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DISCUSSION:

MISSION AND HIRING POLICIES IN THE CHRISTIAN COLLEGE

Bruce R. Reichenbach

The Christian or Church-related¹ college is a visible witness to the presence of God through the ministry of education. Here the Gospel is presented in diverse languages: of free and responsible academic investigation; of preparation of students for their vocations; of worship and witness to the acts of God; of love and caring, honesty and integrity in a community directed toward maturation; of the beauty and wonder of aesthetic appreciation; of service to others and outreach to the community.

If a college has any reason for existing and correspondingly any way to measure its accomplishments, it must be in terms of how successfully it educates its students. The buildings it erects, the curriculum it adopts, the requirements it institutes, the social and cultural events it sponsors, all are justified by this. Education sometimes is conceived very narrowly to apply only to the education of the mind. Thus, colleges typically and appropriately emphasize classroom experiences, teaching, texts, courses, libraries, and the like. In this arena faculty function most comfortably, for they have been trained to contribute through classroom, research and laboratory. Though this constitutes one facet of education, emphasis on this dimension to the neglect of other factors can lead colleges to cultivate intellectual giants and moral and social dwarfs. Much more goes on at college than the education of the mind. Indeed, were student education measured in increments of time, the business of formal education would not predominate. Learning occurs in the dorm, in the athletic center or on the field, in the music and drama presentations, in the work experience in the community.

Hence, if we are to speak about education as the raison d'être of the college, we must address educating the whole person. The mind should be trained to think critically, clearly, and creatively. Students should be introduced to new ideas and data bases, with which to both deepen their understanding of particular areas and broaden their horizons and perspectives. The intellectual skills involved in learning and research should be honed. Moral character should be shaped and strengthened. Students should be taught to think about virtue and encouraged and given opportunity to develop qualities of character that will serve them and society well during their lifetime. Students should be taught to use their physical attributes, to develop interests and skills that will lead them to patterns of action that

favor life-long fitness. They should be helped to develop social and emotional skills that will enable them to get along with others, and to satisfy their own emotional needs and those of others in ways that foster growth, maturity, and satisfaction.

In effect, in defining the purpose of the college as educating the whole person,² focus must be placed on every dimension of student life. Since education takes place in diverse campus settings, not only faculty but other members of the college staff function as "educators," though not everyone educates in all of the above dimensions, or in the same way. Hence the entire college community should be knowledgeably committed to the college's mission as the college attempts in its diverse educational roles to assist students in their education.

Implementation of Mission

If this assessment of education is correct, then the college's mission should inform all aspects of the college's educational endeavors. Its implementation should occur at all levels of college life, to create a particular kind of community. The mission will shape the way the administrators operate the college. It will inform the way the faculty educate, both in individual courses and in the overall college curriculum. It will govern the way staff interacts with students in counseling, residential life, job and career placement, and social and business activities. It will shape the extracurricular dimensions of the college and the way students work and serve in the community.

The same holds true for the Christian dimension of a Christian or Church-related college's mission statement. The Christian character of the college cannot be relegated to the chapel worship program, the religion department, required courses in religion, or the Church Relations office. Christian faith and values should permeate every aspect of the college. They should inform the ways the administration operates the college. They should shape the entire curriculum through their integration at relevant points with other subject matter. They should help determine the kinds of outcomes the college wants for its students when they graduate. They should be a lively topic for educated discussion and civil debate. They should govern how the community members relate to each other. In effect, they should pervade the campus's study, work, social life, worship, and spiritual life.

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Hiring Faculty, Administrators, and Staff

Perhaps the most critical factor in the college's successful achievement of its mission is the composition of its faculty, administration, and staff. This group of individuals provides direction both to the college as a whole and to the students particularly. Faculty play a direct role in college governance and in students' education. They become role models for students, establish departmental and course curricula, and set the classroom agenda and context. The administration hires and oversees the development and direction of programs. Staff plays a critical role in setting the atmosphere for dorm life and the relationships of students to college offices. Their counseling of students reflects their own values and emphasizes what they think is important in students' own development.

