

THE ADMINISTRATOR'S DIRECTORY

ABBREVIATIONS USED IN THE DIRECTORY

c	Code of Canon Law, 1983 English edition (Collins). Numbers refer to article.
C	Institut Circular No. ...
cf.	Reference to another part of the Directory.
CR	Common Rules, followed by publication date.
CRIS	Congregation for Religious and for Secular Institutes.
D	1985 Draft Copy of the Rule, No. of article follows.
G	1976 Book of Government, No. of article follows.
R	1987 Rule, No. of article follows.
RG	Rule of Government, followed by publication date.
VM	Visitors' Manual 1987.

INTRODUCTION

The main task of the 1986 General Chapter was to discuss and endorse the new text of the Rule. This text was approved by the Congregation for Religious and for Secular Institutes (CRIS) on January 26th 1987, and came into force on September 8th 1987. It replaces the previous "Rules and Constitutions" and "Book of Government".

The new Rule, however, mentions on several occasions one or more "Directories that will serve as collections of those elements of Institute legislation that are not contained in the Constitutions and the Statutes" (R 114). In fact, many times during the course of the 1986 Chapter, procedural norms were mooted by Chapter commissions, and it was decided by Chapter members that they should be included in some future Directory, it being left to the Brother Superior and his Council to formulate them.

As soon as we had completed our negotiations with CRIS, and the long process of translating and publishing the Rule was behind us, we turned our attention to the Directory. It soon became obvious that our task would be a long and complex one. The material specifically chosen by the Chapter to be included in the Directory proved to be neither extensive nor homogeneous in character. We decided to complement it with certain articles from the former *Book of Government* and the 1985 *Draft of the Rule* which had been excluded from the Rule for reasons of conciseness. From the *Code of Canon Law*, we took some detailed directives we thought it would be useful to include. In the course of our work, we spent much time in formulating the numerous practical guidelines that are needed at all levels of administration in the Institute (Central, Regional, District, Community). In doing so, however, we were careful, through respect for the principle of subsidiarity, not to diminish the responsibility proper to each administrative level.

As work progressed, we became convinced that it would be difficult to include everything in a single Directory. Our intention is, therefore, to publish several Directories. These will include "The Administrator's Directory" and "The Formation Directory", it is my pleasure today to introduce the first of these.

In the meantime, in June 1987, we published the "Manual of the Brothers Visitors", with a view to helping those in charge of Regions, Districts, Delegations and sub-Districts. In the introduction to this Manual, it is stated that the Manual should not be considered as an alternative to the Directory. These two publications are, in fact, different. They are different because of those for whom they are intended: the Manual is meant primarily for the Visitor and his secretary; the Directory is meant for all the Brothers. The content is different too: the aim of the Manual is to make administrative contacts easier between the administrative centre of the Institute and its various sectors, and is, therefore, concerned with procedural technicalities; the Directory is much wider in scope.

All the same, we have decided to include in the Directory a certain number of articles taken from the Manual, because we thought it would be good to bring them to the attention of all the Brothers. This will lead us, perhaps, to revise, in somewhat greater detail, the scope of the "Manual of the Brothers Visitors". In any case, there will never be a definitive version of the Manual: there will always be something to clarify, to add, to correct. The loose-leaf form in which the Manual is published should make these alterations easier. The present edition of the Directory, on the other hand, is intended to have a longer life in its present form — at least till the next General Chapter — hence its publication as a printed booklet.

Some Brothers may wonder why the Constitutions and Statutes of the Rule are not thought to be adequate, and so there has to be this additional Directory. The aim is not to add to the obligations already contained in the Rule: it is rather to either shed light on some articles, or to standardize and speed-up administrative

practices which are common to the whole Institute. Our basic aim in publishing this Directory, a task entrusted to us by the 1986 General Chapter, is to help Brothers to understand the Rule better and to put it into practice. It is also to help all those who hold posts of responsibility, at whatever level, to do their work, however sensitive, more easily. The 42nd General Chapter will be able to judge how successful or otherwise our efforts have been.

I referred earlier to subsidiarity: this implies that the publication of this Directory, for use in the whole Institute, in no way excuses the various sectors (Regions, Districts, Delegations, sub-Districts) and individual communities, from drawing up their own form of Directory suited to their needs. The Rule, moreover, specifically calls for this to be done, when it speaks of Regional and District statutes and community annual programmes; and when it gives details as to how they should be drawn up. This "Administrator's Directory" also will make frequent references to these points of Rule.

Rome, February 1st 1989

Brother John Johnston, FSC

Superior General

Chapter 1 – THE GENERAL CHAPTER

The Preparatory Commission

1. Appointed by the Brother Superior and his Council, two years or so before the General Chapter, the commission is entrusted with the task of studying and organizing the preparation of the Chapter.

Comentario [D1]: R 105a

2. Its task is, therefore:

1. To collect all the information deemed opportune from the Brothers generally and from the various administrative units of the Institute, as well as from study groups or specially appointed commissions;

Comentario [D2]: R 105a

2. to list, classify and make available the notes and position papers sent by the Brothers to the Chapter;

Comentario [D3]: R 110

3. to make suggestions, recommendations, studies, working schedules and draft documents that could be useful to Chapter members;

Comentario [D4]: R 109b

4. to draw up provisional rules of procedure for consideration by the Chapter. The Chapter follows these till it approves a definitive set of rules;

Comentario [D5]: G 12

5. to include in the provisional rules of procedure a list of officers to help in the running of the Chapter, and to indicate how they should be elected.

Comentario [D6]: R 109, 109a

Election of delegates to the General Chapter

3. Elections take place following the publication of a Circular of Convocation which the Superior General sends to the Brothers about a year prior to the Chapter. The Circular fixes the last date for the holding of elections and determines the precise way in which to draw up the reports of these elections, and the acts of delegations establishing credentials of each elected Chapter member and possible substitutes.

