



# DIOCESE OF GALLUP

PO Box 1338  
Gallup, New Mexico 87305

August 1, 2018

Dear Pastors, Parish Administrators, and Leaders;

The accompanying packet of documents provides an update to the Master Catalog of Policies for the Diocese of Gallup. It contains an extensively revised version of the *Personnel Policy and Procedures Manual*. (The old version of that document was under review when the Master Catalog was published in 2016 so it was not included.) There is also a corrected page for the financial policy. (The old page should be removed and replaced by the new one provided.) We included new index pages which should replace the old. The attached documents should include the following:

*Index for the Master Catalog* (replaces the old page)

*Personnel Policy and Procedures Manual* (This completely replaces the older version dated 2002. Cover pages and index are included. Substantial changes in the new version are printed in italics for convenience.)

*Financial Directives & Finance Council Norms* (new index and replacement page for only page # 14)

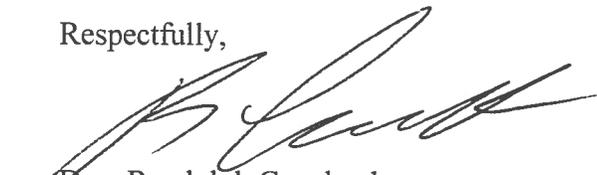
The changes in the personnel policies were updates that were needed due to changes in circumstances over time and new legal requirements. The correction in the finance document was due to an error in the original publication.

Please file these documents in the *Master Catalog of Policies and Procedures* so that your copy remains current. The corrected documents will also be available to print or download from the diocese's Webpage soon.

Employees and those dealing with church finances should review these documents to be aware of changes. Now would be a great time to ask each employee to do the annual update of the Code of Ethics Acknowledgement Form which states that the signer has reviewed any updated policy that may affect their work. If there are questions, please contact the staff in Chancery or me.

Thank you.

Respectfully,



Dcn. Randolph Copeland  
Chancellor, Diocese of Gallup

**Index**  
**Policy and Procedures**  
**Diocese of Gallup**  
**Master Catalog**  
 (update August 2018)

<b>Policy Name</b>	<b>Effective Date</b>	<b>Date Last Amended *</b>
Pastoral Code of Ethics	July 1, 2016	
Policy and Procedures for the Protection of Minors	July 1, 2016	October 9, 2017
Conflict of Interest	November 30, 2015	
Social Media Policy	November 30, 2015	
Financial Directives & Finance Council Norms	November 30, 2015	August 1, 2018
Personnel Policy and Procedures Manual	January 1, 2002	August 1, 2018

**\*Update Log**

<b>Policy</b>	<b>Date Amended</b>	<b>Content Change</b>
Policy and Procedures for the Protection of Minors	October 9, 2017	Title page, index, Promulgation Letter, & Appendix XII
Financial Directives & Finance Council Norms	August 1, 2018	Corrections to page14, Paragraph A.7.
Personnel Policy and Procedures Manual	August 1, 2018	Multiple revisions of prior version

**DIOCESE OF GALLUP  
PERSONNEL POLICY  
AND PROCEDURE MANUEL**

Issued: January 1, 2002; revised: August 1, 2018

**DIOCESE OF GALLUP PERSONNEL POLICY AND PROCEDURE MANUAL**

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*Revised Version: August 1, 2018*

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*Appendix A: Process of Conciliation (dated August 27, 1993)*

## Introduction

This Policy and Procedure Manual is effective as of January 1, 2002, *and has been revised effective August 1, 2018*. It has been prepared by the Diocese of Gallup to serve two primary purposes. First, the Diocese believes it is important that **ALL** persons who work for the Diocese and its parishes (including clergy, religious brothers and sisters, secular employees, and persons who volunteer their time and services to the Diocese and its parishes) are fully aware of and understand the Diocese's anti-discrimination and anti-harassment policies. Those policies are discussed in Section I of this Manual and apply to all programs operating within the Diocese and its parishes, and to all persons who are employed by or volunteer for the Diocese and its parishes.

