

The Right to Make Recourse

Policy No. 115

Policy Statement: Anyone who claims to have been injured by an act of administrative power has the right to make recourse for a just reason to the hierarchic superior of the author of the act, proposing such recourse directly to the superior or transmitting it through the author of the act.

The person making recourse has the right to have the matter decided by an impartial decision-maker.

This recourse shall be made in accord with the norms on canons 1732-1739.

Definition: An “act of administrative power” is the action or decision of a Church authority in the performance or exercise of that person’s official functions.

Administrative recourse is not involved when there is no official action or decision of a church authority, such as a grievance between fellow parishioners.

Conflicts in employment situations are to follow the special procedures outlined in the following Human Resource Policies:

No. 341 Conflict Management & Complaints
No. 347 Progressive Discipline.

- Procedure:**
- a) Following the principle of subsidiarity, the competent hierarchic superior can decide the matter personally or appoint another person as a delegate authorized to review the action or decision according to the laws of the Church.
 - b) In parishes of the Archdiocese, recourse should be made first to the employee’s immediate supervisor. If not resolved at that level, further recourse could be made to the Pastor or Pastoral Administrator, then to the Dean, then to the Chancellor, then to the Archbishop, and then, if necessary, to the Holy See.
 - c) At the Catholic Pastoral Centre, or in other offices of the Archdiocese, recourse should be made first to the employee’s immediate supervisor. If not resolved at that level, further recourse could be made to the appropriate Director/Associate Director, then to the Chancellor, then to the Archbishop, and then, if necessary, to the Holy See.
 - d) In administrative recourse, the right to a meaningful opportunity to be heard shall be observed, including:

- the right to information relevant to one's case, especially opposing evidence
 - the right of defense
 - the right to present one's case orally or in writing or both
 - the right to call and examine witnesses, confront contrary testimony and refute adverse allegations.
- e) All persons shall have the right to the assistance and representation of canonical counsel or an advocate.
- f) The competent authority who examines a case in administrative recourse shall comply with the right to a timely and equitable decision based on available information, including a written statement of findings and reasons; provision of appropriate remedies; and an indication of the avenues for further recourse or review, if any.