

## **DISPUTE RESOLUTION PROCEDURES**

*When any of you has a grievance against another, do you dare to take it to court before the unrighteous instead of taking it before the saints? . . . In fact, to have lawsuits at all with one another is already a defeat for you (1 Corinthians 6:1,7).*

*Forbearing one another, and forgiving one another, and if anyone has a complaint against another, just as Christ forgave you, so should you also forgive. And with all these things have love, which is the bond of perfection. And let the peace of Christ govern your hearts; for that end, you are called in One Body; and be thankful to Christ (Colossians 3:13-15).*

In all Disputes that involve ecclesiastical, theological, canonical, Church governance or Church property issues and that pertain to the life of the Parish or Church community, each Parish and Party shall adhere to the following Dispute Resolution Procedures. These procedures include mechanisms for resolving grievances and mediating conflicts, providing an ultimate process for the disposition of Disputes. As these Dispute Resolution Procedures do not displace the Holy Canons and Traditions of the Church, they shall serve as a critical adjunct authority, providing a sole and exclusive remedy for the resolution of Disputes, thereby preserving the peace in the Church.

### **I. DEFINITIONS**

Except as otherwise specifically defined below, all capitalized terms herein shall have the meanings ascribed to them in the “Definition of Terms” section of the Regulations.

#### **a. APPEAL**

A review of the Determination rendered pursuant to a First Level Review. Except as otherwise specifically provided for herein, a Determination rendered pursuant to an Appeal shall be deemed final.

#### **b. CONFLICT OF INTEREST**

Consistent with the provisions of the Archdiocese’s Disclosure Policy, a conflict of interest may exist when the interests or concerns of any person involved in providing a Review or Appeal under these Dispute Resolution Procedures (or the interests or concerns of such person’s immediate family or any organization to which such person has a duty) may be seen as competing or conflicting with the goal of providing a fair and impartial resolution of a Dispute. (Any question as to whether a Conflict of Interest exists, for purposes of these Dispute Resolution Procedures, shall be decided in accordance with the terms of Section IV.o. below.)

#### **c. DETERMINATION**

A decision made under these Dispute Resolution Proceedings that sets forth the manner in which a Dispute shall be resolved.

**d. DIRECT JURISDICTION**

The authority to directly review and render a final determination regarding a Dispute.

**e. DISPUTE**

Any grievance, conflict, disagreement or dispute between or among Parties that requires mediation or resolution and that involves ecclesiastical, theological, canonical, Church governance or Church property issues and that pertains to the life of the Parish or Church community. (Any question as to whether a matter constitutes a Dispute, for purposes of these Dispute Resolution Procedures, shall be decided in accordance with the terms of Section IV.m. below.)

**f. DISPUTE RESOLUTION PROCEDURES**

The processes and procedures for addressing, mediating and resolving Disputes, as described herein.

**g. FIRST LEVEL REVIEW**

An initial review of a Dispute, as specifically designated herein.

**h. LOCAL COUNCIL DISPUTE RESOLUTION PANEL**

A three-person panel appointed by the respective Hierarch from among the members of the respective Direct Archdiocesan District/Metropolis Council (“Local Council”), to serve during the term of the Local Council, and to have the authority to hear and resolve Disputes as set forth in these Dispute Resolution Procedures. Such panel shall include, as voting members, one Priest and two lay persons (one of whom shall, preferably, be an attorney). The Chancellor of the respective Archdiocesan District/Metropolis shall serve, ex officio, as a non-voting member of the panel. The Chair of the panel shall be appointed by the respective Hierarch. No person with a Conflict of Interest may serve as a member of the panel; in the event of a Conflict of Interest with respect to a specific Dispute, the respective Hierarch shall appoint a person to serve, for that specific Dispute, in the place of the panel member with the conflict.

**i. PARISHIONER**

A person baptized and/or chrismated according to the rites of the Orthodox Church, as specified in Part Three, Chapter One, Article 18 of the Regulations. For purposes of these Dispute Resolution Procedures, the term shall include all such persons who are or have been a part of the Archdiocese, whether or not they are in “good standing” in any Parish. The term Parishioner shall also include, for purposes of these Dispute Resolution Procedures, a member of a Parish Council.

