



DE LA SALLE ANZPPNG
The Dismissal of Members

Article 3: The Dismissal of Members

Can 694 A member is to be considered automatically dismissed if he or she:

- Has notoriously defected from the catholic faith
- Has contracted marriage or attempted to do so, even civilly

In these cases the major Superior with his or her council must, after collecting the evidence, without delay make a declaration of the fact, so that the dismissal is juridically established.

Part III Institutes of Consecrated Life and Societies of Apostolic Life

Can 694 A member must be dismissed for the offences mentioned in cann. 1397, 1398 and 1395, unless, for the offences mentioned in can. 1395 the Superior judges that dismissal is not absolutely necessary; and that sufficient provision can be made in some other way for the amendment of the member, the restoration of justice and the reparation of scandal. §2 In these cases the major Superior is to collect the evidence concerning the facts and the imputability of the offence. The accusation and the evidence are then to be presented to the member, who shall be given the opportunity for defence. All the acts, signed by the major Superior and the notary, are to be forwarded, together with the written and signed replies of the member, to the supreme Moderator.

Can 696 A member can be dismissed for other causes, provided they are grave, external, imputable and juridically proven. Among such causes are: habitual neglect of the obligations of consecrated life; repeated violations of the sacred bonds; obstinate disobedience to the lawful orders of Superiors in grave matters; grave scandal arising from the culpable behaviour of the member; obstinate attachment to, or diffusion of, teachings condemned by the magisterium of the Church; public adherence to materialistic or atheistic ideologies; the unlawful absence mentioned in can. 665 §2, if it extends for a period of six months; other reasons of similar gravity which are perhaps defined in the institute's own law.

A member in temporary vows can be dismissed even for less grave reasons determined in the institute's own law

Can 697 In the cases mentioned in can. 696, if the major Superior, after consulting his or her council, judges that the process of dismissal should be commenced:

1. The major Superior is to collect or complete the evidence;
2. The major Superior is to warn the member in writing, or before two witnesses, with an explicit caution that dismissal will follow unless the member reforms. The reasons for dismissal are to be clearly expressed and the member is to be given every opportunity for defence. If the warning has no effect, another warning is to be given after an interval of at least fifteen days;
3. if this latter warning is also ineffectual, and the major Superior with his or her council judges that there is sufficient proof of incorrigibility, and that the defence by the member is insufficient, after fifteen days from the last warning

have passed in vain all the acts, signed by the major Superior and the notary, are to be forwarded, together with the signed replies of the member, to the supreme Moderator.

Can 698 In all the cases mentioned in cann. 695 and 696, the member always retains the right to communicate with, and send replies directly to the supreme Moderator.

Can 699 The supreme Moderator and his or her council are to proceed in collegial fashion in accurately weighing the evidence, the

Part II the People of God

Arguments, and the defence. For validity, the council must comprise at least four members. If by a secret vote it is decided to dismiss the religious, a decree of dismissal is to be drawn up, which for validity must express at least in summary form the reasons in law and in fact. In the autonomous monasteries mentioned in can. 615, the judgement about dismissal belongs to the diocesan Bishop. The Superior is to submit the acts to him after they have been reviewed by the council.

Can 700 The decree of dismissal has no effect unless it is confirmed by the Holy See, to whom the decree and all the acts are to be forwarded. If the matter concerns an institute of diocesan right, the confirmation belongs to the Bishop in whose diocese is located the house to which the religious belongs. For validity the decree must indicate the right of the person dismissed to have recourse to the competent authority within ten days of receiving notification of the decree. The recourse has a suspensive effect.

Can 701 By lawful dismissal, both the vows and the rights and duties deriving from profession automatically cease. If the member is a cleric, he may not exercise sacred orders until he finds a Bishop who will, after a suitable probation, receive him into his diocese in accordance with can. 693, or who will at least allow him to exercise his sacred orders.

Can 702 Whoever lawfully leaves a religious institute or is lawfully dismissed from one, cannot claim anything from the institute for any work done in it. The institute, however, is to show equity and evangelical charity towards the member who is separated from it.

Can 703 In a case of grave external scandal, or of extremely grave and imminent harm to the institute, a member can be expelled forthwith from the house by the major Superior. If there is danger in delay, this can be done by the local Superior with the consent of his or her council. The major Superior, if need be, is to introduce a process of dismissal in accordance with the norms of law, or refer the matter to the Apostolic See.

Can 704 In the report to be sent to the Apostolic See in accordance with can. 592, mention is to be made of members who have been separated in any way from the institute.