

Supporting Documents

From the Code of Canon Law:

Can. 796.2 Parents must cooperate closely with the teachers of the schools to which they entrust their children to be educated; moreover, teachers in fulfilling their duty are to collaborate very closely with **parents**, who **are to be heard willingly** and for whom associations or meetings are to be established and highly esteemed.

Can. 803 .2 The instruction and education in a Catholic school must be grounded in the principles of Catholic doctrine; **teachers are to be outstanding in correct doctrine and integrity of life.**

Can. 804 §1. The Catholic religious instruction and education which are imparted in any schools whatsoever or are provided through the various instruments of social communication are subject to the authority of the Church. It is for the conference of bishops to issue general norms about this field of action and for the diocesan bishop to regulate and watch over it.

Can. 805 For his own diocese, the local ordinary has the right to appoint or approve teachers of religion and even to remove them or demand that they be removed if a reason of religion or morals requires it.

CATHOLIC UNIVERSITIES AND OTHER INSTITUTES OF HIGHER STUDIES

Can. 807 The Church has the right to erect and direct universities, which contribute to a more profound human culture, the fuller development of the human person, and the fulfillment of the teaching function of the Church.

Can. 808 Even if it is in fact Catholic, no university is to bear the title or name of Catholic university without the consent of competent ecclesiastical authority.

Can. 809 If it is possible and expedient, conferences of bishops are to take care that there are universities or at least faculties suitably spread through their territory, in which the various disciplines are studied and taught, with their academic autonomy preserved and in light of Catholic doctrine.

Can. 810 §1. The authority competent according to the statutes **has the duty to make provision so that teachers are appointed in Catholic universities who besides their scientific and pedagogical qualifications are outstanding in integrity of doctrine and probity of life and that they are removed from their function when they lack these requirements;** the manner of proceeding defined in the statutes is to be observed.

§2. The conferences of bishops and diocesan bishops concerned have the duty and right of being watchful so that the principles of Catholic doctrine are observed faithfully in these same universities.

Can. 811 §1. The competent ecclesiastical authority is to take care that in Catholic universities a faculty or institute or at least a chair of theology is erected in which classes are also given for lay students.

§2. In individual Catholic universities, there are to be classes which especially treat those theological questions which are connected to the disciplines of their faculties.

Can. 812 Those who teach theological disciplines in any institutes of higher studies whatsoever must have a mandate from the competent ecclesiastical authority.

From the Application of Ex Corde Ecclesiae in the United States:

Part One: Theological and Pastoral Principles

1. Ex Corde Ecclesiae

On August 15, 1990, Pope John Paul II issued an apostolic constitution on Catholic higher education entitled *Ex corde Ecclesiae*.¹ The Apostolic Constitution described the identity and mission of Catholic colleges and universities and provided General Norms to help fulfill its vision.

The General Norms are to be applied concretely by episcopal conferences, taking into account the status of each college and university and, as far as possible and appropriate, civil law. Accordingly, recognizing that the *Apostolic Constitution Ex corde Ecclesiae* is normative for the Church throughout the world, this document seeks to apply its principles and norms to all Catholic colleges, universities, and institutions of higher learning within the territory encompassed by the United States Catholic Conference of Bishops

1. *The Board of Trustees*

- a. Each member of the board must be committed to the practical implications of the university's Catholic identity as set forth in its mission statement or equivalent document.
- b. To the extent possible, the majority of the board should be Catholics committed to the Church.
- c. The board should develop effective ways of relating to and collaborating with the local bishop and diocesan agencies on matters of mutual concern.³⁵
- d. The board should analyze ecclesiastical documents on higher education, such as *Ex corde Ecclesiae* and this Application, and develop specific ways of implementing them appropriate to the structure and life of the university.
- e. The board should see to it that the university periodically undertakes an internal review of the congruence of its mission statement, its courses of instruction, its research program, and its service activity with the ideals, principles and norms expressed in *Ex corde Ecclesiae*.

2. Administration and Staff

- a. The university president should be a Catholic.³⁶
- b. The administration should inform faculty and staff at the time of their appointment regarding the Catholic identity, mission and religious practices of the university and encourage them to participate, to the degree possible, in the spiritual life of the university.
- c. The administration should be in dialogue with the local bishop about ways of promoting Catholic identity and the contribution that the university can make to the life of the Church in the area.

