

VARIOUS CONSULTATIVE BODIES

VIII. Board of Conciliation and Arbitration

Preamble

Christians are rightly described as a pilgrim people on their way to their final destination, the glory of their heavenly home. Their history shows that from Gospel times their imperfect condition and their sinfulness have resulted in misunderstandings, honest differences, conflicts, and even hostility within the community of believers. Our Lord himself (Mt. 18, 15-17) issued the classic Christian reconciliation procedure, and St. Paul had hard words for those who would not settle differences quietly (1 Cor. 6, 1-11).

The Second Vatican Council's emphasis on the dignity of the human person and Pope John Paul II's strong words on this same theme lead us to be concerned more than ever about the just treatment of people. It stands to reason, moreover, that the Church, an advocate for justice, must be just, appear just, and work for justice and peace within its own community.

The obligations and rights of all the Christian faithful and of the lay Christian faithful are stated in the Code of Canon Law, canons 208 to 231. The Code also allows for "the use of wise persons in mediation and study" to avoid controversy and reach equitable solutions (c. 1733). Further, it permits the Conference of Bishops or an individual Bishop to establish a body "whose function is to find and suggest equitable solutions" (c. 1733, #2).

Accordingly, the following procedures for conciliation and arbitration are approved and promulgated for the Diocese of Crookston, except in cases of foster care which are to be referred to Catholic Charities, Inc., of the Office of Christian Service's Foster Care Provider Grievance Procedure. (A copy of the Foster Care Provider Procedure is available from Catholic Charities, Inc. upon request.)

Article I: The Board

- A. A Board of Conciliation and Arbitration shall serve as the administrative body for all cases of conciliation and arbitration in the Diocese of Crookston.
- B. The Board of Conciliation and Arbitration, hereinafter referred to as the Board, shall consist of three members. One shall be a priest elected by the priests of the Diocese in a manner determined by the Council of Priests. Any priest not a member of the Personnel Board shall be eligible. Another member shall be a religious woman elected by the sisters of the Diocese in a manner determined by them. The third member shall be a lay person appointed by the Bishop.
- C. The terms of office of members of the Board shall be five years, beginning July 1, 1984. The members shall elect

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their own Chairperson, who--together with the whole Board-- shall be accountable to the Bishop (or, if the Bishop is party to a grievance, to the Chairperson of the Justice and Peace Commission.)

Article II: Initiating the Grievance Procedure

- A. If a grievance cannot be settled on the local level, it shall be submitted in writing or on tape to the Chairperson of the Board, setting forth all the details of the grievance.
- B. Within two weeks, the Chairperson shall seek a detailed response in writing or on tape from the adverse party. If the adverse party refuses to reply, the problem shall be presented to the Bishop, who shall urge this party to respond. If the adverse party still refuses to respond or cooperate, the case shall proceed without the benefit of his/her cooperation. If the adverse party who refuses to respond is the Bishop himself, a response shall be sought in accordance with procedures determined by the Conference of Bishops or by the Bishops of the Province.
- C. On the basis of all the information thus submitted, the Board within a maximum of 30 days shall determine whether the grievance merits acceptance or whether it should be rejected as frivolous, trivial, or without merit. The unanimous vote of the Board shall be required to reject a petition and such rejection shall be made in writing, setting forth the reasons for the rejection.

Article III: Conciliation

- A. Once the case is accepted, it shall be the duty of the Board to assist the parties in finding a conciliator acceptable to both within a specified period of time.
- B. It shall be the duty of the conciliator to attempt to guide the parties to a peaceful solution of the problem by joint and separate meetings of the parties and of others he admits to the proceedings. The entire procedure shall be conducted in private, and nothing shall be made public in any manner.
- C. Within a specified period of time, the conciliator shall inform the Board in writing that he has settled the problem to the satisfaction of both parties or that he is unable to do so.

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Article IV: Arbitration

- A. In cases where a conciliator acceptable to both parties cannot be found, or where the conciliator reports that he is unable to resolve the problem, or where the parties agree to by-pass the process of conciliation, a request for arbitration may be made in writing to the Board by either party.
- B. It shall be the duty of the Board to assist the parties in finding three arbitrators acceptable to both parties within a specified period of time. Failing this, the Board shall submit a list of at least ten possible arbitrators, from which three will remain after a process of elimination alternately carried out by both parties.
- C. The arbitration procedure shall follow Article III of the Report of the Canon Law Society of America on Due Process, dated October 21, 1969. Departure from such procedure may be dictated by the nature of the case and shall be allowed unless objected to by either of the parties.
- D. Though the decision of the arbitrators is binding on the contesting parties, a written appeal from the decision of the arbitration panel may be made to the Board within a period of two weeks of the panel's decision, provided the basis of the appeal is procedural (or an obvious injustice in the decision itself.) The appeal may be rejected by majority vote or by consensus of the Board and reply made in writing to the appellant. If the appeal is accepted by a majority vote, the Board of Conciliation and Arbitration must see to it that the error (or obvious injustice) is corrected, even starting anew if need be.

Article V: Competence

The procedures established herein shall be solely and exclusively confined to those disputes concerned with the proper exercise of authority by individuals or groups possessing administrative authority within the Church. Excluded, therefore, are criminal cases in the strict sense, cases involving the dissolution of marriage, and cases involving religious in their strictly internal affairs. The machinery of "due process" shall have no jurisdiction in theological matters, but only over the actions taken against an alleged violation of orthodoxy.

Article VI: Costs

All arbitrators shall serve gratis. Payment of other expenses shall be determined by the Diocese, keeping in mind the parties' ability to pay.