Second, the Diocese believes it is important that all secular employees of the Diocese and its Parishes (that is, any employee who has not been ordained, has not taken any religious vow, and does not belong to an established religious order) be acquainted with the general personnel policies that apply to their employment. Those policies are set forth in Section II of the Manual.

Throughout this Manual, reference is made to the "Diocese." It is understood, unless specifically stated otherwise, that the Diocese also refers to a parish or other organization (under the Corporation Sole of the Roman Catholic Diocese of Gallup) employing an individual, *unless stated otherwise herein*.

The Diocese reserves the right to change any of its policies and procedures, including those covered here, at any time. Employees will be notified of any such changes. Changes will be effective on dates determined by the Diocese, and employees may not rely on policies that have been superseded. This Manual supersedes all previous policies and procedures, whether oral or written, on subjects covered herein.

## Section I Anti-Discrimination and Anti-Harassment Policies

The policies set forth in this Section apply to, and shall be observed by all employees and volunteers of the Diocese of Gallup and its parishes, including clergy, religious brothers and sisters, secular employees, and volunteers.

### Anti-Discrimination Policy

The Diocese of Gallup is an equal opportunity employer and believes every person has the right to work in an environment that is free from all forms of arbitrary discrimination. It is Diocesan policy that all applicants for employment, employees and volunteers of the Diocese and its parishes be treated fairly at all times. No aspect of employment with the Diocese or its parishes will be influenced, in any manner, by considerations of age, race, color, sex, disability, national origin, physical or mental disabilities or conditions, on-the-job injuries, veteran status or any other category protected by applicable law. Notwithstanding the foregoing, as religious organizations, the Catholic institutions of the Diocese of Gallup are free to choose how best to preach our beliefs, teach the faith, and carry out the mission of the Church. Therefore, nothing in these policies shall be deemed to waive, limit or restrict the right of the Catholic institutions of the Diocese of Gallup to make employment decisions considering their beliefs and practices in accord with the teachings and laws of the Catholic Church.

**If you believe you or any other person who works or volunteers for the Diocese or its parishes has been discriminated against, in violation of this policy, you should immediately notify your supervisor or someone else with administrative authority. You will not be retaliated against in any way for complaining of discrimination.**

### Anti-Harassment Policy

The Diocese of Gallup will not tolerate, condone or allow any kind of harassment—against any employee of, volunteer for, or person served by the Diocese of Gallup or any of its parishes—on the basis of that person's age, race, color, sex, national origin, disability, sexual orientation, or veteran status. Prohibited harassment includes the following:

Physical harassment

Comments

Jokes

Innuendos

Slurs

Cartoons

Pranks

Any other derogatory actions based upon any of the foregoing characteristics.

**All employees and volunteers are prohibited from engaging in the harassment of any other employee, volunteer or person served by the Diocese of Gallup and its parishes.**

**Harassment is prohibited by state and federal laws where:**

- submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

**Sexual Harassment is defined as any unwelcome or unwanted conduct of a sexual nature, whether verbal or physical, including but not limited to:**

- unwanted sexual advances;
- demands for sexual favors in exchange for favorable treatment or continued employment;
- sexual jokes, flirtations, advances or propositions;
- verbal abuse of a sexual nature, including graphic commentary about an individual's body, sexual prowess or sexual deficiencies;
- leering or whistling;
- unwanted touching;
- pinching;
- assault;
- coerced sexual acts;
- suggestive insults;
- obscene comments or gestures; and display in the workplace of sexually suggestive objects or pictures.

**If you believe you are being harassed by co-workers or others at the Diocese of Gallup or any of its parishes, you should immediately notify your supervisor or someone else with administrative authority. You will not be retaliated against in any way for complaining of harassment.**

## **Section II General Personnel Policies**

The policies set forth in this Section apply to, and shall be observed by, all secular employees and volunteers of the Diocese and its parishes. For the purposes of this section “secular employee” means a person who is not ordained, has not taken a religious vow, does not belong to an established religious order, and who receives compensation from the Diocese or any of its parishes for work performed.

