



NATIONAL CATHOLIC EDUCATION COMMISSION

CATHOLIC SCHOOL GOVERNANCE

CONTENTS

FOREWORD

EXPLANATORY MEMORANDUM TO "GUIDELINES FOR THE CONSTITUTION OF CATHOLIC SCHOOL BOARDS"

General
Utility of School Boards
Special spirituality of Catholic schools
Canon Law
Further issues for exploration
The guidelines
Terminology

GUIDELINES FOR THE CONSTITUTION OF CATHOLIC SCHOOL BOARDS

- Fundamental principles for the governance of Catholic schools
- Commitment to fundamental principles
- Special spirituality of a school
- Authority of board
- Appointment and dismissal of board members, and dissolution of board
- Appointment and dismissal of school principal
- School budgets
- Minimum general functions of boards
- Rights and responsibilities of jurisdictional authorities
- Responsibilities of Catholic education authorities

Acknowledgement: The NCEC gratefully acknowledges the assistance of the South Australian Commission for Catholic Schools in providing the photograph used in this document.

FOREWORD

In 2000, the National Catholic Education Commission (NCEC) released a public statement entitled “Australian Catholic Schools: Why we have them and what they aim to achieve”. It was a statement of our aspirations for Catholic schools. A question that is often asked is how the aspirations can be put into practice more effectively. This question is often framed in this way: “How can we ensure the Catholicity of our Catholic schools?”

There are many aspects to any comprehensive answer to that question. This paper attempts to address only one such aspect, Catholic school governance, and within that vast topic, only one element of school governance, namely school boards. That is, it aims to raise awareness and promote discussion about the various principles that should inform the way our schools are governed, and how our structures reflect those principles.

The genesis of this document goes back to 1998, when the Australian Conference of Leaders of religious Institutes (ACLRI) convened a conference entitled "Towards an understanding of charism in Catholic schools". As a result of that conference, the NCEC and the ACLRI jointly sponsored a research project on Catholic school governance structures by Sr Carmel Leavey OP. Sr Carmel's report was completed in October 2000, and in early 2001 NCEC determined to take up some of the issues raised in her report by developing a discussion paper on the role of school boards.

The Commission asked one of its members, Professor Greg Craven, Dean of the Law School at the University of Notre Dame Australia in Fremantle, to chair a panel to develop the paper. We are very grateful to Greg, who brought his considerable expertise in the drafting of constitutions to bear on the exercise. We also thank other members of the working panel.

The document is in two parts. The second part, which is the main section of the document, is entitled "Guidelines for the Constitution of Catholic School Boards", and sets out a number of elements that the NCEC recommends be incorporated into any document that purports to constitute the board of a Catholic school. The first part is an explanatory memorandum that explains some of the key terms and concepts in the Guidelines.

I commend the document to you.

Rev. T. M. Doyle
Chairman
National Catholic Education Commission

May 2002



EXPLANATORY MEMORANDUM TO "GUIDELINES FOR THE CONSTITUTION OF CATHOLIC SCHOOL BOARDS"

1. General

- 1.1 The NCEC offers these guidelines for the constitution of Catholic School Boards for the consideration of all bodies concerned in Catholic education in Australia, including religious institutes (orders and congregations), schools, State Catholic Education Commissions (CECs), diocesan Catholic Education Offices (CEOs) or Catholic Schools Offices (CSOs) and parishes. The document has been formulated after extensive discussion with the Education Committee of the Australian Conference of Leaders of Religious Institutes (ACLRI), but remains the work of the NCEC.
- 1.2 This document addresses governance issues in relation to Catholic schools. The term "governance" as used here has its usual English meaning in referring to the various authority structures, decision-making processes and lines of accountability and responsibility that pertain to any organization or enterprise: in this case, a Catholic school. Of course, in speaking of "Catholic governance" the document assumes and implies that there are certain principles of Catholic teaching and practice that should infuse the governance of any Catholic institution.¹
- 1.3 While the document contains and reflects the fundamental principles and philosophy of Catholic school governance, it consciously has not been formulated as a series of vague, aspirational statements.

1. It should be noted, however, that "governance" also is a term in Canon Law where it has a much more particular meaning, denoting the power existing in respect of the Church, its organs and instruments by those in Sacred Orders (Book 1 of the Code of Canon Law, Title VII, "Power of Governance", Canon 129). One important aspect of this power in the present context is its exercise by appropriate Church authorities to create and authorize the conduct of Catholic schools (see section 4 of this Explanatory Memorandum, "Canon Law").

