

*Draft - November 2000*

# Guidelines Concerning the Academic Mandatum

*in Catholic Universities*  
(**canon 812**)

## Preface

On November 17, 1999, the Catholic Bishops of the United States approved *The Application of Ex corde Ecclesiae for the United States*, implementing the Apostolic Constitution *Ex corde Ecclesiae*. This action received the recognition from the Congregation for Bishops on May 3, 2000. Bishop Joseph Fiorenza, President of the National Conference of Catholic Bishops, decreed that the application would have the force of particular law for the United States on May 3, 2001.

## Guidelines

Pope John Paul II's Constitution *Ex corde Ecclesiae* of 1990 fostered a productive dialogue between the Bishops of the United States and the leaders of our Catholic colleges and universities. It is anticipated that this recently approved *Application of Ex corde Ecclesiae for the United States* would further that dialogue and build a community of trust and dialogue between bishops and theologians. Both bishops and theologians are engaged in a necessary though complementary service to the Church which requires ongoing and mutually respectful conversation.

Article 4, 4, e, iv of the *Application* states that "a detailed procedure will be developed outlining the process of requesting and granting (or withdrawing) the *mandatum*." These guidelines are intended to explain and serve as a resource for the conferral of the *mandatum*. Only those guidelines herein which repeat a norm of the *Application* have the force of particular law. They were approved for distribution to the members of NCCB on (date), by the Conference's general membership.

1. Nature of the *mandatum*.
  - a. The *mandatum* is fundamentally an acknowledgment by Church authority that a Catholic professor of a theological

discipline is a teacher within the full communion of the Catholic Church ( *Application*: Article 4,4,e,i).

- b. The *mandatum*, therefore, recognizes the professor's commitment and responsibility to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church's magisterium (cf. *Application*: Article 4,4,e, iii).
- c. The *mandatum* should not be construed as an appointment, authorization, delegation or approbation of one's teaching by Church authorities. Those who have received a *mandatum* teach in their own name in virtue of their baptism and their academic and professional competence, not in the name of the bishop or of the Church's magisterium (*Application*: Article 4,4,e,ii).

## 2. Who is required to have the *mandatum*?

- a. All Catholics who teach theological disciplines in a Catholic university are required to have a *mandatum*. (canon 812 and *Application*: Article 4, 4, e).
- b. "Teaching" in this context signifies regular presentation of academic material in an academic institution. Occasional lectures as well as preaching and counseling are not within the meaning of the *Application* and these guidelines.
- c. "Theological disciplines" in this context signifies Sacred Scripture, dogmatic theology, moral theology, pastoral theology, canon law, liturgy, and Church history (cf. canon 252).
- d. "University" in this context signifies not only institutions that bear the title "university" but also Catholic colleges and other institutions of higher learning.

## 3. Who is to grant the *mandatum*?

- a. The *mandatum* is to be granted by the diocesan bishop, of the diocese in which the Catholic university is located, generally understood to be where the President and central

administration offices are located (cf. *Application*: Article 4,4,e,iv,[1]).

- b. The competent ecclesiastical authority may grant the *mandatum* personally or through a delegate (*Application*: Article 4,4,4,iv[1])

4. How is the *mandatum* to be granted?

- a. A request for a *mandatum* by a teacher of a theological discipline should be in writing and should include a declaration that the teacher will teach in full communion with the Church.
- b. The ecclesiastical authority should respond in writing (*Application*: Article 4,4,e,iv,[3]) (cf. appended samples).
- c. An ecclesiastical authority has the right to confer the *mandatum* on his own initiative, provided that the commitment to teach in full communion with the Church is clear.
- d. A teacher already hired by the effective date (May 3, 2001) of the *Application*, is required to obtain the *mandatum* by June 1, 2002.

A teacher hired after the effective date of the *Application* is required to obtain the *mandatum* within the academic year or within six months of the date of being hired, whichever is longer. If the teacher does not obtain the *mandatum* within the time period given above, the competent ecclesiastical authority should notify the appropriate authority in the college or university.

- e. Without prejudice to the rights of the diocesan bishop, a *mandatum*, once granted, remains in effect wherever and as long as the professor teaches unless and until it is withdrawn by the competent ecclesiastical authority (*Application*: Article 4,4,e,iv[2]). Although there is no need for the *mandatum*, once granted, to be granted again by another diocesan bishop, every diocesan bishop has the right to require otherwise in his own diocese (*Application*: footnote 43).

5. Grounds and process for withholding or withdrawing the *mandatum*.
  - a. If all the conditions for granting the *mandatum* are fulfilled, the teacher has a right to receive it and ecclesiastical authority has an obligation in justice to grant it.
  - b. Right intentions and right conduct are to be presumed until the contrary is proven. Hence the ecclesiastical authority should presume, until the contrary is proven, that those who attest that they teach in full communion with the Church actually do so.
  - c. Ecclesiastical authorities who withhold or withdraw the *mandatum* must state their reasons in writing and otherwise enable the person who believes that his or her rights have been violated to seek recourse (*Application*: Article 4,4,e,[3]; footnote 44). Such withholding or withdrawal should be based on specific and detailed evidence that the teacher does not fulfill the conditions of the *mandatum* (draft *Guidelines* 1, b and c; *Application*: Article 4,4,e,iii; "Doctrinal Responsibilities" III,C,4).

6. Appeals and resolution of disputes.

- a. In the resolution of disputes about the withholding or withdrawal of the *mandatum*, it is important for both parties to have competent canonical counsel.
- b. For the resolution of disputes about the withholding or withdrawal of the *mandatum*, there should be personal contact between the bishop and the teacher in accord with canon 1733§1. The process set forth in the NCCB document "Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstanding Between Bishops and Theologians" (June 1989, *Origins*, Vol. 19, pages 97, 99-110) should be followed.
- c. Other means for conflict resolution on the diocesan, regional or provincial levels (not excluding local mediation procedures) can also be invoked (cf. canon 1733).
- d. While the use of informal procedures is preferable, the aggrieved party always has the right to formal recourse against the denial or withdrawal of a *mandatum* in

accordance with the canonical norms for "Recourse Against Administrative Decrees" (canons 1732-1739).

7. The members of the USCCB Bishops and Catholic Colleges and University Presidents Committee and its staff will serve as resource personnel for information and guidance on matters connected with the *mandatum*.
8. These guidelines are to be reviewed after five years by a committee appointed by the Conference President.

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