### **Terms of Employment**

All employees of the Diocese of Gallup are considered **terminable-at-will**, which means that an employee is free to resign at any time, for any reason. Similarly, the Diocese is free to terminate an employee, with or without cause, at any time. This Policy and Procedure Manual is not intended in any way to alter the Diocese's terminable-at-will policy and does not constitute a contract or any part of a contract of employment.

The Diocese recognizes the following classifications of employees for the purposes of determining eligibility for certain benefits:

**Full-time employees:** Employees scheduled to work 28 or more hours per week on a regular basis.

**Part-time employees:** Employees scheduled to work less than 28 hours per week.

**Regular employees:** Employees who have completed the 90-day orientation period.

### **Employee Orientation Period**

The orientation period for new employees lasts for 90 days from the date of hire. During this time, both the Diocese and the new employee have an opportunity to evaluate whether the employment relationship will be a mutually productive and beneficial one. As during regular employment, the Diocese and the employee have the right to terminate the employment relationship, without advance notice or cause, during the orientation period.

On-the-job training will be given for the first 30 days of employment. During this time, the new employee will be made aware of his/her specific job responsibilities. Each new employee is expected to become thoroughly familiar with this Manual during the orientation period.

### **Dispute Resolution**

If any dispute arises between the Diocese, any of its parishes, any employee or any volunteer, the steps in the *Process of Conciliation* (dated 2009) will be used to resolve the dispute. A copy of this process is attached as Appendix A to this Manual.

## Conditions for Employment

All volunteers and applicants for employment must receive a copy of the *Diocesan Policy and Procedures for the Protection of Minors* and must complete annual *Safe Environment Training* offered by the Diocese. All volunteers and applicants must submit to reference checks and a background check that may include (but is not limited to) criminal, driving, and/or financial history, depending on the position or duties performed.

All volunteers, employees, and applicants must understand that the catechetical (teaching) role of the Roman Catholic Church dictates that those persons employed or engaged in official activities must abide by the norms of the church teachings since our actions teach more potently than words. Criminal acts, illicit heterosexual or homosexual activities and other gross violations of church law (Canon Law) are impediments to employment. It is also incumbent on an employee or volunteer in a recognized position of authority in the Diocese not to express opinions to the contrary of church teachings in any public forum or media in which it may be construed that they are speaking for the Church. It is the responsibility of volunteers and employees to avoid any activity that would bring discredit or scandal upon their employer.

## Work Hours, Overtime and Payroll Policies

The standard workweek of the Diocese consists of 40 hours of work, beginning on Monday and ending on Sunday. The standard workday at the Chancery begins at 8:30 a.m. and ends at 4:30 p.m. Monday through Friday, with one hour for lunch. Beginning and ending work day times for parishes will vary depending on local circumstances, and are set by the pastor. The schedules for schools and other diocesan entities may vary as required to meet the mission of the activity. The principal or supervisor of the local activity may arrange or change schedules as necessary but should communicate changes as far in advance as feasible.

Overtime represents any hours worked by an employee in excess of 40 hours in one work week, and are paid to eligible employees at the rate of 1.5 times the normal hourly wage. Eligibility for overtime pay is based on criteria established under the Fair Labor Standards Act. **Employees may work overtime only if they have obtained prior written authorization from their supervisor.**

All employees are paid semi-monthly. The first pay period begins on the first of the month and ends on the 15<sup>th</sup> of the month. The second pay period begins on the 16<sup>th</sup> of the month and ends on the last day of the month. Hourly employees must submit a time sheet for the pay period no later than the day following the end of the pay period. Pay checks will be distributed within three days following the end of the pay period. Various payroll deductions are made each payday to comply with federal and state laws pertaining to taxes and insurance.

