



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

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“If your brother or sister sins against you, go and point out the fault when the two of you are alone. If the brother or sister listens to you, you have regained that one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the brother or sister refuses to listen to them, tell it to the church. If the offender refuses to listen even to the church, let such a one be to you as a Gentile or a tax collector.” ---
Matthew 18:15-17

“I urge you in the name of the Lord Jesus Christ, that all of you agree in what you say, and that there be no divisions among you, but that you be united in the same mind and in the same purpose.”
---*I Corinthians 1:10*

Therefore, putting away falsehood, speak the truth, each one to his neighbor, for we are members one of another. Be angry but do not sin; do not let the sun set on your anger, and do not leave room for the devil.”
---*Ephesians 4:25-27*

I urge Euodia and I urge Syntyche to come to a mutual understanding in the Lord. Yes, and I ask you also, my true yokemate, to help them, for they have struggled at my side in promoting the gospel.
---*Philippians 4:2-3*

These words of Jesus and of St. Paul are a reminder of the Gospel's call to unity and peace. As members of the Church, we, too, are called to proclaim and to live the gospel in our daily lives.

A sincere respect for the dignity and worth of each individual should be evident in the interactions of members of the Church. At times within our community, however, conflicts can develop. Our response to these is a measure of our belief in the unity to which Christ calls us. True to our heritage we should strive to apply gospel values to the mediation of conflicts. Where there is disagreement, the desire for peace and reconciliation should move us to take appropriate steps to resolve our differences.

Whenever there is a disagreement, the first and best forum for resolving it is in the loving dialogue between the parties. Only after all efforts at reconciliation in this forum have been exhausted should those involved have recourse to others.

While we sincerely hope that such disputes do not arise or that, when they arise, they be resolved by those involved, we also recognize that at times this is not possible. For this reason the Diocese has established this procedure for conciliation and arbitration. It is our hope that the procedure will enable all who participate to experience once again the unity to which St. Paul attests.



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We gratefully acknowledge the assistance of the Archdiocese of Omaha, Nebraska, and the Diocese of Portland, Maine, as well as the Canon Law Society of America in the formulation of this policy.

Internal Disputes and Grievances

Recommended First Step for Parishes¹

The Second Vatican Council taught us the importance of the principle of subsidiarity and the need to apply it in all aspects of Church life. This important principle applies to disputes and grievances within the community of faith. In other words, if two individuals can openly communicate their differences and settle their own grievances or disputes satisfactorily by some reasonable and just compromise, it should be left to them to do so. Valuing subsidiarity means recognizing that “just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do” (Quadragesimo Anno, 79).

In this spirit, and with the following presumptions in mind, we seek to promote the resolution of disputes and grievances at the local level whenever possible.

The following process is offered to parishes and other institutions of the Diocese to assist in resolving disputes internally. It is not meant to supersede any process that may already exist in some parish or organization. It is intended for those parishes and other institutions which may lack any due process policy of their own and seek guidance as to how internal disputes may be resolved. Adaptations of this model process for particular situations are possible and often desirable so that the requirements of justice and fairness may best be served.

If internal processes fail to resolve a dispute or grievance, any party may have recourse to the diocesan Conciliation and Arbitration process.

I. Internal Procedures

Fair and prompt consideration and adjustment of the dispute shall be as follows:

¹ adapted from materials prepared by the Diocese of Portland, ME



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- A. Disputes involving employees of the parish/diocese:
1. Any grievance will be discussed between the employee and his/her immediate supervisor. A disposition will be rendered to the grievance within one (1) week. It is expected that most problems can be resolved within normal supervisory sessions.
 2. Failing resolution at step 1, the employee will submit his/her grievance in writing within one (1) week to the person next in authority, up to and including the pastor/pastoral administrator, and a disposition shall be rendered within one (1) week.
 3. Failing resolution at step 2, a written petition may be submitted by the employee to the Conciliation Clerk of the Diocesan Conciliation Panel, and the diocesan conciliation procedures will be followed.
- B. Disputes involving parishioners/members of the faithful in general:
1. Any grievance will be discussed between the parishioner and the parish minister/organization that is responsible for the area in question. [Examples: a parishioner with a grievance about parish worship practices should go to the parish Worship Commission; a parent with a grievance about religious education practices should go to the DRE and/or the Education Commission.] A disposition shall be rendered to the grievance as soon as possible and not longer than one (1) month after the grievance is submitted. It is expected that most problems can be resolved by patience, understanding and the exchange of relevant information.
 2. Failing resolution at step 1, the parishioner may submit his/her grievance in writing within one (1) week to the person/group next in authority, up to and including the pastor/pastoral administrator and/or the pastoral council. A disposition shall be rendered to the grievance as soon as possible and not longer than one (1) month after the grievance is submitted.
 3. Failing resolution at step 2, the parishioner may submit a written grievance to the Chancellor of the Diocese and the diocesan conciliation procedures will be followed.



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II. Diocesan Conciliation/Arbitration Procedures

- A. The specific diocesan procedures for Conciliation and Arbitration are available from the Diocesan Pastoral Center. The members of the Diocesan Conciliation Panel are available to provide assistance to all parties at any stage of their dispute. This assistance involves providing resources on due process and conflict resolution, as well as counseling as to the options available for redress. Any disputes which cannot be resolved internally may be submitted to the Conciliation Clerk to initiate the diocesan conciliation procedure, provided that the aggrieved party has made efforts in good faith to resolve the grievance by available internal mechanisms.

- B. Conciliation involves a third party conciliator assisting the parties to the dispute in coming to their own resolution of the case. Arbitration, which can only be done should conciliation fail, is the final step in the grievance process where an impartial arbitrator, having heard the disputants, renders a decision which is final and binding on both of them.



Conciliation

Article I Establishment

1. The Bishop shall establish a Diocesan Conciliation Panel whose role is to serve as the body which shall oversee the conciliation procedure. The members will be selected in the following manner:
2. Two or more lay members recommended to the Bishop.

One member from the Priests' Council recommended to the Bishop by the Priests' Council.

One member from the Sisters' Council recommended to the Bishop by the Sisters' Council.

One member at large appointed by the Bishop.

