

BOOK I GENERAL NORMS, ACCOUNTABILITY AND ECCLESIASTICAL PROCESSES

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§100 POLICIES AND POLICY DEVELOPMENT

Section 100 defines policies and procedures, and it states the process for policy development in the Archdiocese of Chicago. First and foremost, the policies of the Archdiocese of Chicago must flow from and be consistent with the mission of the Archdiocese of Chicago. This section speaks to the development of policy by the Archbishop which pertains to the overall pastoral life of the Church in Chicago and/or to the administration of parishes, schools, agencies and programs of the Archdiocese of Chicago. Archdiocesan “Policies” are broad and comprehensive norms and directives which affect the entire Archdiocese. Archdiocesan “Policies” are not restatements of internal operating policies, practices, rules and procedures of individual parishes, schools and agencies.

§101 DEFINITION OF POLICY AND PROCEDURE

§101.1. Policy

101.1.1. Policy The term policy is used in two senses in the Archdiocese of Chicago:

- (1) A *legislative* decision, which only the Archbishop can make, provides a broad and comprehensive statement of direction that articulates a vision and a course of action for the entire Archdiocese or that establishes particular law defining common norms that apply to repetitive questions and problems of significance to the Archdiocese as a whole (issued by means of a general decree – canon 29); and
- (2) An *administrative* decision, issued in the form of a directive, determines more precisely the methods to be observed in applying the law or urges observance of laws (also referred to as a “Directive,” issued by means of a general executory decree – canon 31).

101.1.2. Policy Archdiocesan policies shall require personnel to act in a prescribed manner in handling specified situations.

101.1.3. Policy Internal operating policies, practices, rules and procedures of individual parishes, schools and agencies shall not contradict Archdiocesan Policies.

§101.2. Procedure

101.2. Policy A procedure is a uniform method or standard of implementing policies (issued by means of instructions and regulations – canon 34).

§102 POLICY DEVELOPMENT

§102.1. Policy Development Committee

102.1. Policy There shall be a Policy Development Committee, chaired by the Chancellor of the Archdiocese or the Chancellor's designate.

Procedures

The Policy Development Committee will consist of administrative personnel which may include pastors, and it will be accountable to the Archbishop through the Chancellor.

§102.2. Policy Development Process

The policy development process in §102.2 is required for developing new policies and changing existing policies. Often, procedures will be developed concurrently with policies, and when this occurs, procedures will be part of the policy development process. When new policies are approved and enacted by the Archbishop, the corresponding procedures will also be approved and enacted. However, if at a future date, new procedures or changes in procedures are necessary, they shall be developed according to the process in §103.

102.2.1. Policy There shall be a policy development process for Archdiocesan policies. Failure to follow the stages of the process shall render a proposed policy invalid, with due respect for Policy 102.2.3.

102.2.2. Policy The policy development process shall consist of the stages in the procedures to this policy.

Procedures

a) First Stage

The first stage in the development of policy is the identification of a problem or need that would best be addressed by the development of a new policy or the revision of an existing policy. The identification of this need can come from several sources:

- 1) The Archbishop, the Episcopal Council, or the Administrative/Curial/Governance Council might identify the need.
- 2) An agency or some other component of the administrative structure of the Archdiocese, or one of the Archdiocesan consultative bodies (i.e., the Presbyteral Council or Archdiocesan Pastoral Council) may surface a problem or need that must be addressed. (Note: Policies proposed by an agency must have the prior approval of the agency director and the agency's department director before proceeding to the next stage.)
- 3) Any bishop, priest, deacon, religious, or other member of the Christian faithful can recommend the development of a policy (Canon 212, §2).

b) Second Stage

The second stage is the submission to the Chancellor of a statement of intent to develop a draft policy. This communication would identify the reason for developing or revising a policy, what aspect of the mission of the Archdiocese this policy would serve, and the process that it is anticipated will be followed in developing the policy. The Chancellor will consult with the Archbishop/Vicar General, who will decide whether the proposal must be submitted to the Episcopal Council or the Administrative/Curial/Governance Council or both for a preliminary review. If not, the policy development process will continue in *Stage Four*.

c) Third Stage

If called for, during the third stage, the Archbishop and the Episcopal Council or Administrative/Curial/Governance Council review the proposal and determine whether the process should go forward. At this time, suggestions and/or amendments could be provided.

d) Fourth Stage

The fourth stage is the development of the policy. In some instances, this process will be internal. Often times, it will involve some form of consultation, especially with the appropriate consultative body(ies), as well as with agencies or programs that will be impacted by the proposed policy or must implement it. In drafting the proposed policy, the author(s) will need to work closely with the Policy Development Committee to ensure consistency in language and format. The goal is

§100 *Policies and Policy Development*

that a policy finally proposed to the Archbishop be as well developed as possible and the consequences of its adoption carefully considered, including expected cost and source of funding.

e) Fifth Stage

The fifth stage is the presentation of the proposed policy to a consultative body or bodies (e.g. Presbyteral Council, Archdiocesan Pastoral Council, College of Consultors, and/or Finance Council), if appropriate. Ordinarily, a proposed policy should be presented to a consultative body:

- 1) when the proposed policy deals with a subject that normally comes under the competence of that consultative body; or
- 2) when the proposed policy deals with a subject that will significantly impact the life or ministry of a constituency of a consultative body; and
- 3) when the proposed policy deals with matters that are not exclusively internal to a department or agency.

f) Sixth Stage

The sixth stage is the presentation of the proposed policy to the Episcopal Council or the Administrative/Curial/Governance Council, depending on the matter under consideration, as determined by the Archbishop/Vicar General. Proposed policies which affect a rather focused aspect of the pastoral life of the Archdiocese will be referred by the Archbishop/Vicar General for the advice of the Episcopal Council. Proposed policies which affect pastoral and/or administrative issues involving a wide variety of Pastoral Center agencies and departments will be referred by the Archbishop/Vicar General for the advice of the Administrative/Curial/Governance Council. The proposed policy is forwarded to the Chancellor who then forwards it to the Vicar General for placement on the agenda of the Episcopal Council or the Administrative/Curial/Governance Council. The Episcopal Council or Administrative/Curial/Governance Council will recommend to the Archbishop how to proceed, after taking into consideration any recommendations from a consultative body.

g) Seventh Stage

The seventh stage is that of decision making. After considering all that has been developed, the Archbishop decides what the policy will or will not be.

h) Eighth Stage

The eighth stage is that of promulgation. Promulgation is the act of declaring, proclaiming or publicly announcing a law or policy. (See §102.3 and canon 8, §2.)

102.2.3. Policy The Archbishop may dispense from appropriate stages of the policy development process when the pastoral good of the Archdiocese requires it, with due respect for Policy 102.3.1 (requiring the promulgation of policy before it can take effect).

§102.3. Promulgation

§102.3.1. Effect of Promulgation

102.3.1. Policy Archdiocesan policy shall not take effect until it is promulgated. (See canon 7.)

§102.3.2. Office of the Chancellor

102.3.2. Policy The Office of the Chancellor shall be responsible for promulgating Archdiocesan policies and procedures.

§102.3.3. Promulgation of Legislative Policies

102.3.3. Policy Policies that are legislative decisions and which constitute particular law shall be issued by a legislative act of the Archbishop and shall be dated and notarized by the Chancellor, Vice-Chancellor or other ecclesiastical notary, who shall inform the Vicar General. (See canons 29 and 474.)

§102.3.4. Promulgation of Administrative Policies (“Directives”)

102.3.4. Policy Policies which are Directives shall be issued only by the Archbishop and shall be dated and notarized by the Chancellor, Vice-Chancellor or other ecclesiastical notary, who shall inform the Vicar General. (See canons 31 and 474.)

Procedures

The Chancellor will consult with the Vicar General regarding the most appropriate means of informing those to whom the Directive pertains.

§102.3.5. Promulgation by Policy Books

102.3.5.1. *Policy* Ordinarily, Archdiocesan policies shall be promulgated, after the first seven stages of policy development have been completed, through publication in the Archdiocesan Policies and Procedures Books. The means for publication of the Policy Books shall be the *Policy Book Section* of the Archdiocesan Web Page.
(See canon 8, §2.)

Procedures

Amendments Following the same process, amendments and additions will be promulgated by posting the new version on the *Policy Book Section* of the Archdiocesan Web Page and noting the policy change on the New Policy Revisions section of the same page.

102.3.5.2. *Policy* The Office of the Chancellor shall be responsible to develop and maintain compilations of policies in Archdiocesan Policies and Procedures Books.

102.3.5.3. *Policy* The Archdiocesan Policies and Procedures Books shall not ordinarily restate the universal law of the Church, e.g. the Code of Canon Law, nor include specific local policies which apply only to a particular area.

Procedures

The Books will be organized into separate sections. Ordinarily, the sections will be organized according to the Books of the Code of Canon Law. Each item in the Books will be numbered according to section number.

§103 PROCEDURES

It is through procedures that the vision and the policies of the Archdiocese are translated into expected modes of action.

§103.1 Development of Procedures

Ordinarily, procedures will be developed concurrently with policies, and in those instances, the procedures will be developed along with the policies through the Policy Development Process in §102.2. When procedures are developed independently of policies, they will be developed according to the process in §103. The purpose of procedures is to implement policies, therefore, they will be developed and changed as necessary.

103.1.1. Policy In all instances, it shall be clear how proposed procedures relate to the vision of the Archdiocese and in particular how they implement a policy.

103.1.2. Policy Procedures which are not developed concurrently with policies shall be developed by the agency, department, body or program which has the responsibility of implementing the corresponding policy(ies). Procedures shall be developed according to the procedures to this policy.

Procedures

- a)** The agencies, departments, bodies and programs responsible for implementing policies are also responsible for changing procedures as necessary.
- b)** Department and Agency Directors must be notified of the need to change existing procedures.
- c)** New procedures and changes of existing procedures must be approved first by the Agency Director, then by the Department Director and finally by the Chancellor.
- d)** Once a new procedure or modified procedure has been completed, it must be promulgated according to §103.2.

103.1.3. Policy New procedures and changes to existing procedures shall be submitted to the Chancellor for promulgation.

Procedures

The purpose of submitting procedures to the Chancellor is:

- a) to review the format of the text;
- b) to ensure that the procedure is not, in fact, a policy;
- c) to ensure that procedures do not contradict each other; and
- d) to determine whether the procedure so significantly changes the operation of policy as to require review by the Vicar General to determine whether further consultation is needed.

§103.2. Promulgation of Procedures

103.2.1. Policy Procedures may be issued by anyone legitimately exercising executive power of governance for their respective fields of responsibility, including the Archbishop, Vicar General, Episcopal Vicars, Chancellor, Vice-Chancellor, Associate Chancellor, Vicar for Canonical Services, Finance Officer, and other Department Directors and Agency Directors of the Archdiocesan Curia. (See canon 34, §1.)

103.2.2. Policy Procedures shall be dated and notarized by the Chancellor, Vice Chancellor or other ecclesiastical notary, who shall inform the Vicar General. (See canon 474.)

103.2.3. Policy The Chancellor, or his delegate, shall arrange for the procedures to be incorporated into the appropriate volume of the Archdiocesan Policies and Procedures.

§104 PERIODIC REVIEW OF EXISTING POLICIES

104.1. Policy The Policy Development Committee shall be responsible for a periodic review and evaluation of existing policies.

Procedures

- a) The Committee will determine procedures for an effective practice of review and evaluation of all policies on a regular and timely basis.
- b) The review also will raise the question as to whether the policy is being adhered to and what action the Episcopal Council or Administrative/Curial/Governance Council could consider recommending to the Archbishop if it is not.

§105 COMMUNICATION OF POLICY

105.1. Policy Any communication that includes a statement of policy or changes an existing policy, outlines norms or guidelines that will have an effect on more than the internal operations of a particular department or agency, shall be reviewed by the Chancellor before publication.

§200 OTHER LAWS

§201 INCORPORATION BY REFERENCE

201.1. Policy The Archdiocesan Policies and Procedures Books ordinarily shall not restate the universal laws of the Church, e.g., the Code of Canon Law, nor include specific local policies which apply only to the internal operations of an Archdiocesan office or agency. Such policies and procedures shall be incorporated by reference in the Archdiocesan Policies and Procedures Books.

§202 FEDERAL AND STATE LAWS

202.1. Policy The Archdiocese of Chicago shall follow all applicable civil laws, in so far as they are not contrary to divine law and unless provided otherwise in canon law. (Canon 22).

Procedures

- a) The determination of whether any applicable civil laws are contrary to divine law or canon law is normally made by the Archbishop in consultation with the Chancellor, the Vicar for Canonical Services, and the Office of Legal Services.
- b) The following examples illustrate the rare but not impossible nature of such exceptions to the general rule that civil laws are always to be followed:
 - 1) If federal health care legislation required all physicians and hospitals, whether public or private, to perform abortions, clearly canon 1398 would require Catholic physicians and hospitals to disobey this law.
 - 2) If a city ordinance required all schools, whether public or private, to distribute contraceptives, Church teaching would require Catholic schools to disregard such a law.

Note

This policy was enacted to cover the numerous laws and regulations that are not mentioned in Archdiocesan policy books, but which the Archdiocese recognizes and follows. Some civil laws will be covered in these books because of their importance and frequency of application in the Archdiocese.

§203 BYLAWS OF "THE CATHOLIC BISHOP OF CHICAGO," A CORPORATION SOLE

These Bylaws are an expression of the self-understanding of the Archdiocese of Chicago in its administration of temporal goods under civil law, as viewed in light of the doctrines and canon law of the Roman Catholic Church. The Bylaws are also a description of the way that the Archdiocese of Chicago has endeavored to function since the adoption of legislation by the Illinois General Assembly in 1845 and 1861 establishing the civil law entity known as, "The Catholic Bishop of Chicago," a Corporation Sole. The Corporation Sole exists for civil law purposes, but it recognizes canon law principles and is intended to be consistent with them. From the perspective of canon law, the Bylaws are viewed under canon 22: "Civil laws to which the law of the Church yields are to be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless canon law provides otherwise."

§203 ADOPTION OF BYLAWS

203.0 Policy The Archdiocese of Chicago shall operate its entities in accord with the following Bylaws of "The Catholic Bishop of Chicago," a Corporation Sole.
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BYLAWS OF "THE CATHOLIC BISHOP OF CHICAGO," A CORPORATION SOLE

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The Archdiocese in Canon Law

A diocese is a particular church "in which and from which the one and only Catholic church exists." (c. 368). It is described as "a portion of the people of God which is entrusted to a bishop for him to shepherd with the cooperation of the presbyterium, so that, adhering to its pastor and gathered by him in the Holy Spirit through the gospel and the Eucharist, it constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative." (c. 369).

