

ASSOCIATION OF GRADUATE SCHOOLS
IN CATHOLIC COLLEGES AND UNIVERSITIES

Agenda and Program for the Annual Meeting
Thursday, December 2, 1993
5:30 - 7:15 p.m.

Columbia - A
Hyatt Regency Washington on Capitol Hill

- I. Welcome
Eren Branch, University of San Diego
- II. Presentation
Jo Renee Formicola, Ph.D.
Chairperson, Department of Political Science
College of Arts and Sciences
Seton Hall University, South Orange, NJ
(Research interests: Ethics; Church-State relations)
Title of Presentation:
"A New Model of Catholic Jurisprudence"
- III. Membership and Treasurer's Reports
Robert Nikolai, Saint Louis University
- IV. On the "Candidates' Booklet": AGSCCU's Effort to
Place Graduates in Faculty Positions
Robert Nikolai, Saint Louis University
- V. Report of the Nominations Committee:
Election of a New Member to the Executive Committee
- VI. Round-Table: Reports on Graduate School Activities
Representatives of AGSCCU Institutions Present
- VII. New Business
- VIII. Adjournment (to Dinner)

interests include human/women's rights. She has spoken and published widely, and has contributed to several books. The title of Dr. Formicola's presentation: "A New Model of Catholic Jurisprudence." A synopsis of her talk is as follows:

The primary role of the Church is to teach, rule, and sanctify its followers. Church/state relations have generally given the Church freedom to pursue its mission, and, except in the United States, concurrently permitted (Church) associations with governments and political regimes. In the U.S., however, the constitutional principle of separation of church and state forbids such associations except that the church may undertake active involvement in matters before the Judicial Branch. In recent years the Church has made inputs to considerations by the Supreme Court of several landmark cases with little success; the question of pursuit of a more vigorous "Catholic jurisprudence" now arises. In Everson v Board of Education (1947), a state's right to reimburse parents for the cost of transporting their children to parochial schools was questioned. A team of Catholic scholars, headed by a Jesuit priest, filed an amicus brief; the Court's decision allowed continued reimbursements, but the outcome also resulted in a broadening of the interpretation of the First Amendment. In Lemon v Kurtzman (1970), the question was permitting two states to support salaries of instructors teaching secular subjects in church-related schools. A brief was filed jointly by several religious-education associations. The Court did not accept the rationale of the brief, and held that the salary-support violated the principle of church-state separation. More recently in Lee v Weissman, questioned was whether a Rabbi could give a non-denominational invocation at a high-school graduation. The legal department of the U.S. Catholic Conference filed a supporting brief, but the Court said that a graduation was not a voluntary event. In Zobrest v Catalina Foothills School District, a deaf child attending a parochial school had been denied state-support for a sign-language interpreter. Again the U.S. Catholic Conference filed an amicus brief. This time the Court held for the plaintiff, but the decision was rendered four years after the child finished high school. Historically, Catholic jurisprudence developed with reliance on the natural law and ecclesiastic canons. In the modern era, though, Catholic jurisprudence has taken a more pragmatic stance, basing arguments more on judicial policy and precedent rather than Church dogma. A more unified approach toward the First Amendment has been taken. The call has been for government accommodation and protection for the inclusion of religious values. These changes in Catholic jurisprudence are reflected in the Church's arguments pertaining to the four cited cases. The weakness therein, however, is the reliance on an accommodationist approach to religious liberty. Continued appeals for Church-state cooperation and the promotion of religious values are unlikely to occur in the future. Accommodationism is not a valid cornerstone of

Catholic jurisprudence today; it will, and already has, impede the free exercise of religion (e.g., the responsibilities incurred with acceptance of federal aid to education, the required recognition of a gay-rights organization on campus). A new approach to or model for Catholic jurisprudence is seemingly necessary.

Dr. Formicola took questions from the audience after her presentation. Dr. Sargent asked if the Zobrest case implies that universities must accommodate students with such disabilities. Dr. Formicola replied that the law requires such accommodations only to age 16. Dr. Sargent then wondered what effect passage of a pro-choice bill would have on Catholic hospitals and practice by Catholic physicians. Dr. Macy questioned the concept of state-interference in the Church's salvific mission. Dr. Formicola argued that such interference makes accomplishment of the mission more difficult. Dr. Macy then spoke of accommodationism referenced to original sin and Court decisions made on a "lesser-evil" basis. Dean Catania then suggested that Dr. Macy was not really questioning Dr. Formicola's hypothesis; he agreed, though, that the state should not accommodate the Church.