Consequently, it is in the staffing of the institution, more than anywhere else, that the character of the institution and its ability to shape the educational experience of students will be felt and ultimately effective. Unless the administration, faculty and staff of the Christian college are knowledgeable about the Christian faith, have critically reflected on the integration of faith and learning, and are consciously committed to and affirm a role in implementing the Christian dimension of the college's mission, the Christian or Church-related college that takes seriously its Christian mission cannot succeed in achieving that stated mission.

This is analogous to what occurs within individual academic departments. Unless the individual members are committed to the departmental educational objectives, those objectives cannot be achieved. A department desires more than members who are merely comfortable with the departmental objectives. It wants members who intentionally work in their own teaching to carry out the department's mission.

Accordingly, the most critical decisions will involve the hiring of faculty, administrators, and staff who possess a thoughtful commitment to the mission of providing students an education shaped by Christian faith and values. Though written thirty years ago, the words of the Danforth Commission still ring true. "If a college intends to be a Christian community and to conduct its work within a Christian context, the appointment of faculty members who are sympathetic with this purpose and can make a contribution to such a community is an important factor in selection. From the point of view of academic integrity, it is essential to make the additional qualification explicit to everyone concerned."³

At the same time, the Commission noted the resulting difficulty. "In the staffing of Church college and universities, one of the difficult problems is that of appointing persons who have the requisite religious commitment... In general, we find that most Church institutions lack firm and well-formulated policies in

this respect. Institutions commonly seek some evidence of religious affiliation in prospective teachers, but too often nominal Church membership is regarded as sufficient. What is lacking is the expectation that the faculty member will be an informed, thoughtful Church[person] and relate his [or her] subject to the Judeo-Christian tradition.... This is one of the most basic problems of Church institutions today."⁴

Commitment to effectively implementing the mission statement means more than that those hired will be sympathetic to or comfortable working in an environment that makes such a Christian statement. Since these same faculty subsequently will be responsible for making hiring decisions, they significantly determine the direction of the institution. Hence, not only should the nature and mission of the institution be put up front in the hiring process, but prospective employees should be asked to address how they see the mission of the college, including the integration of Christian faith and values with learning and teaching. This should not be merely an academic exercise, but an opportunity to share how in the past they have integrated Christian faith and learning, and how in the future they would like to contribute to the Christian mission of the College. Since the past is often a harbinger of the future, the way prospective employees have integrated their Christian faith and values with their prior professional lives will provide evidence (though obviously no guarantee) that they will continue such patterns at the college.

Administrators, faculty, and staff who come to teach at a Christian college should choose to teach and work at such an institution. This choice expresses willingness to participate in a Christian community, fulfilling to the best of their ability a particular task centered around a mission that embodies, among other dimensions, a commitment to conducting education from the perspective of the Christian faith and values.

This being said, several caveats must be made. First, commitment to the Christian faith should not replace professional preparation and expertise or pedagogical ability. Sometimes the discussion of hiring qualifications is couched in terms of a radical disjunction: departments hire either persons with academic expertise or persons who manifest commitment to the Christian faith and are active, knowledgeable Churchpersons. The dichotomy is false. Faculty satisfying both academic and religious criteria generally can be found.

Second, should religious requirements apply to all persons hired to work in the community? A college that emphasizes intentional diversity as part of its mission statement thereby provides grounds for hiring persons who can not only be creative teachers and articulate spokespersons for various disciplinary and social views, but represent and present non-Christian perspectives in ways that provide an opportunity for serious, internal dialogue on the important issues that face the college. When hired, they should be encouraged to effectively

and constructively raise the kinds of questions that both Christians and non-Christians should face. They can challenge the ethos of the institution, raise questions about its integrity and consistency, question its directions and programs, and provide constructive models for students who themselves are skeptical about the Christian faith.

