



## OFFICE OF THE PRESIDENT

February 20, 2015

To the Manhattan College community,

I am writing in order to clarify recent actions by the National Labor Relations Board (NLRB) surrounding our longstanding case with the Board.

On February 3, 2015, the NLRB in Washington, D.C., issued a decision in the case involving Manhattan College and the unionization of adjunct faculty. The brief decision remanded the case back to the Regional Office in New York City, where the case originated, for appropriate action consistent with the NLRB's December 2014 decision in the Pacific Lutheran University case. On February 20, 2015, the College received an Order To Show Cause from the Regional Director of the NLRB that the parties were being given an opportunity to submit their position on whether or not the record in the case should be reopened for additional information in light of the recent Board decision in the Pacific Lutheran University case. In particular, the Regional Director has directed the parties provide written cause as to whether the petition should be dismissed for lack of jurisdiction pursuant to Pacific Lutheran, or alternatively whether the Region should re-assert jurisdiction.

Manhattan College's original position centered on its concern that as a faith-based institution it remains free from inappropriate government interference. Specifically, the College was concerned that the NLRB sought to define a "religious" institution on its own terms. In interpreting the National Labor Relations Act and the religious freedom clauses of the First Amendment, the Courts have clearly limited NLRB jurisdiction over religious affiliated institutions and recognized the right of religiously affiliated colleges and universities to make independent decisions about their individual religious identity.

In its original appeal Manhattan College had strongly objected to the NLRB's standard for determining jurisdiction over faith-based institutions. Although the Board in its recent Pacific Lutheran decision set aside the test that the College objected to, it adopted a new test that includes an evaluation of whether the College holds out the faculty members as performing a specific role in creating or maintaining the university's "religious educational environment." Manhattan College remains concerned that such an evaluation will again put the NLRB in a position of defining Catholic identity. To do so would undermine the autonomy that a Catholic university requires to develop a distinctive identity, reflecting its history and circumstances, pursued in light of its overarching Catholic mission.

Manhattan College respects and values all its faculty members, including adjunct and full-time faculty. Among our adjunct faculty members are many of whom have worked at the College for several years, and a number of whom are alumni. Our faculty are essential to fostering and sustaining the Lasallian Catholic identity of the College for our students. We remain committed to treating them fairly. We remain committed to our Catholic identity and heritage and will continue to work hard as a community to preserve and promote that identity.

For more information about our case with the NLRB, [visit this link](#) on [manhattan.edu](http://manhattan.edu), which includes a link to the Pacific Lutheran decision.

Sincerely,

Brennan O'Donnell  
President