns or disagreements in a constructive manner.

7. Respects and maintains confidentiality.
8. Maintains the good reputation of the parish, school, and archdiocese.

IV. POSITION SPECIFICATION/REQUIREMENTS

A. MINISTERIAL EXPECTATIONS

1. Display of Gospel values, good judgment, diplomacy, and the safeguarding of confidential information are required.
2. Has the potential and talent to be an effective Catholic school guidance counselor.

B. EDUCATION, TRAINING, AND/OR EXPERIENCE

Licensure/Degree

1. Holds an advanced degree and license as prescribed by the Indiana Department of Education's Office of Educator Effectiveness and Licensing (<https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure>; content as of 3/31/18).
2. Progress toward a degree and emergency licensure may be sufficient as prescribed by the Indiana Department of Education's Office of Educator Effectiveness and Licensing (<https://www.doe.in.gov/student-services/student-assistance/school-counselor-licensure>; content as of 3/31/18).

Other Training/Expectations

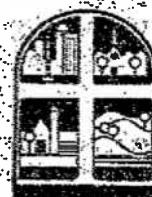
1. "Safe and Sacred" Child Protection Training
2. Criminal Background Check
3. Acknowledgment of this Ministry Description document for School Guidance Counselors
4. Ongoing professional development and faith formation

V. WORKING ENVIRONMENT

- A.** Catholic schools are ministries of the Catholic Church, and school guidance counselors are vital ministers sharing the mission of the Church. School guidance counselors are expected to be role models and are expressly charged with leading students toward Christian maturity and with teaching the Word of God. As role models for students, the personal conduct of every school guidance counselor, teacher, administrator, and staff member, both at school and away from school, must convey and be supportive of the teachings of the Catholic Church. These teachings include, but are not limited to: honoring the dignity of each human life from conception to natural death, care for God's creation, and the belief that all persons are called to respect human sexuality and its expression in the Sacrament of Marriage as a sign of God's love and fidelity to His Church. The Seven Themes of Catholic Social Teaching can be found at <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm>. A thorough description of Catholic Church teaching can be found in the *Catechism of the Catholic Church*.
- B.** Determining whether a school guidance counselor is conducting him/herself in accordance with the teachings of the Catholic Church is an internal Church matter and is at the sole discretion of the principal and/or president, pastor / deanery dean, and/or Archbishop.
- C.** The Archdiocese recognizes that many school guidance counselors, who contribute positively to the mission of the Church in forming young people through our Catholic schools, are not practicing Catholics. For school guidance counselors of other faith traditions, there remains an expectation that, regardless of their personal religious affiliations and beliefs, they will become knowledgeable of Catholic Church teachings, will be credible witnesses of the Catholic faith, and will be models of Christian values.

STARKEY DEPO EXHIBIT 54

Commissioning of Ministers of the Faith



ARCHDIOCESE
OF INDIANAPOLIS

The Church in Central and Southern Indiana

Open Doors + Open Arms + Open Hearts

Commissioning:

Leader: (Please Stand.) Do you accept the responsibilities of a minister of the faith in the Archdiocese of Indianapolis?

All: I accept the responsibilities of my ministry.

Leader: Do you promise to lead as a faithful servant with joy and love?

All: I promise to faithfully serve.

Leader: Do you promise to be a witness of your own deep faith?

All: I promise to share my faith with others.

Leader: Do you promise to form young people and support families through holistic, engaging, and academically excellent programming that integrates faith, culture, and life as modeled by our Lord and Savior, Jesus Christ?

All: I promise to form youth and support families in the faith by following the example of our Master Teacher, Jesus Christ.

Leader: Do you promise to advance the mission of the Church with joy?

All: I promise to joyfully answer God's call to this vocation of Catholic education.

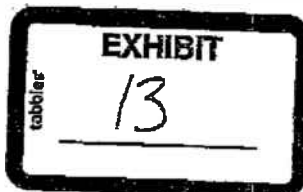
Leader: I hereby commission you to faithfully and joyfully serve as ministers of the faith in the Catholic schools of the Archdiocese of Indianapolis.

All: Eternal Father, we ask for your blessings on all of us today. Grant us the gifts of faith, hope, and love as we begin a new school year. May we serve with honesty, dignity, and grace.

We ask that our faith may grow stronger, that we may be filled with the hope of your promise of eternal salvation, and that we may know the love of families, friends, and You, our Creator, each day.

Keep us faithful, and remind us always that whatever we do, we do IN You, WITH You, and THROUGH You.

AMEN!



Called to Commitment

Leader: Let us come before our God of all creation with open minds, open hearts, and open arms.

All: **Let us praise and thank God.**

Leader: Our God is in all things, full of love and mercy.

All: **God calls us by name to serve as His intentional, missionary disciples.**

Leader: God calls us to faithful leadership.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to seek opportunities to share His love with others.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to persist in our service, our hunger for justice, and our compassion for all life.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to utilize our gifts fully so that we may, in turn, honor and glorify Him.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to love one another as He loves us – without judgment, without reservation.

All: **It is time for us to renew our commitment to serve.**

Leader: God calls us to serve as intentional, missionary disciples in all that we do and all that we are.

All: **It is time for us to renew our commitment to serve.**

Leader: God brings us to this moment and gives us all we need to aid in the formation of saints.

All: **It is time for us to renew our commitment to serve.**

Remembering Our Purpose

Leader: We gather as one community of believers to celebrate our mission and serve with hunger, relentless curiosity, and zeal. We know our roots and celebrate our heritage. We praise Christ's presence in our lives. We rejoice in having been chosen to work with one another and our school families to speak and live God's word with courage, compassion, and love.

All: **We gather because we are men and women of faith joined together in hope. God has called us to build and to renew. We ask God to walk with us, through all the changes of our lives. We ask the Holy Spirit to remain with us, guiding our plans and our works. We bask in God's enduring love and peace. We remember that it is His will that we are called to serve, not our own.**

Hear us, O God, as we unite ourselves to you. Give us your wisdom and your strength to look with joy to this new program year. Give us faith, hope, and love, and give us the courage and persistence we need to share these gifts willingly and joyfully with all those in our midst.

Prayers of Petition

Leader: Gracious God, through all time you listen to the pleas of your people. You listen to the gentle prayers of children and hear the anguished cries of those in pain. You give ear to all who need your help. Confident in your gracious mercy, we present our needs to you.

Leader: When fear and uncertainty creep into our lives,
All: **remind us of Your protective care.**

Leader: When we are weary and think we have reached our limits,
All: **comfort and soothe us with Your love; help us to persist.**

Leader: When new opportunities present themselves,
All: **let us readily accept Your will and excel in Your name.**

Leader: When we look at the student, the parent, or the colleague in front of us,

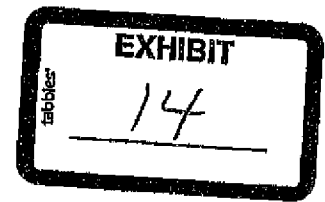
All: **let us see You and Your unending love.**

Leader: When we consider the frailty of our humanness,
All: **let us seek You for strength and courage.**

Leader: As we serve You,
All: **help us not to count the cost, but instead embrace the investment You have made in us.**

Leader: If ever we struggle to understand the meaning and purpose of change and transformation,
All: **give us open minds, open hearts, and open arms necessary to better bear witness to Your boundless love.**

COMMISSIONING



CALLED TO COMMITMENT

- Leader: Please stand so that we may acknowledge our shared mission as co-workers in the vineyard of our Lord.
- Leader: Our God is in all things, full of love and mercy.
- All: God calls us by name to serve as ministers of our Catholic faith.
- Leader: God calls us to faithful leadership.
- All: We renew our commitment to serve.
- Leader: God calls us to seek opportunities to share his love with others.
- All: We renew our commitment to serve.
- Leader: God calls us to utilize our gifts fully in ways that honor and glorify Him.
- All: We renew our commitment to serve.
- Leader: God calls us to love one another as He loves us -- without judgment, without reservation.
- All: We renew our commitment to serve.
- Leader: God brings us to this moment and gives us all we need to aid in the formation of saints.
- All: We renew our commitment to serve.

REMEMBERING OUR PURPOSE

Leader: We gather as one community of believers to celebrate our mission and to serve with the same zeal, integrity, and charity demonstrated by Christ himself.

All: We gather because we are men and women of faith called by God to model Jesus Christ, the Master Teacher, in what He taught, how He lived, and how He treated others.

We ask God to walk with us as spiritual leaders, instructional leaders, and administrative leaders of Catholic schools throughout southern and central Indiana.

Hear us, O God, as we unite ourselves to you. Please give us faith, hope, and love, and give us the courage and persistence we need to share these gifts willingly and joyfully with all those in our midst. May the Holy Spirit guide us as we bring Christ to others through our ministry.

COMMISSIONING

Leader: Do you accept the responsibilities of a minister of the faith in the Archdiocese of Indianapolis?

All: I embrace the responsibilities of my ministry.

Leader: Do you promise to lead as a faithful servant with joy and love?

All: I promise to faithfully serve.

Leader: Do you promise to bear witness to our Catholic faith as a spiritual leader, an instructional leader, and an administrative leader in the Archdiocese of Indianapolis?

All: I promise to willingly share my faith with others.

Leader: Do you promise to form young people and support families through holistic, engaging, and academically excellent programming that integrates faith, culture, and life as a modeled by our Lord and Savior, Jesus Christ?

All: I promise to form youth and support families in the faith by following the example of our Master Teacher, Jesus Christ.

Leader: Do you promise to advance the mission of the Church with gratitude and joy?

All: I promise to joyfully answer God's call to this vocation of Catholic education.

Leader: I hereby commission you to faithfully and joyfully serve as ministers of the faith in the Catholic schools of the Archdiocese of Indianapolis.

All: Eternal Father, thank you for the blessings of this day and this beautiful ministry. May we serve you and your Church with honesty, dignity and grace. We ask that our faith may grow stronger, that we may be filled with the hope of your eternal salvation, and that we may know the love of family, friends, and You, our Creator, each day. As You accompany us down every road, please help us to seek the face of Christ in all those we encounter and be Christ to one another. Amen.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

LYNN STARKEY

Charging Party

V.

**ROMAN CATHOLIC ARCHDIOCESE OF
INDIANAPOLIS, INC.**

CHARGE NUMBER

478-2019-00618

AFFIDAVIT OF GINA KUNTZ FLEMING

Comes now Gina Kuntz Fleming, and first being duly sworn upon her oath, and under the penalties for perjury, deposes and says as follows:

1. I am over the age of eighteen (18) years and have personal knowledge of the facts and information set forth herein.
2. I currently serve as the Superintendent of Catholic Schools for the Roman Catholic Archdiocese of Indianapolis, Inc. ("Archdiocese").
3. In my position as Superintendent I oversee the Office of Catholic Schools, ("OCS").
4. OCS provides support for local site-based educational programs through direct service, resources, consultation, professional development, community-building and collaboration with constituents in the parishes and schools in conjunction with other archdiocesan agencies. Major constituencies of the OCS include pastors, principals, high school presidents, school commissions and high school boards. OCS works collaboratively with constituents in projects to design and develop curriculum and assessment, employ administrators and staff, provide spiritual and professional development, produce manuals, policies and guidelines and provide training and support in all aspects of Catholic identity/mission, governance/leadership, academic excellence, and operational vitality of Catholic schools. Roncalli is operated under the guidance and supervision of the Archdiocese, the Archbishop of Indianapolis ("Archbishop") and OCS.
5. OCS, under my leadership, developed the Ministry Description for teachers, school guidance counselors and administrators, as well as the various ministry contracts.
6. Attached to and incorporated by reference are the employment contracts signed by Lynn Starkey ("Ms. Starkey") for the past three years, 2016-2017, 2017-2018 through 2018-2019. See Exhibits 3 and 4.
7. Each year prior to the 2018-19 school year in which Ms. Starkey was employed by Roncalli High School ("Roncalli" or "School") the employment contract provided:
 6. *Defaults. The School Guidance Counselor shall be deemed to be in default under this contract in the event of any breach of duty hereunder, including, but not limited to the following:*



j. Any conduct in or out of school tending to reflect great discredit on the School Guidance Counselor or the school or tending to seriously impair the School Guidance Counselor's continued effectiveness as a School Guidance Counselor; and, any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church. (Emphasis added).

8. Beginning with the 2018-2019 school year, a new job description and contract were developed for guidance counselors. This was done as a part of a Fair Labor Standards compliance effort and in recognition of guidance counselors as exempt religious employees.

9. The 2018-2019 School Guidance Counselor Ministry Contract of Roncalli High School, ("Contract"), attached as Exhibit 4, provided:

6. *Defaults. The teacher shall be deemed to be in default under this contract in the event of any breach of duty hereunder, including, but not limited to the following:*

i. Relationships that are contrary to a valid marriage as seen through the eyes of the Catholic Church;¹ and

j. Any conduct in or out of school tending to reflect great discredit on the teacher or the school or tending to seriously impair the School Guidance Counselor's continued effectiveness as a School Guidance Counselor; and, any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church.

10. The Contract further provided:

School Guidance Counselor also acknowledges receipt of the ministry description that is attached to this contract and agrees to fulfill the duties and responsibilities listed in the ministry description.

11. In addition to serving as guidance counselor, Ms. Starkey also served the School as the Co-Director of the Guidance. In this role, Ms. Starkey was a member of the Roncalli Administrative Council, charged with the responsibility of achieving the Catholic mission and purpose of the School and establishing a climate which is identifiably Catholic

12. Each archdiocesan school is a faith-filled environment that incorporates religious instruction, sacramental preparation, and the blending of Catholic values and teachings into subject curriculum. Archdiocesan schools' academic excellence is further enhanced by Catholic values which foster the growth of its students as truthful, generous, and joyful people capable of becoming leaders in the Church and our world.

¹ This language was used on the 2018- 2019 contract. Previous versions item (j) referred to "legal marriage" and prior to that the reference was to "cohabitation."

13. All teachers, guidance counselors and administrators are advised that they are deemed and expected to conduct themselves as "role models" and are expressly charged with leading students toward Christian maturity and with teaching the Word of God. As role models for students, the personal conduct of every school guidance counselor, teacher, administrator, and staff member, both at school and away from school, must convey and be supportive of the teachings of the Catholic Church.

14. As set forth in the Charge of Discrimination, Ms. Starkey "is a married female lesbian" who is "married to another female." Because Ms. Starkey is living in a same sex civil union that is not valid in the eyes of the Church, she is in breach of her employment agreement.

15. The issue concerning Ms. Starkey's employment is not about sexual orientation, but about the Church's teaching that marriage is a covenant between a man and a woman as established and revealed by God. (Code of Canon Law 1055). The Church upholds the dignity of every human person, including persons with same-sex attraction, who "must be accepted with respect, compassion, and sensitivity" (Catechism of the Catholic Church, #2358).

At the same time, the Church upholds the dignity and sanctity of marriage, a natural institution established by God. By its very nature, marriage is a permanent partnership between one man and one woman ordered to the good of the couple and the procreation and education of children. It is the foundation of the family, where children are raised and nurtured, and learn values and virtues that help them to grow in maturity.

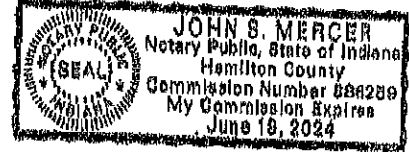
16. The archdiocese's Catholic schools are ministries of the Church. School administrators, teachers and guidance counselors are ministers of the faith who are called to share in the mission of the Church. No one has a right to a ministerial position, but once they are called to serve in a ministerial role they must lead by word and example. As ministers, they must convey and be supportive of the teachings of the Catholic Church. These expectations are clearly spelled out in school ministerial job descriptions and contracts, so all employees understand their obligations.

17. Ms. Starkey was a "minister of the faith" of the Catholic Church and as a guidance counselor was expected to be a role model. Ms. Starkey was expressly charged to "[c]ommunicate the Catholic faith to students and families through implementation of the school's guidance curriculum," and lead "students toward Christian maturity and with teaching the Word of God." Ms. Starkey, as Co-Director of Guidance and as a member of the Administrative Council, was charged with the responsibility of achieving the Catholic mission, teaching "the word of God", and for implementing the school's guidance curriculum by offering direct support to individual students and families in efforts to foster the integration of faith, culture, and life.

18. Ms. Starkey lost the authority to be a role model by her conduct and living in a same sex civil union that is not valid in the eyes of the Church. As such, Ms. Starkey may no longer minister as an administrator or as a guidance counselor at Roncalli or in the Archdiocese of Indianapolis.

Gina Kuntz Fleming
Gina Kuntz Fleming

STATE OF INDIANA)
)SS:
COUNTY OF MARION)



Sworn to and subscribed in my presence this 14 day of MARCH 2019.

Signature

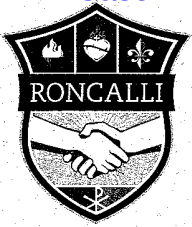
JS Mercer
Printed John S. MERCER

My Commission Expires: 6/19/24 My County of Residence: HAMILTON

Prepared by: John S. (Jay) Mercer, #11260-49, MERCER BELANGER, 1500 One Indiana Square
Indianapolis, IN 46204

LIST OF POSITIONS HELD BY MS. STARKEY AT RONCALLI HIGH SCHOOL

| | |
|-------------|--|
| 2018 - 2019 | Co-Director of Guidance |
| 2017 - 2018 | Co-Director of Guidance |
| 2016 - 2017 | Co-Director of Guidance |
| 2015 - 2016 | Co-Director of Guidance |
| 2014 - 2015 | Co-Director of Guidance |
| 2013 - 2014 | Co-Director of Guidance |
| 2012 - 2013 | Co-Director of Guidance |
| 2011 - 2012 | Co-Director of Guidance |
| 2010 - 2011 | Co-Director of Guidance |
| 2009 - 2010 | Co-Director of Guidance |
| 2008 - 2009 | Co-Director of Guidance |
| 2007 - 2008 | Co-Director of Guidance |
| 2006 - 2007 | Guidance Counselor |
| 2005 - 2006 | Guidance Counselor |
| 2004 - 2005 | Guidance Counselor |
| 2003 - 2004 | Guidance Counselor |
| 2002 - 2003 | Guidance Counselor |
| 2001 - 2002 | Guidance Counselor |
| 2000 - 2001 | Guidance Counselor |
| 1999 - 2000 | Guidance Counselor |
| 1998 - 1999 | Guidance Counselor |
| 1997 - 1998 | Guidance Counselor, Fine Arts Chair, Choral Director |
| 1996 - 1997 | Fine Arts Chair, Choral Director |
| 1995 - 1996 | Fine Arts Chair, Choral Director |
| 1994 - 1995 | Fine Arts Chair, Choral Director |
| 1993 - 1994 | Fine Arts Chair, Choral Director |
| 1992 - 1993 | Fine Arts Chair, Choral Director |
| 1991 - 1992 | Fine Arts Chair, Choral Director |
| 1990 - 1991 | Fine Arts Chair, Choral Director |
| 1989 - 1990 | Fine Arts Chair, Choral Director |
| 1988 - 1989 | Fine Arts Chair, Choral Director, New Testament teacher |
| 1987 - 1988 | Choral Director, New Testament teacher |
| 1986 - 1987 | Choral Director, New Testament teacher |
| 1985 - 1986 | Choral Director, New Testament teacher |
| 1984 - 1985 | Choral Director, New Testament teacher |
| 1983 - 1984 | Choral Director, New Testament teacher |
| 1982 - 1983 | Choral Director, New Testament teacher |
| 1981 - 1982 | (University of Illinois, M.S. in Choral Music Education) |
| 1980 - 1981 | Assistant Band Director, Choral Director |
| 1979 - 1980 | Assistant Band Director, Choral Director |
| 1978 - 1979 | Assistant Band Director, Choral Director |



THE LIFE PREP SCHOOL

May 1, 2019

Lynn Starkey

Lynn:

This letter is to notify you that we are unable to offer you a contract for the 2019-2020 program year.

The contract you signed for the 2018-2019 year included the following language:

6. Defaults: *The teacher shall be deemed to be in default under this contract in the event of any breach of duty hereunder, including:*

(j) Any conduct in or out of school tending to reflect great discredit on the Guidance Counselor or the school or tending to seriously impair the teacher's continued effectiveness as a Guidance Counselor; and, any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church.

(i) Relationships that are contrary to a valid marriage as seen through the eyes of the Catholic Church.

The school guidance counselor and Co-Director of Guidance is a minister of the faith who is called to communicate the Catholic faith to students and families by word and deed. As you know, your civil union is a violation of your contract and contrary to the teachings of the Roman Catholic Church. Absent a willingness to follow the Church's teachings, we cannot offer you a contract for the 2019-2020 year.

Sincerely,

Chuck Weisenbach
Principal

3300 Prague Road

Indianapolis

Indiana

46227

ph 317.787.8277

fax 317.788.4095

www.roncalli.org

STARKEY DEPO EXHIBIT 49

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|-----------------------------|---|---------------------------------|
| LYNN STARKEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CAUSE No. 1:19-cv-03153-RLY-TAB |
| |) | |
| ROMAN CATHOLIC ARCHDIOCESE |) | |
| OF INDIANAPOLIS, INC. AND |) | |
| RONCALLI HIGH SCHOOL, INC., |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF'S ANSWERS AND OBJECTIONS TO DEFENDANTS' FIRST SET OF
INTERROGATORIES TO PLAINTIFF**

Plaintiff, Lynn Starkey ("Starkey"), by counsel, answers and objects to Defendants' First Set of Interrogatories to Plaintiff as follows.

GENERAL RESPONSES AND OBJECTIONS

1. Starkey objects to any part of any of these Interrogatories which, due to its broad scope, could be construed to seek the production of privileged communications between Starkey and her counsel or documents generated or prepared by or on behalf of Starkey, her counsel, and/or her representatives in connection with preparation for trial of the case on the grounds that such communications and documents are privileged from discovery as attorney/client communications and/or as trial preparation materials and/or work product. Accordingly, unless otherwise indicated, Starkey's answers exclude from their scope all such communications and documents.

students, parents, employees, officials, administrators, or leaders of Roncalli or the Archdiocese regarding her sexual orientation or female partner or same-sex marriage or civil union. For each such communication, provide (at a minimum) the name of the individual(s) communicated with, the content of the communication (including what it disclosed regarding Plaintiff's sexual orientation, female partner, same-sex marriage, and/or civil union), and the approximate date of the communication.

RESPONSE: Objection. This Interrogatory is outside the scope of the current Court order partially staying discovery, and will not be answered at this time. Plaintiff reserves the right to supplement her response pursuant to further Orders of this Court, including but not limited to the assertion of additional objections.

INTERROGATORY NO. 2: Describe in detail any and all religious training Plaintiff has received in connection with her employment with Defendants, including the requirements Plaintiff had to complete in order to become a certified Catechist, any continuing training requirements Plaintiff had to complete to maintain her certification, and Plaintiff's current certification status. If Plaintiff's certification has lapsed, please identify when it lapsed.

RESPONSE: Objection. This request is vague, overly broad and not reasonably specific to be answerable as written. This request also seeks information which is more readily available to Defendants than to Plaintiff. Subject to and without waiving these objections, Father Karl Miltz (Roncalli Chaplain) asked Starkey to complete an "Application for Certification for the Ministry of Catechist or Intern Catechist" in March 1985. Starkey listed her previously completed college coursework that could potentially be relevant. This certification was valid for five years, and expired on April 22, 1990. Starkey was not required to and nor did she complete

any additional training requirements to maintain her certification. See also documents produced in response to Request for Production No. 7.

INTERROGATORY NO. 3: Describe in detail your reasons for becoming a certified Catechist.

RESPONSE: Objection. This request is vague, overly broad and not reasonably specific to be answerable as written. This request seeks information which is more readily available to Defendants than to Plaintiff. Subject to and without waiving these objections, see Answer to Interrogatory No. 2 and documents produced in response to Request for Production No. 7.

INTERROGATORY NO. 4 Please describe in detail when and how you first became aware that same-sex relationships and/or same-sex marriage was contrary to the teachings of the Catholic Church, and when and how, at any other time from August 2013 to August 2018, you were made aware that same-sex relationships and/or same-sex marriage was contrary to the teachings of the Catholic Church. Please be as specific as possible about how that teaching was communicated to you, and if you do not remember specific dates, please provide as specific a range as possible.

RESPONSE: Objection. This Interrogatory is outside the scope of the current Court order partially staying discovery, and will not be answered at this time. Plaintiff reserves the right to supplement her response pursuant to further Orders of this Court, including but not limited to the assertion of additional objections.

INTERROGATORY NO. 5: Describe in detail your understanding of your obligations

under what your complaint identifies as the “uniform ‘morals clause’ language” in your most recent employment contract with Roncalli High School.

RESPONSE: Objection. This Interrogatory is outside the scope of the current Court order partially staying discovery. Plaintiff reserves the right to supplement her response pursuant to further Orders of this Court, including but not limited to the assertion of additional objections.

INTERROGATORY NO. 6: Describe in detail your understanding of the purposes of a Catholic school.

RESPONSE: Objection. This Interrogatory is outside the scope of the current Court order partially staying discovery, and will not be answered at this time. Plaintiff reserves the right to supplement her response pursuant to further Orders of this Court, including but not limited to the assertion of additional objections.

INTERROGATORY NO. 7: Identify any instances in which you prayed, worshipped, or spoke about matters of religion or faith with students or colleagues at Roncalli, including the dates and a list of who was present (except that students’ names may be anonymized).

RESPONSE: Objection. This request is vague, overly broad, unduly burdensome, and not reasonably specific to be answerable as written. This request seeks information which is more readily available to Defendants than to Plaintiff. Subject to and without waiving these objections, Plaintiff recalls that on approximately March 13, 2014 and February 5, 2016, she was asked by the Principal, and agreed, to lead a prayer during daily morning prayer announcements. As Choral Director, Plaintiff would occasionally start a rehearsal with a prayer or pray before choral competition. Also, Plaintiff regularly attended school Masses.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LYNN STARKEY,

Plaintiff,

V.

ROMAN CATHOLIC ARCHDIOCESE
OF INDIANAPOLIS, INC. AND
RONCALLI HIGH SCHOOL, INC.,

Defendants.

CAUSE No. 1:19-cv-03153-RLY-TAB

**PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANTS' FIRST
REQUESTS FOR ADMISSION TO PLAINTIFF**

Plaintiff, Lynn Starkey, by counsel, responds to Defendants' First Request for Admissions as follows:

REQUESTS FOR ADMISSIONS

REQUEST NO. 1: Admit that the documents at Bates 530-539 were prepared, in whole or in part, by Plaintiff.

RESPONSE: Objection. This request is vague. Subject to and without waiving these objections, Starkey denies the request. A CEAP for School Counselors, approved on or about November 30, 2015, was prepared by Principal Chuck Weisenbach, Assistant Principal for Academic Affairs Kathy Arruda, CEAP Director Elaine Jerrell, Co-Director of Guidance Shelly Fitzgerald, and Starkey. See documents produced in response to Request for Production No. 9. The “documents at Bates 530-539” are not the same version of the CEAP in effect during Starkey’s employment and contain significant differences.

REQUEST NO. 2: Admit that the contract documents produced to Plaintiff are true and

REQUEST NO. 12: Admit that as Choral Director, or at other times during her employment with Roncalli, Plaintiff sometimes provided the music for all-school Mass.

RESPONSE: Plaintiff admits that she provided music for all-school Mass while she was Choral Director. Plaintiff denies that she provided music for all-school Mass while she was in any other position at Roncalli.

REQUEST NO. 13: Admit that Plaintiff helped lead students on a retreat in which they rehearsed hymns and held liturgy and prayer services, as reflected in Bate 137 or otherwise.

RESPONSE: Objection. This request is vague and does not include a specific time period. Subject to and without waiving this objection, denied. Plaintiff held a choral camp where she rehearsed songs for a liturgy that took place at camp. Plaintiff did not lead liturgy or prayer services._

REQUEST NO. 14: Admit that Plaintiff served on the Administrative Council as described at Bate 364.

RESPONSE: Objection. This request is vague, does not include a specific time period, and Bates number 364 does not use the term "Administrative Council." Subject to and without waiving this objection, admit._

REQUEST NO. 15: Admit that Bate 222 is an accurate copy of a memorandum from Plaintiff.

RESPONSE: Objection. This request is vague. Subject to and without waiving this

objection, admit.

REQUEST NO. 16: Admit that Plaintiff participated in a group book study of *Pope Francis and the Joy of the Gospel: Rediscovering the Heart of a Disciple* (by Edward Sri) during her time as a member of Roncalli's Administrative Council.

RESPONSE: Deny. Plaintiff participated in Administrative Council discussions that involved other books, but not the book identified above.

REQUEST NO. 17: Admit that Plaintiff attended "Faculty/Staff Days of Recollection" led by notable religious leaders, including (a) Sr. Norma Rockledge, Vice President of Mission and Ministry of Marian University; (b) Fr. Jeffrey Godecker, former Director of Religious Education for the Archdiocese of Indianapolis; (c) Father Jim Farrell, then Pastor of St. Barnabas Parish; (d) Deacon Rick Wagner, Vice President of Mission and Ministry at Bishop Chatard; and (e) Daniel Elsener, President of Marian University.

RESPONSE: Objection. This request is vague, compound, and does not include a specific time period. Plaintiff does not recall each and every speaker for which she was in attendance, or not in attendance, during "Faculty/Staff Days of Recollection." Subject to and without waiving these objections, Plaintiff admits that she generally attended "Faculty/Staff Days of Recollection," but did not attend when they conflicted with Senior/Parent appointments. Plaintiff denies that "Faculty/Staff Days of Recollection" were led by the individuals identified above. Plaintiff admits that the above-referenced individuals spoke as part of "Faculty/Staff Days of Recollection."

REQUEST NO. 18: Admit that Plaintiff volunteered in the Christian Awakening Retreat Program, which included speaking with students about her faith and praying with them.

RESPONSE: Objection. This request is vague and does not identify a specific time period. Subject to and without waiving these objections, Plaintiff admits that she attended the Christian Awakening Retreat Program in 1981.

REQUEST NO. 19: Admit that during her employment, Plaintiff attended monthly all-school Mass, all-school prayer services during Lent and Advent, and other special religious celebrations such as the Baccalaureate Mass.

RESPONSE: Objection. This request is vague and does not identify a specific time period. Subject to and without waiving these objections, admit.__

REQUEST NO. 20: Admit that Plaintiff told at least one member of the Guidance Department that she was in a same sex union and to keep that information confidential because if known to the Roncalli administration Plaintiff would lose her job.

RESPONSE: Objection. This Request is outside the scope of the current Court order partially staying discovery, and will not be answered at this time. Plaintiff reserves the right to supplement her response pursuant to further Orders of this Court, including but not limited to the assertion of additional objections.

ALTERNATIVE INTERROGATORY

Pursuant to Federal Rule of Civil Procedure 33, if your answer to any of the foregoing requests for admission was anything other than an unqualified admission, please describe in detail the factual basis for your denial, qualified admission, objection or other response,

RONCALLI HIGH SCHOOL

Catholic Educator Advancement Program – Guidance Counselor

The **Catholic Educator Advancement Program (CEAP)** is a comprehensive counselor development and compensation program for the guidance counselors at Roncalli High School. It is designed to promote growth toward maximum performance by the guidance counselors by aligning pay levels with levels of counseling mastery and mission effectiveness. We believe that a focus on counselor quality and development will result in a high quality educational experience for our students, families and Roncalli community.

This system of counselor development is intended to document and assess guidance programming knowledge, personal counseling, academic counseling, standardized testing knowledge and implementation, professional development, professional responsibilities and overall commitment to our mission. It is envisioned that the CEAP will provide many opportunities for self-directed inquiry, personal reflection and collegial coaching and feedback.

Coaching and Career Development

- **Formal Appraisal** – All first, second and third year counselors at Roncalli will participate in a formal, summative performance appraisal process with the principal and their department chairperson. Once a counselor has completed their third year of work as a guidance counselor at Roncalli High School, they will be placed in the rotation that is a part of the Performance Appraisal Schedule for Administrators and Non-Teaching positions.

- **Peer observations** – A guidance counselor in their first year at Roncalli will be required to sit in on two academic counseling sessions and one personal counseling session facilitated by another Roncalli guidance counselor. Each session will include a follow-up conference after which the counselor will complete the "Peer Observation" feedback form.

Invited Peer Observation - A guidance counselor in their first year at Roncalli will be required to invite a peer from within the counseling department to sit in two academic counseling sessions and one personal counseling session. Each session will include a follow-up conference with the counselor in attendance after which the first year counselor will complete the "Invited Peer Observation" feedback form.