How would this concern for diversity be implemented? George Marsden has introduced the notion of a critical mass. On his view, the Church-related or Christian college would be a place where there is a critical mass of faculty, administrators and staff who maintain strong Christian commitments, in consonance with the stated mission of the college.⁵ Clearly the notion cannot be unpacked simply in terms of definite numbers, as if some given percentage would achieve such a goal. The notion of critical mass is less a matter of pure numbers than a matter of presence, power, and influence in creating a community with a particular identity. Thus, administrators and departments, in attempting to maintain a critical mass of those committed to implementing actively the college's mission statement, have to assess the intellectual and governmental milieu of the campus, so as to provide assurances of the continuing living identity of the college as a Christian or Church-related college.

The criterion of "critical mass" should apply not only college-wide, but to individual departments as well. The latter is especially important where hiring is initiated and completed at the department level, for the faculty hired today will conduct the hiring in the future, and thus directly or indirectly affect the direction of the department. Application of "critical mass" at the departmental level would insure that the Christian faith is in dialogue with every aspect of the educational curriculum.

To help accomplish this, those making hiring decisions could be broadened to include members of the larger college community, so that, in the case of the faculty, more than mere departmental concerns can be addressed. The questions of "campus fit" and "mission fostering" should play roles in the hiring process. I want to be careful here lest I be misunderstood. By "campus fit" I do not mean homogeneity in politics, gender, race, denomination, or outlook. What I do mean is that in addition to diversity issues, the question of how prospective administrators, faculty and staff see their respective roles in actively integrating faith and learning in the community should be an important consideration.

Third, diversity is not best served by simply ignoring religious commitment or perspectives when hiring administrators, faculty, or staff. Not benign neglect but intentionality rules. If the purpose of religious diversity is to provide a variety of carefully considered and articulate perspectives leading to fruitful and stimulating dialogue, the hiring should be done intentionally in that regard. The religious diversity appropriate to the academic enterprise is not achieved simply by hiring

persons who identify with Christianity, Islam, Judaism or atheism, but by hiring persons who are knowledgeable, thoughtful and articulate spokespersons of their positions.

Fourth, in a specifically Lutheran college the matter of intentional hiring might apply at times to being specifically Lutheran. Lutherans have a distinctive theological and social perspective within the Christian community. Hence, Lutheran perspectives should be well represented in the administration, faculty, and staff to provide informed dialogue within the academic community and with the college's church constituency.

At the same time, Lutherans affirm that Luther did not intend to separate from but reform the Catholic Church. As such, Lutheran institutions should manifest a clear ecumenical component, one that welcomes diverse Christian perspectives to the academic enterprise. Thus, what is sought among the Christian faculty is a balance between those who would help preserve the Lutheran tradition and theology and educate their colleagues about such, and those who would integrate faith and learning from a broader Christian perspective.

At this juncture being a Church-related college and being a Christian college can take on different roles. The first defines a more narrow theological/historical/cultural context; the second participates in the broad Christian community. In a Lutheran college, the ideal finds an intentional balance between the two, where Lutheran traditions are allowed to enrich the broader Christian community and its spirituality, while courting its own ecumenical spirit.

Finally, hiring decisions should be supplemented by on-going faculty and staff development programs that foster continued education and thought regarding the incorporation of Christian faith and values into the various dimensions of community life. This can begin for new faculty and staff with orientation programs that feature constructive and educational discussions about ways to integrate concerns about Christian faith and values into various aspects of service to the college's community. These can be tied into on-going programs that promote faculty development -- symposia, lectureships, informal conversations, convocations, seminars with faculty from other institutions -- here with the purpose of considering ways of integrating faith and learning.⁶

Marsden's warning about the centrality of intentional hiring is clear. "So far as the future is concerned, the most crucial area where these issues [of diversity] play themselves out is in faculty hiring. Once a church-related institution adopts the policy that it will hire simply 'the best qualified candidates,' it is simply a matter of time until its faculty will have an ideological profile essentially like that of the faculty at every other mainstream university. The first loyalties of faculty members will be to the national cultures of the professions

rather than to any local or ecclesiastical traditions. Faculty members become essentially interchangeable parts in a standardized national system. At first, when schools move in the direction of open hiring, they can count on some continuity with their traditions based on informal ties and self-selection of those congenial to their heritage. Within a generation, however, there is bound to be a shift to a majority for whom national professional loyalties are primary. Since departmental faculties typically have virtual autonomy in hiring, it becomes impossible to reverse the trend and the church tradition becomes vestigial. The Protestant experience suggests that once a school begins to move away from the religious heritage as a factor in hiring, the pressures become increasingly greater to continue to move in that direction."⁷

Community with Diversity

Privileging qualified Christians in hiring so that the character and tradition of the college is maintained with integrity, yet maintaining a commitment to intentional diversity, raises two serious issues: how to create meaningful community and how to preserve academic freedom. In this section we will deal with the former, postponing the latter until the next section.