3. The members of the Diocesan Conciliation Panel shall select one of their own members to be the Conciliation Clerk for that year.
4. The members of the Diocesan Conciliation Panel shall be appointed by the Bishop for a term of three years which will be staggered so that the panel has experienced members.
5. Upon the completion of their terms, the members of the panel shall be eligible for reappointment. When a vacancy occurs on the panel, the Bishop shall appoint a person to serve the remainder of the term.
6. The members of the Diocesan Conciliation Panel may be removed for due cause by the Bishop.
7. In case of sede vacante, the Diocesan Conciliation Panel will continue to function until reappointed, replaced or the structure for due process is dissolved by the new Bishop.



Article II Initiating the Conciliation Procedure

The conciliation procedures will be formally initiated at the time that the written petition has been received by the Chancellor and forwarded to the conciliation clerk.

Section 1 - Allowable and Non-Allowable Disputes

1. The kinds of disputes that are allowable:
 - A. Disputes between a person, persons, or group and a parochial or 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 a right recognized as such in the law of the Church or in the documents of the magisterium.
 - B. Disputes between a person, persons, or group and a parochial or diocesan administrator or administrative body within the diocese where it is contended that failure to act or failure to make a decision has violated a right recognized as such in the law of the Church or in the documents of the magisterium.
 - C. Disputes between a person, persons, or group and a parochial or diocesan administrator or administrative body within the diocese which has been submitted directly to the Bishop for redress and where, in the judgment of the Bishop, the parties to the dispute could be assisted by the conciliation procedure. In such a case, the Bishop refers the petitioner(s) to the conciliation clerk and the usual procedures are then followed.
2. The following are not subject to settlement under this procedure:
 - A. Canonical administrative sanctions, disciplinary actions, or decisions of the Bishop.²
 - B. Canonical criminal cases in the strict sense.
 - C. Non-criminal matters where there is a question of validity of marriage or holy orders.

² Canon 1737 provides for “recourse for any just reason to the hierarchic superior of the one who issued the decree.” In the case of a decision of the Bishop this would be the Archbishop of Portland or the Roman Signatura (see Canon 1445).



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- D. 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).
- E. Disputes involving religious in their strictly internal affairs.
- F. Spiritual matters whenever a claim is made that requires payment.
- G. Disputes governed by the due process procedures of the diocesan Catholic Schools or of Catholic institutions separately incorporated (e.g., St. Labre, etc.).

Section 2 - Limitation of Action

An action under this procedure shall be commenced within one (1) year of the occurrence of the events that gave rise to the dispute. This limitation period shall be adjusted appropriately if the parties are, in good faith, pursuing within that one-year period private dispute mechanisms that meet minimum due process standards. The conciliation clerk shall have the discretion to permit an action to proceed under these norms even if, due to extenuating circumstances, it began after the expiration of the time limit.

Section 3 - Role of Conciliation Clerk

1. The conciliation clerk will receive the written grievance containing within it a signed affirmation that an effort has been made to reach a settlement prior to filing. The conciliation clerk will ascertain with the petitioner that the wording of the petition is stated with precision and truly expresses the position of the petitioner. The petitioner is responsible for the formulation of any dispute and may obtain assistance from any source in stating the dispute with clarity and precision. The conciliation clerk may interview both parties to the dispute to determine the nature of the dispute from the perspective of each side.
2. The conciliation clerk will determine whether or not the petition falls within the scope of allowable disputes.
3. Should the conciliation clerk find the petition allowable under these procedures, the conciliation clerk will transmit a copy to the respondent, who is to respond in writing within ten (10) days.
4. Should the conciliation clerk find the petition not allowable under these procedures, the conciliation clerk will refer the petition to the conciliation panel for a final determination about the merits of the petition. The conciliation clerk will notify the petitioner of the final determination.



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5. If the petitioner does not accept a judgment that the dispute is not allowable, the petitioner may have recourse to the Bishop.

Section 4 - Role of the Diocesan Conciliation Panel

1. The panel will meet at regular intervals and at least semiannually.
2. The conciliation clerk will chair all meetings of the panel, shall keep minutes of the proceedings of all meetings, and shall report to the Bishop annually concerning the panel's activities.
3. The conciliation panel shall be responsible for:
 - A. maintaining an active and adequate list of suggested conciliators.
 - B. seeking the approval by the Bishop of all conciliators.
 - C. reviewing each petition which the conciliation clerk has determined should be dismissed as an unallowable dispute.

Article III Conciliation

Section 1 - Role of the Conciliation Clerk

During the conciliation process, the conciliation clerk is to act as a person processing a petition and a response and shall not make any judgments with respect to the merits of the dispute, except to determine initially whether the dispute is allowable within the Conciliation and Arbitration Procedures.

Section 2 - Civil Lawyer

A party shall not be represented by a civil lawyer during the conciliation process.

Section 3 - Selection of the Conciliator

Within five (5) days after the receipt of the response, the conciliation clerk shall assist the petitioner and the respondent in selecting a conciliator from the slate of conciliators approved by the Bishop who, in the opinion of the petitioner and the respondent, is a competent person who would be informed of the facts involved in the petition, sensitive to the feelings of the parties, and would be capable of bringing both parties together in a face-to-face dialogue.



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Section 4 - Role of the Conciliator

1. All conciliators will be approved by the Bishop and will undergo a period of training in preparation for their role as conciliator.
2. The conciliator selected should have as a primary concern the reconciliation of the parties. As much as possible, the conciliator will try to motivate and assist the parties in settling the dispute themselves, while discretely suggesting possible areas of compromise or other suitable solutions.
3. After selection, the conciliator shall receive a copy of the written grievance of the petitioner from the conciliation clerk. Any written response from the respondent or other relevant documentation will be given to the conciliator.
4. Within five (5) days from the date that the conciliator is chosen, the conciliator shall schedule a meeting with the parties in an effort to resolve the dispute. The conciliator shall make every effort to conciliate the dispute within a reasonable period of time.

