

## Continuing Catholic Identity through a Public Juridic Person

### **Background**

The sponsorship of Viterbo University has been through a Public Juridic Person (PJP) for the past five years. On July 1, 2018, the Franciscan Sisters of Perpetual Adoration gave the sponsorship responsibility of Viterbo University to the PJP Viterbo Ministries, under the auspices of the local bishop. The Catholic, Franciscan charism of the university has been appropriately supported and continued through this new form of sponsorship.

Viterbo University is located in the city of La Crosse on the Mississippi River in western Wisconsin. It was founded in 1890 as St. Rose Normal School by the Franciscan Sisters of Perpetual Adoration (FSPA) to prepare its members for teaching in elementary and secondary schools which it staffed. In a natural progression over decades, the school was renamed Viterbo College, lay women were admitted, it became co-educational, graduate courses were introduced and the school became a university. Today it offers master's degrees in six areas and three doctoral programs. Enrollment in Fall 2023 was 1,393 undergraduates and 914 graduate students.

The role of the Franciscan Sisters at Viterbo also gradually changed, as it has in many Franciscan colleges and universities. While the Sisters comprised the faculty and administration totally in its founding years, they continued to be the majority personnel through the 1960's. The first lay faculty member was hired in 1961 and the first non-FSPA President began in 1970. As the number of FSPA's became fewer, the role of the Board of Trustees, comprised mainly of lay professional people, became stronger. FSPA leadership continued to serve as the corporate members.

### **Discernment of Sponsorship Role**

As the number of FSPA's declined during the last two decades, questions arose within the FSPA community regarding its role in sponsoring its three institutional ministries. (In 2014 FSPA sponsored not only Viterbo University, but also St. Anthony Hospital in Carrol, IA and co-sponsored with Mayo Clinic the Franciscan Skemp Health System in La Crosse, WI.) Awareness was growing within the FSPA community that only a small number of Sisters were ministering in these institutions, that very few sisters had administrative experience in large institutions, and many Sisters were interested in pursuing justice and pastoral ministries. There was also a desire to simplify the administrative responsibilities of FSPA Leadership.

To address these concerns, the 2013 FSPA General Chapter decided that "the FSPA Leadership engage a consultant to help with long-range planning". The rationale given in the minutes of the meeting was that with the changing demographics of the FSPA community, it was important to "right size" the community's lands, resources and properties.

In response to the Chapter mandate, the newly elected FSPA Leadership Team appointed a Task Force on Sponsorship, comprised of five Sisters with considerable experience in education and health care management experience. As stated in its meeting minutes, the task given this group was the following:

*The task is to have a succession plan in place within four years that will set the direction for future sponsorship of FSPA founded institutions of healthcare and higher education. The task force will utilize multiple resources, experts and published materials in designing a sustainable plan that recognizes limited FSPA member availability, increased Catholic laity in ministry and the requirements of Catholic identity and mission.*

This Task Force met bimonthly for four years with the end result that Viterbo Ministries was established as a Public Juridic Person (PJP) to continue the Catholic sponsorship of Viterbo University. (A PJP was also formed for the sponsored Iowa hospital. FSPA ended its co-sponsorship of the La Crosse health system through a mutual agreed negotiation process with Mayo Clinic.) Much work and many meetings were required, however, to bring to reality the change in sponsorship.

The Task Force began its work by surveying the younger FSPA Sisters. Each Task Force member interviewed about five newer Sisters to ascertain their interest in sponsorship, their knowledge of it and their interest in ministering in sponsored institutions. The Task Force found that there was little interest among the younger members in being involved in sponsorship and in FSPA continuing to sponsor these Institutional ministries.

With a clear understanding that continuing sponsorship in its current form was not in FSPA's vision for the future, the Task Force researched other possibilities and alternatives. Cognizant that PJP's had been formed in healthcare organizations, the group looked at publications from the Catholic Health Association (CHA), especially *A Guide to Understanding Public Juridic Persons in the Catholic Health Ministry*. Other religious congregations with PJP experience were contacted.