**j. PARTY**

Any person(s) and/or entity(ies) engaged in a Dispute under these Dispute Resolution Procedures.

**k. REVIEW**

A review of a matter (other than an Appeal) provided for under these Dispute Resolution Procedures.

## II. DISPUTE RESOLUTION PROCESS

### **a. Disputes relating to two or more Parishioners (within the same Parish or within two or more Parishes in the same Archdiocesan District/Metropolis)**

1. In the event of a Dispute between two or more Parishioners (within the same Parish or within two or more Parishes in the same Archdiocesan District/Metropolis), the Parishioners shall meet, in good faith, with the Priest(s) of the applicable Parish(es), who shall attempt to resolve the Dispute in a pastoral manner.

2. If the Dispute remains unresolved:

(a) and the Parishioners are from the same Parish, the matter shall be submitted to the Executive Committee of the Parish Council (or, if no Executive Committee exists, to the officers of the Parish Council and the Priest) for a First Level Review and Determination. (For purposes of this Section II.a.2.(a), the Priest shall be considered a member of the Executive Committee/officers of the Parish Council.) No Parish Council member with a Conflict of Interest may participate in the resolution of the Dispute.

(b) and involves Parishioners of different Parishes (within the same Archdiocesan District/Metropolis), the Dispute shall be submitted to the Local Council Dispute Resolution Panel for a First Level Review and Determination.

3. A Parishioner dissatisfied with the Determination of the Executive Committee (or officers) of the Parish Council or, if applicable, the Local Council Dispute Resolution Panel, may submit an Appeal to the respective Hierarch. The Determination of the Hierarch shall be final.

### **b. Disputes (within the same Archdiocesan District/Metropolis) relating to two or more Priests; two or more Parishes; a Priest and a Parishioner; a Priest and a Parish Council; or a Priest and a Parish Assembly**

1. Disputes involving: (a) two or more Priests; (b) two or more Parishes; (c) a Priest and a Parishioner; (d) a Priest and a Parish Council; or (e) a Priest and a Parish Assembly, within the same Archdiocesan District/Metropolis, shall be under the Direct Jurisdiction of the respective Hierarch and his Determination shall be final. (In reaching a Determination, the respective Hierarch may seek assistance as set forth in Sections IV.c. and IV.f. below.)

2. Disputes involving Priests, Parishes, Parish Councils and/or Parish Assemblies under the jurisdiction of two or more Hierarchs shall be under the Direct Jurisdiction of the Eparchial Synod and its Determination shall be final.

3. In no event shall any Dispute included under this Section II.b. be submitted to a Parish Council or to a Parish Assembly for consideration.

**c. Disputes relating to a Parishioner and a Parish Council or to a Parishioner and a Parish Assembly**

1. In the event of a Dispute between (a) a Parishioner and a Parish Council; or between (b) a Parishioner and a Parish Assembly, the Parties shall meet, in good faith, with the Priest, who shall attempt to resolve the Dispute in a pastoral manner.
2. If the Dispute remains unresolved, the matter shall be submitted to the Chancellor of the respective Archdiocesan District/Metropolis for a First Level Review and Determination.
3. A Party dissatisfied with the Chancellor's Determination may request an Appeal to the Local Council Dispute Resolution Panel.
4. The recommendation of the Local Council Dispute Resolution Panel shall be forwarded to the respective Hierarchy for his Review and approval. The recommendation of the Local Council Dispute Resolution Panel shall be considered a final Determination unless the respective Hierarchy determines, in his sole discretion, within sixty (60) days of the date he receives the recommendation of the Local Council Dispute Resolution Panel, that further review is warranted. In such event, a further Appeal shall be conducted directly by the Hierarchy and his Determination shall be final. (Without limiting any other provisions of these Dispute Resolution Procedures, the Hierarchy may take into account all information previously provided to the Local Council Dispute Resolution Panel, as well as any additional information deemed relevant by the Hierarchy in his sole discretion.)

**d. Other Disputes**

Disputes not addressed in either these Dispute Resolution Procedures or otherwise in the Regulations shall be under the Direct Jurisdiction of the respective Hierarchy and his Determination shall be final, provided that any Dispute involving more than one Archdiocesan District/Metropolis shall be under the Direct Jurisdiction of the Eparchial Synod.

