

§900 CONCILIATION

In its vision statement, the Office of Conciliation is a group of faithful Catholics, charged by the Archbishop, in the name of the Church and in service to the Gospel to assist believers in the settling of conflicts and thus to repair and restore table harmony. Their vision of a better world, living in the Reign of God, prompts them to gather resources, to provide and supervise conciliators, to make the services of the office readily available and to assist others in the institution to change whatever would block our table harmony. They carry out their mission, governed by the Gospel mandates of justice, compassion, healing and the law of the Church. (Office of Conciliation-- Norms and Procedures).

Section 900 contains the formal policies and procedures of the Office of Conciliation. In order for the Christian Faithful to better understand the conciliation process, the Office of Conciliation has published a users guide to explain the process of conciliation.

§901 ADMINISTRATION

901.1. Policy The Office of Conciliation shall be comprised of an Executive Director, an Executive Board and Volunteer Conciliators.

§901.1. Executive Board

901.1.1. Policy The Executive Board shall consist of eight members:

- (1) Two lay men and two lay women appointed by the Archbishop from a group of four men and four women nominated by the Archdiocesan Pastoral Council.
- (2) One priest elected by the Archdiocesan Presbyteral Council.
- (3) One religious woman or religious brother selected in accord with the procedures established by the Office for Religious.
- (4) One deacon elected by the Deacon Council.
- (5) One person selected by the Office of Catholic Education.

Procedures

Board members will be members of the Catholic faith in good standing, residents within the Archdiocese of Chicago, and persons endowed with a sense of objectivity and fairness.

901.1.2. Policy Board members shall serve a term of office for three years. A member shall be eligible for two successive terms.

901.1.3. Policy The Archbishop shall select the chairperson and vice-chairperson from the membership of the Executive Board for terms of one year each, renewable at the discretion of the Archbishop.

901.1.4. Policy On behalf of the Archbishop, or his delegate, the Executive Board shall be responsible to oversee the operations of the office, administer the program, set the direction of the office, maintain its operational procedures, approve an annual budget, and serve as the consultative body to the Executive Director.

901.1.5. Policy The Executive Board Chairperson and the Executive Director are responsible to assure that the services of the office are known to the people of the Archdiocese.

§901.2. Executive Director

901.2.1. Policy The Archbishop shall appoint the Executive Director for a term of three years, which shall be renewable at the discretion of the Archbishop.

901.2.2. Policy The Executive Director shall be responsible to administer and supervise the operations of the Office of Conciliation and to execute the immediate and long term goals of the Office of Conciliation as established by the Executive Board.

§902 JURISDICTION OF THE OFFICE OF CONCILIATION

902.1. Policy The process of conciliation and arbitration shall be available to resolve disputes between:

- (1) individual members of the Archdiocese, or groups within the Archdiocese when the dispute concerns a church-related matter;
- (2) a person and a diocesan administrator or administrative body when it is contended that an act or decision, including administrative sanctions and disciplinary actions, has violated Church law, Archdiocesan Policies and Procedures, or natural equity;
- (3) administrative bodies of the Archdiocese of Chicago.

902.2. Policy Jurisdiction of the Office of Conciliation shall not extend to conflicts regarding:

- (1) doctrinal matters of faith or morals;
- (2) the assignment of priests or deacons;
- (3) the infliction of penalties by canonical judicial sentence, and those requiring the special process for the removal or transfer of clerics in accord with the Code of Canon Law;
- (4) religious institutes in their strictly internal affairs;
- (5) the academic and internal affairs of universities, colleges and seminaries;
- (6) the alleged invalidity of the sacraments;
- (7) labor union contracts unless otherwise provided for in the contracts;
- (8) matters excluded from the conciliation and arbitration process by the Code of Canon Law, including grievances against legislative acts of the Archbishop.

902.3. Policy The submission of a problem to the Office of Conciliation shall not prejudice a person's right to present the problem to the Archdiocesan Tribunal in those matters provided for in the Code of Canon Law or to pursue a legal remedy to the problem.

§903 RELATIONSHIP TO THE ARCHDIOCESE

903.1. Policy In order to promote objectivity and impartiality in resolving disputes, the process of conciliation and arbitration shall operate without influence or interference from the ordinary administrative channels of the Archdiocese. This is to insure a fair outcome of independent judgment, neither favoring the Archdiocese of Chicago nor the parties.

903.2. Policy The Office of Conciliation shall provide its services without cost, funded by the generosity of the many parishes in their support of the Archdiocese.

§904 THE PROCESS OF CONCILIATION

Definitions

- a) Affirmative Response: The acceptance of the process by the respondent.
- b) Petitioner: A person, group or institution having recourse to the Office of Conciliation.
- c) Problem: The difficulty or dispute.
- d) Respondent: The person, group, or institution called to conciliation.

904.1. Petition

904.1.1. Policy A Petitioner shall initiate the process of conciliation by filing with the Office of Conciliation a statement that he/she has a Problem involving one or more persons, groups or institutions described in policy 902.1. The Petitioner shall state the nature of the Problem.