Comentario [D7]: R 108a

G 5

4. A sub-District with at least 20 Brothers elects a delegate to the General Chapter, but it does not take part in the voting of the District to which it is attached. And so, when this District calculates how many delegates its numbers entitle it to elect, it must not include in its calculations the Brothers of the sub-District.

Comentario [D8]: R 106a, (2)

Chapter 2 – MAJOR SUPERIORS

5. "Major Superiors are those who govern an entire institute, or a province, or a part equivalent to a province, or an autonomous house; the vicars of the above are also Major Superiors".

Comentario [D9]: c 620

Applying this canon to our own Institute, the following are Major Superiors:

- The Brother Superior General and Brother Vicar General;
- The Brother Visitors and Brother Auxiliary Visitors;
- Brother Delegates and Brother Presidents of Delegations.

Chapter 3 – CENTRAL GOVERNMENT

The General Council: the collegial vote

6. The Rule specifies cases when the consent of the General Council is necessary. In other cases, only its advice is required.

Comentario [D10]: R 122a

The Code of Canon Law, however, mentions another kind of vote: the *collegial vote*. This is taken by secret ballot, the Brother Superior General votes and the result is binding. A collegial vote is required, for example, when the dismissal of a Brother is involved.

Comentario [D11]: C 699

Cf. 38, 3b

Administrative Departments: description of responsibilities

7. Procurator General's Office

1. This department is accredited to the Holy See to treat with the offices of the Roman Curia in the name of either the Institute, or of any of its members on all matters which come under its responsibility.

Comentario [D12]: G 65

2. The Procurator General keeps himself informed on all matters concerning the rights of religious and of curial procedures. He has the duty of keeping the General Council informed on these subjects.

3. He notifies those who seek his help of the result of the measures undertaken on their behalf.

4. The Brother Procurator General is responsible for this department. His appointment must be approved by the Holy See, or at least made known to it.

5. The Procurator General has an assistant who takes his place in case of absence.

8. Postulator General's Office

1. The Postulator General is qualified to act for all the causes of beatification and canonization of Brothers who have died with the reputation of holiness or of martyrdom.

Comentario [D13]: G 66

2. The Brother Postulator General is in charge of this department, and as soon as his appointment has been approved by the Holy See, he issues written obediences of Vice-Postulator for each of the causes for which he is responsible. When there is a vacancy, or if a new Postulator General is appointed, all such appointments become void.

9. Bursar General's Office

1. The Brother Bursar General administers the goods of the Institute and manages its resources, taking all necessary measures to ensure that their real value is maintained.

Comentario [D14]: G 67

2. He draws up and administers the budget of the central administration.

3. He is sent annual District financial reports which he studies.

Comentario [D15]: R 140b

4. He gives the General Council a regular account of his management of affairs.

Comentario [D16]: G 67

5. The Brother Bursar General is in charge of this department. He calls and presides over meetings of the International Economic Council.

Comentario [D17]: G 67

10. *Secretary General's Office*

1. The Secretary General is specially entrusted with ensuring means of communication between the administrative centre of the Institute and its various sectors.

Comentario [D18]: G 68

2. He passes on to the General Council and to the different departments of the central administration all the documents useful for their work, and provides the personnel needed for drawing up their dossiers or publication projects.

3. He sends to Districts and communities the communications of the Brother Superior and of the General Council, their circulars and the various forms prepared by the Secretary General's office.

4. He ensures the preservation, classification and storing in the archives of documents that are useful either for immediate use by the administration, or for the historical record of establishments.

5. The Brother Secretary General is in charge of this department. He is also Secretary to the General Chapter of which he is an ex officio member.

Comentario [D19]: R 109a
R 106

11. *Education Mission Secretary's Office*

1. The Education Mission Secretary's Office exists to promote the Institute's educational, pastoral and Lasallian apostolate.

2. This department, conscious of the related nature and common goals of these three areas, has the following general aims:

- a) to work in close collaboration with those in charge of education, pastoral care and the Lasallian Family in the various Districts and Regions;
- b) to give priority to the training of personnel and specialists to work in the three areas mentioned;
- c) to assist in coordinating the work of those promoting the Institute mission on a Regional, continental and world level.

3. The department has the following specific aims:

- a) to represent the Institute as members of international organisations, and at conferences to do with education or pastoral care;
- b) to encourage and back educational and catechetical research, as well as research into spiritual leadership;
- c) to keep a close watch on anything to do with teaching religion to young people especially in school, in line with our Lasallian tradition;
- d) to take special care to encourage lay teachers and other helpers in our schools to become part of the Lasallian Family.

12. *Formation Secretary's Office*

1. This department undertakes journeys at the request of Brother Superior to various parts of the world, to help Brothers assess and strengthen initial and continuing formation programmes.

2. It gives help to areas needing assistance with the training of formation personnel.
3. Where necessary, it ensures the exchange of information and the sharing of experiences; it organizes sessions, retreats, workshops on specific topics on a Regional or international level.
4. It provides the Brother Superior and the General Council with information and advice relating to formation.

13. Secoli (International Lasallian Cooperation Service)

Comentario [D20]: G 286

1. Secoli keeps the Brothers informed and sensitive to the needs of the missions in particular by means of its regular newsletter.
2. It shares out funds made available for the missions according to guidelines laid down by Brother Superior and his Council.
3. It seeks to raise money for the missions at a District level and from organizations outside the Institute. It draws up funding schemes for submission to Districts.
4. It organizes the transfer of funds to the missions.

