

PROCESS OF CONCILIATION

Diocese of Gallup

“If you bring your gift to the altar, and there recall that your brother has anything against you, leave your gift there at the altar, go first and be reconciled with your brother.” Mt 5:23

“Then Peter approaching asked him ‘Lord if my brother sins against me, how often must I forgive him? As many as seven times?’ Jesus answered ‘I say to you not seven times but seventy seven times’” MT 17:21

“I give you a new commandment: love one another. As I have loved you, so also you should love one another.” Jn 13:34

Introduction -

In the Spring of 1993, the Diocesan Pastoral Council of the Diocese of Gallup, with the encouragement of The Most Reverend Donald E. Pelotte, S.S.S., Ph.D., requested the development and ratification of a Process of Conciliation to be uniformly used throughout the diocese, when allowable. This process arose from the need to address problems on the local level before issues become too critical. The process has been designed to defuse problems at the lowest level while preserving rights of individuals.

The Center for Peacemaking and Conflict Studies defines Conflict and Injustice. “Conflict is not the same as disagreement although conflict usually includes disagreement. A conflict occurs when at least one person is being blocked or perceives that someone is blocking or attempting to block them from doing or obtaining what they want to do or what they think they are entitled to.” Injustice occurs when there is a violation of persons and relationships. Restorative Justice recognizes this and attempts to restore equity (restitution and grace) and clarify the future so that participants are safer, more respectful, and more empowered and cooperative with each other and society.

The conciliation process is designed to resolve conflict and/or restore justice. While it is recognized that peace and harmony should be maintained in Church settings through the equitable treatment of all parties, misunderstandings may occur. Problems may arise because processes or procedures are lacking or not being followed. A grievance may result when a perception of unjust treatment arises out of a misunderstanding. Both of these instances can be resolved through a process of conciliation.

Purpose of the Process -

In the spirit of the Gospel, Christians and their communities should be filled with and show forth a spirit of peace, justice, and harmony. The preservation of these hallmarks between individuals and within the Christian community is the primary rationale for a process of conciliation. The purpose of this process is to encourage parties, among whom disputes arise, to reconcile those disputes at the lowest and most informal level, achieving equitable solutions using the most efficient means. Should it be found that an issue cannot be resolved at the lowest possible level, this process outlines the means that dissatisfied parties may use to reach a solution acceptable to all. A fair process of conciliation shall contain disputes within the Church’s own organization.

Assumptions on Which this Process is Based -

An effective process of conciliation is built upon the following assumptions:

- 1) Programs operating within parishes, schools, other agencies, and within and at the diocesan level, are founded on and directed by written or stated decisions, policies and, procedures.
- 2) Access to a process of conciliation is a right and utilizing it when necessary and/or appropriate is a responsibility.
- 3) Parties involved agree to cooperate fully with the process.
- 4) There is an absence of any threat of reprisal.
- 5) Decisions are based on full disclosure of information.
- 6) Individuals making recommendations for resolution to the bishop are impartial.

Allowable and Non-Allowable Disputes -

Allowable issues for which the process of conciliation may be used include:

1. disputes between a person and personnel or administrators of an agency operating under Catholic auspices or any 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 stated agency or diocesan policies and/or procedures or rights recognized as such in the law of the Church or in the documents of the magisterium.
2. Disputes within the structure of the diocese where it is contended that failure to act or to make a decision has violated stated policies and/or procedures or rights recognized as such in the law of the Church or in the documents of the magisterium.

This process of conciliation shall not be construed to abrogate, replace or otherwise affect the application of the Code of Canon Law to the resolution of disputes within the Church.

According to the Code of Canon Law, the following issues are not subject to settlement under this procedure:

1. canonical criminal cases in the strict sense
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).
4. Disputes involving religious in their strictly internal affairs.
5. Spiritual matters whenever a claim is made that requires payment.

