

## **§700 ACCOUNTABILITY AND COMPLIANCE**

*Policies and procedures are meaningful only to the extent that there is accountability to assure compliance with their provisions. Accountability is based on the premise that those who work in the service of others are answerable to a higher authority. Compliance is the guarantee that the decisions and actions of church personnel reflect the teaching and wisdom of the ecclesial community and are not self-serving or arbitrary. Using Gospel principles for charitable correction (see Matthew 18:15-18), the following policies and procedures establish the norms for accountability and compliance to be followed in the Archdiocese of Chicago.*

### **§701 COMPLIANCE**

#### **§701.1. The Right and Duty of Compliance**

**701.1. Policy** The Christian faithful have a right to expect personnel of the Archdiocese of Chicago to comply with all applicable civil laws, canon law, liturgical norms, and the policies and procedures of the Archdiocese. Personnel of the Archdiocese have a duty to comply with all applicable civil laws, canon law, liturgical norms, and the policies and procedures of the Archdiocese. (See Book I, §200 – Other Laws.)

### **§702 ACCOUNTABILITY**

#### **§702.1. The Principle of Subsidiarity**

**702.1. Policy** Following the principle of subsidiarity, church personnel are directly accountable to the competent hierarchic superior at the most proximate level of reporting or supervision.

#### ***Procedures***

- a) The principle of subsidiarity “requires that problems be solved where they occur, by those who understand them best, and by those who are most affected by them. Only when their efforts fail should the matter be placed before a higher authority.” (John E. Linnan, C.S.V., “Subsidiarity, Collegiality, Catholic Diversity, and Their Relevance to Apostolic Visitations,” *The Jurist* 49 [1989] 403, citing Aurelius, the Bishop of Carthage, who in 424 A.D. stated the principle which he based on the decisions of the Council of Nicæa: “Most wisely and justly they provided that all such problems be taken care of in the very places where they arose.”) “Three popes have either explicitly (Pius

XII and Paul VI) or implicitly (John XXIII) stated that the principle of subsidiarity does apply within the Church under certain conditions. . . .

The principle was proposed, accepted and used in the revision of the Code of Canon Law.” (Joseph Komanchak, “Subsidiarity in the Church: The State of the Question,” *The Jurist* 48 [1988] 326.)

- b) Church personnel are defined as including, but not limited to: clergy, religious, employees, volunteers, and persons appointed or elected to positions of responsibility.
- c) In parishes, missions and shrines of the Archdiocese of Chicago, accountability belongs first to the person’s immediate supervisor. Further accountability proceeds to the Pastor, then to the local Dean, then to the regional Episcopal Vicar, then to the Archbishop, and then to the Holy See. (See canons 134 and 479-480 regarding the ordinary executive powers of governance of the Vicar General and Episcopal Vicars, canon 555 regarding the duties and rights of Deans, and canon 137 regarding delegated executive powers of governance.)
- d) In agencies of the Archdiocese of Chicago, accountability belongs first to the person’s immediate supervisor. Further accountability proceeds to the Agency Director, then to the Department Director, then to the Chancellor, then to the Archbishop, and then to the Holy See. (See canons 469-494 regarding the diocesan curia.)

**Note:** In entities and apostolic works that directly provide for the pastoral care of souls (*cura animarum*), e.g. campus ministries and hospital, prison and airport chaplaincies, accountability shall proceed along agency lines as described in procedure “d” above in consultation and collaboration with the proper Episcopal Vicar.

- e) To the extent that the concern to be addressed involves some subject matter of a technical or specialized nature, (e.g. civil law, canon law, liturgical or catechetical norms), the competent hierarchic superior, before rendering a decision, is to consult as needed with the appropriate Archdiocesan agency having expertise in the subject matter at issue, (e.g. Office of Legal Services, Office of the Chancellor, Office for Canonical Services, Office for Divine Worship, Office for Catechesis, Department of Personnel Services, etc.).

## **§702.2. Conversation and Discussion**

**702.2. Policy** In addressing issues of accountability and compliance, the first step shall be a direct conversation and discussion between the hierarchic superior and the person being held accountable, unless the nature or seriousness of the matter requires immediate action.

### ***Procedures***

- a) Members of the Christian faithful who are concerned about possible issues of non-compliance should bring their concerns first in a direct conversation with the person alleged to be in non-compliance. If this conversation does not satisfy the concern, the matter should be brought to the attention of the competent hierarchic superior as outlined in the procedures to policy §702.1. This procedure follows Gospel principles for charitable correction, in which Jesus says:

If your brother should commit some wrong against you, go and point out his fault, but keep it between the two of you. If he listens to you, you have won your brother over. If he does not listen, summon another, so that every case may stand on the word of two or three witnesses. If he ignores them, refer it to the church. If he ignores even the church, then treat him as you would a Gentile or a tax collector (Matthew 18:15-18).

- b) The hierarchic superior should document the outcome of the conversation in a letter or written memorandum.

## **§702.3. Written Notice of Decision**

**702.3. Policy** If the concern is not able to be resolved by direct conversation and discussion, the competent hierarchic superior to whom the matter is then brought, after gathering the necessary information and hearing, if possible, those whose rights can be infringed (c. 50), shall give to the parties involved written notice of the decision and the reasons which prompted it, at least in summary fashion (c. 51).

### ***Procedures***

- a) If the competent authority determines that the concern is unwarranted, i.e., the person against whom the concern is brought is indeed in compliance, the parties involved shall be notified in writing to that effect.

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- b) If the competent authority determines that the concern is warranted, i.e., the person against whom the concern is brought is not in compliance, the parties involved shall be notified in writing to that effect, and the competent authority is to proceed according to the following policies and procedures.
- c) The parties involved are reminded of the obligations of confidentiality (see Book II, Part I, Title I, §605 Confidentiality) and the canonical right to privacy (c. 220).

**§702.4. Written Warning**

**702.4. Policy** If conversation and discussion are not successful in achieving compliance, the competent hierarchic superior shall use appropriate written instruments, e.g., annual performance appraisal or warning letter (c. 1347), which shall be placed in the personnel file of the person being held accountable.

***Procedures***

Where applicable, the provisions for discipline and termination are to be followed as found in the current edition of Archdiocese of Chicago, Policies and Procedures - Book II: The People of God, §703, as well as Office of Catholic Education Personnel Policies, Title II, Chapter I and Office of Religious Education Personnel Policies, Title II, Chapter II, promulgated November 26, 1996 or as subsequently amended.

**§702.5. Penalties**

**702.5. Policy** One who willfully continues to disregard or refuses to comply as directed with applicable civil laws, canon law, liturgical norms, or the policies and procedures of the Archdiocese shall be subject to the imposition of a just penalty depending on the circumstances and severity of the case, including but not limited to: written reprimand or censure, suspension, termination of employment, or dismissal from office. Where applicable, the provisions of canon law for the imposition of sanctions and/or removal or transfer from office shall be followed (see *Code of Canon Law*, cc. 184-196; 1311-1399; and 1740-1752).

***Procedures***

The appropriateness of the various steps in these policies and procedures for accountability and compliance is to be determined at the discretion of the hierarchic superior depending on the circumstances. Therefore, nothing in these policies and procedures is to be construed as an employment

contract, nor is it to be construed as a guarantee of employment or benefits.

**§702.6. Recourse**

**702.6. Policy** After the competent hierarchic superior has rendered a written decision, either the one who raised the concern or the person against whom the concern was brought shall be able to have further recourse in accord with canon law and *Archdiocese of Chicago, Policies and Procedures - Book I: General Norms, §1001 "Administrative Recourse."*