

The Application for Ex Corde Ecclesiae for the United States

Decree of Promulgation

On November 17, 1999, the Catholic Bishops of the United States, meeting in Plenary Session of the National Conference of Catholic Bishops, approved *The Application of Ex corde Ecclesiae for the United States* implementing the Apostolic Constitution *Ex corde Ecclesiae*, according to the norm of law.

The action was granted recognitio by the Congregation for Bishops in accord with article 82 of the Apostolic Constitution Pastor Bonus and issued by Decree of the Congregation for Bishops signed by His Eminence Lucas Cardinal Moreira Neves, Prefect, and His Excellency Most Reverend Francisco Monterisi, Secretary, and dated May 3, 2000.

As President of the National Conference of Catholic Bishops, I hereby decree that *The Application of Ex corde Ecclesiae* for the United States will be in force as particular law for the United States on May 3, 2001.

Given at the offices of the National Conference of Catholic Bishops in Washington, DC, on June 1, 2000.

Most Reverend Joseph A. Fiorenza
Bishop of Galveston-Houston
President, National Conference of Catholic Bishops

Reverend Monsignor Dennis M. Schnurr
General Secretary

Introduction

Catholic higher education in the United States has a unique history. The opening of Georgetown in 1789 and subsequent growth into 230 Catholic colleges and universities is a remarkable achievement for the Church and the United States.

Catholic colleges and universities are related to the ecclesial community, to the higher education enterprise of the United States and to the broader society. Founded and developed principally by religious communities of women and men, they now involve lay administrators, professors and trustees who are Catholic and not Catholic—all committed to the vision of Catholic higher education.

Catholic colleges and universities, where culture and faith intersect, bring diversity to American higher education. Diversity is present among the institutions themselves: two-year colleges and graduate program universities; liberal arts colleges and research universities; schools for the professions and schools for technical education.

To all participating in Catholic higher education, the Bishops of the United States express their admiration and sincere gratitude, knowing that both the nation and ecclesial community are affected by their commitments and talents. Bishops want to maintain, preserve and guarantee the Catholic identity of Catholic higher education, a responsibility they share in various ways with sponsoring religious communities, boards of trustees, university administration, faculty, staff and students.

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.

2. The Ecclesiological Concept of Communion

The Church is made up of individual faithful and communities linked with one another through many active ecclesial relationships. A true understanding of these dynamic relationships flows from the faith-conviction that God the Father, through His incarnate Son, Jesus Christ, has revealed His desire to incorporate all people into the life of the Trinity. It is in the Church, through the indwelling of the Holy Spirit, that this relationship of all persons and communities with the Triune God takes place. This body of dynamic relationships held together by the unity of faith is aptly described in the theological concept of communion.²

The dynamic of communion unites on a deeper and more productive level the various communities in the Church through which so much of her mission of salvation, and consequently human progress, is carried out. More specifically, ecclesial communion furnishes the basis for the collaborative relationships between the hierarchy and Catholic universities contemplated in *Ex corde Ecclesiae*: "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 the nation in which it is located."³ The Catholic university is a vital institution in the communion of the Church and is "a primary and privileged place for a fruitful dialogue between the Gospel and culture."⁴

The richness of communion illuminates the ecclesial relationship that unites the distinct, and yet complementary, teaching roles of bishops and Catholic universities. In the light of communion, the teaching responsibilities of the hierarchy and of the Catholic universities retain their distinctive autonomous nature and goal but are joined as complementary activities contributing to the fulfillment of the Church's universal teaching mission. The communion of the Church embraces both the pastoral work of bishops and the academic work of Catholic universities, thus linking the bishops' right and

obligation to communicate and safeguard the integrity of Church doctrine with the right and obligation of Catholic universities to investigate, analyze and communicate all truth freely.