5. It keeps in contact with Regional and District missionary secretaries.

Comentario [D21]: Cf. 72

14. Lasallian Family Secretary's Office

1. This department ensures the unity of the Lasallian Family as well as a strong Lasallian inspiration in individual groups.
2. By means especially of meetings and publications produced by the department, it seeks to provide groups with information, coordination, leadership and training.
3. It promotes the training of group leaders and organizers.
4. It encourages contact between groups, and between groups and the administrative centre of the Institute.

15. Communication Secretary's Office

1. This department provides information about the Institute and communicates it to the press and the mass media.
2. It publishes "La Salle Intercom" and the "Institute Bulletin".
3. It produces audio-visual material for use by the Institute and its establishments, in the form of video-cassettes, audio-cassettes, films, audio-visual slide packages, etc...

16. Lasallian Studies Office

1. This department promotes, organises and helps with all research relating to the Founder, his life, his writings and his Institute, with the help of research assistants working in Rome and throughout the Institute.
2. It publishes the results of its research in particular in the "Cahiers Lasalliens".

Chapter 4 – THE REGIONS

Regional Statutes

17. The Rule does not attempt to specify how each Region should be organized. Regional statutes are drawn up by the Visitors' Conference, or by a Regional Assembly.

18. These *statutes* indicate, among other things:

1. how the Regional Coordinator is elected and the extent of his responsibilities;
2. how the Visitors' Conference is organized;
3. how Regional councils, commissions and bodies with special responsibilities in the Region, are set up and what their role is;
4. what arrangements have been made to ensure a permanent system of cooperation between Districts, sub-Districts and Delegations belonging to the Region;
5. how delegates are elected to the Regional Assembly, and how such a body does its work.

19. These statutes must be approved by Brother Superior and his Council and then made known to the Brothers.

Comentario [D22]: R 127-127h
G 73

Comentario [D23]: R 127b

Chapter 5 – THE DISTRICT

The District Chapter: District Statutes

20. Bearing in mind what is prescribed by the Rule, the District Chapter draws up its agenda, its work timetable and its rules of procedure.

Brother Visitor and his Council can appoint a preparatory commission to help draw up the necessary documents.

21. One of the tasks of the District Chapter is to draw up District *Statutes* which deal with the following points among others:

1. the procedure by which the Director of a community is appointed and the length of his term in office;
2. the procedure by which the sub-Director is appointed;
3. the composition of the Chapter of admission to temporary or perpetual vows;
4. the setting up of rules of procedure for the election of District delegates to the General Chapter;
5. the procedure for choosing delegates to the District Chapter;
6. the means of enabling as many Brothers as possible to take part in the preparation of the District Chapter;
7. fixing the length of the Visitor's term of office (3 or 4 years);
8. the procedure to be followed for presenting to the Brother Superior three names of those Brothers judged suitable for the office of Visitor.
9. the procedure to be followed for presenting to the Brother Superior the names of Brothers judged suitable for the office of Auxiliary Visitor;
10. the procedure to be followed for setting up a District Council;
11. practical directions for the wearing of the habit.

22. Once approved by Brother Superior and his Council, these statutes have normative force in the District and are made known to the Brothers.

The Visitor

23. As the Rule says, the Brother Visitor is appointed by the Superior General, after consultation with the District and with the advice of the General Council. Consultation or a sounding vote should not be confused with election. In an election, in the strict sense of the word, a decision is made on the basis of a majority of votes. In the case of consultation or sounding votes, the Superior makes the decision. This is why the Rule insists that the process of consultation within a District prior to the appointment of the Visitor does not restrict the freedom of Brother Superior in making his choice.

Comentario [D24]: R 128-131

Comentario [D25]: R 63

Comentario [D26]: R 63c

Comentario [D27]: R 95b,(2)

Comentario [D28]: R 107a

Comentario [D29]: R 130

Comentario [D30]: R 130a

Comentario [D31]: R 134

Comentario [D32]: R 134a

Comentario [D33]: R 134b

Comentario [D34]: R 137, 137a

Comentario [D35]: R 26, 26a

Comentario [D36]: R 131

Comentario [D37]: R 133

R 134a

24. The documentation sent to Brother Superior relating to the appointment of a Visitor, should mention the length of the term of office decided by the District Chapter, and indicate the date on which the new Visitor should preferably take up office.

25. The outgoing Visitor should inform the relevant Church, civil, educational and other authorities of the appointment of his successor, and the date on which he will take up office.

The District Council

26. The Brother Visitor does not vote at District Council meetings, but the final decision is his. In the case of a decision dependent on a higher authority his is likewise the final recommendation. In all cases the directives of the Rule are taken into account.

The minutes of District Council meetings will include voting figures as well as the decision or recommendation of the Visitor. If a decision has had to be postponed, this also should figure in the minutes.

Requests that have to be referred to the Superior General

27. The authority of the Visitor, including when he is acting with the consent of his Council, is sometimes limited by the obligation to refer some cases to Brother Superior or even the Holy See. This would be the case:

1. when the step in question is opposed to ecclesiastical law and the Visitor does not have the authority to give a dispensation, e.g. when a married man wants to enter the novitiate;

2. when the approval of Brother Superior is needed before a decision made by the Visitor can take effect, e.g. when a Brother wishes to make perpetual vows;

3. when some matter is outside the competence of the Visitor and lies within the jurisdiction of some higher authority.

28. In all these cases, the Visitor makes his request directly to Brother Superior. In his absence, the letter will be opened by the Vicar General who will take whatever action is necessary, except in cases where the envelope is clearly marked "For the personal attention of the Superior General".

The nature of these requests can vary greatly. Those to do with houses of formation and admission to vows are dealt with in the Formation Directory; while those relating to financial, legal or administrative questions are dealt with below.