Bishops are placed as the heads of dioceses and are "constituted pastors in the Church, so that they are teachers of doctrine, priests of sacred worship, and ministers of governance" (c. 375 §1). A bishop has "all ordinary, proper and immediate power which is required for the exercise of his pastoral function, except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority (c. 381 §1).

In exercising the ministry of governance, a bishop does so with legislative, executive and judicial authority (c. 391 §1). In particular, "the diocesan bishop represents his diocese on all its juridic affairs." (c. 393).

The Catholic Church "by innate right is able to acquire, retain, administer, and alienate temporal goods" (c. 1254 §1) in the pursuit of its purposes including "divine worship, to care for the decent support of the clergy and other ministers, and to exercise works of the sacred apostolate and of charity, especially toward the needy." (c. 1254 §2). The diocesan bishop has been entrusted with administration of these goods (c. 1279 §1), and is to fulfill his responsibilities "with the diligence of a good householder" (c. 1284 §1), providing that "ownership of ecclesiastical goods is protected by civilly valid methods." (c. 1284 §1, 2°). The Church generally follows civil law: "Civil laws to which the law of the Church yields are to be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless canon law provides otherwise." (c. 22).

To care for the people of God in the State of Illinois, the Diocese of Chicago was created by decree of Pope Gregory XVI on November 28, 1843. In 1844, the Right Reverend William Quarter was appointed Bishop of Chicago. The Diocese of Chicago was raised to the rank of archdiocese on September 10, 1880, by decree of Pope Leo XIII. The Archdiocese initially comprised the entire state of Illinois. As the Catholic population of the State of Illinois grew, the Archdiocese was subdivided to create other dioceses. The Archdiocese of Chicago now comprises Cook and Lake Counties, Illinois.

The "Catholic Bishop of Chicago" in Civil Law

On February 24, 1845, the Illinois legislature approved an act providing in relevant part that, in view of questions raised about the legal authority of the Bishop of Chicago to receive and hold property in his capacity as Bishop:

*...That all gifts, grants, deeds, wills, and other conveyances, wherein or whereby any lands, tenements or other property within this State, have been given, devised or granted, or in any manner conveyed, ... unto any person by the name, style, or title, of ... the Roman Catholic Bishop of Chicago, or Catholic Bishop of Chicago, and his successors, or to any other person upon the trust express or implied, to take, hold, and receive the same for the use and benefit of any religious congregation of Roman Catholics or for the support, aid, and maintenance of any hospital, almshouse, seminary, church, parsonage, or for burial grounds, or other religious or charitable purposes within this State, and all such gifts, grants, deeds, wills and other conveyances which may hereafter be made, **are hereby confirmed and declared to be good, sufficient and effectual in law to vest the legal title or estate in fee simple, of, in, and to the said lands, and tenements, and other property in such grantee, or devisee, and in such persons as shall be in future the successors of the said Catholic Bishop of Chicago, forever, and in no other person or persons whatsoever ...** And provided further, That nothing in this act shall be taken or construed to give, or grant to the said Catholic Bishop of Chicago, or his successors, the right to hold real estate in trust for any*

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religious society, except for charitable, religious, and literary purposes or for burial grounds, as provided for by this act. (Emphasis supplied).

On February 20, 1861, the Illinois legislature approved a further act amending the law of February 24, 1845, "to incorporate the Catholic Bishop of Chicago", providing:

*... That the present Catholic Bishop of Chicago, and his successors in office, **be and are hereby created a body politic, and a corporation sole, under the name and style of "The Catholic Bishop of Chicago;"** and by that name said bishop, and his successors in office ... shall sue and be sued...[and] may acquire, hold and convey property, real, personal and mixed, of any kind and nature whatsoever; and shall have the power to borrow money, and mortgage and incumber (sic) said property, so to be held, as aforesaid, or any portion thereof ...That the title to all the property, real, personal and mixed, intended to be vested in the Catholic Bishop of Chicago, and his successors, by [the 1845 Act] to which this act is in part an amendment, is hereby vested in and confirmed to the "Catholic Bishop of Chicago," and his successors, absolutely, subject however to the gifts, grants, conveyances, deeds of trust, mortgages or other lawful assurance, heretofore made by the said Right Reverend William Quarter, or his said successors." (Emphasis supplied).*

Under the authority of these Acts of the Illinois legislature, The Catholic Bishop of Chicago, a corporation sole, has conducted its civil affairs from 1845 to the present day.

The Purpose of These Bylaws

The Diocese of Chicago was created before the modern codification of canon law. In 1917, the laws of the Church were codified and published as the Codex iuris canonici (Code of Canon Law); this code was revised and republished in 1983. The Code of Canon Law now expresses the canonical relationships among institutions and people of the Church that inform these Bylaws.

Similarly, these Bylaws give contemporary meaning to the civil law structure contained in the 19th century acts of the Illinois legislature. They reflect the purposes, governance and methods of operation of the Archdiocese of Chicago as it has conducted its civil legal affairs since its origin, continuing to the present. These Bylaws express and codify the practices of "The Catholic Bishop of Chicago," a corporation sole, the manner in which the diocese holds property, and the manner in which the diocesan bishop exercises his pastoral role in the civil sphere.

Throughout these Bylaws are references to the canon law provisions that define and govern the ecclesiastical status and actions of the Archbishop of Chicago and other

offices and entities of the Church. Issues involving matters of doctrine and canon law are subject to review in the proper ecclesiastical forum according to the Magisterium of the Church and canon law. In contrast, these Bylaws are a civil law document that defines and governs the civil status and actions of The Catholic Bishop of Chicago; civil matters are subject to review by civil authorities. The Church operates in two spheres, ecclesiastical and civil. These Bylaws are not intended, and should not be construed, to bring matters of doctrinal or canonical interpretation, or ecclesiastical governance or enforcement within the jurisdiction of civil authorities.

§203.1 Definitions

- (1) **“Archbishop of Chicago.”** The “Archbishop of Chicago” (sometimes referred to as “the Archbishop”) is a diocesan bishop entrusted with the pastoral care of the Archdiocese of Chicago by the Supreme Pontiff of the Roman Catholic Church and authorized as a successor of the apostles to teach, govern and sanctify through the power of the Holy Spirit in accord with Sacred Scripture, Church doctrine and canon law, as described in the preamble to this section. The “Archbishop of Chicago” is not a civil law title.
- (2) **"Archdiocese of Chicago."** The "Archdiocese of Chicago" (sometimes referred to as “the Archdiocese”) is an ecclesiastical entity defined by canon law, as described in the preamble to this section. The “Archdiocese of Chicago” is not a civil law entity.
- (3) **"Corporation Sole."** In these Bylaws, the civil law entity called "The Catholic Bishop of Chicago" is referred to hereinafter as the "Corporation Sole." The Corporation Sole is distinct from the ecclesiastical Archdiocese of Chicago. The duly appointed Archbishop of Chicago or his successor (as specified in §203.6.1.3 of these Bylaws) is constituted in civil law as “The Catholic Bishop of Chicago, a Corporation Sole.”
- (4) **"Civilly Affiliated Organization."** In these Bylaws, a "Civilly-Affiliated Organization" is a not-for-profit corporation or other civil law entity with respect to which the Archbishop of Chicago may serve as corporate member or exercise some appointive power, or that may otherwise be related to the Archdiocese of Chicago by historical ties. A Civilly-Affiliated Organization:
 - (a) Is not part of the Corporation Sole, but
 - (b) May receive services from the Corporation Sole, as described in §203.5.

Examples of Civilly-Affiliated Organizations include Catholic Charities of the Archdiocese of Chicago, Maryville Academy, Misericordia Home, Mercy Home, and other institutions.

- (5) "**Diocesan Curia.**" The Curia comprises the departments and offices of the Archdiocese of Chicago, and includes those institutions and persons which assist the bishop in the governance of the whole diocese, especially in guiding pastoral action, in caring for the administration of the diocese, and in exercising judicial power.
- (6) "**Ecclesial Function.**" In these Bylaws, "ecclesial function" refers generally to any legal entity, department, agency, parish, school, health or social service institution, consultative body or council, or other apostolate affiliated with the Roman Catholic Church, as it is identified in the annual Official Directory of the Archdiocese of Chicago. (For purposes of the classification and regulation of tax-exempt organizations under the Internal Revenue Code, ecclesial functions are listed in the national Official Catholic Directory.)

Each ecclesial function has a canonical relationship with the Archbishop of Chicago, and exists in a system of rights and responsibilities that is interpreted and enforced through institutions of the Church. Each ecclesial function may, or may not, have a civil legal relationship with the Corporation Sole. Ecclesial functions comprise four groups:

- (a) **Diocesan Curia.** These offices are part of the Corporation Sole.
- (b) **Apostolates of the Archdiocese.** These functions include:
- (i) Apostolates that are not separately incorporated under civil law. Such an apostolate typically operates as part of the civil law Corporation Sole. Examples might include the Chicago Airports Catholic Chaplaincy or Liturgy Training Publications. However, a particular apostolate may be legally distinct from the Corporation sole, for civil law purposes, based on other principles of civil law.
- (ii) Apostolates that are separately incorporated under civil law. These are Civilly Affiliated Organizations, defined above, that are not part of the Corporation Sole.
- (c) **Parishes of the Archdiocese.** A parish is canonically distinct from the Archdiocese, as a separate public juridic person. In civil law, a parish has typically been understood as operating as an unincorporated association; parishes may be civilly organized differently. Parishes are further described in §203.4.
- (d) **Apostolates of other canonically-recognized entities.** Religious orders of pontifical right and some other canonical entities are not part of the civil Corporation Sole; they may be separately

incorporated under the law of Illinois or other states. Their activities are not managed or operated by the Archdiocese or the Diocesan Curia, but they remain subject to the apostolic governance of the Archbishop in matters of faith and in certain aspects of ecclesiastical discipline. An activity of such a canonical entity within the Archdiocese may be separately incorporated under civil law, such as typical schools, hospitals, and other social service programs, or it may be unincorporated in civil law. In either case, such an apostolate:

- (i) Is not part of the Corporation Sole, and
- (ii) Is not a Civilly-Affiliated Organization, but
- (iii) May receive services from the Corporation Sole, as described in §203.5.

§203.2 Purposes of the Corporation Sole

203.2.1. General Purposes. The purposes of the Corporation Sole are:

- (1) To support the ecclesial ministry of the Catholic Church, "which our Savior, after His resurrection, entrusted to Peter's pastoral care (John 21:17), commissioning him and the other apostles to extend and rule it (cf. Matthew 28:18), and which He raised up for all ages as 'the pillar and mainstay of the truth' (1 Timothy 3:15). This Church, constituted and organized as a society in the present world, subsists in the Catholic Church, which is governed by the successor of Peter and by the bishops in communion with him." (Vatican Council II, Dogmatic Constitution on the Church, *Lumen Gentium*, November 21, 1964, no. 8).
- (2) To support the Archbishop of Chicago in carrying out the mission Jesus Christ gave to the Church: "to proclaim and establish among all peoples the kingdom of Christ and of God. She becomes on earth the initial budding forth of that kingdom. While she slowly grows, the Church strains toward the consummation of the kingdom and, with all her strength hopes and desires to be united in glory with her King." In carrying forward this mission, "the Church encompasses with her love all those who are afflicted by human misery and she recognizes in those who are poor and who suffer, the image of her poor and suffering founder. She does all in her power to relieve their need and in them she strives to serve Christ." (Vatican Council II, Dogmatic Constitution on the Church, *Lumen Gentium*, November 21, 1964, no. 6, 8).

- (3) To support the ecclesial and civil operation of the Archdiocese of Chicago, and of the Archbishop of Chicago.
- (4) To hold property, as permitted under canon law and as recognized in the relevant acts of the Illinois General Assembly approved February 24, 1845 and February 20, 1861, and more particularly to hold property in trust for the use and benefit of the Archdiocese of Chicago, its institutions, its parishes, and certain other institutions affiliated with the Catholic Church.
- (5) To ensure that the provisions of any gift, grant, devise, deed, or other instrument that direct, restrict, or encumber the use of property transferred to the Corporation Sole, the Archdiocese of Chicago, or any affiliated organization, or the proceeds thereof, are honored.

203.2.2. Tax Exempt Status. For the purposes of, and within the meaning of Section 501(c)(3) of the Internal Revenue Code, the Corporation Sole is organized and operated exclusively for religious, charitable and educational purposes, including the making of distributions to other organizations that qualify as exempt organizations under Section 501(c)(3).

Notwithstanding any other provision of these Bylaws, the Corporation Sole shall not be operated for any purpose inconsistent with the exempt purposes permitted by Section 501(c)(3) of the Internal Revenue Code, or regulations thereunder, or corresponding successor provisions of law or regulation. It is understood that the Corporation Sole is required by law to comply with the terms and conditions set forth in the Group Letter Ruling issued each year by the Internal Revenue Service for those entities appearing in *The Official Catholic Directory* as updated and published annually.

203.2.3. Dissolution. In the event of the dissolution of the Corporation Sole, its property and interests shall be conveyed, as determined by canon law, to one or more organizations exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code or any successor law.

203.2.4. Canon Law. Notwithstanding any other provision of these Bylaws, the Corporation Sole shall not be operated for any purpose inconsistent with Catholic doctrine or canon law. Notwithstanding this or any other provision of these Bylaws, these Bylaws shall not be construed to bring matters of doctrinal or canonical interpretation, or ecclesiastical governance or enforcement, within the jurisdiction of civil authorities.

§203.3 Powers of the Corporation Sole

The Corporation Sole may, to the extent of its legal authority, take actions appropriate to the civil administration of its assets, liabilities, contracts, and other legal rights and interests, including:

- (1) Creation, merger, or dissolution of other civil law entities, including (without limitation) not-for-profit corporations, religious corporations, or trusts to carry out the missions of the Archdiocese;
- (2) Ownership of real or personal property, or property interests of any kind, on behalf of the Archdiocese of Chicago;
- (3) Conveyance or transfer of legal or beneficial interests in real or personal property held by the Corporation Sole as appropriate to the operations of any ecclesial function or civil law entity; subject to any restrictions or encumbrances on the disposition of such asset; and.
- (4) Provision of services to parishes, to other ecclesial functions of the Archdiocese, or to other organizations, as the Corporation Sole may in its discretion determine to be appropriate, whether as trustee of real or personal property, as contractor, as agent, or in any other legal capacity, as more fully described in §203.5.

