Diocese of Des Moines
Canonical Permissions Policy
Activities or Decisions that require diocesan review, permission, and delegation

## Introduction:

While the pastor, canonical administrator of parish or school, or other appropriated delegated church official has the authority to take actions (within the boundaries of corporate governance), certain actions require diocesan review and canonical permission by the Bishop or his delegate for the sake of canonical (or even civil) validity.

The purpose of this policy is to articulate expectations for these particular actions. This permission is sometimes canonically required by an action itself, and at other times, it is required because a certain action has been identified as "an act of extraordinary administration" by the diocesan bishop (c. 1281 §§1-2).

Any of the following activities or decisions requiring canonical permission from the Bishop may be delegated by the Bishop to another diocesan official at his discretion, either by virtue of the standing responsibilities of an office (i.e. episcopal vicars) or as necessary for efficient operations.

## Activities or Decisions that require canonical permission:

- Purchase of Real Property
    - All proposed purchases must be reviewed by the Chief Finance Officer of the Diocese and receive canonical permission from the Bishop.
    - Purchases of $250,000 or greater require approval from the diocesan College of Consultors and the diocesan Finance Council prior to canonical review and permission by the Bishop.
- Any borrowing or entering into a line of Credit
- Leasing property to a non-diocesan entity
    - Written notice of any proposed lease of property to a non-diocesan entity, regardless of value shall be provided to the diocesan Chief Financial Officer.
    - If the total of all lease payments or the value of the property subject to the lease is $25,000 or more, or if the lease lasts longer than a year, in compliance with the USCCB Complementary Norm on Canon 1297, canonical permission from the Bishop is required.
- Alienation of religious artifacts considered part of religious patrimony (i.e. artifacts of significance to the devotional or liturgical life of the entity)
    - Alienation of any religious artifacts considered part of religious patrimony of the organization must be reviewed by the diocesan Chief Financial Officer and diocesan Vicar for Worship and receive canonical permission from the Bishop.
    - In compliance with the USCCB Complementary Norm on Canon 1292, §1, for alienation of religious artifacts valued above $25,000 or 10% of the entity's prior year ordinary annual income, whichever is higher, the Bishop is to receive consent from the diocesan College of Consultors and diocesan Finance Council prior to providing canonical permission.
- One-time commitment of resources, purchased, leased or other contractually obliged, over $50,000, outside the operational budget

- Commitments between $50,000-$100,000 require diocesan review and canonical permission from the Chief Finance Officer.
- Commitments over $100,000 require diocesan review and canonical permission from the Bishop.

- Building projects (construction, renovation, extraordinary repairs)
  - All proposed building projects for parish churches or chapels [or related to liturgical questions] require diocesan review by the Vicar for Worship.
  - Projects above $50,000 require diocesan review facilitated by the Director of Property Management.
  - Projects above $100,000 require engagement by the Building Commission.
    - Building projects involving repairing damage (i.e. storms) may not require Building Commission review, but the plan and contract(s) are to be reviewed by the Director of Property Management.
  - The Chief Finance Officer can provide canonical permission for projects between $50,000-$100,000.
  - Projects over $100,000 require canonical permission from the Bishop.
- Alienation of real property
  - Any alienation of real property must be reviewed by the diocesan Chief Finance Officer and receive canonical permission from the Bishop.
  - In compliance with the USCCB Complementary Norm on Canon 1292, §1, alienation of real property above $25,000 or 10% of the entity's prior year ordinary annual income, whichever is higher, requires the Bishop to receive consent from the diocesan College of Consultors and diocesan Finance Council prior to providing canonical permission.
- Initiating or responding to civil litigation (c.1288)
  - Civil litigation may not be initiated without diocesan review and receiving canonical permission from the Bishop.
  - All lawsuits, complaints, subpoenas, or other notices of legal proceedings or governmental regulatory or administrative action which requires a responsive legal pleading or other action by the organization are to be immediately reported to the diocesan Director of Human Resources, diocesan Chief Financial Officer, and Chancellor.
- Capital Campaigns
  - In compliance with the USCCB Complementary Norm on Canon 1262, all proposed capital campaigns need to receive canonical permission from the Bishop. Prior to this permission being provided, proposed campaigns must be reviewed by the diocesan Director of Development and Chief Finance Officer.
  - Any campaign involving the purchase of real property and/or building projects, shall also be subject to the approval requirements applicable to building projects and or real property purchases, set forth above under this Canonical Permissions Policy.
- Refusing and accepting major gifts (c. 1267 §§1-2)
  - The rejection of gifts valued at over $100,000, or acceptance of gifts when the gift includes additional conditions such as naming rights or other conditions

governing use of the gift beyond the designated purpose, require canonical permission from the Bishop.

**NB**. This policy can apply to organizations directly, because of their identity as public juridic persons (e.g. parishes); derivatively, because they are apostolates of public juridic persons (e.g. parish schools and parish foundations), or particularly because the diocesan bishop has identified a specific apostolate as benefiting from the policy (e.g. Emmaus House). See Appendix A.

Any action that may potentially threaten the "stable patrimony" of the organization, requires approval by the diocesan College of Consultors and Finance Council (cf. c. 1295).

## Descriptions:

**Alienation:** The transfer of ownership of property (real or personal) from one person (physical or juridic) to another. When the property is of a certain value and/or type (e.g. stable patrimony or historically or artistically precious items), it must be alienated according to certain canonical formalities. These formalities are described as "restricted alienation."

**Public Juridic Person:** Conceptually similar to a civil corporation, this is a canonical legal designation which creates a stable entity subject to certain rights and obligations. Public juridic persons can be created by the law itself (such is the case for all parishes) or by conferral by decree. In administration, an important result of acquiring public juridic personality is the obligation to abide by the canonical norms found in book five of the Code of Canon Law (cc. 1254-1310).

**Ecclesiastical goods:** All property (real or personal) which is owned by a public juridic person or an apostolate of a public juridic person. These include but are not limited to financial assets. This designation indicates that these goods are subject to the canonical norms found in book five of the Code of Canon Law (cc. 1254-1310).

**Apostolate:** An organized, stable, and specific ministerial endeavor of a person or persons (physical or juridic). Apostolates can be organized in different ways, with or without juridic personality. When an apostolate is sponsored by a public juridic person, it is bound by the obligations of book five of the Code of Canon Law (cc. 1254-1310) derivatively, because it is essentially a specific expression of the apostolic work of the sponsoring juridic person.

**Stable Patrimony:** all property (real or personal) which is intended to remain in the possession of the owner for a long or indefinite period of time. When stable patrimony of a particular value is alienated or when another action could worsen/jeopardize the stable patrimony, it requires certain canonical formalities which are meant to ensure transparent and effective administration of goods.

**Religious Artifacts:** all items that serve a recognizable liturgical or devotional function, such as religious art, statues, books, or vestments.

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