Section 5 - Resolution of the Dispute

1. When there has been a resolution of the dispute, the conciliator shall make a written report to the conciliation clerk concerning the nature of the resolution. The conciliation clerk shall transmit a copy of the report to the Bishop, and inform the members of the conciliation panel of the outcome of the conciliation process.
2. In the event that a resolution of the dispute is not possible, the conciliator shall make a written report describing the reasons that a resolution was not possible. The conciliation clerk shall transmit a copy of the report to the Bishop, and inform the members of the conciliation panel of the outcome of the conciliation process. The parties may mutually agree to further conciliation or arbitration

Article IV Conciliation Procedure and Civil Litigation

1. At any time during the conciliation procedure, introduction of an issue into civil court by the petitioner or respondent will require a judgment by the conciliator as to whether the procedure will continue or be terminated.
2. If there is civil litigation pending involving the same issue, the conciliation panel will determine whether or not to accept the petition into the conciliation procedure.



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Article V Costs of the Conciliation Procedures

Operational costs for the Diocesan Conciliation Panel should be part of the diocesan budget. All members of the Diocesan Conciliation Panel shall serve gratis. All other costs of the conciliation procedures should be borne equally by the parties involved unless they agree otherwise or unless the conciliator assesses such expenses or any part thereof against a specified party or parties.

Article VI Confidentiality

Confidentiality will be respected in all cases.

Article VII Revision of the Conciliation Procedure

The Bishop can alter, amend or revoke the Conciliation Procedure if it does not serve to accomplish the ecclesiastical purpose for which it was established.



Arbitration

Article I Establishment

1. The Bishop shall establish a Diocesan Arbitration Panel whose role is to serve as the body which shall oversee the arbitration procedure. The panel shall consist of five members whom the Bishop shall freely select from among the people of the Diocese.
2. The members of the Panel shall be appointed by the Bishop for three-year terms which shall be staggered so that the panel has experienced members. Length of terms for the first panel shall be determined by lot.
3. The Bishop may remove arbitrators from the panel for cause.
4. In case of sede vacante, the Diocesan Arbitration Panel will continue to function until reappointed, replaced or this process for arbitration is dissolved by the new Bishop.

Article II The Arbitration Process

Section 1 – Competence

The competence of the Diocesan Arbitration Panel shall be the same as for the Diocesan Conciliation Panel. Ordinarily, arbitration will not be attempted until after the full conciliation process has been completed without success.

Section 2 - Allowable and Non-Allowable Disputes

1. The kinds of disputes that are allowable are the same as those described in Section 1, number 1 of the Procedure for Conciliation which include the following:
 - A. Disputes between a person, persons, or group and a parochial or 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 a right recognized as such in the law of the Church or in the documents of the magisterium.
 - B. Disputes between a person, persons, or group and a parochial or diocesan administrator or administrative body within the diocese where it is contended that failure to act or failure to make a decision has violated a right recognized as such in the law of the Church or in the documents of the magisterium.



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- C. Disputes between a person, persons, or group and a parochial or diocesan administrator or administrative body within the diocese which has been submitted directly to the Bishop for redress and where, in the judgment of the Bishop, the parties to the dispute could be assisted by the arbitration procedure. In such a case, the Bishop refers the petitioner(s) to the arbitration panel and the usual procedures are then followed.
2. The following are not subject to settlement under this procedure:
- A. Canonical administrative sanctions, disciplinary actions, or decisions of the Bishop.³
 - B. Canonical criminal cases in the strict sense.
 - C. Non-criminal matters where there is a question of validity of marriage or holy orders.
 - D. 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).
 - E. Disputes involving religious in their strictly internal affairs.
 - F. Spiritual matters whenever a claim is made that requires payment.
 - G. Disputes governed by the due process procedures of the diocesan Catholic Schools or of Catholic institutions separately incorporated (e.g., Benefis Health Care Center, St. Labre, etc).

Section 3 - Conditions for Arbitration

Arbitration shall be binding upon both parties. A prior agreement to this effect will be signed by both parties and presented to the arbitrator.

Section 4 - Selection of the Arbitrator

1. The arbitrator for a given dispute shall be selected by the members of the arbitration panel from among their number.

³ Canon 1737 provides for “recourse for any just reason to the hierarchic superior of the one who issued the decree.” In the case of a decision of the Bishop this would be the Archbishop of Portland or the Roman Signatura (see Canon 1445).



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2. The panel shall meet together as a body to select an arbitrator when they have received the written agreement of the parties to be bound by arbitration.
3. The arbitrator must receive no direct benefit from the outcome of the decision.
4. The arbitrator will conduct a hearing according to the procedure found in Article II, Section 6. Expertise in the areas under discussion is helpful, but not absolutely necessary.

Section 5 - Who May Attend the Hearing

1. Parties may be accompanied by advisors at hearings but must notify the arbitrator prior to the hearing. The arbitrator should make the names of such persons known to the other party. Civil lawyers and canonical advocates will not be allowed to represent the parties.
2. It shall be at the discretion of the arbitrator to determine the propriety of the attendance of any other person at the hearing. The arbitrator may limit the number of people in attendance to only the parties and their witnesses. The arbitrator may determine that witnesses shall be present only during the time they are giving testimony.

Section 6 - Role of the Arbitrator

1. The arbitrator shall appoint a time and place for the hearing and notify the parties not less than fourteen days before the hearing. The arbitrator may adjourn or postpone the hearing as necessary.
2. The arbitrator shall hear and determine the dispute upon the evidence produced at the hearing:
 - A. Parties may offer such evidence as they desire and shall produce such additional evidence as the arbitrator may deem necessary for an understanding and determination of the dispute.
 - B. The arbitrator shall evaluate and assess the relevancy of the evidence offered, and strict conformity to civil or canonical rules of evidence shall not be necessary.
 - C. The arbitrator may require the parties to submit books, records, documents, and other documentary evidence which is deemed relevant to the case.
 - D. At the discretion of the arbitrator, written statements may be accepted as testimony when one of the parties or relevant witnesses cannot be present.