Procedures for Portfolio Review and Assessment

1. The following is offered as a set of protocol and procedures for a guidance counselor wanting to advance from one CEAP level to the next as defined in the Rules for Movement through CEAP Levels.
2. The counselor will notify the Director of Teacher Advancement by May 1 of the school year of their desire to be considered for advancement to the next career level during the next school year. A decision will be communicated by June 1 to all applicants. The decision as to who will be accepted into the process of being considered for advancement from one career level to the next will be based on the applicant's readiness and the capacity of the program. When there are more teachers/counselors expressing a desire to be considered for advancement than the capacity of the program can facilitate, the following criteria will be used to determine who will be given the opportunity for advancement the next school year:
 - a. The teacher/counselor who indicated his/her desire the previous school year but was not offered the opportunity to pursue career level advancement
 - b. The teacher/counselor who is at a threshold in the CEAP career level pay schedule that requires them to pursue the next career level advancement (N-3; E-5).
 - c. The teacher/counselor who is at the threshold of P7 or D9
 1. If not capacity for all of these teachers we will take the teacher with more years of teaching experience at Roncalli
 - d. The teacher with more years of teaching experience at Roncalli
 1. If not capacity for all of these teachers we will take the teacher pursuing the highest career level advancement
 - e. The teacher pursuing the higher career level advancement
 - f. The teacher with more overall years of teaching experience
3. An orientation meeting will be held near the end of the school year for all teachers selected to go through process of being considered for advancement to the next career level. This meeting will be conducted by the Director of Teacher Advancement.
4. The CEAP review committee consists of the counselor's department chairperson, principal, assistant principal for academic affairs, Director of Teacher Advancement, and a peer of the counselor's choice.
5. The Director of Teacher Advancement will schedule the review committee meetings. The intent would be for all review committee meetings to be held and decisions communicated to all participants applying for career level advancement some time between October 1 and May 15.. The Director of Teacher Advancement will notify the review committee members of the meeting date.
6. A portfolio including the following items must be produced by the counselor:

- a. Observation reports when applicable (for their individual counseling observation as well as their group presentation)
- b. Student feedback results and comments for the past two years; current year should be completed prior to the end of the first semester
- c. Evidence of professional development
- d. Self-assessment in each of the domains – responses should be limited to one to two paragraphs per domain
- e. Submitted goal(s) for the current school and previous school year and a narrative describing how those goals have been met or will be met;
- f. Written summary statement that identifies strengths in their counseling work as well as areas in their counseling work they need to develop/improve and their plans for improvement and growth. This is limited to one page.
- g. Please do not include recommendations, recommendation letters and/or references

9. Prior to the review meeting the counselor will

- a. Electronically distribute their portfolio material to their committee members at least one week in advance of the review meeting.
- b. Make available to each review committee member any additional portfolio material that speaks to the faculty member's proficiency in the Domain areas. These materials are considered optional and are not required by the committee. It is recognized that each counselor may or may not want to add additional items to their portfolio.

10. Review committee members, after reviewing the material and prior to the meeting, may request the counselor provide additional evidence if they note a deficiency. Are moving toward merging the document, at least in this section, that applies to both faculty and counselors? Or are we headed toward two totally separate documents?

11. The Director of Teacher Advancement will chair the review committee meeting, which will be limited to sixty minutes. The review committee meeting will consist of the following:

- a. Presentation to the review committee by the faculty member (5 minutes)
- b. Questions to the faculty member from the review committee members.
- c. Opportunity for questions from the faculty member to the review committee members and/or make final comments

12. A private discussion by the review committee will take place immediately following the meeting at which time a recommendation will be determined by consensus vote. Should the recommendation be that the faculty member not be advanced, then the review committee must provide reasons for their decision and as well as suggestions on what the faculty member must do to adequately address their deficiencies.

13. The principal and Director of Teacher Advancement will meet with the faculty member within five school days to communicate the recommendation of the review committee. **NOTE:** Should the faculty member be in disagreement with the recommendation from the review committee, they may appeal back to the committee if, and only if, they have new and compelling information for the committee to consider. Such appeal must be in writing and sent to the Director of Teacher Advancement within seven days. The committee would then reconvene. The faculty member has the option of presenting the new information in person. The decision by the review committee after the appeal is once again by consensus and this time the decision is final.

13. The principal and Director of Teacher Advancement will meet with the faculty member to communicate the review committee's recommendation to the appeal. A written copy of the review committee's recommendation will be produced by the Director of Teacher Advancement and forwarded to the faculty member, their department chairperson, and the principal.

RONCALLI HIGH SCHOOL

Rules For Movement Through The Catholic Educator Advancement Program Career Levels For Guidance Counselors

A guidance counselor would advance from one **CEAP** career level to the next according to the following rules:

Philosophy Movement through the **CEAP** schedule is based primarily on factors reflecting mission effectiveness, professional growth and counselor performance as measured in the "Roncalli High School Counselor Performance Appraisal Domains and Standards" rather than solely based on time and educational credentials. Counselors can advance through three levels. The three levels are Novice, Professional and Distinguished. Counselors wishing to advance from one level to the next as defined by these rules must produce a portfolio of their work. (See Procedures for Portfolio Review and Assessment).

Placement of New Hires with No Teaching Experience A counselor without previous counseling or teaching experience would enter the **CEAP** schedule at the Novice career level, Step 1 (either BA or MA). They will receive mentoring and induction during this period. Toward the end of their first year (and second year if applicable) there will be a determination made as to whether or not their performance is at a minimum acceptable level for a Novice Educator. If their performance is not judged to be a minimum acceptable level, they will not be offered a contract for the following school year. At the Novice career level, Step 7, the counselor must apply for and go through the advancement process to become a Professional Counselor. Based on the

decision of the review committee, the counselor will be advanced to Professional Counselor level, Step 1, or not be offered a contract for the following school year.

Placement of New Hires with Previous Experience The placement of a counselor with prior teaching or counseling experience into the **CEAP** will be handled on a case by case basis. A decision on placement will be made by the Principal after consultation with the Assistant Principal for Academic Affairs, the Director of Teacher Advancement and the department chairperson. The counselor will then undergo a thorough performance evaluation during their first year of work at Roncalli. Toward the end of their first year of work at Roncalli, a decision will be made by the principal as to whether or not the original placement of the counselor into the **CEAP** was appropriate. Options for the second year could include a step increase, placement to a higher career level, placement to a lower career level, a freeze in pay, or the decision not to offer the counselor a contract for the next year.

Novice Counselor Most guidance counselors will be expected to spend seven years at the Novice counselor level. Counselors must be at least at Step 5 of the Novice counselor level before having the opportunity to qualify for advancement to the Professional Educator level. Thus, a guidance counselor could achieve the Professional Counselor level, Step 1, after reaching Step 5 of the Novice counselor level if they have achieved extraordinary career progress. Such advancement would be considered the exception and not the norm.

Professional Counselor There are nine step increases within the Professional counselor career level. A counselor must be at least at Step 7 of the Professional counselor level before having the opportunity to qualify for advancement to the Distinguished counselor career level. Thus, a counselor could achieve the Distinguished counselor level, Step 1, after reaching Step 7 of the Professional counselor career level if they have displayed extraordinary career progress. Such advancement would be considered the exception and not the norm.

At the Professional counselor career level, a counselor no longer must apply for career advancement once they have reached the top step within that career level. Counselors at the Professional counselor level will receive a formal performance appraisal by an administrator every four years. If the Professional counselor's performance is determined to be unsatisfactory, he/she will be placed on a personal improvement plan and must go through a formal performance appraisal each year until his/her performance is deemed to be in line with expectations. If performance subsequent to the improvement plan is not deemed to be in line with expectations, salary may be frozen until required improvements are made.

If a counselor has not qualified for advancement to the Distinguished counselor level by the time they reach the final step in the Professional counselor level or if the counselor chooses not to apply for advancement to the Distinguished counselor level, their salary will remain at Professional counselor, highest level.

If a counselor goes through the CEAP review process for advancement to the Distinguished counselor level and is not granted advancement, a decision as to when the counselor could reapply to go through the CEAP review process again will be determined by the Principal, Director of Teacher Advancement and the department chairperson?

Distinguished Counselor Performance Evaluation Counselors at the Distinguished counselor level will receive a formal performance appraisal by an administrator every four years. If the Distinguished counselor's performance is determined to be unsatisfactory, he/she will be placed on a personal improvement plan and must go through a formal performance appraisal each year until his/her performance is deemed to be in line with expectations. If performance subsequent to the improvement plan is not deemed to be in line with expectations, salary may be frozen until such time as required improvements are made or no contract may be offered for the following year.

Step Increases Each year counselors will receive a step increase within their **CEAP** level according to the **CEAP** scale. Pay shall not move up past the top step in each **CEAP** level unless the counselor achieves the next **CEAP** career level.

Advancement Notification Any counselor showing extraordinary career progress who wishes advancement to the next career level must notify the Director of Teacher Advancement by May1. If accepted, the counselor would spend the following school year being evaluated for advancement to the next career level.

Career Level Definitions

Novice Counselor

The Novice counselor has little to no high school teaching experience upon entering Roncalli High School and begins to learn and embrace the philosophy and spirit of being a Catholic school educator in the Roncalli Family. They begin their career at Roncalli High School displaying eagerness, enthusiasm and cooperation in working with their students, peers and mentors in becoming a "student centered counselor" who loves and educates the whole student. The burgeoning Roncalli spirit will be displayed in spirit, word and deed. The focus of the Novice counselor is building on and improving their counseling skills

Professional Counselor

The Professional counselor displays a high level of excellence in all aspects of their work. They integrate fully the mission and spirit of Roncalli High School in their daily work. They continue to show growth professionally and their direct impact on the school at large continues to grow through their effectiveness as a counselor and their leadership outside their office. These counselors are comfortable in their particular discipline and look beyond that to benefit the community with a loving and generous spirit.

Distinguished Counselor

The Distinguished Counselor is a master in all aspects of their work. They are exemplary in their integration of the mission and spirit of Roncalli High School. They have built a personal legacy with the level of excellence in their work and continue to develop ideas, programs and initiatives that benefit the school. Professional growth is exemplary and is evidenced by participating in activities that directly benefit their work and/or the school at large. Leadership is exemplary and is demonstrated in committees, co-curricular activities, the larger Roncalli community, and in the field of education. They mentor personal values and strong character by modeling them instinctively for their students and colleagues on a consistent basis.

DOMAINS & ESSENTIAL VARIABLES

Guidance Programming

- Level of content knowledge

Classroom and Large Group Presentations

- Clarity of presentation
Student behavior
- Student engagement
- Facilitation of questions

Counseling Services

- Personal Counseling
- Availability to students
- Works effectively with teachers
- Technology use

Academic Planning

- Academic advising
- College and Career Guidance
- Standardized testing prep programs

Standardized Testing

- Knowledge of tests and testing procedures
- Effective administration of tests (ordering, organizing, etc.)
- Test interpretation

Professional Growth

- Appropriate, challenging, measurable goals
- Specific activities (reading professional journals, conferencing with peers, attending seminars, workshops, conferences, etc., committee work)

Professional Responsibilities

- Communication (students, parents, faculty, department, administration)
- Professionalism (all students treated with respect, professional attire, attendance at faculty and department meetings)
- Student Assistance Program

Spirit of Roncalli Formation

- Commitment to mission (embodies multiple traits of Blessed Pope John XXIII)
- Extracurricular activity involvement

Scale %
increase
0.50%

2017-2018

| Roncalli High School | | | | Master Bonus | Scale + Step % |
|----------------------|-----------------|---------|--------|-----------------|-------------------|
| | Career Level | Min Yrs | Scale | | |
| Novice | N1 | Three | 31,312 | 1,000 | |
| | N2 | | 31,714 | 1,000 | 1.79% |
| | N3 | | 32,138 | 1,000 | 1.84% |
| Emerging | E1 | Five | 33,202 | 1,000 | 3.83% |
| | E2 | | 33,546 | 1,000 | 1.54% |
| | E3 | | 34,228 | 1,000 | 2.55% |
| | E4 | | 34,581 | 1,000 | 2.54% |
| | E5 | | 35,108 | 1,000 | 3.05% |
| Professional | P1 | Seven | 36,451 | 1,500 | 5.38% |
| | P2 | | 36,991 | 1,500 | 1.99% |
| | P3 | | 37,818 | 1,500 | 2.75% |
| | P4 | | 38,475 | 1,500 | 3.01% |
| | P5 | | 39,043 | 1,500 | 2.75% |
| | P6 | | 39,605 | 1,500 | 2.71% |
| | P7 | | 40,629 | 1,500 | 3.10% |
| Distinguished | D1 | Nine | 43,004 | 2,000 | 6.37% |
| | D2 | | 44,389 | 2,000 | 3.74% |
| | D3 | | 45,701 | 2,000 | 3.47% |
| | D4 | | 47,068 | 2,000 | 3.50% |
| | D5 | | 48,430 | 2,500 | 3.41% |
| | D6 | | 49,831 | 2,500 | 3.41% |
| | D7 | | 51,203 | 2,500 | 3.27% |
| | D8 | | 52,604 | 2,500 | 3.25% |
| | D9 | | 55,840 | 2,500 | 6.68% |
| Master | M1 | | 57,840 | 3,000 | 3.58% |
| | | | - | - | |
| | | | - | - | |
| | | | | | 3.31% Average |

Scale %
increase
0.5%

2018-2019

| Roncalli High School | | | | Master Bonus | Scale + Step % |
|----------------------|-----------------|---------|--------|-----------------|-------------------|
| | Career Level | Min Yrs | Scale | | |
| Novice | N1 | Three | 31,468 | 1,000 | |
| | N2 | | 31,873 | 1,000 | 1.79% |
| | N3 | | 32,298 | 1,000 | 1.84% |
| Emerging | E1 | Five | 33,368 | 1,000 | 3.83% |
| | E2 | | 33,713 | 1,000 | 1.54% |
| | E3 | | 34,399 | 1,000 | 2.55% |
| | E4 | | 34,754 | 1,000 | 1.53% |
| | E5 | | 35,284 | 1,000 | 2.03% |
| Professional | P1 | Seven | 36,633 | 1,500 | 4.34% |
| | P2 | | 37,176 | 1,500 | 1.99% |
| | P3 | | 38,007 | 1,500 | 2.75% |
| | P4 | | 38,667 | 1,500 | 2.24% |
| | P5 | | 39,238 | 1,500 | 1.98% |
| | P6 | | 39,803 | 1,500 | 1.95% |
| | P7 | | 40,833 | 1,500 | 3.10% |
| Distinguished | D1 | Nine | 43,219 | 2,000 | 6.37% |
| | D2 | | 44,611 | 2,000 | 3.74% |
| | D3 | | 45,930 | 2,000 | 3.47% |
| | D4 | | 47,303 | 2,000 | 3.50% |
| | D5 | | 48,672 | 2,500 | 3.41% |
| | D6 | | 50,080 | 2,500 | 3.41% |
| | D7 | | 51,459 | 2,500 | 3.27% |
| | D8 | | 52,867 | 2,500 | 3.25% |
| | D9 | | 56,119 | 2,500 | 6.68% |
| Master | M1 | | 58,129 | 3,000 | 4.10% |
| | | | - | - | |
| | | | - | - | |
| | | | | | 3.11% Average |

School Counseling Domains & Essential Variables

I. PROFESSIONAL DEVELOPMENT [1, 2, 3, 5]

- Participation in professional development
- Appropriate, challenging, measurable goals

II. INDIVIDUAL STUDENT GUIDANCE [1, 2, 3, 4]

- Academic advising
- Post-secondary guidance (College and career guidance)

III. COUNSELING AND RESPONSIVE SERVICES [1, 2, 4]

- Personal/social counseling
- Participation in the Student Assistance Program

IV. GUIDANCE PROGRAMMING: PRESENTATIONS [1, 2, 3, 4]

- Level of content knowledge
- Atmosphere of respect and rapport
- Student engagement and behavior

V. STANDARDIZED TESTING [1, 2, 3]

- Standardized testing logistics
- Test interpretation

VI. PROFESSIONAL RESPONSIBILITIES [1, 2, 3, 4]

- Communication
- Technology usage
- Time management and organizational skills
- Professionalism

VII. SPIRIT OF RONCALLI FORMATION [1, 2, 3, 4]

- Commitment to mission
- Promotion of extracurricular involvement

Portfolio content code

1. Self-evaluation and goals
2. Guidance Director(s) observations and evaluations
3. Administrator observations and evaluations
4. Student surveys – April of senior year
5. Evidence of professional development

DOMAIN VII: SPIRIT OF RONCALLI FORMATION

ESSENTIAL VARIABLES :

- Commitment to mission
- Promotion of extracurricular involvement

Emerging School Counselor

- School counselor is becoming familiar with the charisms of Saint John XXIII.
- School counselor is learning about the many different extracurricular activities available to students.
- School counselor offers support to a wide range of students who are involved in extracurricular activities.
- School counselor encourages students' spiritual life and resources in counseling conversation as appropriate (i.e. encouraging prayer/reflection, sharing one's own spiritual experiences as appropriate; encouraging retreat, parish, youth ministry, mission work).
- School counselor consistently attends their Sunday liturgy or church service.

Professional School Counselor

- School counselor embraces the charisms of Saint John XXIII and lives out some of his traits.
- School counselor is aware of the many different extracurricular activities available to students.
- School counselor offers support to a wide range of students who are involved in extracurricular activities.
- School counselor supports extracurricular activities by moderating a club or participating in a student-centered school activity (i.e. Campus ministry).
- School counselor encourages students' spiritual life and resources in counseling conversation as appropriate (i.e. encouraging prayer/reflection, sharing one's own spiritual experiences as appropriate; encouraging retreat, parish, youth ministry, mission work).
- School counselor consistently attends their Sunday liturgy or church service.

Distinguished School Counselor

- School counselor embodies the charisms of Saint John XXIII and lives out his traits.
- School counselor is aware of the many different extracurricular activities available to students.
- School counselor offers support to a wide range of students who are involved in extracurricular

Approved 11-31-15

activities.

- School counselor supports extracurricular activities by moderating a club or participating in a student-centered school activity (i.e. Campus ministry).
- School counselor encourages students' spiritual life and resources in counseling conversation as appropriate (i.e. encouraging prayer/reflection, sharing one's own spiritual experiences as appropriate; encouraging retreat, parish, youth ministry, mission work).
- School counselor consistently attends their Sunday liturgy or church service.

9/9

Shelly Fitzgerald

CEAP - Evidence of Professional Development

2016:

1) CollegeBoard Fall Counselor Workshop - Sept. 29, 2015

This is a full day presentation with national updates for PSAT, SAT, AP and state updates for financial aid. This is a critical professional development opportunity for me as the AP and PSAT coordinator. The past three years, I have been the only counselor to attend this workshop. I will then take a department meeting to update counselors on the most important updates for the year. Each year I attend this meeting, I receive

CollegeBoard updates imperative for my position as coordinator, as well as Guidance Director and counselor.

2) Indiana counselor update meeting - Sept. 18, 2015

This is a full day presentation with updates from the Indiana Department of Education. Some of these include topics of recent legislation, changes in curriculum or diploma requirements, testing, graduation, and items critical for counselors and schools to know for the current school year. The information given in these sessions is extremely important and specific to counselors. Typically, I get frustrated with communication from IDOE throughout the year, but this has consistently been a very helpful workshop.

3) Guidance Counselor Visit - University of Louisville and Bellarmine University -

requirements, course selections, standardized tests, college admissions requirements, individual College/University information, scholarship and financial aid information and career information are examples of areas in our job that change (update) frequently.

I try each year to take full advantage of many of the worthwhile opportunities available to counselors to stay updated on the most current information. In order for counselors to be able to accurately guide students in areas of academic, career and post-secondary counseling, the most updated knowledge is needed.

It is impossible for every counselor to attend all of these workshops and conferences, so our department divides the opportunities and reports on the most important information to the entire department. I am responsible for all CollegeBoard updates (AP, PSAT, SAT), and attending the workshop this year was more important than ever because of the PSAT and SAT test changes.

There is a plethora of professional development opportunities through reading as well. Professional journals and resources, along with IDOE emails, counselor list serves, and on line articles are an important avenue of receiving the most current information.

I believe the two most beneficial professional development opportunities, to my position specifically, would be the CollegeBoard annual workshop, as well as all of the important professional reading materials available to me throughout the year.

I

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Individual Student Guidance

This area of my job is easily my favorite. I meet with each student individually at least once a year, but often times, much more.

In late winter, I conduct a yearly planning meeting with all current students. In this meeting, we discuss college and career planning goals, academic and

personal goals, service, leadership, extracurricular involvement and course selection.

As a result of these meetings, if any improvements/updates are needed (i.e., prerequisites, new/future courses), I bring these items and recommendations forward.

•

Twice a year, I meet with all seniors. In the summer, before school begins, I meet with each senior and their parents to cover their post-secondary plans and college application process. In the spring, I meet with each senior to review their plan and to assist in any way I can before they graduate.

Early spring, I will meet with each incoming freshman and parents for their scheduling appointment. During this appointment, we will create a schedule for their freshman year, discuss study habits, goals, current activities and involvement and cover what my role is in their lives over the next four years.

Individual, I will meet with individual students throughout the year for a number of reasons. I am intentional about working with students on Academic Probation, who receive excessive progress reports, and those who struggle academically in general. I will also meet with students regularly to address other specific needs that arise. This includes, but is not limited to, personal and social issues, career and college counseling, military interest, leadership and service opportunities and faith formation.

- As I meet with these students of varying profiles and needs, when I find a resource which would be of value to our counselors, I share it departmentally.

III. Counseling and Responsive Services

As mentioned above, personal and social counseling is an important part of my daily work. Whether it is a serious crisis situation, or just a rough day for a student, I always attempt to approach students in a welcoming, non-judgmental, professional way. I am appropriately confidential with

information, work hard to share what I am given permission to share and regularly collaborate with the school social worker, administrators, other counselors, parents and teachers. I always collaborate with the school social worker when outside counseling is needed.

I am also a supportive member and active participant of the Student Assistance Program. I contribute to discussion, help make recommendations for other students and bring my own students to the attention of the group for assistance.

IV. Guidance Programming: Presentations

There are a number of times throughout the year we have the opportunity to present to a group of students or parents. Each year, we present to the sophomore and juniors at the beginning of the year. During this presentation, we discuss overarching guidance programming, such as

standardized testing, graduation requirements, college and career preparation, and prerequisites. I am the lead counselor for these presentations: counselors will all observe my first presentation, so we are presenting similarly, with particular focus upon engaging students and carefully planned questions,

At our evening presentation College Planning Night for Juniors, I facilitate the parent panel breakout sessions. The parent panel is designed for parents who have been through the college planning process with their children, to speak about their experiences, and help guide new parents through the process.

In the winter, we have a presentation for all freshmen, sophomores and juniors regarding the scheduling process. We discuss prerequisites, graduation requirements, on line scheduling, new courses, and the master schedule. We encourage students to contact their counselors with questions about classes or their potential schedule before heading into break.

VII.

Spirit of Roncalli Formation

I love being a part of Roncalli and sharing my experiences and faith with others. Living on the north side of town, and trying to balance family time while managing the extracurricular activities of my daughter, makes it challenging to be as involved in after school activities as I would like. I do try to attend as many sporting and fine arts events as I am able each year. I attend and help with nearly all evening presentations the guidance staff offers.

I keep current with scores and participants in different activities and am intentional about congratulating or acknowledging students when I see them. I am working the first retreat of the year, and plan to help more with St. Vincent de Paul.

I consistently attend Sunday church service, all masses at Roncalli, and morning communion services when I am able. I consistently use spiritual life and resources in my counseling conversations as well as sharing my own spiritual experiences.

I encourage student involvement in extracurricular activities and work with them to find ways to be involved.

Strengths:

I operate best in a team setting and am able to do that in all aspects of my job here. I believe I am collaborative, organized, and efficient. I am a “big picture” thinker. I am open minded and welcoming to all. I am faithful, and have no problems sharing my beliefs and my love of God. In a faith-based school, I feel this definitely is a strength when working with young people who are seeking direction. I am energetic, motivated, respectful of others, resourceful, task oriented and people centered.

Improvements:

Although I possess many qualities of a positive leader, I know I need improvement in being a better supervisor. I specifically would like to work on better facilitating and/or attending to the diversity of ideas within the department. I think it is important as a leader to listen to the opinions and ideas of my colleagues. However, as a supervisor, I would like to work on being more decisive and intentional, in order to move forward more efficiently during department collaboration.

I have difficulty asking for help when I feel I am putting others out. I tend to take on too much and get bogged down in little details. I would also like to work on delegating more and seeking help when appropriate. The benefits of delegating are not self-serving, rather to build a strong, self-functioning department and to match personal strengths and interests.

Goals 2016-2017

1) Work a senior retreat. (I will be working the September retreat)

Create a "task list" for AP testing. Currently, I organize all AP testing. Because I have done this for so long, I have not created a task list and just know the order of what to do and when. As AP grows and there is more to do with preparation and organization, more tests and more students testing, there is much more room for errors or something to be forgotten. Throughout the year, I am going to create a task list detailed enough so anyone could take over AP testing, if necessary.

3) Asking for assistance/better balance. I am going to be more intentional about asking for help when I need it, specifically in the areas of AP and PSAT testing. Everyone is so very willing to help out, but I am not great about asking for it.

4) AP workshop. I would like to apply to attend the AP summer institute this year. I would like to

learn as much as I can to help make our testing here more efficient. I would also like to learn more about Pre AP courses and other options Roncalli might consider

STARKEY DEPO EXHIBIT 39

2016-2017 Goals

1. Start a club at Roncalli with Project Linus (not sure what to name the club yet). This would be a service club where students make fleece tie blankets..

I started the Linus Club in September 2016 with the help of Katie Anderson as the Co-Moderator. The club meets twice per month throughout the school year and were able to donate 149 fleece baby blankets and 8 fleece hats during the 2016-2017 school year. The first round of fleece and 14 pairs of scissors were purchased from the Assistant Principal for Student Activities' budget. Ever since fleece has been donated by students, parents, club moderators, faculty, staff, my parents, and even parents of faculty and staff. We allow about 14 students to sign up per week. There are almost always students on the alternate list, and we usually can make room for them, so we have had a meeting with 20 students a few times. The volunteers earn HOPE hours for their service.

2. Create the powerpoint and link on the Roncalli website for the New Parent Orientation handouts, so we can go paperless starting in 2017.

After the 2016 New Parent Orientation meeting, Chuck asked that we go paperless for the 2017 meeting. I created a Google Slides Presentation, and with Kory's help we were able to have the link on the e-newsletter sent out on August 4, 2017 for families who were not able to attend. A few years prior I had asked Chuck about going paperless, but he was not interested at that time, so I waited for him. I only add that to convey that I am comfortable with technology and was thinking about how to improve the meeting.

2017-2018 Goals

1. Observe Senior Retreat

This year I had the absolute pleasure of observing the September Senior Retreat. This is my 11th school year at Roncalli, and while I have heard so many wonderful things about it, experiencing it was absolutely amazing. I like that it is a requirement for CEAP. It is a little challenging to miss work those days and make sure family is taken care of, but it was worth it. Our seniors are blessed to have the opportunity.

2. Start RCIA classes

I started RCIA classes at St. Jude in September. Sunday, February, 18 I participated in the Rite of Sending at St. Jude's 11:30 mass and then in the Rite of Election that evening at SS. Peter and Paul Cathedral downtown. The church was full and there were 3 other Rites of Election before that service. It was amazing to see all of the people on their way to becoming Catholic. I have really enjoyed being a part of the RCIA program growing in my faith and learning more about the Catholic Church. I am looking forward to officially being Catholic and taking communion.

3. Organize a fundraiser for Linus Club

I have not been able to organize a fundraiser this year. I think I had too many goals with everything going on in my personal life, and a very busy school year. I plan to have this as a goal next year.

4. Linus Club make a blanket for Rebelation auction

I am currently planning this. I just need to decide what fleece would be the best. I am thinking we will make an adult sized blanket and a matching or coordinating baby blanket to auction as a set.

Observations

RONCALLI HIGH SCHOOL
Catholic Educator Advancement Program - Observation Checklist

Observed teacher's name Autumn Currans

Observer's name Kathy Arruda

Class/period observed Senior Appointment

Date observed 8/3/17

Mother and senior arrived on time. Introductions were made. Mrs. Currans asked about the student's summer activities.

The meeting then focused on a set agenda. The first area was an inquiry about major. The student indicated that he was interested in engineering—perhaps civil engineering. His first choice for college was Purdue. ACT and SAT scores were reviewed. It was suggested that he consider retaking one or both tests. He was encouraged to prepare prior to retaking either of the tests. His scores were a little short of the cut offs for Purdue's engineering school. He had been told that he could apply as a general student and still take most of the freshman courses. He could reapply for engineering for sophomore year.

A discussion took place about other Indiana state schools that offer engineering. The student is a 21st Century Scholar. A referral was completed for Kelly Meyer to discuss engineering options.

The transcript, credits, GPA, and diploma types were reviewed. Waiver forms for ACT and SAT costs were shared. The process for teacher letter of recommendations, with forms, was reviewed.

The meeting took 35 minutes and was full of useful information. Mrs. Currans was knowledgeable and extremely helpful.

RONCALLI HIGH SCHOOL
Catholic Teacher Advancement Program

VII. Spirit of Roncalli Formation

I think the charisms of St. John XXIII I live out most are welcoming, kind, and humorous. I am aware of our extracurricular activities and promote them to students especially if they are struggling finding something to get involved in. I have attended athletic events and choral concerts. I am not able to attend every event students are involved in, but I try to remember the activities or have them written in their file so I can ask for updates, wish them luck, or congratulate them. I am currently the moderator of the Linus Club. I highly encourage students to attend retreat, and now have a little twinkle in my eye from my recent experience on retreat. Observing retreat and going through RCIA has made me more confident in my own prayer life and encouraging faith with my students. I attend RCIA classes 3-4 times a month and mass at St. Jude often.

Summary

I feel some of my strengths as a counselor are that students feel I am approachable and knowledgeable. I provide as accurate information as possible to everyone I come in contact with in my position. If I do not know the answer I refer them to the person who can help them or research the question. I also think I have a good sense of reading students' reactions and gauging how they are feeling about the topics we are discussing, whether it is personal, academic, or related to their future plans. Many times there is much to tell just by asking a

student, "How are you?" Certain responses motivate me to ask more questions, and many times allow me to address an issue to ease their anxiety. By nature, I care very much about my colleagues, students, and families. I genuinely want them to be happy, successful, and well-balanced people. I feel that I communicate well with a faculty when a student is experiencing issues outside of school that might affect them in school. When students come to me with an issue with a teacher I try to make sure the student feels heard, but I try to show the student how the teacher might have been feeling in that moment. As we know, often the truth lies somewhere in the middle or perceptions have gotten in the way.

Another one of my strengths is the management of many aspects of dual credit. For the first four years or so I presented to every section of the dual credit classes. As we continued to add dual credit classes it was taking too much time for me to do personally do the presentations. I created Google Slides presentations for all of our dual credit teachers, so they can present the material and handout the forms for students and parents to sign indicating they want to take the class as dual credit. When students do not turn in the form or indicate they are not interested I track them down and personally explain the benefits of dual credit from a counselor point-of-view. I feel passionate about our students earning those college credits. I know how beneficial it can be to the student and their family. Roncalli has the most dual credit enrollments of all of the private schools in central Indiana.

Throughout analyzing my goals, professional development experiences, and the domains I have identified a few areas where I can improve. I could volunteer to help more in overarching mental health programming through SAP. There are times we have to form sub-committees, and because of feeling overwhelmed with the rest of my responsibilities I hesitate to volunteer. I do not like to be a person who commits to something I cannot follow through with. I could improve by asking students more questions to engage them during presentations when appropriate. I feel that in communications with parents, students, and colleagues I can improve by letting them know I received their email or voicemail and will research their question and respond as soon as possible. We are in the age of immediate gratification and quick responses. Many times I do not have all of the information to fully respond, and at times it is hard to have enough time in the day to do all of the research. I will include some these areas in my goals for next year, but am already working on improving others.

I am grateful to be a school counselor at Roncalli. I refer to my families as "my kids" and "my parents". It is sometimes confusing to my friends and actual family. I care very much for their well-being. I am proud to be a member of the Roncalli community and I convey that to our students, families, and everyone I come in contact with.

STARKEY DEPO EXHIBIT 20

31 May 2016

Whether secular instructors can fall under the “Ministerial” exception to the Federal Labor Standards Act (FLSA) has yet to be specifically litigated.

Religious organizations should look to the January 2012 Supreme Court’s factors to analyze whether a particular position might qualify for a ministerial exception to the FLSA. While some positions fall squarely within the ministerial exception (i.e. Catholic priests), others i.e. lay administrators, maintenance workers, office staff, or *secular instructors*, are a closer call. [#1]

RHS school counselors qualify for a salaried contract to the same degree as RHS teachers do.

1. ArchIndy’s Ministry Description for “Teacher” (2.22.2016) [#2]
 - If school counselors had a Ministry Description, it would be identical to that of teachers, except for III.B.2 (daily lesson plans) and III.C.5 (efficient classroom routines).
2. United State Code 29 CFR 541.303c [#3]
 - *“The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals.”*
3. RHS school counselors are paid according to a teacher’s salary schedule.
4. RHS school counselors are evaluated using the RHS school counselor version of the Catholic Educator Advancement Program.

Any attempt to lump RHS school counselors into the same contract parameters as custodians, secretaries and advancement personnel appears to have no legal basis. Indeed, if a RHS math teacher is entitled to a RHS salaried contract, then a RHS school counselor is likewise entitled to a RHS salaried contract as well.

Therefore, we ask that our RHS school counselors please be given their school counselor salaried contract for 2016-17. If our administration cannot assist with this, please let us know who can, so that RHS counselors can have a RHS salaried contract just as other RHS educators do.

Thank you!

Lynn Starkey

Shelly Fitzgerald

STARKEY DEPO EXHIBIT 22

ARCHDIOCESE OF INDIANAPOLIS
MINISTRY DESCRIPTION

TEACHER

02.22.2016

I. IDENTIFYING INFORMATION

Title: Catholic School Teacher/Faculty Member
 Status: Part-time or Full-time, Exempt
 Reports To: Principal

II. PRIMARY FUNCTIONS

- ✓ Adhering to mission, and under the supervision of the principal and pastor or high school president, the teacher will collaborate with parents and fellow professional educators to foster the spiritual, academic, social, and emotional growth of the children entrusted in his/her care.

III. POSITION CONTENT**A. Role: Facilitates Faith Formation**

- ✓ 1. Prays with and for students, families and colleagues and their intentions. Plans and celebrates liturgies and prayer services.
- ✓ 2. Teaches and celebrates Catholic traditions and all observances in the Liturgical Year.
- ✓ 3. Models the example of Jesus, the Master Teacher, in what He taught, how He lived, and how He treated others.
- ✓ 4. Communicates the Catholic faith to students by direct teaching of Religion and/or, as appropriate, by the integration of moral values in all curriculum areas.
- ✓ 5. Conveys the Church's message and carries out its mission by modeling a Christ-centered life.
- ✓ 6. Participates in religious instruction and Catholic formation, including Christian services, offered at the school. Non-Catholic teachers are expected to participate to the fullest extent possible (e.g., non-Catholics would come forward to receive a blessing instead of Holy Communion in the Catholic Mass).