The canonical authority of the Archbishop of Chicago over the Archdiocese and its Ecclesial Functions shall not be affected by the existence or actions of the Corporation Sole.

§203.4 Parishes and the Corporation Sole

A parish is, in the Code of Canon Law, a "public juridic person" and "a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor ("parochus") as its proper pastor (pastor) under the authority of the diocesan bishop." (c. 515). Further, "A diocesan bishop in the diocese entrusted to him has all ordinary, proper, and immediate power which is required for the exercise of his pastoral function except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority." 381 §1.

In certain circumstances, canon law directs the diocesan bishop to exercise this authority with the advice and, at specified times, with the consent of consultative bodies such as the Archdiocesan Finance Council, College of Consultors, the Presbyteral Council and the Archdiocesan Pastoral Council.

The pastor represents the parish in its canonical juridic affairs, affecting determinations about the parish and its goods. (c. 532). The pastor operates within various limits; for example, the diocesan bishop may determine that execution of

contracts valued in excess of a certain amount is outside the scope of "ordinary administration"; and, the pastor may not institute or contest litigation in a civil court on behalf of the parish without the written permission of the Archbishop or his delegate or vicar (c. 1288).

In matters of civil law, the parishes of the Archdiocese of Chicago and other ecclesial public juridic persons have operated in a manner so as to respect their status as distinct entities, as provided by canon law. For example, parishes maintain and manage bank accounts, secure and use Federal Employer Identification Numbers, and prepare and remit withholding tax payments. In civil law, a parish may have been characterized as an unincorporated association established by a bishop to carry out the spiritual and temporal functions with which the parish community is charged.

As canonical public juridic persons, parishes have canonical ownership of those goods that they have lawfully acquired; these are distinct from goods canonically owned by the Archdiocese of Chicago. (c. 1256). Consistently with this canonical state, the Corporation Sole holds certain parish financial assets in trust for the benefit of each parish, in a separate account, the status of which is publicly reported by the Corporation Sole.

Consistent with the 1845 and 1861 Acts of the Illinois legislature, civil law title to the real property of Archdiocesan parishes has been and is held by the Corporation Sole, in trust for the benefit of each respective parish. There are some exceptions to this form of tenure described below in 203.4.4.

Certain parishes held by the Corporation Sole are entrusted by the Archbishop of Chicago to a clerical religious institute or to a clerical society of apostolic life with the consent of the competent religious superior. (c. 520). All such administrators of a parish are bound to take care that the ownership of ecclesiastical goods is protected by civilly valid methods. (c. 1284, §1, 2. The real and personal property interests of such parishes are held, for civil law purposes, in the same manner as the property interests of other parishes, and administration of the parish's temporal goods is generally subject to the policies of the Archdiocese.

203.4.1. Legal Title to Parish Real Property. As trustee, the Corporation Sole is vested with legal title to the real property and real property interests of parishes within the Archdiocese of Chicago and to all rents, incomes or profits therefrom and to all additions and accumulations thereto. Such real property interests are held by the Corporation Sole:

- (1) In a trust for the benefit of each respective parish and
- (2) Subject to any other restrictions of any kind related to particular gifts, grants, bequests, devises or conveyances of real property interests.

Such real property interests are reported in the Inventory of Parish Real Property Interests described in §203.4.3.

203.4.2. Legal Title to Parish Personal Property. As trustee, the Corporation Sole is vested with legal title to certain personal property of parishes within the Archdiocese of Chicago, including certain financial assets comprising parish endowment funds, parish educational endowment funds, and other capital or restricted funds. Such personal property interests are held by the Corporation Sole:

- (1) In a trust for the benefit of each respective parish and
- (2) Subject to any other restrictions of any kind related to particular gifts, grants, bequests, devises or conveyances of real property interests.

Such personal property interests are reported in the Inventory of Parish Personal Property Interests described in §203.4.3.

203.4.3. Inventories of Parish Real and Personal Property Interests Held in Trust. The Corporation Sole shall maintain an Inventory of Parish Real Property Interests, and an Inventory of Parish Personal Property Interests. Such Inventories may exist from time to time in paper or electronic forms, as such records may be maintained in the ordinary course of business by the Archdiocesan Office of Finance or any successor organization. Such Inventories shall be amended from time to time to reflect parishes created, merged, consolidated or suppressed, real estate interests acquired or divested, acquisition or divestiture of intangible assets, changes in the value and structure of accounts, otherwise to reflect changes over time in the assets held in trust by the Corporation Sole. The inclusion in or omission from such Inventory at any point in time of any parish, or of any particular property or property interest, or of any restriction or encumbrance related to any particular property or interest, shall not be dispositive of the legal status of such parish, property, or interest, which may be determined by reference to other Archdiocesan and civil records.

203.4.5. Change in Parish Status. The Archbishop of Chicago may, subject to the requirements of canon law, create, merge, consolidate or suppress a parish. In the event of merger, consolidation or suppression, the property of the parish, including any real or personal property whether held directly by the parish or in trust by the Corporation Sole or any other person, shall be distributed to other parishes or ecclesial functions of the Catholic Church as provided in canon law, provided that no distribution shall be inconsistent with the provisions of §203.2.2.

203.4.6. Certain Parish Assets Distinguished. Real property interests related to certain parishes located within the geographic Archdiocese of Chicago are held by clerical religious institutes or clerical societies of apostolic life, commonly referred to as religious orders, subject to general canon and civil law, including donor restrictions on assets held by the religious order in trust for the use of the parish or other community organization. Real property interests of these parishes are not aggregated with assets of the Corporation Sole, including for purposes of financial reporting. These parishes are

identified as such in the Inventory of Parish Real Property Interests. Depending upon individual parish circumstances:

- (1) Personal property interests may be held by the Corporation Sole in the manner of other parishes, or may be held otherwise by the sponsoring religious order, subject to general canon and civil law, including donor restrictions.
- (2) The parish may remit assessments to the Corporation Sole in the manner of other parishes and may be eligible to receive services and to participate in programs of the Corporation Sole.

203.5 Services to Parishes and Other Ecclesial Functions

The Corporation Sole provides support services to the Curia, to other apostolates of the Archdiocese, to parishes and to certain other ecclesial functions. These services are financially supported in part by parish taxes, levied pursuant to canon law (c. 1263) and by other fees and contractual arrangements. The general scope of services and manner of delivery is currently indicated in published Archdiocesan Policies and Procedures, including particularly Book II ("The People of God") and Book V ("The Temporal Goods of the Church").

As trustee, the Corporation Sole holds both the real estate and certain financial assets of parishes and certain other ecclesial functions. At present, the financial assets subject to this trust are maintained at a regulated financial institution under agreements specifying the funds and accounts to be maintained, including a Parish Endowment fund. The Corporation Sole has the civil law powers and responsibilities of a trustee as to assets held in trust; because the Corporation Sole is controlled by the Archbishop of Chicago, it is also, in practice, observant of canon law requirements for management of temporal goods of the Archdiocese, the parishes, and other public juridic persons whose goods may be affected.

203.5.1. Services Generally.

203.5.1.1. General Services to Parishes. The Corporation Sole provides various services to parishes as specified in Archdiocesan policies in effect from time to time. These include (without limitation):

- (1) Financial management services, including centralized financial depository and investment services.
- (2) Trustee services, as more fully described in §203.5.2 below.
- (3) Insurance and risk management services.
- (4) Purchasing services.

- (5) Real estate management services, including construction management and support.
- (6) Accounting and legal services.
- (7) Personnel management services and support, including parish employee benefit programs.

These services, and requirements and restrictions on them, are more fully set forth in published Archdiocesan Policies and Procedures, as these may be amended from time to time.

203.5.1.2. General Services to Ecclesial Functions. The Corporation Sole may provide some or all of the services enumerated above, or other services, to ecclesial functions of the Catholic Church, whether or not separately incorporated, on financial or other terms to be negotiated from time to time.

203.5.2. Trustee Services. The Corporation Sole, as trustee, holds certain real and personal property in trust for the benefit of individual parishes, as described in §203.4, or for the benefit of other ecclesial functions. Subject to its duty as trustee to act in the interests of the parish or other ecclesial function, the Corporation Sole shall have, without authorization from any court, all powers otherwise granted to fiduciaries by law and specifically the powers:

- (1) To sell, exchange or grant options to purchase any property at public or private sale, for cash or on credit.
- (2) To exercise all powers of an individual owner with respect to securities, partnership interests and other investments, including exercising stock options, voting, giving or receiving proxies, entering into voting trusts or shareholder, buy-sell or other stock restriction agreements, participating in mergers, acquisitions, foreclosures, reorganizations or liquidations, and exercising or selling subscription or conversion rights.
- (3) To pay taxes, including interest and penalties, and reasonable expenses incurred in administering and distributing the trust.
- (4) To employ, with or without discretionary powers and with reasonable compensation, attorneys, accountants, investment counsel, managers and other agents.
- (5) To contest, prosecute, compromise, release or abandon claims, including taxes and interest and penalties thereon, or other charges in favor of or against the trust.

- (6) To receive additional property from any source and, unless directed otherwise, to hold, administer and distribute such property as part of the trust estate.
- (7) To invest in or hold undivided interests in personal property, to make joint investments for any two or more personal property trusts, crediting each trust with an undivided interest in such investment in proportion to its contribution, and to consolidate or merge any separate trust hereunder with any other trust ,or with any religious or not-for-profit corporation, that may be established by the Corporation Sole, or with any other person having substantially similar provisions for the same beneficiary, if the Corporation Sole determines that such merger or consolidation is in the best interests of the beneficiaries of the trust; this section does not confer any additional powers over real estate held in trust.
- (8) To acquire, invest, reinvest, exchange, retain, sell and manage principal and, pending distribution or accumulation, income in every kind of property, real or personal or mixed, and every kind of investment.
- (9) To establish, increase, decrease, discontinue or re-establish reasonable reserves for obsolescence, depreciation, depletion or the like for property which is subject to the creation of such reserves under generally accepted accounting principles.
- (10) To distribute assets in kind using date of distribution values or in cash or both, and to distribute different kinds or disproportionate shares of assets to the various trusts and beneficiaries, irrespective of the income tax basis of such assets and without adjustment for variations in such basis, and for that purpose to value assets divided or distributed in kind.
- (11) To exercise every power, including the right to defer or make installment payments of any taxes due to any unit of federal, state, or local government, to value assets according to a special use, and to deduct expenses from either income or principal in computing such taxes (no adjustments between income and principal or between different beneficiaries shall be made to compensate for the effect of any election).
- (12) To cause securities and other investments, real or personal or mixed, to be registered and held in the name of a nominee without mention of the trust in any instrument or record constituting or evidencing title thereto. The Corporation Sole shall not be liable for the acts of nominees selected in good faith.

- (13) To rely upon a court order, certificate, affidavit, letter or other evidence reasonably believed to be genuine, and on the basis of any such evidence to exercise any power or make any payment, distribution, or reimbursement. These provisions shall protect the Corporation Sole from liability for actions taken in good faith, but shall not affect any rights that a taker in default, or other beneficiary may have against persons to whom distributions are erroneously made.
- (14) To continue or enter into any business and participate in its management, directly or indirectly, with appropriate compensation from the business, even though the Corporation Sole may also have an interest in the business, to enter into new partnerships, corporations or other entities, to participate in securities offerings, to increase or decrease the investment in the business, to make secured or unsecured loans to the business or to pledge property for debts of the business, to waive the filing by the surviving partners of any partnership inventory, appraisal, account, bond or security, to make all decisions and exercise all powers with respect to the business that the Corporation Sole could exercise if the Corporation Sole were the individual owner.
- (15) To do all other acts relating to investment, management, disposition and control of property which shall be advisable for the proper and advantageous management of the trust.

203.5.3. Financial Matters

203.5.3.1. Assessment. The Archbishop of Chicago, acting through the Corporation Sole, may levy a reasonable periodic tax or assessment on parishes or other ecclesial functions, subject to the limitations of canon law.

203.5.3.2. Expenses attributable to a parish. Expenses incurred by the Corporation Sole for the benefit of a particular parish, including fees for legal services and auditing services rendered to the Corporation Sole, insurance premiums and assessments, investment expenses, and all other proper charges and expenses of the Corporation Sole and of its agents and counsel, are ordinarily paid by such parish.

203.5.3.3 Governmental Fees. All civil taxes or governmental fees or charges of any and all kinds that may be levied or assessed under existing or future civil laws upon the property being held in trust for a particular beneficiary parish, or the income thereof, are ordinarily paid or reimbursed by such parish, as provided more specifically in other Policies and Procedures of the Archdiocese.

203.5.3.4. Financial Reporting. The Archbishop of Chicago, on behalf of himself and the Corporation Sole, shall publish each year a financial report setting forth

the financial performance and position of the parishes and indicating the real and personal property assets held on account of the offices of the Curia, the parishes, and other ecclesial functions affiliated with the Corporation Sole that may be included as appropriate under applicable professional accounting standards. The Archbishop shall also observe the financial reporting standards of canon law.

203.6 Other Provisions

The section includes various provisions for the civil law operation of the Corporation Sole. It does not set forth, or affect, various canonical relationships that control the operation of the Church, such as the canonical authority of the Vicar General, requirements for process or consultation, and other standards that affect the actions of canonical entities.

203.6.1. Manner of Acting

203.6.1.1. Generally. The Corporation Sole may take action by decree duly executed by the Archbishop of Chicago, or by such other duly executed instrument or action as the Archbishop of Chicago may determine to be necessary and sufficient. Insofar as the Corporation Sole acts through the Archbishop of Chicago or other persons authorized to act under canon law, those persons shall also act in accordance with the provisions of canon law.

203.6.1.2. Delegation of Authority; Attorney-in-Fact. The Archbishop of Chicago, acting on behalf of himself and the Corporation Sole, may from time to time in his discretion delegate authority to conduct any specified part of the affairs of the Corporation Sole to any person or person.