29. Purchases

1. Purchase of property or buildings

For all purchases exceeding the upper spending limit of expenses not requiring authorization, the Visitor will send Brother Superior documentation including the following:

- a) reasons for the purchase;
- b) the location and a brief description of the property or building to be bought;
- c) the names of the owners who are selling and of the body that is buying;

Comentario [D38]: R 138

R 138, para 2 & 3

Comentario [D39]: R 138a

Comentario [D40]:
C 643,1-2

Comentario [D41]:
R 95b, (5)

Comentario [D42]:
R 138c

Comentario [D43]: VM. 4.4.7

- d) the price of the purchase in the local currency and in US dollars;
- e) the total cost of the transaction, including all expenses, and any conditions attached;
- f) details of how the purchase will be funded, annual financial statements for the previous two or three years, and forecasts for the future;
- g) various opinions (that of the District Council, the District Financial Council...).

2. *Purchase of material involving considerable expense*

Normally, where building is concerned, the cost of equipment must be included in the total cost. In this section, we are referring rather to non-educational establishments run by the Brothers, like printing works, bookshops, agricultural land, etc... Documentation sent to Brother Superior should include:

Comentario [D44]: Cf. 30

- a) reasons for the purchase;
- b) brief description of the use of the equipment in question;
- c) the name of the organization making the purchase;
- d) the cost of the purchase including all taxes;
- e) details of how the purchase will be funded;
- f) various opinions.

30. ***Building, alterations, major repairs***

If the building in question is a school, a retirement home for old Brothers or a nursing home for sick Brothers, or a house of formation, etc...; or if the alterations and major repairs are to be made in an already existing house, the documentation sent to Brother Superior will include the following information:

1. reasons for the proposed building work;
2. the name of the company doing the building, alterations or repairs;
3. a description and the plans of the proposed building work;
4. the expected cost (estimate) of the work in the local currency and in US dollars;
5. various opinions.

31. ***Borrowing and Loans***

1. *Borrowing and loans (external)*

Borrowing externally and making external loans below the official upper spending limit does not require authorization. Sums which are above the limit have to be referred to Brother Superior. Requests for authorization should be accompanied by the following information:

Comentario [D45]: VM 4.4.7

- a) reason for loan;
- b) the name of the borrower and of the lender;
- c) the sum being borrowed and the annual rate of interest;
- d) duration of the loan;
- e) scheme for repayment of loan;

f) the annual financial statements for the previous two or three years of the District or organization requesting the loan;

g) various opinions, photocopies of letters of guarantee from local authorities or other bodies (given in some countries), mortgages applied for.

2. *Borrowing and loans within the Institute*

Authorization is required from the administrative centre of the Institute only if the *amount involved is more than twice the usual upper spending limit*.

Comentario [D46]:

VM. 4.4.7

In cases where the sum involved is higher than this doubled spending limit, the request for authorization from Brother Superior should be accompanied by the following information:

a) the names of the borrower and the lender;

b) reason for the loan;

c) the amount involved and under what conditions;

d) a copy of the proposed contract for signature by the Bursar General, acting as official witness for the central administration of the Institute.

32. *Sales*

For the sale of land or buildings, the request for authorization from Brother Superior should be accompanied by the following information:

1. reason for the sale;

2. the location and a brief description of what is to be sold;

3. the name of the purchaser;

4. the value of what is being sold in the local currency and in US dollars;

5. what the money from the sale will be used for;

6. various opinions.

When the sum involved is higher than the limit fixed by the Holy See for the Institute, the central government of the Institute will forward the necessary requests to the Holy See through the Procurator General's Office.

33. *Leave of absence and indult of exclaustation*

In both these cases — absence and exclaustation — a religious is given permission to live outside community. The rules governing these two situations have certain similarities and certain differences:

1. *The competent authority* to give leave of absence is the Brother Visitor with the consent of his Council. With regard to exclaustation, the competent authority is Brother Superior with the consent of his Council.

2. *Reasons* for leave of absence are defined by Canon Law as prolonged necessity and a just cause. As for exclaustation, Canon Law simply says this can be granted "for a grave reason".

Comentario [D47]: R 45

C 665

C 686

C 687

3. The *duration* of leave of absence must not exceed one year, except in the case of illness, studies or apostolic work on behalf of the Institute. Exclaustration cannot exceed three years without permission from the Holy See (CRIS).

4. Leave of absence and exclaustration *come to an end* on completion of the authorized period, and at that point the religious must return to community life, unless an extension has been authorized.

5. In both cases (absence and exclaustration), the *legal position* of the religious remains unchanged: he continues to be a consecrated person, to belong to the Institute and to be dependent on his superiors. The only obligations he is dispensed from are those considered to be incompatible with his new condition of life. To be more specific:

a) the obligations of the vows remain in force;

b) the religious cannot undertake anything which is incompatible with his status as a religious;

c) according to Canon Law, an exclaustrated religious loses his active and passive voice. Nothing is said, however, about the religious with leave of absence, so it must be presumed he is not deprived of them;

d) the exclaustrated or absent religious may continue to wear the religious habit, unless otherwise stated in the indult or permission.

6. As a rule, leave of absence or exclaustration are recommended in cases where a Brother finds life in community difficult or very painful, because of personal or social reasons, in the hope that temporary absence will help defuse a tense situation. Other reasons may stem from problems at home, from one's work or vocation.

In themselves, leave of absence and exclaustration are not diluted forms of secularisation, nor are they meant to provide a gradual and convenient means for a religious to get used to life as a secular.

7. *Current legal thinking in CRIS* makes provision for other kinds of exclaustration also: the names under which they are known — "ad nutum" and "perdurante necessitate" — describe their nature. These have not been included in the new Code of Canon Law, but that is no reason why they should cease to apply.