The communion of all the faithful with the Triune God and with one another is a theological reality expressing the will of God. It is by understanding and living this communion that bishops and Catholic universities can most effectively collaborate to fulfill their proper mission within the Church. In carrying out its mission to search for truth, the Catholic university is uniquely situated to serve not only the people of God but the entire human family "in their pilgrimage to the transcendent goal which gives meaning to life."⁵

3. The Catholic University's Twofold Relationship

Catholic universities are participants in the life of the universal Church, the local Church, the higher education community of the United States and the civic community. As such, they "are called to continuous renewal, both as 'universities' and as 'Catholic.'"⁶ This twofold relationship is described in the May 22, 1994, joint document of the Congregation for Catholic Education and the Pontifical Councils for the Laity and for Culture, which states that the Catholic university achieves its purpose when

*... it gives proof of being rigorously serious as a member of the international community of knowledge and expresses its Catholic identity through an explicit link with the Church, at both local and universal levels—an identity which marks concretely the life, the services and the programs of the university community. In this way, by its very existence, the Catholic university achieves its aim of guaranteeing, in institutional form, a Christian presence in the university world. . . .*⁷

One of the ways this relationship is clarified and maintained is through dialogue that includes faculty of all disciplines, students, staff, academic and other administrative officers, trustees, and sponsoring religious communities of the educational institutions, all of whom share responsibility for the character of Catholic higher education. The bishop and his collaborators in the local Church are integral parties in this dialogue.

The Catholic university is related to the local and universal ecclesial community⁸ as well as to the broader society⁹ and the higher education academy.¹⁰ In this document we are directing special attention to the relationship between universities and Church authorities. *Ex corde Ecclesiae* provides one of the ecclesiological principles to address this specific relationship.

*Bishops have a particular responsibility to promote Catholic Universities, and especially to promote and assist in the preservation and strengthening of their Catholic identity, including the protection of their Catholic identity in relation to civil authorities. This will be achieved more effectively if close personal and pastoral relationships exist between University and Church authorities, characterized by mutual trust, close and consistent cooperation and continuing dialogue. Even though they do not enter directly into the internal government of the University, Bishops "should be seen not as external agents but as participants in the life of the Catholic University." [italics added]*¹¹

Each of these elements in the pastoral relationship of bishops with Catholic universities warrants attention.

4. Mutual Trust Between University and Church Authorities

Mutual trust goes beyond the personalities of those involved in the relationship. The trust is grounded in a shared baptismal belief in the truths that are rooted in Scripture and Tradition, as interpreted by the Church, concerning the mystery of the Trinity: God the Father and Creator, who works even until now; God the Son and incarnate Redeemer, who is the Way and the Truth and the Life; and God the Holy Spirit, the Paraclete, whom the Father and Son send. In the spirit of *communio*, the relationship of trust between university and Church authorities, based on these shared beliefs with their secular and religious implications, is fostered by mutual listening, by collaboration that respects differing responsibilities and gifts, and by a solidarity that mutually recognizes respective statutory limitations and responsibilities.

5. Close and Consistent Cooperation Between University and Church Authorities

Collaborating to integrate faith with life is a necessary part of the "close personal and pastoral relationships"¹² to which universities and bishops are called. Within their academic mission of teaching and research, in ways appropriate to their own constituencies and histories, including their sponsorship by religious communities, institutions offer courses in Catholic theology that reflect current scholarship and are in accord with the authentic teaching of the Church.

Many cooperative programs, related to Gospel outreach, already flourish throughout the country. It is highly desirable that representatives of both educational institutions and Church authorities jointly identify, study, and pursue solutions to issues concerning social justice, human life and the needs of the poor.

Allocation of personnel and money to assure the special contributions of campus ministry is indispensable. In view of the presence on campus of persons of other religious traditions, it is a concern of the whole Church that ecumenical and inter-religious relationships should be fostered with sensitivity.

A structure and strategy to insure ongoing dialogue and cooperation should be established by university and Church authorities.

6. Continuing Dialogue Among University Representatives and Church Authorities

Dialogues occasioned by *Ex corde Ecclesiae* may be graced moments characterized by

- a. a manifest openness to a further analysis and local appropriation of Catholic identity;*
- b. an appreciation of the positive contributions that campus-wide conversations make; and*
- c. a conviction that conversation can develop and sustain relationships.*

A need exists for continued attention and commitment to the far-reaching implications—curricular, staffing, programming—of major themes within *Ex corde Ecclesiae*. These include Catholic identity, *communio*, relating faith and culture, pastoral outreach, the New Evangelization, and relationship to the Church.