B. Role: Designs and Plans Instruction

- ✓ 1. Uses archdiocesan and state curriculum standards for long-range and short-range objectives.
- ② 2. Prepares daily lesson plans, and submits them to the principal per the principal's directive.
- ✓ 3. Provides varied learning strategies to meet the needs of all students, using assessment data to inform instructional practices.
- ✓ 4. Provides enrichment for high ability students and accommodations/modifications for students with learning differences.
- ✓ 5. Chooses high quality and appropriate supplementary instructional materials.
- ✓ 6. Plans, if appropriate, field trips that enrich the curriculum.

C. Role: Implements Curriculum and Manages Instruction

- ✓ 1. Conducts large group, small group and individual instruction to meet the needs of all learners.
- ✓ 2. Uses a variety of methods and strategies suited to the students and the lessons taught.
- ✓ 3. Encourages higher level thinking skills.
- ✓ 4. Uses media and technology to support learning.
- ⑤ 5. Establishes efficient classroom routines to maximize "bell to bell" instructional time.
- ✓ 6. Follows ISPs, CSEPs, and Catholic School Accommodation Plans for students who have them.
- ✓ 7. Is available to support student learning outside class hours (before and after school support, etc.).

12/4/20
 Lynn Starkey
 Exhibit
22

D. Role: Assesses and Communicates Learning Results

- ✓ 1. Uses both formal and informal methods to evaluate students and adjusts instruction in response to the needs of learners.
 - ✓ 2. Aligns formative and summative assessments with learning objectives and standards and uses the data to enhance instruction for the growth of all learners.
 - ✓ 3. Administers standardized tests as required by the Indiana Department of Education.
 - ✓ 4. Provides frequent and useful feedback on progress to students and parents along with specific suggestions for improving performance.
 - ✓ 5. Communicates academic progress according to the quarterly and interim school schedule.
 - ✓ 6. Communicates academic progress to the principal.
 - ✓ 7. Initiates parent-teacher conferences as appropriate and conducts parent-teacher conferences as scheduled by the school and as requested by parents.
 - ✓ 8. Maintains accurate permanent records for students.
-

E. Role: Develops and Maintains a Positive Learning Environment

- ✓ 1. Maintains a caring rapport and relationship with students both inside and outside of the classroom and demonstrates an enjoyment in working with them.
- ✓ 2. Contributes positively to the learning environment of the entire institution.
- ✓ 3. Proactively identifies and addresses physical, social, emotional, and spiritual needs of individuals and of the community of learners, engaging other professionals as appropriate.
- ✓ 4. Uses classroom management techniques that provide a Christ-centered atmosphere that fosters self-discipline and a sense of personal responsibility.
- ✓ 5. Maintains and communicates high academic and behavioral expectations and supports students in meeting those expectations.
- ✓ 6. Develops and maintains a stimulating, safe, and engaging learning environment in a neat, orderly, attractive classroom, including appropriate and engaging instructional bulletin boards and displays of student work.
- ✓ 7. Supports positive student behavior so that instructional goals can be accomplished.
- ✓ 8. Addresses behavior and academic issues in an effective, consistent, and fair manner.
- ✓ 9. Documents and communicates behavioral issues to parents and the principal in a timely and appropriate manner.
- ✓ 10. Provides supervision and engages students outside of the classroom and as assigned by the principal.

F. Role: Professional Growth and Development

- ✓ 1. Commits to lifelong learning and demonstrates a passion for ongoing professional growth and development.
- ✓ 2. Maintains proper certification and licensure as required by the State of Indiana.
- ✓ 3. Meets the Archdiocese of Indianapolis's professional growth requirements and all local requirements as determined by the principal and/or his/her designee(s).
- ✓ 4. Maintains records of Professional Growth Points (PGPs) and submits them to the IDOE in collaboration with the principal or his/her designee.
- ✓ 5. Participates fully in faculty meetings and professional development meetings/in-services, contributes to school-wide goals, and supports colleagues and administrators in their own professional growth.
- ✓ 6. Participates fully in the archdiocesan performance appraisal process for educators.
- ✓ 7. Participates in spiritual retreats, days of reflection, and spiritual formation programs as directed by the principal and as required by Archdiocesan faith formation expectations.

G. Role: Additional Professional Responsibilities

- ✓ 1. Follows local protocol as published in the faculty/staff handbook, student/family handbook, and in other related policies, protocols, rules and regulations.
- ✓ 2. Serves on school committees and in other capacities as directed by the school principal.
- ✓ 3. Assists as requested with school fundraisers and development efforts.
- ✓ 4. Prepares for, attends, and participates in Registration, Open House, Christmas Program, graduation, etc. as directed by the school principal.
- ✓ 5. Prepares, attends, and participates in grade level specific events/programs/initiatives, etc.

H. Communication and Interpersonal Effectiveness

- ✓ 1. Contributes positively to morale and to the culture of the Catholic school in service of the mission in all communications and actions.
- ✓ 2. Demonstrates loyalty to the school and its mission above individual views.
- ✓ 3. Openly and respectfully communicates concerns at the appropriate level.
- ✓ 4. Collaborates with and supports fellow teachers, staff members, and school administration.
- ✓ 5. Proactively engages parents and partners in the formation of their children.
- ✓ 6. Communicates effectively with parents and works to resolve concerns or disagreements in a constructive manner.
- ✓ 7. Respects and maintains confidentiality.
- ✓ 8. Maintains the good reputation of the parish, school, and archdiocese.

IV. POSITION SPECIFICATION/REQUIREMENTS

A. MINISTERIAL EXPECTATIONS

- ✓ 1. Display of Gospel values, good judgment, and diplomacy and the safeguarding of confidential information are required.
- ✓ 2. Has the potential and talent to be an effective Catholic school teacher.

B. EDUCATION, TRAINING, AND/OR EXPERIENCE

Licensure/Degree

- ✓ 1. A Bachelor's Degree in Elementary or Secondary Education, a Master's in Education or the equivalent in another field
AND
An elementary or secondary education license from the State of Indiana
OR
- 2. An emergency teaching license with eligibility and intent to complete coursework

Other Training/Expectations

- ✓ 3. "Safe and Sacred" Child Protection Training
- ✓ 4. Criminal Background Check
- ✓ 5. Acknowledgment of this Ministry Description document for Teachers
- ✓ 6. Ongoing professional development and faith formation

V. WORKING ENVIRONMENT

- ✓ A. Catholic schools are ministries of the Catholic Church, and teachers are vital ministers sharing the mission of the Church. Teachers are expected to be role models and are expressly charged with leading their students toward Christian maturity and with teaching the Word of God. As role models for students, the personal conduct of every teacher and staff member, both at school and away from school, must convey and be supportive of the teachings of the Catholic Church. These teachings

include, but are not limited to: honoring the dignity of each human life from conception to natural death, care for God's creation and the belief that all persons are called to respect human sexuality and its expression in the Sacrament of Marriage as a sign of God's love and fidelity to His Church. The Seven Themes of Catholic Social Teaching can be found at <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm>. A thorough description of Catholic Church teaching can be found in the *Catechism of the Catholic Church*.

- ✓ B. Determining whether a teacher is conducting him/herself in accordance with the teachings of the Catholic Church is an internal Church matter and is at the sole discretion of the pastor, administrator, and/or Archbishop.
- ✓ C. The Archdiocese recognizes that many teachers who contribute positively to the mission of the Church in forming young people through our Catholic schools are not practicing Catholics. For teachers of other faith traditions, there remains an expectation that, regardless of their personal religious affiliations and beliefs, they will become knowledgeable of Catholic Church teachings, will be credible witnesses of the Catholic faith and will be models of Christian values.

Fwd: Message from "RNP002673ABD132"

Chuck Weisenbach <cweisenbach@roncalli.org>

Tue, May 31, 2016 at 3:18 PM

To: "jhollowell@roncalli.org" <jhollowell@roncalli.org>, Wendy Lawrie <wlawrie@roncalli.org>, "dgervasio@roncalli.org" <dgervasio@roncalli.org>, "eisakson@archindy.org" <eisakson@archindy.org>, "Fleming, Gina" <gfleming@archindy.org>
Cc: Lynn Starkey <lstarkey@roncalli.org>, Shelly Fitzgerald <sfitzgerald@roncalli.org>, Autumn Currens <acurrens@roncalli.org>, Lisa Beckwith <lbeckwith@roncalli.org>, Kathy Heath <kheath@roncalli.org>

Greetings

I suspect many if not all of you have read and had your fill to this point on the Federal Labor Standards Act and ministerial exemptions.

Unfortunately, I am going to add to your reading list.

As you know for some reason there continues to be an issue with having licensed guidance counselors qualifying for the same ministerial exemption as teachers are being granted.

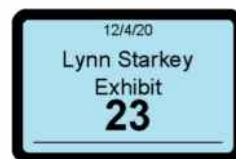
I met this afternoon with the co-chairpersons of our guidance department, Lynn Starkey and Shelly Fitzgerald, who were speaking on their own behalf as well as on behalf of the other three guidance counselors in the department.

Attached you will find the following documents.

- 1 - letter written by Lynn and Shelly that sets out some very clear reasons why a guidance counselor qualifies for the same ministerial exemption as the teachers along with legal code to support their reasons.
2. A document entitled, "Wage & Hour Insights" written by a law firm to provide guidance and solutions for employers.
3. The current archdiocesan ministry description for a teacher.
4. Document with a heading "29 CFR 541.303 - Teachers" which is an excerpt from the federal code
5. Copy of Lynn Starkey's license as a guidance counselor, calling specific attention to its title as called for by the state of Indiana - **"Professional Educator's Licens."**

Having read the materials provided to me by Lynn and Shelly I would offer the following insights in their support!

1. There are 67 items listed on the archdiocesan ministry description for a teacher. A guidance counselor fulfills 65 of the 67 with the exceptions being daily lesson plans and efficient classroom routines. Given they are being held accountable for 97% of the same expectations as the teacher, being granted the same exemption as the teacher makes sense to me.
2. The United States code as noted in item #4 above states very clearly in the document that holding an elementary or secondary educator's certificate provides clear means as being within the scope of the exemption for teaching professionals. As noted, the State of Indiana's license for guidance counselors is called a "Professional Educator's License," not a Professional Counselor's License.
3. Roncalli High School guidance counselors are paid according to our teachers' salary scale.
4. Roncalli High School fall under the same merit based performance program as teachers (Catholic Educator



I am not an attorney and have not been privy to the many discussions that have been held regarding this issue. However, my suspicion is that sometimes legal matters can get caught up in the old axiom, "Can't see the forest from the trees." This certainly strikes me as the case here as to not offer licensed guidance counselors the same ministerial exemption as teachers based on the information presented seems to have no legal basis!

Finally, I was asked by this morning by Mr. Hollowell if any of our guidance counselors had mentioned the idea of having to look elsewhere for employment if not granted the ministerial exemption. At the time my answer was no as that sentiment had not been shared with me. However, since my meeting with Lynn and Shelly that is no longer the case as they made it abundantly clear that they and/or others in their department would consider looking for work outside the archdiocese if a ruling is not made in their favor. Their desire to look elsewhere would primarily center around their need to look after their own professional well being and security, which I support 100%.

Would be happy to sit down with anyone here at RHS and/or the archdiocese to discuss the issues further should you feel that would be advantageous.

Thanks to each of you for your hard work on this unfortunate, and ill-conceived law that was "thrown into your lap" to deal with and that is now causing unnecessary work and consternation on the part of lots of folks!

Chuck Weisenbach, Principal

"Concern yourself not with what you tried and failed in, but with what it is still possible for you to do."
St. John XXIII (Angelo Cardinal Roncalli)
Feast Day - October 11

Roncalli High School
3300 Prague Road
Indianapolis, IN 46227
317-787-8277, extension 224
317-787-8277, fax
www.roncalli.org

----- Forwarded message -----
From: <copier@roncalli.org>
Date: Tue, May 31, 2016 at 2:46 PM
Subject: Message from "RNP002673ABD132"
To: Chuck Weisenbach <cweisenbach@roncalli.org>

This E-mail was sent from "RNP002673ABD132" (Aficio MP 9002).

Scan Date: 05.31.2016 14:46:12 (-0400)
Queries to: copier@roncalli.org

 201605311446.pdf
1148K

Isakson, Ed <Eisakson@archindy.org>
To: Chuck Weisenbach <cweisenbach@roncalli.org>, "jhollowell@roncalli.org" <jhollowell@roncalli.org>, Wendy Lawrie
App.525

Tue, May 31, 2016 at 3:48 PM

DD-STARKEY 000244

SA137

TO: Lynn Starkey

FROM: Chuck Weisenbach

RE: Performance Appraisal Follow-up

DATE: February 4, 2014

Thank you for meeting with me last week. I thoroughly enjoy those isolated opportunities I have to sit down with you and discuss issues pertinent to life, Roncalli and our guidance department.

This narrative serves as a follow-up to our meeting.

I will start with comments directed toward your goal setting and the work you have done to accomplish those goals.

Eat the Frog - I commend you for the way in which you have embraced the spirit of this statement. It is a very visual way of stating, "The enemy of the best is the good." You will greet each day with a list of items you hope to accomplish. Some days the list is lengthier and/or more challenging than others. Your success and your happiness are linked to your ability to "eat the frog" and knock out those one or two most important tasks. We all have had those days where we look back and want to feel really good about our day because we knocked out an impressive number of items on the "to do" list. However, when we see that the one or two most important items did not get accomplished it tends to take all of the air out of our sails and leaves us with a bad taste in our mouth. Your concerted efforts to make "eating the frog" a part of your daily routine has paid great dividends. Keep up the good work in this area as it is healthy for you in so many different ways.

Balance/faith component - I was delighted to hear of your success in this area. I commend you again for the discipline you have shown in this area. Some things in life can be so simple and yet have such a profound impact on your life. Any time you choose to make a more concerted effort to ground yourself in the faith/spiritual aspects of your life, you are sure to benefit from your efforts!

I thank you and commend you for taking seriously the role of goal setting in your life and congratulate you on the successes you are achieving in this part of your personal and professional life.

-The next part of this narrative will be directed more toward your overall work as co-director of the guidance department.

Strengths

Excellent leadership - You and Shelly are to be commended for the outstanding leadership you provide the other counselors and the department as a whole. The two of you have a leadership style that has a nice blend of focusing on the immediate needs and tasks while also taking time to envision the needs and wants of the future. Your delegation of duties and responsibilities has allowed for growth

opportunities for all in the department while keeping any one person from being dragged down with too many tasks! I never doubted for a second that the “co-director” format would work but must admit to being very pleased with how well the two of you have made it work.

Keeping a focus – There are a myriad of tasks in your work. It is very easy to get bogged down in those tasks such that you lose track of what absolutely has to get accomplished. You have been consistent in your efforts to bring focus to our curriculum and scheduling discussions. I appreciate immensely your efforts in this area. I suspect your good work in this area is linked to your aforementioned success in the “eating the frog” concept.

Attention to detail – Given the scope of details a choral director must handle singlehandedly (especially in the days prior of a Fine Arts Administrative Assistant, I am certain your prior work in this role helps explain why it is such a strength of yours in your role as co-director of the guidance department. While your astuteness in this area is most noticeable in guidance department matters, I have come to appreciate your ability to hone in on details on a variety of issues discussed at the administrative level. You want all that we do at RHS to be done in a sharp, first class manner and your ability to step back and bring focus to even the tiniest of issues has helped achieve our goal on numerous occasions.

Valued input and insights – I appreciate immensely having you as a part of our administrative team as I have long valued your input and insights into all aspects of Roncalli and life. As Monsignor Lawler (former pastor at St. Mark) always said, “Each of us has a piece of the truth. If we hold back that piece of the truth, it is impossible for us to have a full, accurate picture of the situation.” I encourage you to continue to share your piece of the truth.

Areas of growth

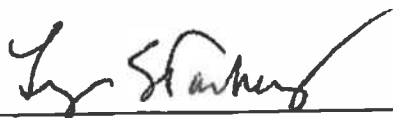
Balance/tightness - You work very hard at maintaining balance in your personal and professional life. In the high energy, high expectation work environment found at Roncalli, this is a must. What also is a must is to learn to let go of those things that are out of your control or influence, else they will impact your balance and leave you wound too tightly. When you see or experience frustrations that are out of your control or influence, I would hope you would bring them to my attention or someone else’s attention if more appropriate. You then must let go of that energy/frustration or it will eat away at your ability to do the many good things you do, many of which have been noted in this narrative.

Accentuate your experience – I noted leadership as a strength for you, which it is. However, in the coming years we will need you to be even more deliberate and more pronounced in your leadership areas. Next year when Angie Toner steps down as the co-chairperson of the math department you and Shelly will be the most veteran department chairpersons with the exception of Family & Consumer Science, Health/Physical Education, Industrial Technology and Fine Arts. All the department chairs and co-department chairs in all of the core academic areas (math, English, social studies, science, world


languages, religious studies) have less department chair experience than you. While I am very excited about the new emerging leadership found in this group of new department chairs, there are critical times when there is no replacement for experience and the wisdom that comes with it. I encourage you to be reflective of your role in this area and attentive to ways you can use your experience to best guide our discussions and our decisions.

Lynn, I thank you investing your professional life in Roncalli. We are a better school because of you, your work and your passion. As noted, I enjoy working with you in trying to make Roncalli the best it can be. I look forward to assisting you in any way possible as you seek to continue to grow as a Christian and in your profession.

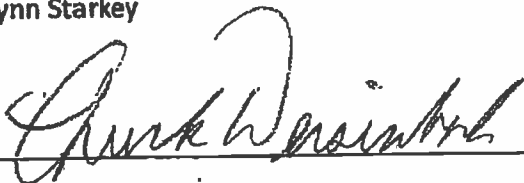
God bless you and keep up the great work!



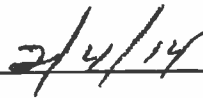
Lynn Starkey



Date



Chuck Welsenbach



Date

Please note that your signature indicates that you have read this document. It does not denote any agreement or disagreement with the contents of the document. Please return a signed copy to Chuck's mailbox within two school days.

MEMORANDUM

To: Lynn Starkey

From: Chuck Weisenbach

Date: 4/23/02

Re: Follow-up to our Yearly Performance Appraisal

Lynn, I always enjoy sitting down and talking education with you. Last week's performance appraisal conference was certainly no exception.

It has been exciting to watch you grow in your role as a Guidance Counselor. This year you have had a gleam in your eye and a bounce to your step as you have gone about helping kids or helping our school get better.

In this narrative summary, I would like to highlight a few of your strongest assets as a counselor.

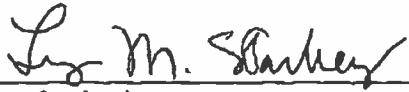
- **Great Rapport** - It sure seems as if you did not miss a beat moving from choral director to guidance counselor with regard to your rapport with students. The kids respect you and like you. As a principal and as a to-be parent of a high school student, I appreciate immensely your willingness to be direct with a student when you feel the student merits it. You do not make excuses for yourself and you do not accept them from students either.
- **Ability to handle and complete multiple tasks simultaneously** - As I mentioned to you in our conference, this skill is absolutely essential if one is to thrive in his/her role as an administrator or counselor. You are pulled in many directions since there is no schedule to your day as there is for a classroom teacher. Prioritizing and completing your tasks is a constant challenge. Stephen Covey's line "The enemy of the best is the good" has always struck me and serves as my daily work compass. I hope it helps you. You do a super job in this area. It is clearly one of the things that endears you to those who work with you (counselors, SAP team members, committee members, administrators, teachers, etc.).
- **Scheduling knowledge** - You have been diligent in your efforts to learn as much as possible about the many different facets of scheduling. It is not a black and white issue and each student has his/her own set of variables with regard to scheduling. I am very confident that each of your counselees is being served in exemplary fashion.
- **Leadership of the SAP Team** - Dealing with the multitude of issues that the SAP group deals with as they seek to assist our most at-risk students is a real challenge. The work is mentally and physically draining. It can become most frustrating if one feels the group is just spinning its wheels. Your task-oriented leadership style has been a good fit for this group. I appreciate the time, energy and direction that you have given to the SAP Program.
- **Professionalism** - Simply put, this has always been my favorite attribute of yours. Your approach to your work is always professional. Your work is always professional. Your attitude is always professional. It is a joy to (1'90') you!

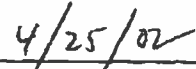
You offered one specific insight with regard to ways in which to improve your performance as a guidance counselor.

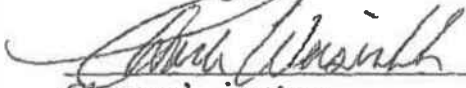
- **College search/scholarship search** - Keep asking questions, keep reading, keep plugging away and I am certain that you will quickly develop the same level of expertise in this area that you enjoy in many other areas already.


Lynn, thank you very much for the outstanding work you continue to provide our students, our families and our school. I do hope that you are finding your work to be invigorating, challenging and affirming.

May our Lord continue to bless you in all that you do. I hope you have a very nice finish to the school year and a most relaxing summer as you fish away the days in Wisconsin.


Teacher's signature


Date


Observer's signature


Date

Please note that your signature indicates that you have read this document. It does not denote any agreement or disagreement with the contents of the document. Please return a signed copy to Chuck's mailbox within 48 hours.

STARKEY DEPO EXHIBIT 53

lyn

Thank you for do

To: Teachers of Relating classes

Re: Preparing Students of Other Faiths for Opening School Liturgy

Date: August 29, 2000

Just a quick note here - Last year I think we tried to somehow convey to the freshmen, through Relating classes, a few thoughts to help our freshmen of other faiths feel as comfortable as possible at our school liturgies.

You certainly have good feel for what to share with the freshmen - this might include:

- where freshmen sit during the school liturgies
- that the Lord's Prayer will end "earlier" than perhaps what they know
- that the congregation typically will join hands during the Lord's Prayer
- the Sign of Peace
- the fact that there will be a good deal of standing/sitting/standing etc. (just follow along!)
- there are a good number of congregational responses, which they may learn in time

Most of all, t hanks for all you have already done to help our freshmen feel welcome at Roncalli!

Lynn

STARKEY DEPO EXHIBIT 1

**Wednesday, March 6, 2019, Periods 7 & 8
Agenda**

Prayer

Next meeting date/time - Tuesday, March 12, Period 7

Student/family concerns

██████████ Family support call dad/mom and let him know we are ready, willing and able to help

██████████ email Lisa asking for an update.

Lockdown simulation

Rebelation gift - \$20 for the Symphony on the Prairie Package

Enrollment at Indiana's Catholic high schools - four year trend

All school liturgy

Streaming? Or taping?

Huge yellow lift in the gym - Jeff will speak with Stefan about getting rid

Roncalli water bottles - Tim got great feedback from kids; he will get some samples;

Good of the order

KB - can we fast on Ash Wednesday and not the Wednesday before Thanksgiving; Jeff Traylor will pursue this discussion with Lani

**Administrative Council
Tuesday, February 26, 2019, Period 7
Agenda**

Prayer

Next meeting date/time - Wednesday, March 6, Periods 7 & 8

Student/family concerns

██████████ - in the emergency room; not sure what is up

██████████ - mom continues to battle cancer; also had a car Accident; Autumn and Kelly are meeting with ██████████;

██████████ - six progress reports; home is harried at this point

Dad is in Chicago at an in patient treatment center for bi-polar; ██████████ and ██████████ both In college; ██████████ is helping with his little sister who is in the 6th at SB; He is an ER doctor at a local urgent care

Lisa emailed teachers

Lockdown simulation

Should kids exit the building if they are closest to the exit; yes
Contact Grace/LA/STARS
Will work on adult supervision for the simulation;

At the end of the drill have all students remain in the classrooms and have all teachers go back to their classrooms and debrief with those students.

████████████████████

"Shouldn't we just try to go outside no matter where we are?" - During all school shootings - there has never been a locked door that has been breached A LOCKED CLASSROOM IS SECURE: QUIET I told them that the only circumstance they go outside is if they're immediately next to a outside door and it's closer than a classroom. They should not take a longer path to get to an outside door.

1. *"If I'm in my car before school, shouldn't I just drive home?"* - **STAY PUT** I told them that if they're on campus, they should go to one of the designated safe spaces, because one thing that happens pretty quickly is the attempt to take attendance at those locations. If they drive home, they may be unaccounted for, causing more confusion or worry.
2. *"If I'm in the bathroom, should I climb out the window?"* - **no** I said that should not be a first resort. Certainly, if it becomes clear that the bathroom you're in is in direct danger, and you have to choose between a window and doing nothing, then you may have to consider that. But it should not be the first thing you do. Another student actually chimed in and pointed out that climbing out a window might be dangerous in a situation where police are on campus trying to find the attacker. They might mistake someone climbing out a window as unusual and potentially dangerous.
3. *"What if it happens during lunch or an assembly?"* - I first told them that the school already adjusts their security plan during lunch times and assembly events to make it even less likely that someone who arrives on campus to attack could get to those areas. Still, I did tell them that I would ask you if we needed to communicate a specific plan for those circumstances.
4. *"So, if we leave the building during a drill, can we just go home?"* - **no** said, no. We'll have staff at each safe place to take attendance and return students to school.
5. *"Aren't we just sitting ducks if we go in a classroom?"* - **no** I told them that police are quick to respond in these circumstances. These attacks happen so quickly that getting into a room essentially buys time in the safest possible place to give authorities the time to get here and deal with the threat. It lessens the number of easy targets in the few minutes the attacker would have the chance to hurt people.
6. *"Won't the foam board in the classroom window guarantee the attacker knows people are in there?"* - **NO** Again, I stressed the short amount of time these attackers usually have until police arrive. And with 70 classrooms all looking the same, with locked

doors, no sight in, and barricades in front of the door, it minimizes the level of ease with which an attacker could function.

Enrollment at Catholic high schools in the state (Frank Sergi data)
19 of 24 - dropped; 2 stayed the same; 3 increased; decline of 645 kids

House system -

Absent students - how/when do we communicate an emphasis on students who are absent that it is their responsibility to work extra hard upon return to get caught up.

Teachers remind students of the need in this area; Where/when do we emphasize this to our parents.

Should this be included in the list of items to be covered in a list of blog/email blasts to parents.

Include this in the New Parent Orientation Meeting;

Roncalli Water Bottles

Good of the order

**Administrative Council
Tuesday, February 19, 2019, Periods 7 & 8
Agenda**

Prayer

Next meeting date/time - February 26, Period 7

Newsletter follow-up - present concerns to Stefan and Jeen
Thank you to the group

Student/family concerns
[REDACTED] - restraining order against the dad

Lockdown (Passing period) - date

STARKEY DEPO EXHIBIT 2

Good of the order

Collection of student cell phone numbers - Would this be a Stefan Welsh item? Check with Linda to see how many ways we could collect this data and have it inputted.

Would it be possible to have the numbers collected but with no names attached to them? How hard will it be to manage this data?

***Administrative Council
Tuesday, January 15, 2019, Period 7
Agenda***

Prayer

Next meeting date/time - January 22, Periods 7 & 8

Student/family issues

Follow up from last week's student situation

Future - involve [REDACTED] [REDACTED]

Involve a/c - in decision

PA System/ phones - interruption period 4; [REDACTED] [REDACTED]

Can it be one button; or a series of numbers;

After Prom - SkyZone

Transgender research

91% move away from their gender dysphoria by adolescence

Social contagion - 4000% increase in expression of being transgender;

Lenten Almsgiving -

Administrative council make-up (Michelle Roberts, Beth Reel, Advancement)

OCS School Visit - March 10-11

Senior Hallway Display Board - pictures of RHS military, firefighters, police officers and first responders

Freshman Orientation - t-shirts for seniors and frosh?

County System (awaiting Kevin's return)

Collecting student cell numbers

RHS scholarships completed electronically (Kevin looking into)

Good of the order

***Administrative Council
Tuesday, January 8, 2019, Periods 7 & 8
Agenda***

Prayer

Meeting dates/times for second semester - send dates to Fran

Student/family issues - [REDACTED] family;

BG School Calendar (New Teachers, July 22; teachers, July 26)

What are the unintended consequences to having this information available:

- increase in cell phone violations:
 - students that normally would not carry their cell phone on their person or in their backpack may now be carrying it as a form of increased security
 - parents may encourage their student to carry their phone on their person or in their backpack for same reason
- Staff/teachers within Roncalli wanting access to cell phone numbers because we now have this data available

Would this be a Stefan Welsh item? Check with Linda to see how many ways we could collect this data and have it inputted.

Would it be possible to have the numbers collected but with no names attached to them? How hard will it be to manage this data?

Student Interest Form (completed by 8th graders the morning of HSPT)

Who is using it and for what? We are going to quit making copies for Chuck, Kevin and David;

██████ Presentation

St. V Presentation

Smoking vs Vaping (4G vs 5G network; smoking vs vaping)

Undoing Racism workshops - encouraged about spots for second semester

Any issue with circulating names of attendees?

Social studies teachers, English, Religious Studies, Guidance

Lockdown

Special alarm from the phones - Steve Battiatto looking into this; Tim Crissman going to get back with him

Bells/Speakers in Restrooms - chuck double back with Kevin;

Announce with students - Protocol for Passing Period lockdown. What if caught outside classroom - hide, run, fight...

Communicate with Safe Places - Follow Up after drill

Clear direction for what to do during a lock down when you have students outside.

If done during a passing period, should we also send a broadcast message to community so they know we are in a drill?

HSPT results (handout)

Good of the order

TV monitors - \$4-5000 to hang above the drinking fountains; display the time; student activities;
Tim - will move forward with a pricing for back to back monitors in the hallways

***Administrative Council
Tuesday, November 13, 2018, Periods 7 & 8
Agenda***

Prayer

Welcome Lisa Beckwith (interim co-department chairperson)

Next meeting date/time - **Wednesday**, November 21, Periods 7 & 8

Student/family issues - ██████████; ██████████; ██████████

Contact ██████████; driver license;

Gift from ██████████

RHS crest (options/handout)

Seek Dr. Mowatt's feedback

Kiwanis Abe Lincoln nominee

██████████ ██████████

Sharing of stories from our Burmese students

Where this might be able to take place - faculty briefings; Update, school Newspaper,

Last year the students wrote thank you letters to their teachers

This year have students write a thank you letter to school - Kevin will work with Erin

And Julie and get back with us

Bleachers

Traffic flow (before and after school)

Undoing Racism - who all has attended

Cell phones, smart watches, fitbits, etc. (Ryan Costello's email below)

Take devices off during all assessments - weekly greetings

Remind faculty on a consistent basis along with student reminder

SAP mental health initiative

Stress - how are we helping kids in this area?

If we do not help them with this question they will consider lots of options as to how to handle stress and it may not be good for them.

St. Vincent's Resources - lean on them

Reach out to St. Vincent's in this area (what resources do they have)

Cut off time for responding to students' emails

Are we going to give a survey? What is it going to entail?

Morality survey - shorter, use the results

Cathedral's "county" system

(Ryan Costello) Reading this did remind me of one of those thoughts that pop up from time to time, and that's the difference in our cell phone policy versus smart watches policy. I may have this wrong, but I recall probably two years ago, smart watches sort of suddenly began appearing, probably after Christmas break as students received them as presents. And so we didn't quite have a handle on it to enforce a clear policy. The presence of Fitbits also has the potential to create some gray area, because they're not quite to the level of a smart watch, but they do have some basic access to internet and have some capabilities that resemble a phone.

I guess my thought is whether we've had enough time to get our heads around whether or not smart watches/devices should have the same restrictions as phones. Speaking for myself, I have seen more students in my class accessing their smart watches than their phones. It's challenging to write them up for something like that, because it can appear they're merely checking the time, and technically they're allowed to wear them, so how do we draw the line on what they can do with them? And I'm sure some smart watches look more like traditional watches than others. But the same could probably be said about phones that can sometimes look like other electronic devices.

In short, is there any discussion about the prospect of or need to ban smart devices in the same way we ban phones during the school day? Perhaps Tim Puntarelli would have an idea of how often they're being used inappropriately? Or maybe this is something to explore before next year's handbook is published?

Administrative Council
Tuesday, November 6, 2018, Periods 7 & 8
Agenda

Prayer

Next meeting date/time - November 13, 2018

Student/family issues

██████████ - OLG student (8 years)/UD student; no foul play suspected;

Abe Lincoln/Kiwani's Nominee - ██████████, ██████████

Lockdown follow up

Needs to be called out multiple times, preferably via PA

Bathroom - hide, run, fight instead of run, hide, fight

New teachers, freshmen and substitute teachers

Security bags

Group text

Group Text for Maria, Ian, Don, Jenny, Scott -

Check with Lani about lockdown simulation - how do they hear things?

Chuck Bladek - how do you hear things in boiler room

Can we have microphones in guidance office, cafeteria, etc.

Let's cover with faculty, staff and students what it will look like during passing period,

Before school,

STARKEY DEPO EXHIBIT 5

College days - Not allowed the day before and after the break; how do we want to handle Grandparents Day/Fall Break moving forward with new gym

College visit forms

Handbook - update to include no college days for the Monday coming out of fall break

CURRENT WORDING Days for college visitation/job shadow are not allowed immediately before or after a scheduled school vacation. Please consult the school calendar before making appointments

Report Cards - printed out SchoolMaster - (attachment)

Chuck will share with them a printed report card to see if we can duplicate the information on it

Theme for the school year (senior decision)

Give them some parameters - Graduate Profile, Charisms, Scripture

Get recently elected Senior Class officers; get juniors going to the IHSAA

Leadership conference; ask Joey, Phil and Kathy for some names

Adults - Kevin, Chuck

Previous agenda items

Vaping - include it in our freshman study presentations (11/5); going to see about also doing it for the 10th graders at the 11/27

***Administrative Council
Tuesday, October 9, 2018, Period 8
AGenda***

Prayer

Next meeting date: October 23

Student/family issues

[REDACTED]

[REDACTED] -

[REDACTED] -

Open House - discuss if the November date is still best

Spy at Cathedral, Brebeuf, Chatard, Guerin

Themed t-shirt each year - free cookies once a month move to only jeans; no jeans with visible skin; showing

School Improvement Goal

Cafeteria - noticing diversity at tables

Homecoming Dance - seems like we have more and more students of color attending
And having fun

Faculty Day of Service - over fall break; defer to Jeff for some ideas;

Compensation - Religious Studies (Theology) teachers - No dual credit or AP opportunities

KA - resource now feels they can move away from having the gen ed teacher in there
This would allow us to do away with extra duties;

Theology of the Body certification

Other specific certifications

What would this cost - para professional to take care of study halls;

Check with Michelle to see what their needs would be if we do away with gen ed

Kid has a 75 at the quarter and lose their 6 points; are they eligible?