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Section 7 - The Hearing

1. A hearing shall be opened by recording the place, time and date of the hearing, the presence of the arbitrator and the parties, the presence of other persons, if any, and the receipt of initial statements.
2. The parties are entitled to be heard, to present evidence relevant or material to the dispute and to present witnesses at the hearing.
3. At the discretion of the arbitrator, the normal procedure may vary under which the petitioner first presents claims, but in any case the arbitrator shall afford full and equal opportunity to all parties for presentation of relevant proofs.
4. The names and addresses of all witnesses and exhibits offered in evidence shall be made a part of the written record. At the discretion of the arbitrator, a taped recording may be made of the proceedings. The written and/or taped record of the proceedings remain the exclusive property of the Diocese of Great Falls-Billings. At the conclusion of the arbitration process, the arbitrator shall give the record to the Chancellor of the Diocese.
5. The hearing shall be declared closed when both parties have fully presented all relevant witnesses and evidence. The hearing may be reopened by the arbitrator at any time before the final determination is made, if the arbitrator determines that more evidence is needed for a decision.

Section 8 - Final Determination

1. The determination shall be rendered promptly by the arbitrator no later than ten days from the date of the closing of the hearing. The determination shall be in writing, signed and dated by the arbitrator. The arbitrator shall give a copy of the final determination to the Chancellor of the Diocese.
2. The determination shall be final and binding upon all parties to the dispute.

Article III Confidentiality

Confidentiality will be respected in all cases.

Article IV Expenses

All members of the Diocesan Arbitration Panel shall serve gratis. The expenses of witnesses shall be paid by the respective parties producing witnesses. Traveling and other expenses of the arbitrators shall be borne equally by the parties.



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Article V Revision of the Arbitration Procedure

The Bishop can alter, amend or revoke the Arbitration Procedure if it does not serve to accomplish the ecclesiastical purpose for which it was established.



Conciliation Clerk's Tools

Role of the Conciliation Clerk

During the conciliation process, the conciliation clerk is to act as a person processing a petition and a response and shall not make any judgments with respect to the merits of the dispute, except to determine initially whether the dispute is allowable within the Conciliation and Arbitration Procedures.

The conciliation procedures list specific time frames for certain actions of the clerk and these must be documented. Use of the forms provided in this manual will assist the clerk in complying with these requirements.

Receive the petition

The conciliation procedures will be formally initiated at the time that the written petition has been received by the conciliation clerk. In order to document this fact, the conciliation clerk should record the date of receipt on the case file checklist.

Establish a case file

The clerk establishes a case file when a petition is received.

Case Numbers

Each case is to be assigned a case number. The number is determined as follows:

the year, a dash, a three digit number assigned in sequence.

For example, the first case in 1997 would have the number 97-001; the eighth case would be 97-008. The first case in 1998 would be 98-001.

Conciliation Clerk's Log

In order to make the management and transfer of files more consistent, the Clerk will keep a log of case files. The log will be contained in a three-ring binder and will list the following information for each case:



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Case Number	File opened on:	File transferred to Bishop's Office on:

The clerk is selected for a single year's service. When that term is up, the log and all open case files are transferred to the newly selected clerk. (See Conciliation Procedures, Article I, Number 2.) A copy of the log is sent to the Bishop's Office with the report on the status of cases. (See Conciliation Procedures, Article III, Number 5.)

Case File Checklist

The following checklist should be attached to the inside front cover of the case file. The clerk completes the checklist as the items are completed.

Case Number: _____

Conciliator: _____

Petitioner: _____

Respondent: _____

Petition Received on: _____

Conciliation Panel meets to review non-allowable status on: _____

Case judged non-allowable on: _____

Response requested on: _____

Response received on: _____

Conciliator selected on: _____

Case transmitted to conciliator on: _____

Agreement to conciliate received on: _____

Conciliator's final report received on: _____

Conciliation agreement received on: _____

Clerk's final report sent to Bishop on: _____

Conciliation Panel notified of the outcome of the case on: _____

Completed case file transferred to the Bishop's office on: _____



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Review the petition for completeness

Information Which Should Be Included in a Petition

The conciliation clerk will receive the written grievance containing within it a signed affirmation that an effort has been made to reach a settlement prior to filing. The conciliation clerk will ascertain with the petitioner that the wording of the petition is stated with precision and truly expresses the position of the petitioner. The petitioner is responsible for the formulation of any dispute and may obtain assistance from any source in stating the dispute with clarity and precision. The conciliation clerk may interview both parties to the dispute to determine the nature of the dispute from the perspective of each side.

The Clerk should be sure that the petition includes the following information:

- Name, address, daytime and evening phone numbers, parish of the petitioner, role or function within the parish if applicable.
- Name, address, daytime and evening phone numbers, parish, role or function within the parish (if applicable) of the person with whom the petitioner is in dispute.
- A brief description of the dispute including what has occurred, when it has occurred and the persons involved.
- A brief description of the steps which have been taken to resolve the dispute and the reasons why these have proved unsuccessful.
- Signature of the petitioner and the date.

If the petition is not complete, the clerk should contact the petitioner and obtain the missing information. The petition form included in Appendix A can be used to record this information.

Allowable disputes

The conciliation clerk will determine whether or not the petition falls within the scope of allowable disputes.



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

Examples of Allowable Cases (See Conciliation, Article II)

- A pastor arbitrarily vetoes a recommendation of the parish pastoral council after the council has engaged in considerable discussion and discernment with the pastor. Efforts to resolve the dispute have been made but the pastor refuses to discuss the matter.
- A pastor acts contrary to the recommendations of the finance council regarding a significant expenditure. The pastor refuses to discuss the matter with the council.
- An employee believes he/she has been dismissed without cause or without regard for normal procedures. Efforts to resolve the matter have met with no success.
- An employee believes he/she has received an unfair work evaluation. Efforts to resolve the matter have met with no success.
- A pastor or parish employee acts contrary to established diocesan policy. Efforts to resolve the matter have met with no success.
- A parishioner (or group of parishioners) believes that his/her rights have been violated and seeks redress. See Canons 208-231.

Examples of Non-Allowable Cases (See Conciliation, Article II)

- Any of the above situations when no efforts have been made by the parties to resolve the dispute.
- Any situation where a pastor refuses the advice of an employee who or a consultative body which has recommended action contrary to Church teaching, Church law or diocesan policy.
- Situations which have procedures for resolution which are already established within Canon Law (e.g., see Canons 1740-1752).

Non-Allowable Disputes, Convening the Conciliation Panel

Should the conciliation clerk find the petition not allowable, the conciliation clerk will refer the petition to the conciliation panel for a final determination about the merits of the petition. The conciliation clerk will notify the petitioner of the final determination.