### **Defining the Public Juridic Person**

By early 2016, a common understanding had been reached that the best option to continue the Catholic identity and heritage of Viterbo University would be to form a Public Juridic Person (PJP) for Viterbo University. This PJP would be the canonical sponsor of Viterbo, responsible for preserving Catholic identity and be the link between the Catholic Church and the teaching ministry of the university. Assistance in defining the PJP was obtained by engaging the consultation of a canon lawyer, an FSPA member.

A critical decision at this point was to determine whether the relationship of the PJP to the Catholic Church should follow the diocesan model or the pontifical model; both of which were being used in healthcare. It was decided to relate to Church leaders at the diocesan level rather than through a sacred congregation in Rome. Both models required the support and approval of the local bishop. Since Viterbo University is located within the diocese of La Crosse, the decision was made to have the PJP recognized at the diocesan level as a Catholic organization suitable to fulfill the role of sponsoring a Catholic entity.

The next steps in this process included defining the elements of the PJP. This meant defining a name for the PJP, its purpose, the number of members and their qualifications and terms. Viterbo Ministries was chosen as the name of the PJP. Its purpose was defined, in part, as "to further the teaching ministry of Jesus Christ" and to serve "as the canonical sponsor of Viterbo

University”. Furthermore, “Viterbo Ministries shall ensure that its activities and apostolic works operate in conformity with its [Viterbo’s] Mission, Vision, Philosophy and Values and the ethos and charism of the Franciscan Tradition. These are to be consistent with the teachings and laws of the Catholic Church appropriate to the provision of higher education.”

The number of members of the PJP was defined as five to seven. The Members would be qualified and experienced lay persons, vowed religious and clergy. The selection of the first Members of Viterbo Ministries was done by the FSPA Leadership Team. The individuals selected included members of the FSPA, members of the current Board of Trustees of Viterbo University and members of the civic community with a demonstrated interest and concern for Viterbo University

An important task in creating Viterbo Ministries was to determine the reserve powers of the PJP. As the sponsor of Viterbo University, it needed to reserve for itself those powers that assure Catholic identity and that are necessary to remain true to its mission as a Catholic institution of higher learning. The most important reserve powers of Viterbo Ministries are approval of the following for Viterbo University:

- the selection of the President/Chief Executive Officer
- the appointment of members of the board of trustees
- any changes to the philosophy, objectives, and purposes
- any changes to the Articles of Incorporation or Bylaws.

### **Formation of the Members**

After the Members of the PJP were identified, a critical next step was the formation of the Members for their new role. Since FSPA had been offering leaders from their sponsored institutions the opportunity to participate in pilgrimages to Assisi, Italy since 1993, there was a pool of people from higher education, healthcare and other institutions with a deep appreciation for Franciscan spirituality and values. Each of the individuals selected to serve as members of Viterbo Ministries had been part of one of the FSPA sponsored Assisi pilgrimage experiences. They had also participated in the Sponsorship Conferences FSPA held annually to promote the Franciscan ethos and Catholic Social Teaching. As sponsors of a Catholic Franciscan university, these previous experiences were seen as foundational.

In addition to the pilgrimage experience, each member of Viterbo Ministries was asked to participate in a focused formation program tailored for their new role. The FSPA Leadership Team planned and hosted this formation experience which was held on two separate weekends in the Spring of 2018. The purpose of the formation experience was to prepare individuals to assume their role to act on behalf of the ecclesial public juridic person (PJP) they represented. The formation program was structured into four parts.

**Identity - Call to Service in Communion (Deepening our commitment to the People of God and apostolic works)**

**Purpose - Call to Mission and Ministry (Focus on Catholic Social Teaching)**

## **Stewardship - Call to Stewardship (in the context of our canonical responsibilities)**

### **Sponsorship Today - Doing what is ours to do (What is the Church and the world asking of us today)**

In preparation for these formation experiences the FSPA relied on materials developed by the Catholic Health Association of the United States. The members of Viterbo Ministries were also asked to become familiar with and to reflect upon *Ex Corde Ecclesiae*. The review of these important documents led to in depth conversation among the members of Viterbo Ministries regarding the nature of a Catholic Franciscan university in the contemporary world. (A list of those resources is attached in the bibliography.)