7. Catholic Identity

Catholic identity lies at the heart of *Ex corde Ecclesiae*. In 1979, Pope John Paul II, in an address to the

Catholic academic community at The Catholic University of America, stressed the importance of the Catholic character of Catholic institutions of higher learning:

Every university or college is qualified by a specified mode of being. Yours is the qualification of being Catholic, of affirming God, his revelation and the Catholic Church as the guardian and interpreter of that revelation. The term 'Catholic' will never be a mere label either added or dropped according to the pressures of varying factors.¹³

Catholic universities, in addition to their academic commitments to secular goals and programs, should excel in theological education, prayer and liturgy, and works of charity. These religious activities, however, do not alone make a university "Catholic." *Ex corde Ecclesiae* highlights four distinctive characteristics that are essential for Catholic identity:

1. *Christian inspiration in individuals and the university community;*
2. *Reflection and research on human knowledge in the light of the Catholic faith;*
3. *Fidelity to the Christian message in conformity with the magisterium of the Church;*
4. *Institutional commitment to the service of others.*¹⁴

Catholic universities cherish their Catholic tradition and, in many cases, the special charisms of the religious communities that founded them. In the United States, they enjoyed the freedom to incorporate these religious values into their academic mission. The principles of *Ex corde Ecclesiae* afford them an opportunity to re-examine their origin and renew their way of living out this precious heritage.

Catholic universities enjoy institutional autonomy: as academic institutions their governance "is and remains internal to the institution."¹⁵ In order to maintain and safeguard their freely-chosen Catholic identity, it is important for Catholic universities to set out clearly in their official documentation their Catholic character and to implement in practical terms their commitment to the essential elements of Catholic identity, including the following:

5. *Commitment to be faithful to the teachings of the Catholic Church;*
6. *Commitment to Catholic ideals, principles and attitudes in carrying out research, teaching and all other university activities, including activities of officially-recognized student and faculty organizations and associations, and with due regard for academic freedom and the conscience of every individual;*¹⁶
7. *Commitment to serve others, particularly the poor, underprivileged and vulnerable members of society;*
8. *Commitment of witness of the Catholic faith by Catholic administrators and teachers, especially those teaching the theological disciplines, and acknowledgment and respect on the part of non-Catholic teachers and administrators of the university's Catholic identity and mission;*
9. *Commitment to provide courses for students on Catholic moral and religious principles and their application to critical areas such as human life and other issues of social justice;*
10. *Commitment to care pastorally for the students, faculty, administration and staff;*

11. Commitment to provide personal services (health care, counseling and guidance) to students, as well as administration and faculty, in conformity with the Church's ethical and religious teaching and directives; and

12. Commitment to create a campus culture and environment that is expressive and supportive of a Catholic way of life.

Catholic universities should make every effort to enhance their communion with the hierarchy so that through this special relationship they may assist each other to accomplish the mission to which they are mutually committed.

In a secular world the strong Catholic identity of our institutes of higher learning is invaluable in witnessing to the relationship of truth and reason, the call of the revealed Word, and the authentic meaning of human life. "The present age is in urgent need of this kind of disinterested service, namely of proclaiming the meaning of truth, that fundamental value without which freedom, justice and human dignity are extinguished."¹⁷

Part Two: Particular Norms

The chief purpose of the following norms is to assist Catholic colleges and universities in their internal process of reviewing their Catholic identity and clarifying their essential mission and goals. They are intended to provide practical guidance to those committed to the enterprise of Catholic higher education as they seek to implement the theological and pastoral principles of *Ex corde Ecclesiae*. Accordingly, the norms follow the basic outline of the General Norms found in *Ex corde Ecclesiae* and provide concrete steps that will facilitate the implementation of the Holy Father's document in the context of the relevant sections of the Code of Canon Law and complementary Church legislation.¹⁸

Art. 1. The Nature of the Particular Norms

1. These particular norms are applicable to all Catholic colleges, universities and institutions of higher learning within the territory encompassed by the National Conference of Catholic Bishops, contrary particular laws, customs or privileges notwithstanding.¹⁹