If the petitioner does not accept a judgment that the dispute is not allowable, the petitioner may have recourse to the Bishop.



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

Information to be Provided to a Petitioner if a Petition is Not Accepted for Conciliation

- The date and time of the meeting of the Conciliation Panel.
- The reasons given by the panel for not allowing the petition.
- The fact that the petitioner may request a review by the Bishop of the decision not to allow the petition.

Form for Non-Allowable Cases

When a case is judged non-allowable by the clerk and the Conciliation Panel agrees to that determination, the clerk sends a notice to the petitioner about this. In order to document this, the form found in Appendix B should be completed and included in the case file. The case file is then transferred to the Bishop's Office.

ALLOWABLE CASE:

Transmit a copy of the petition to the respondent.

Should the conciliation clerk find the petition allowable under these procedures, the conciliation clerk will transmit a copy to the respondent, who is to respond in writing within ten (10) days. A response form (Appendix C) should accompany the letter to the respondent. The clerk should fill in the name of the petitioner on the form.

Information Which Should be Included in a Response to a Petition

The respondent is to give the following from his/her perspective:

- A brief description of the dispute including what has occurred, when it has occurred and the persons involved.
- A brief description of the steps which have been taken to resolve the dispute and the reasons why these have proved unsuccessful.
- Signature of the respondent and the date.



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

Receive the response.

Once the clerk receives the response, the clerk should record the date of reception on the case file check list.

Selecting a conciliator.

Within five (5) days after the receipt of the response, the conciliation clerk shall assist the petitioner and the respondent in selecting a conciliator from the slate of conciliators approved by the Bishop (conciliation panel and conciliator pool) who, in the opinion of the petitioner and the respondent, is a competent person who would be informed of the facts involved in the petition, sensitive to the feelings of the parties, and would be capable of bringing both parties together in a face-to-face dialogue.

The conciliator should receive copies of the petition and response and should be allowed time to review it and agree to facilitate the conciliation process. The conciliator should refuse the task if he/she believes there is a conflict of interest or for any other serious reason.

Initial Status Report

When a case is accepted for conciliation and a conciliator has been chosen, an initial status report (see Appendix D) is completed by the conciliation clerk and placed in the case file along with a copy of the petition and response.

Transmit pertinent information to the conciliator.

After selection, the conciliator shall receive a copy of the written grievance of the petitioner from the conciliation clerk. Any written response from the respondent or other relevant documentation will be given to the conciliator.

Receive a copy of the agreement to conciliate.

Upon completion of the first conciliation meeting, the conciliator is to send a copy of the agreement to conciliate to the conciliation clerk.

Documentation received by the clerk at the conclusion of the case.

The agreement to conciliate will include a statement indicating that the Conciliation Panel and the Bishop of Great Falls-Billings receive regular reports regarding the status of all conciliation petitions. The Conciliator is to complete a report at the conclusion of conciliation and shall forward it to the conciliation clerk.



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

Submit a report to the Bishop.

When there has been a resolution of the dispute, the conciliator shall make a written report to the conciliation clerk concerning the nature of the resolution of the conciliation process. In the event that a resolution of the dispute is not possible, the conciliator shall make a written report describing the reasons that a resolution was not possible. The conciliation clerk shall transmit a copy of the report to the Bishop.

Notify the Conciliation Panel of the outcome of the case.

The Conciliation Clerk shall inform the members of the conciliation panel of the outcome of the dispute.

Transfer the case file to the Bishop's Office.

The case file is transferred to the Bishop's Office at the conclusion of the process. It will contain:

- the petition and response,
- the agreement to conciliate,
- any reports on the status of the case,
- cost allocation form, and the
- conciliation agreement.

Reporting

(See Conciliation, Article II, Section 4, No.2 and Article III, Section 5, No.1)

The Conciliation Clerk reports annually to the Bishop regarding the status of all cases. At the conclusion of a case, the Conciliation Clerk will report the outcome of the case to the Bishop, forward a copy of the conciliation agreement and inform the Conciliation Panel of the outcome of the case.

Record Keeping

It is the responsibility of the Conciliation Clerk to manage the files of the Conciliation Panel. The following documents are managed by the clerk:

- minutes of the Conciliation Panel
- log of all cases
- individual case files.



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

Meetings & Minutes of the Panel

(See Article II, Section 4)

The Conciliation Panel is to meet at least bi-annually. The clerk works with the diocesan chancellor to arrange for these meetings. The clerk is to keep the minutes of all meetings and to distribute these minutes in a timely fashion. A copy of the minutes should be sent to the Bishop's Office.



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

Conciliation Clerk Case Check List

The following are the sequence of tasks to be completed in administering a case. Please check them off as you complete each one. You may wish to record the date on which each step is completed.

√	STEPS TO BE COMPLETED	DATE COMPLETED
	Receive the petition and record the date of receipt.	
	Establish a case file (numbered in chronological order)	
	Review the petition for completeness	
	Determine whether the case falls within the scope of allowable disputes.	
	<p>Within ten days of receipt, transmit a copy of the petition to the respondent and request a response.</p> <p>OR</p> <p>If the case is judged non-allowable, convene the conciliation panel to review the case and make the final determination. Notify the petitioner of the outcome of the review.</p>	
	Receive the response and record the date of reception.	
	Within five days assist the petitioner and respondent in selecting a conciliator.	
	Transmit the petition, the response and other pertinent information to the conciliator.	
	After the first conciliation meeting, receive a copy of the agreement to conciliate from the conciliator.	
	At the conclusion of the case, receive a written report from the conciliator regarding the nature of the resolution of the case. Also receive a copy of the cost allocation form and the conciliation agreement if one is reached.	
	Submit a report to the Bishop along with a copy of the conciliation agreement if one is agreed to.	
	Notify the Conciliation Panel of the outcome of the case.	
	<p>Transfer the case file to the Chancellor's Office. It will contain:</p> <ul style="list-style-type: none"> • the petition and response • the agreement to conciliate • any reports on the status of the case • cost allocation form • conciliation agreement 	



Conciliator's Tools

ROLE OF THE CONCILIATOR

The conciliator selected should have as a primary concern the reconciliation of the parties. As much as possible, the conciliator will try to motivate and assist the parties in settling the dispute themselves while discretely suggesting possible areas of compromise or other suitable solutions. (The conciliator may select a member of the panel to work as a team to be more effective).

