



## INSTRUCTION

### ON THE IMPLEMENTATION OF COMPLEMENTARY LEGISLATION FOR CANON 1262: FUNDRAISING BY CATHOLIC INSTITUTIONS

Canon 1262 of the Code of Canon Law allows for national conferences of bishops to establish norms governing the manner by which the faithful are to respond to financial appeals, and governing the manner in which those financial appeals are made.

The United States Conference of Catholic Bishops approved such norms on November 13, 2002 and asked the Holy See to give them the necessary *recognitio* whereby these norms would acquire the force of law. The Holy See granted that *recognitio* on May 2, 2007. The norms became effective throughout the United States on August 15, 2007 and now carry the full force of law.

This complementary legislation is to be followed in the Diocese of Erie. In addition, the following instruction elaborates in greater detail how the law is to be followed in the Diocese of Erie. The provisions of this instruction are obligatory. Any questions should be referred to the Chancery Office.

In the norms given below, numbers in parentheses refer to the corresponding paragraph numbers in the complementary legislation.

Effective immediately, the provisions of canon 1262 and its complementary legislation established by the United States Conference of Catholic Bishops, are to be adhered to in the Diocese of Erie in full and in the following manner:

## 1. DEFINITION

1.1 *FUNDRAISING* – any program for solicitation of funds undertaken either directly by a Catholic institution itself or in the name of a Catholic institution (such as by booster groups or alumni associations) and which is intended to raise a net total of \$10,000 or more.

Excluded are:

- 1.1.1 student-led efforts to raise monies, such as candy-bar sales, magazine sales, car washes, etc.
- 1.1.2. all fundraising efforts which have a goal of raising less than a net total of \$10,000
- 1.1.3. all applications for grants

## 2. APPROVAL

### 2.1 *AUTHORITY COMPETENT TO GRANT APPROVAL TO RAISE FUNDS*

The authority competent to grant approval for fundraising activity is:

- 2.1.1 for Institutes of Consecrated Life and Societies of Apostolic Life, approval is required both of the major superior(s) as defined in their respective constitutions and particular law, and of the Diocesan Bishop of the diocese where the fundraising originates (5)
- 2.1.2 for all diocesan and parish institutions, the Diocesan Bishop (5)
- 2.1.3 for all other Catholic entities and organizations (including all works of the apostolate which are not directly under the governance of an Institute of Consecrated Life or a Society of Apostolic Life but are nonetheless Catholic), the Diocesan Bishop (5)

### 2.2 *METHOD OF OBTAINING APPROVAL OF THE DIOCESAN BISHOP*

Approval should not be presumed and therefore no steps should be taken to implement the proposed fundraising activity (e.g., advertising the fundraising activity, enlisting volunteers to assist, or signing contracts with professionals to conduct the fundraising activity) until the approval has been granted in writing. (6)

The request for the Diocesan Bishop's approval must:

- 2.2.1 be submitted in writing to the Diocesan Bishop during the initial stages of planning for fundraising activities.
- 2.2.2 be responded to in a timely manner, normally within 30 days of the request having been received by the Bishop's Office, it being understood that some requests will take longer to process
- 2.2.3 include those items required by law (3, 4, 6)
- 2.2.4 for Institutes of Consecrated Life and Societies of Apostolic Life, include a written copy of the previously obtained approval of the major superior(s) competent in law to grant such approval (5)

### 2.3 *STANDING (ENDURING) APPROVAL OF THE DIOCESAN BISHOP*

The Diocesan Bishop can give standing, i.e., enduring, permission for repetitive fundraising efforts, such as a school's annual appeal, a parish's annual festival, the regular placing of envelopes in publications, etc.

- 2.3.1 Requests for standing approval should clearly indicate that the permission being requested is a standing permission.
- 2.3.2 Only those permissions are considered to be standing permissions which expressly state such.
- 2.3.3 Standing permissions will remain in effect only as long as there are no substantive changes in the information originally submitted with the request for approval (see section 2.1 ).
- 2.3.4 The Diocesan Bishop is competent to judge when such a substantive change has occurred.
- 2.3.5 For a just cause, the Diocesan Bishop can revoke the standing, i.e., enduring, nature of a permission at any time after it has been given.

## 3. OVERSIGHT

### 3.1 *AUTHORITY COMPETENT TO PRACTICE OVERSIGHT OF FUNDRAISING*

The authority competent to practice oversight of fundraising activity is:

- 3.1.1 for Institutes of Consecrated Life and Societies of Apostolic Life, the major superior(s) as defined in their respective constitutions and particular law, along with the Diocesan Bishop of the diocese where the fundraising originates (5, 7)
- 3.1.2 for all diocesan and parish institutions, the Diocesan Bishop (5)
- 3.1.3 for all other Catholic entities and organizations (including all works of the apostolate which are not directly under the governance of an Institute of Consecrated Life or a Society of Apostolic Life but are nonetheless Catholic), the Diocesan Bishop (5)

### 3.2 *REPORTING BY THOSE WHO ARE RAISING FUNDS*

Those who request and obtain permission to solicit funds are to submit regular reports concerning their fundraising activity (7, 8, 9) to the competent authority or authorities from whom such permission was obtained (see section 2.1).

- 3.2.1 Such reports are to be submitted at least annually.
- 3.2.2 These reports are to include those items required by law (8, 9, 10, 11).
- 3.2.3 The annual financial report submitted by parishes to the Diocesan Finance Office, the annual report submitted by schools to the Diocesan Education Office, and the annual report submitted to the incorporating members of Catholic Charities agencies suffice to meet the obligations of the law.
- 3.2.4 Copies of annual reports sent to benefactors and financial statements sent to governing bodies are to be sent also to the Diocesan Bishop (16).

### 3.3 REPORTING BY MAJOR SUPERIORS

- 3.3.1 For Institutes of Consecrated Life and Societies of Apostolic Life, the major superiors as defined in their respective constitutions and particular law are to submit to the Diocesan Bishop periodic reports on fundraising activities if those activities originate within the Diocese of Erie (8).
- 3.3.2 These major superiors are also to send to the Diocesan Bishop period reports concerning the apostolic activities which those same fundraising activities support, if those fundraising activities originate in the Diocese of Erie (8).

Anything to the contrary notwithstanding.

The Most Rev. Donald W. Trautman, S.T.D., S.S.L.  
Bishop of Erie

L.S.

The Rev. Edward M. Lohse, J.C.L.  
Chancellor

Given at the Chancery  
of the Diocese of Erie  
on this ?? day of November, 2007