### **Formal Steps in Creating Viterbo Ministries**

To establish Viterbo Ministries as a canonical entity, several formal documents and approvals were required. Both canon law and civil law documents needed to reflect the change in sponsorship. Approvals from the local bishop and from a sacred congregation in Rome were required.

A document *Canonical Statutes of Viterbo Ministries* was prepared to outline the major components of Viterbo Ministries. The accompanying *Canonical Bylaws of Viterbo Ministries* provided greater details for the functioning of Viterbo Ministries. Any revisions to the Canonical Statute must be approved by the local bishop. Changes to the Canonical Bylaws require a two-thirds approval of the Members. These two ecclesial documents are analogous to the Articles of Incorporation and the Bylaws of a civil corporation. They were initially approved by the FSPA Leadership Council and later by the local bishop.

The civil documents of Viterbo University, namely its Articles of Incorporation and its Bylaws, needed to be revised to reflect the change in sponsorship. It may be noted here that Viterbo Ministries is not a civil corporation. However, the civil document of Viterbo University, Inc. include the appropriate reserved powers of Viterbo Ministries to assure that the canonical responsibilities can be carried out.

Since the property of Viterbo University is considered church property under Canon Law and the change of sponsorship would transfer the canonical responsibility for this property, FSPA needed approval to divest of this property. Since FSPA is a pontifical religious congregation; that is, responsible to the Holy See, the request for alienation of property was made to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL). This request included letters of support from a canon lawyer, the FSPA president and the local bishop. It also included information on the formation program for the PJP members, description and appraisal value of the property and financial information from Viterbo and from FSPA. The permission” to alienate the property of Viterbo University to a Public Juridic Person called Viterbo University” was granted on July 23, 2018.

A formal decree was issued by the local bishop, Bishop William Patrick Callahan on August 8, 2018. With this decree Bishop Callahan conferred in accordance with Canon Law the “public

juridic personality on Viterbo Ministries. . . . At the same time, the Statutes of Viterbo Ministries are hereby approved in accordance with Canon 117 of the *Code of Canon Law*". This was the final official step required to establish Viterbo Ministries as the canonical sponsor of Viterbo University.

### **Notes on the Process**

The importance of good communications throughout the entire process should be noted. When the Task Force on Sponsorship was initially established in 2014, FSPA Leadership informed the local bishop and the CEOs of the sponsored ministries that FSPA would be looking at its sponsorship role for the future. As the direction to move into a PJP model for Viterbo became clearer, the Bishop, the University President and the Board of Trustees were briefed on the concept of a Public Juridic Person and its possibility for Viterbo. Similarly, when the Canonical Statutes and Bylaws were being drafted, the local Bishop was apprised of their content. Also, the Viterbo President was briefed, and a presentation was given to the Board of Trustees. Throughout the entire process, the FSPA Sisters were given regular updates through Community Days, Summer Education Days, and Leadership communications. There were no big surprises along the way since all concerned were briefed throughout the process.

A public announcement was made in November 2017 that the Franciscan Sisters of Perpetual Adoration were intending to discontinue their sponsorship of its three incorporated ministries. As previously indicated, Viterbo University and St. Anthony Hospital in Iowa became separate PJP's and thus continue to be Catholic entities. The announcement was also made that FSPA was withdrawing from its sponsorship role of Mayo Clinic Franciscan Healthcare in La Crosse. The joint announcement made it clear that FSPA was taking the initiative because of its demographics and not due to any limitations of the institutions. In August 2018 another public announcement was made by FSPA, indicating plans were in place to complete the sponsorship transfers by November 1, 2018.

After the public announcements were made and in the early days of the new sponsorship model, there was a significant sense of loss among the people at Viterbo University. The FSPA sponsorship had been very rich and significant for the University for its entire history. While all involved understood the need for this sponsorship change, there was still a sadness in losing the formal connection to the Sisters.

Recognizing that Viterbo Ministries would incur costs, such as continuing formation for its Members, and recognizing the importance of having the PJP be financially independent of the university, FSPA made a \$1 million donation to Viterbo University to establish an endowed Viterbo Ministries Fund. This restricted fund is to be used for the operating needs of Viterbo Ministries and to further the Catholic, Franciscan identity and values of Viterbo University. The FSPA provided guidance for the use of the funds and specified that expenditures were to be made solely by the discretion of Viterbo Ministries.