**e. Spiritual Court Proceedings**

Nothing herein shall limit or prohibit a Hierarchy or the Eparchial Synod, in his/its sole discretion, from convening a Spiritual Court(s), for any reason, in accordance with the Holy Canons and Traditions of the Church and the provisions of the Charter. Nothing in these Dispute Resolution Procedures shall be deemed to affect, in any way, the jurisdiction or actions of a Spiritual Court.

**III. DISPUTES INVOLVING HIERARCHS / CHANCELLORS**

**a. Disputes Involving Chancellors**

All Disputes involving a Chancellor, acting in his capacity as Chancellor of an Archdiocesan District/Metropolis, shall be under the Direct Jurisdiction of the respective Hierarchy.

**b. Disputes Involving Hierarchs**

Notwithstanding anything to the contrary herein, and except as set forth in Section III.a. above and Section III.c. below, all Disputes involving a Hierarch shall be under the Direct Jurisdiction of, and addressed by, the Eparchial Synod, in accordance with the provisions of Canon law.

c. Subject to canonical tradition, in the event that the service of a Priest in a Parish is interrupted for any reason and he cannot be or is not reassigned by the respective Hierarch, the Priest shall have the right to request that the matter be heard by the Synodal Committee on Clergy Affairs, which committee shall be convened to hear the case and to seek to mediate a resolution. The Synodal Committee on Clergy Affairs shall be chaired by a Metropolitan (other than the Hierarch involved in the matter) and shall also include five (5) Priests, two (2) of whom shall be chosen by the Hierarch involved in the matter, and three (3) of whom shall be chosen by the Eparchial Synod from among clergy serving in a Metropolis/Archdiocesan District other than the one in which the Priest involved in the matter is located. The Synodal Committee on Clergy Affairs shall meet and review the matter and provide a recommendation to the Synod within sixty (60) days of the date the request is submitted to the committee. In the event of the dismissal of a Priest for canonical reasons, the rules of Spiritual Court shall apply in accordance with canonical tradition, the Charter and these Regulations.

**IV. RULES OF PROCEDURE**

Reviews conducted under these Dispute Resolution Procedures shall be conducted in accordance with the Holy Canons and Traditions of the Church. Formal rules of secular courts shall not apply. However, without limiting any other provision of these Dispute Resolution Procedures, the following rules shall be followed, except as may be specified otherwise by the Hierarch of the respective Archdiocesan District/Metropolis.

**a. Process for Requesting a Review**

A request by a Party for a Review or Appeal under these Dispute Resolution Procedures shall: (a) be made in writing to the person(s)/entity before whom the Review or Appeal is sought; (b) include a copy to the Chancellor of the respective Archdiocesan District/Metropolis; (c) be signed by the Party making the request; and (d) include a summary of the issue to be reviewed and/or the Determination to be appealed (together with any relevant documentation). Any request for an Appeal must be submitted, in accordance with the above requirements, within sixty (60) days of the date the underlying Determination was received by the Party requesting the Appeal.

**b. Eparchial Synod/ Hierarch/ Chancellor Right to Initiate a Review/ Appeal**

Notwithstanding the provisions of Section IV.a. above, the Synod or a Hierarch or Chancellor of the respective Archdiocesan District/Metropolis may, in its/his sole discretion, invoke these Dispute Resolution Procedures with respect to a specific Dispute, even if no request for a Review/Appeal under these Dispute Resolution Procedures is received from the affected Parties. In such event, the Synod/Hierarch/Chancellor shall notify the affected Parties, in writing, that the Dispute Resolution Procedures are being invoked and shall provide them with a copy of the Dispute Resolution Procedures.

**c. Eparchial Synod/ Hierarch/ Chancellor Right to Appoint Representatives**

The Eparchial Synod, a Hierarch or a Chancellor involved in providing a Review/Appeal may, at its/his sole discretion, appoint one or more representatives, panels or committees to assist in the review and resolution of a Dispute. A Hierarch may appoint the Chancellor of the respective Archdiocesan District/Metropolis as his designee to assist in the resolution of any matters under the Direct Jurisdiction of the Hierarch. The Eparchial Synod may designate one or more of its members to render a Determination on its behalf.