## Absenteeism

Absenteeism can be disruptive to the work place. It is the employee's responsibility to notify his/her supervisor when illness or other circumstances prevent him/her from reporting to work. Whenever possible, employees should make prior arrangement with their supervisor to be absent. If this is not possible, the employee must notify his/her supervisor of the reason for the absence as early in the workday as possible.

## Holidays

Regular full-time employees are eligible for 11 paid holidays each calendar year. If the holiday falls on a Saturday, it will be observed on the preceding Friday. If the holiday falls on a Sunday, it will be observed on the following Monday. Designated paid holidays are as follows:

Solemnity of Mary (New Year's Day)  
President's Day  
Good Friday  
Easter Monday  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day (and day after)  
Christmas Day (and day after)

## Holy Days

Paid time off for employees to attend Mass on Holy Days of Obligation will be given for all regular full-time employees. This may vary depending on the availability and schedule of Masses for each parish.

## Vacation Leave

Vacation time is renewed on January 1<sup>st</sup> of each year. On January 1<sup>st</sup>, each employee will have available the full number of days' vacation due to them for that calendar year. That vacation may be taken anytime during that calendar year per the provisions below. Regular full-time employees accrue paid vacation according to the following schedule:

- \* After one year of continuous service, ten (10) vacation days annually (prorated for 1<sup>st</sup> year).
- \* After five years of continuous service, fifteen (15) vacation days annually.
- \* After ten years of continuous service, twenty (20) vacation days annually.

Employees must take vacation time off within the calendar year it is received. If not taken by then end of that year, vacation time will be lost; that is, **vacation time may not be accrued and carried over from year to year**. An employee who resigns or whose employment is terminated and who has worked at least one full year at the Diocese will be entitled to receive payment for accrued but unused vacation time. Requests for vacation leave must be given to the employee's supervisor **and approved** at least two (2) weeks' prior to the planned vacation. Requests will be considered and granted as staffing allows on a "first come, first serve" basis. If there is a conflict in vacation requests submitted at the same time, the employee with the longest tenure will be given consideration first. If staffing conflicts occur, there is no guarantee that vacation time will be approved toward the end of the calendar year.

## **Family Medical Leave Act**

*The Family Medical Leave Act requires up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:*

*For incapacity due to pregnancy, prenatal medical care or child birth;*

*To care for the employees child after birth, or placement for adoption or foster care;*

*To care for the employees spouse, son or daughter, or parent, who has a serious health condition.*

*For a serious health condition that makes the employee unable to perform the employees job.*

*Employees should familiarize themselves with the provisions of this act which has both benefits and obligations for both the employer and the employee. Employee must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave qualifies for FMLA protection and the anticipated timing and duration of the leave. (Refer to <https://www.dol.gov/whd/fmla/employeeguide.htm>)*

## **Personal Time Off**

The Diocese provides paid personal time off ("PTO") for all Regular full-time employees. PTO may be used for absences due to, but not limited to, personal illness, family/friend illness, personal appointments, child care and school appointments, funerals, voting, Military Reserve or National Guard duty, "mental health" days, etc. Regular full-time employees accrue PTO at the rate of 1 day per month, for a total of 12 days per calendar year. PTO accrues and is credited and available for use on the first day of each calendar month.

PTO is not to be used in lieu of or as a substitute for vacation leave, and may not be used to extend vacation leave. **As a general rule, and except where illness or an emergency is involved, no more than 3 PTO days may be taken consecutively.**

Employees must request **PTO** and obtain their supervisor's approval **at least 24 hours in advance**, except in the event of illness or family emergency, under which circumstances the employee should call his/her supervisor no later than 8:45 a.m. on the morning of the absence.

Unused PTO may be carried over from year to year without restriction. The Diocese encourages employees to use PTO with discretion, and to save and carry it forward, to ensure that they will receive compensation in the event of a prolonged period of illness or absence from work. Accrued but unused PTO is not compensable upon termination of employment or resignation.

