

ORDINANCES
ISSUED BY
CANADIAN CONFERENCE OF CATHOLIC BISHOPS
IN VIEW OF
THE CORRECT APPLICATION
OF THE APOSTOLIC CONSTITUTION
EX CORDE ECCLESIAE

PREAMBLE

From earliest times, the Roman Catholic Church in Canada has sought to provide opportunities for higher education for indigenous peoples and Catholic settlers. In successive generations, clergy, religious and laity have joined together to promote and to preserve this precious educational legacy. Public demand—by Catholics and others—for the services provided by Catholic postsecondary institutions remains high.

The Church's universal interest in higher education continues to thrive and find expression in the particular history of Catholic colleges and universities in Canada. Canadian society clearly values such contributions to the well-being of society, which finds expression in the level of financial support offered by most public constituencies as well as privately.

As the number of those seeking higher education seems destined to continue to increase in coming decades and with educational possibilities being made available to the poor, older persons and others, Canadian Catholic institutions of higher learning are poised to meet the needs of society and the Church. Linking faith and reason in tertiary level education stands to benefit not only society at large, but the Church's mission too by the education and formation of youth in the faith, theological reflection on pressing cultural issues and the training of laity to fulfill of roles of special service in the Church (in such fields as catechetics, pastoral care of the sick and imprisoned, the good management of parishes, etc).

Catholic Educational Institutions in Canada

Catholic universities and university colleges in Canada operate in a complex organizational, legal, and cultural situation, which shapes their educational opportunities and activities, whether these institutions are "free-standing" universities or university

colleges formally related to a parent institution. A few of Canada's Catholic colleges and universities are free-standing institutions in the sense that they have no formal relationship with a secular provincial university; the remaining colleges are federated or affiliated with a constituent university, which is part of a provincial university. Some of these institutions offer an extensive range of academic disciplines, whereas others offer programs and courses principally in more traditionally defined Catholic areas, such as religious education, philosophy and the like. The Catholic culture, intellectual tradition, and attendant spiritual issues of each institution will be addressed within the framework in which it exists and will do so through its courses, its chaplaincy, and the Catholic ambiance that all members of the academic community will endeavour to maintain and develop (*ECE*, Nos. 13-14; Art. 2 § 4; Art. 4 § 1).

Jurisdiction of the Provinces in Matters of Education

In accordance with constitutional arrangements, education in Canada falls within the jurisdiction of the provinces. Provinces regulate the number and kinds of universities by the granting of charters, by determining the essentials of the acts of incorporation, and by providing the major part of the funding. Canadian Catholic colleges and universities have a religiously pluralistic student body.

Standards of Accepted University Practice

Catholic institutions, reflecting the Catholic traditions of excellence and of openness to a diversity of cultures, follow the standards of accepted university practice and norms, which have been adopted in Canada, including respect for the linguistic rights and cultural aspirations of Canadians.

In addition, as part of a provincial university, federated and affiliated universities and colleges usually use the curriculum requirements and academic regulations established by the senates and legislative bodies of the constituent university.

Canadian System of Universities

Canada has a highly developed and diversified system of universities, which fosters academic excellence and professorial professionalism. Catholic institutions strive to adhere to these standards, which guarantee a high level of professional competence at the university level (*ECE*, No. 37; Art. 7).

Role of Ecclesiastical Authorities

In order then to fulfill his pastoral role and to ensure that the institution preserve its Catholic identity, the diocesan bishop or other competent ecclesiastical authority should, in consultation and cooperation with the appropriate university and college authorities, establish forms of their ongoing collaboration. Such collaboration is not only an ideal, but it is also a time-honored Canadian practice. By and large, internal university and

college administrative authority is legally entrusted to lay boards of trustees on which there tends traditionally also to be both a Roman Catholic and clerical presence.

To facilitate dialogue and planning on matters of mutual interest, in 1985 the various heads of Catholic Universities and University Colleges in Canada established the Association of Catholic Colleges and Universities in Canada (ACCUC).