**d. De Novo Review**

All Reviews/Appeals shall be conducted on a de novo (new review) basis.

**e. Evidence/ Format of Review / Witnesses**

No formal rules of evidence shall apply to these Dispute Resolution Procedures. The person(s) or entity responsible for conducting a Review or Appeal under these procedures may prescribe the agenda/format of the Review/Appeal and may allow such evidence and other information as they/it deem relevant to be introduced by the Parties. Such responsible person(s) or entity shall have the sole right to disallow the introduction of evidence/information if they/it deems the evidence/information to be irrelevant to the issue under review/appeal and may also determine whether witnesses, in addition to the Parties, may present evidence or other information.

**f. Expert and Technical Assistance**

Any person(s) or entity (including, but not limited to, the Eparchial Synod, a Hierarch, a Chancellor, a Local Council Dispute Resolution Panel or an Executive Committee (or officers if there is no Executive Committee) of a Parish Council) charged with conducting a Review/Appeal under these Dispute Resolution Procedures may call upon experts and technical and other advisors to assist in the resolution of the Dispute. (These may include, but shall not be limited to, legal counsel, financial auditors and accountants.) Parties shall be required to disclose to such experts/advisors all information reasonably requested by the experts/advisors.

**g. Recordings of Proceedings / Privacy of Deliberations**

Except as may be prohibited by applicable law, recorded or stenographic records of testimony or evidence provided under these Dispute Resolution Procedures may be made, at the sole discretion of the person(s) or entity responsible for conducting a Review or Appeal, provided that all Parties shall be advised of the recording. Notwithstanding the foregoing, no recording shall be made of the deliberations of any person(s) or entity responsible for rendering a Determination. All such deliberations shall be conducted in private. The affected Parties shall not be present and the deliberations shall include only the persons specified in these Dispute Resolution Procedures as being responsible for rendering a Determination (and, as may be necessary, such representatives/experts/advisors as are specified in Sections IV.c. and IV.f. above).

**h. Majority Vote/Quorum**

All Determinations made by an Executive Committee (or officers if no Executive Committee) of a Parish Council, Local Council Dispute Resolution Panel or other committee/panel that may be appointed under these Dispute Resolution Procedures shall be made by a majority vote of members present and voting. No Determination may be rendered unless a quorum of, as

applicable: (a) at least seventy five percent (75%) of the Executive Committee (or officers if no Executive Committee) of a Parish Council; or (b) one hundred percent (100%) of a Local Council Dispute Resolution Panel or other applicable committee/panel is present during the Review/Appeal proceedings.)

**i. Language Needs**

In conducting all Reviews/Appeals under these Dispute Resolution Procedures, reasonable efforts shall be made to accommodate the language needs of the Parties.

**j. Representation of Parties**

Except as may be specifically approved otherwise, in advance, in the sole discretion of the person(s)/entity providing the Review/Appeal, a Party must represent himself/herself in any proceedings taking place under these Dispute Resolution Procedures and may not be accompanied by any advocate, representative or other individual.

**k. Location of Review/Appeal**

It shall be at the sole discretion of the person(s)/entity providing the Review/Appeal to determine whether: (a) proceedings will take place in person or telephonically; and (b) whether any specific Party must present its case in person (or telephonically) or whether it may present its case (together with relevant evidence/documentation) in writing. In the event that one or more Parties is required to attend a Review/Appeal in person, reasonable efforts shall be made to provide the Review/Appeal in a geographic location that is acceptable to all Parties involved. However, no travel or other reimbursement shall be made to any Party as a result of expenses incurred under these Dispute Resolution Procedures. (To the extent that travel is required, the person(s) or entity charged with conducting the Review/Appeal under these Dispute Resolution Procedures shall be entitled to reimbursement for reasonable travel expenses.)

**l. Communication of Determinations**

All Determinations made under these Dispute Resolution Procedures shall be: (a) in writing; (b) signed by the person(s) or entity rendering the Determination; and (c) provided to all affected Parties and to the Chancellor and Hierarch of the respective Archdiocesan District/Metropolis. In addition, a copy of all Determinations rendered by a Local Council Dispute Resolution Panel shall be forwarded by the respective Hierarch to the Eparchial Synod.