As appropriate to the circumstances, this delegation may be effected by appointment of an attorney-in-fact, by instrument in writing executed by Archbishop of Chicago, as the Corporation Sole, delegating authority to conduct all or any specified part of the affairs of the Corporation Sole to any person or persons duly named in said instrument, and any contracts, notes, deeds, or other instruments of encumbrance or conveyance that may affect real or personal property, shall be valid when executed by such attorney-in-fact. Such instrument may be recorded with the Recorder of Deeds in any appropriate local jurisdiction.

203.6.1.3. Succession. In the event of the death or resignation of the Archbishop of Chicago, an Administrator shall be appointed in the manner provided by canon law, and upon presentation of a duly executed certificate of appointment, such Administrator shall have all the powers, rights, and responsibilities of the Corporation Sole, including the powers to act on behalf of the corporation, and to delegate authority by appointment of attorneys-in-fact. Such Administrator shall serve in that capacity until appointment of a successor Archbishop of Chicago, in the manner provided by canon law, and the

execution and filing by the Archbishop of the statement of office in the manner specified by the laws of Illinois. Upon such filing, the successor Archbishop shall assume the capacity of Corporation Sole.

203.6.2. Administrative Recourse. In the event of any dispute arising from the interpretation or administration of these Bylaws, any matters shall first be presented for resolution to the authorities, and under the procedures, provided by canon law, including alternative dispute resolution provisions of c. 1733 *et. seq.*

203.6.3. Amendment. The Archbishop of Chicago, in his capacity as The Catholic Bishop of Chicago, a corporation sole, and subject to any requirement of canon law, may amend or modify these Bylaws at any time and from time to time. However, no such amendment or modification shall adversely affect the beneficial interests of the parishes.

203.6.4. Interpretation. Insofar as these Bylaws are interpreted or applied by civil courts or other civil authorities, or for purposes of determining rights under civil law, they shall be governed by and construed in accordance with the laws of Illinois. Insofar as they may be interpreted or applied by ecclesiastical authorities, or for purposes of determining processes or doctrines of the Church, these Bylaws shall be construed and administered in accordance with the commonly accepted rules for interpretation of doctrine and canon law of the Roman Catholic Church.

203.6.5. Severability. These Bylaws shall be liberally construed to effect the purposes of the Corporation Sole. In the event that any provision of these Bylaws is held to be invalid or unenforceable at civil law, it shall not affect the remainder of the Bylaws provided that the stated purposes of the Bylaws can be observed.

§300 JURIDIC PERSONS

A juridic person may be understood as the ecclesiastical equivalent of a not-for-profit corporation. Just as a civil corporation comes into existence as a “fictional person” by an act of civil authority, a juridic person comes into existence in the Church by an act of ecclesiastical authority. The specific requirements and operations of a juridic person are set forth in canons 113 - 123. In keeping with these canons, the following section provides the required policies and procedures for a juridic person to exist in the Archdiocese of Chicago.

§301 IN GENERAL

301.1. Policy The Archbishop of Chicago shall have the authority to confer juridic personality on aggregates of persons or of things which aim at a genuinely useful purpose and which, all things considered, have the means which are foreseen to be sufficient to achieve the purpose in view (Canon 114, §3).

Procedures

The conferral of juridic personality by the Archbishop does not *per se* create any civil law relationship with “The Catholic Bishop of Chicago, a Corporation Sole” or any other civilly incorporated ecclesiastical entity. While the establishment of a juridic person creates a canonical relationship with the Church, the civil law status of any juridic person must be considered separate and apart from its canonical status. For example, the Archbishop could establish an Archdiocesan school as a public juridic person and designate that it operate either as part of the “Corporation Sole” or as a separately incorporated civil law entity. Moreover, the Archbishop could recognize a private association of the Christian faithful as a private juridic person (c. 322), which would be civilly incorporated separate from the “Corporation Sole” or any other ecclesiastical corporation and would possess and administer its own temporal goods (c. 325).

301.2. Policy The purpose of a juridic person shall befit the Church’s mission, which transcends the purpose of the individuals.

Procedures

Generally, the purposes of a juridic person are those which concern works of piety, of the apostolate or of charity, whether spiritual or temporal. [In other words, those works which promote prayer, worship, teaching, health care according to Catholic protocols, feeding the poor and helping the underprivileged and the oppressed.] (Canon Law Society of Great Britain and Ireland -- annotations)

§302 STATUTES

302.1. *Policy* An aggregate of persons or things which petitions for juridic personality shall submit its proposed statutes to the Chancellor for approval.

Procedures

a) At a minimum, the statutes shall define the purpose, constitution, government and operation of the juridic person (cf. canon 94, §1).

b) Upon submission to the Chancellor, the Chancellor will consult with the Vicar for Canonical Services and may consult with an appropriate agency having subject matter jurisdiction over the purpose and proposed operation of the proposed juridic person.

c) Once the statutes of a proposed juridic person have been reviewed by the Chancellor, the Vicar for Canonical Services will prepare a decree to be submitted to the Archbishop for approval.

§303 RECORD KEEPING

303.1. *Policy* The Chancellor shall keep records of all juridic persons in the Archdiocese of Chicago.

§304 CESSATION

304.1. *Policy* A juridic person shall cease only when it is lawfully suppressed by the Archbishop or it is inactive for one hundred years (c. 120, §1).

§400 DISPENSATIONS

As with any type of rule or law, there are extraordinary instances in which an exception from a particular policy may be warranted. No policy can be declared null or void without the legislative act of the Archbishop, but policies can be “relaxed” in certain instances. This section deals with the process for relaxing a policy in certain exceptional instances. The act of relaxing a policy is termed a “dispensation”.

In order to understand the scope of a dispensation, it is important to understand the characteristics of a dispensation:

- 1) *It is a purely administrative act and does not require the legislative power of the Archbishop to be effective.*
- 2) *When a policy is dispensed from, the policy itself remains in full effect. The policy is only relaxed for that particular instance, not abrogated.*
- 3) *Dispensations, when applied to Archdiocesan policies, may only dispense these policies. Divine laws are not subject to dispensations.*
- 4) *A dispensation is only granted in a particular case, for particular individual persons, for particular concrete circumstances. All others not subject to the dispensation are required to follow the policy as always.*
- 5) *Dispensations are always temporary. Once the circumstance, for which the dispensation was required, terminates, so does the dispensation.*

(The Canon Law Society of Great Britain and Ireland, The Canon Law, Letter & Spirit, The Liturgical Press, Collegeville, Minnesota, 1995, pp.48-49.)

§401 AUTHORITY

The authority to grant a dispensation is vested in only those who have executive power in the church. The following policy lists those who may grant dispensations.

401.1. Policy The Archbishop, Vicar General, Episcopal Vicars, Chancellor, Vicar for Canonical Services, and others with legitimate delegation or who exercise executive power within the limits of their competence shall have the authority to grant dispensations from these policies and procedures when there is just and reasonable cause and when it contributes to the spiritual good of the faithful (cf. cc. 85-93).

§402 DISPENSATION PROCESS

Even though only the persons listed in Policy 301.1 have the authority to grant a dispensation from Archdiocesan policies, they ordinarily are not the people who identify the need for a dispensation. In most circumstances, the person who identifies the need for a dispensation will be the person involved in the particular circumstance. Also, the

§400 *Dispensations*

persons who have the authority to grant a dispensation may not be familiar with the subject matter of the dispensation. Therefore, department/agency directors, Episcopal Vicars, and the like, must be involved in the dispensation process. The following policies explain the process by which a need for a dispensation is submitted for certification.

402.1. Policy A dispensation shall not be granted without the filing of a formal policy dispensation form certification with the Office of the Chancellor.

402.2. Policy Only department/agency directors and Episcopal Vicars shall have the authority to file a policy dispensation form with the Office of the Chancellor.

Procedures

- a) Persons identifying the need for a dispensation should discuss the matter with their department/agency director or Episcopal Vicar, whoever is most appropriate.
- b) If the department/agency director or Episcopal Vicar needs assistance in determining whether the particular circumstance necessitates a dispensation, he/she may contact one of the following for guidance:
 - ✓ Book I Chancellor
 - ✓ Book II Director of Personnel Services
 - ✓ Book III Superintendent of Schools or Director of Religious Education
 - ✓ Book IV Episcopal Vicar, Vicar for Canonical Services, Chancellor or Director of the Office for Divine Worship
 - ✓ Book V Chancellor or Director of Finance or Director of Legal Services
- c) If the department/agency director or Episcopal Vicar determines that there is in fact a need for a dispensation, he/she shall complete a formal dispensation form, indicating the reason for the dispensation. The dispensation form must also receive a *nihil obstat* from the person to whom the one completing the dispensation form is accountable, for example:
 - 1) A dispensation form submitted by an agency director must first receive the *nihil obstat* of the appropriate department director.
 - 2) A dispensation form submitted by a department director must first receive the *nihil obstat* of the Chancellor.
 - 3) A dispensation form submitted by an Episcopal Vicar must first receive the *nihil obstat* of the Vicar General if the request seeks to dispense that Episcopal Vicar's entire vicariate.
- d) The form is then submitted to the Office of the Chancellor.

- e) Dispensation forms and instructions are available at the Office of the Chancellor.

402.3. Policy Applications for dispensations shall be granted or denied in a timely fashion.

402.4. Policy All decisions granting or denying dispensations shall be issued in writing.

§403 RECORDS

403.1. Policy The Office of the Chancellor shall keep a written record of all dispensation decisions and all applicable materials in accord with pertinent records-retention schedules.

§404 REVIEW

404.1. Policy Dispensation decisions shall be reviewed quarterly by the Policy Development Committee.

Procedures

- a) Dispensations are reviewed to determine whether there are recurring difficulties with the substance or application of policies based on the requests and decisions for dispensations.
- b) When five or more dispensations are granted for a particular policy, the Consul for Policy Development will make a report to the Administrative Council.
- c) The Administrative Council may ask for a review of the policy or the need for an amendment or change to the particular policy.

§500 MARRIAGE DISPENSATIONS AND PERMISSIONS

Marriage and the family are the foundation of civilization and the basic building block of human society. Although so basic, marriage is constantly affected by changes in civil society as well as by theological development. Therefore, it is not surprising that so many canons in the Code of Canon Law pertain to the sacrament of marriage, more than almost any other topic.

While theological principles and sacramental practices should be clear and constant, the human factor demands that the Church pay attention to special circumstances which have impact on the general observance of the law. This the Church does, in part, through dispensations and permissions.

§501 DEFINITIONS

- a) Dispensation: A dispensation is an act of excusing from the observance of a law, which is granted by legitimate authority when there are special circumstances to justify non-observance of the law in a particular case. Dispensations in general are addressed in Book I, §400. Marriage dispensations refer to impediments which may make a marriage either invalid or illicit.
- b) Permission: In general, a permission is an authorization of an action. In the new Code of Canon Law, in regard to marriage, a distinction is made between permission and dispensation. In the previous Code, all mixed marriages, whether of Disparity of Cult or Mixed Religion, required a dispensation from the proper authority. The new Code simply states that marriages of mixed religion are prohibited without “permission” of the proper authority.
- c) Disparity of Cult: Disparity of Cult is the impediment to a marriage between a Catholic and a non-baptized person. This impediment renders such a marriage invalid unless a dispensation is granted by the proper authority.
- d) Dispensation from Canonical Form: Catholics are required to marry in a Catholic ceremony before a priest or deacon, in other words, to observe the canonically prescribed form of liturgical ceremony. However, when sound ecumenical or inter-faith reasons are present, a dispensation from observance of the Catholic marriage rite may be granted for a Catholic to marry a non-Catholic in a non-Catholic ceremony. Such a dispensation is required also for liceity for a

§500 *Marriage Dispensations and Permissions*

Catholic to marry in an Orthodox Church ceremony and is required for validity to marry in any other non-Catholic ceremonies.

- e) Mixed Religion: Mixed religion is an impediment to a marriage between a Catholic and a baptized non-Catholic. This impediment renders the marriage illicit (but still valid) unless a permission is given by the proper authority.

§502 AUTHORITY

502.1. Policy The Vicar for Canonical Services and designated members of his staff, when delegated by the Archbishop, shall have the authority to grant dispensations from disparity of cult, dispensations from canonical form and prenuptial permissions.

Procedures

For administrative reasons and record keeping purposes, dispensations and permissions noted above are to be granted through the Office of Canonical Services. The Vicar General and Episcopal Vicars do have canonical authority to grant dispensations and permissions. When they do so in exceptional circumstances, they are asked to file the required documents with the Office of Canonical Services (see §502).

502.2. Policy Pastors and associate pastors or priests incardinated in the Archdiocese shall have the authority to grant permission for marriage of mixed religion, but only in those cases where there is proof of baptism for both parties and neither party has been previously married, even if invalidly. If however, there is no proof of baptism for either party and/or either party has been previously married, then the permission must be granted by the Judicial Vicar or a designated member of his staff.

Procedures

Permissions for marriage of mixed religion, which are granted at the parish level in accordance with the policy 502.2, are not sent to the Office of Canonical Services to be recorded. They remain in the parish to be entered in the marriage register and included in the total number of permissions granted listed in the Annual Parish Report.

Note

Mixed religion cases involving previous marriages or lacking proof of baptism are to be sent to the Chancery for permission to marry.

§503 DISPENSATION PROCESS FOR DISPARITY OF CULT AND CANONICAL FORM

503.1. Policy Ordinarily dispensations shall not be granted without the filing of a formal application with the Office of Canonical Services.

Procedures

- a) **Required Documents**. All requests for dispensations should be accompanied by the full prenuptial file and be sent to the Office of Canonical Services at least three weeks prior to the marriage. This file includes the prenuptial questionnaire, recent baptismal records, all civil or ecclesiastical documents needed to confirm the parties' freedom to marry, and witness affidavits, if needed. The contents of a complete prenuptial file are described in "Commentary on Prenuptial Forms", issued by the Office of Canonical Services.
- b) **Canonical Reasons**. The canonical reasons for requesting a dispensation must be indicated on the application form, since the Bishop or his delegate, Vicar General and Episcopal Vicars are not to grant a dispensation unless just and reasonable cause is shown (Canon 1125).
- c) **Promises**. In cases of a Catholic marrying a non-Catholic or a non-practicing Catholic, the application form must indicate that the Catholic party made the required promises. The application form may include the written promises, or it may include a statement that the promises were made orally. (See Canon 1125)
- d) **Non-Catholic Ceremony**. If the Catholic party wishes to be married in a non-Catholic ceremony, the Catholic party must complete the application section for a dispensation from canonical form. This section is never to be used to record a Catholic ceremony that will take place in another parish or diocese.