For its part, the Canadian Conference of Catholic Bishops acknowledges its right and duty to promote Catholic universities and colleges, as well as to foster their excellence through pastoral leadership and public signs of support. By their Catholic character, these institutions must keep in close link with the country's bishops and, in a manner appropriate to their intellectual purpose, take their part in the Church's common mission, in particular as regards the task of evangelization, the development of mature faith and moral discernment, as well as dialogue of the faith with contemporary culture (*ECE*, Nos. 43-49).

ORDINANCES
FOR THE IMPLEMENTATION
OF THE
APOSTOLIC CONSTITUTION
EX CORDE ECCLESIAE

Art. 1 – The Nature of these Ordinances

§ 1 - These Ordinances are applicable to all Catholic universities, university colleges, and other institutions of postsecondary education within the territory of the Canadian Conference of Catholic Bishops, contrary particular laws, customs, or privileges notwithstanding.

§ 2 - The General Norms of the Apostolic Constitution as well as the present ordinances are to be made known to respective university or college Boards of Governors.

§ 3 - The Norms of the Apostolic Constitution are to be annexed to the statutes, bylaws or comparable documents of the institution.

§ 4 - It pertains to the competent ecclesiastical authority to see to the application of the present ordinances, particularly that relating to the preservation of the Catholic

character of the colleges and universities, taking into account the statutes of the institution and, as far as possible and appropriate, the civil legislation that governs it.

Art. 2 – The Nature of a Catholic University

In virtue of its Catholic institutional commitment and in accordance with the provision of *Ex Corde Ecclesiae*, Art. 2, § 3, each Catholic university or college shall have a mission statement or some other public document, prepared in consultation with the competent ecclesiastical authorities, and which will identify:

- 1) the Catholic identity of the institution;
- 2) its educational purpose;
- 3) its institutional philosophy.

Art. 3 – The Establishment of a Catholic University

§ 1 - Any official request aiming at the establishment of a Catholic university or college, whether it comes from a private person or from a secular or ecclesiastical juridical person, must be submitted to the bishop of the diocese where the institution has its registered office.

1) This request will include:

- the motives that support the recognition of the university or college as a Catholic institution;
- its financial resources;
- its academic programs;
- its institutional policies as regards the faculty and the student body;
- the ways by which the institution intends to fulfill the Norms of the Apostolic Constitution and the present ordinances.

2) To this request will be added:

- the text of the statutes;
- the text of its mission statement;
- a list of the members of the teaching staff;

- a description of the library and an indication of financial resources intended for its development;

- the advice of the ACCUC concerning the proposed establishment.

§ 2 - If such a request is presented to a meeting of bishops of the same civil province, it cannot be accepted without the prior agreement of the local bishop where the head office of the university is located.

Art. 4 – The University Community

§ 1 - The specific duties that stem from the Catholic identity of the institution shall be made known to Catholic and non-Catholic appointees at the time of hiring. All are expected to promote, or at least respect, the Catholic character and tradition of the institution as articulated in its mission statement (*ECE*, Art. 4 § 2).

§ 2 - For this purpose, administrative personnel and faculty will receive a copy of the institution's mission statement, a statement of its institutional philosophy, and the academic calendar, which articulates the ethics of the institution.

§ 3 - In order to maintain and safeguard their freely chosen identity, Catholic universities and colleges set out clearly in their official documentation their Catholic character and implement in practical terms their commitment to the elements of Catholic scholarship, of which academic freedom is an essential component. Other activities include a duty to serve others, particularly the poor, underprivileged and vulnerable members of society, to provide courses for students on Catholic moral and religious principles and their application to critical issues such as human life and other issues of social justice, to care pastorally for students, faculty, administration and staff, to create a campus culture and environment that is expressive and supportive of a Catholic way of life.