2. Catholic universities are to observe the general norms of *Ex corde Ecclesiae* and the following particular norms as they apply to their individual institutions, taking into account their own statutes and, as far as possible and appropriate, relevant provisions of applicable federal and state law, regulations and procedures.

a. Those universities established or approved by the Holy See, by the NCCB, by other hierarchical assemblies, or by individual diocesan bishops are to incorporate, by reference and in other appropriate ways, the general and particular norms into their governing documents and conform their existing statutes to such norms. Within five years of the effective date of these particular norms, Catholic universities are to submit the aforesaid incorporation for review and affirmation to the university's competent ecclesiastical authority.

b. Other Catholic universities are to make the general and particular norms their own, include them in the university's official documentation by reference and in other appropriate ways, and, as much as possible, conform their existing statutes to such norms. These steps to ensure their Catholic identity are

*to be carried out in agreement with the diocesan bishop of the place where the seat of the university is situated.*²⁰

*c. Changes in statutes of universities established by the hierarchy, religious institutes or other public juridic persons that substantially affect the nature, mission or Catholic identity of the university require the approval of competent ecclesiastical authority.*²¹

3. Those establishing or sponsoring a Catholic university have an obligation to make certain that they will be able to carry out their canonical duties in a way acceptable under relevant provisions of applicable federal and state law, regulations and procedures.²²

Art. 2. The Nature of a Catholic University

1. The purpose of a Catholic university is education and academic research proper to the disciplines of the university. Since it enjoys the institutional autonomy appropriate to an academic institution, its governance is and remains internal to the institution itself. This fundamental purpose and institutional autonomy must be respected and promoted by all, so that the university may effectively carry out its mission of freely searching for all truth.²³

2. Academic freedom is an essential component of a Catholic university. The university should take steps to ensure that all professors are accorded "a lawful freedom of inquiry and of thought, and of freedom to express their minds humbly and courageously about those matters in which they enjoy competence."²⁴ In particular, "[t]hose who are engaged in the sacred disciplines enjoy a lawful freedom of inquiry and of prudently expressing their opinions on matters in which they have expertise, while observing the submission [*obsequio*] due to the magisterium of the Church."²⁵

3. With due regard for the common good and the need to safeguard and promote the integrity and unity of the faith, the diocesan bishop has the duty to recognize and promote the rightful academic freedom of professors in Catholic universities in their search for truth.²⁶

4. Recognizing the dignity of the human person, a Catholic university, in promoting its own Catholic identity and fostering Catholic teaching and discipline, must respect the religious liberty of every individual, a right with which each is endowed by nature.²⁷

5. A responsibility of every Catholic university is to affirm its essential characteristics, in accord with the principles of *Ex corde Ecclesiae*, through public acknowledgment in its mission statement and/or its other official documentation of its canonical status²⁸ and its commitment to the practical implications of its Catholic identity, including but not limited to those specified in Part One, Section 7 of this document.

6. The university (in particular, the trustees, administration, and faculty) should take practical steps to implement its mission statement in order to foster and strengthen its Catholic nature and character.²⁹

Art. 3. The Establishment of a Catholic University

1. A Catholic university may be established, or an existing university approved, by the Holy See, the National Conference of Catholic Bishops, other hierarchical assemblies, or individual diocesan bishops. It may also be established by a religious institute or some other public juridic person, or by individual Catholics, acting singly or in association, with proper ecclesiastical approval.³⁰

2. At the time of its establishment the university should see to it that its canonical status is identified, including the ecclesiastical authority by which it has been established or approved or to which it otherwise relates.³¹

3. The statutes of Catholic universities established by hierarchical authority or by religious institutes or other public juridic persons must be approved by competent ecclesiastical authority.³²

4. No university may assume the title Catholic without the consent of the competent ecclesiastical authority.³³

Art. 4. The University Community

1. The responsibility for safeguarding and strengthening the Catholic identity of the university rests primarily with the university itself. All the members of the university community are called to participate in this important task in accordance with their specific roles: the sponsoring religious community, the board of trustees, the administration and staff, the faculty, and the students.³⁴ Men and women of religious faiths other than Catholic, on the board of trustees, on the faculty, and in other positions, can make a valuable contribution to the university. Their presence affords the opportunity for all to learn and benefit from each other. The university should welcome them as full partners in the campus community.