503.2. Policy Dispensations and permissions shall be granted or denied in a timely fashion.

503.3. Policy Ordinarily, all decisions granting or denying dispensations and permission shall be issued in writing. If in extraordinary circumstances a dispensation or permission is granted orally, it shall be confirmed in writing.

503.4. Policy If the marriage is to take place in the Archdiocese of Chicago and the Catholic party resides in another Diocese, the Diocese to which the Catholic party belongs must grant the dispensation.

Procedures

For marriages within the Archdiocese which require a dispensation from another diocese, the complete prenuptial file together with the dispensation application should be sent to the Office of Canonical Services for transmittal to the proper Diocese.

§504 NIHIL OBSTAT

504.1. Policy The *Nihil Obstat* of the Office of Canonical Services is required for marriages involving either a convalidation or an annulment or declaration of nullity of a previous marriage.

Procedures

If a *Nihil Obstat* is required, the complete prenuptial file with all necessary documentation is to be sent to the Office of Canonical Services with the request.

§600 ABSENCE OF POLICY

601.1. Policy If on a particular matter there is not an express policy or procedure which applies to the matter, the question is to be decided by taking into account policies and procedures enacted in similar matters, the teachings of the Church, Universal Law and customs of the local church. (Can. 19)

Procedures

If after having made the decision, the person believes there may be broader consequences or implications to said decision, he/she may make a recommendation for a change in policy through the policy development process in §100 of Book I.

§700 ACCOUNTABILITY AND COMPLIANCE

Policies and procedures are meaningful only to the extent that there is accountability to assure compliance with their provisions. Accountability is based on the premise that those who work in the service of others are answerable to a higher authority. Compliance is the guarantee that the decisions and actions of church personnel reflect the teaching and wisdom of the ecclesial community and are not self-serving or arbitrary. Using Gospel principles for charitable correction (see Matthew 18:15-18), the following policies and procedures establish the norms for accountability and compliance to be followed in the Archdiocese of Chicago.

§701 COMPLIANCE

§701.1. The Right and Duty of Compliance

701.1. Policy The Christian faithful have a right to expect personnel of the Archdiocese of Chicago to comply with all applicable civil laws, canon law, liturgical norms, and the policies and procedures of the Archdiocese. Personnel of the Archdiocese have a duty to comply with all applicable civil laws, canon law, liturgical norms, and the policies and procedures of the Archdiocese. (See Book I, §200 – Other Laws.)

§702 ACCOUNTABILITY

§702.1. The Principle of Subsidiarity

702.1. Policy Following the principle of subsidiarity, church personnel are directly accountable to the competent hierarchic superior at the most proximate level of reporting or supervision.

Procedures

- a) The principle of subsidiarity “requires that problems be solved where they occur, by those who understand them best, and by those who are most affected by them. Only when their efforts fail should the matter be placed before a higher authority.” (John E. Linnan, C.S.V., “Subsidiarity, Collegiality, Catholic Diversity, and Their Relevance to Apostolic Visitations,” *The Jurist* 49 [1989] 403, citing Aurelius, the Bishop of Carthage, who in 424 A.D. stated the principle which he based on the decisions of the Council of Nicæa: “Most wisely and justly they provided that all such problems be taken care of in the very places where they arose.”) “Three popes have either explicitly (Pius

XII and Paul VI) or implicitly (John XXIII) stated that the principle of subsidiarity does apply within the Church under certain conditions. . . .

The principle was proposed, accepted and used in the revision of the Code of Canon Law.” (Joseph Komanchak, “Subsidiarity in the Church: The State of the Question,” *The Jurist* 48 [1988] 326.)

- b) Church personnel are defined as including, but not limited to: clergy, religious, employees, volunteers, and persons appointed or elected to positions of responsibility.
- c) In parishes, missions and shrines of the Archdiocese of Chicago, accountability belongs first to the person’s immediate supervisor. Further accountability proceeds to the Pastor, then to the local Dean, then to the regional Episcopal Vicar, then to the Archbishop, and then to the Holy See. (See canons 134 and 479-480 regarding the ordinary executive powers of governance of the Vicar General and Episcopal Vicars, canon 555 regarding the duties and rights of Deans, and canon 137 regarding delegated executive powers of governance.)
- d) In agencies of the Archdiocese of Chicago, accountability belongs first to the person’s immediate supervisor. Further accountability proceeds to the Agency Director, then to the Department Director, then to the Chancellor, then to the Archbishop, and then to the Holy See. (See canons 469-494 regarding the diocesan curia.)

Note: In entities and apostolic works that directly provide for the pastoral care of souls (*cura animarum*), e.g. campus ministries and hospital, prison and airport chaplaincies, accountability shall proceed along agency lines as described in procedure “d” above in consultation and collaboration with the proper Episcopal Vicar.

- e) To the extent that the concern to be addressed involves some subject matter of a technical or specialized nature, (e.g. civil law, canon law, liturgical or catechetical norms), the competent hierarchic superior, before rendering a decision, is to consult as needed with the appropriate Archdiocesan agency having expertise in the subject matter at issue, (e.g. Office of Legal Services, Office of the Chancellor, Office for Canonical Services, Office for Divine Worship, Office for Catechesis, Department of Personnel Services, etc.).

§702.2. Conversation and Discussion

702.2. Policy In addressing issues of accountability and compliance, the first step shall be a direct conversation and discussion between the hierarchic superior and the person being held accountable, unless the nature or seriousness of the matter requires immediate action.

Procedures

- a) Members of the Christian faithful who are concerned about possible issues of non-compliance should bring their concerns first in a direct conversation with the person alleged to be in non-compliance. If this conversation does not satisfy the concern, the matter should be brought to the attention of the competent hierarchic superior as outlined in the procedures to policy §702.1. This procedure follows Gospel principles for charitable correction, in which Jesus says:

If your brother should commit some wrong against you, go and point out his fault, but keep it between the two of you. If he listens to you, you have won your brother over. If he does not listen, summon another, so that every case may stand on the word of two or three witnesses. If he ignores them, refer it to the church. If he ignores even the church, then treat him as you would a Gentile or a tax collector (Matthew 18:15-18).

- b) The hierarchic superior should document the outcome of the conversation in a letter or written memorandum.

§702.3. Written Notice of Decision

702.3. Policy If the concern is not able to be resolved by direct conversation and discussion, the competent hierarchic superior to whom the matter is then brought, after gathering the necessary information and hearing, if possible, those whose rights can be infringed (c. 50), shall give to the parties involved written notice of the decision and the reasons which prompted it, at least in summary fashion (c. 51).

Procedures

- a) If the competent authority determines that the concern is unwarranted, i.e., the person against whom the concern is brought is indeed in compliance, the parties involved shall be notified in writing to that effect.

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- b) If the competent authority determines that the concern is warranted, i.e., the person against whom the concern is brought is not in compliance, the parties involved shall be notified in writing to that effect, and the competent authority is to proceed according to the following policies and procedures.
- c) The parties involved are reminded of the obligations of confidentiality (see Book II, Part I, Title I, §605 Confidentiality) and the canonical right to privacy (c. 220).

§702.4. Written Warning

702.4. Policy If conversation and discussion are not successful in achieving compliance, the competent hierarchic superior shall use appropriate written instruments, e.g., annual performance appraisal or warning letter (c. 1347), which shall be placed in the personnel file of the person being held accountable.

Procedures

Where applicable, the provisions for discipline and termination are to be followed as found in the current edition of Archdiocese of Chicago, Policies and Procedures - Book II: The People of God, §703, as well as Office of Catholic Education Personnel Policies, Title II, Chapter I and Office of Religious Education Personnel Policies, Title II, Chapter II, promulgated November 26, 1996 or as subsequently amended.

§702.5. Penalties

702.5. Policy One who willfully continues to disregard or refuses to comply as directed with applicable civil laws, canon law, liturgical norms, or the policies and procedures of the Archdiocese shall be subject to the imposition of a just penalty depending on the circumstances and severity of the case, including but not limited to: written reprimand or censure, suspension, termination of employment, or dismissal from office. Where applicable, the provisions of canon law for the imposition of sanctions and/or removal or transfer from office shall be followed (see *Code of Canon Law*, cc. 184-196; 1311-1399; and 1740-1752).

Procedures

The appropriateness of the various steps in these policies and procedures for accountability and compliance is to be determined at the discretion of the hierarchic superior depending on the circumstances. Therefore, nothing in these policies and procedures is to be construed as an employment

contract, nor is it to be construed as a guarantee of employment or benefits.

§702.6. Recourse

702.6. Policy After the competent hierarchic superior has rendered a written decision, either the one who raised the concern or the person against whom the concern was brought shall be able to have further recourse in accord with canon law and *Archdiocese of Chicago, Policies and Procedures - Book I: General Norms, §1001 "Administrative Recourse."*

§800 THE METROPOLITAN TRIBUNAL

The Metropolitan Tribunal of the Archdiocese of Chicago (“Tribunal”) exercises the judicial power of the Archbishop. It acts to promote or vindicate the rights of physical or juridic persons and to discover and declare juridic facts. Tribunal staff members, including priests, religious and lay persons, are specially trained to aid individuals who formally request that the Church examine their marriage to determine whether or not it can be annulled.

The most common case heard by the Tribunal is a formal declaration of nullity. A formal Declaration of Nullity is a statement by the Roman Catholic Church that the marriage in question was not a binding (sacramental) union. It does not deny that a relationship existed which was recognized as a marriage by civil law. Furthermore, it does not imply that the relationship was entered with ill will or moral fault. Rather, a formal declaration of nullity is a statement by the Church that a relationship fell short of at least one of the elements seen as essential for a valid marriage according to the teachings of the Catholic Church. Other cases heard by the Tribunal are: Documentary Declarations of Nullity, including Ligamen, Other Impediments and Defect of Form; Pauline Privilege; and Privilege of the Faith.

In each case heard by the Tribunal, the process by which the case is filed, tried and decided is the same. The main difference between each type of case is the information required to be submitted. The sacramental explanations and requirements of each case will not be addressed in §800, but the process by which each must follow will be addressed.

§801 DEFINITIONS

1. Annulment: The English vernacular word that is used to refer to a Declaration of Nullity given by a Tribunal as a consequence of a formal, Ecclesiastical trial of the bond of marriage.
2. Application: The term “application” shall be used to define each type of application filed with the Metropolitan Tribunal, whether for a declaration of nullity, pauline privilege, etc..
3. Declaration of Nullity: A finding given by a competent Ecclesiastical authority that, while there may have been a marital relationship, there was no canonical bond of marriage.
4. Lack of Form: An examination of the bond of marriage based on the possible non-observance of the required canonical form or the required sacred ritual for members of the Catholic or Orthodox Churches. In the Archdiocese of Chicago, this examination is

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conducted by the Office for Canonical Services in a non-judicial procedure.

5. Defender of the Bond An officer of the Tribunal who is the legal representative of the Bond of Marriage in a formal, Ecclesiastical trial of the Bond of Marriage. His/Her involvement is required for the validity of the trial.
6. Ligamen: A trial of the bond of marriage based on the possible impeding existence of an earlier, prior bond. This trial is normally conducted in an expedited manner.
7. Pastoral Minister: Pastor, Associate Pastor, Pastoral Associate, Pastoral Coordinator, Deacon.
8. Pauline Privilege: Dissolution of a valid, non-sacramental, natural bond of marriage by the Diocesan Bishop as a favor in certain, specified cases.
9. Petitioner: The person who files an application with the Metropolitan Tribunal.
10. Petrine Privilege: Dissolution of a valid, non-sacramental, natural bond of marriage by the Holy See as a favor in certain, specified cases.
11. Respondent: The ex-spouse of the Petitioner (in terms of civil law).
12. Tribunal: The Metropolitan Tribunal.

§802 PRE-APPLICATION REQUIREMENTS

802.1. Policy Since spouses have the duty and the right to preserve conjugal living unless a legitimate cause excuses them (c. 1151), no marriage nullity case shall be accepted by the Tribunal unless it is certain that reconciliation between the parties and the resumption of conjugal life is impossible. (See also c. 1676.)

§803 JURISDICTION

803.1. Policy The Tribunal's jurisdiction over cases shall be determined according to Canon 1673.

§804 CONFIDENTIALITY

804.1. Policy All information in the case file pursuant to proceedings in the Tribunal shall remain strictly confidential, except where access is provided by Canon Law and Policy 804.2.

804.2. Policy The Petitioner and the Respondent shall have the right to review the evidence and the arguments in their case. The case judge shall determine the manner and extent of their access in accord with Canon 1598. As a part of any access to the case materials, the reviewing party shall be required to sign an agreement which outlines the conditions for access.

§805 THE APPLICATION AND JUDICIAL PROCESS

§805.1. Application

The application enables the Tribunal (1) to determine the type of case that the individual has (i.e., formal annulment trial, or Pauline privilege, etc.); (2) to determine whether or not it has jurisdiction; and (3) to determine the type of testimony to be sought from the Petitioner.

805.1.1. Policy The Petitioner shall file an application with the Tribunal.

Procedures

- a) If an application is not available at the local parish, the Petitioner may contact the Tribunal for an appropriate application.
- b) The Petitioner may be assisted by a pastoral minister at the Petitioner's local parish.
- c) Once the application is completed, it must be returned to the Tribunal.

805.1.2. Policy In most cases, the Tribunal shall appoint a field advocate to assist the Petitioner in presenting his/her case to the Tribunal.

Procedures

- a) Field advocates are specially trained and appointed lay persons, deacons, religious and priests throughout the Archdiocese who assist Petitioners in presenting a case to the Tribunal.
- b) The Petitioner will schedule an appointment with the field advocate.

805.1.3. Policy After the completed application and all pertinent information is returned to the Tribunal, the Tribunal shall assign the case to one of the judges. The case shall be formally accepted by the Tribunal when the Judge notifies the Respondent that the Petitioner has presented a petition to the Tribunal and at the same time requests his/her reaction to the proposed grounds.

§805.2. Notice

805.2.1. Policy The Respondent shall be given notice of the Petitioner's petition. The Respondent shall be given the opportunity to respond to the petition.

Procedures

- a) The Petitioner must make a diligent effort to find the address of the Respondent. The judge will determine whether the Petitioner has made reasonable efforts to locate the Respondent. If a reasonable effort has not been made, the case will not be accepted.
- b) The Respondent is not required to participate, and if he/she does not, the non-cooperation will not hinder the progress of the case.

