



Institute Reconciliation Process

Institute Leadership Conference - January 2010

Introduction

Our belief in the message of Jesus Christ and Catherine McAuley's legacy of union and charity for Sisters of Mercy provides the basis of the Institute Reconciliation Process.

By our life in community
and by sharing our faith and mission,
we come to know ourselves as sisters
and to form bonds of union and charity....
When breaches of charity occur,
we encourage each other
to speak the truth in love
and to bring prayer and patience
to the restoration of harmony.

Constitutions 18

Since the call for renewal in religious life issued by Vatican II together with the Church's understanding of human rights, Sisters of Mercy have reviewed and strengthened their commitment to participative structures and processes that foster mutuality, dialogue and personal initiative.

Any human society, if it is to be well ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person; that is, his[her] nature is endowed with intelligence and free will. Indeed precisely because he[she] is a person he[she] has rights and obligations flowing directly and simultaneously from

his[her] very nature. And as these rights and obligations are universal and inviolable, so they cannot in any way be surrendered. ¹

It is hoped that the Institute Reconciliation Process will assist Sisters to address matters of conflict involving perceived violation of rights which they have been unable to resolve among themselves.

Normally the good faith efforts of each sister, strengthened by communication skills of active listening, respectful dialogue, and a commitment to principles of non-violence, will assist us in most instances to reach a mutually agreeable resolution.

If that is not the case, it is hoped that the Institute Reconciliation Process will assist in restoring quality of life among us, and giving witness to our corporate desire to “pursue integrity of word and deed in our lives” (*Constitutions # 8*).

Canonist Sister Lois Keller, RSM in her article “Canonical Rights of the Sisters of Mercy as found in the Institute Constitutions and the Code of Canon Law” summarizes aptly the spirit of this document:

As women of the Church, dedicated to its mission, we seek to put in place structures and procedures which foster healing, harmony, a sense of mutuality, and justice for all members. ²

General Purpose

The Institute Reconciliation Process addresses matters of perceived violation of rights as distinct from breaches of charity or broken relationships. Its purpose is to bring to light the perceptions, facts and feelings around the perceived violation of rights in a process whose desired outcomes are

- an environment for potential peace and reconciliation within and among sisters
- a mutually agreed upon resolution, and
- a judgment or recommendation by competent, neutral persons.

¹ John XXIII, encyclical letter *Pacem in Terris*, 11 April 1963, 9, *Acta Apostolicae Sedis* 55 (1963) 259.

² Lois J. Keller, RSM, PhD, JCL, *Canonical Rights of the Sisters of Mercy as Found in the Institute Constitutions and the Code of Canon Law*, Commission on Women in/of the Church, Institute of the Sisters of Mercy of the Americas, March 2005.

This process is not intended for grievances concerning ministry settings, decisions related to the process of incorporation or canon law decisions involving sisters of perpetual profession for which canon law makes provision for recourse (e.g., imposed exclaustation, dismissal...). Because sisters have ministries and are not employed, the sister should present her grievance through the appropriate channels in her place of ministry.

Basic Understandings

1. Any professed sister or group of professed sisters of the Institute of the Sisters of Mercy of the Americas may initiate the Institute Reconciliation Process for a perceived violation of rights.
2. Rights are those primarily specified in Canon Law for all Christian faithful (208-223 & 231), for members of a religious institute (662-672) and for members of the Institute of the Sisters of Mercy of the Americas in their *Constitutions* (#25, 28, 30, 56, 76, 78 & 77).
3. Good will on the part of all is essential for the process to achieve its purpose and outcomes.
4. Sister(s) involved in reconciliation have the option of choosing from among the members of the Reconciliation Board, someone to guide her/them through the process.
5. Confidentiality is essential to the process:
 - a. Only through written agreement of all parties will any information be shared with third parties.
 - b. Discretionary consultation among members of the Board of Reconciliation is not a violation of confidentiality.
 - c. Records of each grievance shall be kept in a confidential file in the Institute Office. Only the Chair of the Reconciliation Board has access or may grant access to the confidential files. Destruction of these records shall take place after 3 years at the direction of the Chair of the Reconciliation Board.
 - d. The files from one phase of the process are not available to another phase of the process.
6. The Institute Reconciliation Process does not contradict or replace the ordinary lines of authority, the processes established by Canon Law or the *Constitutions* and Directory of the Institute of the Sisters of Mercy of the Americas and subsequent Community Directories.
7. The Reconciliation Process is intended to be limited in time involvement. Specific time frames are provided for each step of the process and may be adjusted according to the needs of the sister(s) involved.