- 1.4 Rather, it very clearly enunciates a series of specific provisions which the NCEC believes should substantively appear in the documents constituting Catholic school boards in order to facilitate those boards in fulfilling their potential as authentic instruments of Catholic governance.
- 1.5 In this sense, while the document does not purport to provide a complete blue-print constitution for Catholic boards boards, it very definitely sets out the skeleton around which the NCEC believes such constitutions should be built.
- 1.6 Nevertheless, the document is not intended in any sense to be directive. Rather, it is viewed by the NCEC as an exercise in collaborative reflection, in seeking to identify broad areas of agreement in relation to the principles that should apply in the constitution of the boards of Catholic schools, and to encourage the implementation of those principles in actual practice.

2. Utility of School Boards

- 2.1 In preparing these guidelines, the NCEC commences from the proposition that the existence of boards as components of the governance of Catholic schools is a good and desirable phenomenon, reflective of (among other things) the basic value of participation embedded in any real understanding of governance, and certainly in any Catholic comprehension of that concept.
- 2.2 In particular, the development and proliferation of school boards in Catholic schools in recent years is not to be understood as a necessity resulting from the inevitable decline in the numbers of teaching religious, but as an opportunity to engage more and wider sectors of the Church (and especially the laity) in the evangelising work of Catholic education. The governance of Catholic schools should reflect the reality of Catholic education as a partnership between parishes and parish priests, dioceses and diocesan authorities, religious institutes, Catholic education authorities (CECs and CEOs/CSOs), schools and – crucially – parents and children.

3. Special spirituality of Catholic schools

- 3.1 The document, in several places, speaks of the “special spirituality” of the Catholic school. For present purposes, “spirituality” refers generally to the manner and style of expressing Catholic faith, not only through explicitly religious rituals and symbols, but also through the cultivation of Christian habits and virtues in everyday activities and practices.
- 3.2 All Catholic Schools, regardless of the recency or circumstances of their establishment, have a special spirituality. This is the unique, on-going spiritual story of the school, itself flowing from the fundamental Christian story, which must be told, re-told and celebrated. To say that a school has its own “special spirituality” is merely to recognize that the school, as a continuous human community, naturally develops a distinctive manner and style of giving expression to a common faith.
- 3.3 Where a school has been founded or administered by a religious institute, this special spirituality will be profoundly influenced by the special spirituality of the institute concerned. It is recognized that the spirituality and traditions of different institutes are rich and diverse. Naturally, further development and enrichment of the expression of that special spirituality will occur over time. Just as schools whose history and traditions are based significantly in the work of a religious institute have a right to partake of the special spirituality of that institute, so there exists a right in religious institutes to nurture their special spirituality within such schools.
- 3.4 Where a school has not had an association with a religious institute, its own special spirituality may derive from all or any of its name, its patron, the special character of its community or the stipulations of the “public juridic person” (see 4.2 below) which exercises jurisdictional authority in respect of the school. A particular form of lay spirituality, the emergence of which has been a feature of the Church since Vatican II, may animate a school.

4. Canon Law

- 4.1 It is of vital importance that the governance structures of Catholic schools conform to Canon Law. Otherwise, they are not authentically Catholic, and will be open to constant dispute.
- 4.2 In Canon Law, Catholic schools operate under the jurisdiction of an ecclesiastical public juridic person, in practice either an (arch) diocese or a religious institute or parish. In the case of a diocese, the bishop is the canonical administrator of that diocese, while in the case of a religious institute, the congregational leader is the canonical administrator. In the case of parish schools, the parish priest is the canonical administrator of the parish and the works of the parish. The public juridic person under whose jurisdiction a school operates may change over time, as in the case where a diocese assumes direct jurisdiction over a school originally established by a religious institute.
- 4.3 The relationship between the relevant public juridic person and a school is the primary governance feature of that school, and a school board derives its existence and role from that relationship. Naturally, the manner in which the relationship between a public juridic person and a school may be expressed or mediated in practice is diverse, and varies from diocese to diocese and from religious institute to religious institute.
- 4.4 It should be noted here that the relationship between a public juridic person and a school is not one based simply upon property, but is fundamentally spiritual in character. Especially where a public juridic person is a religious institute, it may or may not own all or some of the property used by the school. However, such a religious institute invariably would deeply influence the special spirituality of that school (see Guideline 6).
- 4.5 This Guideline document fully conforms to this understanding of the Canon Law relationship between public juridic persons, schools, and boards. Naturally, the application of Canon Law in this context may come to change over time, and the Guidelines document is not intended to preclude the discussion of other authentic means of expressing the

relationship between schools and their boards on the one hand and their founding authorities (whether religious institutes or dioceses or parishes) on the other, as and when these may develop.