8. On the other hand, the new Code includes a new kind of exclaustration, known as "*imposed exclaustration*", that is, exclaustration not requested by a religious but imposed on him for serious reasons by the Holy See at the request of the Superior General with the consent of his Council. In all cases charity and justice must be safeguarded.

34. Transfer to another Institute

1. In the case of a religious wishing to transfer from one institute to another, the Superior Generals involved with the consent of their Councils constitute the *competent authority*.

Permission from the Holy See is required only in the case of transfer from a religious institute to a secular institute or to a society of apostolic life and vice versa.

2. The *form* taken by the probationary period, which may include a period of novitiate, is fixed by Brother Superior at the time of admission of the candidate to our Institute.

a) After a probationary period of at least three years, the candidate may be admitted directly to perpetual profession in the new institute.

Comentario [D48]: R 45
C 684
C 685

b) If the candidate refuses to make this profession, or is not admitted to do so, he must return to his original institute, unless an indult of secularisation has been obtained.

c) From the beginning of probation, the candidate is bound to observe the laws of the new institute and obey its superiors.

d) Until profession is made in the new institute, the rights and obligations of the candidate in the previous institute are suspended, but the vows remain.

Comentario [D49]:

Cf. 37

3. The *procedure to follow* in the case of a Brother wishing to be transferred to another institute, or of another lay religious wishing to join ours, is for a request to be made to Brother Superior via the Brother Visitor, who includes his own recommendations and those of his Council when he forwards the requests.

N.B. What has been said about transfers applies only to perpetually professed religious: religious with temporary vows have to wait till their vows expire before moving to another institute.

35. Transfer to the secular priesthood

Comentario [D50]: Cf. 37

A perpetually professed Brother wishing to be ordained a secular priest must first obtain an indult dispensing him from his vows.

It is advisable, however, in a case such as this, for the Brother to ask first for leave of absence or an indult of exlaustration, so as to be better able to think about his situation and prepare himself in a seminary or some other place, and to ask for dispensation from vows only when admission to minor orders has been arranged.

36. Leaving the Institute on expiry of vows

Comentario [D51]: R 97c

C 688,1

C 689

1. Two cases need to be considered here:

a) the Brother leaves of his own accord and does not ask for his vows to be renewed;

b) the superiors do not allow the Brother to renew his vows.

2. The *reasons* for refusing profession must be just. Among the possible reasons for refusal mentioned in the new code of Canon Law, as opposed to the old, is state of health, except in cases in which the Institute is responsible for the illness or infirmity of the Brother. However, "A religious who becomes insane during the period of temporary vows cannot be dismissed from the institute, even though unable to make a new profession".

Comentario [D52]:

C 689,3

37. Leaving with a dispensation from vows

Comentario [D53]: R 43

R 44

C 688

1. The *competent authority* in the case of dispensation from temporary vows is Brother Superior, and in the case of perpetual vows, the Holy See (CRIS).

2. The *procedure to be followed* is as follows: the request for dispensation is sent to Brother Superior via the Brother Visitor. The documents sent to Brother Superior should include:

a) a personal letter to Brother Superior from the Brother concerned stating his reasons for making the request;

b) a letter from Brother Visitor giving his opinion about the matter;

c) an information form giving personal details.

Comentario [D54]: VM. Annexe 2

3. a) The *rescript* of dispensation is sent by the Procurator General to the Visitor concerned, accompanied by an acceptance form to be filled in by the Brother requesting dispensation and to be returned to the Procurator General's office.

b) On being handed the rescript, the Brother requesting dispensation must immediately sign it to indicate his acceptance or refusal. A rescript which is not refused at the time when it is handed over is considered to have been accepted.

c) Under normal circumstances, the Brother for whom the rescript is intended keeps the rescript. It is in the interest of the District to keep a photocopy of the document. The Procurator General's office keeps a photocopy.

38. Dismissal from the Institute

Comentario [D55]: R 45
C 694-704

According to Canon Law there are three possible cases: automatic dismissal, obligatory dismissal and dismissal for other reasons. All dismissals imply automatic dispensation from vows.

1. *Automatic dismissal* applies in the following cases:

- public abandonment of the Catholic faith (apostasy, heresy, schism);
- contracted or attempted marriage (even civil).

In these cases, the major superior (Visitor or Superior General) must, after collecting the evidence, make a declaration of the fact without delay, so that the dismissal is juridically established.

2. *Obligatory dismissal* applies in the following cases;

- murder, serious assault and injuries and kidnapping;
- procuring an abortion;
- concubinage, immorality, unless superiors do not think that dismissal is absolutely necessary.

In these cases, the Brother Visitor collects the evidence concerning the facts and the imputability of the offence, confronts the Brother who is to be dismissed with the accusation and the evidence, and gives him the opportunity to present his defence.

All the relevant papers are signed by the Brother Visitor and the District Secretary or by someone else serving as witness, and are sent to Brother Superior General who, after the necessary verifications, publishes the decree of dismissal.

3. *Dismissal for other reasons*: This applies in serious, external and legally proved cases (canon 696 gives a complete list). The procedure to be followed involves various stages:

a) If the *Brother Visitor*, after consulting his District Council, considers that the Brother should be dismissed:

- he gathers together or completes his evidence;
- he gives a written *warning* to the Brother (or a verbal one in the presence of two witnesses), which states clearly that dismissal will follow if there is no improvement. The warning states clearly also the reasons for dismissal, and gives every opportunity for the Brother to justify himself. Normally, the warning does not limit itself to a reprimand, but includes a direct order to the Brother to make it easier to check to see if there has been some improvement;

- if the first warning has no effect, the Brother Visitor issues a *second warning* not less than a fortnight after the first;
- if the second warning has no effect either, a fortnight later, the Brother Visitor sends Brother Superior all the papers signed by himself and by the District Secretary acting as witness, accompanied by the Brother's signed replies.

b) *Brother Superior* and the General Council consisting of no less than four members consider the case in collegial fashion. If following a secret ballot dismissal is decided upon, Brother Superior draws up a decree which, in order to be valid, must indicate at least in summary form the reasons in law and in fact.

c) The decree of dismissal has no effect unless it is confirmed by the *Holy See* (CRIS) to whom the decree and all the acts are to be forwarded. What is more, for validity, the decree must indicate the right of the Brother to lodge an appeal with the competent authority within ten days of receiving notification of the decree. The appeal has a suspensive effect.