**m. Determination of Whether a Dispute Exists**

Any question as to whether a matter constitutes a Dispute, for purposes of these Dispute Resolution Procedures, shall be decided by the person(s) or entity charged, hereunder, with providing the First Level Review (or having Direct Jurisdiction) of the applicable matter and, in the event of continued disagreement, by the respective Hierarch, whose decision shall be final.

**n. Decision of Whether a Review/Appeal Will Be Granted**

Except as may be required otherwise by the respective Hierarch, in the event that a request for a Review/Appeal is denied under this Section IV.n., or, in the event that no response to a request for a Review/Appeal is issued within sixty (60) days after the request is received, the most recent prior Determination (if any) shall stand as the final Determination on the matter.

**o. Determination of Whether a Conflict of Interest Exists**

Any question as to whether a Conflict of Interest exists, for purposes of these Dispute Resolution Procedures, shall be decided by the respective Hierarchy, whose decision shall be final.

**p. Confidentiality**

Unless confidentiality is expressly waived in writing by the Parties, any person or Party involved in any proceeding under these Dispute Resolution Procedures shall keep these matters confidential and shall not disclose, in whole or in part, any record, testimony, evidence, information or material obtained or generated by or through this process, except as necessary to consult with experts/advisors, prepare for a Review or Appeal, or to administer these Dispute Resolution Procedures. Final written Determinations rendered by the Eparchial Synod, a Hierarchy, a Chancellor, a Local Council Dispute Resolution Panel or an Executive Committee (or officers if there is no Executive Committee) of a Parish Council, shall be published only to the Parties involved and to the Eparchial Synod, Hierarchy and Chancellor as set forth in Section IV.i. above. A final Determination (either in whole or in part), or a summary of a final Determination, may be made public only upon the express waiver of confidentiality given by the Parties as set forth above, or upon the express written authorization of the Eparchial Synod or Hierarchy.

**q. Enforcement**

Nothing herein shall be deemed to preclude the respective Hierarchy or Eparchial Synod from taking all reasonable steps to enforce Determinations rendered under these Dispute Resolution Procedures.

**r. Fees and Costs**

Parties shall generally be responsible for their own expenses involved in the application of these Dispute Resolution Procedures. However, because each situation is unique, the respective Hierarchy shall have the discretion to apply an equitable distribution of fees and costs on a case by case basis.

**V. INCONSISTENCY AND WAIVER OF PROVISIONS**

a. Notwithstanding anything to the contrary contained herein, all Disputes involving the removal of a Parish Council member(s) shall be subject to the provisions of Part Three, Chapter Two, Articles 24-26 and Part Two, Article 10 of the Regulations.

b. Notwithstanding anything to the contrary contained herein, all Disputes involving the assignment of a Priest and related matters shall be subject to the provisions of Part Two, Article 10 and Part Three, Chapter One, Article 17, of the Regulations and Section III.c. above.

c. Except as specified otherwise herein, in the event of an inconsistency between these Dispute Resolution Procedures and other provisions of the Regulations (e.g., provisions related to removal of a Parish Council member), the terms of such other provisions shall govern.

d. In the event that a waiver of these Dispute Resolution Procedures (or a portion thereof) is deemed required by the respective Hierarchy for theological or canonical reasons, or is necessary to promote spiritual healing within the Church, such waiver may be granted by the respective Hierarchy; provided, however, that in the event that such Hierarchy is directly involved in the Dispute, the waiver may be granted only by the Eparchial Synod.

## **VI. NO APPLICATION TO MATTERS INVOLVING SEXUAL MISCONDUCT**

All matters involving sexual misconduct shall be governed by the Archdiocese's Statement of Policy Regarding Sexual Misconduct By Clergy (and, as applicable, any other Archdiocesan policies or procedures addressing sexual misconduct by laypersons) and shall not be subject to these Dispute Resolution Procedures.

## **VII. INVOCATION OF THE HOLY SPIRIT**

It is understood that the life of the Church may be affected by discord and dissension among its faithful. Therefore, in implementing these Dispute Resolution Procedures, all those involved, including, but not limited to, those charged with rendering Determinations and otherwise assisting in the resolution of Disputes, are fervently urged to invoke the guidance of the Holy Spirit and pray for spiritual resolution and healing.

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