5. Further issues for exploration

- 5.1 The NCEC acknowledges that this paper is confined to issues of school governance as they touch specifically upon school boards, and their relationship with other bodies of Catholic education, including religious institutes.
- 5.2 There are numerous other important issues of Catholic educational governance that require further exploration, but do not centre directly around schools and their boards. These include the relationships that exist between dioceses, Catholic education offices and religious institutes. Such matters are, however, both complex and beyond the scope of this paper, and would require extensive consideration in their own right.

6. The Guidelines

- 6.1 The Guidelines aim to set out what NCEC believes should be universal inclusions in the documents constituting Catholic school boards. Inevitably, numerous other provisions also will need to be included in any given set of board documents, whether as necessary machinery items, or in acknowledgment of the particular circumstances of a school and the public juridic person from which it derives its existence.
- 6.2 In broad terms, the Guidelines contain three types of provision. The first (provisions 1, 2, 3) are provisions to be inserted in board constitutions committing boards to the on-going implementation of fundamental principles of Catholic school governance. These are vital provisions, as they will provide an unmistakable basic framework within which all the operations of boards will occur.
- 6.3 The second type of provision (provisions 4 to 7) concern a school's special spirituality, and broadly commit a board to the recognition and promotion of that spirituality.

- 6.4 The third type of provision (provisions 8 to 18) concern the functions of and relationships between the various partners in Catholic school governance: the relevant public juridic persons; the boards; principals; and Catholic education authorities such as Catholic Education Commissions and Offices.
- 6.5 The Guidelines are intended to be read in light of this Explanatory Memorandum, and for the purposes of interpretation, this document should be regarded as an intrinsic whole.

7. Terminology

- 7.1 Given the unwieldiness of the term, whenever a “public juridic person” (see section 4 of this Explanatory Memorandum, “Canon Law”) is the subject of a provision in the Guidelines, it is referred to as a “jurisdictional authority”.
- 7.2 The NCEC, and State and Territory Catholic Education Commissions, together with any relevant diocesan Catholic Education Offices, are comprehended in the document by the expression “Catholic education authorities”.

GUIDELINES FOR THE CONSTITUTION OF CATHOLIC SCHOOL BOARDS

The following are critical considerations and essential elements in any basic document constituting the board of a Catholic school:

Fundamental principles for the governance of Catholic schools

1. A statement of the general and binding principles for the governance of Catholic schools follows:

The Love of Christ, which is the fundamental recognition that Catholic education is animated by and based upon the love of Christ for all people.

The Role of Parents, as the primary educators of their children, in whose place (*“in loco parentis”*) and with whose collaboration, Catholic schools fulfil their mission.

Faithfulness to the Mission of the Church, which is the mission of the Christ, to preach the Good News, including fidelity to the teachings of the Church;

Church solidarity, which is the obligation of members and agencies of the Church to support those other individuals and agencies of the Church in need, and to work for the good of the whole Church community;

Support for the common good, which is the general obligation on members of the Church not only to support the Church, its agencies and members, but also to ensure that the work of the Church and its agencies contribute to the benefit of society as a whole.

Embracing the poor, which is the obligation on the Church community to continually assess its actions and policies to ensure that they empower the most disadvantaged and marginalised.

Educational Quality, which is the obligation upon all those involved in Catholic education to strive to provide the highest possible quality of education to those attending Catholic schools.

Participation, which is the principle that powers and functions in any community are exercised, wherever possible, by the persons and bodies closest to and most accountable to those affected.

Inclusiveness, which is the principle that Catholic education should be open to all those who wish to receive a Catholic education, and that all those engaged in Catholic education in whatever capacity will be welcomed and valued in the pursuit of the educational mission of the Church, to the extent that they support that mission.

Unity in Diversity, which is the recognition that the Holy Spirit inspires different communities in different ways, bestowing upon them diverse charisms which provide inspiration for action, all for the same purpose of promoting the Kingdom.

Stewardship of resources, which is the obligation of all agencies of the Church to use financial and other resources responsibly, particularly with a view to ensuring the well-being of future generations.

Rule of Canon Law, whereby every agency of the Church is constituted and operates in accordance with Canon Law.

Commitment to fundamental principles

2. A statement that the school, its board and operations are to be conducted in accordance with these fundamental principles.
3. A statement that the documents constituting the school board are to be interpreted in accordance with these fundamental principles.