N.B. 1. In paragraphs 1 and 2 above, there is no question of warnings whose aim is to ascertain whether a person is prepared to correct himself or not: because of the nature of the misdemeanor, the question of correction is irrelevant. The role of the religious superior in such cases is rather that of an examining magistrate whose task it is to check what the facts are and who is guilty.

2. In all cases of dismissal, the Brother always retains the right to communicate with Brother Superior General, and to put his case to him.

3. In cases where warnings are sent by post, it is advisable to use registered mail and an acknowledgement slip.

4. When the Brother for whom the warning is intended cannot be contacted (he has left without leaving a forwarding address), the procedure known as edictal decrees should be used: the warnings are posted up on the notice board in the community where the Brother is supposed to be.

39. Immediate expulsion from a religious house

In a case of grave external scandal, or of extremely serious and imminent harm to the Institute, a Brother can be expelled immediately from the community by the Brother Visitor. If there is danger in delaying, this action can be taken by the Brother Director with the consent of his Council.

If there is need, the Brother Visitor subsequently sets in motion the procedure for dismissal in accordance with the norms of law, or informs the Brother Superior who refers the matter to the Holy See if necessary.

40. Readmission to the Institute

The Brother Superior General can readmit a former Brother to the Institute, with the consent of his Council and after receiving the recommendations of the Brother Visitor and his Council.

The candidate need not repeat the novitiate. The Brother Superior determines an appropriate probation prior to temporary profession, and the length of time in vows before making perpetual profession.

41. Sanation

When some juridical, administrative or financial step has been taken without proper authority, and so consequently might be invalid, sanation must be applied for. The Brother Visitor sends the Brother Superior

Comentario [D56]: R 138a,(2)
c. 703

Comentario [D57]: R 99
c. 690

all the details of the case in order to obtain sanation, whether this lies within the Superior's competence, or whether the case has to be referred to the Holy See.

The District and the local bishop

42. Even though our Institute is of pontifical right, Districts maintain close contact with the diocese in which they are, on a personal, community and apostolic level.

Comentario [D58]: R. 2

1. On a personal level, Brothers show the bishop or his representatives the respect they owe as Christians, and even more so as religious.

2. The local bishop is involved when a Brothers' community is opened, and usually such an event should take place within the context of the overall diocesan pastoral plan.

Comentario [D59]: R. 135
Cf. 46

3. In the same way, when a school or some other educational establishment is opened, taken over, handed over or closed, this should be done in liaison with the relevant diocesan authorities, even if the District continues to sponsor the school or establishment.

Comentario [D60]: c. 612

43. The conditions for taking on responsibility for a foundation must always be the object of a contract signed between the representatives of the Institute and those of the bishop in whose diocese the foundation is made.

Comentario [D61]: G. 284

The Brothers who are called upon to prepare or sign such contracts shall take into account the norms formulated for this purpose by the general Council of the Institute.

The District, Brothers and communities

44. Every Brother belongs to a District or a Delegation. When a Brother leaves his own District to go to work or live permanently in another District, he normally becomes a member of the District in which he works or lives. The Secretary General's office is informed of such a move by means of form VII.

Comentario [D62]: VM. 4.3.1

45. When a Brother changes District, a contract can be drawn up by the two Districts concerned, specifying the conditions under which the move is made, and those governing a possible return to his original District.

46. According to ecclesiastical law, a community is a moral and juridical entity and it must be lawfully established. When a community is to be established, the following procedure should be followed:

Comentario [D63]: R. 135
R. 138a,(4)
R. 138c,(1)

1. The Brother Visitor studies the scheme with the District Council which offers its recommendations;
2. the written permission of the local bishop is obtained;
3. the relevant documents are sent to the Brother Superior;
4. after consultation with his Council, the written permission of the Brother Superior is obtained.

The transfer of a community involves the same procedure as establishment.

47. When a community is to be closed the same procedure is followed, except that it is sufficient to simply inform the local bishop.

Comentario [D64]: R. 135
c. 616

If the closure involves the disposal of Institute property (house, land...) care should be taken to obtain all the required permissions.

Comentario [D65]: cf. 32

The District and schools and educational establishments

48. 1. In every foundation, it is the whole Institute which is at work. Even though it rarely takes the first steps, it is always called upon to give its guarantee to the initiative.

Comentario [D66]: G. 283
D. 15b

2. A new foundation has thus always to be first sanctioned by those in charge at the Regional and District level and, later, by the General Council.

3. Such approval implies, at each of these levels, the decision to regard the interests of the new foundation henceforth as its own.

49. Traditionally, most of our communities have been attached to schools and educational establishments. Nowadays, this is often no longer the case. There is consequently a greater need to make a clear distinction between the opening or closing of a community on the one hand, and taking over, handing over, withdrawing from, or closing an educational establishment on the other.

The documents to be sent to the Brother Superior differ according to whether a community or an educational establishment is involved, even if the procedures to be followed are similar.

Comentario [D67]: Cf. 46-47

50. When the running of an establishment is handed over to a lay person, the District may be asked, by agreement with the new headmaster and the diocesan authorities, to continue to sponsor it. Where this happens, a proper contract should be drawn up, specifying levels of responsibility and the extent of the sponsorship in areas such as appointment of headmasters, educational and pastoral support, finances, etc...