Receive pertinent information about the case.

After selection, the conciliator shall receive a copy of the written grievance of the petitioner from the conciliation clerk. Any written response from the respondent or other relevant documentation will be given to the conciliator.

Set up the first conciliation session.

Within five (5) days from the date that the conciliator is chosen, the conciliator shall schedule a meeting with the parties in an effort to resolve the dispute. The conciliator shall make every effort to conciliate the dispute within a reasonable period of time.

Transmit information to the petitioner and respondent.

Immediately following this contact, the conciliator will provide to each party a notice of the conciliation, information on the availability of a conciliation assistant, helpful hints on conciliation, and an agreement to conciliate. See Appendix F for samples.

Role of the Conciliation Assistant

The Conciliation Assistant is a lay person trained by the diocese to provide assistance and support to parties in a conciliation or arbitration case. The assistant's role does not include the possibility of representing or speaking for the person during either the conciliation sessions or the arbitration hearings. The decision to make use of the services of a conciliation assistant rests with each party in a conciliation or arbitration process. The conciliation clerk and the arbitrator will notify the parties in a case of their option to seek this assistance.

Prepare for the case.

(See Conciliation, Article III, Section 4)



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

The conciliator should review all pertinent information regarding the specific petition and response. This includes a review of all diocesan policies which are pertinent to the situation. Copies may be obtained by contacting the Diocesan Pastoral Center. (See Appendix G for a listing of diocesan policies. See Appendix H for a listing of diocesan personnel and their areas of responsibility.)

The conciliator should contact diocesan personnel to clarify any information regarding diocesan policy. Care should be taken, however, to preserve the confidential nature of the conciliation process.

The conciliator may contact the petitioner and the respondent to clarify any information provided in the petition or response.

Transmit a copy of the signed agreement to conciliate.

Upon completion of the first conciliation meeting, the conciliator is to send a copy of the agreement to conciliate to the conciliation clerk.

Facilitate the Conciliation Sessions.

Mediation Process Checklist

(See *Just Solutions* training manual for a more detailed outline.)

- Introduction
- Story Telling
- Summarize Issues
- Name Common Ground
- Caucus
- Re-state Common Ground
- Issue-focused Story Telling
- Problem Analysis and Option Generation
- Name Areas of Agreement
- Write Agreement
- Sign Agreement

If no agreement is reached, the conciliator should inform the parties of the option to submit the dispute to arbitration following the guidelines of the diocese.

Determine costs and bill participants.

The notification of the first conciliation session will include a copy of Article V of the



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

Conciliation Procedures. The decision about how costs shall be allocated will occur at the final conciliation session. The conciliator will determine the expenses he/she has incurred in travel, postage, and phone calls (Appendix I). The total of this expense will be divided between the parties as described in Article V. Each party will receive a cost allocation form (Appendix J) which will indicate how the costs of the process have been distributed. The payments made by the parties shall be sent to the Diocesan Business Office.

Formulate a conciliation agreement.

When there has been a resolution of the dispute, the conciliator shall formulate a conciliation agreement with the petitioner and respondent. The conciliator shall use the *Just Solutions* training manual to guide the formulation of the agreement.

Attorneys

(See Conciliation, Article III, Section 2)

Because the Conciliation Procedures are designed to enable participants to come to mutual agreement and avoid unnecessary litigation, attorneys will not be present at proceedings. However, when the parties have successfully reached an agreement, they may request that their attorney review the agreement before it is signed. The conciliator will provide a reasonable period of time for this review. It would be best if the time for review is spelled out specifically in an interim agreement.

Unresolved Case.

In the event that a resolution of the dispute is not possible, the conciliator shall make a written report describing the reasons that a resolution was not possible. The conciliation clerk shall transmit a copy of the report to the Bishop, and inform the members of the conciliation panel of the outcome of the conciliation process. The parties may mutually agree to further conciliation or arbitration. The conciliator should inform both parties of this option.

Destroy any personal notes.

After the final conciliation session, the conciliator shall destroy any personal notes taken during the preparation or the conciliation sessions.

Transmit necessary information to the conciliation clerk.

(See Conciliation, Article III, Section 5)



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

The agreement to conciliate will include a statement indicating that the Conciliation Panel and the Bishop of Great Falls-Billings receive regular reports regarding the status of all conciliation petitions (see Appendix K). The Conciliator is to complete the report at the conclusion of conciliation and shall forward it to the conciliation clerk. Reports will include the following information:

the names of the petitioner & respondent

the name of the conciliator

the date or dates upon which conciliation sessions took place

an indication of the status of the petition; i.e., the case is still in process, an agreement has been reached, no agreement has been reached, one of the parties has withdrawn, the conciliator has terminated the conciliation process, or, in the case where no agreement is reached, whether the petition is being forwarded to the arbitration panel.

Transmit cost information to the Diocesan Business Office

(See Conciliation, Article V)

The conciliator will forward a copy of the cost allocation form to the Diocesan Business Office and will also submit his/her expenses to the business office for reimbursement.



PROCEDURES FOR CONCILIATION AND ARBITRATION

Diocese of Great Falls-Billings

Conciliator Case Check List

The following are the sequence of tasks to be completed in administering a case. Please check them off as you complete each one. You may wish to record the date on which each step is completed.

√	STEPS TO BE COMPLETED	DATE COMPLETED
	Receive from the conciliation clerk the petition, the response and other pertinent information.	
	Within 5 days of receiving the case, set up the first conciliation session.	
	Transmit to the petitioner and respondent the following information: <ul style="list-style-type: none"> • a notice of conciliation • helpful hints on conciliation • an agreement to conciliate • the availability of Conciliation Assistants 	
	Prepare for the case by reviewing the petition and response, and gathering any other appropriate information.	
	After the first conciliation session, transmit to the conciliation clerk a copy of the signed agreement to conciliate.	
	Use the conciliator's manual and the <i>Just Solutions</i> training manual to assist you in facilitating the conciliation sessions.	
	At the final conciliation session, allot costs and provide a cost allocation form to the petitioner and the respondent.	
	At the final conciliation session, formulate a conciliation agreement. -OR- If the case cannot be resolved, inform the petitioner and respondent of the option to submit the dispute to arbitration according to Diocesan Arbitration Procedures.	
	After the final conciliation session, destroy any personal notes taken during the sessions.	
	After the final conciliation session, transmit the following to the conciliation clerk: <ul style="list-style-type: none"> • the report on the final resolution of the case • the cost allocation form • the conciliation agreement if one is reached. 	
	After the final conciliation session, transmit the following to the Diocesan Chancellor's Office: <ul style="list-style-type: none"> • a copy of the cost allocation form • a request for reimbursement of expenses. 	



PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX A
PETITION / RESPONDENT FORM

Diocese of Great Falls-Billings

**The Conciliation Process
Petition/Respondent Form**

Name of Petitioner: _____

Address of Petitioner: _____

Street or PO Box

Email Address: _____

Daytime Phone: _____ Evening Phone: _____

Petitioner's Parish _____

Position in parish (if applicable) _____

Name of Respondent: _____

Address of Respondent: _____

Street or PO Box

Daytime Phone: _____ Evening Phone: _____

Petitioner's Parish: _____

Position in parish (if applicable): _____

Please state the issue about which you are in dispute:



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX A
PETITION / RESPONDENT FORM**

Diocese of Great Falls-Billings

Briefly describe the circumstances surrounding the dispute:

What steps have been taken to resolve the dispute?

What are your expectations of conciliation?

Signature of Petitioner _____ **Date** _____



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX B
FORM OF NON-ALLOWABLE CASES**

Diocese of Great Falls-Billings

Form for Non-Allowable Cases

Case Number: _____

The date and time of the meeting
of the Conciliation Panel: _____

The reasons given by the panel for not allowing the petition:

Was the petitioner informed that he/she may request a review by the Bishop of the decision not to allow the petition?



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX D
INITIAL STATUS REPORT**

Diocese of Great Falls-Billings

Information Which Should Be Included In A Response to A Petition

(See Conciliation, Article II, Section 3)

The respondent is to give the following from his/her perspective:

- A brief description of the dispute including what has occurred, when it has occurred and the persons involved.
- A brief description of the steps which have been taken to resolve the dispute and the reasons why these have proved unsuccessful.
- Signature of the respondent and the date.

Information To Be Provided To A Petitioner If a Petition Is Not Accepted For Conciliation

See Conciliation, Article II, Section 3

The date and time of the meeting of the Conciliation Panel.

The reasons given by the panel for not allowing the petition.

The fact that the petitioner may request a review by the Bishop of the decision not to allow the petition.



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX D
INITIAL STATUS REPORT**

Diocese of Great Falls-Billings

Initial Status Report

Date: _____

Name of Petitioner: _____

Address of Petitioner: (Street, PO Box, etc.) _____

(City, State, Zip) _____

Phone of Petitioner: _____

Name of Respondent: _____

Address of Respondent: (Street, PO Box, etc.) _____

(City, State, Zip) _____

Phone of Respondent: _____

Name of Conciliator: _____

Address of Conciliator: (Street, PO Box, etc.) _____

(City, State, Zip) _____



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX E
NOTICE OF FIRST CONCILIATION**

Diocese of Great Falls-Billings

Notice of First Conciliation Session

1. The conciliator is chosen and receives the pertinent information regarding the case.
2. The conciliator contacts the petitioner to:
 - explain the conciliation process and his/her role.
 - get information which is pertinent to the case
 - get information from the party about scheduling times.
3. The conciliator contacts the respondent to:
 - explain the conciliation process and his/her role.
 - get information which is pertinent to the case
 - get information from the party about scheduling times.
4. The conciliator determines the date and time of the first conciliation session.
5. The conciliator sends out:
 - a notice of conciliation to both parties
 - a helpful hints for conciliation sheet
 - an agreement to conciliate which is to be read by both parties prior to the first session
 - information about the availability of conciliation assistants.



PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX E
NOTICE OF FIRST CONCILIATION

Diocese of Great Falls-Billings

Sample Notice for First Conciliation Session

Date: _____

To: _____

From (Conciliator's name and phone number): _____

Re: Conciliation Session

Welcome to the Conciliation Process of the Diocese of Great Falls-Billings. Conciliation is a conflict resolution process in which an impartial third party will facilitate your decision-making. It is based on principles of problem solving that focus on the needs and interests of the participants, privacy, self-determination and respect for the dignity of each individual.

I am a conciliator trained by the Diocese of Great Falls-Billings to assist you in this process. The process is guided by the official policy of the Diocese known as the Conciliation and Arbitration Procedures. The policy is based upon gospel values and the Code of Canon Law. Copies of the policy are available from the Diocesan Pastoral Center and are on the diocesan web site.

Enclosed with this letter is an *Agreement to Conciliate*. Please read it so that you will be prepared to ask any questions about it when you come for the first conciliation session. Also enclosed is a brief description of conciliation and some helpful hints to assist you in preparing for it.

Date of your first conciliation session is: _____

Time of your first session is: _____ to _____

Location of the session: _____

Bring with you to the first session:

- Calendar/date book to ease scheduling of future sessions should these be necessary.

Please notify me at least 48 hours before the session is scheduled to begin if you need to cancel.



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX E-2
LIST OF CONCILIATION MEMBERS & ASSISTANTS**

Diocese of Great Falls-Billings

Panel Members

Sister Bernadette Helfert
PO Box 728
Ashland, MT 59003-0728
784 2627
bhelfert@stlabre.org

Deacon Bill Medved
120 Riverview Dr. E.
Great Falls, MT 59404-1548
952-1764

Mr. Tim Maroney
725 11th St.
Havre, MT 59501
265 4261

Rev. Jim O'Neil
219 7th St. SE
Sidney, MT 59270-5034
433-1068

Ms. Mary Penberthy Macki
1331 Longhorn Way
Billings MT 59105
248 4946
238 9890 (W)

S. Loretta Sedlmayer, RSM
PO Box 578
Crow Agency, MT 59022-0578
638 2320

Sister Marie Damian Glatt
2703 Gregory Drive South
Billings, MT 59102-0509
652 2618

Conciliation Pool Members:

Mary Dupuis
3119 3rd Avenue South
Great Falls, MT 59401
727 8629

Pam Kania
PO Box 657
Ashland MT 59003
pkania@stlabre.org
784 4535 (w)



PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX E-3
HELPFUL HINTS FOR CONCILIATION

Diocese of Great Falls-Billings

The Conciliation Process

Welcome to conciliation. To help you prepare for your upcoming session, we would like to explain a little about the process, what you can expect, and what you can do to help prepare for the session.