2. 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.

3. 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.

4. 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*

5. *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 with the diocesan bishop and interested religious institutes. Without prejudice to the provision of canon 969, §2, priests and deacons must enjoy pastoral faculties from the local ordinary in order to exercise their ministry on campus.

4. With due regard for religious liberty and freedom of conscience, the university, in cooperation with the diocesan bishop, should collaborate in ecumenical and interfaith efforts to care for the pastoral needs of students, faculty and other university personnel who are not Catholic.

5. In these pastoral efforts, the university and the diocesan bishop should take account of the prescriptions and recommendations issued by the Holy See and the guidance and pastoral statements of the National Conference of Catholic Bishops.⁵⁴

Art. 7. Cooperation

1. Catholic universities should commit themselves to cooperate in a special way with other Catholic universities, institutions and professional associations, in the United States and abroad, in order to build up the entire Catholic academic community.⁵⁵

2. In collaborating with governmental agencies, regional associations, and other universities, whether public or private, Catholic universities should give corporate witness to and promote the Church's social teaching and its moral principles in areas such as the fostering of peace and justice, respect for all human life, the eradication of poverty and unjust discrimination, the development of all peoples and the growth of human culture.⁵⁶

Conclusion

This Application will become effective one year after its *recognitio* by the Holy See. During the five years following the effective date of this Application, the National Conference of Catholic Bishops in

collaboration with representatives of Catholic universities should develop a mutually agreeable process to review and evaluate the implementation of *Ex corde Ecclesiae* and this Application, particularly regarding the nature, mission and Catholic identity of the universities.

Ten years after the effective date of this Application, the National Conference of Catholic Bishops will review this Application of *Ex corde Ecclesiae* for the United States.

The Bishops of the United States, in offering this application of *Ex corde Ecclesiae*, join in sentiments expressed by Pope John Paul II:

*I turn to the whole Church, convinced that Catholic universities are essential to her growth and to the development of Christian culture and human progress. For this reason, the entire ecclesial community is invited to give its support to Catholic institutions of higher education and to assist them in their process of development and renewal. . . .*⁵⁷

Notes

1. Pope John Paul II, *Apostolic Constitution on Catholic Universities Ex corde Ecclesiae*, August 15, 1990, AAS 82 (1990) pp. 1475-1509 [cited throughout the remainder of this document as ECE]. English translation: Origins, CNS Documentary Service, October 4, 1990. In accordance with canon 455, §1, the United States Conference of Bishops promulgates this Application as a response to the special mandate of the Apostolic See (cf. ECE, II, Art. 1, §2). The Application refers to Catholic universities and other institutes of higher learning (cf. canons 807-814); excluded from the Application's treatment are ecclesiastical universities and faculties (cf. canons 815-821), which are governed by the Apostolic Constitution, *Sapientia Christiana* (see below footnote 19).

2. See Vatican Council II, Dogmatic Constitution on the Church (*Lumen Gentium*) 4, 7, 9-29 (Chapter II: the People of God) and *passim*; Congregation for the Doctrine of the Faith, "Letter to the Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion," *Origins* 22 (1992), 108-112; *Catechism of the Catholic Church*, nn. 787-801 and *passim*; 1985 Extraordinary Synod of Bishops, "A Message to the People of God," *Origins* 15 (1985), 441-444, and "The Final Report," *Origins* 15 (1985), 444-450.

3. ECE, II, Art. 5, §1.

4. ECE, I, n. 43. See also ECE, I, n. 49. For purposes of stylistic simplicity, this document, in both the "Theological and Pastoral Principles" and "Particular Norms," uses the word "university" as a generic term to include universities, colleges and other institutions of higher learning.

5. ECE, I, 13, quoting from "The Catholic University in the Modern World," the final document of the Second International Congress of Delegates of Catholic Universities, Rome, November 20-29, 1972, Sec. 1.

6. ECE, Introduction, n. 7.

7. "The Church's Presence in the University and in University Culture," II, §2, *Origins*, June 16, 1994, 74-80.