If one intentionally creates a college community with diversity, one faces several challenges. First, one confronts the danger that in making diversity a goal, the college becomes essentially indistinguishable from its secular counterparts. Though diversity plays a very important role in the college, it should not -- indeed cannot -- be directed toward representing every possible view in society. Neither should the goal be to create a mere smorgasbord curriculum that presents a diversity of unrelated individual menu items to students treated as consumers. Otherwise, the college will lack unity and a central core that is Christian and deliberately liberal arts. In short, the goal in hiring should not be diversity as an end in itself, but diversity as a means to further broaden the educational perspectives of students and provide opportunities for growth within the context of a particular community. What should result is a community with diversity, or perhaps better, an inclusive community.

Second, a Christian college that embraces an inclusive community faces the challenge of integrating the diverse members of the community in ways that avoid polarization of the community and treatment of either non-Christians or Christians as second-class citizens or resident aliens. One danger is that those who are not Christians might either see themselves or be viewed by Christian members of the community as less valuable or significant to the community, not contributing seriously to the on-going life and mission of the college. The correlative danger is that Christians become a defensive, embattled minority on the campus, cowed by political

correctness into silence. If either of these occurs, the college will fragment, and the dialogue between faith and learning that was integral to the institution will dissipate into silence or result in carping and suspicion between the two sides.

Rather, each person in the community -- Christian and non-Christian -- should be able to address how he or she relates to all aspects of the college's mission, including its Christian mission. Those who espouse the Christian emphasis as a matter of their own faith perspective should reflect on how it can impact their teaching, learning, and community life. Those who do not espouse it as a matter of personal faith perspective should reflect on how they can creatively function in dialogue with their colleagues and students, including with regard to Christian faith and learning.

The goal is not to create classes of college citizens, but to create a Christian community that incorporates integrally both Christians and non-Christians. In such a community there is no room for tokenism -- and likewise no room for those who would simply opt out of the dialogue. Engagement, disagreement, conversation, reflection should supplant apathy. The diversity should be incorporated into the community life, so that there is welcoming, open, creative dialogue between all present, without at the same time losing or compromising the Christian character of the institution.

In short, a college that espouses a mission that includes both being based on the Christian faith and diversity or inclusiveness, faces a situation fraught with tension. The task is to turn the tension into creative education, a situation providing potential for growth for both students and faculty, and a place where issues of faith are raised with renewed vibrancy, recognizing the legitimacy of diversity, while at the same time maintaining the integrity and Christian identity of the institution.

Freedom and Commitment

It goes without saying that what we have suggested creates the possibility of tension between a particular commitment required of a critical mass of faculty and the academic freedom to think, say and do what one believes is true and right. "A carefully-defined institutional purpose is, in the very nature of things, a restriction on freedom. It molds the institution. In effect it precludes some courses of action. ...It demands that certain things be done."⁸

Academic freedom, the freedom to pursue ideas, is germane to a liberal arts college, which conceives as its task the liberation of students to encounter new or different ideas, methods, cultures and persons in the pursuit of truth. Not only must students be given that freedom, they must be empowered to use it. The faculty responsible for the empowering need that same

freedom to investigate for themselves and to open new doors for students.

The debate that rages concerning the tension between faith commitment and freedom often begins with some kind of absolute commitment to one or the other of these, at the expense of the other. An absolute commitment to some faith statement can preclude investigation and can lead to mere dogmatism. An absolute commitment to freedom denies the commitments of the institution and the responsibility one assumes when one joins a community that affirms a shared mission.

