

CONCILIATION [see also Arbitration and Due Process]

>Conciliation (1 August 1999; Bishop DiNardo)

1. Article I Initiating the Conciliation Procedure

- a. The conciliation procedures will be formally initiated at the time that the written petition has been received by the conciliation clerk.
- b. Section 1 Allowable and Non-Allowable Disputes
 - i. The kinds of disputes that are allowable:
 1. Present disputes between a person and a parochial or diocesan administrator or administrative body within the diocese where it is contended that an act or decision (including administrative sanctions and disciplinary actions) has violated a right recognized as such in the law of the Church or in the documents of the magisterium.
 2. Present disputes between a person and a parochial or diocesan administrator or administrative body within the diocese where it is contended that failure to act or failure to make a decision has violated a right recognized as such in the law of the church or in the documents of the magisterium.
 - ii. The following are not subject to settlement under this procedure:
 1. Canonical criminal cases in the strict sense (not administrative sanctions and disciplinary actions).
 2. Non-criminal matters where there is a question of validity of marriage or holy orders.
 3. Ecclesiastical matters that are specifically reserved by canon law to other processes within the structure of the Church (e.g., transfer and removal of pastors [cc.1740-1752]).
 4. Disputes involving religious in their strictly internal affairs.
 5. Spiritual matters whenever a claim is made that requires payment.
 6. Matters of faith and doctrine (or any matters with regard to the Magisterium of the Church) which shall be reserved to the local Ordinary or his delegate.
- c. Section 2 Conciliation Clerk
 - i. It is the duty of the diocesan bishop of each diocese to appoint a conciliation clerk, whose duty, in turn, shall be to process any petition in accordance with the procedures that follow. The term of office of the conciliation clerk shall be three (3) years. The qualifications of the conciliation clerk should include the following: receptive but discerning, experienced in dealing with different kinds of people, mature, may be male or female, and a Catholic in good standing. There shall be provision for compensation.
- d. Section 3 Role of Conciliation Clerk
 - i. The conciliation clerk will receive the written grievance containing within it a signed affirmation that an effort has been made to reach a settlement prior to filing. The conciliation clerk will ascertain with the petitioner that the wording of the petition is stated with precision and truly expresses the position of the petitioner. The petitioner is responsible for the formulation of any dispute and may obtain assistance from any source in stating the dispute with clarity, precision, and brevity. Pejorative language should be avoided. In stating the dispute, three requirements should be kept in mind: (1) a statement of the dispute concretely and specifically, with names, dates, place, occasion, etc.; and (2) some authoritative statement of policy, law or principle may be cited, if applicable. (3) a detailed account of efforts taken to date to resolve the dispute. (See attached form) The conciliation clerk will determine whether or not the petition falls within the scope of allowable disputes.
 - ii. Should the conciliation clerk find the petition allowable under these procedures, the conciliation clerk shall contact the respondent(s), who is to respond to the conciliation clerk in writing within twenty (20) days.
 - iii. Should the conciliation clerk find the petition not allowable under these procedures, the conciliation clerk will refer the petition to the conciliation panel for a final determination.
 - iv. If the petitioner does not accept a judgment that the dispute is not allowable, the petitioner may have recourse in writing to the diocesan bishop.
 - v. If the dispute involves the diocesan bishop, there may be recourse to the metropolitan bishop. Recourse may also be available to the National Conference of Catholic Bishops' Committee on Conciliation and Arbitration.
- e. Section 4 The Conciliation Panel
 - i. A conciliation panel is the body which shall oversee the conciliation procedure.

7. Ratified by Presbyteral Council on November 26, 1996. Promulgated by Bishop Daniel N. DiNardo on August 1, 1999.