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Feds: College can't dodge union organizing

Beth Griffin Catholic News Service | Feb. 23, 2011

RYE, N.Y. -- A contested decision by the National Labor Relations Board that Manhattan College does not hold itself out as a religious institution has paved the way for adjunct faculty to organize a union at the 158-year-old Bronx college founded by the Lasallian Brothers of the Christian Schools.

The Jan. 10 decision by Elbert F. Tellem, acting regional director of the NLRB, concluded that the college has a secular purpose. Because adjunct faculty are not required to advance a religious mission, Tellem said exercising NLRB jurisdiction will not lead to an "unconstitutional entanglement" of government and religion.

He later directed that mail ballots to measure support for creating a union be sent to adjunct faculty Feb. 16 and counted March 3.

Brennan O'Donnell, president of the college, located in the Riverdale section of the Bronx, told Catholic News Service: "We vehemently object to the characterization of us as not holding ourselves out as a religious institution."

He said the decision shows 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.

He traced a 20-year process of debate and soul-searching among Catholic colleges and universities to find their niche as viable institutions in a pluralistic society while remaining true to their founding religious mission.

"It's a complex enterprise. Catholic universities have defined themselves as being authentically Catholic and as being in dialogue with the culture," he said in a telephone interview. "To do this, they welcome people other than Catholics as faculty, students and staff, and try to create an atmosphere where Catholicism is vitally present and infuses the culture. It's front and center, but doesn't trump other traditions."

"It's a Catholicism that's confident enough that it doesn't shrink from robust engagement in American society," O'Donnell said.

He said the NLRB decision "makes it sound like we've detached 'Lasallian' from 'Catholic'. Lasallian means nothing if it doesn't mean Catholic," he said, "but you don't have to be Catholic to embrace the values of Jean-Baptiste de la Salle."

The NLRB decision challenged Manhattan College's interpretation of a 1979 Supreme Court decision (NLRB v. Catholic Bishop of Chicago) and subsequent judicial and administrative determinations that religious schools and colleges are exempt from NLRB jurisdiction.

The labor board's decision explained that if schools require faculty to propagate a religious faith, bargaining over such rules and their disciplinary consequences would improperly require the board to examine the

enforcement of faith-based rules.

However, because the mission of Manhattan College "does not involve the propagation of a religious faith, teachers are not required to adhere to or promote religious tenets, a religious order does not exercise control over hiring, firing, or day-to-day operations, and teachers are given academic freedom, this risk of entanglement is obviated," it said.

O'Donnell said in a statement, "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 curriculum."

O'Donnell told CNS, "There is no single test or set of metrics that can be applied externally to measure Catholicity." It has to be worked out internally, through dialogue with educators and the church, he said.

"The reason we're questioning the jurisdiction of the NLRB is we genuinely believe that the faculty are absolutely crucial to the implementation of our religious mission and have to be engaged in an ongoing discussion of our Catholic identity."

O'Donnell said Manhattan College appealed the decision on the grounds that it did not apply the law correctly in interpreting two earlier cases and that the ruling is an inappropriate attempt to define the religious identity of the school.

On Feb. 16, the central office of the NLRB said it would grant a review of the regional decision. O'Donnell said, "It's heartening. They're taking our concerns seriously and we'll continue to be in communication with the national board."

A spokesman for the American Association of University Professors in Washington told CNS Feb. 23 that as a result of the Supreme Court's 1979 decision and its 1980 ruling in a case involving Yeshiva University that limited the ability of faculty at private institutions to unionize, there has been no attempt by faculty at Catholic colleges and universities to organize, outside of the current effort at Manhattan College.

O'Donnell told CNS that there did not appear to be a single issue driving the union effort at the college.

"We don't have an atmosphere of disgruntlement among faculty members. This is a matter of trying to deal with an effort mounted from outside," he said. The adjunct faculty members are working with the New York State United Teachers/American Federation of Teachers. The full-time faculty is not represented by a union.

Randolph Schutz is a member of the organizing committee. He has taught psychology at Manhattan College since 2007.

Schutz told CNS that he was approached by organizers from NYSUT after the spring 2010 semester about forming a union for adjunct faculty. He and the organizers met with professors from Manhattan and other colleges, Bronx community groups and political representatives before petitioning the NLRB to allow the Manhattan College Adjunct Faculty Union to hold an election to become the collective bargaining representative for the part-time adjunct faculty.

"Our primary objective is to earn more money," Schutz said. "Adjuncts earn one-third to 40 percent of full-timers and lecturers make significantly less."

Schutz also said the adjunct faculty wants job security. Right now, he said, they "get the scraps" in terms of course assignments and most teach at two colleges to make an adequate living.

He said the external union organizers were necessary because the typical itinerant schedule of the adjuncts and the lack of an institutional framework for them to get to know one another made it difficult to galvanize themselves to pursue shared goals.

"From a larger perspective, I fail to understand how the presence of a union could be prejudicial to the Catholic mission of the college," Schutz said. He identified himself as a baptized Catholic who no longer practices the faith.

He said the college is already "deeply embedded" in adhering to federal and state regulations and having a union on campus would not be burdensome or harm the mission of the school.

Schutz said the majority of the adjuncts seem to favor the union, but regardless of the outcome of the vote, the effort has already resulted in unprecedented meetings with the college administration.

He predicted the administration would offer some improvements in conditions, "especially if they beat back the effort to unionize," but that ultimately would try to pay the adjuncts as little as possible.

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