Procedures

- a) The Executive Director shall determine whether the Office of Conciliation has jurisdiction over the problem.

Note

Even though the Office of Conciliation may have the jurisdiction to address a problem, the Office of Conciliation retains complete discretion as to whether or not it will offer the conciliation process.

- b) When appropriate, the Executive Director will attempt to conciliate the parties prior to the formal conciliation process. [Pre-conciliation.]
- c) After pre-conciliation, the Executive Director will prepare a report for the Chairperson of the Executive Board describing the Problem and the conciliation, if any.

904.2. Formal Conciliation

904.2.1. Policy If the pre-conciliation effort is waived or unsuccessful in solving the problem, the Executive Director shall initiate the formal conciliation process.

Procedures

a) The Executive Director will inform the Respondent that a problem has been received by the Office and determine whether or not the Respondent agrees to participate in a conciliation effort.

b) The Respondent will be given the opportunity to submit a response in writing to the request for conciliation within a period of time to be specified by the Executive Director.

c) The Executive Director will present all information regarding a problem to a three member executive committee, consisting of members from the Executive Board. This Executive Committee will either accept or reject the problem by majority vote.

1) If an appeal of a rejected Problem is made by either the Petitioner or the Respondent, the Executive Director will refer the appeal and the Problem to the Executive Board unless in the first instance of the Problem had been referred to the Executive Committee because of the absence of a regularly scheduled meeting or in an emergency. In that case, the Executive Director will refer the appeal and the Problem to a new three-member committee of the Executive Board. Acceptance or rejection of an appeal will be made by majority vote of the committee.

2) A Petitioner or Respondent may appeal a rejection of his/her request for conciliation. The Executive Director will submit the appeal and Problem to the Executive Committee rather than the board of the whole. The Executive Committee will convene to accept or reject the appeal.

d) Upon acceptance of the Problem for formal conciliation, the Petitioner and Respondent shall sign a standard agreement prepared by the Office of Conciliation. The standard agreement will include:

1) A Statement of Willingness to participate by both the Petitioner and the Respondent.

2) A Statement of issues to be addressed by both the Petitioner and Respondent.

3) A Statement of Anticipated resolution(s) sought by each the Petitioner and the Respondent. (Criteria for the agreement are stated in the Office of Conciliation By-laws.)

e) When the Petitioner and Respondent agree to formal conciliation, the Executive Director will appoint a conciliator according to the following procedures:

1) The Executive Director will submit to each party a list of conciliators large enough to assure a choice acceptable to both parties.

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- 2) The parties will strike out those names not acceptable to themselves.
- 3) he Director will assign one or more of the remaining conciliators.

904.2.2. Policy The Conciliator shall discuss the Problem with both the Petitioner and the Respondent separately and then together to guide them to a peaceful resolution of their Problem.

Procedures

- a) The Conciliator will schedule as many meetings as necessary to arrive at a solution.
- b) The Petitioner and Respondent may be assisted at the meetings by an adviser of their respective choosing. However, in view of the fact that the conciliation process is a pastoral, and not a legal process, the representation by canon or civil lawyers is inappropriate.
- c) The Conciliator may not compel either the Petitioner or the Respondent to adopt a solution to the Problem.
- d) If the Problem is resolved by mutual agreement, the Conciliator will prepare a summary statement of the problem and its resolution, and submit it to the Petitioner and the Respondent for their the approval and signature.
- e) If the Problem is resolved by agreement, announcement of the agreement is to be decided by the Petitioner and Respondent and the Office of Conciliation.
- f) If the Problem is unresolved after three months from the time of the signing of the standard agreement, the Conciliator should refer the case to the Executive Director who will determine whether further meetings would be useful. The Conciliator will inform the Petitioner and the Respondent of the referral.
- g) If the Problem is unresolved after three months, or the Petitioner or Respondent or the Conciliator decline further discussion, the Conciliator will file a report with the Executive Director.
- h) If the conciliation effort is not able to achieve its goal, the Executive Director, in consultation with the Chairperson of the Executive Board, will assist the parties to the dispute in finding alternative forms of dispute resolution.

§905 COST OF PROCESSES OF CONCILIATION

905.1. Policy Because of its commitment to bringing about the peaceful resolution of disputes among its members, the Archdiocese offers conciliation services to its members free of cost.

905.2. Policy While conciliators serve without fees, the Executive Director in consultation with the Executive Board of the Office of Conciliation may provide a stipend for extraordinary services rendered.

§906 OVERSIGHT COMMITTEE

906.1. Policy The Archbishop may appoint a Committee to advise him on the work of the Office of Conciliation.

Procedures

It will ordinarily be the responsibility of the Committee:

- a)** to suggest possible amendments to the Policies and Procedures;
- b)** to assist in the training of the Executive Director and of the Executive Board; and
- c)** to conduct evaluations of the operations of the Office.