Membership of Reconciliation Board

The Reconciliation Board consists of two sisters from each Community who are elected by the sisters of that Community.

1. Each member serves a term of three years, after an initial staggering of terms, for a maximum of two consecutive three-year terms.
2. Members of the Institute Leadership Conference and life and ministry administrators/life and ministry coordinators/contact sisters/local leaders are not eligible.
3. The Reconciliation Board selects its own chairperson from among its members.

A member of the ILT acts as liaison to the Reconciliation Board.

Qualifications for Reconciliation Board Members

- Perpetually professed member of the Sisters of Mercy of the Americas
- Personal Qualities
 - Excellent listening skills
 - Excellent communication skills
 - Ability to honor confidentiality
 - Respect for individual differences
 - Non-judgmental attitude in approaching conflict resolution
 - Creativity in problem-solving
- Some prior experience and/or training in counseling, facilitation, negotiations, coaching, problem-solving, conflict resolution, mediation and/or arbitration
- Willingness to participate in training sessions for Board of Reconciliation members
- Willingness and ability to travel
- Willingness to work with other Board of Reconciliation members to create and present various educational components to general membership

Responsibilities of the Reconciliation Board

The major responsibility of the Reconciliation Board is to provide oversight, facilitation and implementation for the Institute Reconciliation Process. To

assure oversight, facilitation and implementation of the Institute Reconciliation Process, the Board will:

1. assure appropriate education for themselves and for Institute members in areas such as conflict resolution, understanding the meaning of rights and responsibilities, communication skills and so forth;
2. assist members in all aspects of the process but especially to determine whether a matter presented is appropriate material for the Institute Reconciliation Process;
3. assure pro-active communication as to the purpose and usage of the Institute Reconciliation Process;
4. assure effective Board processes by electing a chairperson, holding minimally an annual meeting, evaluating the Board's own work inclusive of evaluating the Institute Reconciliation Process and its use every three years, and making an accountability report to the Institute Leadership Team every six years;
5. develop, approve and update a list of qualified mediators and arbitrators (who may or may not be Sisters of Mercy) for use in this process.

Reconciliation Process

The Reconciliation Process for use within the Institute comprises three opportunities: conciliation, mediation and arbitration.

Conciliation³

Conciliation provides an opportunity for a sister or group of sisters who feel their rights have been violated to talk to a neutral person and learn about the Institute Reconciliation Process and gain insight into various means of conflict resolution.

1. Conciliation begins by a sister or group of sisters contacting the Chair of the Institute Reconciliation Board to obtain informal, preliminary counsel regarding the Reconciliation Process and/or the nature of her/their particular concern.

³ Conciliation is the use of a third person who is asked to help people reach an amicable resolution of their dispute. The conciliator does not have the authority to impose a settlement, and usually speaks with the parties separately. (New York State Dispute Resolution Association; see www.NYSDRA.org).