8. *ECE*, I, nn. 27-29, 31.

9. *Ibid.*, I, nn. 32-37.

10. *Ibid.*, I, nn. 12, 37; II, Art. 7, §§1-2.

11. *Ibid.*, I, n. 28. The citation at the end is from John Paul II, *Address to Leaders of Catholic Higher Education*, Xavier University of Louisiana, U.S.A., September 12, 1987, n. 4: AAS 80 (1988) 764.

12. *ECE*, I, n. 28.

13. Pope John Paul II, Address "Ad prope et exstantes sedes Studiorum Universitatis Catholicae profectus hanc allocutionem fecit ad moderatores et doctores eiusdem Athenaei atque ad legatos Collegiorum Universitatumque Catholicarum totius Nationis," October 6, 1979, AAS 71:13 (1979) 1260.

14. *ECE*, I, n. 13 [quoting "The Catholic University in the Modern World," the final document of the Second International Congress of Delegates of Catholic Universities, Rome, November 20-29, 1972, Sec. 1].

15. See *ECE*, I, n. 12 and footnote 15; Vatican Council II, Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*) 59; Declaration on Catholic Education (*Gravissimum educationis*) 10.

16. See *ECE*, II, Art. 2, §§4-5.

17. *ECE*, I, n. 4.

18. See *ECE*, II, Art. 1, §§1 & 2.

19. *ECE*, II, Art. 11: "Any particular laws or customs presently in effect that are contrary to this constitution are abolished. Also, any privileges granted up to this day by the Holy See whether to physical or moral persons that are contrary to this present constitution are abolished." These Particular Norms are not applicable to ecclesiastical universities and faculties insofar as they are governed by the Apostolic Constitution *Sapientia Christiana*.

20. See *ECE*, II, Art. 1, §3.

21. See *ECE*, II, Art. 3, §4.

22. See canon 807 and *ECE*, Art. 3; Congregation for Catholic Education, *Directives to Assist in the Formulation of the Ordinances for the Apostolic Constitution "Ex corde Ecclesiae,"* not dated, n. B1.

23. See above footnote 15.

24. Vatican Council II, Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*) 62. A university's commitment to Catholic ideals, principles and attitudes is not only consistent with academic freedom and the integrity of secular subjects, it requires "[f]reedom in research and teaching" and respect for "the principles and methods of each individual discipline." *ECE*, II, Art. 2, §5.

25. C. 218.

26. See *ECE*, II, Art. 2, §5.

27. Though thoroughly imbued with Christian inspiration, the university's Catholic identity should in no way be construed as an excuse for religious indoctrination or proselytization. See Vatican Council II, Declaration on Religious Liberty (*Dignitatis humanae*) 2-4.

28. See footnote 31 for a listing of canonical categories.

29. In this regard, the university may wish to establish a "mission effectiveness committee" or some other appropriate structure to develop methods by which Catholics may promote the university's Catholic identity and those who are not Catholic may acknowledge and respect this identity.

30. *ECE*, II, Art. 3, §§1-3, cf. Canon 808. Note that, under Canon 322, private associations of the faithful can acquire juridic personality by the issuance of a formal decree of competent ecclesiastical authority (§1) and approval of their statutes, retaining, all the while, their private character (§2).

31. A Catholic university may be established by various ecclesiastical authorities or entities (e.g., the Holy See) or by individual Catholics. Moreover, the university may be erected as a self-standing public juridic person or it may simply be a complex "activity" or "apostolate" of a public juridic person. The following alternatives outline different categories that describe a Catholic university from the canonical perspective:

a. The university as an apostolate of the Holy See. The Holy See may erect a university or approve an already-established university as an apostolate of the Holy See itself. Such universities, which are sometimes granted the title of "pontifical," are erected or approved by a decree of the Holy See and their statutes must be approved by the Holy See. The "competent ecclesiastical authority" to which such universities are related is the Holy See through the Congregation for Catholic Education.

b. The university as an apostolate of the National Conference of Catholic Bishops. An episcopal conference has the right to erect a university or approve an already-established university as an apostolate of the conference itself through the issuance of a decree and approval of its statutes. The "competent ecclesiastical authority" to which such a university is related is the National Conference of Catholic Bishops.