§ 4 - Catholic postsecondary educational institutions shall ensure the availability of courses that will assist students in the deepening of their knowledge of the Roman Catholic tradition and in developing their capacity for sound moral discernment. Catholic theology shall be given an important place in programs (*C.I.C.* 811; *ECE*, No. 19, Art. 4 § 5). **§ 5** - These institutions shall strive to recruit teachers with acknowledged pedagogical skills, exemplary character and appropriate academic preparation, providing for the appointment of teachers who are outstanding in their integrity of doctrine and probity of life. **§ 6** - In accordance with its procedures for the hiring and retention of professionally qualified faculty, the university or college should strive to appoint Catholics who are committed to witness to the faith as professors and senior administrators, so that, to the extent possible, those committed to the witness of the faith will constitute a significant number. All professors are to exhibit not only academic competence but exemplary character as well. A faithful reception of Catholic doctrine and morals in research and teaching is expected of Catholic teachers and at least

respect for the same on the part of non-Catholic personnel. When these qualities are found to be lacking, the college or university statutes are to specify a just and fair process to remedy the situation and meet the expectations set out in this Article (cf. C.I.C., can. 810 § 1). § 7 - Catholic faculty members who teach Catholic theological disciplines are obliged by canon law, and they are expected to obtain the appropriate mandate from the diocesan bishop (C.I.C., can. 812). **Art. 5 - The Catholic**

University within the Church

§ 1 - The duty of vigilance mentioned in the *Code of Canon Law* (can. 810 § 2) and in the Apostolic Constitution (*ECE*, General Norms, 4 § 1; 5 § 2) is fulfilled by the diocesan bishop or by the diocesan bishops concerned who have recognized the institution. In the case of the universities mentioned in Art. 3 § 2 of the Apostolic Constitution, this duty is fulfilled, with due regard for canons 586 and 678, by the diocesan bishop and by the diocesan bishops concerned.

§ 2 - At the level of formal communication, the statutes will determine how the ecclesiastical authority will be kept informed on the functioning and progress of the institution (in conformity with what is established in Art. 5 § 3 of the Apostolic Constitution *ECE*).

§ 3 - The competent ecclesiastical authority and the university or college authority are to observe approved procedures for the resolution of conflicts on matters of church law or doctrine. Whenever possible, disputes about church doctrine should be resolved in an informal manner (cf. C.I.C., can. 1733). At times, the resolution of such matters may benefit from doctrinal dialogue.

Art. 6 – Pastoral Ministry

§ 1 - Each university and college shall provide chaplaincy services to meet the pastoral needs of the academic community (*ECE*, Nos. 38-42; Art. 6 § 1).

§ 2 - After presentation of the candidate's name by the college or university authority, the diocesan bishop appoints a priest or cleric to the office of chaplain. In accord with established customs, laypersons are appointed to campus ministry (*C.I.C.*, can. 813; *ECE*, Art. 6 § 2). Campus ministers who are members of religious institutes or societies of apostolic life additionally must be recommended by their major superior.

Art. 7 – Cooperation

§ 1 - Catholic institutions should strive to cooperate among themselves through the Association of Catholic Universities and Colleges in Canada as well as with ecclesiastical faculties and seminaries that may not be members and with other Catholic and ecclesiastical universities and faculties elsewhere. Also commended is the participation of Catholic institutions and personnel with their state and private peers in professional societies.

§ 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.

§ 3 - Catholic universities should commit themselves to cooperate in a special way with other Catholic universities, institutions and professional associations in Canada and abroad to build up the entire Catholic academic community.

Conclusion

These ordinances for the implementation of the Apostolic Constitution *Ex Corde Ecclesiae* were approved by the Canadian Conference of Catholic Bishops as of 17 October 2003, in accordance with Art. 1 § 2 of the General Norms of the Constitution; they were reviewed by the Apostolic See on 18 August 2004, with the *nihil obstat* for the French-language version confirmed on 11 December 2004.