Dean Branch thanked Dr. Formicola for her presentation and the audience for its attention and participation.

- III. Dr. Nikolai distributed copies of the AGSCCU final and an interim membership-reports for the 1992-93 and 1993-94 years, respectively. Last year and thusfar this year dues were and have been collected from 26 full and two associate institutional members. He then distributed copies of a two-page Treasurer's final report for FY1993; the first page summarized income and expenses, and the second page detailed the activity of the Association's checking account for the year. The balance on hand at the beginning of the fiscal year (7/1/92) was \$701.76. The total income and expenses for the year were \$2,374.00 and \$1,460.26, respectively, leaving a balance on hand on July 1, 1993, of \$1615.20.
- IV. Dr. Nikolai distributed copies of the 1992-93 report on the "Candidates' Booklet" project. Eight universities participated, submitting a total of 221 biographic sketches; 42% of the 221 candidates indicated they would consider teaching positions in secondary education. Booklets were distributed to approximately 925 colleges, universities, and secondary schools in the eastern U.S. (all members of the NCEA). Dr. Nikolai brought with him several copies of the new Booklet, indicating that the mailing to Catholic colleges and universities had been done last month. He reported that eleven universities had submitted a total of 246 sketches, that the second mailing this year would target superintendents of Catholic high and grade schools, and that 38% of the 246 Candidates had indicated consideration of possible employment at the high- or grade-school level. Once again, the question of the ef-

fectiveness of the Booklet was raised. Dr. Nikolai replied that each booklet contains a "feedback" form to be completed by the user; he said, though, that he receives very few "returns" each year. Dr. Marre volunteered to help Dr. Nikolai undertake a survey, sometime next spring, of the colleges and universities that receive the Booklet.

- V. Dean Branch indicated that Dr. Marre's term on the Association's Executive Committee ends with this meeting. Father Lynch reported that the Nominating Committee's candidate for the position on the Executive Committee is Dean Jennerich. Dean Branch asked for nominations "from the floor." Dr. Marre nominated Dr. Sargent. No other nominations were heard. Small blank sheets of paper as ballots were distributed; the AGSCCU Constitution indicates one vote per institutional member. (As the meeting continued, ballots were collected and votes were counted by Dr. O'Connell.)
- VI. Dean Branch introduced Mr. Benito Lopez, appointed Executive Director of the Association of Catholic Colleges and Universities (ACCU) since the last AGSCCU meeting in Washington (in December 1992). Mr. Lopez reported that he holds degrees from Fordham and Harvard Universities, and that he practiced law for many years. He came to the ACCU to guide its long-range planning. A research-plan has been developed within which a two-year study of Catholic institutions of higher education is to be conducted; the impact of Catholic identity of the institution on its mission and on every facet of campus-life will be explored. The plan has been submitted to and has been well received by several foundations, and funding recently has been received to enable scholarly input to the plan. Mr. Lopez expects that the ACCU will be supporting five or six external projects in conjunction with the two-year study. The cumulative efforts and outcomes will be discussed at a symposium at the College of St. Thomas (MN) in the summer of 1995, and a book-length report will be prepared to serve as an identity-guide to Catholic educational institutions. Mr. Lopez also spoke of other and ongoing ACCU activities. The ACCU has held five meetings toward synthesizing "Ex Corde Ecclesiae" for Catholic universities. The Association publishes a journal; Mr. Lopez mentioned several articles contained in the January 1994 issue. The ACCU has dialogued recently with the U.S. Bishops who are generally not interested in direct involvement in affairs of Catholic higher education. He expressed concern that recent regulations promulgated by the Department of Education, regarding defaults on student-loans, encroach on the autonomy of private colleges and universities. Dean Branch thanked Mr. Lopez for his comments and suggested that a number of AGSCCU member-institutions might like to receive copies of the ACCU research-plan. Deans Catania and Lawler indicated interest in the plan. Mr. Lopez said he will send the document to Dr. Nikolai for distribution.

- VII. Dean Branch reported that the new member of Executive Committee is Dean Jennerich. She noted the time, indicated that the Executive Committee would meet in the late spring--probably by conference telephone-call--to plan future activities of the AGSCCU, and suggested that representatives report new graduate-school activities at their own institutions to one another over dinner. The meeting was then adjourned by mutual consent at 7:30 p.m.

A handwritten signature in cursive script, appearing to read "Rm".