

# Not In My Backyard: St. Xavier University Fights Union Organizing

By Tom Suhrbur, IEA Organizer

“We are here because it’s a question about jurisdiction . . . and not about the natural rights of workers. The Catholic Church has long supported the moral right of workers to organize and bargain collectively. But, under the First Amendment, Catholic colleges and universities must have the freedom . . . without excessive government entanglement.”

With these words, St. Xavier University (SXU) sought to have the National Labor Relations Board (NLRB) dismiss a union representation election petition filed by the Illinois Education Association (IEA-NEA) on behalf of the part-time (adjunct) faculty. Following 2½ days of testimony, the NLRB Regional Office ruled that, though SXU was affiliated with the Sisters of Mercy, it provided a secular education and that an adjunct union would not infringe on the free exercise of religion. The NLRB conducted a union representation election among the adjuncts earlier this summer. Since SXU appealed the election ruling to the NLRB National Office in Washington DC the ballots were impounded until a decision on the appeal has been rendered. If SXU’s appeal is rejected, the ballots will be counted.

## Much has changed

SXU’s legal argument rests largely on case law decided more than 30 years ago. However, much has changed in Catholic education since then. In the 1960s, small Catholic Colleges such as SXU recruited most of their students from Catholic high schools. These colleges continued the students’ religious education. In the Chicago area, schools such as Rosary College (now Dominican University), Lewis University, St. Procopius College (now Benedictine University) and St. Xavier University for Women served that purpose. But, declining enrollment over the years forced many Catholic high schools to close down and led others to accept non-Catholic students to survive. This fact meant fewer Catholic recruits for the Catholic colleges and universities. At the same time, enrollment in higher education was rapidly increasing largely funded by government grants and federal-backed student loans providing a golden opportunity to recruit outside the Catholic education system. SXU changed. It dropped the “for Women” from its name. It adopted a “diversity” policy - accepting students regardless of any religious requirement, dropping any required Catholic training and recruiting students from the general population. Diversity also meant that the faculty members were no longer screened for their religious views. As a result, SXU’s enrollment has increased significantly since the 1960s and its education program became secular.

## Exploiting Part-time Faculty

Like other higher institutions across the U.S., SXU has increasingly relied on low paid adjunct faculty to teach its undergraduate classes. SXU employs about 150 adjuncts in any given semester. In the fall of 2005, a Faculty Senate Ad Hoc Committee on Adjunct Faculty Life recommended that: “By fall 2007, set the minimum pay for a three-hour course at \$2,600.” The Committee’s recommendation was not adopted but adjuncts received a pay increase of \$200 per three-hour class in the fall of 2006; adjunct pay has been frozen at \$2300 per class ever since. In the meantime, SXU tuition has increased 39%. The only other employment benefit that SXU adjuncts receive is free parking. Considering that a full-time teaching load is 8 classes per academic year, adjuncts would only make a paltry \$18,400 annually if they were teaching full-time at the current pay rate.

## A Double Standard

SXU’s objection to federal jurisdiction flies in the face of the fact that it has had a full-time faculty union certified under the NLRB since 1979. Why object to NLRB jurisdiction for a part-time union and not the full-time union? Apparently, the University does not believe that the full-time faculty union is an “intrusion into SXU’s ability to carry out its Catholic mission” - only the adjuncts. The full-time union is an independent without any affiliation with a national union while the adjunct union is aligned with the IEA-NEA. Is the real reason for SXU’s opposition more about the adjuncts affiliation with IEA-NEA – a powerful national organization – than about NLRB’s jurisdiction? Is SXU more concerned about an adjunct local that can draw upon professional resources and advice provided by IEA-NEA? President Wiseman has made it very clear on several occasions that SXU does not want an IEA-affiliated local union.

Amazingly, SXU has no qualms about accepting grants from the state and federal governments. From 2005-2010, SXU

received over \$8.5 million in government support. In 2010, it received money from the Illinois Board of Higher Education, Illinois State Board of Education and the Illinois State Treasurer's Office. In addition, many low-income students receive federal grants to help pay their SXU tuition. Apparently, the separation of church and state ends where public funding begins.

### **The Big Picture**

Besides SXU, there is a similar case involving a New York Catholic institution, Manhattan College, before the NLRB that has drawn national attention since it could open the door to unions for religious-affiliated school employees. Conservative religious organizations such as the General Conference of Seventh-day Adventists and the Association of Christian Schools International are expressing support for SXU's position. Speaking of the case, Patrick J. Reilly, president of the Cardinal Newman Society stated that: "It's is a clear violation of religious liberty for a federal agency to even be asking the question whether an institution is sufficiently Catholic. That's a question for the Church to answer, not the National Labor Relations Board." He continued; "Every Catholic needs to be engaged in this fight." Liberal church groups stand behind the "natural rights of workers" to unionize as a fundamental principle of social justice and democracy." ARISE Chicago, an interfaith workers rights organization, has reached out to SXU to drop its opposition to the adjunct union with little success.

How far will this case go? We expect a favorable decision from the NLRB. From there, SXU could appeal the decision in the federal courts. If so, it could take years – a legal strategy that American corporations have been using to wear down and ultimately break union organizing efforts.

*Tom Suhrbur grew up in a union family in Cicero, Illinois. He received a BA and MA in U.S. history at the UIC and a Certificate of Advanced Studies in labor history from NIU. He co-authored a book "Union Brotherhood, Union Town: The History of the Chicago Carpenters' Union, 1863-1987." He recently retired after 26 years as a union organizer for the Illinois Education Association. He is currently the Vice-President of the Illinois Labor History Society.*