3. Faculty

- a. In accordance with its procedures for the hiring and retention of professionally qualified faculty and relevant provisions of applicable federal and state law, regulations and procedures, the university should strive to recruit and appoint Catholics as professors so that, to the extent possible, those committed to the witness of the faith will constitute a majority of the faculty. All professors are expected to be aware of and committed to the Catholic mission and identity of their institutions.
- b. All professors are expected to exhibit not only academic competence and good character but also respect for Catholic doctrine.³⁷ When these qualities are found to be lacking, the university statutes are to specify the competent authority and the process to be followed to remedy the situation.³⁸
- c. Catholic theology should be taught in every Catholic university, and, if possible, a department or chair of Catholic theology should be established. Academic events should be organized on a regular basis to address theological issues, especially those relative to the various disciplines taught in the university.³⁹
- d. Both the university and the bishops, aware of the contributions made by theologians to Church and academy, have a right to expect them to present authentic Catholic teaching. Catholic professors of the theological disciplines have a corresponding duty to be faithful to the Church's magisterium as the authoritative interpreter of Sacred Scripture and Sacred Tradition.
- e. Catholics who teach the theological disciplines in a Catholic university are required to have a *mandatum* granted by competent ecclesiastical authority.⁴⁰
 - i. The *mandatum* is fundamentally an acknowledgment by Church authority that a Catholic professor of a theological discipline is a teacher within the full communion of the Catholic Church.

- ii. The *mandatum* should not be construed as an appointment, authorization, delegation or approbation of one's teaching by Church authorities. Those who have received a *mandatum* teach in their own name in virtue of their baptism and their academic and professional competence, not in the name of the Bishop or of the Church's magisterium.⁴¹
 - iii. The *mandatum* recognizes the professor's commitment and responsibility to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church's magisterium.
 - iv. The following procedure is given to facilitate, as of the effective date of this Application, the process of requesting and granting the *mandatum*. Following the approval of the Application, a detailed procedure will be developed outlining the process of requesting and granting (or withdrawing) the *mandatum*.
 - 1. The competent ecclesiastical authority to grant the *mandatum* is the bishop of the diocese in which the Catholic university is located; he may grant the *mandatum* personally or through a delegate.⁴²
 - 2. Without prejudice to the rights of the local bishop,⁴³ a *mandatum*, once granted, remains in effect wherever and as long as the professor teaches unless and until withdrawn by competent ecclesiastical authority.
 - 3. The *mandatum* should be given in writing. The reasons for denying or removing a *mandatum* should also be in writing.⁴⁴
4. **Students.** With due regard for the principles of religious liberty and freedom of conscience, students should have the opportunity to be educated in the Church's moral and religious principles and social teachings and to participate in the life of faith.⁴⁵
- a. Catholic students have a right to receive from a university instruction in authentic Catholic doctrine and practice, especially from those who teach the theological disciplines. They also have a right to be provided with opportunities to practice the faith through participation in Mass, the sacraments, religious devotions and other authentic forms of Catholic spirituality.
 - b. Courses in Catholic doctrine and practice should be made available to all students.
 - c. Catholic teaching should have a place, if appropriate to the subject matter, in the various disciplines taught in the university.⁴⁶ Students should be provided with adequate instruction on professional ethics and moral issues related to their profession and the secular disciplines.

Art. 5. The Catholic University in the Church

1. *The Universal Church*

- a. The university shall develop and maintain a plan for fulfilling its mission that communicates and develops the Catholic intellectual tradition, is of service to the Church and society, and encourages the members of the university community to grow in the practice of the faith.⁴⁷
- b. The university plan should address intellectual and pastoral contributions to the mission of communicating Gospel values,⁴⁸ service to the poor, social justice initiatives, and ecumenical and inter-religious activities.

2. *The Local Church*

- a. In accordance with Church teaching and the universal law of the Church, the local Bishop has a responsibility to promote the welfare of the Catholic universities in his diocese and to watch over the preservation and strengthening of their Catholic character.⁴⁹
- b. Bishops should, when appropriate, acknowledge publicly the service of Catholic universities to the Church and support the institution's Catholic identity if it is unjustifiably challenged.
- c. Diocesan and university authorities should commit themselves mutually to regular dialogues to achieve the goals of *Ex corde Ecclesiae* according to local needs and circumstances.
- d. University authorities and the local diocesan bishop should develop practical methods of collaboration that are harmonious with the university's structure and statutes. Similar forms of collaboration should also exist between the university and the religious institute to which it is related by establishment or tradition.⁵⁰
- e. *Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings between Bishops and Theologians*, approved and published by the National Conference of Catholic Bishops, June 17, 1989, can serve as a useful guide for diocesan bishops, professors of the theological disciplines and administrators of universities to promote informal cooperation and collaboration in the Church's teaching mission and the faithful observance within Catholic universities of the principles of Catholic doctrine.
- f. Disputes about Church doctrine should be resolved, whenever possible, in an informal manner. At times, the resolution of such matters may benefit from formal doctrinal dialogue as proposed by *Doctrinal Responsibilities* and adapted by the parties in question.⁵¹
- g. The National Conference of Catholic Bishops, through an appropriate committee structure, should continue to dialogue and collaborate with the Catholic academic community and its representative associations about

ways of safeguarding and promoting the ideals, principles and norms expressed in *Ex corde Ecclesiae*.