2. The initiating sister(s) indicate whether she/they wish a member of the Reconciliation Board to guide her/them through the process. If there is the desire to have a guide she/they need to identify who she/they wish to have in that role and identify two members in the order of preference who she/they wish to facilitate the process. The Chair of the Reconciliation Board will approach the sisters identified in order of preference to ascertain availability and willingness.
3. If any sister(s) decide(s) to pursue the Reconciliation Process, the initiator(s) provide(s) the member of the Reconciliation Board designated by the Chair with a written and signed statement describing the nature of the perceived violation of rights.
4. The Board member requests a written statement from the other sister(s) involved (responder), requesting the responder's written and signed statement describing her/their perception of the perceived violation of rights, within two weeks.
5. The Board member speaks individually, preferably face to face, with each person(s) [initiator(s) and responder(s)] to provide each an opportunity to express feelings and concerns in the presence of the Reconciliation Board member, to clarify expectations concerning potential outcomes of the Reconciliation Process, and to determine if there is a mutual desire to engage in mediation or arbitration.
6. Within two weeks, the Board member prepares a summary report of her observations for both initiator(s) and responder(s). As appropriate she will follow-up with each sister to determine what further steps are desired.
7. Signed records documenting initial contact and focus of dispute are to be placed in a confidential file at the Institute office and destroyed after three years.

Mediation ⁴

Mediation, the heart of the process, generally precedes arbitration. It is generally pursued within one month of the conclusion of

⁴ Mediation is a method for discussing problems and exploring solutions with the help of a trained neutral mediator. Mediators help people communicate clearly and negotiate effectively. Mediators do not take sides, give legal advice, make decisions about resolutions or impose solutions. Mediation is private and voluntary. Research shows that mediation frequently results in agreements that are voluntarily followed because they are created by the people directly involved. (New York State Dispute Resolution Association; see www.NYSDRA.org).

conciliation. Mediation is a voluntary and confidential process in which a neutral third-party facilitator helps people discuss difficult issues and negotiate an agreement. Mediation provides an opportunity for sisters to meet in each other's presence with a Reconciliation Board member, as mediator, who facilitates their active pursuit of resolution.

1. Sisters involved in the disagreement need to agree to participate in the mediation process. Additionally, they must agree to the choice of mediator(s). If agreeable, the same person who was involved in conciliation can be mediator(s). If they cannot agree to both of these provisions, the mediation cannot go forward and is considered terminated. If either the initiator(s) or responder(s) does not agree to mediation either party may request arbitration without the agreement of the other party.
2. If there is mutual agreement to mediation and to the choice of mediator, the mediator arranges a meeting with the sisters involved. Basic steps in the process include gathering information, framing the issues, developing options, negotiating, and formalizing agreements. Parties in mediation create their own solutions with the assistance of a mediator.
3. At the conclusion of mediation, the mediator prepares a summary report of the proceedings. A copy is provided to both members.
4. Signed records of the mediation process are to be placed in a confidential file in the Institute office and will be destroyed after three years.
5. If mediation does not lead to resolution, any sister involved is free to pursue arbitration.
6. Generally, arbitration should be requested within two weeks of the conclusion of the mediation procedure or when the decision of one of the parties is not to engage in mediation.

Arbitration⁵

Arbitration provides an opportunity for sisters to meet with a panel of arbitrators, at least one of whom may be a Reconciliation Board member, whose majority decision will make a judgment resolving the

⁵ Arbitration is a formal proceeding that uses one or more neutrals to listen to evidence and render a decision. The decision may be binding or non-binding (New York State Dispute Resolution Association; see www.NYSDDRA.org).

dispute. Arbitration becomes an option only after conciliation and mediation have failed to resolve matters. Arbitration is generally initiated within one month of the conclusion of the mediation process. The implementation of the arbitration judgment is to be taken extremely seriously by all parties.

1. The arbitration panel will consist of three arbitrators. The three arbitrators are chosen by the parties from the approved list generated by the Institute Reconciliation Board. A Board member not on the list may be chosen as the third arbitrator. Each sister or group of sisters selects one member of the panel. If one party refuses to participate, the Chair of the Institute Reconciliation Process chooses one member of the panel. The parties agree to the third arbitrator who serves as chairperson.
2. The panel chairperson is responsible to arrange a meeting of the panel and the initiator(s) and responder(s) involved. The ground rules are agreed upon by the sisters involved and the arbitration panel.
3. Generally within two weeks of the final meeting the chairperson will prepare a written decision for the arbitration proceedings. A copy is provided to all involved in the arbitration.
4. The written decision for the arbitration proceedings will be placed in a confidential file at the Institute office and will be destroyed after three years.

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