

GRIEVANCES AND ARBITRATION

The Gospel of Matthew (Mt. 18:15-18) and the Code of Canon Law (Canons 1446, 1713) present a vision of how Christian people are called to resolve their disagreements and difficulties. The primary way of resolving conflicts should always be the willingness of one person to approach the other in order to settle their conflict and be reconciled one to the other.

The following procedure is presented as a means whereby aggrieved persons can seek a just and satisfactory resolution to their grievance. The procedure follows the process of subsidiarity; that is, that which can be resolved at one level should be prior to proceeding to the next level.

Five levels or procedures are presented herein.

I. Direct Resolution

When a situation arises where a person feels aggrieved by another, the first proper course of action is for the aggrieved person to go directly to the other person and try to resolve the issue peaceably. This should be done as soon as the aggrieved person senses that the situation calls for some sort of response or resolution.

The meeting ought to be private and the matter should be kept between two parties until they are able to address the situation. When the parties meet, the aggrieved party should state calmly what was perceived to have happened, what negative effect resulted, and what kind of resolution or response the aggrieved party is hoping for.

Often a grievance will be a simple matter of misunderstanding or lack of information. In some situations it may be useful to present a written description of the grievance, particularly when it would be difficult for the aggrieved person to articulate his/her grievance or if it is difficult for the aggrieved person to approach the other party and make the grievance known.

It is the earnest hope of the church that the majority of grievances that may arise among the Christian faithful can and will be resolved by the direct approach as outlined here.

II. Assistance of a Third Party

The assistance of a third party may be needed to resolve a grievance between members of the Christian faithful. This assistance may be necessary when one of the parties to a grievance does not feel that an issue has been satisfactorily addressed or resolved by means of the direct resolution. The need for the assistance of a third party may also occur when the aggrieved party feels unable to approach or resolve an issue alone with the other party or that such an attempt would prove to be futile. The assistance of a third party may also be called upon for situations of serious conflict or when the material is of a serious nature.

Normally, the third party asked to resolve the issue is the one with the next level of responsibility. Thus, if a conflict arises between two persons in a parish program, the program director or pastoral minister directly responsible for the program will serve as the third party.

If the grievance is between a parishioner and a pastoral minister directly responsible for the parish program, then the pastor of the parish will serve as the third party.

If the issue is such that the pastor is the party perceived to be the cause of the grievance, or after following the aforementioned guidelines, the issue is not able to be resolved within the parish, or if the grievance touches upon diocesan policy or church law, then the third party is to be a representative of the diocese as designated by the bishop. As a general rule, the local vicar will be the one to serve as a third party in grievances brought against pastors or administrators of parishes.

If an issue is not able to be resolved by the third party, the grievance will then be reviewed by the Director of Clergy Personnel of the diocese who after reviewing the situation will seek to bring the matter to a peaceful resolution.

III. Conciliation/Arbitration Process

A conciliation/arbitration process of the diocese and/or Province of Santa Fe is to be implemented for situations where the grievance is a perceived violation of universal or diocesan law, diocesan policy, or natural justice.

When a grievance concerns itself with law or policy, it necessarily touches on basic rights within the Christian community which are weighty matters. Some of these issues may directly affect the financial or employment status of a person. These issues are more liable to civil action on the part of the parties involved. Thus, a careful and effective procedure for conciliation/arbitration is called upon to mediate the situation.

IV. Appeal to the Bishop

It often occurs that a person with a grievance appeals directly to the bishop for a resolution of a situation. If the aggrieved person has not followed the procedure as outlined in numbers I and II of this policy, the bishop will as a norm have the Director of Clergy Personnel approach the aggrieved person and direct him/her to follow the diocesan procedure for grievances.

In certain situations, when a direct appeal has been made to the bishop, the matter may seem such that the bishop may personally designate a member of B.A.C. to assist in the resolution of the grievance.

Since the bishop is the final level of responsibility in the diocese, it may arise that an issue pertaining to a grievance has gone through all the proper channels up to and including the Episcopal Vicar for Clergy and Personnel and still no resolution has been reached, the bishop will decide the issue definitively within his diocese either personally or through his duly appointed delegate.

Only most weighty matters which involve serious scandal or touch on the general good of the diocese are to be handled personally by the bishop. Also, matters which are not successfully resolved by the conciliation/arbitration process may merit the bishop's personal attention as well.

V. Formal Legal Process

Due process is a formal legal procedure of resolving disputes between the Christian faithful by setting forth and protecting the rights of persons involved in a conflict. The purpose of due process is not to resolve differences of opinion but to deal with the violation of rights. Due process provides a means by which fundamental rights and freedom are guaranteed as every individual is assured that certain specific protections will be provided in both administrative and judicial procedures.

Although this formal legal procedure is at the disposal of the Christian faithful, it is the earnest desire of the church that all lawsuits among the People of God will be avoided. Nonetheless, in the case of a perceived violation of diocesan or universal law or policy, or the violation of natural equity, it is possible for an aggrieved person to appeal to a formal trial of due process in order to vindicate his/her rights or to have some legal facts established.

Likewise serious matters which affect the public good of the Church or criminal matters which entail a penalty affecting the status of a person are subject to the formal trial process of the church. The canons of the Code of Canon Law are to be carefully adhered to in any formal legal process initiated by a member of the Christian faithful. Formal Due Process cases will be handled by the Tribunal of the diocese.