c. The university as an apostolate of a diocesan bishop or a group of diocesan bishops. Diocesan bishops, acting individually or jointly, have the right to erect a university or approve an already-established university as a diocesan or inter-diocesan apostolate through the issuance of a decree and approval of its statutes. The "competent ecclesiastical authority" to which such a university is related is the individual diocesan bishop or the group of diocesan bishops establishing or approving it.

d. The university as an apostolate of a public juridic person. A university may be established or approved as an apostolate of a public juridic person (such as a religious institute). In such cases the consent of the bishop of the diocese in which the seat of the university is situated (or of a group of bishops, the NCCB or the Holy See) and approval of its statutes are required. Such a university relates to the public juridic person that established or approved it and to the diocesan bishop (or group of bishops, the NCCB or the Holy See) as its "competent ecclesiastical authority."

e. The university as public juridic person. A university may itself be erected as a public association of the faithful or some other type of public juridic person (universitas rerum or universitas personarum). Such

juridic personality requires the issuance of a decree of erection and approval of the statutes by the Holy See, the National Conference of Catholic Bishops, or an individual or group of diocesan bishops.

f. The university established by individuals. Individual Catholics may found a university or convert an existing university into a Catholic institution without its being established or approved by the Holy See, the National Conference of Catholic Bishops, individual diocesan bishops or a public juridic person. Nonetheless, in accordance with canon 808, such a university may refer to itself as Catholic only with the consent of the competent ecclesiastical authority.

32. ECE, II, Art. 3, §4.

33. C. 808.

34. ECE, II, Art. 4, §1. In these norms the phrases "board of trustees," "president" and "administration" are used to denote the highest bodies of governance within the university's corporate and operational structure. If, in an individual case, the university's governance uses a different structure or other titles, the norms should be applied accordingly.

35. In individual situations, it may be possible and appropriate to invite the diocesan bishop or his delegate to be a member of the board itself. In other cases, arranging periodic meetings to address the university's Catholic identity and mission may prove more practical and effective.

36. Upon assuming the office of president for the first time, a Catholic should express his or her commitment to the university's Catholic identity and to the Catholic faith in accordance with canon 833, §7 (see also Congregation for the Doctrine of the Faith, *Formula Professio Fidei et Iusiurandum*, July 1, 1988, AAS 81 [1989] 104-106; and Congregation for the Doctrine of the Faith, *Rescriptum ex audientia SS. mi Quod Attinet*, September 19, 1989, AAS 81 [1989] 1169). When a candidate who is not a Catholic is being considered for appointment as president of a Catholic university, the university should consult with the competent ecclesiastical authority about the matter. In all cases, the president should express his or her commitment to the university's Catholic mission and identity.

37. The identity of a Catholic university is essentially linked to the quality of its professors and to respect for Catholic doctrine. The Church's expectation of "respect for Catholic doctrine" should not, however, be misconstrued to imply that a Catholic university's task is to indoctrinate or proselytize its students. Secular subjects are taught for their intrinsic value, and the teaching of secular subjects is to be measured by the norms and professional standards applicable and appropriate to the individual disciplines. See ECE, II, Art. 4, §1 and above footnotes 24 and 27.

38. C. 810, §1.

39. *Gravissimum educationis* 10.

40. C. 812 and ECE, II, Art. 4, §3.

41. "*Mandatum*" is a technical term referring to the juridical expression of the ecclesial relationship of communion that exists between the Church and the Catholic teacher of a theological discipline in the Catholic university. The prescription of canon 812 is grounded in the right and responsibility of bishops to safeguard the faithful teaching of Catholic doctrine to the people of God and to assure the authentic presentation of the Church's magisterium. Those with such a *mandatum* are not agents of the

magisterium; they teach in their own name, not in the name of the bishop. Nonetheless, they are not separate from the Church's teaching mission. Responding to their baptismal call, their ecclesial task is to teach, write and research for the benefit of the Church and within its communion. The *mandatum* is essentially the recognition of an ecclesial relationship between the professor and the Church (see canon 229, §3).

