

UNCLE SAM AND YOUR SCHOOL

By Gary M. Ross

Few matters in higher education warrant greater attention from Adventists than the plight of Seattle Pacific University. At stake is nothing less than the right of a church institution to hire only committed Christians and thus to protect its spiritual identity.

Not that Adventists are immediately involved. The university around which the controversy swirls is controlled and operated by the Free Methodist Church. Not all of Seattle Pacific's employees belong to that denomination; some are Protestants from other denominations, and some are even Roman Catholics. But regardless of denomination, the university requires all workers to affirm a commitment to "evangelical Christianity."

Employment application forms state that "Evangelical Christians are defined by their orthodox belief structures, their testimony of a life-changing experience with Jesus Christ, evidence of growth in the Christian faith, their willingness to share their faith with others, and regular association with a group of Christian believers."

The requirement just noted was thought to be compatible with state and federal law. For example, Washington state law that regulates employee discrimination provides that nonprofit religious organizations shall not be considered as employers, and hence shall not be bound to absolute nondis-

crimination. Federal law, especially in the Civil Rights Act of 1964, as amended, permits church-related organizations, when employing, to consider the religious beliefs and practices of applicants.

On these grounds, Seattle Pacific University denied a warehouseman's position to Orin C. Church, Jr., a *nonevangelical Roman Catholic*. Note carefully the events that followed this action:

- In 1983 a complaint of unlawful denial of employment was filed with the Washington State Human Rights Commission (WSHRC) and with the Federal Equal Employment Opportunity Commission (EEOC).

- In 1984 the WSHRC issued a finding of unlawful discrimination against the university and referred the case to the state attorney general for litigation.

- In 1985 the board of trustees of Seattle Pacific University filed suit in the federal district court, asking that WSHRC's action be enjoined, and affirming the restrictive employment rights of religious institutions.

- In 1985 the EEOC found the university not to be in violation of the Civil Rights Act of 1964 as amended.

But the action against the state is proceeding. In early 1986 the district court will hear a university motion for, in effect, dismissal. If that fails, trial of the case on its merits occurs August 11, 1986. Whatever the ruling, it will certainly be appealed to a circuit court.

The state of Washington claims that (1) the state law, which con-

siders tax-exempt religious employers in the usual sense of the word, is unconstitutional as applied to jobs not actually religious in nature; and that (2) in any case, Seattle Pacific University is not a religious organization. The latter assertion is made in part because the majority of the university's graduates enter secular pursuits and regard as nonessential the religious instruction of the curriculum.

Not surprisingly, Seattle Pacific's situation stands at the top of the Christian Legal Society's list of the 10 most critical issues in American religion. Many organizations are monitoring this case and reporting its development.

Adventist educational institutions, which for the most part are more exclusive in their hiring than Seattle Pacific, have much to lose from a ruling against the university. Most positions would have to be opened to all qualified applicants. At the proper time, therefore, the General Conference may file a supportive brief or take other steps to safeguard the church's interests.

Ominously, this case is not one of a kind. In its November 27, 1985, edition, *The Chronicle of Higher Education* writes of a whole "spate of legal actions" that challenge preferential hiring. Examples: Loyola University of Chicago, Marquette University, and St. Leo College. When a Lutheran elementary school in California denied employment to a Roman Catholic, who then filed suit in Los Angeles, Loma Linda University saw enough relevance to

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Crisis," *Saturday Review* (September-October, 1983), p. 54.

⁴ "Teaching Future Teachers," *Today's Education* (1983-1984), p. 29.

⁵ Clinton S. Burhans, "The Teaching of Writing and the Knowledge Gap," *College English*, 45:7 (1983), pp. 639-656.

⁶ Paul Dressel, "The Meaning of a College Education," *Journal of Higher Education*, 39:9 (1968), p. 482.

⁷ Robert Glaser, "Ten Untenable Assumptions of College Instruction," in John E. Roueche and Barton R. Herrscher, eds., *Toward Instructional Accountability* (Palo Alto, Calif.: Westinghouse Learning Press, 1973), p. 41.