The District and the Lasallian Family

51. 1. The District is called upon to play an active part in the creation and growth of the various groups which go to make up the Lasallian Family.

Comentario [D68]: R. 17
R. 17c

2. The Brother Visitor and his Council should do their utmost to set up efficient bodies to train and organize Lasallian groups.

3. Administrative councils of schools and educational establishments should give some priority to implementing District policy on the Lasallian Family at a local level.

4. Brothers' communities also should do their utmost to fulfill their role as the driving force behind the growth and vitality of Lasallian groups. Consequently it is desirable that each group should have the help of a Brother delegated by his community and in contact with it.

Comentario [D69]: R. 64

52. Affiliation. The title of Benefactor

Comentario [D70]: R. 80b

Among the members of the Lasallian Family, there are those who are affiliated to the Institute, and those who have been given the title of benefactor. There are, however, differences between affiliated members and benefactors, both with regard to the criteria to be applied, as well as to competent authorities and procedures to follow.

1. *Affiliated members of the Institute*

a) **Criteria to apply**

- The person who is to be affiliated must:

- want at least implicitly to be affiliated to the Institute;
- support the work of the Institute, not only financially or materially, but also through personal commitment;
- show interest or at least have great admiration for Lasallian spirituality.
- The community or District sponsoring the person for affiliation must:
 - give an assurance that this affiliation is something the community or District really wants;
 - guarantee that there are no objections to the affiliation from ecclesiastical authorities or the local Christian community.

b) Competent authority

Affiliation to the Institute is authorised by Brother Superior and his Council. These latter can act "motu proprio", but most frequently their involvement begins only after the initial steps have been taken at a Regional or District level.

c) Procedure to be followed

The request for affiliation is first sent to the District Council, accompanied by supporting statements. The documents, including the results of the District Council vote, are next sent to the Brother Superior for consideration by the General Council. Once Brother Superior gives his authorization, the affiliation document is drawn up at the Generalate and sent to the Brother Visitor concerned.

2. Benefactors of the Institute

a) Criteria to apply

In the case of giving a person the title of benefactor, the criteria are less stringent than in the case of affiliation. Giving this title is a way of showing gratitude for important services of one sort or another rendered to the Institute. It is up to each Region or District to set up its own criteria.

b) Competent authority

The right to bestow the title of benefactor rests with the District. The way in which the title is bestowed can take a variety of forms — a certificate, a letter expressing gratitude, a medal, etc...

Obviously, in this case too, Brother Superior and his Council can act "motu proprio". In some cases, a District may want the central administration of the Institute to show its approval of the bestowal of the title.

c) Procedure to be followed

Each District organises its own procedure for bestowing the title of benefactor. In cases where the District wishes the central administration of the Institute to show its approval, documents similar to those mentioned in paragraph 1c above should be sent to the Brother Superior. Once he has studied these documents, the Brother Superior can draw up a certificate bestowing the title of benefactor on the person concerned.

N.B. Nothing has been said above about affiliated members or benefactors having to be Catholics. Members of other faiths may have these titles bestowed upon them under certain circumstances, and when the susceptibilities of various individuals and groups have been taken into account.

Changing a District into a Delegation or a sub-District. The joining of two Districts

53. When a District no longer fulfils the conditions which enable it to function normally, there are various solutions possible:

1. the District becomes a Delegation;
2. the District becomes a sub-District attached to another District;
3. the District becomes part of another District.

54. In all these cases, there must be discussion first at a District level. First of all, it is up to the Brother Visitor and his Council to study the problem and to make suggestions for discussion by the District as a whole or by a District Chapter, with a view to arriving as far as possible at a general consensus about specific proposals.

55. There follow subsequently discussions at a Regional level and with the Districts concerned.

56. It is Brother Superior and his Council that make the final decision.

N.B. What has been said about Districts throughout Chapter 5 applies likewise *mutatis mutandis* in the case of Delegations and sub-Districts.

Chapter 6 – COMMUNITY

The Community Council

57. The Rule envisages two situations:

- One where the whole community serves as a council for the Brother Director;
- and another in which, by agreement with the Brother Visitor, the council is made up of a smaller number of Brothers.

58. In the second case, the composition of the council and the way in which it is elected is determined by the community programme, which fixes also in the two cases envisaged the procedural rules for the council.

59. In both cases also, community council meetings do not replace normal community meetings.

60. Community council meetings are held preferably on days fixed by the community programme or, if the need arises, at the request of at least half of its members.

61. Council meetings are prepared by a Brother appointed for the purpose, and the agenda is published early enough to enable everyone to come to the meeting prepared.

62. Written minutes of community council meetings must be kept.

Comentario [D72]: R. 59

Comentario [D73]: R. 59a
R. 59b

Comentario [D74]: G. 133

Comentario [D75]: G. 134

Comentario [D76]: R. 59b

Chapter 7 – THE INSTITUTE IN THE YOUNG CHURCHES

63. The pressing needs of the Young Churches and the rapidly changing conditions in which they exercise their apostolate of education make it more urgent for the local Brothers to take charge of their own sectors. The calm confidence which the Brothers show in the generous fulfillment of their specific mission could greatly help to raise local vocations to the Institute.

Comentario [D77]: G. 268
D. 15c

64. 1. The conditions under which the Brothers generally exercise their missionary activity call for a prudent choice of the Brothers destined for this work.

Comentario [D78]: G. 272

2. They should be required to furnish evidence of certain guarantees: physical health, affective maturity, sociable character, openness of mind, capacity for adaptation, sufficient general and spiritual culture together with specialized preparation.