Growing Leaders - Leading today's students often feels like being in a new country with old maps that don't work. Understanding and connecting with the generation in this land is often times frustrating and draining. We need new strategies on how to march off our old maps and create new ones.

Administrative Council
Wednesday, October 3, 2018, Periods 7 & 8
Agenda

Prayer

Next meeting date: Tuesday, October 9

Student/family issues

██████████ - ██████████

Spy at Cathedral, Brebeuf, Chatard, Guerin

Themed t-shirt each year - free cookies once a month move to only jeans; no jeans with visible skin; showing

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Check with Michelle to see what their needs would be if we do away with gen ed

Kid has a 75 at the quarter and lose their 6 points; are they eligible?

Growing Leaders - Leading today's students often feels like being in a new country with old maps that don't work. Understanding and connecting with the generation in this land is often times frustrating and draining. We need new strategies on how to march off our old maps and create new ones.

Administrative Council
Wednesday, October 3, 2018, Periods 7 & 8
Agenda

Prayer

Next meeting date: Tuesday, October 9

Student/family issues

██████████ - ██████████

[REDACTED]

Put in the day planner to check on these two in December

[REDACTED] - check on [REDACTED]

[REDACTED] - freshman and sophomore; speak to Dave G.

Media Center

renovation plans (handout); good discussion; share with Joe Hollowell, Kevin Hurley;

Books - sell them or give them away?

Half priced Books

Drug/alcohol policy - liturgical ministry/Eucharistic Minister (3 liturgies)

Suspended athletes - what do they wear at a game;

Administrative presence at four entrances - change or stay?

Will rotate on Monday

Each administrator should have the tool/key to lock

Lockdown simulation - walkathon morning

Lockdown simulation - passing periods/before school (St. Jude kids)

Tim - 11/6-7 safety training

Diversity

Meeting with Dr. Mowatt

Staffing/Teacher recruitment - Historically Black Colleges/Universities Central State University (outside of Dayton), Wilberforce (outside of Dayton), Kentucky State (Frankfort), Simmons College (Louisville)

Attend one close to Indy and see if there is any interest in RHS

Curriculum

RHS Crest - potentially changing the complexion/color of one of the hands

Good of the order items

Homecoming Follow-up

One focus - Need more points of intersection with adults?

Administrative Council

Tuesday, September 25, 2018, Periods 7 & 8

Agenda

exp

Prayer

Next meeting date - **Wednesday, October 3, Periods 7 & 8**

Student/family issues -

Pep Rally reminder - please be in the gym and assist with crowd control

HSPT - busses or no busses? Put on the south deanery principals agenda; carpooling

School Calendar/Fall Break - desire to be in school during Feast of St. John XXIII

Vaping/Nicotine - drug testing policy D/A counselor - how long would it take for a student to move out of nicotine addiction from vaping? KB - contact Indiana testing about having an expert attend an a/c

Fairbanks & Hope Academy - KB will reach out to them

Need an announcement on vaping - KB

NHS - waiting period for applying following a rules infraction; TC - will write something up

Community Day of Prayer - January 24, 2019

Digital clocks in halls

Checking with Dave G/Kevin to see if there are any issues; waiting for pricing from Indy Teledata (10/12)

Faculty/staff ID lanyards, clip-ons Prestige/LifeTouch will do it for free if we contract with them through 2020; KB - check the current contract with them to see when it expires

Administrative coverage for Sacred Sounds concert (Tim) - increase the number of teachers present; pay them more than \$25;

Good of the order

Fr. Bob Robeson will be the next Dean of the South Deanery

EB - what about a three day use of cell phone violation

EB - "include but not limited to cheating, disrespect, drug/alcohol

TC - will write something up

2019-20 School Calendar

Walkathon/Senior Retreat/All Saints Day

Send out email to SD principals about earlier fall break

Faculty, staff, student ID - mandate wearing them on lanyards?

Jeff - faculty/staff should wear them; helps students easily identify folks;

Kevin - not a fan of a lanyard;

Cost - lanyard or ID clip

Dave G - where are we at with fobs or ID's to enter the school; Tim is putting together a budget for entrance and cameras

KB - chance that LifeTouch/Prestige could do it for free; waiting to hear back;

CW - should we go ahead and order the lanyards/clip ons

Report Cards - to print or not to print?

Check with Linda and Mary

Can we provide them with a PDF file of the report card

\

Digital clocks in halls

Checking with Dave G/Kevin to see if there are any issues

Awaiting a response from Steve Battiato - use monitors and not digital clocks

Community Day of Prayer

Good of the order - Youth Ministers are gathering here at RHS today; getting good representation

Redo the media center - printing - check with dept chairs

**Administrative Council
Tuesday, September 4, 2018
Periods 7 & 8**

Prayer

Next meeting date

Student/family concerns

Discuss ideas on how to move our school down a road of normalcy?

We love Shelly

Ice cream

Students being used as pawns by adults

Inability to respond to emails/answers being forwarded to the media

Getting very close to being ready for a call out meeting for our club

For students identifying as LGBTQ or wanting to support those
Students;

Hearing clearly from the archdiocese and south deanery to move away

From the rainbow

Hearing consistently now from students and parents that are tired of '

The issue and very much want the focus to move back toward
Kids being high school students.

Spirit of St. John XXIII/teaching moment - focus on what unites us and not what divides
us

LS - do not take away from the students' voice; do not frame it that way;

KA - how students have in a peaceful, non destructive way represented themselves

TP - your voices have been heard; we respect that and have delivered those messages to to the
archbishop; hope he is guided by the Holy Spirit; He will make a decision and we will have to
live with that;

KF - all of your voices are important;

Fr. Dave - be cognizant of our wording; even if not trying to we are pitting one another against
each other; we don't know have a timeline; we have this group that will want their voices
heard; if/when a decision is made; Here are some ideas for students; let's be proactive in terms
of our planning for ideas; moving forward - we talk about being Roncalli - being a Catholic
school; getting rid of things that are going to be divisive for us. Stickers have an effect; students
have operated within our boundaries; but we have not given them much in the way of
boundaries; rainbow symbol does not have place here; what does it stand for? So much of it
has been for a lifestyle, expressing a lifestyle that goes against what we believe or teach; To
some the symbol speaks for gay and lesbians; to others it has a much wider movement in our
culture does not line up with the church teachings;

Jeff - focus on what unites us and not what divides us; right now we can support each other as
members of this community; Can Food Drive; good pep session;

Fr. Dave - we are working on a prayer day; community prayer day;

Kelley - two groups now; a smaller group that has been the vocal point; the larger group;

Fr. Dave -

Jeff - include the student council in our discussions moving forward.

Moving forward together -

Trust the judgement of the archbishop

Respect it; respect the conditions it was promulgated

LS - carefully crafted statement and to this end we are ready to strive to "Move Forward Together."

TP - respect all opinions;

KB/TC - at the all school liturgy next week

Shelly returns -

LS - make a personal statement;

CW - would there be a joint statement

JT - there would be a group of folks who would express disappointment in the decision

Shelly is terminated

LS - we start crafting our statement right now;

TC - our folks have given us guidance

JT - can RHS release a statement without archdiocesan approval

CW - what about kids

LS - kids impacted by this can come down to the auditorium; counselors, chaplain, etc;

KB - open doors for all of our administrators

TC - how do we address the needs of guidance

LS - we would hire for only the remainder of the year;

TP - is Kathy HEath an option

TC - direction given to the teachers; what message;

LS - teachers be on alert for "eyes on the field"

KB - teachers teach; do not open it up for dialogue; this is not the venue for it; if there are students who wish to speak about the issue; send them to the auditorium;

TC - remind teachers of what things are in place

Fr. Dave - What about teachers who have indicated they are going to leave

CW - support of teachers who are hurting - Fr. Dave, EAP; offer spaces to vent;

Discuss how RHS responds to different scenarios

**Administrative Council
August 28, 2018, Periods 3 & 4
Agenda**

Prayer

Next meeting & future meeting dates - Periods 7 & 8 (9:48) Check with Fran

Student/family concerns

REDACTED -

Opening School Assembly

School Improvement Goal

Panel discussions

How do we engage parents in this discussion; especially those that do not want
Their child to hear it or want to be the ones that disseminate that information

Reach out to schools that have grown in ethnic diversity

Fr. Todd Goodson (St. Monica) - good with students

Can Food Drive Update - social media; press release

Faculty, staff, student ID - mandate wearing them on lanyards?

Jeff - faculty/staff should wear them; helps students easily identify folks;

Kevin - not a fan of a lanyard;

Cost - lanyard or ID clip

Dave G - where are we at with fobs or ID's to enter the school

Report Cards - to print or not to print?

Check with Linda and Mary

Digital clocks in halls

Checking with Dave G/Kevin to see if there are any issues

STARKEY DEPO EXHIBIT 8

Back door - Shellie
Auditorium - David Lauck
Band/Choral - Kathy
James Kedra Social Studies
Emily Dunham

REDACTED

Notify maintenance
Scott Marsh - should someone choose to walkout

REDACTED -

Any directive for them?
Follow up email (contact information for senators, congressmen, etc.)

Service recognition
Getting complicated - if we did a pullover or polo do we want years of service on it?
Pens for this year

Pizza with the Principal (invited parents of freshmen, sophomores, juniors)
19 parents (11 families) - worth continuing?

CEAP
Mandating observing senior retreat
Spirit of Roncalli - has been the "push" to get some involved

***Administrative Council
Tuesday, March 6, 2018, Periods 2 & 3
Agenda***

Prayer

Next meeting date/time - March 13, - Period 2

Student/family issues

REDACTED - March 16, 17

Back door, front door, Cafeteria
Circulate picture - who all gets it

REDACTED is a cousin;

Note of REDACTED departure from RHS and ban from campus
Confidentiality

Plans for March 14 Tim and Chuck put together a blurb for others to see
SF - prayer service to honor kids who were killed? Against school violence?
Possibly do something in the hallways; Is there a safety issue if we

Allow folks outside?

JT - do it at 10 AM; with administrators at doors; doing it at the same time

You are walking out of school while your peers are praying;

Put together information for sending to their elected officials

JK - if any students walk out it is treated just like walking out of an assembly; they

Would be truant

KB - in speaking to REDACTED she is adamant in walking out;

LS - like the hallway prayer service idea;

JT - there will be students that walk out and there should be consequences;

SF - if in the hallways kids are not staring out at those that walked out

RW - what about those who are pro gun laws

SF - do we invite REDACTED to lead it

TP - why cannot we allow them to walk out for this protest without punishment

CW - not sure she is rooted in the issues?

RW - what is the walk about?

SF - It is all over the place depending upon who you ask?

TP - Speak to the two of them

Fr. Dave -

Provide names, email addresses for senators, congressmen;;

SH - if permission is granted you will have to work within our parameters

A/C Rebelation donation

Zoo Membership

Symphony on the Prairie

Two important meetings

Mayor Hogsett

Ray Skillman - text Joe that Ray is a native of Owensboro

Music at all school liturgies

Faculty/Staff Recognition Pens

Non teaching assistant coaches

Perry Township Schools employees

Pizza with the Principal Comments

RHS Top 40 Reception (incoming frosh) - CHS Scholars Night (graduate speaks)

LS - hate to put more angst on the HSPT; also do not want to differentiate them

From other students

Lockdown was known by students ahead of time

Emails to all - not sure how to handle those with some sensitive issues

Appropriate dress guidelines for dances

SH - attire from young ladies was not good; they dressed up;

CW - This dance needs to be jeans, sock hop, etc.

Check with other high school principals to see what parameters they have in place

For appropriate dress for dances; how do they enforce?

GAPP 2018 - gifts for students/teachers (Indianapolis; Indiana; USA)

Store on Mass AV that is all Indiana staff;

Chamber of Commerce

Indy 500

Diversity Survey Results

School Improvement Goal - tie in with the Inspiring Change program

Social Media/ cell phone use?

Do we seek out a faculty/staff to chair the school improvement team?

Help faculty, staff and students recognize their stress and identify and implement ways to reduce stress

St. Vincent

Suggestions - Assisting students, parents, staff on recognizing how to identify and reduce stress;

***Administrative Council
Tuesday, February 27, Periods 2 & 3
Agenda***

Prayer

Next meeting date/time - Tuesday, March 6, Periods 2 & 3

Student/family issues

REDACTED

REDACTED

REDACTED (DL) - has reached out to David Lauck;

REDACTED (DL) - tardy issues;

Prayer

Next meeting - Tuesday, October 24, Periods 2 & 3

Student/family issues

REDACTED (REDACTED - 10th; REDACTED - 9th)

Freshman Study Presentations - Monday, August 23, REDACTED - Balance/Choices)

Grandparents Day Review

Note the good work done by Trevor Wilson

Daily Announcements in Spanish and Burmese for the web site

Ask REDACTED what her thoughts are?

Pursue a madrina for Burmese community; reach out to Patty Cain about their contact;
possibly contact the person from St. Mark

Poverty simulation in Econ/feedback from kids

Second semester experience

Publishing some of the comments from the first semester kids

South Deanery enrollment numbers (attachment)

Latino Outreach Initiatives

Latino representation on RPO or a Latino RPO?

REDACTED family

Speaking at OLG this weekend

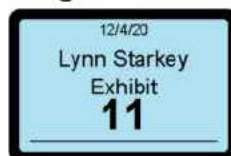
Reach out to REDACTED about what is the climate at SSFC about RHS

College Planning Night for Juniors (Latino) - 14 of the 18 families represented;

Review of previous agenda items

Good of the order

Administrative Council
Tuesday, October 3, 2017, Periods 2 & 3
Agenda



Prayer

Next meeting - Tuesday, October 17, Period 2

Student/family issues

REDACTED (REDACTED - 10th; REDACTED - 9th)

Grandparents Day Review

Mental Health Initiative

SAP discussion - LIGHTS seems to be going well

Looking for other proactive initiatives that might avoid the terms "mental health"

Used the terms - Inspire Change Physically, Mentally and Spiritually; implement

The 90 second rule school wide

Exercise

Prayer, gratitude, service, nutrition, rest

Time frame - second semester; introduce at November faculty briefing (Kelley and Kim)

SAP seeking best video to introduce the 90 second

October 31 department chairperson meeting - Kim Striby

Living as Missionary Disciples book - Pages 1-18 for discussion

Extracurricular Participation Survey

Defining involvement - athletics, fine arts, student council,

Club activity - attended at least twice this year;

Shellie will create a draft version of the survey for us to review

Grandparents Day

Calling for rain - should we just announce that all cars not here by 7:15 will be directed

To the Atrium

REDACTED - get his input

Juniors park at The Atrium

Put in the notes for next year - do not take the Friday off before Fall Break (opening school assembly)

January 17 - Mass with Archbishop Thompson

Reception afterwards/tour of the school - will check as it gets closer

Something RHS things for the Archbishop - Fr. Dave and Jeff will

Praise & Worship Assembly with Chessie LaRosa and Friends (alumni)

Date - ??

With or without Eucharistic Adoration

Without since it is Spirit Week/

January 30 or 31

Check with Ryan about making it Grade School Day

Christmas dance - maybe sponsored by a group as a fundraiser

Throw it out to groups to see if anyone has an interest

Check with Ryan first to see if a class or stuco want it

Report Cards - to print or not to print

Stuco - 3 yes with one of them later voicing a no for environmental reasons; 5 no's

Did talk about sending out a specific email reminding parents that report cards are now available for viewing and how to access them?

Check with Linda to make sure GPA and exam grades can be printed

Exam Schedule - stuco feedback

Strong opposition from a handful;

Would like a larger sample of parents surveyed

Spoke about the need for teachers to review their final exam with the eye toward

"What is essential?" which will result in a shorter exam

More intentional with having study guides distributed in timely manner

Put on the January department chairperson agenda - the exam schedule; do

We want to try a schedule with one exam on Tuesday and the rest of the

Day being instructional

Latino Outreach Initiatives

Should we survey our Latino students about (1) what are they involved in extra

Curricularly; what would they like to be involved in? What are the key

Factors that keep them from being involved?

Do this through their school email?

Do we want to email all the freshmen?

Right after Christmas - put together the survey; Angie Schoettle will take care of the data

Required parent meeting for Latino and Burmese parents (see below for more details (9/27 agenda)

We will have to work on identifying the key points we want to make at these meetings

Would a bi-lingual parent be able to help us in identifying what are the key issues

Boys pants - burmese like to wear these

Work on this with [REDACTED] and [REDACTED]

Good of the order

SH - band mentoring program did not work well; it lacked specifics, direction; someone will have to oversee it and develop a calendar of events; Amy Leising

St. Louis/NCEA data (handout)

Good of the order

**Administrative Council
December 6, 2016, Periods 2 & 3
Agenda**

Prayer

Next meeting date/time - January 10, Periods 2 & 3

Student/family issues

Mass of celebration/thanksgiving for Cardinal Tobin

Watercolor portrait of St. John XXIII - where to put it?
Send a picture of it to Don Giovanni

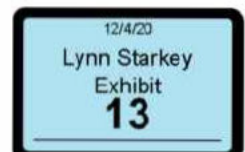
Pep session - What is up?

Lockdown - video of the Ohio State incident
Run-Hide-Fight
Desks stacked in front of doors/door windows blocked

Latino Outreach update
[REDACTED] (RHS parent) meeting
Translate documents
Have option for hitting 2 on the phone for spanish and it goes to her
Guidance idea
Send time of meeting to guidance

Salary comparison (Conference schools plus Cathedral) - handout

CAPE article - Private School Enrollment Uptick - handout
Charter Schools - safety, academics, character formation
Catholic/Christian/Lutheran - folks not wanting to pay additional \$\$ for faith formation



LS - must be more than test scores; serve all academic ranges

SH - Evansville parent with history of Catholic schools sending their child to STEM school

LS - apprenticeship spokesperson sent his kids to CGHS after SSFC; got a good education at CG and religious education at SSFC

SH - save money for college

JT - losing kids to charter schools are usually focused parents

DL - disagree - narrow minded and selfish

KA - disgruntled parents in Washington Township so we are going to send our kids to private schools; kids they lost were disgruntled; many of them came back; charter struggled to find and retain good teachers; Herron was able to hold kids but did not hurt NC as they have such a strong fine arts; Purdue Polytech will be something to watch

Strategic Plan

Pilot mentor family program (identify 10 families to start); how to identify the 10?

JT - focus it on our non deanery families

CW - mix this group with first generation deanery families

SH - band mentoring program did not work well; it lacked specifics, direction; someone will have to oversee it and develop a calendar of events; Amy Leising

Good of the order

JT - St. Roch;

KA - nice service for REDACTED

JT - prom committee - Welcome To A Night in the Rebel Dynasty

Senior Exam Waiver - how do we communicate the exam waiver policy; Kathy will send the email out to seniors about this

JT - Cardinal Tobin has reinstated the dispensation for our students to go to mass during all four lunch periods.

Administrative Council November 22, 2016, Periods 2 & 3 Agenda

Prayer

Next meeting date/time - November 29, Period 2

LS - must be more than test scores; serve all academic ranges

SH - Evansville parent with history of Catholic schools sending their child to STEM school

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Good of the order

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Administrative Council November 22, 2016, Periods 2 & 3 Agenda

Prayer

Next meeting date/time - November 29, Period 2

Student/family issues

HSPT Data

Youth Ministers - only one in the SD who sends their kids to RHS
Call [REDACTED] from St. Roch

ISTEP testing

What if a student forgets their chromebook? (what if it is 10 students); yes
What if a student needs to charge? (what if it is 10 students that need to charge) yes

Follow up with 7th and 8th period teachers to see if this is an issue

Put it in the newsletter

Latino Outreach Program (RHS, SMHS, St. Lawrence, St. Bartholomew)

Senior Capstone Project

Do the students know what a moral apologist is?
"My Two Minutes" - there seems to be much more than two minutes in the questions asked of them; not sure where the nearest Catholic church is would be necessary
Thank Katie, Ray and Gerard
Next steps: Develop rubrics,
AC members - read the document and share questions, comments, concerns with Jeff
1st semester - role of vocations in their life
2nd semester - personal faith statement; how do I go out and share this with the world

Good of the order

JK - Senior Mass with Cardinal Tobin

JT - Explanation of "Advent Challenges" by seniors

**Administrative Council
November 15, 2016, Period 1
Agenda**

Prayer

Next meeting date/time - November 22, Periods 2 & 3

Student/family issues

[REDACTED] - prayer service

Monday November 21

[REDACTED] - surgery this Friday

[REDACTED] update

Meeting with mom and each boy

[REDACTED]

[REDACTED]

[REDACTED]

Decision on senior mass with Cardinal Tobin -

Send notification to faculty/staff

Put in dayplanner for next August to remind all high school principals and cover

It with seniors;

Practice ACT - seek a date -

Drug/alcohol policy

SAP is going to review

Administrative Council

November 8, 2016

Periods 2 & 3

Prayer

Next meeting date/time - Next Tuesday - first period only

Student/family issues

[REDACTED]

[REDACTED] - prayer service here at RHS for students, teachers, staff

[REDACTED] -

[REDACTED] - call mom and have conversation with her about him leaving
RHS; BGHS, Community North; discuss [REDACTED] and how happy is he?

[REDACTED] - mom is in hospice;

Senior Mass With Cardinal Tobin- back to school or home?



New Items:

Liturgy

- Concerns with the sung mass (longer, less attentive, less engaged)
- Concern expressed over distribution of wine -
 - Go with adults as Eucharistic Ministers of the cup
 - JT touch base with Joey about having SCA emcee

Effects of Obamacare/payroll

Assembly coverage tomorrow

- Freshmen/sophomores -
- Juniors/Senior -

Open House Numbers

- Fiscal Year 2013 - 290 students of which 151 were 8th graders (Class of 2017)
- Fiscal Year 2014 - 330 students of which 216 were 8th graders (Class of 2018)
- Fiscal Year 2015 - 293 students of which 191 were 8th graders (Class of 2019)
- Fiscal Year 2016 - 303 students of which 178 were 8th graders (Class of 2020)
- Fiscal Year 2017 - 247 students of which 149 were 8th graders (Class of 2021)

HSPT numbers - 280

- Go to SSFC Sunday School and speak to their CCD programs (large number of kids)
- Possible to offer families a tuition price that sticks with them for four years)

Senior Mass with Archbishop/Cardinal Designate Tobin

- Seniors coming back and going to class

Hosting semi-state football game/conflicts

Profile of an RHS graduate update

Review previous items

Good of the order

Administrative Council

STARKEY DEPO EXHIBIT 43

2/5/16

We often hear, and have heard for years, that as people enter our school building, they feel something special. They describe it in various ways, but it seems to come down to this: There is a tangible, obvious spirit at Roncalli, and I really believe it is God's Spirit working through the faculty and students here.

It makes a difference when God is a central part of a school, or an important part of a family, or when we include God in our own daily life, because *God's goodness and love have a way of shaping who we are*. God's Spirit is evident as teachers and staff are on a shared mission and truly care about their students. God's Spirit is evident as students are welcoming, and look out for one another in good times and in challenging times.

Can you imagine your Roncalli experience without God's Spirit? Seriously, if you consider your RHS experience so far, but take out anything and everything related to God's Spirit, what would we have left? How would it feel to come to school each day? How would it change the way we treat each other and even greet one another each day?

Without God's Spirit here at RHS, I feel we'd just be left with a workplace – a place where teachers and students would come each day to work and learn things, void of that Spirit which characterizes Roncalli. As we conclude Catholic Schools week, let's pause for a moment to give thanks for the opportunity to learn and work in a place where God's Spirit is so clearly evident.

So let's pray – Father, Son and Holy Spirit

God of Love and Goodness,

Thank you so much for all the ways in which your loving Spirit makes a difference to our school, our families and to our daily lives. Help us to open our hearts and minds to so we can know, love and understand you more and more.

Saint John XXIII, pray for us!

FSHS.

STARKEY DEPO EXHIBIT 42

Sportscasters will sometimes refer to a basketball player or basketball team "leaving it on the floor," meaning of course that the individual player or the entire team made a full-out effort, and gave it all they had, win or lose. (This is one of the reasons the faculty/senior basketball game is fun to watch, because we trust that both seniors and faculty will "leave it on the floor" tomorrow, and give it their best effort). Win or lose, there is a satisfaction in knowing that you gave it your very best shot.

In contrast, when an individual or team doesn't make a full effort, or seems to just be going through the motions, it can be disappointing and frustrating to watch, because it feels as though it's a missed opportunity or even a waste of time.

As we all know, giving a sustained effort to something is not easy. It takes dedication and determination, and it really helps when someone encourages us during the more challenging times. Yet there is a real satisfaction in knowing that you gave your best to something worthwhile.

This can be one of those pivotal times of year – We're beginning the 4th quarter, we're a week into Lent, and Spring is just around the corner. [What is it today and in the coming days that is important enough to you that you give it your very best effort? Is there someone you know who is going through a rough time, who could use your support and encouragement, especially during this pivotal time?]

So let us pray – Loving God, help us today and each day to renew our goals, sustain our energy, and encourage those around us, so that we can feel the satisfaction of "leaving it on the floor," and making the most of the opportunities present in each day. Amen!



Lynn Starkey <lstarkey@roncalli.org>

SAP concern

4 messages

Lynn Starkey <lstarkey@roncalli.org>
 To: Chuck Weisenbach <cweisenbach@roncalli.org>
 Cc: Lisa Beckwith <lbeckwith@roncalli.org>

Thu, Nov 15, 2018 at 10:05 AM

Chuck,

I had an IT task yesterday, and the person who assisted me with it was the new IT hire, Jonathan Coons RHS '16. I don't know Jonathan, and I assume our IT staff each sign a confidentiality agreement of some sort.

However, I continue to be extremely concerned that counselors are asked to track our students' most sensitive issues in the SAP google doc, since counselors obviously are held to a higher ethical and professional standard in terms of confidentiality than teachers are. There are so many aspects of this that are concerning to me, but the bottom line is we want students to continue to trust counseling professionals, and our students and parents have no idea we are sharing these types of issues with others in a written online document.

May we please revisit the idea of counselors having to track our students' most concerning and personal issues via an SAP google doc which is accessible to not only counselors, but SAP teachers, etc?

Thanks,
 Lynn

--
 Lynn Starkey Hon'07
 Co-Director of Guidance
 Roncalli High School
 3300 Prague Road
 Indianapolis, IN 46227
 317.787.8277 ext 234
 Fax: 317.788.2282

Chuck Weisenbach <cweisenbach@roncalli.org>
 To: lstarkey <lstarkey@roncalli.org>
 Cc: Lisa Beckwith <lbeckwith@roncalli.org>

Thu, Nov 15, 2018 at 2:28 PM

Lynn

I am not clear on your concern.

Is it your concern that Jonathan would have access to the document?

Chuck Weisenbach, Principal

"Concern yourself not with what you tried and failed in, but with what it is still possible for you to do."
 St. John XXIII (Angelo Cardinal Roncalli)
 Feast Day - October 11

Roncalli High School
 3300 Prague Road
 Indianapolis, IN 46227

[Quoted text hidden]

Lynn Starkey <lstarkey@roncalli.org>
To: Chuck Weisenbach <cweisenbach@roncalli.org>
Cc: Lisa Beckwith <lbeckwith@roncalli.org>

Thu, Nov 15, 2018 at 2:36 PM

I am concerned that counselors continue to be asked to track the most acute and sensitive student concerns on a google doc, especially with non-counselors having access to it as well.

[Quoted text hidden]

Chuck Weisenbach <cweisenbach@roncalli.org>
To: Istarkey <lstarkey@roncalli.org>
Cc: Lisa Beckwith <lbeckwith@roncalli.org>

Thu, Nov 15, 2018 at 4:56 PM

Lynn, Lisa

I suspect it comes back to do we believe as a school in "wrap around" services, which is the norm in the mental health world and by all accounts is working well for Cathedral after years of floundering similar to our situation here.

I believe in "wrap around" services and believe they are the absolute best way for our school and our SAP team to serve our students, especially those most in need.

There appears to be a lack of trust on the part of some but I do not see that as a reason to ditch the concept. I would prefer to work on how we can work toward building a trust level that allows us to offer a flourishing "wrap around" services approach to student life at Roncalli. Open to any and all ideas as to how we might build the level of trust necessary for this to occur.

Let me know if/when I can help.

Chuck Weisenbach, Principal

"Concern yourself not with what you tried and failed in, but with what it is still possible for you to do."
St. John XXIII (Angelo Cardinal Roncalli)
Feast Day - October 11

Roncalli High School
3300 Prague Road
Indianapolis, IN 46227
317-787-8277, extension 224
317-788-4095 fax
www.roncalli.org

[Quoted text hidden]

HAVING ACCEPTED THE CALL OF THE LOCAL CATHOLIC COMMUNITY AND
HAVING MET THE STANDARDS OF THE ARCHDIOCESE OF INDIANAPOLIS, THE TITLE

catechist



IS HEREBY

BESTOWED UPON

4/22/85

DATE OF ISSUE

4/22/90

EXPIRATION DATE

Lynn M. Starkey

WITH A CALL TO CONTINUE TO

"ACT JUSTLY, LOVE TENDERLY AND WALK HUMBL Y" WITH OUR GOD.

Mike Carotta

ISSUED BY

Fr. David M. Kelly

PASTOR

Patricia J. Lusk

PARISH EDUCATIONAL ADMINISTRATOR

App.608

12/4/20
Lynn Starkey
Exhibit
48

DD-STARKEY 000002

SA177

- 27 -

1. List two outstanding gifts that this person brings to the ministry of catechist.
very concerned; creative; does music at Liturgy; helps on Southerly Retreats
2. List any courses/seminars/workshops/individual study that may qualify a person to be INTERN CATECHIST or CATECHIST in each given area. For a description of each area, consult the Curriculum for the Training of Catechists.

| <u>Fundamentals of Catechetics</u> | <u>Clock Hours</u> | <u>Instructor/Method of</u> |
|--|--|--|
| <u>Title</u> | | <u>Private Study</u> |
| <i>Educational Psychology</i> | <i>30</i> | <i>O'Brien (St. Mary-of-the-Word)</i> |
| <i>Guidance + Counselling</i> | <i>30</i> | <i>O'Brien (")</i> |
| <u>Fundamentals of Catholic Faith and Life</u> | | |
| <u>Title</u> | | |
| <i>Humanities - Philosophy + Religion (Scripture)</i> | <i>30</i> | <i>Collemati, LaMontagne (SMWC)</i> |
| <u>Scripture, Liturgy and Prayer</u> | | |
| <u>Title</u> | | |
| <i>Reflections on Person</i> | <i>60</i> | <i>Lohr (De Paul University)</i> |
| <u>Catechetics II (special areas and methods or college courses)</u> | | |
| <u>Title</u> | | |
| <i>Mental Health in the Classroom</i> | <i>30</i> | <i>Phillips (University of Illinois)</i> |
| <i>Workshop at Catholic Center, Fall, 1983</i> | <i>4</i> | <i>Collemati</i> |
| <u>Catholic Faith and Life II</u> | | |
| <u>Title</u> | | |
| <i>Religion + the Human Experience</i> | <i>60</i> | <i>Collemati (SMWC)</i> |
| <i>Controversies + Figures in Religion (Doctrine)</i> | <i>60</i> | <i>Staff (De Paul University)</i> |
| <u>Other</u> | | |
| <i>Jesus, Senior</i> | <i>The Parables, Boucher</i> | <i>The Parables of Jesus, Teramias</i> |
| <i>Jesus in History, Kee</i> | <i>Interpreting the New Testament, Price</i> | <i>The New Testament, Perrin</i> |
| <i>World of the New Testament, Frayne</i> | <i>The Power + the Wisdom, Mellenzie</i> | |
| | TOTAL CLOCK HOURS = | |

Areas of knowledge and skills to be developed by applicant and description of plan of action:

*She plans to continue to read on her subject area - Scripture.
She will continue to read OCE workshops*

The above named applicant and the educational administrator have discussed the determined participation in a spiritual growth event in accordance with the provision of the qualifications for INTERN CATECHIST and CATECHIST.

YES *Fr. Karl Meltz*



IV/1 Gospel of Matthew - I. Overview

A. Mt: written 70-90 to Jewish P in Palestine (compare to Mark)

"Matthew has his audience (readers) in mind as he writes - how it will affect his gospel?"

B. Characteristics of Mt. gospel:

or Characters:
hab.
eth. sh. sh.
th.
man.
man.

Connects
with OT.

① Begins with a genealogy (acct of family descendants) of Jesus
Read 1:1-17 List some of the prominent Jewish leaders (esp. David, Abraham)
(compare to Mark)

② Mt. shows that Jesus is the ^{long-awaited} Messiah, + the fulfillment of Hebrew (OT) scripture. — Often quotes O.T.
Eg. Mt 2:6 / Mi. 5:2 (Bethlehem)

③ The central teaching in Mt. gospel is "The Kingdom of God" (why)
In fact, Mt. places many of Jesus' parables re: K of G in the center of the gospel (Ch. 13).

(Read p. 105-106) ④ "Idealist's gospel" (MK-adapt) (hopes for, looks forward to) (perfect, ideal conditions)
— one who envisions a standard of perfection
∴ "Because we are followers of Christ, we are called to make a difference to the world around us."

(5) FRONT
Assignment: * Reflection p. 104 (as earlier re: cross, look at all of it, what does it say to you, address your thoughts to your God).

