

## §1000 ADMINISTRATIVE RECOURSE AND SACRAMENTAL READINESS REVIEW

*When someone feels harmed by a Church official, canon law provides a process for seeking redress of grievances. This process is known as administrative recourse. Prior to initiating this process, canon law encourages the aggrieved person and the author of the decision “to find an equitable solution” through mediation or conciliation (c. 1733). The policies and procedures for the Office of Conciliation are found in §900 of this Book. If conciliation does not succeed in resolving the dispute, the following policies and procedures specify how the formal process of administrative recourse is to be followed in the Archdiocese of Chicago.*

### §1001 ADMINISTRATIVE RECOURSE

#### §1001.1. The Right to Make Recourse

**1001.1.1. Policy** Anyone who claims to have been injured by an act of administrative power shall enjoy the right to make recourse for any just reason to the hierarchic superior of the author of the act, proposing such recourse directly to the superior or transmitting it through the author of the act. This recourse shall be made in accord with the norms of canons 1732-1739 and the following policies and procedures.

#### **Procedures**

- a) An “act of administrative power” is the action or decision of an ecclesiastical authority in the performance or exercise of that person’s official functions. For example, a parish business manager forbids a group of parishioners from using the parish’s meeting rooms, publicly stating that the reason for this decision is that the group is involved in promoting heretical teaching. The parishioners may seek recourse claiming that the business manager’s false statements and official actions have damaged their good name and reputation (c. 220) and have violated their right to associate (cc. 225 and 299) and hold meetings for legitimate purposes (c. 215).
- b) Administrative recourse is not involved when there is no official action or decision of a church authority, such as a grievance between fellow parishioners. In such cases, the parties in conflict could seek assistance in resolving the dispute from the Office of Conciliation (see Book I, §900) or file a formal action in the Tribunal (see Book I, §800).

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- c) Conflicts in employment situations are to follow the special procedures outlined in Book II, §707, ES§115, HS§203, and §1900.
- d) Cases involving the delay or denial of a Sacrament shall follow the special process provided below in §1002.

**§1001.2. The Right to an Impartial Decision-Maker**

**1001.2.1. Policy** The person making recourse shall have the right to have the matter decided by an impartial decision-maker. Following the principle of subsidiarity, the competent hierarchic superior can decide the matter personally or appoint another impartial person as a delegate authorized to review the action or decision according to the laws of the Church.

***Procedures***

- a) In parishes of the Archdiocese of Chicago, such recourse should be made first to the employee's immediate supervisor. If not resolved at that level, further recourse could be made to the Pastor of the Parish, then to the local Dean, then to the regional Episcopal Vicar, then to the Archbishop, and if necessary, then to the Holy See.
- b) In agencies of the Archdiocese of Chicago, such recourse should be made first to the employee's immediate supervisor. If not resolved at that level, further recourse could be made to the Agency Director, then to the Department Director, then to the Chancellor, then to the Archbishop, and if necessary, then to the Holy See.

**§1001.3. The Right to Adequate Notice**

**1001.3.1. Policy** The affected persons in administrative recourse shall have the right to adequate notice of the impending matter, including notice of the date, time, and place of any meeting or hearing; notice of the nature of the issue; and sufficient time to prepare one's case.

**§1001.4. The Right to be Heard**

**1001.4.1. Policy** In administrative recourse, the right to a meaningful opportunity to be heard shall be observed, including the right to information relevant to one's case, especially opposing evidence; the right of defense; the right to present one's case orally or in writing or both; and the right to call and examine witnesses, confront contrary testimony and refute adverse allegations.

**§1001.5. The Right to Assistance and Representation**

**1001.5.1. Policy** All persons shall have the right to the assistance and representation of counsel or an advocate in administrative recourse; an advocate ex officio is to be constituted if the person taking recourse lacks assistance or representation and the superior considers an advocate necessary.

**§1001.6. The Right to an Equitable Decision and Remedies**

**1001.6.1. Policy** The competent authority who examines a case in administrative recourse shall comply with the right to an equitable decision based on available information, including a written statement of findings and reasons; provision of appropriate remedies; and an indication of the avenues for further recourse or review, if any.

**§1002 SACRAMENTAL READINESS REVIEW**

**1002.1.1. Policy** In order to protect the fundamental right to the sacraments (canon 213), any disputed decision to delay or deny the reception of a sacrament shall be referred to the local Dean, who shall use pastoral means in seeking to resolve the issue. If he is unable to resolve the issue, the decision to delay or deny the reception of a sacrament shall be reviewable by the regional Episcopal Vicar, who shall have the power to confirm, revoke, amend, or modify the decision to delay or deny the reception of a sacrament. If he deems that it would be helpful to assist him in the reviewing the decision, the Episcopal Vicar shall have at his discretion the option of convening a Sacramental Readiness Review Panel, whose members shall be appointed in accord with the following procedures. In such cases, this Sacramental Readiness Review Panel shall be advisory to the regional Episcopal Vicar.

***Procedures***

- a) If the local Dean is unable to resolve the issue by pastoral means, and if the matter is then brought to the regional Episcopal Vicar by any person or by the parent(s) or guardian of any child affected by a decision to deny or delay the reception of a sacrament, the Episcopal Vicar may either decide the matter himself or he may choose to ask the local Dean to convoke and chair a three-person Sacramental Readiness Review Panel to review the matter and advise the Episcopal Vicar accordingly. If the local Dean is unable to participate in this Sacramental Readiness Review Panel, the regional Episcopal Vicar may appoint another pastor, preferably from the same deanery, to serve in this capacity.
  - 1) For decisions affecting the Sacraments of Baptism, Confirmation, Eucharist, or Penance, one member of the Panel is to be appointed by the Director of the Office for Catechesis (cf. Archdiocesan Policies and Procedures Book III, §1700 – Home Catechesis).
  - 2) For decisions affecting the Sacrament of Marriage or Anointing of the Sick, one member of the Panel shall be appointed by the Chancellor (cf. Archdiocesan Policies and Procedures Book IV, Part I, §401.5).
  - 3) Since ordination is a call by the Church and is not a matter of right, this process shall not apply to decisions involving the Sacrament of Holy Orders.
- b) A conciliator or other representative of the Office of Conciliation is to be appointed as a member of the Panel by the Director of the Office of Conciliation.
- c) The Sacramental Readiness Review Panel is to render its recommendation to the regional Episcopal Vicar by majority vote after seeking the necessary facts and information about the matter and hearing those whose rights could be harmed (canons 50 and 119).
- d) Nothing in this policy is to be construed as to deny one's right to further administrative recourse in accord with the norm of law (cf. canons 1732-1739) and Archdiocesan policies and procedures.

## RESOURCES

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