



**OFFICE OF THE TRIBUNAL
ARCHDIOCESE OF MILWAUKEE**

DUE PROCESS OFFICE

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The Due Process Office is that office of the Archdiocese of Milwaukee that seeks to help members of the faith community resolve their disputes through formal and informal means when other avenues of dispute resolution have failed.

Though we are a community of faith trying to live up to the example set forth in the Gospels, we are also human and disputes will arise from time to time. It is important to resolve these disputes in a manner consistent with our faith. Scripture urges us to settle our disagreements within the Church community, taking care that our efforts are imbued with a spirit of love and forgiveness. (Luke 6,27).

The due process procedures of the Archdiocese are based on the presumption that parties to a dispute desire a settlement in equitable fashion and are willing to work towards an amicable settlement. The process attempts to protect the interests of all parties involved, aiming at the resolution of the grievance.

Competence

Canon 221 of the Code of Canon Law holds that all the faithful have the right to initiate a grievance against any individual, group, or agency in the church who allegedly violates their rights. However, there must be an allegation that a right as recognized in the code of Canon Law, teachings, or magisterium of the Church has been violated.

The jurisdiction of the due process office has limitations.

A. Time:

A petition to the due process office must be made within 45 days of the date of receipt of the result of the last previous attempt at resolving the conflict. (In other words, 45 days from the end of the last required step before approaching the due process office.) If there is a valid reason why this deadline cannot be adhered to, an application should be made which explains this reason.

B. Subject Matter:

The due process office cannot accept cases regarding the validity of marriage or sacred orders, the infliction of penalties by judicial sentence or those matters requiring a special process according to the code of canon law. It also cannot handle internal matters of religious orders and their communities.

C. Personal Jurisdiction:

The due process office can only hear complaints where the respondent is under the authority of the Archbishop of Milwaukee.

In instances where the parties have already undergone significant informal and formal mediation, the due process office is not the proper forum to pursue a dispute. If procedures are in

place for dispute resolution and have been fully complied with, without successful resolution, then an appeal could be made to the Archdiocesan Court of Equity. The due process office reserves the right to refer any case to the Archdiocesan Court of Equity when it is clear that any further efforts at mediation will be fruitless.

The office for Human Resources within the Archdiocese, as well as each parish, should have procedures for initial attempts at resolving disputes, including grievance committees.

The due process office also works cooperatively with the office for clergy. The due process office respects the competence of that office to moderate any issues that may arise within their jurisdiction. In matters of allegations of sexual abuse by a priest, the due process office has no competency.

Due Process Personnel

The Archbishop has the ultimate authority to settle all disputes and conflicts of rights that arise within his jurisdiction. The due process office in conjunction with the Archdiocesan Court of Equity is the usual agency through which the Archbishop normally exercises this responsibility. The Archbishop may, however, settle a matter by his own decree.

The judicial vicar oversees the due process office and has ultimate authority to decide all aspects of a case, which can be appealed only to the Archbishop. Complaints should be initially addressed to the judicial vicar in writing.

The due process coordinator shall review all petitions, and in conjunction with the judicial vicar shall determine whether such petitions fall within the competence of the office. The coordinator shall also be responsible for all record keeping and for direct communication with the parties.

Handling Grievances at the Parish Level

Since many disputes arise from the internal workings of a parish, each parish should establish an internal procedure for handling grievances and resolving conflicts.

Each parish has the responsibility to establish and make known a group who will initially hear the grievance and offer help in finding a resolution.

The following guidelines should be observed:

1. Following the principle of subsidiarity, matters should be dealt with at the lowest possible level. Accordingly, there should first be an effort to resolve grievances and conflicts by the two persons or groups directly involved.
2. If the initial effort has been unsuccessful, the matter may be resolved through the informal mediation of another person.

3. The next step would be submission of the grievance to the appropriate body. For those grievances involving parish personnel and contractual concerns, the parish should establish a separate grievance committee. This committee should be established in advance, and be available on a stand-by basis, to avoid accusations of bias in selection of panel members. This panel's decisions would be made on an advisory basis to the priest/parish director.

4. The pastor has ultimate authority at the parish level. Any dispute, which cannot be resolved through other means, should be brought to the attention of the pastor.

5. If the grievance cannot be resolved at the parish level, appeal can be made to the due process office.

Due Process Procedures

I. Starting the Process

1. A person seeking recourse to the due process office is known as the "petitioner," and the person, group, or institution with who that person is in conflict is known as the "respondent." Recourse to the due process office is called a "petition."

2. Within 45 days of the failure of the last effort at mediation, the petitioner shall submit a petition to the due process office. This petition shall specify the complaint, the appropriate respondent, and what attempts have been made to settle the dispute. The petitioner should also indicate what remedy is sought.

3. The judicial vicar will examine the petition and determine if the stated grounds for pursuing the dispute are sufficient, and determine if the due process office has jurisdiction to hear the matter. If the petition lacks completeness or specificity, the petitioner will be notified of any defect. (Note: The judicial vicar may delegate another canonist to assume his place in any given case.)

4. If the judicial vicar finds the facts as stated sufficient to begin due process proceedings, the petitioner shall be invited to the tribunal to meet with the judicial vicar and the due process coordinator. The purpose of this interview is to gather details about the case and the efforts made up to that point to resolve the dispute.

5. The judicial vicar or due process coordinator shall then contact the respondent and inform that person or group that a petition has been filed, along with the name of the petitioner. The respondent will be asked to appear before the judicial vicar and the due process coordinator, if so they will be asked to respond to the allegations and present any additional facts. They will be asked if they are willing to participate in due process procedures.

6. If the respondent refuses to cooperate with these due process proceedings or refuses to answer correspondence from this office, the petitioner must decide whether to withdraw the due process petition.

II. Mediation Procedures

A. Informal Mediation

1. The judicial vicar must be satisfied that the petitioner has made reasonable efforts to communicate with the respondent and resolve the dispute before a case will be accepted by the due process office. Once the judicial vicar is satisfied that such direct efforts have been attempted and have failed, and that further mediation efforts might be useful, the petition shall be accepted.
2. As outlined above, the judicial vicar and the coordinator shall meet individually with each of the parties. The judicial vicar and the coordinator shall meet with both parties in an effort at informal mediation in an attempt to help the parties find areas of agreement and grounds for compromise. Such meetings shall continue as long as they are necessary and productive.
3. If the dispute is resolved by agreement, the judicial vicar shall draft a summary statement of the dispute and its resolution for the parties' approval and signatures. A copy of this signed agreement shall be kept in the files of the due process office.
4. The due process office does not have the power to force the parties to adopt a solution. The judicial vicar shall have the right, however, to declare that one or both parties is not cooperating in good faith.
5. If the respondent fails to cooperate the petitioner may choose between withdrawing the due process petition or filing a petition with the Archdiocesan Court of Equity.

Final Awards, Appeals

If warranted, the due process office shall issue a "due process report" at the conclusion of a case. This report will set forth the facts and allegations of the case as well as the final disposition in the due process office. This report will ordinarily be published to the parties, the Archbishop, the Auxiliary Bishop, and any other relevant Archdiocesan personnel.

The due process office does not have the power to order any person or group to take action, to cease action, or to award damages because of a violation of rights. The due process office shall instead attempt to assure that all reasonable steps have been taken to mediate a dispute. However, the due process office may direct a case to the Archdiocesan Court of Equity which does have these powers. Any appeal of a decision by the due process office should be directed to the Archdiocesan Court of Equity.

Any question about the process as well as petitions, should be directed to:

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