(5) BACK
* p. 107 ⑤ All of part 1, including disc. questions -
"Happiness is like a butterfly, the more you pursue it, the more it eludes you."

chapter
IV

Objectives

1. Be familiar with the questions of authorship and dating of Mt. gospel.
2. Read substantial portions of the gospel to recognize the characteristics of Mt. gospel that set it apart from the other gospels.
3. Examine the meaning of the Sermon on the Mount, and reflect on its demands for Christian living.
4. Recognize the differences in the infancy narratives and offer a theological explanation for them.
5. Continue to examine and evaluate one's own beliefs in light of New Testament scripture and Church teaching: happiness, the Kingdom of God, the Beatitudes.

Figure

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20

51

22

of

No.

பெரியகல்

Jesus of Nazareth

doi:10.1371/journal.pone.0156133.g002

A. V. F. Jones was a Catholic.

Q / A There are many Christianized sects today.

Q. I / P Jewish people still look forward to the coming of the Messiah.

Q. In 1948 some Jews believed that Jesus was the Messiah.

11. C / P Some Jews believed that Jesus was a great prophet, not the Messiah.

Q. Who does H. G. Wells deal to the greatest and most important person in history?

W. J. 2002

5. Other non-Christian historians mentioned Jesus in their writings. How did Josephus describe Jesus?

4. Parkin writes that the burning of Rome was caused by _____ who blamed it on _____

11. (10 A.D.) was a time of intense persecution of Christians. Describe the early form of Christian persecution.

MEMORANDUM

TO: LYNN STARKEY

FROM: LEO KLEMM

RE: FORMAL OBSERVATION ON 5/12/97

DATE: 5/12/97

Lynn, it was good to see you begin the class with a prayer. Then you proceeded to compliment your students for their level of maturity and responsibility this past weekend at Cedar Point, Ohio. It was important to reinforce this.

You taught to your objective well. The repetitions of the parts blended very well into the whole. It is evident that there is a harmony in the music that was made. What I observed at the root is harmony among your students.

You kept a good pace to the lesson. You freely and honestly sought input from your students. There was also a healthy emphasis on constructive criticism. Your students respond well to you when they are corrected. This shows trust and respect.

MEMORANDUM

DATE: May 8, 1996
TO: LYNN STARKEY
FROM: CHUCK *lw*
RE: FOLLOW-UP ON FORMAL OBSERVATION &
CONFERENCE

I THOROUGHLY ENJOYED MY VISIT TO YOUR 7TH PERIOD SHOW CHOIR CLASS ON TUESDAY AFTERNOON AND THE OPPORTUNITY TO CONFERENCE WITH YOU LATER THAT SAME AFTERNOON.

WHILE I CERTAINLY WAS NOT SURPRISED BY THE LEVEL OF EXPERTISE THAT I SAW DISPLAYED IN YOUR TEACHING, I ALWAYS WALK AWAY THINKING "I CAN'T BELIEVE HOW GOOD SHE IS!" I SAY AGAIN, YOU ARE A MASTER TEACHER.

THERE WERE SOME REALLY WONDERFUL PARTS TO THE OPENING OF YOUR LESSON. YOUR USE OF PRAYER IS GRATEFULLY APPRECIATED BY ME. IT HAS SUCH A POSITIVE IMPACT ON THE CLASS. THE STUDENT CENTERED OBJECTIVES THAT YOU USED MADE IT VERY CLEAR TO THE STUDENTS WHAT WAS EXPECTED OF THEM IN CLASS TODAY. AGAIN, I APPRECIATE THE USE OF THESE OBJECTIVES AND FEEL IT IS A CRITICAL PART OF AN OBJECTIVE LESSON.

WE SPOKE BRIEFLY ABOUT THE TEMPO OF YOUR DELIVERY AND THE TEMPO OF THE LESSON. I FIND IT TO BE A HEALTHY UPBEAT TEMPO. I THINK IT'S MOST APPROPRIATE FOR THIS TYPE OF ADVANCED CHORAL CLASS.

THE CONNECTION BETWEEN YOU AND YOUR STUDENTS IS OBVIOUS. I AM AMAZED AT THE DEPTH OF INTERACTION THAT YOU ARE ABLE TO HAVE WITH YOUR STUDENTS WHILE MOVING THROUGH A LESSON AS QUICKLY AS YOU DO. THIS ASPECT OF HAVING SUCH A FOCUSED, INTENSE, HEARTFELT INTERACTION WITH YOUR STUDENTS IS PROBABLY WHAT I ADMIRE AND RESPECT MOST ABOUT YOUR TEACHING.

ASPECTS OF YOUR TEACHING THAT MAKE THIS LEVEL OF INTERACTION POSSIBLE INCLUDE YOUR USE OF QUICK, CONCISE, AFFIRMATIVE STATEMENTS, "EXTRA SPACE AT THE TOP -- GOOD JOB!" "DICTION -- GOOD JOB!" ALONG WITH QUICK, CONCISE CHALLENGES TO THE STUDENTS SUCH AS "SLUMPED OVER YOU HAVE LITTLE CHANCE OF MAKING THIS WORK -- NO CHANCE!" "THIS IS WHAT IS NOT HAPPENING."

I WANT TO MAKE REFERENCE TO THE FACT THAT STUDENTS WERE HAPPY AND AT EASE WHILE IN SUCH AN INTENSE, FAST PACED CLASS.

THERE WERE SO MANY STUDENTS SMILING THROUGHOUT THE LESSON. THIS IS A WONDERFUL SIGN.

I ENJOYED THE FACT THAT WHILE THERE WAS SOME GOOD NATURED RIBBING BETWEEN THE GIRLS AND THE GUYS, THERE WAS ALSO SOME SINCERE SIGNS OF APPRECIATION AND ACKNOWLEDGMENT FOR A GOOD JOB BY EACH OF THE GROUPS FOR ONE ANOTHER.

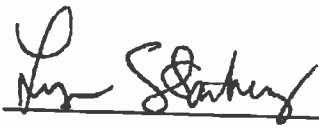
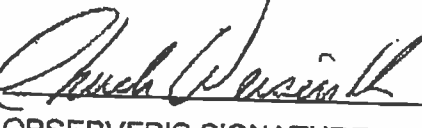
I COULD GO ON AND ON. IN ALL IT WAS A MASTERFUL LESSON TAUGHT BY A MASTER TEACHER.

WE ARE BLESSED TO HAVE YOU HERE AT RONCALLI. I PRAY THAT GOD MAY CONTINUE TO WORK THROUGH YOU AND YOUR TALENTS IN REACHING OUR YOUNG PEOPLE.

GOD BLESS YOU. HOPE YOUR FINAL WEEKS ARE ENJOYABLE ONES AND THAT YOUR SUMMER IS A RELAXING ONE.

OH YES, A REMINDER TO YOU ON KEVIN LAWRIE REACHING FOR THE STAR.

TEACHER COMMENTS:

| | |
|---|-----------------|
|  | <u>8 May 96</u> |
| TEACHER SIGNATURE | DATE |
|  | <u>5/8/96</u> |
| OBSERVER'S SIGNATURE | DATE |

PLEASE SIGN ONE COPY AND RETURN TO CHUCK WITHIN 48 HOURS AND KEEP SECOND COPY FOR YOURSELF.

CC: FILE

STARKEY DEPO EXHIBIT 51

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|-----------------------------|---|-------------------------|
| LYNN STARKEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | CAUSE NO.: 1:19-cv-3153 |
| ROMAN CATHOLIC ARCHDIOCESE |) | |
| OF INDIANAPOLIS, INC. AND |) | |
| RONCALLI HIGH SCHOOL, INC., |) | |
| |) | |
| Defendants. |) | |

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Lynn Starkey (hereinafter “Starkey”), by counsel, files this Complaint and Demand for Jury Trial against her co-employers, Defendants Roman Catholic Archdiocese of Indianapolis, Inc. (“Archdiocese”) and Roncalli High School, Inc. (“Roncalli”) pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*, and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, Starkey also brings state law business tort claims against the Archdiocese for its direct interference in her contractual and employment relationships with Roncalli.

I. PARTIES, VENUE, AND JURISDICTION

1. Starkey is a citizen of Indiana and resident of Indianapolis, Indiana.
2. The Archdiocese and Roncalli are non-profit domestic corporations organized and incorporated under the laws of Indiana with their principal places of business located in Indianapolis, Indiana.

3. Starkey, a female, is an “employee” of the Archdiocese and Roncalli as defined in 42 U.S.C. § 2000e(f). Starkey worked for Roncalli from 1978 to 2019. The Archdiocese provided Starkey’s employment-related benefits during her recent years of employment.

4. The Archdiocese and Roncalli receive federal financial assistance.

5. This Court has personal jurisdiction over Plaintiff and Defendants and venue is proper in this Court.

6. This Court has original subject matter jurisdiction over Starkey’s claims arising under Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972, pursuant to 42 U.S.C. § 2000e-2, 20 U.S.C. § 1681, and 28 U.S.C. § 1331. Venue is proper pursuant to 28 U.S.C. § 1391, in that the Archdiocese and Roncalli are subject to personal jurisdiction in the Southern District of Indiana, the Archdiocese and Roncalli regularly conduct business activities within the Southern District of Indiana, and the events giving rise to the claims occurred in the Southern District of Indiana.

7. This Court has supplemental jurisdiction over Starkey’s claims arising under Indiana law pursuant to 28 U.S.C. § 1367.

8. Starkey satisfied her requirement to exhaust administrative remedies by filing a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) on November 16, 2018, against the Roman Catholic Archdiocese of Indianapolis, Inc. (Charge No. 470-2019-00618). Starkey filed amended Charges of Discrimination on March 25, 2019, and May 9, 2019.

9. On or about July 3, 2019, the EEOC issued a Notice of Right to Sue related to Starkey’s Charge of Discrimination against the Archdiocese (Charge No. 470-2019-00618).

10. Starkey satisfied her requirement to exhaust administrative remedies by filing a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) on November 16, 2018, against Roncalli High School, Inc. (Charge No. 470-2019-00620). Starkey filed amended Charges of Discrimination on March 25, 2019, and May 9, 2019.

11. On or about July 3, 2019, the EEOC issued a Notice of Right to Sue related to Starkey’s Charge of Discrimination against Roncalli (Charge No. 470-2019-00620).

II. FACTUAL ALLEGATIONS

12. Plaintiff incorporates by reference all other allegations of her Complaint as if fully set forth here.

13. Starkey was the Co-Director of Guidance at Roncalli, a private Roman Catholic School operated by the Roncalli Board of Directors under the direction of the Archdiocese.

14. Roncalli employed Starkey for 39 years, up to and including May 2019, including the past 21 years as a guidance counselor and/or Co-Director of Guidance.

15. As Co-Director of Guidance, Starkey was responsible for providing academic and post-secondary (college/career) guidance counseling services to high school students, as well as other various administrative services.

16. Starkey’s job duties and responsibilities as a guidance counselor did not include any religious duties or teaching duties.

17. Starkey has never held a title with the Catholic Church, or held herself out as a minister.

18. Starkey did not perform any important religious functions for the Catholic Church.

19. Starkey did not receive any specific religious training from Roncalli or the Archdiocese.

20. Starkey has not been a practicing Catholic for many years. Neither the Archdiocese nor Roncalli required Starkey to be Catholic, to belong to a Catholic parish, to attend weekly Catholic mass, nor to donate financially to the Catholic Church.

21. Starkey's role as guidance counselor did not include leading prayer or other religious services, nor did it include integrating religious teachings into her interactions with students.

22. In May 2016, the Archdiocese's Human Resources department confirmed to Roncalli's Principal, Chuck Weisenbach, via email, that the Archdiocese's lawyers have confirmed that "school counselors and social workers do not meet the definition for the ministerial exemption."

23. Starkey was employed pursuant to a "School Teacher Contract" that was renewed on an annual basis, for 39 years.

24. Approximately four years ago, the Archdiocese directed Roncalli and other Archdiocesan schools to implement uniform "morals clause" language in its teacher contracts.

25. Since the 2017-18 school year, Roncalli, at the direction of the Archdiocese, required Starkey to sign a "Ministry" contract, but did not provide her with ministerial or religious training, in contrast to priests and religion teachers, who did receive religious training.

26. Starkey is a homosexual female, and has a female spouse, to whom she has been married since 2015.

27. Prior to August 2018, Starkey's counterpart as Co-Director of Guidance was Shelly Fitzgerald.

28. Fitzgerald is also a homosexual female and married to a female spouse.

29. On August 10, 2018, Roncalli President Joseph Hollowell and Roncalli Principal Chuck Weisenbach met with Fitzgerald and informed her that a parishioner at a local church had obtained a copy of Fitzgerald's marriage license, and had given it to a priest, who had shared it with them.

30. President Hollowell and Principal Weisenbach presented Fitzgerald with the options of resigning, dissolving her marriage, "keeping quiet" until her contract was up (at which time it would not be renewed), or being fired.

31. Fitzgerald refused to resign or dissolve her marriage.

32. On August 12, 2018, the Archdiocese and Roncalli placed Fitzgerald on paid administrative leave and barred her from the school campus.

33. Fitzgerald told Starkey and the rest of the Guidance Department about the August 10, 2018, meeting immediately after it happened.

34. Principal Weisenbach, as well as other Roncalli administrators, were aware of Starkey's sexual orientation (and female partner) well before August 10, 2018.

35. Upon learning of President Hollowell and Principal Weisenbach's meeting with Fitzgerald, Starkey reasonably became concerned about her own employment status.

36. On August 13, 2018, Starkey attended a meeting with Archbishop Charles Thompson, Superintendent of Archdiocesan Schools Gina Fleming, a priest specializing in canon law, President Hollowell, Principal Weisenbach, the Roncalli Administrative Council, and the Roncalli Board of Directors.

37. During the August 13, 2018, meeting, the canon law specialist reminded the attendees what constituted a “valid marriage” under Catholic Church teachings, sharing that the purpose of marriage is to procreate.

38. During the August 13, 2018, meeting, Starkey asked why gay marriage was such a hot button issue, compared to other “sins.”

39. On August 14, 2018, Starkey wrote out prepared remarks, and shared them with Principal Weisenbach. Starkey asked Principal Weisenbach whether the remarks would be useful for her to read at the upcoming Administrative Council meeting, so they could understand what it was like to work at Roncalli as a gay person. Principal Weisenbach asked Starkey whether she had a civil union. Starkey asked him whether he really wanted to ask her that question. Principal Weisenbach said “yes.” Starkey answered, “yes.”

40. On August 21, 2018, the Archbishop published a letter condemning Fitzgerald’s marriage, sparking protests at Roncalli from students, teachers, and parents.

41. Following the placement of Fitzgerald on administrative leave, Starkey was required to assume many of Fitzgerald’s work responsibilities, in addition to her own, substantially adding to her workload in the Fall 2018 semester.

42. The Archdiocese and Roncalli’s mistreatment of Fitzgerald signaled that she and other gay employees were not welcome to work at the Archdiocese and Roncalli. Starkey feared that she would be targeted next.

43. On November 16, 2018, Starkey filed Charges of Discrimination with the EEOC against the Archdiocese and Roncalli.

44. On March 6, 2019, Starkey informally learned that her annual contract with Roncalli would not be renewed for the 2019-2020 academic year.

45. On May 1, 2019, Starkey received a letter from Principal Weisenbach officially notifying her that she would not be offered a contract for the 2019-2020 school year. The letter stated that Starkey's "civil union is a violation [her] contract and contrary to the teaching of the Catholic Church." Starkey's current contract expires on August 31, 2019.

46. Upon information and belief, other than Fitzgerald and Starkey, neither the Archdiocese nor Roncalli has terminated or non-renewed any teacher or employee for being legally married to an opposite sex spouse, even when opposite sex marriages violate Church teachings.

47. Starkey has lost sleep, gained weight, and suffers from anxiety from Defendants' actions. Starkey took FMLA leave from December 4, 2018, to January 6, 2019, and again from April 24, 2019, to May 30, 2019, in order to receive medical and mental health treatment for the emotional distress that she has suffered.

III. LEGAL ALLEGATIONS

Count I: Violation of Title VII – Discrimination on the Basis of Sexual Orientation

48. Plaintiff incorporates all other paragraphs of this Complaint as if fully set forth here.

49. Starkey is a member of a protected class due to her sexual orientation.

50. Defendants knew about Starkey's sexual orientation for years.

51. Starkey is in a legally valid same sex marriage.

52. Roncalli and the Archdiocese employ heterosexual teachers who are in legally valid, opposite sex marriages that violate Church teachings.

53. Starkey met or exceeded Defendants' legitimate performance expectations at all times during her employment.

54. Starkey suffered one or more adverse employment actions, impacting the terms and conditions of her employment, including but not limited to a hostile work environment and the non-renewal of her employment contract, or Defendants' refusal to offer her a new employment contract, on May 1, 2019.

55. Defendants treated Starkey differently, and to her detriment, as compared to similarly situated heterosexual employees.

56. There is a causal connection between Starkey's sexual orientation and marital status and Defendants' adverse employment actions towards her.

57. Starkey has suffered damages as a result of Defendants' discriminatory actions, including but not limited to lost back pay, lost front pay, loss of future earning capacity, lost employer provided benefits, and emotional distress damages.

Count II: Violation of Title VII – Retaliation

58. Plaintiff incorporates all other paragraphs of this Complaint as if fully set forth here.

59. Starkey engaged in a protected activity by filing Charges of Discrimination with the EEOC against the Archdiocese and Roncalli on November 16, 2018, March 25, 2019, and May 9, 2019.

60. Starkey engaged in protective activity by opposing Defendants' unlawful employment practices, including but not limited to her opposition to Defendants' actions towards Fitzgerald due to Fitzgerald's sexual orientation.

61. Starkey suffered one or more adverse employment actions, impacting the terms and conditions of her employment, including but not limited to a hostile work environment and

the non-renewal of her employment contract, or Defendants' refusal to offer her a new employment contract, on May 1, 2019.

62. But for Starkey's protected activities, Defendants would not have taken adverse employment actions towards her.

63. Defendants retaliated against Starkey for causing a "scandal" through the filing of her EEOC Charges and publicity associated with those filings.

64. Starkey has suffered damages as a result of Defendants' retaliatory actions, including but not limited to lost back pay, lost front pay, loss of future earning capacity, lost employer provided benefits, and emotional distress damages.

Count III: Violation of Title VII – Hostile Work Environment

65. Plaintiff incorporates all other paragraphs of this Complaint as if fully set forth here.

66. Starkey is a member of a protected class due to her sexual orientation.

67. From August 2018 through her last day of employment, Starkey was subject to a hostile work environment based on her sexual orientation.

68. The work environment at Roncalli was objectively and subjectively hostile towards homosexual students, faculty, and staff, and sufficiently severe or pervasive to alter the terms of conditions of employment.

69. Defendants knew or should have known about the hostile work environment experienced by Starkey and failed to take any reasonable steps to take corrective action or prevent the hostile work environment from recurring.

70. Starkey has suffered damages as a result of Defendants' discriminatory actions, including but not limited to emotional distress damages, mental anguish, and pain and suffering.

Count IV: Violation of Title IX - Retaliation

71. Plaintiff incorporates all other paragraphs of this Complaint as if fully set forth here.

72. At all relevant times, Defendants received federal financial assistance, including but not limited to under the National School Lunch Program, special needs program, school voucher program and/or other Federal education programs.

73. Starkey engaged in protected activity under Title IX by opposing Defendants' unlawful sex, marital status and/or sexual orientation discrimination against herself and/or Fitzgerald.

74. Starkey suffered one or more adverse employment actions, impacting the terms and conditions of her employment, including but not limited to a hostile work environment and the non-renewal of her employment contract, or Defendants' refusal to offer her a new employment contract, on May 1, 2019.

75. But for Starkey's protected activities, Defendants would not have taken adverse employment actions towards her.

76. Defendants retaliated against Starkey for causing a "scandal" through her complaints of sex, sexual orientation, and/or marital status discrimination and publicity associated with those complaints.

77. Starkey has suffered damages as a result of Defendants' retaliatory actions, including but not limited to lost back pay, lost front pay, loss of future earning capacity, lost employer provided benefits, and emotional distress damages.

Count V: Intentional Interference with Contractual Relationship
(against the Archdiocese only)

78. Starkey incorporates all other paragraphs in this Complaint as if fully set forth herein.

79. Starkey and Roncalli had a valid and existing contract for Starkey's employment as a guidance counselor and Co-Director of Guidance at Roncalli.

80. Based on her 39 years of successful employment, positive performance evaluations, and excellent professional reputation, Starkey had every reason to expect to continue to work at Roncalli for the foreseeable future.

81. The Archdiocese knew about Starkey and Roncalli's contract.

82. The Archdiocese intentionally interfered with Starkey's contract with Roncalli by forcing Roncalli to not renew Starkey's contract for the 2019-20 school year.

83. The Archdiocese intentionally interfered with Starkey's contract with Roncalli by directing Roncalli to implement a "morals clause" in Starkey's contract.

84. The Archdiocese's interference with Starkey's contract with Roncalli was not justified.

85. As a result of the Archdiocese's intentional interference with the contractual relationship between Starkey and Roncalli, Starkey has suffered injuries and damages, including, but not limited to, lost compensation and wages, lost employer provided benefits, out of pocket expenses, emotional distress, attorney's fees and costs, and damage to her reputation.

Count VI: Intentional Interference with Employment Relationship
(against the Archdiocese only)

86. Starkey incorporates all other paragraphs in this Complaint as if fully set forth herein.

87. Starkey and Roncalli had a valid and existing employment relationship.

88. The Archdiocese knew about Starkey's employment relationship with Roncalli.

89. The Archdiocese intentionally interfered with Starkey's employment relationship with Roncalli by forcing Roncalli to not renew Starkey's contract for the 2019-20 school year.

90. The Archdiocese intentionally interfered with Starkey's employment with Roncalli by directing Roncalli to implement a "morals clause" in Starkey's contract.

91. The Archdiocese's interference with Starkey's employment with Roncalli was not justified.

92. As a result of the Archdiocese's intentional interference with the employment relationship between Starkey and Roncalli, Starkey has suffered injuries and damages, including, but not limited to, lost compensation and wages, lost employer provided benefits, out of pocket expenses, emotional distress, attorney's fees and costs, and damage to her reputation.

IV. RELIEF REQUESTED

Starkey requests the following relief:

- a. Compensatory damages;
- b. Damages to compensate Starkey for emotional distress, mental anguish, and pain and suffering;

- c. All wages and other economic benefits lost as a result of Defendants' unlawful actions, including but not limited to back pay, front pay, loss of future earning capacity and employer provided benefits;
- d. Damages to compensate Starkey for harm to her reputation;
- e. Liquidated damages and/or punitive damages;
- f. All costs and reasonable attorney fees incurred in litigation in this action;
- g. Pre-judgment and post-judgment interest; and
- h. Any and all other legal and/or equitable relief to which Starkey is entitled.

Respectfully submitted,

/s/ Kathleen A. DeLaney
Kathleen A. DeLaney (#18604-49)
Christopher S. Stake (#27356-53)
DELANEY & DELANEY LLC
3646 N. Washington Blvd.
Indianapolis, IN 46205

JURY DEMAND

Plaintiff, Lynn Starkey, by counsel, hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Kathleen A. DeLaney
Kathleen A. DeLaney (#18604-49)
Christopher S. Stake (#27356-53)
DELANEY & DELANEY LLC
3646 Washington Blvd.
Indianapolis, IN 46205

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LYNN STARKEY,)
)
Plaintiff,)
)
-v-) CAUSE NO.
) 1:19-cv-03153-RLY-TAB
RONCALLI HIGH SCHOOL, INC.,)
AND ROMAN CATHOLIC)
ARCHDIOCESE OF INDIANAPOLIS,)
INC.,)
)
Defendants.)

The deposition upon oral examination of
LYNN MARIE STARKEY, a witness produced and sworn by
means of videoconference before me, Elizabeth T.
Lindner, RPR, Notary Public in and for the County of
Boone, State of Indiana, taken on behalf of the
Defendants, with the witness appearing in
Indianapolis, Indiana, and all other participants
appearing via videoconference, on December 4, 2020,
commencing at 9:57 a.m., pursuant to all applicable
rules.

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(317) 237-3773

1 you'll let me know; is that right?

2 A I will.

3 Q And if you need to take a break at any time, please
4 just let me know, and we can take a break whenever.

5 A Thank you.

6 Q Great. Please state your name again for the
7 record.

8 A Lynn Starkey.

9 Q And what year were you born?

10 A 1956.

11 Q And where were you born?

12 A Chicago, Illinois.

13 Q I'd like to ask a few questions about your
14 education. Have you ever attended a Catholic
15 school?

16 A Yes.

17 Q Could you please tell me what Catholic schools
18 you've attended.

19 A Are you referring to from the time I was born?

20 Q Yes.

21 A Saint Ferdinand School, an elementary school.

22 I attended public school for a couple of
23 years.

24 Devine Savior School, also during grade
25 school. Mother Guerin High School, DePaul

1 University, and Saint Mary-of-the-Woods College.

2 Q DePaul, was that for undergrad?

3 A It was my freshman year of undergrad. Saint
4 Mary-of-the-Woods College completed my
5 undergraduate.

6 Q And what did you study in undergrad at Saint Mary?

7 A Music education.

8 Q Did you have any post college education?

9 A Yes. I completed a master's degree in choral music
10 education from the University of Illinois and
11 completed a master's degree in school counseling
12 from Indiana University.

13 Q There were a lot of Catholic schools in there from
14 elementary, high school, undergrad. Were you
15 raised Catholic?

16 A Yes.

17 Q And why did you attend Catholic schools all those
18 years?

19 A I was raised Catholic.

20 Q Any other reasons?

21 A My parents chose Catholic schools for me.

22 Q Why did your parents choose Catholic schools for
23 you?

24 MS. DeLANEY: I'm going to object. That calls
25 for speculation.

1 Q And you're employed there as a guidance counselor?

2 A I'm a guidance counselor.

3 Q Do you have any other titles or roles at Pike High
4 School right now?

5 A Among my responsibilities is that I am one of the
6 coordinators for the Advanced Placement program.

7 Q And is your current salary at Pike High School
8 comparable to your salary at Roncalli in your last
9 year?

10 A My current salary is more than my previous salary
11 at Roncalli.

12 Q I'd like to turn to your employment at Roncalli.
13 My understanding is that you first came there
14 during the 1978/'79 school year; is that correct?

15 A Yes, sir.

16 Q And you worked at Roncalli continuously from the
17 1978/'79 school year until your final year in
18 2018/2019; is that correct?

19 A No. No.

20 Q Can you tell me when you weren't working at
21 Roncalli?

22 A Yes.

23 Q When?

24 A So I was at Roncalli for three years, and then from
25 the summer of 1981 until the summer of 1982, I

1 quality, I would need to choose quality music. And
2 so I chose, in the beginning of the year, classical
3 music, and some would be, you know -- some might
4 have a religious base and some would not.

5 Q Ave Maria, would that be an example of something
6 you might have sung with the choir?

7 A I don't remember choosing that.

8 Q And did the choir that you were building, did it
9 have performances?

10 A Yes, sir.

11 Q Did it ever offer music during, for example, an
12 all-school Mass?

13 A Yes.

14 Q And what would that have entailed?

15 A So that changed from year to year.

16 Q So you would teach the kids how to sing certain
17 choral music, and then some of that music they
18 would sing during an all-school Mass?

19 A I think most -- that was not the typical
20 description. So as choral director, there were
21 years when I prepared students for the music that
22 was used during the all-school liturgy.

23 Q And so regardless of whether it was typical or not,
24 there were some times when you would teach the
25 students music, and they would sing those choral

1 Q And your answer was "yes"; is that correct?

2 A I believe that's what I said, yes.

3 Q Did you ever play music accompanying the choir?

4 A I sometimes played piano and accompanied the choir,
5 yes.

6 Q Did you ever play piano or any other instrument
7 during an all-school liturgy or Mass?

8 A I don't recall doing that, but it may have
9 happened. The truth is, my piano skills are not
10 that strong. And, frankly -- frankly -- it was a
11 very tiny, admittedly, weak program that I walked
12 into, and I'm all about quality. And so I would --

13 I had a very -- I remember this -- I had a
14 very talented student accompanist those first three
15 years, and I know for a fact that I hired outside
16 accompanists to play.

17 I mean, I did not want my keyboard skills to
18 get in the way of what was happening in the
19 performance or liturgy or whatever. I wanted my
20 focus to be on my students and what was going to
21 happen next and, you know, just conducting. That's
22 what I was more about overall.

23 Q So on those occasions when the students provided
24 some music during an all-school liturgy, regardless
25 of how rare it was or not, would you have conducted

1 the choir at those times?

2 A It really would depend. I don't recall, frankly.
3 But if it was something that was more involved and
4 if they needed my direction, I would do that. You
5 know, I recall sometimes sitting on the side. I
6 believe there were years where other people, you
7 know, prepared the music.

8 You know, it took a variety of forms, as there
9 were different chaplains or different -- you know,
10 some religion teachers might be -- want to be more
11 involved with it.

12 There is no one set way that this worked for
13 the years that I was choral director. I did what I
14 was told to do.

15 Q And so you mentioned pastors or priests and
16 religion teachers. So would they sometimes -- you
17 said you did what you were told to do -- so would
18 they sometimes ask you to provide music in a
19 setting?

20 A For liturgies they may -- they may say, "This is
21 the music we want."

22 Q And if they said, "This is the music we want,"
23 would you prepare the choir to provide that music?

24 A The choir. But, again, it could vary. It could
25 be -- it wasn't -- I can't remember very often that

1 it was the entire choir. It was usually some
2 students who wanted to, you know, wanted to prepare
3 the music, yeah, for the liturgy.

4 Q And so if a pastor or religion teacher said, "This
5 is the music we want," and there were students who
6 were interested in providing that music, would you
7 help the students prepare to provide that music?

8 A Because they were, typically, my choral students,
9 yes, so I prepared them.

10 Because the truth is, the reputation of the
11 choir was not very strong at all. And if my
12 students were singing at something, I would want
13 them to be of good quality, and so, yes, I would
14 help prepare them.

15 Q I'm getting some reflected sunlight off a building.

16 A Yes.

17 Q I'm going to pull my shade.

18 A Yes.

19 Q Is that any better? Okay.

20 I think you served as New Testament teacher
21 from roughly 1982 to 1988; is that correct?

22 A Yes.

23 Q And what are some of the subjects you taught as a
24 New Testament teacher?

25 A Can you be more specific, please.

1 Q Did you teach about any books of the New Testament
2 as a New Testament teacher?

3 A Yes. I taught the New Testament.

4 Q So -- were you going to add to that answer?

5 A No.

6 Q Did you teach the Gospels?

7 A Yes.

8 Q Did you teach about the words of Jesus?

9 A I think that I would like to take a moment to frame
10 how this happened and what I did.

11 So as we reviewed, I taught at Roncalli for
12 three years. I was trying to build the choral
13 program. So I took a year off to learn more and be
14 a better choral director and get a degree in choral
15 music education, a master's degree, from the
16 University of Illinois.

17 When I did that, the principal at that time,
18 Mr. Dever, said that he would hold my position so
19 that I could return to Roncalli if I wanted to.
20 While I was gone, there was a temporary one-year
21 contract choral director, and they hired an
22 assistant band director. And so when I wanted to
23 return to Roncalli, it was -- the choral music
24 would have been a part-time position.

25 And so the principal, Mr. Dever, said, "You

1 know, we can make a full-time position. We need a
2 New Testament teacher."

3 You know, the class is a semester long. It
4 was a mod long every day, so 22, 25 minutes each
5 period, and you follow the book, you know. And it
6 was a book, again, in the '80s, that was
7 particularly toward the historical Jesus and the
8 historical Gospels.

9 But, you know, nonetheless, it was essentially
10 a one-quarter class because it was a semester but
11 it was half of a period. And at that point, there
12 was no, you know, qualifications that you needed.

13 And he just said, "This is how you can have a
14 full-time job."

15 Q You mentioned that you taught from a book and it
16 was more about the historical Jesus. Can you tell
17 me --

18 A That's how I remember it.

19 Q Can you tell me what you mean by that.

20 A There was a lot of, like, background information so
21 students can kind of picture, you know, when the
22 Gospels were written and to picture, you know,
23 just -- I don't know. It's hard to describe. But
24 there can be more, like, theology or doctrine or
25 whatever, and it was just more -- those are my

1 words.

2 Q It was more what?

3 A I guess you could say more factual. If you're
4 asking me to complete that description, I guess you
5 could say it was more -- yeah.

6 Q Would you have ever looked at the content of the
7 Gospels with the students such as the sermon on the
8 mount?

9 A Yes.

10 Q And a moment ago you mentioned when you were
11 hired -- you mentioned that when you were hired,
12 the principal said there were no qualifications
13 that you needed in order to be a New Testament
14 teacher; is that correct?

15 A I don't -- I should be more careful. I don't
16 remember his exactly saying that. But clearly
17 there were no qualifications needed, because I
18 wasn't asked for anything.

19 Q Did they have --

20 A This is what I would say, is that he -- it was one
21 of those, "Don't worry. You have a book." You
22 know, it just -- it was like, "It will be fine."
23 It's one of -- you know, it was that type of
24 feeling.

25 Q So was he trying to reassure you that you were able

1 to --

2 A I don't know what his -- it's just what I felt.

3 Q I see. But you had attended Catholic school for
4 many years; is that correct?

5 A Yes, sir.

6 Q Were you -- did you have any other qualifications
7 that would have been relevant to being a New
8 Testament teacher?

9 A No.

10 Q Were you ever a certified catechist?

11 A Yes. So in 1985, the chaplain of Roncalli came to
12 me and said that I needed to complete a form, a new
13 form from the Archdiocese, and he helped me
14 complete it.

15 It was 1985. It didn't change what I did
16 at -- I mean, it didn't change anything of what I
17 was doing, and it expired in 1990.

18 Q What is a certified catechist?

19 A I'm sorry?

20 Q What is a certified catechist?

21 A I don't know what a certified catechist is. But it
22 was a catechist certificate. It was a one-page
23 form and then a one-page certificate.

24 Q That is a catechist?

25 A What is a catechist? My understanding of that word

1 is it's someone who teaches catechism.

