

§2100 SPONSORSHIP AND GOVERNANCE OF APOSTOLIC WORKS (CATHOLIC SCHOOLS, COLLEGES, UNIVERSITIES, HEALTH CARE FACILITIES, ETC.)

Over the years since the founding of the Diocese of Chicago in 1843, many apostolic works such as high schools, colleges, universities, hospitals, nursing homes, childcare and other facilities have been established and conducted here by dedicated men and women religious under the auspices of various institutes of consecrated life and societies of apostolic life. Such works of the apostolate are always conducted under the authority of the diocesan bishop and the proper religious superior in collaboration with each other (cf. Code of Canon Law, cc. 394 and 678). From time to time circumstances require institutes of consecrated life and societies of apostolic life to withdraw from their sponsorship of an apostolic work. These policies and procedures are intended to guide the establishment, withdrawal or transfer of sponsorship of any work of the apostolate in the Archdiocese of Chicago.¹

¹ The term “sponsorship” is not formally defined in theology, canon law or civil law. It has developed in recent years and is often used currently to describe the official relationship between an apostolic work and the ecclesial entity under whose auspices the apostolic work is being conducted. While various definitions have been proposed, a practical and helpful definition says: “Sponsorship is a reservation of canonical control by the juridic person that founded and/or sustains an incorporated apostolate that remains canonically a part of the church entity. This retention of control need not be such as to create civil law liability on the part of the sponsor for corporate acts or omissions but should be enough for the canonical stewards of the sponsoring organization to meet their canonical obligations of faith and administration regarding the activities of the incorporated apostolate.” (Rev. Jordan Hite, T.O.R., J.D., *A Primer on Public and Private Juridic Persons: Applications to Catholic Healthcare Ministry*, Catholic Health Association, St. Louis, MO, 2000, p. 37.) The participants in a symposium on sponsorship conducted by the Canon Law Society of America agreed on this definition: “Sponsorship of an apostolate or ministry is a formal relationship between a recognized Catholic organization and a legally formed entity, entered into for the sake of promoting and sustaining the Church’s mission in the world.” (Rosemary Smith, S.C., Warren Brown, O.M.I., and Nancy Reynolds, S.P., eds., *Sponsorship in the United States Context: Theory and Praxis* [Alexandria, VA: Canon Law Society of America, 2006], p. ii.) Yet another definition says, “Sponsorship is the legally protected authority in the corporation of the leadership of a public juridic person to control those elements of the corporation that correspond to the canonical order governing the relationship of a public juridic person to its apostolate.” (Melanie DiPietro, S.C., “A Juridic Meaning of Sponsorship in the Formal Relationship between a Public Juridic Person and a Healthcare Corporation in the United States,” in *Sponsorship in the United States Context*, p. 120).

§2101 CANONICAL SPONSORSHIP OF APOSTOLIC WORKS

2101.1. Policy Works of the Apostolate conducted in the name of the Church in the Archdiocese of Chicago, including but not limited to Catholic schools, colleges, universities, hospitals, nursing homes, retirement homes, and other childcare and health care facilities, ordinarily shall be sponsored canonically by a public juridic person. (*Code of Canon Law*, canon 116).

Procedures

a) Apostolic works may be conducted under the sponsorship of a public juridic person which possesses this status through the law itself, such as the Archdiocese (c. 373), parishes (c. 515, §3), seminaries (c. 238, §1), religious institutes (c. 634, §1), and public associations of the Christian faithful (c. 313).

b) When the competent authority of a public juridic person determines that can it no longer sponsor an apostolic work being conducted in the Archdiocese, the juridic representative of that public juridic person is to communicate this determination to the Archbishop with sufficient notice (i.e., at least six months, if possible) in order for the Archbishop or his designate to decide whether to conclude the particular apostolic work or approve a transfer of its sponsorship to another public juridic person.

c) If the Archbishop judges that it would be desirable for an apostolic work to continue but it cannot be conducted under the sponsorship of a public juridic person which possesses this status through the law itself, the apostolic work ordinarily must be conducted under the sponsorship of a public juridic person established by decree of the Archbishop or his designate in accord with canons 114-123 of the *Code of Canon Law* and Book I, §300 of these policies and procedures.

d) In establishing or transferring sponsorship of an apostolic work to be conducted under the sponsorship of a public juridic person, the parties involved are to consult with the regional Episcopal Vicar and the Vicar for Canonical Services regarding the drafting of canonical statutes. This consultation should also include the Archdiocesan Superintendent of Schools for matters involving the sponsorship of Catholic elementary schools and secondary schools; and the Cardinal's Liaison for Health and Hospital Affairs and the Cardinal's Delegate for Hospitals or the Cardinal's Delegate for Nursing Homes for matters involving sponsorship of Catholic Health Care or Nursing facilities.

e) At a minimum, statutes shall define the purpose, constitution, government and operation of the sponsoring juridic person and the apostolic work (cf. canon 94, §1 and Book I, §302 of these policies and

procedures). Normally a governance board of specified jurisdiction is to be established under the authority of the Archbishop.

f) The Chief Executive Officer as designated in the statutes represents the juridic person and acts in its name (c. 118), and serves as the canonical administrator of the juridic person (cc. 1279-1289).