Conciliation is a process which engages the services *of* a neutral third party to facilitate a problem-solving and decision-making process for two or more parties who are in conflict.

The role *of* the conciliator is to:

- assure a fair process,
- provide opportunities for all concerned to express their perspective on the situation,
- assist the parties in clearly defining the problems and issues
- help the parties to find new solutions, and
- work with the parties and the process until an agreement is reached which is satisfactory to all, or until it is clear that no agreement can be reached.

The role of the conciliator is **not** to:

- make judgments,
- determine the best solution for the situation,
- advocate for either party, or
- create or allow an adversarial process.

So when you come to conciliation you can expect to:

- have an opportunity to fully express your perspective on the situation,
- be heard and understood by all present, and
- engage in a creative problem-solving process which will provide the opportunity to create new and acceptable solutions.

On the back of this page are some helpful suggestions for getting the best results from your conciliation session. Our goal is to create an atmosphere of fairness which allows you the opportunity to find acceptable solutions to the situation.



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX E-3
HELPFUL HINTS FOR CONCILIATION**

Diocese of Great Falls-Billings

PLEASE CONSIDER that conciliation is a process and the ultimate goal is to work toward agreements that are satisfactory to you. Some hints for you to remember during this process are:

Try to schedule your sessions so that you have a little time to rest and relax. You will be more comfortable and work best if you don't feel time pressures.

Do not expect to come to an agreement at your first session. It may take some time to come to an understanding and, finally, to an agreement.

Take care of yourself during this process. Pay attention to your fatigue level, your ability to keep focused on details and your emotional health. Don't continue past a safe and reasonable level for yourself.

Remember that what you want to communicate to the other person may be limited by how you say it. Think about what kind of communication has worked best in the past and try to use it again.

Be prepared to listen to what the other person has to say. Whether or not you agree with their conclusions or the details of what they are saying, there may be valuable information there.

Don't get stuck on one option. There are usually several ways to solve a problem--don't limit yourself to one.

Pay attention to what you are feeling--both during the session and outside the session. Your emotional response often is an important indicator of what you need.

Be prepared to speak frankly with your conciliator. If there are things that you are not ready to say to the other person, try them out in a private session with the conciliator.



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX E-4
AGREEMENT TO CONCILIATE**

Diocese of Great Falls-Billings

Agreement to Conciliate

This agreement reflects the commitment of each party to negotiate fairly, honestly and equitably throughout the conciliation process.

1. Conciliators appointed by the Diocese of Great Falls-Billings will direct the conciliation process. Payment for expenses incurred will be allocated and paid at the final conciliation session.
2. The process of conciliation does not provide for either legal advice or representation.
3. Any document signed as a result of the conciliation process will be legally binding upon the parties. Therefore, each party may retain and consult with an attorney prior to signing any agreement.
4. All information disclosed during conciliation, either verbally or in writing, shall be treated as confidential (with the exception of suspected child abuse or neglect, threats to do bodily harm to one's self or threats to the future safety of any person at risk). Understanding that they are working toward a settlement, parties agree that conciliators shall not be requested to release information discussed during conciliation nor will conciliators be summoned into court to testify on matters disclosed during conciliation, nor to divulge their own impressions, whether written or verbal. Upon conclusion of the process, conciliators will destroy all notes taken during the process.
5. A report on the status of all conciliation cases is made to the Conciliation Panel of the Diocese of Great Falls-Billings and to the Bishop of Great Falls-Billings semi-annually. The report will include the following information: the names of the petitioner and respondent; the name of the conciliator; the date or dates upon which conciliation sessions took place; an indication of the status of the petition, i.e., the case is still in process; an agreement has been reached; no agreement has been reached; one or other party has withdrawn; the conciliator has terminated the conciliation process; and, in the case where no agreement is reached, whether the petition is being forwarded to the arbitration panel. In addition, the Bishop shall receive a copy of any conciliation agreement.
6. Parties waive all rights to call the conciliators as witnesses in any pending or subsequent litigation or compel production of any documents acquired during the process, unless mutually consented to by the parties and evidenced by signed, written authorizations. Parties consenting to release of information additionally



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX E-4
AGREEMENT TO CONCILIATE**

Diocese of Great Falls-Billings

release the conciliators from any and all liability resulting there from.

7. Parties understand that at any time before conciliation is completed they may withdraw from the process. It is the responsibility of the parties to notify the conciliator of any current cases or charges pending in any court with the party or parties in this mediation. The Conciliation Procedures provide the following directives regarding this: "At any time during the conciliation procedure, introduction of an issue into civil court by the petitioner or respondent will require a judgment by the conciliator as to whether the procedure will continue or be terminated. If there is civil litigation pending involving the same issue, the conciliation panel will determine whether or not to accept the petition into the conciliation procedure."
8. The conciliators may terminate the conciliation if it becomes evident that there is failure to participate in good faith on the part of either party. Furthermore, if the conciliators believe that the parties are unable to participate meaningfully in the process, or that a reasonable agreement is unlikely, the conciliators may suspend or terminate the conciliation.

Party _____ Date _____

Party _____ Date _____

Conciliator _____ Date _____



**PROCEDURES FOR CONCILIATION & ARBITRATION
APPENDIX E-4
AGREEMENT TO CONCILIATE**

Diocese of Great Falls-Billings

Date:

Name of Petitioner:

Name of Respondent:

Name of Conciliator:

Date(s) of conciliation
sessions

Status of the Conciliation Process:

Please Check all that apply:

_____ the case is still in process

_____ an agreement has been reached

_____ no agreement has been reached

_____ one or other party has withdrawn

_____ the conciliator has terminated the conciliation process

_____ After mutual agreement by the parties, the petition is being forwarded to the arbitration panel

If an agreement has been reached, please attach a copy to this report.