805.2.2. Policy Each party shall have the opportunity to offer objection to grounds or to officials assigned to the case.

§805.3. Rules of Evidence

805.3.1. Policy Each party shall have the opportunity to present witnesses.

Procedures

- a) A witness is a person who can provide the Tribunal with information about the parties and their relationship.
- b) Most persons, including family members, are eligible witnesses. However, the Tribunal discourages the use of children of the marriage in question as witnesses. Confessors are specifically excluded by Church Law.

805.3.2. Policy There shall be the opportunity to collect other evidence when preparing a case, such as statements from clinicians, therapists, hospitals, etc..

Procedures

Additional evidence is obtained through the cooperation of parties and their therapists. Parties are encouraged to sign the appropriate releases and to contact their therapists regarding the preparation of reports.

§805.4. Defender of the Bond

805.4.1. Policy Before a judge decides a case, it shall be submitted to the Defender of the Bond for his or her observations.

Procedures

The Defender of the Bond has the task of arguing for the validity of the marriage and ensuring that church law has been observed during the investigation.

§805.5. Appeals

805.5.1. Policy Every affirmative decision shall be reviewed by a legitimately designated Court of Appeals.

§806 FEES

806.1. Policy Once the case has been accepted by one of the judges, the Petitioner shall be asked to assume as much as possible of the total cost for handling the case. In cases of financial difficulty, the Petitioner shall be given an opportunity to ask for a reduction or total waiver of the fee. No one shall be refused a decision because of an inability to pay all or part of the cost of the case.

§900 CONCILIATION

In its vision statement, the Office of Conciliation is a group of faithful Catholics, charged by the Archbishop, in the name of the Church and in service to the Gospel to assist believers in the settling of conflicts and thus to repair and restore table harmony. Their vision of a better world, living in the Reign of God, prompts them to gather resources, to provide and supervise conciliators, to make the services of the office readily available and to assist others in the institution to change whatever would block our table harmony. They carry out their mission, governed by the Gospel mandates of justice, compassion, healing and the law of the Church. (Office of Conciliation-- Norms and Procedures).

Section 900 contains the formal policies and procedures of the Office of Conciliation. In order for the Christian Faithful to better understand the conciliation process, the Office of Conciliation has published a users guide to explain the process of conciliation.

§901 ADMINISTRATION

901.1. Policy The Office of Conciliation shall be comprised of an Executive Director, an Executive Board and Volunteer Conciliators.

§901.1. Executive Board

901.1.1. Policy The Executive Board shall consist of eight members:

- (1) Two lay men and two lay women appointed by the Archbishop from a group of four men and four women nominated by the Archdiocesan Pastoral Council.
- (2) One priest elected by the Archdiocesan Presbyteral Council.
- (3) One religious woman or religious brother selected in accord with the procedures established by the Office for Religious.
- (4) One deacon elected by the Deacon Council.
- (5) One person selected by the Office of Catholic Education.

Procedures

Board members will be members of the Catholic faith in good standing, residents within the Archdiocese of Chicago, and persons endowed with a sense of objectivity and fairness.

901.1.2. Policy Board members shall serve a term of office for three years. A member shall be eligible for two successive terms.

901.1.3. Policy The Archbishop shall select the chairperson and vice-chairperson from the membership of the Executive Board for terms of one year each, renewable at the discretion of the Archbishop.

901.1.4. Policy On behalf of the Archbishop, or his delegate, the Executive Board shall be responsible to oversee the operations of the office, administer the program, set the direction of the office, maintain its operational procedures, approve an annual budget, and serve as the consultative body to the Executive Director.

901.1.5. Policy The Executive Board Chairperson and the Executive Director are responsible to assure that the services of the office are known to the people of the Archdiocese.

§901.2. Executive Director

901.2.1. Policy The Archbishop shall appoint the Executive Director for a term of three years, which shall be renewable at the discretion of the Archbishop.

901.2.2. Policy The Executive Director shall be responsible to administer and supervise the operations of the Office of Conciliation and to execute the immediate and long term goals of the Office of Conciliation as established by the Executive Board.

§902 JURISDICTION OF THE OFFICE OF CONCILIATION

902.1. Policy The process of conciliation and arbitration shall be available to resolve disputes between:

- (1) individual members of the Archdiocese, or groups within the Archdiocese when the dispute concerns a church-related matter;
- (2) a person and a diocesan administrator or administrative body when it is contended that an act or decision, including administrative sanctions and disciplinary actions, has violated Church law, Archdiocesan Policies and Procedures, or natural equity;
- (3) administrative bodies of the Archdiocese of Chicago.

902.2. Policy Jurisdiction of the Office of Conciliation shall not extend to conflicts regarding:

- (1) doctrinal matters of faith or morals;
- (2) the assignment of priests or deacons;
- (3) the infliction of penalties by canonical judicial sentence, and those requiring the special process for the removal or transfer of clerics in accord with the Code of Canon Law;
- (4) religious institutes in their strictly internal affairs;
- (5) the academic and internal affairs of universities, colleges and seminaries;
- (6) the alleged invalidity of the sacraments;
- (7) labor union contracts unless otherwise provided for in the contracts;
- (8) matters excluded from the conciliation and arbitration process by the Code of Canon Law, including grievances against legislative acts of the Archbishop.

902.3. Policy The submission of a problem to the Office of Conciliation shall not prejudice a person's right to present the problem to the Archdiocesan Tribunal in those matters provided for in the Code of Canon Law or to pursue a legal remedy to the problem.

§903 RELATIONSHIP TO THE ARCHDIOCESE

903.1. Policy In order to promote objectivity and impartiality in resolving disputes, the process of conciliation and arbitration shall operate without influence or interference from the ordinary administrative channels of the Archdiocese. This is to insure a fair outcome of independent judgment, neither favoring the Archdiocese of Chicago nor the parties.

903.2. Policy The Office of Conciliation shall provide its services without cost, funded by the generosity of the many parishes in their support of the Archdiocese.

§904 THE PROCESS OF CONCILIATION

Definitions

- a) Affirmative Response: The acceptance of the process by the respondent.
- b) Petitioner: A person, group or institution having recourse to the Office of Conciliation.
- c) Problem: The difficulty or dispute.
- d) Respondent: The person, group, or institution called to conciliation.

904.1. Petition

904.1.1. Policy A Petitioner shall initiate the process of conciliation by filing with the Office of Conciliation a statement that he/she has a Problem involving one or more persons, groups or institutions described in policy 902.1. The Petitioner shall state the nature of the Problem.

Procedures

- a) The Executive Director shall determine whether the Office of Conciliation has jurisdiction over the problem.

Note

Even though the Office of Conciliation may have the jurisdiction to address a problem, the Office of Conciliation retains complete discretion as to whether or not it will offer the conciliation process.

- b) When appropriate, the Executive Director will attempt to conciliate the parties prior to the formal conciliation process. [Pre-conciliation.]
- c) After pre-conciliation, the Executive Director will prepare a report for the Chairperson of the Executive Board describing the Problem and the conciliation, if any.

904.2. Formal Conciliation

904.2.1. Policy If the pre-conciliation effort is waived or unsuccessful in solving the problem, the Executive Director shall initiate the formal conciliation process.

Procedures

a) The Executive Director will inform the Respondent that a problem has been received by the Office and determine whether or not the Respondent agrees to participate in a conciliation effort.

b) The Respondent will be given the opportunity to submit a response in writing to the request for conciliation within a period of time to be specified by the Executive Director.

c) The Executive Director will present all information regarding a problem to a three member executive committee, consisting of members from the Executive Board. This Executive Committee will either accept or reject the problem by majority vote.

1) If an appeal of a rejected Problem is made by either the Petitioner or the Respondent, the Executive Director will refer the appeal and the Problem to the Executive Board unless in the first instance of the Problem had been referred to the Executive Committee because of the absence of a regularly scheduled meeting or in an emergency. In that case, the Executive Director will refer the appeal and the Problem to a new three-member committee of the Executive Board. Acceptance or rejection of an appeal will be made by majority vote of the committee.

2) A Petitioner or Respondent may appeal a rejection of his/her request for conciliation. The Executive Director will submit the appeal and Problem to the Executive Committee rather than the board of the whole. The Executive Committee will convene to accept or reject the appeal.

d) Upon acceptance of the Problem for formal conciliation, the Petitioner and Respondent shall sign a standard agreement prepared by the Office of Conciliation. The standard agreement will include:

1) A Statement of Willingness to participate by both the Petitioner and the Respondent.

2) A Statement of issues to be addressed by both the Petitioner and Respondent.

3) A Statement of Anticipated resolution(s) sought by each the Petitioner and the Respondent. (Criteria for the agreement are stated in the Office of Conciliation By-laws.)

e) When the Petitioner and Respondent agree to formal conciliation, the Executive Director will appoint a conciliator according to the following procedures:

1) The Executive Director will submit to each party a list of conciliators large enough to assure a choice acceptable to both parties.

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- 2) The parties will strike out those names not acceptable to themselves.
- 3) he Director will assign one or more of the remaining conciliators.

904.2.2. Policy The Conciliator shall discuss the Problem with both the Petitioner and the Respondent separately and then together to guide them to a peaceful resolution of their Problem.

Procedures

- a) The Conciliator will schedule as many meetings as necessary to arrive at a solution.
- b) The Petitioner and Respondent may be assisted at the meetings by an adviser of their respective choosing. However, in view of the fact that the conciliation process is a pastoral, and not a legal process, the representation by canon or civil lawyers is inappropriate.
- c) The Conciliator may not compel either the Petitioner or the Respondent to adopt a solution to the Problem.
- d) If the Problem is resolved by mutual agreement, the Conciliator will prepare a summary statement of the problem and its resolution, and submit it to the Petitioner and the Respondent for their the approval and signature.
- e) If the Problem is resolved by agreement, announcement of the agreement is to be decided by the Petitioner and Respondent and the Office of Conciliation.
- f) If the Problem is unresolved after three months from the time of the signing of the standard agreement, the Conciliator should refer the case to the Executive Director who will determine whether further meetings would be useful. The Conciliator will inform the Petitioner and the Respondent of the referral.
- g) If the Problem is unresolved after three months, or the Petitioner or Respondent or the Conciliator decline further discussion, the Conciliator will file a report with the Executive Director.
- h) If the conciliation effort is not able to achieve its goal, the Executive Director, in consultation with the Chairperson of the Executive Board, will assist the parties to the dispute in finding alternative forms of dispute resolution.

§905 COST OF PROCESSES OF CONCILIATION

905.1. Policy Because of its commitment to bringing about the peaceful resolution of disputes among its members, the Archdiocese offers conciliation services to its members free of cost.

905.2. Policy While conciliators serve without fees, the Executive Director in consultation with the Executive Board of the Office of Conciliation may provide a stipend for extraordinary services rendered.

§906 OVERSIGHT COMMITTEE

906.1. Policy The Archbishop may appoint a Committee to advise him on the work of the Office of Conciliation.

Procedures

It will ordinarily be the responsibility of the Committee:

- a)** to suggest possible amendments to the Policies and Procedures;
- b)** to assist in the training of the Executive Director and of the Executive Board; and
- c)** to conduct evaluations of the operations of the Office.

§1000 ADMINISTRATIVE RECOURSE AND SACRAMENTAL READINESS REVIEW

When someone feels harmed by a Church official, canon law provides a process for seeking redress of grievances. This process is known as administrative recourse. Prior to initiating this process, canon law encourages the aggrieved person and the author of the decision “to find an equitable solution” through mediation or conciliation (c. 1733). The policies and procedures for the Office of Conciliation are found in §900 of this Book. If conciliation does not succeed in resolving the dispute, the following policies and procedures specify how the formal process of administrative recourse is to be followed in the Archdiocese of Chicago.

§1001 ADMINISTRATIVE RECOURSE

§1001.1. The Right to Make Recourse

1001.1.1. Policy Anyone who claims to have been injured by an act of administrative power shall enjoy the right to make recourse for any just reason to the hierarchic superior of the author of the act, proposing such recourse directly to the superior or transmitting it through the author of the act. This recourse shall be made in accord with the norms of canons 1732-1739 and the following policies and procedures.

Procedures

- a) An “act of administrative power” is the action or decision of an ecclesiastical authority in the performance or exercise of that person’s official functions. For example, a parish business manager forbids a group of parishioners from using the parish’s meeting rooms, publicly stating that the reason for this decision is that the group is involved in promoting heretical teaching. The parishioners may seek recourse claiming that the business manager’s false statements and official actions have damaged their good name and reputation (c. 220) and have violated their right to associate (cc. 225 and 299) and hold meetings for legitimate purposes (c. 215).
- b) Administrative recourse is not involved when there is no official action or decision of a church authority, such as a grievance between fellow parishioners. In such cases, the parties in conflict could seek assistance in resolving the dispute from the Office of Conciliation (see Book I, §900) or file a formal action in the Tribunal (see Book I, §800).

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- c) Conflicts in employment situations are to follow the special procedures outlined in Book II, §707, ES§115, HS§203, and §1900.
- d) Cases involving the delay or denial of a Sacrament shall follow the special process provided below in §1002.

§1001.2. The Right to an Impartial Decision-Maker

1001.2.1. Policy The person making recourse shall have the right to have the matter decided by an impartial decision-maker. Following the principle of subsidiarity, the competent hierarchic superior can decide the matter personally or appoint another impartial person as a delegate authorized to review the action or decision according to the laws of the Church.

Procedures

- a) In parishes of the Archdiocese of Chicago, such recourse should be made first to the employee's immediate supervisor. If not resolved at that level, further recourse could be made to the Pastor of the Parish, then to the local Dean, then to the regional Episcopal Vicar, then to the Archbishop, and if necessary, then to the Holy See.
- b) In agencies of the Archdiocese of Chicago, such recourse should be made first to the employee's immediate supervisor. If not resolved at that level, further recourse could be made to the Agency Director, then to the Department Director, then to the Chancellor, then to the Archbishop, and if necessary, then to the Holy See.

§1001.3. The Right to Adequate Notice

1001.3.1. Policy The affected persons in administrative recourse shall have the right to adequate notice of the impending matter, including notice of the date, time, and place of any meeting or hearing; notice of the nature of the issue; and sufficient time to prepare one's case.

§1001.4. The Right to be Heard

1001.4.1. Policy In administrative recourse, the right to a meaningful opportunity to be heard shall be observed, including the right to information relevant to one's case, especially opposing evidence; the right of defense; the right to present one's case orally or in writing or both; and the right to call and examine witnesses, confront contrary testimony and refute adverse allegations.