The key is not necessarily removing the tension, for tension is not always bad; it can provide the needed catalyst for growth. Rather, the key is realizing that freedom and commitment always are located within a context. Absolute freedom is a Sartrean myth; freedom to act is conditioned by the circumstances of the agent and the possibilities that exist.

One implication is that faculty, once appointed, should be free to explore ideas creatively and responsibly. This entails a risk on the part of the institution that those whom it hires will not continue to maintain that original sympathy with and commitment to the goals of the institution. It also entails a responsibility on the part of the faculty and staff to maintain their integrity and the integrity of the institution. At some point, it might even require faculty, administration, or staff persons of integrity to resign from the college because they can no longer conscientiously support the mission of the college. The point here is not to witch-hunt those who disagree with the Christian faith, but to have all at the college take seriously the mission statement. Some institutions ask persons to affirm the college's mission when they sign their contract. The signing should not be pro forma, but provide opportunity for personal reflection on how that mission, including its Christian dimension, affects one's teaching and campus life, and how one's teaching and campus life affects the on-going Christian mission of the college.

In the final analysis, a Christian institution should not be afraid of either truth or freedom. This is particularly appropriate within the Christian context, which has emphasized that all truth is God's truth. Those committed to Christianity need not fear the exploration of issues. Rather, within the Church-related college Christian faith and values should be in continual dialogue with all the disciplines, each enriching the other. "When a tradition is in good order it is partially constituted by an argument about the goods the pursuit of which gives the tradition its particular point and purpose. So when an institution -- a university, say ... -- is the bearer of a tradition of practice or practices, its common life will be partly, but in a centrally important way, constituted by a continuous argument as to what a university is and ought to be... A living tradition then is a historically extended socially embodied argument, and

an argument precisely in part about the goods which constitute that tradition."⁹

The Legality of Preferential Hiring

One persistent worry is whether incorporating knowledgeable commitment to the religious mission of the college as a consideration in hiring is legal. Can a Christian or Church-related college legally give preference to candidates who espouse a particular religious perspective?

The 1964 Civil Rights act exempted religious organizations from its nondiscriminatory provisions regarding religious preference in hiring. "This title shall not apply to ... a religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution."¹⁰ The original draft was strengthened by the inclusion in the act of the Purcell amendment, which allowed religious background as a bona fide occupational qualification (BFOQ) in the hiring of administrators, faculty, and certain staff (Purcell gave as examples "the dean of students, director of a dormitory, or even the supervisor of library materials"¹¹). Both the exemption provision and the BFOQ indicate that administrators, faculty and staff related to the educational enterprise are exempt from the civil rights legislation prohibiting religious discrimination. What was left unclear was the extent to which the nondiscriminatory provisions of the act applied to staff more tangentially connected to the educational enterprise -- groundskeepers, maintenance, secretaries, etc.

The 1964 Civil Rights Act was amended in 1972 to remove many of the loopholes that militated against ending the gender and racial discrimination that continued in educational institutions. However, while gender and racial discrimination was expressly forbidden in educational institutions by the 1972 act, religious institutions were not forbidden to use religious preference in hiring. "This title shall not apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."¹²

To date, to my knowledge the United States Supreme Court has not taken or heard any case regarding religious preference with respect to hiring by an institution of higher learning. In three cases dealing with the relation between Church colleges and the government -- Tilton v. Richardson,¹³ Hunt v. McNair,¹⁴ and