### **Reflections from the Members**

Members of Viterbo Ministries have reflected on their experience in bringing this new sponsorship model into reality. Forming strong relationships among the members of Viterbo Ministries was recognized early on as being important. As they work with Viterbo's leadership and

Board of Trustees on difficult issues facing Viterbo University, it is key that the Members maintain an open and honest dialogue among themselves. They do not always agree with each other, but they have learned how to voice opinions and listen to each other. Ongoing formation helps facilitate healthy relationships and can support the value of dialogue when disagreements surface. That ongoing formation needs to be in front of them and most importantly, it needs to be deeply connected to their own Franciscan spirituality and prayer life.

The PJP Members have learned about the potential tension points between ecclesial norms and standards of contemporary society. Examples of those tension points include the following:

- The need to create a welcoming experience for all students including the LGTBQ+ students and remaining faithful to the teaching of the Church regarding sexual orientation and sexual identity.
- Balancing the importance of academic freedom among faculty and students with remaining true to the teachings of the Church and the established standards for Catholic institutions of higher learning.

The early experience of the members of Viterbo Ministries required clarity regarding the relationships between Viterbo Ministries and the Viterbo University's President, its Leadership and its Board of Trustees. The most important guidelines available for clarifying those relationships are the reserved powers vested in Viterbo Ministries. While those reserved powers of the PJP are significant, they do not allow Viterbo Ministries to enter into governance or operation management.

Despite the clear articulation of the reserved powers, there has been a tendency from time to time for the members of Viterbo Ministries to over-reach into governance and/or operations. As the Members have gained a deeper understanding of their role and how to exercise their responsibilities, this "over-reaching" has diminished. It has also been important for the members to request feedback from the President, leaders and the Board of Trustees along the way to gain a deeper understanding about how these leaders view the sponsorship function and where there are opportunities for improvement.

Viterbo Ministries has taken an active role in developing open communication with the local bishop. Bishop Callahan has been interested and committed to the success of Viterbo University since the moment he arrived in the Diocese of La Crosse. He recognizes the value of having a Catholic University in his diocese. The members of the PJP have made an effort to keep him informed of key priorities and activities. Each year Bishop Callahan is provided with a summary of the previous year's activities. The PJP Members also work closely with the President of Viterbo in management of communications with Bishop Callahan regarding sensitive topics that relate to Viterbo University's Catholic Identity. Viterbo has been blessed by Bishop Callahan's support and his valuable guidance.

### **Conclusion: Vision of the Future**

Looking ahead, it is clear that the past five years have shown that the ecclesial public juridic person model for Catholic sponsorship of a Catholic Franciscan University can meet the needs of the organization and assure that the university maintains a strong Catholic identity. There are clearly

challenges ahead. Indeed, there are very difficult issues to be addressed in the months and years ahead. The landscape for higher education in this country is changing rapidly and the societal and financial pressures facing Viterbo University are formidable. Viterbo Ministries, as the Catholic sponsor for Viterbo University, will not be a deterrent to Viterbo's success. In fact, the university's Catholic identity is seen as a strategic advantage that will be a differentiator for Viterbo University, setting it apart from other small colleges and universities in the region.

It also seems clear that the ecclesial public juridic person sponsorship model has merit for other Catholic colleges and universities in the United States. As the need for a transition of leadership from religious communities of women and men to the laity continues, this model of Catholic sponsorship has merit. The public juridic person model (diocesan and pontifical) is in use extensively in Catholic healthcare. It can become a model for sponsorship in higher education too. Looking to the future, others should consider the importance of strong Catholic sponsored higher education in our country. It is needed and should be maintained and strengthened. Planning now will ensure success. Religious communities of men and women that currently sponsor colleges and universities need to ask themselves, "Who will be here in the next generation to carry on this work?"

If in answering this question, religious leaders find that a change will be required, then the ecclesial public juridic person model will likely be the path to take. To move in that direction, lay formation is needed now. There are certainly committed lay people who will be ready to take responsibility, but they will need time to prepare. And they will need the support of religious communities to make successful transitions of sponsorship that will assure the continued strong presence of the Catholic Church in higher education in the United States.

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