⁸ Ralph W. Tyler, "The U.S. vs. the World: A Comparison of Education Performance," *Phi Delta Kappan*, 62:5 (1981), p. 308.

⁹ Alston Chase, "Skipping Through College: Reflections on the Decline of Liberal Arts Education," *The Atlantic Monthly*, 242 (September, 1978), p. 38.

¹⁰ Sheils, p. 60.

¹¹ Zagano, pp. 57-59.

¹² Gene Lyons, "The Higher Illiteracy," *Harper's* (September, 1976), p. 33, 39.

¹³ Educational Testing Service, *The Concern for Writing* (FOCUS series No. 5, 1978), p. 7.

¹⁴ National Council of Teachers of English, "Standards for Basic Skills Writing Programs," *College English*, 41:2 (1979), p. 220, 221.

¹⁵ William Covino, Nan Johnson, and Michael Feehan, "Graduate Education in Rhetoric: Attitudes and Implications," *College English* 42:4 (1980), pp. 390-398.

¹⁶ Edward A. Kearns, "Practicing What We Teach in Writing," *English Journal* (October, 1985), p. 28.

¹⁷ Burhans, pp. 639-656.

¹⁸ Kearns, p. 37.

¹⁹ Raymond J. Rodrigues, "Moving Away From Writing-Process Writing," *English Journal* (September, 1985), pp. 24-27.

Uncle Sam and Your School

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share the institution's legal costs.

But whether the aggrieved party is Seattle Pacific University or one of the other schools just mentioned, this much is certain: *Preferential hiring is a quintessential practice that must be viewed against a thicket of complicating circumstances, only one of which is the growing legal opinion that the practice may be subject to limitation.* Here are some of the other complications:

- The growth of secularism, which casts doubt on the very merit of institutional religious entities.

- Heavy reliance by Adventists on nondiscrimination laws. As is well known, the right of individuals to protection from unfair

employment practices, especially as this right relates to Sabbatarians in the secular workplace, is an ongoing preoccupation with the public affairs and religious liberty personnel of our church.

- Variation from school to school in preferential or nonpreferential hiring practices. Some church-related colleges do not exercise a religious preference. Others, at the opposite extreme, do so across the board. In between are those that limit preferential hiring to specified levels, such as key administrators and professors of theology, religion, and philosophy.

- Variations in state laws as to the wording and even availability of a religious exemption from non-discrimination requirements.

- Inconsistencies within denominations or institutions that practice exclusive hiring.

The latter point brings us back to Seattle Pacific University. Why does the Washington State Human Rights Commission challenge the state's constitutional provision that religious organizations are not employers in the ordinary sense? The answer lies in its emphasis on *Amos vs. the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints*. This action in a Utah district court involved several Mormons not regarded as temple-worthy who disputed their exclusion from employment in a church-owned garment factory. The court ruled that inasmuch as *nonmembers* were found handling temple garments overseas, nonworthy members ought to be able to handle them in the United States. In other words, exclusions from Title VII of the Civil Rights Act of 1964 do not apply where there is conspicuous inconsistency.

Given the foregoing threats, it would almost seem that we are

clinging to our religious identity against frightening odds! □

Cost of Education

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meet the high costs of education, which many observers predict will continue to grow at an average annual rate of 7 percent for the rest of the century.

As important as are the first three areas of response mentioned above, the matter of student financing may present the greatest challenge. For years Adventist institutions provided a much smaller percentage of their budgets for direct aid to students than did other American private colleges and universities. We are now catching up to the point where 10 percent of the educational operating budget for student aid is not unusual. Middle and upper-middle income families, who have been most affected by government aid cutbacks, are becoming increasingly dependent upon aid from the institution's own budget. In fact, many families "shop around" for the best offer in this area.

Other Options

The University of Pennsylvania has developed the Penn Plan, which provides five different payment schedules. One option is pre-paying four years of tuition at the freshman rate, with an available loan program that allows payments over a 10-year period at attractive interest rates. Other private institutions such as Case Western Reserve, Washington University in St. Louis, and the University of Southern California offer flexible financing plans.

Surely our Adventist institutions need to consider various ways to ease the burden on students and parents through extended payments, especially for those families