2 Q And why did the pastor approach you with this form?

3 MS. DeLANEY: I'm going to object. That calls
4 for speculation.

5 Q You can answer.

6 A I don't know.

7 Q And to the extent you understand, did the pastor,
8 when he said, "You need to fill out this form," did
9 he tell you why?

10 A I'm sorry. It was the chaplain.

11 Did he tell me why? My understanding was that
12 I needed to complete the form. It was a new form
13 that the Archdiocese required in order for me to
14 keep teaching New Testament.

15 Q It looks like from around 1988 or 1989 to 1997 you
16 were the fine arts chair and choral director; is
17 that right?

18 A Yes.

19 Q What was the fine arts chair?

20 A Our school has -- Roncalli has various academic
21 departments, English, math, et cetera. One of the
22 departments is the fine arts department. The
23 department chair, you know, oversees that --
24 there's -- you know, I should -- I'm sure there's a
25 job description somewhere for the department chair

1 in the materials that you have or that we provided.
2 So rather than me make up verbiage for that, I
3 would refer you to that.

4 Q Well, you did the job for a number of years, and so
5 I'm asking for your understanding of what you did
6 when you were the fine arts chair.

7 A Thank you.

8 So I oversaw the fine arts department, which
9 was a bit different from other departments because
10 it's more varied, but it included, you know, band,
11 choir, the visual arts, and theater.

12 Q And when you said you "oversaw the fine arts
13 department," what does oversee mean, in practice?

14 A Uh-huh. Thank you. So I would be evaluating the
15 teachers' effectiveness periodically and, you know,
16 assisting them in any way I could.

17 Q Would that have been a promotion going from New
18 Testament teacher to fine arts chair?

19 A Those to me are unrelated. It would have been --
20 well, I don't consider it a promotion necessarily,
21 but it would have been from choral director to fine
22 arts chair, of course.

23 Q Would that have been a promotion?

24 A It's a promotion -- I just don't use that verbiage.
25 So the way I see it is that I had, you know,

1 additional responsibility.

2 Q Did it come with a pay raise?

3 A Yes.

4 Q And then around 1997, you took on the role of
5 guidance counselor; is that right?

6 A Yes, sir.

7 Q Why did you switch roles at Roncalli at that time?

8 A I very much enjoyed what I was doing as choral
9 director. I loved it. But I, frankly, couldn't --
10 with as much as I put into it, I just -- I couldn't
11 see myself doing that for the rest of my career.
12 And so I wanted to have another avenue to pursue at
13 some point, and that's when I began studying --
14 began the master's degree coursework.

15 Q What master's degree coursework are you referring
16 to there?

17 A In school counseling.

18 Q What did that coursework entail?

19 A So it's a specified curriculum to become a guidance
20 counselor.

21 Q Who offers that program?

22 A Well, many schools. I attended IUPUI in
23 Indianapolis.

24 Q I'm sorry. I'm not familiar with IUPUI.

25 A Thank you. So my degree is from Indiana

1 Q Looks like you took on the guidance counselor role
2 around '97, and then in 2007 became codirector of
3 guidance; is that right?

4 A Yes, sir.

5 Q Was that a promotion?

6 A Again, I don't -- you know, I don't use that
7 verbiage.

8 The way that happened was that as the school
9 was growing and as our department was growing, the
10 current guidance director -- well, let's put it
11 this way. We felt as a department that it would be
12 helpful to have an actual college counselor, you
13 know, college advising, college counselor.

14 And when that was approved, our guidance
15 director wanted that position, and so her position
16 became open. It felt like a big job, and so two of
17 us agreed to offer to split it as codirectors.

18 Q At that time when you say "the two of us," is that
19 you and Ms. Shelly --

20 A Shelly Fitzgerald, yes.

21 Q So what would be the practical difference between
22 serving as guidance counselor versus serving as
23 codirector of guidance?

24 A So as guidance director, there are additional
25 responsibilities that, of course, Shelly and I

1 split up.

2 My responsibilities would include -- that were
3 guidance director-related -- would include the
4 course catalog, course description book, budget,
5 tracking curriculum updates from the Indiana
6 Department of Education.

7 Again, this is something that I provided that
8 I'm just trying to think back to right now. That's
9 the best I can do right now.

10 Q As codirector of guidance, did you serve on the
11 administrative council?

12 A Yes, sir.

13 Q Did guidance counselors who were not codirectors of
14 guidance serve on the administrative council?

15 A No, sir.

16 Q So would that have been another of the
17 responsibilities you took on --

18 A Yes.

19 Q -- as codirector of guidance?

20 A Yes.

21 Q Did you have any supervisory responsibilities as
22 codirector of guidance in terms of supervising
23 other guidance counselors?

24 A We considered it mentoring them. So as they had
25 questions and performance evaluations, that would

1 be part of what we did.

2 Q What would performance evaluations consist of?

3 A Admittedly, they didn't happen very often.

4 So what would they -- so it would be an
5 observation, typically, of the counselor working
6 with a student, with the student's permission, and
7 then, you know, some type of form submitted to the
8 counselor and the principal.

9 Q I'd like to talk a little bit more about the
10 administrative council. What is the administrative
11 council?

12 A The administrative council is a, I guess you could
13 say, multi-disciplinary team consisting of the
14 principal, the assistant principal for academic
15 affairs, the assistant principal for student
16 activities, the athletic director, the dean of
17 students, campus minister, the chaplain, the vice
18 president for mission and ministry, and then the
19 guidance director, in this case, codirectors of
20 guidance.

21 Q Is it fair to say that those people you mentioned
22 are relatively senior at Roncalli?

23 A I think that's another business term that doesn't,
24 you know, resonate. The purpose of the team was to
25 assist and -- I don't want to say advise. Advise

1 feels too strong -- but to share thoughts with the
2 principal on various nuts and bolts, day-to-day
3 running a school kinds of items.

4 Q Did the principal listen to the administrative
5 council?

6 A Could you rephrase that question, please. We
7 were -- literally, of course he listened to us,
8 yes.

9 Q You mentioned the administrative council would
10 advise the principal --

11 A Yeah, and that's just -- that's strong.

12 Q Did anyone --

13 A Here's -- this is better. Sorry.

14 We would offer input to the principal. Of
15 course, the principal always had the final say.

16 Q Did the principal ever act on the input that the
17 administrative council provided?

18 A Yes.

19 MR. GOODRICH: I'd like to take a look at some
20 of the documents that you provided us through your
21 counsel.

22 THE WITNESS: Okay.

23 MR. GOODRICH: And so I'd like to look first
24 at Exhibit 1. And my hope is Chris can put that on
25 the screen. I think you also probably have the

1 A No.

2 Q So this is a document that was prepared by the
3 principal and sent to you; is that correct?

4 A Yes, sir.

5 Q Were you typically present at the administrative
6 council meetings?

7 A Yes.

8 Q How long did they usually last?

9 A Typically one or two periods.

10 Q How long are the periods?

11 A Typically about 50 or 55 minutes.

12 Q So they could last anywhere from 50 to 110 minutes;
13 is that right?

14 A So, for instance, right here, periods 7 and 8 --
15 yeah. Yes, that's correct.

16 Q Do you recall if you were present at this
17 February 26, 2019, meeting?

18 A I'm being very careful because this was the year I
19 really -- I feel like I should take a moment to be
20 sure that I was there.

21 Q Go ahead.

22 A Thank you.

23 (Witness reviews document.)

24 A So this doesn't stand out, you know, as any item --
25 I mean, it was very likely that I was there.

1 ministry and the chaplain. So it's a
2 multi-dimensional team, and some of us would have
3 more input about items like this than others.

4 Q And so you've said it's a multi-dimensional team.
5 You've said that it offers input to the principal.
6 You said that this particular agenda item was about
7 logistics for an all-school liturgy. So I'm asking
8 if this multi-dimensional administrative council
9 team that offers input to the principal was
10 offering input to the principal on logistics for an
11 all-school liturgy.

12 A Yes.

13 Q Let's look at Exhibit 2. This is another
14 administrative council agenda; is that correct,
15 Ms. Starkey?

16 A Yes.

17 Q This would have been prepared by the principal and
18 sent to you and other members of the council; is
19 that correct?

20 A Yes.

21 Q And so have you seen this before?

22 A Yes.

23 Q Would you have typically been in attendance at this
24 meeting?

25 A Yes.

1 Q All right. And Chris is going to highlight the
2 part that says "Transgender research." Or he's
3 going to move his cursor there without highlighting
4 it.

5 "Transgender research.

6 "91% move away from their gender dysphoria by
7 adolescence.

8 "Social contagion 4,000% increase in
9 expression of being transgender."

10 Do you see where it says that?

11 A Yes.

12 Q What would this conversation have been about?

13 A The principal was presenting research about
14 transgendered people.

15 Q So was the principal --

16 A I -- yeah. I'm not trying to -- I'm going to be
17 forthright. I'm not trying to make less of it
18 and -- we had at least one transgender student at
19 our school.

20 Clearly, this was during the '18/'19 school
21 year when all of, you know -- during the time that
22 Shelly Fitzgerald was put on administrative leave.
23 This was an informational item. I don't recall --
24 I don't recall any discussion beyond that research.

25 Q You said the principal presented the research; is

1 whether you attended and things like that?

2 A Yes.

3 Q Let's take a look at Exhibit 3. We'll pull that up
4 on the screen as well.

5 Is this another administrative council agenda?

6 A Yes.

7 Q So is this a document that would have been prepared
8 by the principal and sent to you by email?

9 A Yes.

10 Q I think we're going to go through a few more of
11 these exhibits. So just to save us all the time,
12 is it fair to say these documents that say
13 "Administrative Council Agenda," that these are
14 administrative council agendas that the --

15 A Yes, sir.

16 Q -- principal sent to you?

17 A Yes, sir.

18 Q So Exhibit 3, I'd like you to look at the second
19 page, which I've put it up on the screen. About
20 halfway down the second page, there's an item that
21 says "SAP mental health initiative."

22 Do you see that?

23 A Yes.

24 Q What is SAP?

25 A SAP is the Student Assistance Program.

1 Q What does the SAP, the Student Assistance Program,
2 do?

3 A SAP helps identify and support students who are
4 most at risk at Roncalli.

5 Q At risk of what?

6 A That's a good question. We use that all the time
7 "at risk." At risk. As a school, there are
8 students who are at risk of failing, not
9 graduating. So these are the students who are most
10 at risk. They're struggling the most in some way
11 for some reason.

12 Q What would be some examples of ways or reasons
13 they're struggling?

14 A Students can struggle because of dysfunction in
15 their homes, death of a loved one, substance use;
16 those are some examples.

17 Q How is the SAP structured?

18 A This is another, for lack of a better word,
19 multi-disciplinary team that would include the
20 assistant principal for student activities, the
21 dean of students, the chaplain, the campus
22 minister, the social worker, the five counselors,
23 and typically two additional teachers.

24 Q Was there anyone who kind of shared the team or
25 facilitated the work of the SAP?

1 A Yes. Most recently it was the assistant principal
2 for student activities. It had been the dean.
3 Yeah.

4 Q Did you ever take on that role?

5 A I did early on.

6 Q What does that role entail?

7 A Helping to set the agenda each time and
8 facilitating the meetings, both.

9 Yeah. I should be more clear. It's
10 especially facilitating the meetings.

11 Q Are there ever any decisions made during the
12 meetings?

13 A Yes.

14 Q How are decisions made? Are they made by consensus
15 or some other fashion?

16 A I'm really -- I'm trying hard to recall how those
17 meetings went. Forgive me for a minute.

18 Yeah, so -- so what would happen is we
19 would -- we would have students that we would --
20 students that were identified as being at risk for
21 some reason, and someone on the SAP would be the
22 person -- most recently it was the assistant
23 principal for student activities, I think -- but
24 somebody would gather information on that student
25 in terms of current grades, discipline, attendance.

1 senior during that time and with nearly every
2 parent.

3 We met with every freshman, sophomore, and
4 junior for their individual scheduling
5 appointments, beginning with juniors in January,
6 and then sophomore and then freshmen.

7 The junior appointment, you know, included not
8 only scheduling, but SAT, ACT, college visits,
9 college lists, that type of thing.

10 So we met with every student at least once a
11 year.

12 Q Are the students required to meet with the guidance
13 counselor?

14 A That's not really verbiage that we really use.
15 There's never -- I can't recall having an issue
16 with meeting with the student for their senior year
17 appointment or scheduling appointment. Sometimes
18 it's hard to track them down, but, yeah, no.

19 Q But in general, the guidance counselor team would
20 meet with every student at least once a year?

21 A Yes, sir.

22 Q Would every student, at least once a year, meet
23 with a social worker?

24 A No.

25 Q Would every student, at least once a year, meet

1 with the chaplain one on one?

2 A No.

3 Q What about the campus minister?

4 A No, not that I know of.

5 Q So it seems fair to say the guidance counselors had
6 a unique role in terms of they were assured to meet
7 with every student at least once a year?

8 A I can't think of another role where somebody would
9 meet with every student at least once a year.

10 Q Okay. Good for you guys. It sounds important.

11 You mentioned encountering a student who was
12 struggling with substances and bringing that issue
13 to the SAP. How did you learn that that student
14 was struggling with substances?

15 A Most often it would be, to their credit, another
16 student who would bring that to someone on the SAP
17 as the concern. Sometimes it would be a teacher.

18 Q Is that how you became aware of this particular
19 student that you -- whose issues you brought before
20 the SAP?

21 A When I mentioned that, I didn't have a particular
22 student in mind but -- I'm sorry. Could you please
23 repeat the question.

24 Q Sure. I asked how you became aware that a student
25 was struggling. And you said that, to their

1 student who is involved in a dysfunctional family
2 situation, through no fault of their own, and a
3 school can only do so much about that situation.

4 Q Turning your attention back to Exhibit 3, which is
5 up on the screen. We've looked at the SAP mental
6 health initiative part.

7 Immediately below that, it says "Morality
8 survey." What was that about?

9 A I won't be able to answer very many details about
10 this because I wasn't really involved in it. But
11 I -- well, I just want to be careful not to say
12 things that I'm not sure of. So I'm not sure
13 whether this is something that the Archdiocese
14 asked the school to do.

15 But the assistant principal for student
16 activities helped facilitate a survey periodically
17 of students, and that's what this is referring to.

18 Q What did the survey ask students about?

19 A What I recall is that students were asked about
20 whether they used drugs, alcohol -- they're pretty
21 specific questions that the dean helped draft, I
22 recall that -- sexual activity. That's what I
23 recall right now. Bullying. Bullying was another
24 one.

25 Q What did the school use that information for?

1 A That was a point of contention, frankly. That -- I
2 believe that's what the item is. Like, why are we
3 conducting these surveys if we're not using the
4 information? How can we use that information?

5 It would get -- frankly, I mean, it would give
6 a read on the school. But you never know, you
7 know, how honest the students are being or what
8 percentage of students are being honest.

9 Q Yeah. You mentioned it was a point of contention.
10 Who contended what? What, like, was it a point of
11 contention within the administrative council?

12 A No. Yeah. No, it was just the assistant principal
13 of student activities was going through -- it's no,
14 you know, small deal to survey hundreds of students
15 and try to get them -- invite them -- to be honest.
16 So you want to be sure that it's a good use of
17 time.

18 Q And so you said it was a point of contention. Who
19 was contending what?

20 A Yeah. It wasn't contentious among us. It was -- a
21 better way to frame it to be more careful and
22 honest is that we just wanted to be sure that if
23 somebody is spending that much time and energy --
24 we're all busy, including that assistant
25 principal -- that that was time well spent.

1 Q And when you say "we just wanted to be sure," is
2 the "we" there the administrative council?

3 A Well, specifically it would be the -- it would be
4 the assistant principal for student activities
5 voicing that to the administrative council. And
6 nobody would disagree with the idea that if they're
7 going to go through that time and energy, that it
8 would be important, that it's worth their time and
9 energy.

10 Q So it sounds like you're saying there was agreement
11 within the administrative council that you needed
12 to use your time wisely with regard to the morality
13 survey?

14 A Yes.

15 And, you know, I would be careful, you know,
16 again, just, you know, to be accurate, as items
17 would come up, not everybody is speaking about
18 every single item.

19 Q That would make for a long meeting.

20 A Yes, sir.

21 Q Let's take a look at Exhibit 4. Middle of the page
22 there says "Administrative Council Agenda." So
23 this is another of those agendas that the principal
24 sent to you.

25 And I notice the first item on the agenda on

1 pretty much all of these is prayer. Can you tell
2 me what that entailed?

3 A My principal opened the meeting with a prayer.

4 Q And was it always the principal who prayed?

5 A As far as I can recall, it was always the principal
6 who prayed.

7 Q Was it always the same prayer?

8 A No. It was very short.

9 Q The third item here on the agenda says
10 "Student/family issues," and the second name listed
11 there, the last name starts with an S.

12 A Uh-huh.

13 Q "AS (mom, grandma, and A) in car wreck coming back
14 from Alabama; Lynn has met with her; going half
15 days right now; concussed."

16 Is Lynn a reference to you?

17 A Yes.

18 Q Without saying the names of the student, can you
19 tell me what this meeting consisted of?

20 A Yes. This was an accident in which the student was
21 concussed and diagnosed as such, of course. So as
22 soon as I'm made aware that the student is
23 concussed, I meet with them, because I want to be
24 sure, especially at the outset of the concussion
25 protocol, I guess you would say, that the student

1 Q What was that discussion about?

2 A I don't recall the exact discussion, but I believe
3 the context is that if a student tests positive --
4 has a positive drug test -- and I don't know -- I
5 can't recall the exact number -- number of times or
6 what the exact penalties are, but for sake of this,
7 they would incur an extracurricular penalty. And
8 that would be based on, of course, what they were
9 involved with. And it could include whether they
10 were an athlete or they were on student council or
11 they were in theater or, in this case, if they were
12 a Eucharistic minister.

13 Q What is a Eucharistic minister?

14 A A Eucharistic minister is somebody who distributes
15 the Eucharist to people in attendance at the
16 liturgy.

17 Q So the students would serve as Eucharistic
18 ministers sometimes?

19 A Yes.

20 Q And this is a discussion, like, if they had a
21 positive drug test, would they be able to continue
22 serving as Eucharistic ministers?

23 A It wasn't would they be -- it was -- it says three
24 liturgies. I can tell by that paragraph and by the
25 parentheses that it was -- the nuts and bolts of,

1 you know -- you know, if an athlete is suspended,
2 then, you know, can they still go to the game?
3 What do they wear at the game? And, you know,
4 we've already established, for instance, how many
5 games they would miss. It's like they --
6 there's --

7 This is it. So there's, like, a 25 percent
8 penalty in extracurriculars. And so, you know, it
9 varies, so would it be 25 percent -- so it would be
10 25 percent of the athletic season. Well, it would
11 be 25 percent of the liturgies. So that 25 percent
12 of, you know, a monthly liturgy plus, who knows,
13 advent services or Ash -- apparently 25 percent was
14 three liturgies.

15 Q So this is reflecting that if a student had a
16 positive drug test and one of their activities was
17 serving as a Eucharistic minister, the result would
18 be they would have to not serve as a Eucharistic
19 minister for three liturgies or roughly 25 percent
20 of the liturgies that year?

21 A Yes, sir.

22 Q You said "we had established" the 25% thing. Who
23 is the "we" there?

24 A Roncalli.

25 Q Who would have made that decision? Is that the

1 administrative council agenda; correct?

2 A Yes.

3 Q And at the bottom of the first page, it says "Plans
4 for March 14."

5 Do you see that?

6 A Yes.

7 Q And right below it says "SF -- prayer service to
8 honor kids who were killed?"

9 Is SF Shelly Fitzgerald?

10 A Yes.

11 Q And on the next page, several lines below, it has a
12 reference to "LS."

13 Is that Lynn Starkey, you?

14 A Yes.

15 Q So on that first page where it says "SF -- prayer
16 service to honor kids who were killed" --

17 A Oh.

18 Q -- what was that about?

19 A Right. I'm trying to recall whether that was the
20 time of the Parkland -- wow. I'm trying to put
21 context on this, and I'm trying to recall exactly
22 what happened at Parkland.

23 Q Yeah. So if I can -- if this is helpful context,
24 I'll represent to you that there was a shooting at
25 Stoneman Douglas High School in Parkland, Florida,

1 on February 14, 2018.

2 A Okay.

3 Q So not quite a week before this administrative
4 council agenda is dated. And there are 17 deaths
5 in that school shooting. So does that context help
6 you remember what this discussion was about?

7 A Yes, thank you. That context is helpful.

8 Q So when it says "SF -- prayer service to honor kids
9 who were killed," was that Shelly suggesting a
10 prayer service?

11 A It appears to be, yes.

12 Q And what else did that conversation entail?

13 A You know, I don't recall exactly. I believe that
14 what happened is that the students wanted to do
15 something, and I have a vague recollection that
16 there were some schools where students wanted to,
17 you know, walk outside the school to somehow
18 memorialize those students. I may be wrong. But
19 this was an effort to offer any alternative ideas.

20 Q Alternative to a student walk-out; is that what you
21 mean by --

22 A Yes. Yeah.

23 Q So where it says "SF -- prayer service to honor
24 kids who were killed," is that -- you already
25 answered that. You said Shelly was suggesting a

1 prayer service.

2 Second page, a few lines down where it says
3 LS, the reference to you, it says, "Like the
4 hallway prayer service idea." What did you like
5 about the hallway prayer service idea?

6 A I liked the idea that it was within the context of
7 the school. It would just take a moment that they
8 step into the hallway and there could be a moment
9 of silence or whatever and then they could go back
10 into the classroom. It seemed least disruptive.
11 You know, students could not -- it seemed
12 logistically pragmatic.

13 It wasn't my idea. Somebody else said it
14 there. That's all I recall.

15 Q Okay. And were you supportive of the idea of
16 students being able to memorialize other students
17 who were killed in the school shooting?

18 A I was supportive of the idea of students having
19 some way to voice their concern over what happened.
20 And, you know, it's hard to assess which students
21 are affected. So I was supportive of a way that
22 students -- I can't say it better than that, could
23 voice their concern.

24 Q What was ultimately decided and implemented after
25 this discussion?

1 A I don't recall.

2 Q Do you recall, did the Parkland school shooting,
3 did it have an impact on students at Roncalli in
4 terms of being an emotional event?

5 A I mean, it certainly did because some students
6 wanted to do something.

7 Q And so this -- these agenda notes reflect the
8 administrative council offering input to the
9 principal on how to respond to the Parkland
10 shooting and the students who wanted to do
11 something about it; is that correct?

12 A Yes.

13 Q And then a couple more bullet points below on that
14 same page, it says "Music at all school liturgies."

15 A Yes.

16 Q What was that discussion about?

17 A I'm not sure specifically in this time frame. I do
18 know that there was kind of a, you know, feeling
19 that participation had been good and strong from
20 the students, you know, at some points, and that
21 would kind of come and go. And so sometimes it
22 could come up to -- I can't -- you know what? I'm
23 just speculating. I don't know.

24 Q Earlier when you were talking about the 25 percent
25 rule and it said three liturgies, it sounded like

1 you said, you know, three is 25 percent of 12, and
2 you said something about monthly liturgies.

3 A Yes.

4 Q Did Roncalli have a monthly liturgy?

5 A Yes.

6 Q Was it an all-school liturgy?

7 A Yes.

8 Q So all the students would go and the teachers and
9 the guidance counselors and the other staff?

10 A Yes. Not every single -- I mean, not every
11 maintenance person or cafeteria. I mean, it just
12 depended on if the person was free and -- but, yes.

13 Q Did you typically attend those liturgies?

14 A Yes.

15 Q Did you ever receive communion at the liturgies?

16 A Yes.

17 Q Did you ever sing at the liturgies?

18 A Do you mean by myself?

19 Q Whether by yourself or with everybody else who was
20 in attendance.

21 A I sang with everybody else in attendance.

22 Q I think we can skip over Exhibit 9, just in the
23 interest of time, and go to Exhibit 10.

24 It's another administrative council agenda;
25 correct?

1 A Correct.

2 Q On the second page of Exhibit 10 at the top, it
3 says "Leadership Workshop."

4 Do you see that?

5 A Yes.

6 Q "Or Life Skills Workshop or 'Finding & Using Your
7 Gifts' workshop."

8 Do you see that?

9 A Yes.

10 Q What was that workshop?

11 A Yeah. My principal felt that -- he wanted to try
12 to instill leadership skills in our students and
13 felt that, you know, students are less inclined to
14 be leaders. And so he was trying to think of a way
15 to develop that, and so these were -- that's what
16 that topic is.

17 Q Let's look at Exhibit 11. At the bottom of that
18 first page, it says "Administrative Council
19 Agenda." So this is another agenda; correct?

20 A Yes.

21 Q If you flip to the second page, right about in the
22 middle, it says "Living as Missionary Disciples
23 book -- Pages 1-18 for discussion."

24 Do you see that?

25 A Yes.

1 Q What was that about?

2 A This book had to deal with declining participation
3 in Sunday Masses, just nationally how, you know,
4 fewer and fewer adults, fewer and fewer people
5 attend Catholic Mass nationally and how Catholic
6 school enrollment, nationally, is declining as
7 well.

8 And so, you know, the premise of the book is
9 some other Protestant churches or whatever --
10 Evangelical churches are, for some reason,
11 appealing to -- you know, their numbers are, you
12 know, growing. And why is it that, you know,
13 Catholic numbers are not?

14 So that's -- you know, in terms of our school,
15 it was, you know, is there anything we should be
16 doing enrollment-wise? Is there anything we can or
17 should be doing?

18 Q And it says pages 1 to 18 for discussion. So were
19 you discussing the book?

20 A Yes.

21 Q And I'll represent to you that this is a -- I'm
22 looking at an Amazon page for "Living as Missionary
23 Disciples: A Resource for Evangelization." It
24 says, The USCCB Committee on Evangelization and
25 Catechesis developed "Living as Missionary

1 Disciples: A Resource for Evangelization" for
2 encouraging missionary disciples in the task of
3 evangelization. This leadership resource provides
4 principles of evangelization and missionary
5 discipleship with resources designed for pastoral
6 leaders to develop, enhance, and review their own
7 local strategies to create an evangelizing parish.

8 Does that seem like a fair description of the
9 book you guys were discussing?

10 A I believe -- it's fair, yes.

11 Q Further down below on that page -- this is still
12 Exhibit 11. It's the second page. Second from the
13 bottom bullet point, it says "January 17 Mass with
14 Archbishop Thompson."

15 Do you see that?

16 A Yes.

17 Q What was that a discussion about?

18 A This may have been the first time that he came to
19 our school specifically, and so it was, you know,
20 the logistic of Archbishop Thompson being there and
21 how to -- I'll just stop with that. Obviously you
22 can -- you know, the reception or things to give to
23 the new Archdiocese Bishop.

24 Q And then further up on that same page, it's about
25 the fifth bullet point, it says "Mental Health

1 council about, you know, how we're attending to
2 students. The "LIGHTS" referring there, that was a
3 way to address suicide prevention, mental health
4 awareness.

5 So I know I'm not being very linear about this
6 response. But what I'm trying to convey is that
7 this appears to be an update as far as what's going
8 on with our students in terms of a mental health
9 approach.

10 Q At the bottom of the page, the last big bullet says
11 "Praise & Worship assembly with Chessie LaRosa and
12 Friends."

13 Do you see that?

14 A Yes.

15 Q What was that discussion about?

16 A The assistant principal for student activities, one
17 of her responsibilities, I believe, was to schedule
18 outside speakers or programming. And so was --
19 this appears to be an item that she was bringing
20 forward that it was something she was working on.

21 Q And on the next page at the very top under the
22 Praise & Worship bullet, it says "With or without
23 Eucharistic adoration."

24 Do you see that?

25 A I do.

1 A Thank you.

2 You know, first of all, I don't recall what
3 CAPE is. Do you know?

4 Q I think it's something like, Something, Something,
5 Private Education. I can look it up for you.

6 A Okay.

7 Q Council for American Private Education, I believe.
8 Coalition of national organizations serving --

9 A Okay, thanks.

10 (Witness reviews document.)

11 A Okay. What is your question, please.

12 Q What was this conversation about?

13 A Enrollment.

14 Q What about enrollment?

15 A I -- you know, I can't tell any more than you can
16 whether it's a concern with declining enrollment in
17 the private schools or why parents are choosing one
18 way or the other. Yeah.

19 Q Yeah. I wasn't there. I was looking at this, and
20 I see -- you know, it talks about charter schools;
21 that's on the first page.

22 And it says "Catholic/Christian/Lutheran --
23 folks not wanting to pay additional money for faith
24 formation."

25 Then it talks about, you know, parents with a

1 history of Catholic schools sending their children
2 to STEM charter schools.

3 So I looked at this and I thought, well, it
4 kind of looks like a conversation kind of about
5 competition with charter schools and possibly
6 losing enrollment to charter schools, but I wasn't
7 sure and you were there. So is that kind of what
8 it was about?

9 A It feels as though it's, you know -- well, so first
10 comment, "Must be more than test scores; serve all
11 academic ranges," what I meant there is that, you
12 know, if a high school only publishes their test
13 scores and that's their source of pride, if it's
14 just that, that's one type of student. And that's
15 all good, but I was trying to make the point that
16 it's important that any high school shows that, you
17 know, you're there to serve all students of all
18 academic levels.

19 Q And then down at the bottom of this particular
20 agenda, it says "JT -- Cardinal Tobin has
21 reinstated dispensation for our students to go to
22 Mass during all four lunch periods."

23 A This appears to be an update from Jeff Traylor, our
24 campus minister, that students can attend Mass
25 during their lunch period.

1 Q Let's take a look at Exhibit 14. It's another
2 administrative council agenda. Is this another
3 administrative council agenda?

4 MS. DeLANEY: I think this is duplicative of
5 the prior exhibit, at least in part.

6 MR. GOODRICH: That's correct. The first page
7 of Exhibit 14 is the same page as the last page of
8 Exhibit 13. So sorry about that, but then it
9 basically continues with that November 22 agenda at
10 the bottom.

11 MS. DeLANEY: So what is the question?

12 MR. GOODRICH: First I just asked, is this
13 another administrative council agenda.

14 A Yes, sir.

15 Q On the second page of Exhibit 14 halfway down, it
16 says, "Senior Capstone Project."

17 A Yes.

18 Q What is a senior capstone project?

19 A This is something that the religion department
20 developed that would take the place of a senior
21 exam. You know, students have semester exams, and
22 so instead of an exam, they would have a capstone
23 project.

24 Q And it says "Do the students know what a moral
25 apologist is?" What was that about?

1 A I have no idea.

2 Q And then a few lines down, do you see the
3 indentation where it says "AC members"?

4 A Yes.

5 Q Is that a reference to administrative council
6 members?

7 A Yes.

8 Q It says "...read the document and share questions,
9 comments, concerns with Jeff."

10 So is that Jeff, the campus minister?

11 A Yes.

12 Q And Jeff is asking administrative council members
13 to read the document about the senior capstone
14 project and share questions, comments, and
15 concerns; is that right?

16 A Yes. But, you know, frankly -- I mean, this kind
17 of -- he's not -- he's inviting, you know, and I've
18 never reviewed the capstone project.

19 Q He's inviting input from the administrative
20 council?

21 A Yeah, that's it. And remember who's on there
22 and -- yeah.

23 Q Okay. Let's look at -- well, let's look at
24 Exhibit 15. At the very bottom it says, "Senior
25 Mass with Cardinal Tobin -- back to school or

1 home?"

2 Do you see that?

3 A I do.

4 Q And the next page says "Liturgy. Concerns with the
5 sung Mass (longer, less attentive, less engaged).
6 Concern expressed over distribution of wine."

7 Do you see that part?

8 A I do. Yeah.

9 Q What was that discussion about?

10 A Well, I mean, from the comments here, it seems
11 self-explanatory. These are the logistics of the
12 liturgy. So, you know, there's a concern -- I'm
13 just reading -- there's a concern about the Mass
14 participation and engagement, and then there's a
15 concern over distributing wine. And apparently the
16 decision was to go with adults as Eucharistic
17 ministers.

18 I mean, you know, so this is a way of -- "Jeff
19 Traylor touch base with Joey about having" -- so
20 it's the logistics of the liturgy.

21 Q So the administrative council here is either
22 considering or offering input on the logistics of
23 the liturgy; is that correct?

24 A Yes.

25 Q "Go with adults as Eucharistic ministers." Did you

1 A The social worker is employed through Catholic
2 Social Services, and her direct supervisor was
3 through that entity. Roncalli would contract, I
4 guess you would say, with Catholic Social Services.

5 Q So did anyone at Roncalli oversee or provide
6 feedback on the work of the social workers?

7 A Of the social worker. The social worker was under
8 my umbrella, but as I -- I didn't evaluate her, but
9 if I had -- well, that's all I'd say, just I didn't
10 evaluate her, but she was under my umbrella.

11 Q Can you elaborate on what you mean by "under my
12 umbrella"?

13 A So the other codirector and myself split up our
14 department and, you know, just each of us would --
15 we call it mentor. But clearly I wasn't mentoring
16 the social worker. But, you know, we would -- I
17 guess I could -- you could say I would oversee her
18 work.

19 Q Turning back to Exhibit 17 that's there in front of
20 you, the next bullet point below the Amerigo
21 International Student Program, it says "Freshman
22 Study presentations -- October 17 (Dating &
23 relationships; Kelly and students)."

24 Do you see that part?

25 A Yes.

1 part by the department chair and then in part by
2 the administration.

3 Q So would the director of guidance be considered
4 part of the administration?

5 A Well, no. That's a department chair. I would
6 attend department chair meetings as a department
7 chair. I did not observe teachers.

8 Q Yeah. So, sorry, I didn't mean you were part of
9 the administration observing teachers but just
10 generally part of the administration of the school
11 as a department chair director of guidance?

12 A I was part of administrative council, so, yes.

13 Q So as far as in, like, your last year at Roncalli,
14 it sounds like you're saying supervision of
15 teachers was shared among department chairs,
16 assistant principal for academic affairs, and the
17 principal; is that accurate?

