

MANHATTAN COLLEGE STATEMENT ON NLRB DECISION

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The New York Regional Office of the National Labor Relations Board has rejected Manhattan College's assertion that as a Catholic Lasallian College it is entitled to constitutional protection of its religious mission. The NLRB Regional Office, having conducted what College officials say amounts to an assessment of Manhattan's Catholic identity, has determined that the government has the right to exercise jurisdiction over the College. The College has argued that it merits a Constitutional exemption under the authority of a series of decisions in the federal courts barring entanglement by the government with religiously identified colleges. At issue in the 26- page ruling by the NLRB Regional Office is the Board's claim that Manhattan College does not hold itself out to the public as a religious – Catholic – college because it supports academic freedom and diversity, while seeking to maintain what the NLRB calls a "Catholic fabric." In addition, the NLRB takes the position that the College's commitment to Lasallian educational principles, which the ruling describes as "purely secular," demonstrates that "in the College's public statements it is decidedly *not* holding itself out as a religious organization."

Responding to the ruling, Brennan O'Donnell, president of the College, said "the analysis clearly and unfortunately demonstrates the NLRB's lack of understanding of the identity of Manhattan College as a 21st-century Catholic college whose mission requires engagement with the broader culture of American society and higher education. Apparently the union and the government mistake our intellectual openness and welcoming spiritual environment, which we consider to be strengths of the Catholic intellectual tradition, as weaknesses. The ruling suggests that the Regional NLRB believes that the primary hallmarks of an authentic Catholic college or university are exclusionary hiring, a proselytizing atmosphere, and dogmatic inflexibility in the curriculum."

"While the ruling is disappointing," said O'Donnell, "it is not surprising. The NLRB has consistently failed to follow the instructions of federal courts as to the constitutional protections to which religiously affiliated entities are entitled. It is important to understand, however, that the courts have consistently recognized the kind of self-definition of religious identity that the College has presented in its arguments, and that they have upheld claims such as those we are making in barring the NLRB from asserting jurisdiction over religiously-affiliated colleges."

The Regional Director of the NLRB, in addition to having denied Manhattan College's request to be exempt from jurisdiction, has directed that an election be conducted among the adjunct faculty, although the details remain to be decided. President O'Donnell commented: "Such activity unfortunately will divert time, attention, and personnel from the College's pressing tasks, including accreditation review and strategic planning. It will also divert attention from the many forward-looking initiatives that we have launched in the past eighteen months, all of which are grounded in our mission as Catholic and Lasallian, and each of which necessarily involves cultivation of a genuine community of educators, rich in its diversity, and united in the Lasallian spirit of service to students—a spirit grounded in our Catholic identity. We will do what we need to do, and I am confident that the momentum we have started will continue. We have important work to do, work that has been entrusted to us by generations of faithful men and women who have understood that Catholic education means more than indoctrination. I have faith that we are up to the challenge."

O'Donnell said that the College is in the process of assessing its options and will soon make a determination about how to proceed with regard to an appeal.

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