Roemer v. Board of Public Works in Maryland¹⁵ -- the issue was whether the government could provide funds for facilities or give noncategorical grants to Church-related colleges. In all three cases the court sided with the institutions, authorizing federal aid to religiously affiliated colleges. The issue of preferential hiring was touched on only tangentially in these cases, in each case the emphasis being that religious mission did not hinder the "secular" functions of the institution. In the case of Americans United for the Separation of Church and State v. Blanton,¹⁶ a case granted summary affirmance by the U.S. Supreme Court, a federal court held that students at sectarian colleges, even those "with religious requirements for students and faculty and admittedly permeated with the dogma of the sponsoring religious organization," could receive public funds for student aid. This was further affirmed in the 1980 Grove City College v. Bell, in which federal student financial aid was considered a loan to the student, and hence in no way was jeopardized by a college's failure to comply with governmental regulations (in this case Title IX). In their survey of the relevant cases, Moots and Gaffney conclude, "A policy of religious preference in the selection of administrators and faculty members which results in a preponderance of these employees belonging to the sponsoring religious body would endanger neither institutional assistance nor aid to students attending that institution. And what may safely be concluded from the Supreme Court's summary affirmance in Blanton is that a policy of 'religious requirements' for faculty members -- the court did not specify whether this meant some or all members of the faculty -- would not endanger the eligibility of students to participate in a generalized program of assistance."¹⁷ Lower court decisions, Executive orders, and government regulation rulings on issues not directly related to hiring by Church-related colleges have tended to cloud the issue of the extent to which religious institutions are exempt from Title VII with respect to employment practices.¹⁸ Whereas some circuit courts have interpreted the exemptions in the 1964 Civil Rights Act and 1972 amendment narrowly, others have interpreted it broadly.¹⁹ The 3rd Circuit Court agreed that exemptions should "enable religious organizations to create and maintain communities composed solely of individuals faithful to their doctrinal practices, whether or not every individual plays a direct role in the organization's religious activities."²⁰ The 9th Circuit Court emphasized consistency with the overall mission when considering matters relating to the nondiscrimination clause of Title VII, while restricting exemptions to cases where governmental interference would conflict with the religious beliefs of the organization.²¹ In a recent case regarding a Mormon Temple the Supreme Court held that the exemption for religious organizations in giving religious preference in

employment practices extended to employees performing nonreligious functions, in this case a janitor.²² What is noteworthy in all these cases is that they have to do with employment practices subsequent to hiring, that is, with issues having to do with wage inequities or termination of employment.

In sum, the consensus position seems to be that Title VII of the Civil Rights Law and its amendments exempt religious organizations in such a way as to permit using considerations of religious preference in hiring administrators, faculty, and staff persons whose activities relate to the educational program and carrying out of the college's mission. Where there is significant unclarity is how far this exemption extends to issues such as the firing of employees (particularly as it impacts matters of gender and racial discrimination) and whether religious preference considerations apply to the hiring of all employees of the organization. Our emphasis in this article, however, has been on the hiring of individuals who play a more direct role in the educational life of the college community, and here the legal situation allowing discriminatory hiring based on religious preference seems clearly provided for by Title VII and the relevant court cases.

Mission Possible

When I was a teenager I was an avid watcher of "Mission Impossible." By means of a tape that self-destructed in ten seconds, the group was given a seemingly impossible task. Through hard work, creativity, courage and not a little luck they always succeeded in their impossible but exciting mission. Lutheran colleges too have a mission that includes a commitment to conduct education, understood in the broadest sense, from the perspective of the Christian faith and Christian values, in the context of the liberal arts, which gives the freedom to explore the world as widely and deeply as possible. It is the mission to make God visible in a concrete, fallible, diverse, relational community. It is the mission to assist students to develop their own intellectual, moral and spiritual life. In our era, the mission often also incorporates intentional diversity, including integrally in the community those who would teach from non-Christian perspectives, but who welcome and contribute to the dialogue of faith and values. Possible? I hope so. But only if administrators, faculty and staff undertake the difficult challenge of constructing a community staffed by a critical mass of persons who by their own Christian faith, hard work, creativity, courage, sensitivity and joy work with the mercy and providence of God to change lives.²³

NOTES

¹ In what follows I will use "Christian" and "Church-related" interchangeably. Though I think one might distinguish between the two, as I will note later, delineating differences here will not further the overall discussion.

² "The mission of the LCA colleges is to develop through education all aspects of the human character -- e.g., the intellectual, the personal, the moral and the religious -- and to maintain through their concern with all human disciplines the wholeness of the human personality." "Statement of the Council on the Mission of LCA Colleges and Universities," The Mission of LCA Colleges and Universities (New York: Lutheran Church in American, 1969), 7.

³ Pattillo, pp. 62-3.

⁴ Pattillo, pp. 87-8.