Moreover, it is not the responsibility of a Catholic university to seek the *mandatum*; this is a personal obligation of each professor. If a particular professor lacks a *mandatum* and continues to teach a theological discipline, the university must determine what further action may be taken in accordance with its own mission and statutes (see canon 810, §1).

42. The attestation or declaration of the professor that he or she will teach in communion with the Church can be expressed by the profession of faith and oath of fidelity or in any other reasonable manner acceptable to the one issuing the *mandatum*.

43. Although the general principle is that, once granted, there is no need for the *mandatum* to be granted again by another diocesan bishop, every diocesan bishop has the right to require otherwise in his own diocese.

44. Administrative acts in the external forum must be in writing (c. 37). The writing not only demonstrates the fulfillment of canon 812, but, in cases of denial or removal, it permits the person who considers his or her rights to have been injured to seek recourse. See canons 1732-1739.

45. In *Gravissimum educationis* 10, the Vatican Council expressed the hope that students in Catholic institutions of higher learning will become "truly outstanding in learning, ready to shoulder society's heavier burdens and to witness the faith to the world."

46. See above footnotes 27 and 37.

47. See *ECE*, I, n. 38 ff. and footnote 44.

48. See *ECE*, I, nn. 48-49.

49. See *ECE*, II, Art. 5, §2. See also the responsibilities of the diocesan bishop set forth in canons 392, §1; 394, §1; 756, §2; 810, §2; 813.

50. The following are some suggestions for collaboration:

a. Arranging for the diocesan bishop or his delegate and members of the religious institute to be involved in the university's governance, perhaps through representation on the board of trustees or in some other appropriate manner.

b. Sharing the university's annual report with the diocesan bishop and the religious institute, especially in regard to matters affecting Catholic identity and the religious institute's charism.

c. Scheduling regular pastoral visits to the university on the part of the diocesan bishop and the religious institute's leadership and involving the members of the diocese and the institute in campus ministry.

d. Collaborating on evangelization and on the special works of the religious institute.

e. Conducting dialogues on matters of doctrine and pastoral practice and on the development of spirituality in accordance with the religious institute's charism.

f. Resolving issues affecting the university's Catholic identity in accordance with established procedures. (See ECE, II, Art. 5, §2 and ECE footnote 51.)

g. Participating together in ecumenical and inter-faith endeavors.

h. Contributing to the diocesan process of formulating the quinquennial report to the Holy See.

51. See National Conference of Catholic Bishops, *Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstandings between Bishops and Theologians*, June 17, 1989, Washington, D.C.: USCC, III, C, pp. 16-22. When such disputes are not resolved within the limits of informal or formal dialogue, they should be addressed in a timely manner by the competent ecclesiastical authority through appropriate doctrinal and administrative actions, taking into account the requirements of the common good and the rights of the individuals and institutions involved.

52. See canon 813

53. See ECE, II, Art. 6, §2.

54. See ECE, II, Art. 7, §1; National Conference of Catholic Bishops, "Sons and Daughters of the Light: A Pastoral Plan for Ministry with Young Adults," *Origins*, November 28, 1996, 384-402, especially 398-401; "Letter to College Students," *Origins*, December 7, 1995, 429-430; *Empowered by the Spirit*, Washington, D.C.: USCC, 1985.

55. See ECE, I, n. 35 and ECE, II, Art. 7, §2.

56. See ECE, I, nn. 32-35.

57. *Ibid.*, Introduction, n. 11.

In November 1999, Most Reverend Joseph A. Fiorenza, president of the National Conference of Catholic Bishops, petitioned the Apostolic See that these executive norms of the apostolic constitution *Ex corde Ecclesiae*, approved according to the norm of law by a plenary session of the Conference, be duly granted recognition. In May 2000, the Congregation for Bishops, after consultation with the Congregation for Catholic Education and the Pontifical Council for the Interpretation of Legislative Texts, found these norms in conformity with universal canon law and declared them valid. These norms are printed here as *The Application of Ex corde Ecclesiae for the United States*, which is authorized for publication by the undersigned.

Monsignor Dennis M. Schnurr
General Secretary, NCCB/USCC