The Principle of Subsidiarity -

The principle of subsidiarity is basic to this diocesan process of conciliation. Thus, a reasonable attempt at conciliation among the parties involved must first be sought from among those parties (e.g., parents having a conflict with a teacher must first try to reconcile the issue between themselves and the teacher). Further, at the time conciliation at a higher phase is sought, the dissatisfied party must present to the authority a written account stating the issue, parties involved, and a summary report of the attempts and the results of those attempts made to seek conciliation.

Should parties elect to use the process of conciliation to go beyond the parties involved in the initial issue of dispute, the parties with the grievance must agree to accept the eventual decision of the bishop in this matter as the final means of conciliation.

Elements of the Process -

Phase I – Party to Party. In this phase, the two parties, which may be individuals or groups, are encouraged to meet together in the spirit of understanding and openness to pray and discuss their differences. It is also possible, at this stage, for a third facilitator to participate. This additional facilitator would have a less formal and active role than in phase II below. However, this facilitator's presence could help in resolving the conflict at this stage. This should take place in a neutral area, agreeable to both parties. The process outlined on Attachment 1 must be followed. If a resolution cannot be reached, then the dispute is taken to Phase II.

Phase II – Party to Party with two trained mediators. If Phase I has not reached a satisfactory solution, one or both parties may request that the dispute go to Phase II. This request is made to the Chancellor in writing by the use of Attachment 1. In this phase, the parties meet to discuss their differences with a mediator certified by the diocese. The mediator will facilitate the conciliation process. All parties will agree to the rules, processes, and judgment of the mediator. The mediator is a facilitator in this phase and the parties are the active participants in crafting an agreeable form of conciliation.

Phase III – Panel to review/interview/investigate and make recommendation to Bishop. The conciliation process reaches this phase when parties have been unable to resolve the dispute with themselves and the mediator. The mediator from Phase II will initiate the request with the Chancellor. In this phase, an impartial panel of three persons (including the mediator from Phase II) will be appointed by the Bishop to review and further investigate the dispute. The panel will then make a recommendation to the Bishop. The Bishop will decide on a course of action to remedy the dispute. The Bishop's action will be final.

*It should be noted that in the presence of emotional or mental dysfunction, there can be no authentic conciliation process.

Process of Conciliation

Diocese of Gallup
Phase I

Phase I Process:

A copy of this process must be given to and read by all of the participants.

A neutral meeting place should be chosen, one that offers privacy and affords the opportunity for prayer. Only the direct parties involved should be present.

The meeting should begin with a reading of Scripture:

Lk 10:25-37

There was a scholar of the law who stood up to test him and said, “Teacher, what must I do to inherit eternal life?”

Jesus said to him, “What is written in the law? How do you read it?”

He said in reply “You shall love the Lord your God, with all your heart, with all your being, with all your strength and with all your mind, and your neighbor as yourself.”

He replied to him “You have answered correctly; do this and you will live.”

But because he wished to justify himself, he said to Jesus, “And who is my neighbor?”

Jesus replied, “A man fell victim to robbers as he went down from Jerusalem to Jericho. They stripped and beat him and went off leaving him half dead. A priest happened to be going down that road, but when he saw him, he passed by on the opposite side. Likewise a Levite came to the place, and when he saw him, he passed by on the opposite side. But a Samaritan traveler who came upon him was moved with compassion at the sight. He approached the victim and poured oil and wine over his wounds and bandaged them. Then he lifted him on his own animal, took him to an inn and cared for him. The next day he took out two silver coins and gave them to the innkeeper with the instruction, “Take care of him. If you spend more than what I have given you, I shall repay you on my way back.”

Which of these three, in your opinion, was neighbor to the robber’s victim?”

He answered the one who treated him with mercy.”

Jesus said to him “Go and do likewise,”

The participants should take time (several minutes) to reflect on the Scripture reading. We are called to love our neighbor as our self. Everyone is our neighbor.

The Parties should then discuss openly and honestly their reasons for the need for conciliation. Problems should be stated briefly and dialogue should be respectful and honest.

After the problems have been discussed, possible solutions should be explored. These should be respectful and realistic.

If a resolution is not reached, Phase II can be requested, that should also be noted.