18 A There were two types of observations. One was by
19 the department chair. That's separate. And then
20 the other type, and I don't know what the verbiage
21 would be, would be by an administrator.

22 Q Let's take a look at Exhibit 20. Take a look at
23 the bottom of this page and tell me who the
24 signatories of this document are.

25 A Myself and Shelly Fitzgerald.

1 Q Did you help write this letter?

2 A Yes.

3 Q And what is this document?

4 A So in early May 2016, counselors were informed that
5 they would be moved to -- you know, from being
6 salaried workers to being hourly workers and from
7 being on an annual contract to having no contract.

8 This was extremely concerning to counselors.

9 As long as I had been a guidance counselor, I was
10 always on a teacher contract, with a teacher salary
11 pay scale.

12 And -- and, you know, teachers can be a
13 teacher with a bachelor's degree or master's or
14 whatever, but counselors must have a master's
15 degree. And so the thought of counselors being
16 moved from, you know, an annual contract to no
17 contract and a salaried position to an hourly
18 position where you have to track your hours and,
19 you know, try to do all of your work within
20 40 hours -- I mean, the whole thought of it was an
21 outrage.

22 You know, one of the counselors was ready to
23 start looking for another job. I mean, the people
24 who were on hourly pay were our cafeteria workers,
25 our secretaries, our maintenance personnel. So

1 we -- yeah.

2 So that's where this came from. I was doing
3 all that I could to make a case so that our
4 counselors would be rightfully paid as a
5 professional, salaried, contracted worker.

6 Q And so -- thank you -- you and Ms. Fitzgerald put
7 this letter together. Who did you send it to?

8 A I'll just be specific. In our roles as
9 codirectors, we each had our own items that we
10 would take care of, depending on our strengths.
11 And I put this together, and she put her name to it
12 as well in agreement, of course.

13 Q Who did you send it to?

14 A I don't recall for sure. But this is what I know.
15 I, you know, expressed -- well, I expressed our
16 concerns to my principal.

17 So this -- I became aware of this through an
18 email from the HR -- Roncalli's HR person, and I'm
19 sure Chuck was copied on that, the principal was
20 copied on it.

21 And I don't think I needed to voice that this
22 would be a concern for counselors, but, you know,
23 whether I voiced it to my principal or he knew it,
24 I mean, it was -- right away he was aware.

25 And I don't -- I mean, you have the email

1 trail. This wasn't resolved for weeks. Here we
2 are at the end of the school year, it's May, and
3 counselors don't even know if they're going to have
4 a contract or if they're going to be paid as an
5 hourly worker or what, you know.

6 So -- so that's where this effort on my part
7 came from. It was to try to understand why this
8 was happening. I didn't understand -- I had no
9 idea why we would be moved to hourly workers. I
10 had no idea of any of that.

11 Q So you sent this to Chuck and may have sent it to
12 others as well?

13 A I'm sure I sent it to Chuck. And I'm not sure -- I
14 don't know beyond that.

15 Q In terms of -- so, if I understand you correctly
16 here, you're advocating for guidance counselors to
17 have a salaried contract in the same way that
18 teachers did?

19 A That's exactly it.

20 Q And some of the reasons you gave for that position,
21 one I just heard you mention, that teachers could
22 have just an undergrad degree, whereas guidance
23 counselors had to have a master's degree; is that
24 correct?

25 A That's correct.

1 Q So in a sense, guidance counselors had to have more
2 education and training at a minimum than teachers
3 did?

4 A That's a fact.

5 Q Under the No. 1 on this letter -- there are four
6 numbers, so let's look at the first one. Do you
7 see where it says "ArchIndy's Ministry Description
8 for 'Teacher'"?

9 A Yes.

10 Q And in parentheses it says, February 22, 2016. Do
11 you see that?

12 A Yes.

13 Q And then the bullet point under that says, "If
14 school counselors had a Ministry Description, it
15 would be identical to that of teachers, except for
16 III.B.2 (daily lesson plans) and III.C.5 (efficient
17 classroom routines)."

18 Do you see that?

19 A I do.

20 Q What is the ministry description that you're
21 referring to there?

22 A Exactly what it says. It's the Archdiocesan
23 Ministry Description for Teachers.

24 Q Is that a written document?

25 A Yes, sir.

1 Q Did you look at the document in the course of
2 preparing this letter?

3 A Yes.

4 Q And so where you say, "If school counselors had a
5 ministry description," did that mean school
6 counselors at that time did not have a ministry
7 description?

8 A That's correct.

9 Q But teachers did?

10 A Umbrella -- well, time frame-wise, I mean, they
11 must have.

12 Q Yeah, No. 1 says "ArchIndy's Ministry Description
13 for Teacher" --

14 A Yeah. Yeah.

15 Q -- dated February 22, 2016.

16 A They must have. I mean, I wouldn't -- yeah -- I
17 wouldn't have been aware of it until I was using it
18 for this, I don't believe.

19 Q You said "If school counselors had a ministry
20 description, it would be identical except for," and
21 then you mentioned two sections; right?

22 A That's what it says.

23 I was doing everything I could to make a case
24 so that my counselors wouldn't move to being hourly
25 employees and not have contracts. And so I was

1 counselor version of the Catholic Educator
2 Advancement Program.

3 What did you mean by that?

4 A So the title of that section, of course, is that
5 Roncalli school counselors qualified for a salaried
6 contract to the same degree as Roncalli teachers
7 do. So the fourth point was saying that, you know,
8 counselors are evaluated -- well, the third point
9 is that counselors are paid according to a teacher
10 salary schedule, which we said before. And
11 counselors are evaluated in a similar way to how
12 teachers are evaluated.

13 That CEAP -- yeah, the Catholic Educator
14 Advancement Program. You know, first there was a
15 CEAP for teachers that the administration and a
16 committee or small group of teachers helped write.
17 And that CEAP was a way to evaluate -- well, it was
18 a way to pay teachers based not just on how many
19 years of experience they have but also based on
20 their performance. So teachers were able to
21 advance their pay scale through this CEAP program.

22 Counselors didn't have that because it wasn't
23 developed yet. And so, you know, we asked if we
24 could have a way to advance our salary and have a
25 CEAP for counselors.

1 And so a committee of Chuck Weisenbach, the
2 assistant principal for academic affairs, the CEAP
3 director, and Shelly and I developed CEAP for
4 counselors. And that's what I'm referring to here.

5 Q Just for the sake of the record, when you say a
6 "CEAP" or developed a "CEAP," that's a vocalizing
7 of the acronym, C-E-A-P?

8 A Yes. Thank you.

9 Q Let's take a look at Exhibit 21. Is this an email
10 from you to Chuck Weisenbach, Wendy Lawrie, and
11 copying Shelly Fitzgerald?

12 A Yes.

13 Q Did you compose and send this email?

14 A Yes.

15 Q Is this what you were referring to earlier when you
16 talked about the registrar Mary Sheets --

17 A Yes.

18 Q -- being moved to hourly instead of salaried?

19 A Yes.

20 Q Can you read into the record the first two
21 sentences just after the salutation, Chuck and
22 Wendy.

23 A "Mary Sheets shared with us that she may be moved
24 to an hourly salaried worker. Shelly and I want to
25 do all we can of course to retain Mary at

1 Q And so in the body of this email where it has
2 letters and numbers, are those references to
3 sections of the Teacher Ministry Description?

4 A Yes.

5 Q Thank you.

6 A You're welcome.

7 Q Let's take a look at Exhibit 22. It says
8 "Archdiocese of Indianapolis Ministry Description
9 Teacher," dated February 22, 2016. Have you seen
10 this document before?

11 A Yes.

12 Q Is this the ministry description you were referring
13 to in the letter that you and Shelly sent to Chuck
14 and the email you sent about Mary Sheets?

15 A Yes.

16 Q I see a series of handwritten checkmarks next to
17 most of the numbers, and then two numbers are
18 circled. Do you see that?

19 A I do.

20 Q Did you make those marks?

21 A I did.

22 Q I'm sorry. I didn't hear if you said "I did" or "I
23 didn't."

24 A I did. Yes, I did.

25 Q Okay. Thank you.

1 haven't looked at this for a while, so I'd like to
2 just read it for a moment to remember context,
3 okay? Just one moment.

4 (Witness reviews document.)

5 A So, to answer your question, yes, that first set of
6 items, No. 1 is referring to the letter that I
7 composed and Shelly signed.

8 Q And so No. 1 it says, "letter written by Lynn and
9 Shelly that sets out some very clear reasons why a
10 guidance counselor qualifies for the same
11 ministerial exception (sic) as the teachers along
12 with legal code to support their reasons."

13 Do you see that?

14 MS. DeLANEY: I'm going to object that you've
15 mischaracterized the document. Maybe it was
16 inadvertent. You said "exception" when the word
17 there is "exemption."

18 MR. GOODRICH: I will rephrase the question.

19 Q Looking at the bullet point one, it says "letter
20 written by Lynn and Shelly that sets out some very
21 clear reasons why a guidance counselor qualifies
22 for the same ministerial exemption as the teachers
23 along with legal code to support their reasons."

24 Do you see where it says that?

25 A Yes.

1 Q Is that in your view an accurate characterization
2 of that letter?

3 A Yes.

4 And I want -- this was all a very new concept
5 to me. I didn't know anything about FLSA, and I --
6 when I did try to look into the law, I couldn't for
7 the life of me understand why they didn't use the
8 professional, I guess, exception which included
9 school counselors. But I was going to use the
10 legal ministerial exception, that legal term that
11 they used, if that's what it has to be, that's what
12 it will be.

13 You know, ministerial can mean many things to
14 many people. And this is straight up. I was just
15 trying to understand the law so that I could show
16 how we are professionals. We're not hourly
17 workers. We should get a contract. So, you know,
18 I'll stop there. But I was trying to use the
19 verbiage, the legal verbiage that they were using.

20 MS. DeLANEY: Counsel, I need a restroom
21 break. Can we take a short break?

22 MR. GOODRICH: I'm about done with this
23 document, about another minute or two and then we
24 can.

25 MS. DeLANEY: Okay.

1 MR. GOODRICH: How long would you like for
2 this break?

3 MS. DeLANEY: Five minutes is fine.

4 MR. GOODRICH: We will come back at 2:10.

5 (A recess was taken from 2:06 p.m. until
6 2:11 p.m.)

7 MR. GOODRICH: All right. Back on the record.
8 2:11 p.m.

9 BY MR. GOODRICH:

10 Q Ms. Starkey, did you communicate with your attorney
11 during that break we just had?

12 MS. DeLANEY: Well, that's privileged. I'm
13 going to object and instruct the witness not to
14 answer.

15 MR. GOODRICH: I'm not asking about any
16 content, just whether there was any communication.

17 MS. DeLANEY: That's privileged, and she's not
18 answering it.

19 Q Let's look at Exhibit 24. Do you see at the top
20 where it says "Archdiocese of Indianapolis Ministry
21 Description School Counselors Final," May 8, 2018?
22 Do you see that?

23 A Yes.

24 Q Were you employed as codirector of guidance in
25 May of 2018?

1 area and attentive to ways you can use your
2 experience to best guide our discussions and our
3 decisions."

4 Did I read that accurately?

5 A Yes.

6 Q Based on what Chuck has written here, is it fair to
7 say Chuck was looking to you to exercise some
8 measure of leadership within the school?

9 A Yes.

10 Q Let's look at Exhibit 29. I think this has to do
11 with the CEAP program, C-E-A-P.

12 A Yes, sir.

13 Q Is that correct?

14 A Yes.

15 Q It says "School Counseling Domains & Essential
16 Variables." We talked about this a little earlier.
17 I think -- let me know if this is accurate -- I
18 think you said that the teachers had a CEAP program
19 where they could advance, and then there was a team
20 that helped develop the CEAP programs for guidance
21 counselors; is that right?

22 A Yes.

23 Q And you said on that team were Chuck, assistant
24 principal, a CEAP director, and you and Shelly; is
25 that correct?

1 together, so I'm less familiar with it.

2 Ah, so at the -- well, I'm not sure. I mean,
3 I can read what you read here. So I'm not sure
4 what you're asking.

5 Q Okay. Was this a document used in the CEAP program
6 for guidance counselors?

7 A Yes.

8 Q And in the middle of that first page where it says
9 "Formal Appraisal," do you see that?

10 A Yes.

11 Q It says "All first, second and third year
12 counselors at Roncalli will participate in a
13 formal, summative performance appraisal process
14 with the principal and their department
15 chairperson."

16 Do you see that?

17 A Yes.

18 Q So were there formal appraisal processes where the
19 principal and one or both of the cochairs of the
20 guidance department would evaluate guidance
21 counselors?

22 A So these procedures would happen only when the
23 counselor would ask -- the verbiage was, they would
24 ask to go through CEAP. And the purpose would be
25 to advance along the salary scale.

1 So as part of CEAP, the guidance director, one
2 of us, would conduct a performance appraisal -- an
3 observation.

4 Q So one of the cochairs of the guidance department
5 would do an observation of a guidance counselor who
6 wanted to go through CEAP?

7 A Yes.

8 Q And what role would the codirector of guidance then
9 have in the CEAP process after the observation?

10 A To submit the observation in a written form.

11 Q And would you be looking at all at whether the
12 guidance counselor was satisfying the requirements
13 laid out, like the domains and variables set out in
14 the CEAP document?

15 A I would be using the form that -- whatever form was
16 developed for that observation.

17 Q And would the codirectors of the department have
18 any say or any input or any influence on how a
19 counselor progressed through the CEAP program?

20 A I'm not sure exactly what you mean.

21 Q As I understood it from your testimony, the CEAP
22 program is put in place so that guidance counselors
23 can advance in their salary and in their
24 professionalism; is that right?

25 A In their salary tied to their performance.

1 A I don't have anything to add.

2 Q Let's take a look at -- we can skip Exhibit 34 and
3 move to Exhibit 35.

4 There's a lot of handwritten notes there. Can
5 you tell me what Exhibit 35 is.

6 A Yes. These are my notes from teaching New
7 Testament in the 1980s.

8 Q And so would you have used these notes as you were
9 teaching New Testament to the students?

10 A Yes.

11 Q So on that first page under -- there's Roman IV up
12 at the top, Gospel of Matthew. B., it says,
13 Characteristics of Matthew's Gospel.

14 And No. 2 it says, Matthew shows that Jesus is
15 the long-awaited Messiah and the fulfillment of
16 Hebrew Old Testament scripture.

17 Do you see where it says that?

18 A Yes.

19 Q So would that be an example of content you would
20 have included in your New Testament class?

21 A As taken from the text I used, yes.

22 Q Great. Let's take a look at Exhibit 37.

23 So we can skip 36.

24 Says, "Memorandum. To: Lynn Starkey. From:
25 Chuck."

1 A It's possible, yes.

2 Q All right. Let's look at Exhibit 38. It says
3 "Memorandum. To: Lynn Starkey. From: Leo
4 Klemm."

5 Who is Leo Klemm?

6 A The assistant principal at that time.

7 Q It says "Formal observation." So is this another
8 observation of one of your classes?

9 A Yes.

10 Q Can you read the first sentence of your memorandum?

11 A "Lynn, it was good to see you begin the class with
12 a prayer."

13 Q So is this another example of a class that you
14 would have started with a prayer?

15 A Yes.

16 Q Let's take a look at Exhibit 39.

17 Before we look at Exhibit 39, do you know who
18 Autumn Currens is?

19 A Autumn Currens is one of our counselors.

20 Q So Exhibit 39 here, this is -- the pages here are
21 in the order in which they were disclosed to us
22 from you via your counsel. So there may be some
23 pages out of order. There's about, maybe, 15 pages
24 in here. Do you recognize this document?

25 A Yes.

1 Q What is it?

2 A This is Autumn's -- Autumn requested to go through
3 CEAP, and this is Autumn's CEAP for counselors.

4 Q So who would have compiled the materials in this
5 document?

6 A I don't know -- well, Autumn.

7 Q So on the first page where it says, "2016-2017
8 Goals," do you see that?

9 A Yes.

10 Q And then halfway down, it says "2017-2018 Goals."
11 Do you see that?

12 A Yes.

13 Q Under 2017-2018 Goals, No. 1 is "Observe Senior
14 Retreat."

15 Do you see that?

16 A Yes.

17 Q And I'll read a portion of that and ask you a
18 question.

19 "This year I had the absolute pleasure of
20 attending the September Senior Retreat. This is my
21 11th year at Roncalli, and while I have heard
22 wonderful things about it, experiencing it was
23 absolutely amazing. I like that it is a
24 requirement for CEAP."

25 A I don't believe it's a requirement for CEAP.

1 through SAP, the student's name would be on the
2 Google doc, and then the student's, you know,
3 whatever -- if it was a dysfunctional family, it
4 would be stated as such.

5 Q Let's take a look at -- we can skip Exhibit 41 and
6 jump to Exhibit 42. It's got a handwritten date at
7 the top of March 13, 2014. Do you recognize this
8 document?

9 A I do.

10 Q What is this document?

11 A My principal asked me on occasion whether I would
12 be willing to lead the school morning daily prayer,
13 and this is an example of that.

14 Q Did you write this document?

15 A I did.

16 Q And what is the school morning prayer?

17 A The morning prayer is a time when typically the
18 principal would lead prayer. It's, like, one or
19 two minutes long.

20 Q Is it over the speaker system to the school or is
21 it in --

22 A Yes.

23 Q So all the students hear the prayer?

24 A Yes.

25 Q You said the principal is typically the one to

1 pray?

2 A Or every Friday seniors would lead the prayer.

3 Q Did anybody else ever lead the prayers?

4 A Yes.

5 Q Who else?

6 A Oh, it could be really anybody in the building, but
7 it would take -- you know, you would need to have
8 somebody who was comfortable on microphone.

9 Q Did the --

10 A It could be anyone.

11 Q Sorry. Go ahead.

12 A It could be anyone.

13 Q Did the chaplain ever lead the prayer?

14 A I'm sorry?

15 Q Did the school chaplain ever lead the prayer?

16 A Yes.

17 Q Did the campus minister ever lead the prayer?

18 A Yes.

19 Q Did Shelly ever lead the prayer?

20 A I don't think so.

21 Q How many times would you say that you led the
22 prayer, morning prayer?

23 A Do you mean over 39 years?

24 Q Say in the last five years.

25 A I would think less than a handful of times over my

1 career.

2 Q How about in the last five years?

3 A I believe less than a handful of times.

4 Q Does a handful mean five?

5 A Yes, sir.

6 Q Let's look at Exhibit 43.

7 I'm sorry. Can you turn back to Exhibit 42
8 for just a second. The date at the top is
9 March 13, 2014. Does that reflect an accurate date
10 on which you would have given this morning prayer?

11 A I believe so.

12 Q Back to Exhibit 43. That one's dated February 5,
13 2016. What is this document?

14 A This is a school prayer.

15 Q Did you write this document?

16 A I did.

17 Q Did you deliver this prayer?

18 A I did.

19 Q Over the loudspeaker to all the students who were
20 in attendance --

21 A Yes, sir.

22 Q -- during the . . .

23 Do you know if guidance counselors at public
24 high schools offer prayer during the school day?

25 A Nobody offers prayers during the school day at a

1 public school.

2 Q Skip Exhibit 44, and I'll go to 45.

3 Do you know what this document is?

4 A This is -- this is a -- I'm looking for a time
5 frame. But this is a way of advertising for the
6 school guidance counselor position.

7 Q Did you put out advertisements like this one when
8 you were codirector of guidance?

9 A I did not -- I am not familiar with this employment
10 service.

11 Q Okay. This came to us from you. So do you know
12 how it came into your possession?

13 A Well, clearly, I must have copied it at some point.
14 Yeah. But I didn't -- I guess -- this is what I
15 know. So when we finally were able to advertise
16 for Shelly's position, I wrote up the job
17 description, Chuck approved it, and then he posted
18 it some places, and I posted it other places.

19 Q So would you have written the job description here?

20 A That's not what I wrote.

21 Q Who wrote this --

22 A What I submitted was on -- I did not write that.

23 Q Who did?

24 A I don't know.

25 Q Was this advertisement here with this description,

1 start crafting our statement right now." And then
2 a few more lines down, it says "LS -- kids impacted
3 by this can come down to the auditorium;
4 counselors, chaplain, etc."

5 Can you tell me what you were saying there by
6 "kids impacted by this can come down to the
7 auditorium"?

8 A I wanted to let the administrative council know
9 that if there was a definitive -- if and when there
10 was a definitive statement saying that Shelly would
11 not be able to return, if she was terminated, I
12 wanted to let the administrative council know that
13 we had a logistical plan for students who might be
14 upset by that.

15 Q Let's skip Exhibit 47 and go to Exhibit 48.

16 It says "Having accepted the call of the local
17 Catholic community and having met the standards of
18 the Archdiocese of Indianapolis, the title
19 Catechist is hereby bestowed upon," and down below
20 it says "Lynn M. Starkey."

21 Do you see that?

22 A Yes.

23 Q What is this document?

24 A I referred to this earlier at some point that the
25 chaplain, in 1985, asked me to complete this --

1 yeah, on the next page, that page, so that I could
2 continue teaching the New Testament class at
3 Roncalli, and that's what you have. Yeah, so
4 that's what I did.

5 Q In looking at the second page on the bottom, the
6 last long blank, am I reading this right, it says,
7 She plans to continue to read in her subject area,
8 scripture; is that right?

9 A Father Miltz helped me complete this, and that is
10 in his handwriting.

11 Q Did I read it correctly?

12 A Yeah.

13 Q And is that an accurate statement? Did you plan to
14 continue to read on your subject area, scripture?

15 A Those were his words.

16 Q You said that. I'm asking if it's accurate.

17 A I don't recall at that time whether I planned to --
18 I didn't -- I'll put it this way. My focus was on
19 choral music and building a quality choral program
20 at Roncalli. I -- that was my focus.

21 Q If you would turn a couple pages forward. It's
22 page -- it says 6 in the bottom right-hand corner.
23 At the top of the page, it says "Policy on Hiring
24 High School Catechists."

25 Do you see that?

1 A The choral camp was the time I took students to
2 various locations, sometimes -- oftentimes it was
3 an outdoor camp setting. And it was most of all to
4 let them have a good time together. And during
5 that there would be a liturgy, and a priest would
6 come in and say the liturgy. There would, of
7 course, be songs in that liturgy. So I would
8 prepare the students for those songs in that
9 liturgy.

10 Q How many students would generally roughly be
11 attending this camp?

12 A As many students as I had. So you know -- I mean,
13 it could be anywhere from -- I mean, my first choir
14 was 16 students, and I -- you know, at most there
15 were 180. So it just would vary.

16 Q Somewhere between 16 and 180 then?

17 A Yes. But in the days of 16 students, I didn't have
18 choral camps.

19 Q Makes sense.

20 Would these camps be overnight and multi-day
21 events?

22 A They were typically overnight.

23 Q So would you need other adults as chaperones?

24 A Yes, of course.

25 Q How many days long would the camp last?

1 A Not more than two.

2 Q Let's flip the page to No. 16. The response there
3 says, "Plaintiff participated in Administrative
4 Council discussions that involved other books, but
5 not the book identified above," which was "Pope
6 Francis and the Joy of the Gospel."

7 Do you see that that response?

8 A I do.

9 Q So what book did you participate in discussing in
10 the administrative council?

11 A You cited it earlier.

12 Q Okay. Were there any other books besides that one
13 we discussed earlier?

14 A There was one other that had to do with the
15 qualities of an effective Catholic high school.

16 Q Can you recall the title of that one?

17 A No.

18 Q The next response, No. 17, about halfway through
19 the text of the response, it says "Plaintiff admits
20 that she generally attended 'Faculty/Staff Days of
21 Recollection.'"

22 Do you see that?

23 A I do.

24 Q What is a Faculty/Staff Day of Recollection?

25 A Typically this would be the second day back for

1 teachers and staff, and that day would be planned
2 by various people. So it could be the campus
3 minister or maybe some teachers volunteered to do
4 that.

5 Q Would you go off site for an overnight stay?

6 A No. No.

7 Q Was it an all-day event?

8 A It really -- it varied from year to year.

9 Q Did it ever involve prayer?

10 A Yes.

11 Q Did it ever involve any other religious content?

12 A It typically involved a liturgy.

13 Q A liturgy where communion would be served?

14 A Yes.

15 Q What would you say was the point of these days of
16 recollection?

17 A So I'm not going to speak for the chaplain or the,
18 you know, the -- for me it was a time to prepare
19 for the year ahead.

20 Q Let's turn the page to Request No. 18, and the
21 response there at the end, it says, "Plaintiff
22 admits that she attended the Christian Awakening
23 Retreat program in 1981."

24 Do you see that?

25 A Yes.

1 Q What was the Christian Awakening Retreat Program?

2 A This is the senior retreat that is available to
3 seniors.

4 Q And what takes place there?

5 A So there are various talks and group discussion.

6 Q What was your role when you attended it?

7 A I facilitated a group discussion, and I gave a
8 talk.

9 Q What was the topic of the group discussion?

10 A I don't recall.

11 Q What was the topic of the talk?

12 A God's friendship.

13 Q Did you ever attend the retreat other than that
14 time in 1981?

15 A I don't recall another time.

16 Q So you might have or you might not have; you just
17 don't recall?

18 A It was 1981. I'm being forthright.

19 Q I'm asking about all the years since 1981.

20 A Oh, I didn't understand that. But still I'm
21 being -- I don't recall for certain.

22 Q Let's look at Exhibit 51. This is the Complaint
23 filed in your case. It says "Complaint and Demand
24 for Jury Trial" in the middle of it. Have you seen
25 this document before?

1 prayer -- led that prayer?

2 A I was an employee of Roncalli.

3 Q Look at paragraph, I believe -- let's move ahead to
4 Exhibit 52. It says "RC Archdiocese of
5 Indianapolis 2007-2008 Schoolteacher Contract."

6 Do you see that?

7 A Yes.

8 Q Do you see where it says "Name of Teacher: Lynn
9 Starkey"?

10 A Yes.

11 Q And on the second page at the bottom, is that your
12 signature?

13 A Yes.

14 Q So have you seen this document before?

15 A Yes.

16 Q On the second page at the top, it says "Defaults."
17 Do you see that, No. 6, Defaults?

18 A Yes.

19 Q And it says "The teacher shall be deemed to be in
20 default under this contract in the event of any
21 breach of duty hereunder, including, but not
22 limited to the following."

23 Did I read that right?

24 A Yes.

25 Q And the last -- it has a list of A through J, and J

1 says "Any conduct in or out of school tending to
2 reflect great discredit on the teacher or the
3 school or tending to seriously impair the teacher's
4 continued effectiveness as a teacher; and any
5 personal conduct or lifestyle at variance with the
6 policies of the Archdiocese or the moral or
7 religious teachings of the Roman Catholic Church."

8 Did I read that correctly?

9 A Yes, sir.

10 Q So where the top is outlining breach of duty, and
11 this J lists certain conduct, would it be fair to
12 say that one of the duties of a teacher under this
13 contract was to refrain from any personal conduct
14 at variance with the moral or religious teachings
15 of the Roman Catholic Church?

16 A Since I started at Roncalli in 1978, there has been
17 a morals clause of some verbiage for all of those
18 years. The paperwork has changed over the years.
19 My sexual orientation did not change over the
20 years. I lived with my spouse, my partner, for
21 decades.

22 What changed -- what changed -- was that my
23 principal asked me about my marital status. I
24 can't think of a time when a Roncalli employee was
25 asked whether they follow the teachings of the

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|-------------------------------|---|---------------------------|
| LYNN STARKEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:19-cv-03153-RLY-TAB |
| |) | |
| ROMAN CATHOLIC ARCHDIOCESE OF |) | |
| INDIANAPOLIS, INC., and |) | |
| RONCALLI HIGH SCHOOL, INC., |) | |
| |) | |
| Defendants. |) | |

ENTRY ON DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

This case places in stark relief the difficult questions that may arise when applying civil rights laws to religious institutions. At issue is a religious school's decision to not renew the contract of a guidance counselor because of her marriage to another woman. Plaintiff asserts various claims under Title VII, Title IX, and Indiana state law. Defendants filed a Motion for Judgment on the Pleadings, arguing first that Title VII's exemption for religious employers bars her Title VII claims. Religious exemption aside, Defendants claim they had a neutral, nondiscriminatory reason for their decision. Defendants also argue that Title VII preempts Plaintiff's retaliation claim under Title IX. Alternatively, Defendants argue the First Amendment bars all of Plaintiff's state and federal claims.

For the reasons that follow, the court finds that Title VII's exemption for religious employers does not bar Plaintiff's claims for discrimination on the basis of sexual orientation, retaliation, or hostile work environment under Title VII. At this stage,

Plaintiff has alleged sufficient facts to support a claim that Defendants violated Title VII. The court also finds that it would be premature to bar Plaintiff's state and federal claims on First Amendment grounds. But the court agrees with Defendants that Title VII preempts Plaintiff's Title IX claim for retaliation. Therefore, Defendants' motion is **GRANTED in part and DENIED in part.**

I. Factual Background

Lynn Starkey is a lesbian, and she has been married to a woman since 2015. (Filing No. 1, Complaint ¶ 26). Roncalli is a private Roman Catholic school operated by the Roncalli Board of Directors under the direction of the Archdiocese of Indianapolis. (*Id.* ¶ 13). Starkey worked for the Archdiocese and Roncalli for 39 years and held several positions, including choral director and religion, music, and drama teacher.¹ (Filing No. 20, Answer ¶ 14). She also served as a guidance counselor from 1998 until 2007, and as co-Director of Guidance from 2007 until her termination in May 2019. (*Id.*).

Starkey was employed pursuant to a "School Teacher Contract" subject to renewal on an annual basis. (Compl. ¶ 23). In 2017, the Archdiocese and Roncalli replaced the School Teacher Contract with a "School Guidance Counselor Ministry Contract" and an "Archdiocese of Indianapolis Ministry Description" for school guidance counselors. (Compl. ¶ 23; Answer ¶ 23; Filing No. 27-1, Archdiocese of Indianapolis Ministry Description, "Job Description"; Filing No. 27-2, School Guidance Counselor Ministry

¹ Starkey was employed by the Archdiocese from 1978 until 2009. Roncalli was incorporated in 2009, and she worked directly for Roncalli from 2009 until 2019. (Answer ¶ 14). During this most recent period of employment, Starkey received employment benefits from Roncalli. (*Id.* ¶ 3).

Contract, "Contract"). The job description specified that "[a]s role models for students, the personal conduct of every school guidance counselor . . . must convey and be supportive of the teachings of the Catholic Church," which includes "the belief that all persons are called to respect human sexuality and its expression in the Sacrament of Marriage as a sign of God's love and fidelity to His Church." (Job Description ¶ V). Accordingly, an employee would be in default of her contract if she violated the Church's teachings on marriage. The contract provided:

6. **Defaults.** The School Guidance Counselor shall be deemed to be in default under this contract in the event of any breach of duty hereunder, including, but not limited to the following:

...

- i. Relationships that are contrary to a valid marriage as seen through the eyes of the Catholic Church; and
- j. . . . any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church.

(Contract, at 2). The Catholic Church instructs that marriage is a "covenant" between a "man and a woman." Code of Canon Law, Canon 1055. The Catholic Church also believes that homosexual acts are "contrary to natural law" and "do not proceed from a genuine affective and sexual complementarity." Catechism of the Catholic Church ¶ 2357. "Under no circumstances can they be approved."² *Id.*

² The court takes judicial notice of the Code of Canon Law and the Catechism of the Catholic Church. Fed. R. Evid. 201.

Prior to August 2018, Starkey's fellow co-Director of Guidance was Shelly Fitzgerald. (Compl. ¶ 27). Fitzgerald is also a lesbian married to a woman. (*Id.* ¶ 28). Roncalli officials confronted Fitzgerald about her marital status on August 10, 2018 after a parishioner at a local church had obtained a copy of Fitzgerald's marriage license and gave it to a priest. (*Id.* ¶ 29). Two days later, on August 12, 2018, Roncalli placed Fitzgerald on paid administrative leave and "requested that she not return to the campus without the permission of the school administrators." (Answer ¶ 32). On August 13, 2018, Starkey attended a meeting with Archbishop Charles Thompson, Superintendent of Archdiocesan Schools Gina Fleming, Roncalli's leadership, and a priest specializing in canon law. (Compl. ¶ 36). At the meeting, the canon law specialist outlined what constituted a "valid marriage" according to "Catholic Church teachings." (*Id.* ¶ 37). Starkey asked why gay marriage was such a "hot button issue," compared with other sins. (*Id.* ¶ 38). The next day, August 14, 2018, Starkey drafted and shared written remarks with Roncalli's principal, Chuck Weisenbach. (Compl. ¶ 39). Starkey asked whether it would be "useful for her to read [the remarks] at the upcoming Administrative Council meeting, so they could understand what it was like to work at Roncalli as a gay person." (*Id.*). Principal Weisenbach asked if Starkey was in a civil union. (*Id.*). Starkey asked if he really wanted her to answer that question. (*Id.*) He answered affirmatively, so she said, "yes." (*Id.*).

After Fitzgerald was placed on administrative leave, Starkey assumed much of Fitzgerald's work responsibilities. (*Id.* ¶ 41). Starkey felt that Defendants' treatment of Fitzgerald meant she and other gay employees were not welcome, and she feared she

would be targeted next. (*Id.* ¶ 42). On November 16, 2018, Starkey filed Charges of Discrimination with the Equal Employment Opportunity Commission ("EEOC") against the Archdiocese and Roncalli. (*Id.* ¶ 43).

Starkey informally learned in March 2019 that her contract would not be renewed for the 2019-2020 academic year. (*Id.* ¶ 44). In May 2019, Roncalli officially notified Starkey by letter that her contract would not be renewed for the following school year. (*Id.* ¶ 45). The letter stated that Starkey's "civil union is a violation [of her] contract and contrary to the teaching of the Catholic Church." (*Id.*). Starkey filed amended Charges of Discrimination with the EEOC against the Archdiocese and Roncalli on March 25, 2019 and May 9, 2019. (*Id.* ¶ 8).