3. When they first arrive, missionary Brothers should be given sufficient time to familiarize themselves with the language, culture and customs of the people to whom they have been sent.

Comentario [D79]: G. 273

65. In consultation with the General Council, those in charge at District and Regional level will make all necessary decisions with regard to:

Comentario [D80]: G. 276

1. "poverty-sharing" to help Brothers cope with the consequences of the extended family, problems of aid, signs of solidarity;

2. prayer-life in order to encourage Brothers to choose times and forms of prayer more suited to the culture of the country.

66. As a sign of the wish of the Institute to share more fully in other cultures and civilizations, and before pronouncing the formula of vows, a Brother may always express the totality of his offering and the motives which inspire him in some appropriate and personal way.

Comentario [D81]: G. 277
D. 24b

67. 1. In the cooperation which it extends to the Young Churches, the Institute does not exclude anyone: it addresses itself to all young people, whatever their religion, their ethnic origin or their position in society.

Comentario [D82]: G. 279

2. The Brothers are equally available to all, and approach young people with the attitude that they are there to serve and not to be served, contributing to the development of all in a deeply human and Christian way.

68. 1. They study with an open mind the various religions or ideologies professed in the areas in which they have established themselves.

Comentario [D83]: G. 280

2. They will in this way be able to absorb the positive values they contain and so contribute in a more valuable way to the education of the people.

3. The Brothers will take part also, as far as possible, in the ecumenical movement of the locality through friendly contacts with members of other religions.

69. Since in several countries the State has taken over schools, and in others it is likely to, it is important:

Comentario [D84]: G. 282

1. To train Brothers on a human, professional and religious level so as to enable them to adapt more easily to any changes that occur;

2. through prudence, to diversify apostolic commitments, giving a certain priority to Christian educational work with young people, and especially among the poor. Where this is possible, the school should remain the preferred form of apostolate, provided it is properly adapted to local needs;

3. to entrust responsibility gradually to lay people where circumstances demand it and where it is possible; in this way, our work will no longer appear to be the responsibility of the community alone, but of all those who involve themselves fully in the Church's work of evangelization.

70. The central administration of the Institute will show special concern for those sectors that are poor, isolated and far distant, this being most often the case of Institute houses in the Young Churches.

Comentario [D85]: G. 285

71. In the carrying out of this pastoral mission, the General Council has the help of SECOLI, whose role is that of providing information, of study and cooperation with the other departments of the central administration of the Institute, as well as with Regional missionary secretaries and others involved in this work.

Comentario [D86]: G. 286
Cf. 13

72. 1. Each Region or District has its own missionary secretariat.

Comentario [D87]: G. 287

2. The Brothers Visitors entrust them with the task of promoting missionary activity, maintaining contact with the sectors in the Young Churches, publicizing appeals for help, making the Brothers more aware of their needs, and examining with SECOLI practical ways of meeting them.

Chapter 8 – SUFFRAGES FOR DECEASED BROTHERS

73. As requested by the Rule, the Directory lists below the suffrages due to deceased Brothers according to the legislation that applies to them, unless these Brothers have willingly waived their rights and have expressed their decision in writing.

Comentario [D88]: R. 80c

Comentario [D89]: RG. 1968

74. For Brothers who were perpetually professed *before April 26th 1923*, the District will have 300 masses said, and the house where the Brother died will have 30 masses said.

Comentario [D90]: CR. 1901
C. 318

75. For Brothers who made their perpetual profession after *April 25th 1923* or who joined the Institute *between April 26th 1923 and January 1st 1947*, the District will have 100 masses said, and the house where the Brother died will have 30 masses said.

Comentario [D91]: CR. 1923
C. 318

76. For Brothers who joined the Institute *between January 1st 1947 and January 1st 1968*, the District will have 50 masses said, the house where the Brother died will have 30 masses said, and each house in the District will have one mass said.

Comentario [D92]: CR. 1947

77. For Brothers who joined the Institute *between January 1st 1968 and January 1st 1978*, the District will have 50 masses said, each community in the District will have one mass said, and the community to which the Brother belonged will have a few masses said, and will recite lauds and vespers of the dead for him.

Comentario [D93]: CR. 1968

78. In addition to the suffrages mentioned above, there are further masses due to *Brothers who held certain positions in the Institute*:

1. Brothers who, before April 26th 1923, held one of the following positions: Secretary General, Bursar General, Visitor, Director of Novices, have a right to 200 masses which either the Generalate or the District, as the case may be, will have said for their intention;

Comentario [D94]: CR. 1901

2. Brothers who, between April 26th 1923 and January 1st 1947, held one of the following positions: Procurator General, Secretary General, Bursar General, Visitor, Director of Novices, have a right to 100 masses which the Generalate or the District, as the case may be, will have said for their intention;

Comentario [D95]: CR. 1923

3. Brothers who, between January 1st 1947 and January 1st 1968, held one of the following positions: Procurator General, Secretary General, Bursar General, Postulator General, Visitor General, Visitor, Director of Novices, have a right to 50 masses which the Generalate or the District, as the case may be, will have said for their intention;

Comentario [D96]: CR. 1947

4. For a Brother who, between January 1st 1947 and January 1st 1968, held the position of Superior General, the Generalate will have 50 masses said, and each house of the Institute will have one mass said;

Comentario [D97]: CR. 1947

5. For a Brother who, between January 1st 1947 and January 1st 1968, held the position of Assistant, the Generalate will have 50 masses said, the house where he lived will have 30 masses said, and each of the houses under his jurisdiction at the time of his retirement as Assistant will have one mass said.

Comentario [D98]: CR. 1947

79. It is left to the discretion of each Region and District to decide the suffrages due to deceased Brothers who joined the Institute from January 1st 1978 onwards.

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- On readmission: 40
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