g) Appropriate provisions in civil law consistent with canon law are to be made regarding incorporation, not-for-profit status, tax-exempt recognition and governance documents in consultation with the Archdiocesan Office for Legal Services and the Office for Canonical Services.² At a minimum, these documents should reserve to the sponsoring public juridic person certain reserved powers, including the right 1) to establish or change the philosophy according to which the corporation operates; 2) to amend the corporate charter and bylaws; 3) to appoint or approve the designation of the sponsored organization's chief executive officer and some or all of its board of directors; 4) to lease, sell, or encumber corporate real estate in excess of the approved sum; and 5) to merge or dissolve the corporation.³

§2102 RECOGNITION AS A CATHOLIC ENTITY

<p>2102.1. Policy In the Archdiocese of Chicago, the approval of the Archbishop, his vicar or delegate shall be required for recognition as a Catholic school (c. 803, §3), university (c. 808), association (c. 300) or other entity (c. 216).</p>
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² “An understanding of sponsorship based on reserved powers . . . means that the institute (or any other public juridic person) carries out its governance responsibilities through the reservation of some powers that give the sponsor exclusive canonical control over certain key areas of the organization sponsored. This kind of power ought to be explicit and clear, and this canonical control ought to be recognized in civil law.” (Rev. Daniel C. Conlin, J.C.D., “Sponsorship at the Crossroads,” *Catholic Health Ministry in Transition: A Handbook for Responsible Leadership*, Catholic Health Association, St. Louis, MO, 2004, section 13, p. 3.)

³ Cf. *The Search for Identity: Canonical Sponsorship of Catholic Health Care* (St. Louis: Catholic Health Association, 1993), p. 81; Rev. Francis Morrissey, O.M.I., J.C.D., Ph.D., “Basic Concepts and Principles,” in Lawrence DiNardo, Kevin E. McKenna, and Joseph W. Pokusa, eds., *Church Finance Handbook* (Washington, D.C.: Canon Law Society of America, 1999), pp. 3-15, especially p. 14; and Sr. Sharon Holland, I.H.M., “Sponsorship and the Vatican,” *Health Progress*, July-August 2001, p. 36.

§2103 LEADERSHIP FORMATION AND EDUCATION

2103.1. Policy The executive leadership and members of the governance board(s) of the sponsoring juridic person and the apostolic work when established by decree of the Archbishop shall participate in appropriate formation and education for conducting Catholic works of the apostolate as determined in each case by the Archbishop or his designate.⁴

Procedures

This leadership formation and education is to be done by an agency or office of the Archdiocese of Chicago or by an educational institution, professional society or institutional association (e.g., Illinois Catholic Health Association), or other entity approved by the Archbishop or his designate.⁵

⁴ “Catholic ministries—education, social services, and health care—have an opportunity to collaborate in this vital work for the future of the Church’s institutional ministries. The preparation of the next generation of sponsors is one of the most critical tasks facing institutional ministries today. Collaboration that enables the creation of communities of persons committed to understanding, securing, and preserving faithful sponsorship will ensure a future for institutional ministries while continuing the service and transformation mission of Jesus.” (Mary Kathryn Grant, Ph.D., and Margaret Mary Kopish, A.S.C., D.Min., “Sponsorship Leadership Formation: Qualifications for the Next Generation of Sponsors,” *Catholic Health Ministry in Transition: A Handbook for Responsible Leadership*, Catholic Health Association, St. Louis, MO, 2004, section 13, p. 7.)

⁵ In addition to their necessary professional training and education in Church history and Catholic teachings, those in leadership positions and others who work for the Church’s apostolic works “need a ‘formation of the heart’: They need to be led to that encounter with God in Christ which awakens their love and opens their spirits to others.” (Pope Benedict XVI, Encyclical Letter *Deus Caritas Est*, December 25, 2005, no. 31.)

§2104 ALIENATION AND LEASING

2104.1. Policy Any attempt at any time to alienate the ecclesiastical goods of an apostolic work without the required formalities of canons 1292-1294, or any transaction, entered into without such formalities, through which the patrimonial condition of a juridic person can be worsened, shall be considered invalid (cc. 1291 and 1295). Similarly, any attempt at any time to lease ecclesiastical goods of an apostolic work when permission is required by the complementary norm of the United States Conference of Catholic Bishops in accord with canon 1297 shall be considered invalid if permission has not been requested and received.⁶

Procedures

a) The establishment of a civil law corporation and/or the creation of a governance board does not in itself alienate the apostolic work from the sponsoring juridic person. (See the Decree of the Prefect of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, January 28, 1998, reprinted in *Origins*, vol. 27, no. 38 [March 12, 1998], p. 631.)

b) Whenever ecclesiastical goods have been alienated or leased without the required canonical formalities but the alienation or lease is valid civilly, it is for the competent authority, after having considered everything thoroughly, to decide whether to initiate an action to vindicate the rights of the Church and, if so, to determine what type of action, namely, personal or real, civil or canonical, is to be instituted in order to vindicate the rights of the Church (cf. canons 128, 221 and 1296).

§2105 DISSOLUTION

2105.1. Policy An apostolic work sponsored by a public juridic person established by decree of the Archbishop shall cease only when it is lawfully suppressed by the Archbishop or it is inactive for one hundred years (c. 120, §1 and Archdiocesan Policies and Procedures, Book I, §304).

⁶ Complementary norm for canon 1297 approved by the U.S.C.C.B. November 13, 2002, *recognitio* received from the Holy See May 2, 2007, effective August 15, 2007.