⁵ Though he has yet to spell out his notion of critical mass, in a forthcoming book [The Outrageous Idea of Christian Scholarship (New York: Oxford, 1997)], Marsden writes, "Schools that have a Christian heritage must also take some concrete steps to counteract the pressures to conform to the secular standards of the dominant university culture. Historically, the crucial issue has been faculty hiring. Without at least some faculty committed to integrating faith and learning, no amount of administrative rhetoric can sustain the enterprise. Many church-related schools are so open in their hiring that they have little hope of retaining any aspect of their religious heritage. Once the mass of their faculty are attuned only to the standards of the national academic culture, they will continue to hire people like themselves, thus obliterating loyalties to any distinctive religious heritage. It is just a matter of time."

⁶ "Soli Deo Gloria: Faith and Learning in the Concordia Community: A Report to the Faculty." (Moorhead, MN: Concordia College: 1995), 49-50.

⁷ George Marsden, "What Can Catholic Universities Learn from Protestant Examples?" in The Challenge and Promise of a Catholic University, ed. by Theodore M. Hesburgh (Notre Dame: University of Notre Dame Press, 1995).

⁸ Pattillo, p. 71.

⁹ Alasdair MacIntyre, After Virtue (Notre Dame: University of Notre Dame Press, 1981), pp. 206-7.

¹⁰ Section 702. Section 703(e)(2), which allows for discrimination based on religious preference, applies more narrowly to institutions that are "owned, supported, controlled, or managed by a particular religion or by a particular religious corporation," or that are "directed to the propagation

of a particular religion." Moots, pp. 57-60.

¹¹ 110 Congressional Record 2585 (Feb. 8, 1964).

¹² Pub. L. 88-352, 78 Stat. 255, as amended by Pub. L. 92-261, 86 Stat. 103, 42 U.S.C. 2000e-1. The 1972 Amendment did not remove the BFOQ. The Supreme Court and subsequent EEOC rulings have tended to interpret BFOQ exemptions quite narrowly. See Laura S. Underkuffler, "Discrimination on the Basis of Religion: An Examination of Attempted Value Neutrality in Employment," William and Mary Law Review 30 (Spring, 1989), 593.

¹³ Pub. L. 88-352, 78 Stat. 255, as amended by Pub. L. 92-261, 86 Stat. 103, 42 U.S.C. 2000e-1. The 1972 Amendment did not remove the BFOQ. The Supreme Court and subsequent EEOC rulings have tended to interpret BFOQ exemptions quite narrowly. See Laura S. Underkuffler, "Discrimination on the Basis of Religion: An Examination of Attempted Value Neutrality in Employment," William and Mary Law Review 30 (Spring, 1989), 593.

¹⁴ 402 U.S. 672 (1971).

¹⁵ 413 U.S. 734 (1973).

¹⁶ 426 U.S. 736 (1976).

¹⁷ 433 F Supp. 97 (M.D. Tenn.), summarily affirmed, 434 U.S. 803 (1977).

¹⁸ Philip R. Moots and Edward McGlynn Gaffney, Jr., Church and Campus: Legal Issues in Religiously Affiliated Higher Education (Notre Dame: University of Notre Dame Press, 1979), p. 39.

¹⁹ See *King's Garden, Inc. v. FCC* (1974 and *Vigars v. Valley Christian Center* (1992).

²⁰ Treavor Hodson, "The Religious Exemption Under Title VII: Should a Church Define Its Own Activities?" Brigham Young University Law Review 1994, 571-99.

²¹ *Little v. Wuerl*, 929 F.2d 944, 951 (3rd Cir. 1991). Also *EEOC v. Mississippi College* (5th Cir. 1980).

²² *EEOC v. Pacific Press Publishing Ass'n*, 676 F.2d at 1279 (9th Cir., 1982).

²³ *Corporation of the Presiding bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos*, 483, U.S. 327 (1987).

²⁴ I wish to thank John Benson, Jeanne Boeh, Brad Holt, Dale Pederson, Diane Pike, Sharon Reichenbach and Roman Soto for their helpful comments and suggestions, and Karen Mateer for her research assistance.