Art. 6. Pastoral Ministry

1. The diocesan bishop has overall responsibility for the pastoral care of the university's students, faculty, administration and staff.⁵²
2. The university, in cooperation with the diocesan bishop, shall make provision for effective campus ministry programs, including the celebration of the sacraments, especially the Eucharist and penance, other liturgical celebrations, and opportunities for prayer and spiritual reflection.⁵³
3. When selecting pastoral ministers—priests, deacons, religious and lay persons—to carry on the work of campus ministry, the university authorities should work closely

Excerpts from Ex Corde Ecclesiae:

Article 4. *The University Community*

§ 1. The responsibility for maintaining and strengthening the Catholic identity of the University rests primarily with the University itself. While this responsibility is entrusted principally to university authorities (including, when the positions exist, the Chancellor and/or a Board of Trustees or equivalent body), it is shared in varying degrees by all members of the university community, and therefore calls for the recruitment of adequate university personnel, especially teachers and administrators, who are both willing and able to promote that identity. The identity of a Catholic University is essentially linked to the quality of its teachers and to respect for Catholic doctrine. It is the responsibility of the competent Authority to watch over these two fundamental needs in accordance with what is indicated in Canon Law(49).

§ 2. All teachers and all administrators, at the time of their appointment, are to be informed about the Catholic identity of the Institution and its implications, and about their responsibility to promote, or at least to respect, that identity.

§ 3. In ways appropriate to the different academic disciplines, all Catholic teachers are to be faithful to, and all other teachers are to respect, Catholic doctrine and morals in their research and teaching. In particular, Catholic theologians, aware that they fulfil a mandate received from the Church, are to be faithful to the Magisterium of the Church as the authentic interpreter of Sacred Scripture and Sacred Tradition(50).

§ 4. Those university teachers and administrators who belong to other Churches, ecclesial communities, or religions, as well as those who profess no religious belief, and also all students, are to recognize and respect the distinctive Catholic identity of the University.

In order not to endanger the Catholic identity of the University or Institute of Higher Studies, the number of non-Catholic teachers should not be allowed to constitute a majority within the Institution, which is and must remain Catholic.

§ 5. The education of students is to combine academic and professional development with formation in moral and religious principles and the social teachings of the Church; the programme of studies for each of the various professions is to include an appropriate ethical formation in that profession. Courses in Catholic doctrine are to be made available to all students(51).

Article 5. *The Catholic University within the Church*

§ 1. Every Catholic University is to maintain communion with the universal Church and the Holy See; it is to be in close communion with the local Church and in particular with the diocesan Bishops of the region or nation in which it is located. In ways consistent with its nature as a University, a Catholic University will contribute to the Church's work of evangelization.

§ 2. Each Bishop has a responsibility to promote the welfare of the Catholic Universities in his diocese and has the right and duty to watch over the preservation and strengthening of their Catholic character. If problems should arise concerning this Catholic character, the local Bishop is to take the initiatives necessary to resolve the matter, working with the competent university authorities in accordance with established procedures(52) and, if necessary, with the help of the Holy See.

From Pope Benedict's Address to Catholic Educators, April 17 2008, Washington, D.C.

"In regard to faculty members at Catholic colleges and universities, I wish to reaffirm the great value of academic freedom. In virtue of this freedom you are called to search for the truth wherever careful analysis of evidence leads you. Yet it is also the case that any appeal to the principle of academic freedom in order to justify positions that contradict the faith and the teaching of the Church would obstruct or even betray the university's identity and mission; a mission at the heart of the Church's munus docendi and not somehow autonomous or independent of it."

"Teachers and administrators, whether in universities or schools, have the duty and privilege to ensure that students receive instruction in Catholic doctrine and practice. This requires that public witness to the way of Christ, as found in the Gospel and upheld by the Church's Magisterium, shapes all aspects of an institution's life, both inside and outside the classroom. Divergence from this vision weakens Catholic identity and, far from advancing freedom, inevitably leads to confusion, whether moral, intellectual or spiritual."