## **Bereavement Leave**

In the event of a death in an employee's immediate family, the employee may have time off with pay, up to a maximum of five (5) work days, to handle family affairs and attend the funeral, "Immediate family" is defined as spouse, children, parents, siblings, grandparents, grandchildren, parents-in-law, sons-in law, and daughters-in-law of the employee. An extension of bereavement leave without pay or use of accrued vacation and/or PTO leave to extend bereavement leave may be requested.

## **Jury Duty**

In order that employees may serve on a jury without loss of earnings, the Diocese will pay normal wages for the period of jury duty. **The employee, however, must sign over to the employer all court payments received for jury duty.** As soon as an employee receives notification to appear for jury duty, the employee should notify his/her employer immediately.

## **Leaves of Absence without Pay**

The absence of an employee for an extended period of time is disruptive and expensive and therefore must be held to a minimum; however, from time to time, leaves of absence may be granted **at the discretion of the Diocese** for full-time employees who have worked for the Diocese for at least one continuous year, to maintain continuity of service where unusual or unavoidable circumstances require prolonged absence. Leaves of absence without pay must be approved in advance, and will generally fall into one of the following categories:

### **Military Leave**

An employee on active military reserve status may request up to two (2) weeks of unpaid leave annually for military reserve training. At the employee's option, such training may be combined with paid vacation leave.

### **Medical Disability (Including Pregnancy)**

The Diocese may grant up to 120 days of unpaid leave in the case of a medical disability, including pregnancy. The specific period must be supported by a physician's statement. **Accrued PTO and vacation leave must be used prior to commencement of the unpaid portion of the medical disability leave; however, the combination of PTO, vacation and unpaid leave may not exceed 120 days.** Requests for pregnancy leave must be submitted at least 30 days prior to desire commencement of the leave period.

The Diocese is not obligated to keep a position open beyond a doctor's verified time off (not to exceed 120 days) for medical disability, including pregnancy, childbirth, or related medical condition. Upon return from approved medical disability leave, the employee will be reinstated in his/her prior position, if available, and if unavailable, then in a comparable position for which the employee is qualified. Prior to return from medical disability leave, the Diocese will require the employee to bring a statement from the employee's doctor indicating that the employee is physically able to resume regular work.

## **Personal Leave**

The *employer* may grant up to 30 days of unpaid leave for compelling personal reasons; however, **accrued PTO and vacation leave must be used prior to commencement of the unpaid portion of the personal leave.**

No loss of service credit with the Diocese will occur as the result of an approved leave of absence; however, no benefit credit will accrue toward vacation or PTO entitlement for the duration of the leave. Holidays occurring during the leave of absence will not be paid.

## **Return from Leaves of Absence**

All employees who are granted leaves of absence must notify their supervisor of their intent to return to work at least one (1) week prior to expiration of the leave of absence. Failure to return from an approved leave of absence when scheduled will be considered a voluntary resignation, unless a prior extension of the leave of absence has been requested and authorized.

## **Health Insurance**

The Diocese has a group health insurance policy in which all regular employees scheduled to work 25 hours a week or more can participate. The Diocese or its parishes will pay 90% of the employee's medical coverage. The employee is responsible for the remaining 10% of the premium as well as 100% of the premium for optional spouse or dependent coverage. The employee's portion of the premium will be deducted from his/her first paycheck of the month. If the employee does not wish to participate in the health plan, a non-participation form must be signed. *Any employee of a parish should check with their parish to determine what coverage is available.*

## **Life Insurance**

A life insurance policy with a death benefit of \$20,000 is automatically included in the health insurance premiums for employees of the Diocese. *Any employee of a parish should check with their parish to determine what coverage is available.*

## **Disability**

Disability insurance is automatically purchased by the Diocese for all full-time employees. *Any employee of a parish should check with their parish to determine what coverage is available.*

## **Dental Insurance**

Dental insurance is available to all regular full-time Diocese employees. The dental premiums are 100% paid by the employee. Deductions will be made through the employee's payroll. *Any employee of a parish should check with their parish to determine what coverage is available.*

## **Personnel Records**

Important events in each employee's employment history with the Diocese will be recorded and kept in the employee's personnel file. Each file will include the employment application, performance evaluations, documentation regarding disciplinary actions, changes in status, leaves of absence, salary information and other related personnel matters. Every employee will be permitted, on reasonable notice, to inspect his/her personnel file.