On July 29, 2019, Plaintiff sued the Archdiocese and Roncalli asserting six claims: discrimination on the basis of sexual orientation under Title VII; retaliation under Title VII; hostile work environment under Title VII; retaliation under Title IX; tortious interference with a contractual relationship under Indiana state law; and intentional interference with employment relationship under Indiana state law. Plaintiff asserts the state law claims against the Archdiocese only.

II. Standard of Review

A motion for judgment on the pleadings under Rule 12(c) is governed by the same standards as a motion to dismiss for failure to state a claim under Rule 12(b)(6). *Adams v. City of Indianapolis*, 742 F.3d 720, 727-28 (7th Cir. 2014). "To survive a motion to dismiss, a complaint must 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570

(2007)). A claim is facially plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* "To analyze the sufficiency of a complaint we must construe it in the light most favorable to the plaintiff, accept well-pleaded facts as true, and draw all inferences in the plaintiff's favor." *Carlson v. CSX Transp., Inc.*, 758 F.3d 819, 826 (7th Cir. 2014).

III. Analysis

Defendants present both statutory and constitutional arguments against application of Title VII, Title IX, and Indiana state law to its employment decisions. The discussion begins with Defendants' Title VII arguments. The court then proceeds to the First Amendment, which Defendants argue bars all of Starkey's claims. Finally, the court considers whether Starkey's retaliation claim under Title IX is preempted by Title VII or otherwise barred by Title IX's exemption for religious institutions.

A. Title VII Does Not Bar Starkey's Federal Claims.

The court begins with Title VII. First, Defendants' argue they are entitled to judgment on the pleadings because Title VII's exemption for religious institutions bars Starkey's Title VII claims. Religious exemptions aside, Defendants next argue that they had a neutral, nondiscriminatory reason for their hiring decision: Starkey violated her employment contract by entering a same sex marriage.

1. Section 702

The court first considers Defendants' argument that Title VII does not apply to decisions by a religious employer when the decisions are based on religion. Defendants

claim Title VII's religious exemption bars Starkey's claims because Starkey's same sex marriage violated Catholic teachings.

The court disagrees with Defendants' interpretation of Title VII's religious exemption. Sexual orientation is a protected class under Title VII, and the language and legislative history of Title VII indicate Congress intended that religious institutions remain subject to Title VII's prohibition on discrimination on the basis of a protected class. To be sure, this case requires a careful balancing of religious liberty and an employee's right to be free from discrimination. The proper balance is to interpret Title VII's religious exemption to allow a religious employer to make hiring decisions in favor of coreligionists without facing claims of religious discrimination, but to allow a plaintiff to bring claims of other forms of Title VII discrimination. The religious exemption does not bar Starkey's Title VII claims of discrimination on the basis of sexual orientation, retaliation, and hostile work environment.

The analysis begins with the text of the statute. Title VII provides that it is an unlawful employment practice for an employer "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. § 2000e-2(a)(1). Title VII's prohibition on employment discrimination on the basis of sex also prohibits discrimination on the basis of sexual orientation. *Bostock v. Clayton County*, 140 S. Ct. 1731, 1754 (2020).

But Title VII exempts religious institutions in certain circumstances. Section 702(a) reads: "This title shall not apply . . . to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities." 42 U.S.C. § 2000e-1(a).³ Title VII defines "religion" broadly to include "all aspects of religious observance and practice, as well as belief," 42 U.S.C. § 2000e(j). Accordingly, "[t]he decision to employ individuals 'of a particular religion' under § 2000e-1(a) . . . has been interpreted to include the decision to terminate an employee whose conduct or religious beliefs are inconsistent with those of its employer." *Hall v. Baptist Mem'l Health Care Corp.*, 215 F.3d 618, 624 (6th Cir. 2000) (citations omitted).

This provision does not exempt religious educational institutions from all claims of discrimination. The plain language of Title VII indicates that the exception for religious institutions applies to one specific reason for an employment decision—one based upon religious preference. *Rayburn v. Gen. Conference of Seventh-Day Adventists*, 772 F.2d 1164, 1166 (4th Cir. 1985). "By its very terms, [Section 702] applies only to discrimination on the basis of religion. The ban on discrimination in employment on account of race, national origin, or sex is still applicable to religious organizations." *Elbaz v. Congregation Beth Judea, Inc.*, 812 F. Supp. 802, 807 (N.D. Ill. 1992)

³ A second exemption applies to schools that are "owned, supported, controlled, or managed by a particular religion or by a particular religious corporation" to "hire and employ employees of a particular religion" 42 U.S.C. §2000e-2(e)(2). Defendants note that while this exemption also applies, they do not rely on this provision.

(quotations omitted). "It was open to Congress to exempt from Title VII the religious employer, not simply one basis of employment, and Congress plainly did not." *Rayburn*, 772 F.2d at 1166-67. The exemption "merely indicates that such institutions may choose to employ members of their own religion without fear of being charged with religious discrimination." *Boyd v. Harding Acad. of Memphis, Inc.*, 88 F.3d 410, 413 (6th Cir. 1996). What is more, the overwhelming weight of precedent holds that Title VII still applies to a religious organization charged with discrimination on the basis of sex, race, or national origin. *E.g.*, *Cline v. Catholic Diocese*, 206 F.3d 651, 658 (6th Cir. 1999); *Boyd*, 88 F.3d at 413; *EEOC v. Pac. Press Pub. Ass'n*, 676 F.2d 1272, 1277 (9th Cir. 1982); *EEOC v. Sw. Baptist Theological Seminary*, 651 F.2d 277, 282 (5th Cir. 1981); *EEOC v. Miss. Coll.* 626 F.2d 477, 484 (5th Cir. 1980); *McClure v. Salvation Army*, 460 F.2d 553, 558 (5th Cir. 1972).

The legislative history of Title VII reinforces the plain meaning of the statutory text that the religious exemption is narrow. *Rayburn*, 772 F.2d at 1166. During the enactment of the Civil Rights Act of 1964 and in later amendments, Congress considered the scope of Title VII's protection as applied to religious institutions. Congress specifically rejected proposals that would have given religious employers a complete exemption from regulation under the Act. The original House of Representatives' version of the 1964 Civil Rights Act completely exempted religious institutions from Title VII. *Pac. Press Pub. Ass'n*, 676 F.2d at 1276. The Senate's version subjected religious employers to Title VII but exempted those institutions only insofar as they were free to discriminate against individuals of a particular religion in positions connected with the

institution's religious activities. *Id.* The Senate rejected a proposal to completely exempt religious institutions, and the final version with the narrower exemption became law. *Id.* In 1972, Congress broadened the exception to allow religious employers to discriminate on the basis of religion in employment decisions connected to all the institution's activities, not just religious activities. *Id.* at 1277. But the Senate again rejected proposals to completely exempt religious institutions from Title VII. *Id.*

This analysis of Section 702 demonstrates that religious employers "remain subject to the provisions of Title VII with regard to race, color, sex or national origin." *Id.* (quoting Section-by-Section Analysis of H.R. 1746, the Equal Employment Opportunity Act of 1972, 92 Cong. Rec. S. 3461 (1972)). Given the language and legislative history, the court finds that Title VII, by "the affirmative intention of the Congress, clearly expressed," *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 501 (1979), applies to the Defendants' employment decision. *See Rayburn*, 772 F.2d at 1167.

Defendants argue they did precisely what the language of Section 702 was meant to cover: They declined to rehire Starkey because her "particular religion", 42 U.S.C. § 2000e-1(a)—as manifested through her same sex marriage—was contrary to their own. According to the pleadings, Defendants informed Starkey that she would not be offered a contract for the upcoming school year because her "civil union is a violation [of her] contract and contrary to the teaching of the Catholic Church." (Compl. ¶ 45; Answer ¶ 45).

But the religious grounds for the decision and Starkey's sexual orientation are two sides of the same coin. *Bostock* is helpful on this point. The majority explained that Title

VII's "because of" test incorporated the but-for standard of causation. 140 S. Ct. at 1739. This form of causation is established whenever a particular outcome would not have happened but for a certain cause. *Id.* But-for causation in the Title VII context means "a defendant cannot avoid liability just by citing some *other* factor that contributed to its challenged employment decision. So long as the plaintiff's sex was one but-for cause of that decision, that is enough to trigger the law." *Id.* Starkey has alleged sufficient facts to allow the court to draw the reasonable inference that her sexual orientation was a but-for cause of Defendants' employment decision.

So, the question then becomes: Does a religious reason for an employment decision bar a plaintiff's Title VII claim when the religious reason *also* implicates another protected class?

The exemption under Section 702 should not be read to swallow Title VII's rules. It should be narrowly construed to avoid reducing Title VII's expansive rights and protections. Recall, religion is a protected class under Title VII. Section 702 allows religious employers to make employment decisions based on that class alone. It does not allow them to make decisions based on that class *and* another class. Defendants' argument would allow a religious employer to convert any claim of discrimination on the basis of one of the protected classes under Title VII to a case of religious discrimination, so long as there was a religious reason behind the employment decision. This would effectively strip employees of religious institutions of all Title VII protections, if the employer's religion clashed with the employee's protected class status. If Congress had intended to allow religious employers to avoid liability for discriminating on the basis of

race, sex, or national origin, it could have done so. Instead, it adopted a limited exception, one intended to respect the rights of religious employers to employ those of the same faith, but that stopped short of allowing religious employers to otherwise limit Title VII's protections.

Consider a religious employer that genuinely believes the Bible forbids interracial marriage. Under Defendants' interpretation of Section 702, that employer would be free to terminate an employee who married someone of a different race. Such an expansive reading of Section 702 would sweep far more broadly than what Congress intended, as evidenced by its repeated refusal to completely exempt religious institutions from Title VII. There is no principled difference between that hypothetical employment decision and this case. Just as that employer would be subject to Title VII's prohibition on racial discrimination, Defendants are subject to Title VII's prohibition on sexual orientation discrimination.

The court is not aware of any cases dealing with the questions presented here. Defendants rely on cases that do not address an employer's hiring decision where the religious reason behind the decision also implicates another protected trait. Defendants cite to several cases in which a plaintiff alleged religious discrimination under Title VII, but these cases are not helpful. In *Kennedy v. St. Joseph's Ministries, Inc.*, for example, a Catholic nursing care facility informed the plaintiff that her clothing, which she wore "as a matter of religious principle," was inappropriate for a Catholic facility. 657 F.3d 189, 190 (4th Cir. 2011). Plaintiff sued under Title VII after her employer fired her for refusing to change her attire. *Id.* at 191. The court granted summary judgment for the

employer because Section 702 "exempts religious organizations . . . from . . . claims of religious discrimination." *Id.* at 196. If Starkey alleged religious discrimination, Section 702 would bar her claims. But she alleges sexual orientation discrimination.

In *Hall*, a college that was affiliated with a church that opposed homosexuality hired the plaintiff as a Student Services Specialist. 215 F.3d at 622. The plaintiff was later ordained as a lay minister in a church which taught that there is nothing inherently inconsistent between homosexuality and Christianity. *Id.* Plaintiff informed her employer that not only was she a member of that church, but she was also a lesbian. *Id.* at 623. The college considered the views on homosexuality held by the plaintiff's church to be inconsistent with those of the college and fired her for this "conflict of interest." *Id.* Plaintiff sued for religious discrimination, and like in *Kennedy*, the court found that the college was exempt from Title VII's prohibition against discrimination based on religion. *Id.* at 625. The only protected class under Title VII at issue was religion, which fell squarely within Section 702's coverage.⁴

Similarly, in *Little v. Wuerl*, the plaintiff's employer did not renew her employment contract because she had remarried without pursuing the "proper canonical process available from the Roman Catholic Church to obtain validation of her second marriage." 929 F.2d 944, 946 (3d Cir. 1991). The plaintiff sued under Title VII alleging religious discrimination. The court concluded that the religious exemption allowed

⁴ It is important to note that the plaintiff in *Hall*, a lesbian, could not have filed a suit for discrimination on the basis of sexual orientation because sexual orientation was not a protected class at the time of that case. *Hall*, then, provides little guidance on the facts of this case which involve religion and another protected class.

religious institutions to discharge a teacher "who has publicly engaged in conduct regarded by the school as inconsistent with its religious principles." *Id.* at 951. The difficulty with applying that rational to this case is that *Little* did not require the court to consider whether the same result would occur if the inconsistency between religious principles and conduct involved a protected class, such as sexual orientation. Title VII has nothing to say about remarrying without following the proper canonical process; it does have something to say about sexual orientation.

Defendants argue that it is not relevant under Section 702 whether a plaintiff articulates her claim as one of religious discrimination, sex discrimination, or race discrimination; it only matters whether the employer's actions were based on the employee's religious belief or practice. Accepting this point for argument's sake, even the cases cited by Defendants involving claims of sex or race discrimination against a religious employer fail to reckon with the question presented by this case. For example, the plaintiff in *Curay-Cramer v. Ursuline Academy of Wilmington, Delaware., Inc.* signed her name to a newspaper advertisement commemorating and supporting *Roe v. Wade*. 450 F.3d 130, 132 (3d Cir. 2006). Her employer, a Catholic school, fired her after she refused to publicly recant her support for the advertisement and state that she was pro-life. *Id.* at 133. She filed suit under Title VII alleging sex discrimination, claiming that she was fired because she is a woman and that similarly situated male employees had been treated less harshly for similar conduct. *Id.* Not only did the court resolve the case on First Amendment grounds, which will be discussed later, but the court found that Curay-Cramer "did not engage in activity protected by Title VII when she lent her name

to the pro-choice position articulated by the advertisement." *Id.* at 136. So *Curay-Cramer* sheds little light on the issue of whether Section 702 bars a plaintiff's Title VII claim that implicates both religious practice and another protected trait.

Section 702 allows religious employers to favor coreligionists in employment decisions. It does not allow religious employers to do so in a way that also discriminates against another protected class. The court concludes that Section 702 does not bar Starkey's federal claims.

2. Neutral, Nondiscriminatory Reason

Section 702's exemption aside, Defendants claim to have a legitimate, nondiscriminatory reason for not rehiring Starkey: She violated the "morals clause" in her employment contract. Her employment contract identified several conditions which would trigger a default, including relationships that are contrary to a valid marriage as seen through the eyes of the Catholic Church and any personal conduct or lifestyle at variance with the policies of the Archdiocese or the moral or religious teachings of the Roman Catholic Church. Defendants informed Starkey that her contract would not be renewed because her marriage to another woman was contrary to the teaching of the Catholic Church. For this reason alone, Defendants argue, Plaintiff's Title VII claims must fail.

A complaint alleging sexual orientation discrimination under Title VII "need only aver that the employer instituted a (specified) adverse employment action against the plaintiff on the basis of her [sexual orientation]." *Carlson v. CSX Transp., Inc.*, 758 F.3d 819, 827 (2014) (quoting *Tamayo v. Blagojevich*, 526 F.3d 1074, 1084 (7th Cir. 2008)).

Whether the reason for Defendants' decision qualifies as neutral and nondiscriminatory is a matter for summary judgment. Sexual orientation is a protected class, Starkey alleges Defendants terminated Starkey because of her same sex marriage. At this stage, Starkey has carried her burden of pleading facts to support a plausible claim of a Title VII violation.

The same is true for her claims of retaliation and hostile work environment under Title VII. Starkey claims she was retaliated against for engaging in a protected activity by filing Charges of Discrimination with the EEOC against Defendants and by opposing Defendants' unlawful employment practices. These unlawful employment practices include Defendants' actions towards Fitzgerald, Starkey's co-Director of Guidance, due to Fitzgerald's sexual orientation. Starkey further alleges that the work environment at Roncalli was hostile toward homosexual students, faculty, and staff. Starkey offered to read remarks at an upcoming Administrative Council meeting so the school's leadership could understand what it was like to work at Roncalli as a gay person. At this stage of the litigation, Starkey has alleged sufficient facts for her Title VII claims to survive Defendants' motion for judgment on the pleadings.

B. The First Amendment Does Not Bar Starkey's Claims on the Pleadings

Turning to the First Amendment, Defendants argue that various First Amendment doctrines bar all of Starkey's federal and state law claims. These doctrines include religious autonomy, the prohibition on government entanglement with religion, and the freedom of association. The court finds that it is premature to grant Defendants' motion on First Amendment grounds.

1. Religious Autonomy

"As a general matter, it does not violate the First Amendment to apply federal employment discrimination laws to churches and other religious employers." *Demkovich v. St. Andrew the Apostle Parish, Calumet City*, 973 F.3d 718, 723 (7th Cir. 2020). But, the First Amendment ensures churches have the "power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine." *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 186 (2012) (quoting *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U.S. 94, 116 (1952)). "This does not mean that religious institutions enjoy a general immunity from secular laws, but it does protect their autonomy with respect to internal management decisions that are essential to the institution's central mission. And a component of this autonomy is the selection of the individuals who play certain key roles." *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2060 (2020). *But see Demkovich*, 973 F.3d at 723 ("[C]hurches are not exempt from federal employment discrimination laws as applied to their non-ministerial employees."). "Religious autonomy means that religious authorities must be free to determine who is qualified to serve in positions of substantial religious importance." *Hosanna-Tabor*, 565 U.S. at 200 (Alito, J., concurring). After *Morrissey-Berru*, the question is straightforward: "What matters, at bottom, is what an employee does." 140 S. Ct. at 2064.

But to make that determination requires a record, and whether Starkey in fact held one of these key roles is sharply disputed. According to Starkey's job description—

"Ministry Description"— the Archdiocese considers the school guidance counselor to be a minister of the faith. The description provides that guidance counselors should facilitate faith formation in several ways, including praying with students, teaching and celebrating Catholic traditions, and conveying the Church's message and modeling a Christ-centered life.

Starkey disputes this characterization of her role. Her Complaint states that her job duties and responsibilities as guidance counselor did not include any religious or teaching duties. She claims she never performed any important religious functions for the Catholic Church, and she asserts that her role as a guidance counselor did not include leading prayer or other religious services, nor did it include integrating religious teachings into her interactions with students.

Defendants suggest that the "overarching principle of religious autonomy" bars employment discrimination claims arising from a religious employer's application of religious doctrine regardless of whether the employee qualifies as a minister. But such an expansive reading of the church autonomy doctrine would render the ministerial exception superfluous. That exception exists to protect a religious institution's ability to make employment decisions that are "essential to the institution's central mission." *Morrissey-Berru*, 140 S. Ct. at 2060. If Defendants could claim that religious autonomy protects employment decisions regardless of whether the position was religious or secular, it is not clear why the Supreme Court reaffirmed the ministerial exception's narrow application to only those employees who have responsibilities "that lie at the very core of the mission of a private religious school." *Id.* at 2064. Because Starkey's

allegations must be taken as true at this stage of the litigation, there is a factual dispute over what her job duties entailed. Defendants may not invoke religious autonomy as grounds for dismissal on the pleadings.

The same result is true for Starkey's state law claims. The cases Defendants rely on involve plaintiffs who filled religious roles. *See Brazauskas v. Fort Wayne-South Bend Diocese, Inc.*, 796 N.E.2d 286 (Ind. 2003) (finding that interfering with a church's decision regarding the Acting Director of Notre Dame's Program for Church Leaders at the University of Notre Dame would violate the church autonomy doctrine.); *McEnroy v. St. Meinrad School of Theology*, 712 N.E.2d 334 (Ind. Ct. App. 2004) (finding that interfering with a church's decision regarding a seminary professor would require the court to interpret and apply religious doctrine). Whether Starkey's position was religious in nature or implicated the Church's ability to govern itself is a factual matter that cannot be decided now.

2. Excessive Entanglement

Defendants' excessive entanglement argument is similarly unavailing at this stage. Plaintiff claims Defendants treated similarly situated heterosexual employees more favorably. Specifically, her Complaint alleges that Defendants employ heterosexual teachers who are in legally valid, opposite sex marriages that violate Church teachings. Defendants respond that it would result in excessive entanglement with religion if the court were to measure the severity of various violations of Church teachings. *See Curay-Cramer v. Ursuline Acad. of Wilmington, Del., Inc.*, 450 F.3d 130, 137 (3d Cir. 2006).

The court is not convinced this case turns on whether Starkey can identify a suitable comparator. Sexual orientation is a protected class. Starkey alleges Defendants declined to renew her contract because she married a woman. Thus, it is not necessary for Starkey to identify another class of individuals who were treated more favorably. *See Ortiz v. Werner Enters., Inc.*, 834 F.3d 760, 765 (7th Cir. 2016) (holding that the correct legal standard in employment discrimination cases "is simply whether the evidence would permit a reasonable factfinder to conclude that the plaintiff's race, ethnicity, sex, religion, or other proscribed factor caused the discharge or other adverse employment action.").

To the extent there are entanglement concerns—and there may be—they are more appropriately addressed after discovery for the reasons outlined above. "[R]ecognition of the risk of governmental entanglement in religion prompted the development of the ministerial exception." *Herx v. Diocese of Fort Wayne-South Bend Inc.*, 48 F. Supp. 3d 1168, 1182 (N.D. Ind. 2014) (collecting cases). Indeed, several of the cases cited by Defendants were resolved on these grounds. In *Maguire v. Marquette University*, the plaintiff filed suit under Title VII alleging that a religious university refused to hire her as a theology professor because she was a woman and because of her perceived support of abortion. 627 F. Supp. 1499, 1502 (E.D. Wis. 1986), *aff'd in part and vacated in part*, 814 F.2d 1213 (7th Cir. 1987). The court found that the religious exemption applied to that employment decision because the First Amendment prevented the court from "delv[ing] into the hiring decisions relating to the theology department of Marquette." *Id.* at 1503. Critical to the court's decision was the position sought by the plaintiff: "There is

probably no teaching position at Marquette University which is more closely tied to the University's religious character than that of theology professor." *Id.* at 1504. Similarly, in *Rayburn*, the court cited entanglement concerns in declining to interfere with a church's selection of an associate in pastoral care. *Id.* 772 F.2d at 1171. But the court noted that a church's "employment decisions may be subject to Title VII scrutiny, where the decision does not involve the church's spiritual functions." *Id.*

Because the parties dispute what Starkey's role as a guidance counselor entailed, it is premature to dismiss her claims because they would result in governmental entanglement with religion.

3. Freedom of Association

Finally, the court considers Defendants' argument that the freedom of association protects their right to disaffiliate with Starkey. "[I]mplicit in the right to engage in activities protected by the First Amendment [is] a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends. *Roberts v. United States Jaycees*, 468 U.S. 609, 622 (1984).

"Freedom of association therefore plainly presupposes a freedom not to associate." *Id.* at 623. But that freedom is not absolute. *Id.* The right to freely associate may be overridden "by regulations adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms." *Id.*

Relying on *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000), Defendants argue that the First Amendment protects an expressive organization's right to disaffiliate with

anyone who would undermine the group's message. In *Dale*, a former Eagle Scout applied for adult membership in the Boy Scouts as an assistant scoutmaster. *Id.* at 644. The organization initially approved the application, but later revoked his membership after learning Dale was gay and an outspoken gay rights activist. *Id.* at 645. The Court recognized the right to freedom of association prohibited the forced association with an individual who undermined the Boy Scouts' ability to express its view that homosexuality was not "morally straight." *Id.* at 651.

But *Dale* does not require anti-discrimination laws to give way automatically in the face of a freedom of association defense asserted by an expressive organization. The Court's holding "is not to say that an expressive association can erect a shield against antidiscrimination laws simply by asserting that mere acceptance of a member from a particular group would impair its message." *Id.* at 653. "[T]he freedom of expressive association, like many freedoms, is not absolute." *Id.* at 648. The Court's analysis turned in part on the particular law at issue. Plaintiff sued under New Jersey's public accommodation law, which prohibited discrimination on the basis of sexual orientation in places of public accommodation. *Id.* at 645. The Court found issue with applying the law "to a private entity without even attempting to tie the term 'place' to a physical location." *Id.* at 657. The Court even noted that several courts had ruled the Boy Scouts is not a place of accommodation. *Id.* at 657 n.3. Applying Title VII in this case does not raise those issues.

More importantly, the court does not read *Dale* as expansively as Defendants suggest. *Dale* did not arise from the employment context. The plaintiff sought

membership in a private organization. The freedom of association cases relied upon in *Dale* reveal the doctrine's applicability to parade groups, political parties, and other non-employment contexts. *See e.g., Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995); *Democratic Party of United States v. Wisconsin ex rel. La Folette*, 450 U.S. 107 (1981). And the Supreme Court has explicitly rejected a freedom of association defense in the employment context. *See Hishon v. King & Spaulding*, 467 U.S. 69, 78 (1984) ("[P]rivate discrimination may be characterized as a form of exercising freedom of association protected by the First Amendment, but it has never been accorded affirmative constitutional protections.") (quotations and citations omitted).

As a final note, if a religious employer could simply assert a freedom of association defense and defeat a discrimination claim, it is again not clear why the Supreme Court reaffirmed the ministerial exception in *Morrissey-Berru*. If freedom of association applies in the religious employment context, the ministerial exception is unnecessary. Because the court finds freedom of association inapplicable, that argument fails.

C. Starkey's Retaliation Claim Under Title IX Is Preempted by Title VII

The court now turns to the final issue. Plaintiff claims she was retaliated against in violation of Title IX because she opposed Defendants' actions regarding Fitzgerald and herself. Defendants respond that Title VII preempts this claim. Defendants are correct.

Title IX prohibits discrimination on the basis of sex in any education program receiving federal financial assistance. 20 U.S.C. § 1681(a). While Title IX does not

contain a separate retaliation provision, "Title IX's private right of action encompasses suits for retaliation, because retaliation falls within the statute's prohibition of intentional discrimination on the basis of sex." *Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167, 178 (2005). In the Seventh Circuit, "all employment-discrimination claims must be brought under Title VII." *Brown v. Ill. Dep't of Human Servs.*, 717 F. App'x 623, 625-26 (7th Cir. 2018) (citing *Waid v. Merrill Area Pub. Sch.*, 91 F.3d 857 (7th Cir. 1996), *abrogated on other grounds by Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246 (2009). "Title VII provides a comprehensive statutory scheme for protecting rights against discrimination in employment," and it is "well-established that Title VII's own remedial mechanisms are the only ones [] available to protect the rights created by Title VII." *Waid*, 91 F.3d at 861-62.

Defendants urge this court to adhere to Seventh Circuit precedent and find that "all employment-discrimination claims must be brought under Title VII." *Brown*, 717 F. App'x at 625–26 (citing *Waid*, 91 F.3d 857). Plaintiff argues *Jackson's* recognition of a private right of action for retaliation under Title IX allows her claim to proceed. The question is whether the Seventh Circuit approach in *Waid* survived *Jackson*.

The court finds that there is no conflict between the two cases. In *Jackson*, the plaintiff's retaliation claim arose from his opposition to the unequal funding for the girls' basketball team, not from discriminatory employment practices. 544 U.S. at 172. In *Waid*, the plaintiff's claim arose directly from discriminatory employment practices; she claimed she was passed over for a teaching position because of her sex. 91 F.3d at 860. Because her claim arose from discriminatory employment practices, her action proceeded

under Title VII. Such is the case here. Starkey's retaliation claim arose from Defendants' discrimination against Fitzgerald, which Starkey opposed, and her own actions in filing Charges of Discrimination with the EEOC. Unlike *Jackson*, Starkey's claim arose from the employment context and therefore must proceed under Title VII. Jackson also lacked a viable Title VII claim, so "*Jackson* does not shed light on the impact of Title VII on the implied private remedies afforded by Title IX because the Supreme Court had no need to grapple with the issue presented here." *Othon v. Wesleyan Univ.*, No. 3:18-CV-00958, 2020 WL 1492864, at *10 (D. Conn. Mar. 27, 2020).


Plaintiff responds that while the Seventh Circuit has ruled that Title IX discrimination claims are preempted by Title VII in the employment context, it has not ruled that Title IX retaliation claims are also preempted. But *Jackson* held that Title IX's private right of action includes claims for retaliation because retaliation falls within the statute's prohibition on discrimination. Because retaliation is a form of discrimination, Starkey's Title IX claim is preempted. The court, therefore, does not need to consider whether Title IX's exception for religious employers applies.

IV. Conclusion

The court concludes that Title VII's religious exemption does not bar Starkey's Title VII claims. The court also concludes that Starkey has alleged sufficient facts to support her Title VII claims of sexual orientation discrimination, retaliation, and hostile work environment. But it is premature to conclude whether the First Amendment bars Starkey's claims. Finally, the court agrees with Defendants that Title VII preempts Plaintiff's retaliation claim under Title IX.

Accordingly, Defendants' Motion for Judgment on the Pleadings (Filing No. 58) is
GRANTED in part and DENIED in part.

SO ORDERED this 21st day of October 2020.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

| | | |
|-----------------------------|---|--------------------------------|
| LYNN STARKEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:19-cv-03153-RLY-TAB |
| |) | |
| ROMAN CATHOLIC ARCHDIOCESE |) | |
| OF INDIANAPOLIS, INC. and |) | |
| RONCALLI HIGH SCHOOL, INC., |) | |
| |) | |
| Defendants. |) | |

**REPLY IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE,
MOTION FOR JUDGMENT ON THE PLEADINGS**

Nor could *Grussgott* have said otherwise. Every Seventh Circuit case that has ever resolved applicability of the ministerial exception has done so on summary judgment or earlier—and always in favor of the religious defendant.¹ Likewise, both Supreme Court cases addressing the ministerial exception resolved it on summary judgment. *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2056 n.1, 2058-59, 2069 (2020); *Hosanna-Tabor v. EEOC*, 565 U.S. 171, 180-81, 196 (2012). And every reported federal case since *Hosanna-Tabor* to address ministerial status has decided it on summary judgment at the latest; none has left it to a jury.² Starkey hasn't cited a single case to the contrary. Thus, there is no basis for sending the matter to a jury.

B. Starkey was a minister.

Based on the undisputed facts, Starkey is a minister. Her contract designated her as a “minister of the faith.” [Dkt. 114-2](#) (“App.”) at 9. She agreed to form students in

¹ See *Sterlinski v. Catholic Bishop of Chi.*, 934 F.3d 568, 570-71 (7th Cir. 2019) (summary judgment); *Grussgott*, 882 F.3d at 658-61 (summary judgment); *Schleicher v. Salvation Army*, 518 F.3d 472, 475-77 (7th Cir. 2008) (motion to dismiss); *Tomic v. Catholic Diocese of Peoria*, 442 F.3d 1036, 1039-43 (7th Cir. 2006) (motion to dismiss); *Alicea-Hernandez v. Catholic Bishop of Chi.*, 320 F.3d 698, 703-04 (7th Cir. 2003) (motion to dismiss); *Young v. N. Ill. Conf. of United Methodist Church*, 21 F.3d 184, 185-88 (7th Cir. 1994) (motion to dismiss).

² See *Penn v. N.Y. Methodist Hosp.*, 884 F.3d 416, 428 (2d Cir. 2018) (summary judgment); *EEOC v. R.G. & G.R. Harris Funeral Homes, Inc.*, 884 F.3d 560, 582-83 (6th Cir. 2018) (same); *Fratello v. Archdiocese of N.Y.*, 863 F.3d 190, 198, 206 (2d Cir. 2017) (same); *Conlon*, 777 F.3d at 832, 836-37 (motion to dismiss); *Cannata v. Catholic Diocese of Austin*, 700 F.3d 169, 172, 177 (5th Cir. 2012) (same); *McRaney v. N. Am. Mission Bd. of S. Baptist Convention, Inc.*, 304 F. Supp. 3d 514, 519-20 (N.D. Miss. 2018) (same); *Demkovich v. St. Andrew the Apostle Par.*, 343 F. Supp. 3d 772, 776 (N.D. Ill. 2018) (same); *Yin v. Columbia Int'l Univ.*, 335 F. Supp. 3d 803, 816-18 (D.S.C. 2018) (summary judgment); *Puri v. Khalsa*, 321 F. Supp. 3d 1233, 1247-51 (D. Or. 2018) (same); *Gregorio v. Hoover*, 238 F. Supp. 3d 37, 47 n.3 (D.D.C. 2017) (motion to dismiss); *Richardson v. Nw. Christian Univ.*, 242 F. Supp. 3d 1132, 1145-46 (D. Or. 2017) (summary judgment); *Ciurleo v. St. Regis Par.*, 214 F. Supp. 3d 647, 650 (E.D. Mich. 2016) (same); *Bohnert v. Roman Catholic Archbishop of S.F.*, 136 F. Supp. 3d 1094, 1115 (N.D. Cal. 2015) (same); *Herx v. Diocese of Ft. Wayne-S. Bend Inc.*, 48 F. Supp. 3d 1168, 1177 (N.D. Ind. 2014) (same); *Davis v. Balt. Hebrew Congregation*, 985 F. Supp. 2d 701, 711 (D. Md. 2013) (motion to dismiss); *Doe v. Corp. of Catholic Bishop of Yakima*, 957 F. Supp. 2d 1225, 1232 (E.D. Wash. 2013) (summary judgment); *Herzog v. St. Peter Lutheran Church*, 884 F. Supp. 2d 668, 674-75 (N.D. Ill. 2012) (motion to dismiss); cf. *Edley Worford v. Va. Conf. of United Methodist Church*, 430 F. Supp. 3d 132, 141 (E.D. Va. 2019) (declining to resolve question on motion to dismiss, deferring to summary judgment, case later settled); *Garrick v. Moody Bible Inst.*, 412 F. Supp. 3d 859, 870-72 (N.D. Ill. 2019) (declining to resolve question on motion to dismiss, dismissing on other grounds); *Collette v. Archdiocese of Chi.*, 200 F. Supp. 3d 730, 735 (N.D. Ill. 2016) (declining to resolve on motion to dismiss, summary judgment later granted for defendant).

CERTIFICATE OF SERVICE

I certify that on January 10, 2022, the foregoing separately bound appendix was served on counsel for all parties by means of the Court's ECF system.

/s/ Luke W. Goodrich

Luke W. Goodrich