§1001.5. The Right to Assistance and Representation

1001.5.1. Policy All persons shall have the right to the assistance and representation of counsel or an advocate in administrative recourse; an advocate ex officio is to be constituted if the person taking recourse lacks assistance or representation and the superior considers an advocate necessary.

§1001.6. The Right to an Equitable Decision and Remedies

1001.6.1. Policy The competent authority who examines a case in administrative recourse shall comply with the right to an equitable decision based on available information, including a written statement of findings and reasons; provision of appropriate remedies; and an indication of the avenues for further recourse or review, if any.

§1002 SACRAMENTAL READINESS REVIEW

1002.1.1. Policy In order to protect the fundamental right to the sacraments (canon 213), any disputed decision to delay or deny the reception of a sacrament shall be referred to the local Dean, who shall use pastoral means in seeking to resolve the issue. If he is unable to resolve the issue, the decision to delay or deny the reception of a sacrament shall be reviewable by the regional Episcopal Vicar, who shall have the power to confirm, revoke, amend, or modify the decision to delay or deny the reception of a sacrament. If he deems that it would be helpful to assist him in the reviewing the decision, the Episcopal Vicar shall have at his discretion the option of convening a Sacramental Readiness Review Panel, whose members shall be appointed in accord with the following procedures. In such cases, this Sacramental Readiness Review Panel shall be advisory to the regional Episcopal Vicar.

Procedures

- a) If the local Dean is unable to resolve the issue by pastoral means, and if the matter is then brought to the regional Episcopal Vicar by any person or by the parent(s) or guardian of any child affected by a decision to deny or delay the reception of a sacrament, the Episcopal Vicar may either decide the matter himself or he may choose to ask the local Dean to convoke and chair a three-person Sacramental Readiness Review Panel to review the matter and advise the Episcopal Vicar accordingly. If the local Dean is unable to participate in this Sacramental Readiness Review Panel, the regional Episcopal Vicar may appoint another pastor, preferably from the same deanery, to serve in this capacity.
 - 1) For decisions affecting the Sacraments of Baptism, Confirmation, Eucharist, or Penance, one member of the Panel is to be appointed by the Director of the Office for Catechesis (cf. Archdiocesan Policies and Procedures Book III, §1700 – Home Catechesis).
 - 2) For decisions affecting the Sacrament of Marriage or Anointing of the Sick, one member of the Panel shall be appointed by the Chancellor (cf. Archdiocesan Policies and Procedures Book IV, Part I, §401.5).
 - 3) Since ordination is a call by the Church and is not a matter of right, this process shall not apply to decisions involving the Sacrament of Holy Orders.
- b) A conciliator or other representative of the Office of Conciliation is to be appointed as a member of the Panel by the Director of the Office of Conciliation.
- c) The Sacramental Readiness Review Panel is to render its recommendation to the regional Episcopal Vicar by majority vote after seeking the necessary facts and information about the matter and hearing those whose rights could be harmed (canons 50 and 119).
- d) Nothing in this policy is to be construed as to deny one's right to further administrative recourse in accord with the norm of law (cf. canons 1732-1739) and Archdiocesan policies and procedures.

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§1200 THE PRESBYTERAL COUNCIL

§1201 IN GENERAL

1201.1. Policy There shall be a Presbyteral Council in the Archdiocese of Chicago, which is convened and presided over by the Archbishop. (Canon 500).

1201.2. Policy The Presbyteral Council shall have and maintain a Constitution and By-Laws.

Note

As of the effective date of these policies and procedures, the current Constitution and By-Laws were revised as of January 6, 1994 and confirmed by Archbishop George on May 8, 1997.

1201.3. Policy The Constitution of the Presbyteral Council may be amended by the presbyterate by a two-thirds majority of those voting by a mailed ballot, provided that the following procedures are observed and the Archbishop approves the proposed amendment in writing, or, if no action is taken by him within fourteen (14) days after Council approval, then it will be considered as having his approval.

Procedures

- a) Any proposed amendment must be filed with the Constitution Committee at least thirty (30) days before it is submitted to the members of the Council.
- b) Such proposed amendment must contain the signature of the proposer, together with the signatures of ten (10) other members of the presbyterate who favor the proposed amendment.
- c) Copies of the proposed amendment will be mailed by the Secretary to each of the members of the Council.
- d) The Council must approve the proposed amendment by a two-thirds majority of those present and voting.
- e) The Archbishop must either approve the proposed amendment in writing, or, if no action is taken by him within fourteen (14) days after Council approval, then it will be considered as having his approval.

§1200 *The Presbyteral Council*

- f) A letter setting forth the proposed amendment and a ballot for approval or rejection will be mailed to all members of the presbyterate; said ballots must be returned with fifteen (15) days of mailing.
- g) Said ballots must be opened and counted at the next regular meeting of the Council or at a special meeting called for that purpose, and the results proclaimed as to whether the amendment has failed to be approved or has been passed by the required two-thirds majority.

1201.4. Policy By-laws of the Constitution of the Presbyteral Council may be added, changed or deleted by a majority of members present and voting at any regularly scheduled meeting of the Council provided that notice of the proposed change has been sent to the members of the Council at least one month prior to the meeting at which it will be voted upon.

§1202 PURPOSE

1202.1. Policy The purposes of the Presbyteral Council shall be:

- (1) to participate in the decision-making process in the Archdiocese;
- (2) to assist the Archbishop in all matters affecting pastoral welfare and the governance of the Archdiocese as the consultative body representing all priests;
- (3) to promote greater communication, cooperation and collaboration among the Archbishop, Priests, and Pastoral Offices and Agencies of the Archdiocese;
- (4) to foster a stronger bond of fraternity among all priests, and further a consciousness of their unity with the Archbishop;
- (5) to seek participation of the presbyterate in the pastoral concerns of the Council;
- (6) to engage in those activities and programs necessary to implement the aforementioned purposes.

§1300 THE ARCHDIOCESAN PASTORAL COUNCIL

§1301 IN GENERAL

1301.1. Policy There shall be an Archdiocesan Pastoral Council in the Archdiocese of Chicago, which is convened and presided over by the Archbishop. (Canon 514).

1301.2. Policy The Archdiocesan Pastoral Council shall have and maintain a Governance Document.

Note

As of the effective date of these policies and procedures, the current Governance Document was created on July 1, 1990 and revised as of May, 1996 and confirmed by Archbishop George on May 8, 1997.

1301.3. Policy The Governance Document of the Archdiocesan Pastoral Council may be amended by the affirmative decision of at least two-thirds of the voting members present at a general meeting and submitted to the Archbishop for approval.

Procedures

To allow sufficient time for reflection, the proposed amendment should be distributed at least one general meeting prior to the meeting at which the decision will be made.

§1302 MISSION

1302.1. Policy The mission of the Archdiocesan Pastoral Council shall be:

- (1) to listen to and address major issues of pastoral concerns raised by our brothers and sisters in the Archdiocese;
- (2) to reflect prayerfully on the pastoral direction of the Archdiocese;
- (3) to recommend pastoral priorities toward shaping the long-range vision of the Archdiocese;
- (4) to act collegially with other groups in the Archdiocese who are engaged in similar tasks.

§1400 THE COLLEGE OF CONSULTORS

The College of Consultors is an institute established by canon law. While the Code of Canon Law defines certain basic functions of the College of Consultors, the following policies and procedures specify more fully the purpose, responsibilities and operation of this consultative body in the Archdiocese of Chicago.

§1401 PURPOSE AND RESPONSIBILITIES

1401.1. Policy In addition to the functions defined in canon law, the College of Consultors in the Archdiocese of Chicago shall provide counsel to the Archbishop on specific matters of pastoral concern at his request.

Procedures

- a)** The functions of the College of Consultors are defined by the Code of Canon Law as follows:
- 1) When the see is vacant, if there is no auxiliary bishop, to govern the Archdiocese until the election of a diocesan administrator (c. 419) and to inform the Holy See immediately upon the death of the Archbishop (c. 422);
 - 2) To elect the diocesan administrator within eight days of receiving notice of the vacancy of the episcopal see (c. 421, §1); such election shall be conducted in accord with the norms of law (cf. cc. 119, 165-178 and 424);
 - 3) To be present when the diocesan administrator makes his profession of faith (c. 833, 4°);
 - 4) If the see has been vacant for a year, to determine whether to give the diocesan administrator consent for him to grant incardination, excardination, or permission for a cleric to move to another particular church (c. 272);
 - 5) When the see is vacant, to determine whether to give the diocesan administrator consent if he wishes to remove the chancellor or any ecclesiastical notary from office (c. 485), or to give the diocesan administrator consent to grant dimissorial letters for the ordination of secular clergy (c. 1018, §1, 2°);
 - 6) When the see is vacant, to fulfill the functions of the Presbyteral Council (c. 501, §2);
 - 7) When the see is impeded due to captivity, banishment, exile or incapacity, and the Archbishop is wholly prevented from fulfilling his pastoral function in the Archdiocese and cannot communicate with the people of the Archdiocese even by letter, if there is no coadjutor bishop or if he is likewise impeded, and there is no list of

§1400 *The College of Consultors*

- persons provided by the diocesan bishop, to select a priest to govern the Archdiocese (cc. 412-413).
- 8) To receive the apostolic letter of appointment from a new Archbishop when he takes canonical possession of the Archdiocese personally or through a proxy in the presence of the Chancellor (c. 382, §3);
 - 9) To receive together with the Archbishop the apostolic letter of appointment from a new Coadjutor Archbishop when he takes canonical possession of his office personally or through a proxy in the presence of the Chancellor (c. 404, §1);
 - 10) To advise the Archbishop in naming the finance officer (c. 494, §1);
 - 11) To advise the Archbishop regarding the more important acts of administration in light of the economic condition of the Archdiocese and to determine whether to give consent for the Archbishop to perform acts of extraordinary administration as defined by the National Conference of Catholic Bishops (c. 1277);
 - 12) To determine whether to give consent for the Archbishop to alienate the goods of the Archdiocese when the value of the goods whose alienation is proposed is within the range of the minimum and maximum amounts determined by the National Conference of Catholic Bishops (c. 1292, §1);
 - 13) To determine whether to give consent for a juridic person subject to the Archbishop to alienate that juridic person's goods when the value of the goods whose alienation is proposed is within the range of the minimum and maximum amounts determined by the National Conference of Catholic Bishops (c. 1292, §1);
- b) In setting the agenda for matters not otherwise provided by the Code of Canon Law, the Archbishop shall determine the issues to be treated ordinarily in consultation with the Chancellor, acting as Secretary of the College, after the Chancellor has conferred with the Vicar General, the Finance Officer, and the Chairman of the Presbyteral Council regarding topics that they might wish to propose. Individual Consultors are also free to forward to the Chancellor suggestions for the College's agenda.

§1402 MEMBERSHIP

1402.1. Policy Some priests are to be freely selected by the Archbishop from among the members of the Presbyteral Council to constitute a College of Consultors; their number is to be no less than six nor more than twelve; the college is established for a five year term; when the five year term is over, the college continues to exercise its proper functions until a new college is established. (Can. 502, §1)

Procedures

- a) The Archbishop ordinarily selects as Consultors a cross-section of diocesan and religious priests primarily serving as pastors in parishes of various ethnic and racial compositions. Other priests are also chosen for their special competence or expertise or because they hold significant offices, such as the Chairman of the Presbyteral Council.
- b) If during the College's five-year term, members of the College of Consultors cease to be members of the Presbyteral Council, they do not automatically cease to be members of the College of Consultors. In such cases, the Archbishop may ask them to resign from the College of Consultors, or he may appoint them to continue as members of the Presbyteral Council, or he may simply allow them to remain as members of the College of Consultors without being members of the Presbyteral Council. (Cf. AAS 76 [1984] 747)
- c) The Vicar General and the Chancellor attend meetings of the College ex officio with voice but not vote. The Chancellor shall serve as Secretary of the College, sending notice of the time, place and agenda of meetings, and recording minutes of the meetings.
- d) The Finance Officer (Director of Finance) may attend with voice but not vote upon invitation by the Archbishop or his delegate for those portions of meetings dealing with alienation of property or other financial matters.
- e) Others may attend with voice but not vote only upon invitation by the Archbishop or his delegate for those portions of meetings dealing with areas of their competence or expertise.

§1403 MEETINGS

1403.1. Policy The College of Consultors shall meet when legitimately convoked in accord with the norm of law (cf. c. 166).

1403.2. Policy The Archbishop presides over the College of Consultors; if the see is impeded or vacant, the one who takes the place of the Archbishop in the interim presides, or, if such a person has not yet been established, the priest who is oldest in ordination among the members of the College of Consultors (c. 502, §2).

1403.3. Policy When the law determines that the consent or counsel of the College of Consultors is required to place certain acts, for validity it is required that the consent of an absolute majority of those present be obtained or that the counsel of all who are present be sought (c. 127, §1). All whose consent or counsel is required are obliged to offer their opinion sincerely (c. 127, §3).

1403.4. Policy All those attending meetings of the College of Consultors are required to observe confidentiality regarding the proceedings of the College within the limits and according to the manner determined by the law or by the Archbishop (cf. canons 127, §3 and 471, 2°).

§1500 FINANCE COUNCILS

§1501 ARCHDIOCESAN FINANCE COUNCIL

1501.1. Policy There shall be an Archdiocesan Finance Council in the Archdiocese of Chicago, which is convened and presided over by the Archbishop. (Canons 492-493.)

Procedures

For the substance of the policies and procedures for the Archdiocesan Finance Council, see Book V, §1900 *Archdiocesan Finance Council*.

§1502 PARISH FINANCE COUNCILS

1502.1. Policy Each parish shall have a Finance Council, which is convened and presided over by the Pastor or Parochial Administrator. (Canon 537.)

Procedures

For the substance of the policies and procedures for Parish Finance Councils, see Book V, §2000 *Parish Finance Councils*.