**Personnel Records are strictly confidential and are available only to persons who have received authorization from the administrator of the Diocese.**

Each employee is responsible for notifying his/her supervisor of any changes in address, telephone number and/or family status (births, marriage, death, divorce, legal separation, etc.), as income tax status may be affected by these changes.

## **Standards of Conduct**

To assure safe, efficient and harmonious operations, the Diocese expects all employees to conduct themselves in a professional manner at all times. Violations of professional standards of conduct, which may result in disciplinary action or termination from employment, include, but are not limited to, the following:

- Obtaining employment on the basis of false or misleading information
- Misuse of Diocese funds, equipment or property
- Engaging in acts of dishonesty, fraud, or theft
- Fighting, throwing things, or other disorderly conduct that may endanger the wellbeing of anyone on Diocesan premises
- Threatening, intimidating, coercing, using abusive or vulgar language, or interfering with the performance of other employees
- Insubordination or refusal to comply with instructions or failure to perform reasonable duties that are assigned
- Damaging or destroying Diocese property due to careless or willful acts
- Excessive tardiness or absence without reason
- Violation of Diocesan anti-discrimination or anti-harassment policies

The foregoing list is intended to be representative of the types of activities that may result in disciplinary action or termination. It is not intended to be comprehensive and does not alter the employment-at-will relationship between the Diocese and its employees.

## **Telephone and Mail Use**

All telephone calls to the employer are to be answered promptly and courteously. As a general rule, personal calls, both incoming and outgoing, should be kept to a minimum, and as brief as possible. Employees may not purchase personal items under the name of the Diocese or other diocesan activity or on those accounts.

## **Workers' Compensation**

Diocesan employees are covered by Workers' Compensation, which provides medical, hospital care and partial compensation for lost time due to an accident or occupational disease arising out of and in the course of employment. Prompt reporting of any such accident or injury is essential to protect the employee's insurance interest. Accordingly, in case of any accident involving an employee of the Diocese while working for the Diocese, the administrator of the Diocese should be notified immediately of the incident. A written incident report, outlining all of the important circumstances relating to the accident (e.g., time, place, nature of accident, names and addresses of all persons involved, including witnesses, and the extent of the injuries) must be filled out by the employee and given to the administrator of the Diocese. The incident report is a protective measure, for the employee as well as the Diocese, to facilitate the filing of an insurance claim if applicable.

## **Resignation and Termination**

An employee who decides to resign from employment with the Diocese should provide written notice at least two weeks prior to departure, to allow the Diocese to make arrangements for a replacement without undue disruption.

In the event an employee is terminated by the Diocese, the Diocese will determine, on a case-by-case basis, when the termination will be effective.

Any keys to Diocesan property or equipment in the employee's possession must be turned in to the administrator of the Diocese entity on the employee's last day of employment.

**Diocese of Gallup  
Policy & Procedure Manual  
Receipt & Acknowledgment**

I have received and read thoroughly a copy of the Diocese of Gallup Policy and Procedure Manual, dated January 2, 2002, and revised August 1, 2018. I am aware of and accept the responsibility for following the policies and procedures set forth in the Manual, and I understand that violation of those policies and procedures may result in disciplinary action or termination. I also understand that the policies and procedures contained in the Manual may be amended by the Diocese of Gallup at any time, and that any such changes will be communicated to me.

I further understand that the policies and procedures set forth in the Manual supersede and replace any previous policies and procedures, whether oral or written, that previously may have existed on the topics addressed in the Manual.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

## PROCESS OF CONCILIATION

Diocese of Gallup

“If you bring your gift to the altar, and there recall that your brother has anything against you, leaver 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

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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

## Appendix A: Conciliation Process – Diocese of Gallup - 3

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.