Special Spirituality of a School

4. A statement identifying, enunciating and celebrating the school's special spirituality.
5. In the case of a school that has been founded or administered by a religious institute, the statement of the special spirituality of that school typically will be strongly influenced by the special spirituality of that institute.
6. A statement that the school, its board and operations are to be conducted consistently with the school's special spirituality.
7. A statement that the documents constituting the school board are to be interpreted consistently with the school's special spirituality.

Authority of Board

8. A clear statement of the source of authority of the Board.

Note: i.e. an explicit identification of the "jurisdictional authority" from whom the Board derives its powers (see Explanatory Memorandum, section 4, "Canon Law").

Appointment and dismissal of board members, and dissolution of board

9. A method for the appointment of the board which provides for appointment (or at least approval) of board members by the board's jurisdictional authority.
10. A requirement that a significant number of the members of a board be parents of current or recent students of the school.
11. A power in the jurisdictional authority to dissolve the board and to dismiss board members.

Appointment and dismissal of school principal

12. A power in the jurisdictional authority to appoint the school principal.
13. A power in the jurisdictional authority to dismiss the school principal according to law.

School budgets

14. A power in the jurisdictional authority to approve and reject the budgets of the school.

Minimum general functions of Boards

15. A statement of the exact roles, functions and responsibilities of the school board, which makes it clear in respect of each of those functions whether they are advisory or executive.
16. In drawing up documents constituting a school board, whether the board is executive, advisory or mixed in character, the relevant jurisdictional authority normally should confer upon the board the following functions:
 - (i) the ongoing development of the Catholic ethos of the school, which means promoting the school as a centre of evangelisation (in partnership, where appropriate, with a parish or other Church agencies) in fidelity to the teachings of the Church, diocesan authority, and the special spirituality that animates the school community;
 - (ii) being consulted in relation to the appointment of a principal by the founding authority;
 - (iii) supporting staff, especially the principal, who will have the day to day responsibility for maintaining and promoting the Catholic ethos of the school;

- (iv) exercising general oversight of the curriculum, but in accordance with any relevant requirements of Government and Catholic education authorities, and without trespassing upon areas of professional educational judgment;
- (v) overseeing the prudent financial management of the school, particularly with a view to ensuring access to quality education for future generations, and including planning for the provision of future facilities;
- (vi) seeking to ensure that the school fulfils its potential as an option for the disadvantaged, including the poor;
- (vii) providing advice to the principal on any matters referred to it by the principal;
- (viii) developing policies on matters referred to it by the principal or by responsible Catholic education authorities; and
- (ix) facilitating the induction and preparation of board members, including ensuring that members understand the scope and extent of their role.

Rights and responsibilities of jurisdictional authorities

17. A statement of the rights and responsibilities of the jurisdictional authority from which the board derives its authority, acknowledging at least the following rights and responsibilities:
- (i) the right and the responsibility of the jurisdictional authority, where that authority is a religious institute, to ensure that the school participates in the special spirituality of that religious institute;
 - (ii) the right and responsibility of the jurisdictional authority to ensure that board members are appropriately educated and prepared for their role, particularly in relation to the special spirituality of a religious institute and the school;

- (iii) in circumstances where the jurisdictional authority owns property used by the school, the right and responsibility of the jurisdictional authority to exercise stewardship over and protect the temporal goods of the Church as represented by the property and assets of the school;
- (iv) the responsibility of the jurisdictional authority to promote freedom of action by the board within the scope of its powers, subject to the rights, duties and responsibilities of the jurisdictional authority, the relevant Diocese, and responsible Catholic education authorities;
- (v) the responsibility of the jurisdictional authority to develop strong partnerships with others of the Church, including bishops, congregation leaders and Catholic education authorities, for the purpose of ensuring proper coordination and distribution of resources between Catholic schools; and
- (vi) the responsibility of the jurisdictional authority to ensure that any disposal of property is carried out in accordance with both civil and Canon Law.

Responsibilities of Catholic Education Authorities

18. An acknowledgment that in relation to Catholic school governance generally, Catholic Education Commissions and Offices have the following responsibilities:
- (i) the responsibility to act as a forum for the discussion of school governance issues between dioceses and religious institutes;
 - (ii) the responsibility to develop school governance policies that encourage unity of purpose and solidarity between all Catholic schools, while recognising and protecting diversity in particular communities and spiritual traditions; and
 - (iii) the responsibility to develop policies concerning the equitable distribution of resources among Catholic schools.