§1600 ARCHDIOCESAN ORGANIZATION

§1601 PASTORAL GOVERNANCE

§1601.1. Pastors of the Archdiocese

1601.1.1. Policy The pastoral governance of the Archdiocese of Chicago shall be conducted under the authority of the Archbishop with the assistance of the Vicar(s) General (cc. 381 and 475, §1); the Auxiliary Bishops acting as Episcopal Vicars in their regional vicariates or in certain fields of responsibility (cc. 403 and 476); pastors, parochial administrators, and parochial vicars (associate pastors) in their parishes (cc. 519, 540-541, and 545) and others in comparable institutions, organized into deaneries (cc. 553-555). (See “The Internal Ordering of Particular Churches,” *Code of Canon Law*, Book II, Part II, Section II, Title III, cc. 460-572.)

§1602 PASTORAL CENTER ADMINISTRATION

§1602.1. Administrative Staff

1602.1.1. Policy The Pastoral Center administration of the Archdiocese of Chicago shall be conducted under the authority of the Archbishop with the assistance of the Vicar(s) General (cc. 473, §1 and 479, §1); the Chancellor (c. 482); and the department directors and agency directors (c. 469-470).

§1602.2. Archbishop’s Personal Staff

1602.2.1. Policy The Archbishop shall assemble a Personal Staff to assist him in the exercise of his office (c. 469).

§1700 EPISCOPAL COUNCIL

§1701 IN GENERAL

1701.1. Policy In order to foster more suitable pastoral activity and to assist the Archbishop in the pastoral governance of the Archdiocese, there shall be an Episcopal Council consisting of the Vicar(s) General and the Episcopal Vicars who are Auxiliary Bishops (c. 473, §4). In considering matters of major importance, especially of a pastoral character, the Archbishop shall consult his Auxiliary Bishops before others (c. 407, §2).

Procedures

- a)** The Archbishop and the Vicar General or their delegate(s) serve as the Presiding Officer (President) and Chairman of the Episcopal Council, respectively.
- b)** Other persons may attend all or part of the Episcopal Council meeting to address specific agenda items in their sphere of competence or area of responsibility at the invitation or approval of the Archbishop or the Vicar General.
- c)** The agenda for the Episcopal Council meetings is to be determined by the Archbishop with the assistance of the Vicar General. Any member of the Episcopal Council may submit suggested items for the agenda to the Vicar General.
- d)** Minutes of the meetings of the Episcopal Council normally are to be kept by the junior auxiliary bishop.
- e)** Regular meetings of the Episcopal Council are to be held monthly at a location as determined by the Archbishop or the Vicar General.

§1800 THE ADMINISTRATIVE COUNCIL

§1801 IN GENERAL

1801.1. Policy In order to assist the Archbishop in the administration of the Archdiocese, there shall be a Administrative Council consisting of the Vicar(s) General, the Episcopal Vicars who are Auxiliary Bishops, the Chancellor, the Executive Assistant to the Archbishop, the Department Directors, and other such persons as may be appointed from time to time by the Archbishop.

Procedures

- a)** The Archbishop and the Chancellor or their delegate(s) serve as the Presiding Officer (President) and Chairman of the Administrative Council, respectively.
- b)** The Personal Secretary to the Archbishop, the Superintendent of Schools, the Executive Director of the Priests' Placement Board, the Director of Legal Services, the Director of Research and Planning, and the Director of Information Technology may participate with voice but not vote in meetings of the Administrative Council.
- c)** Other persons may attend all or part of the Administrative Council meeting to address specific agenda items in their sphere of competence or area of responsibility at the invitation or approval of the Archbishop, the Vicar General, or the Chancellor.
- d)** The agenda for the Administrative Council meetings is to be determined by the Archbishop/Vicar General with the assistance of the Chancellor. Any member of the Administrative Council may submit suggested items for the agenda to the Chancellor.
- e)** Minutes of the meetings of the Administrative Council normally are to be kept by the Administrative Assistant to the Chancellor.
- f)** Regular meetings of the Administrative Council are to be held monthly at a other location as determined by the Archbishop, the Vicar General, or the Chancellor.

§1900 PARISH PASTORAL COUNCILS

§1901 IN GENERAL

1901.1. Policy Every parish in the Archdiocese of Chicago shall have a Parish Pastoral Council.

1901.2. Policy Each Parish Pastoral Council shall operate and serve its parish according to the Parish Pastoral Council Norms.

Note

As of the effective date of these policies and procedures, the current Parish Pastoral Council Norms were created on January 15, 1989 and confirmed by Archbishop George on May 8, 1997.

1901.3. Policy The Parish Pastoral Council Norms may be amended only through the processes in Book I, §100 Policies and Policy Development.

§1902 PARISH PASTORAL COUNCIL NORMS

1902.1. Policy The purpose of the Parish Pastoral Council shall be to engage the people and the pastor prayerfully in common reflection about the parish's mission and the ministry, to plan, and to evaluate in light of the Gospel and church teaching.

1902.2. Policy The Parish Pastoral Council shall be responsible for pastoral planning, including periodic reevaluation of the parish mission statement, ongoing needs assessment, defining parish goals, setting broad strategies for implementing those goals, and evaluating the parish's success in carrying out the Church's mission.

1902.3. Policy The Parish Pastoral Council shall be composed of members of the parish pastoral staff and members of the parish and shall be presided over by the pastor.

1902.4. Policy Members of the Parish Pastoral Council shall work together in making decisions after prayerful discernment, study and discussion.

1902.5. Policy The Parish Pastoral Council shall establish at least four commissions or similar structures to cover the following areas: (1) parish spiritual life; (2) Catholic education; (3) human concerns; and (4) parish life.

1902.6. Policy The Parish Finance Council shall not be a part of the Parish Pastoral Council. Cf. Book V, §2000.

1902.7. Policy Because the parochial school and religious education program are integral parts of the ministerial life of the entire parish, they shall be accountable to the overall parish goals and objectives in the same way as all other areas of parish life.

1902.8. Policy The policies in §02 shall be implemented in accord with the Parish Pastoral Councils Norms and Theological Reflections, which were published on January 15, 1989.

§2000 ARCHDIOCESAN HEALTHCARE PROTOCOL

The Archbishop is responsible for assuring and supporting the Catholic identity of the ministry of Catholic healthcare in the Catholic hospitals, Catholic long-term care facilities, and other Catholic healthcare activities. This coordinating responsibility pays particular attention to, but is not restricted to, ethical and religious matters (as expressed, in part, in the Ethical and Religious Directives). Indeed, it extends to all matters pertaining to the viability of this ministry in particular institutions and throughout the Archdiocese, with particular concern for the healthcare needs of the poor.

2001.1. Policy Catholic healthcare institutions in the Archdiocese of Chicago shall abide by the “Ethical and Religious Directives for Catholic Health Care Services,” Fifth Edition, approved by the United States Conference of Catholic Bishops on November 17, 2009, or as legitimately amended thereafter.

Procedure

The complete text of the “Ethical and Religious Directives for Catholic Health Care Services,” Fifth Edition, can be found on the Internet at:
www.usccb.org/meetings/2009Fall/docs/ERDs_5th_ed_091118_FINAL.pdf

2001.2. Policy Catholic healthcare institutions shall give first preference to partnerships with other Catholic healthcare providers.

2001.3. Policy Strong Catholic institutions shall be expected to provide moral and financial support, insofar as it is possible, to Catholic institutions experiencing significant challenges.

2001.4. Policy All Catholic healthcare institutions shall collaborate effectively to ensure their individual and collective well-being.

Procedures

- a) The preferred form of collaboration between healthcare institutions is an effective Catholic healthcare network.
- b) Joint ventures and other substantive actions of individual Catholic healthcare institutions, systems or a network will be evaluated as to how they will impact the future viability of that Catholic institution, as well as the viability of other Catholic hospitals/systems or the Archdiocesan network.

2001.5. Policy The following criteria shall be used by the Archbishop in evaluating any arrangements between Catholic health institutions, systems, or the network and institutions that are other than Catholic:

- (1) First priority will be given to working collaboratively with those institutions/systems that share in a substantive way Catholic vision and values.
- (2) Substantive collaboration with or sale to publicly-traded investor-owned corporations is not seen as being in the best interest of Catholic healthcare in the Archdiocese.
- (3) A Catholic institution, system, or network can not own or directly manage an institution that, by policy or practice, provides direct abortions. Nor can it enter into any collaborative effort with an institution that would violate the principle of cooperation with evil regarding procedures prescribed by the *Ethical and Religious Directives* as they currently exist or are amended in the future. Likewise, traditional Catholic moral guidance with regard to scandal must be observed.

2001.6. Policy Catholic healthcare institutions, systems or the network shall not finalize any agreements with non-Catholic institutions without the approval of the Archbishop or his delegate.

Procedures

- a) Before formal negotiations begin, the Archbishop must be informed of any possible joint venture or possible substantive business decision on the part of a Catholic healthcare institution, system, or network.
- b) If the Archbishop determines that such a proposed action pertains to any of the matters outlined in Policy 2001.5, he will ask the entity involved to provide him with the information he deems necessary to evaluate such proposals.

2001.7. Policy Failure to abide by the policies in this section may result in the withdrawal of the Archbishop's recognition of the involved institutions' Catholic identity or of the canonical approval for a particular apostolic work of a religious community. (Canons 216 and 683).

§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 same 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.

§2200 AWARDS, HONORS AND INVITATIONS TO SPEAKERS OR ORGANIZATIONS

Great care and prudence must be exercised in giving awards and honors and extending invitations to individuals or organizations to speak or provide information at any event or gathering affiliated with any Archdiocesan entity. Examples include benefit luncheons or dinners, student gatherings, graduations, health fairs, parish programs, etc. It is crucial that everything taught or promoted in facilities or events associated with Archdiocesan entities is consistent with the Catholic faith

Many organizations and presenters that do “good work” in some areas are misguided in others, particularly in the areas of human life and sexuality. In the past some honorees, speakers or organizations presenting at gatherings for Catholic organizations have publicly advocated viewpoints that are in opposition to the faith, causing confusion and division within the Church. Even if these individuals or organizations do not address these specific topics of dissent at the facility or event, their appearance is a source of scandal and confusion.

The U.S. Conference of Catholic Bishops’ statement “Catholics in Political Life” states, “The Catholic community and Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms which would suggest support for their actions.” (Issued June 2004.) Consistent with this statement, the policy and procedures below are intended to provide guidance and foster unity between Catholic entities and the Archdiocese, and avoid unnecessary division.

§2201 ESTABLISHMENT OF POLICY

2201.1. Policy Any Catholic entity subject to the authority of the Archbishop of Chicago, and any boards / fundraising committees affiliated with them shall not give awards or honors or host presentations, speaking opportunities or appearances by individuals or organizations whose public position is in opposition to the fundamental moral principles of the Catholic Church.

Procedures

- a) An exception to the preceding policy may be made in secondary schools or at universities if a dissenting individual is participating in a debate with an individual who effectively presents the Church’s position.
- b) Due diligence into researching the appropriateness of a speaker or honoree is the responsibility of the sponsoring organization. When in doubt regarding a speaker or honoree, it is the obligation of the sponsoring organization to seek clarification from the Office of the Archbishop.

§2300 POLITICAL ACTIVITY AND VOTER EDUCATION

The Catholic Church, its parishes and Church organizations are prohibited by federal law from participating in partisan political activities. This prohibition is absolute. The tax-exempt status of a parish or Church organization may be revoked if there is a violation of the law, and other penalties and taxes may also be imposed on any funds spent on prohibited political activities.

However, the Church does have a role in politics and public policy formation through activities such as:

- *Educating Catholics and others on the teachings of the Church as they relate to social policies.*
- *Analyzing and measuring policies against the values of the Gospel.*
- *Speaking out on issues, such as those involving the life and dignity of the human person, social justice, the promotion of the common good, and the life of the Church in society.*
- *Encouraging voters to participate fully in the political process.*

The following policies and procedures are adapted from the “Guidelines on Political Activities for Parishes and Catholic Church Organizations,” published by the Catholic Conference of Illinois and available online at:

www.catholicconferenceofillinois.org/bins/site/ftp/Guidelines%20-%20political%20activities.doc.

Further guidance on political activities can be found on the United States Conference of Catholic Bishops website at www.usccb.org/ogc/guidelines.shtml.

§2301 CLEARLY PROHIBITED ACTIVITIES

2301.1. Policy Among the activities that parishes and Church organizations are clearly prohibited from participating in include:

- a) Endorsing a candidate or political party.
- b) Donating money or other resources to a candidate or political party.
- c) Exclusively offering the parish’s or Church organization’s facilities to a candidate or political party.

§2302 VOTER EDUCATION MATERIALS

2302.1. Policy Only those voter education materials that come from or are approved by the United States Conference of Catholic Bishops, the Catholic Conference of Illinois or the Archdiocese of Chicago may be published by or distributed in parishes, schools or other entities of the Archdiocese of Chicago.

§2303 VOTER REGISTRATION DRIVES

2303.1. Policy Nonpartisan voter registration and “Get out the vote” drives are permissible.

Procedures

- a) The event should not demonstrate a preference or bias toward a particular candidate, political party, or voting position.
- b) No election campaign materials or other materials produced by candidates or political parties are to be distributed, and the event should not be conducted in cooperation with any political campaign or party.
- c) The event should be open to everyone and not targeted to individuals known to support a particular candidate.

§2304 ISSUE ADVOCACY CAMPAIGNS

2304.1. Policy Issue advocacy campaigns can be conducted, including educational efforts about issues and legislation and the encouragement of letter writing campaigns and other contacts with government officials, as long as the campaign is conducted in a nonpartisan manner.

2304.2. Policy The position taken on an issue must be consistent with the Church’s position and Catholic Social Teaching.

Procedure

- a) When issue advocacy campaigns coincide with election campaigns, an individual candidate’s position on the issue should not be identified nor compared with the Church’s position on that issue.
- b) Catholic Social Teaching should be the framework from which we address issues in the political arena. Catholic Social Teaching includes the following major themes:
 - Life and Dignity of the Human Person
 - Protection of and Participation in the Family and the Community
 - Rights of the Human Person and Each Person’s Responsibilities
 - Care for the Poor and Vulnerable
 - Dignity of Work and the Rights of Workers
 - Solidarity as One Human Family
 - Care for God’s Creation

§2305 DISTRIBUTION OF CAMPAIGN MATERIALS ON THE PROPERTY OF PARISH OR CHURCH ORGANIZATION

2305.1. Policy Parishes and Church organizations should avoid any participation in or authorization of the distribution of campaign literature or biased voter education materials on their property. However, a parish or Church organization is not obligated to actively monitor and prevent campaign leafleting of cars in its parking lot.

Procedure

Political signs should not be placed on property owned or rented for official business by a parish or Church organization.

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