

Gay Catholic Fired for Violating Religious Doctrine Sues School

A suburban Seattle Catholic school vice principal who was fired in December for violating religious doctrine by marrying his same-sex partner, on Friday sued the school and the Archdiocese of Seattle for wrongful dismissal.

Mark Zmuda, who was also a swim coach at Eastside Catholic School, said he took the job after reading a school policy, since removed from its website, that it does not discriminate on the basis of an employee's sexual orientation or marital status.

His ouster, which led to student protests followed by the school president's resignation, is an example of tension between the increasing number of Americans who support same-sex marriage and religiously affiliated employers who view it as immoral.

"I was told I could either divorce or be fired," Zmuda told reporters at his lawyer's Seattle office. "How could anyone ask anyone else to make that kind of choice?"

Same-sex marriage became legal in Washington state in November 2012. Zmuda was married last July.

The school counters in a response that it said it had yet to file in court that Washington's gay marriage law exempts religious institutions from recognizing same-sex marriages. A copy of the response seen by Reuters also asserts that Zmuda's lawsuit infringes on the school's first amendment right to religious freedom. It wants the lawsuit dismissed.

The school of 935 students in the Seattle suburb of Sammamish

said Zmuda had agreed to abide by Catholic principles, and that he initially obscured his relationship by listing his then-boyfriend as a roommate on an emergency contact form.

It said parents complained of “inappropriate” photographs posted to Zmuda’s Facebook account, which he subsequently agreed to delete.

Protected Class

The outcome of the case may hinge on the degree to which Zmuda’s job had to do with religion. While the U.S. government does not recognize gay people as a protected class in employment discrimination, Washington is among several states that do.

“Unquestionably, faith-based institutions can discriminate however they like in hiring people designated as religious leaders, but the question is where the line gets drawn,” said Suzanne Goldberg, a Columbia Law School professor.

The Washington state Supreme Court ruled last month that religious non-profits are not exempt from workplace discrimination laws if an employee has no religious role.

In a case similar to Zmuda’s in California in July, a teacher at a Catholic school was fired after marrying his male partner. In December, a Catholic teacher in Pennsylvania told the Philadelphia Inquirer and ABC News affiliate WPVI that he was fired after he applied for a marriage license with his same-sex partner.

Zmuda sued for breach of contract, violation of public policy and violation of state consumer-protection and anti-discrimination laws. It also says the Seattle archdiocese interfered in Zmuda’s relationship with the school.

It said then-school president Sister Mary Tracy told him the dismissal was the decision of Seattle Archbishop J. Peter

Sartain. The archdiocese said in a statement its supports Zmuda's firing as "consistent with Catholic teaching," but that it played no role in his dismissal.

Editing by Cynthia Johnston and Grant McCool

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