



## Office of the President

May 1, 2018

To the Manhattan College community,

On Friday, April 27, a three-member panel upheld the earlier decision of the National Labor Relations Board asserting jurisdiction over Manhattan College in the matter of NYSUT's efforts to organize adjunct faculty.

Manhattan College has consistently taken the position that the government does not have the right, under the First Amendment's protections for religious institutions, to insert itself into decisions that affect so directly the heart and soul of our institution and its mission.

Despite a string of decisions in federal courts that have denied NLRB jurisdiction over institutions that identify themselves as religious (and are affiliated with a recognized religious organization), the NLRB persists in its assertion that the Board may define the nature and extent of an institution's religious identity, and therefore its rights as a religious institution under the Constitution. It is this vital issue that informs the College's decisions to contest the NLRB's actions, and not opposition to its adjunct faculty or the rights of working people. Recognizing the importance of this issue, a number of other religious colleges and universities across the country have also taken this position in challenging the NLRB.

In a letter of February 2018, the NLRB's own General Counsel advised the Board that Manhattan's position was indeed the correct legal position. Further, the General Counsel wrote that, should the Board decide to revisit the issue of jurisdiction, it should reject the flawed test on which its original decision was based (Pacific Lutheran) and decline jurisdiction.

We are disappointed that the panel chose to review the case on limited technical grounds, declining to revisit the grounds of the original decision. The College, therefore, is moving forward with an appeal to the United States Court of Appeals, as it continues to assert its right to freedoms guaranteed by the First Amendment.

For a full record of the College's efforts in this case, click here:

<https://inside.manhattan.edu/offices/human-resources/adjunct-unionization-effort.php>

Sincerely,

Brennan O'Donnell

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**Brennan O'Donnell, Ph.D.**  
*President*

