

# Independent Boards of Trustees at Catholic Colleges and Universities, Fifty Years Later: Findings and Reflections from Six Holy Cross Schools

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## Abstract

After recounting the historical circumstances of the establishment of independent boards at Catholic colleges and universities, this paper considers the present conditions of boards at six Holy Cross institutions. Interviews and correspondence with the presidents of these institutions provided answers to a number of questions, including: How are boards educated in the institution's Catholic mission and identity? Are they typically educated in the principles of Catholic social thought? Are lay members expected to be well-informed about the institution's Catholic mission and identity, or is this considered to be the charge of members representing the religious congregation? The paper closes by considering the prospects for the next fifty years of partnership between religious and lay persons in the governance of Catholic colleges and universities. In particular, what roles and expectations are appropriate for lay members of boards, especially in light of Vatican II's declaration that "modern conditions demand that [the lay] apostolate be broadened and intensified" (Decree on the Apostolate of the Laity, §1)?

This paper concerns both the promise of independent boards of trustees at Catholic colleges and universities and some of the challenges that boards must address in order to realize that promise. By "independent," I mean that these boards are no longer under the control of the institution's founding religious congregation,<sup>1</sup> although bylaws may reserve some powers to congregations.<sup>2</sup> In cases where powers have been

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<sup>1</sup> With apologies to institutions founded by a diocese, the focus of this paper is on institutions founded by a religious congregation.

<sup>2</sup> See Alice Gallin, OSU, "A Brief History of Trusteeship in Catholic Colleges and Universities," in *Mission and Identity: A Handbook for Trustees of Catholic Colleges and*

reserved, or where the bylaws stipulate that religious must constitute a significant percentage of the board (typically one-third to one-quarter), or where there is an express expectation (if not mandate) that the institution's president be a member of the founding congregation, the institution is said to be "sponsored" by the congregation, though "sponsorship" has no prescribed meaning in either civil or canon law.<sup>3</sup> By contrast, in cases where an institution retains a formal relationship to a religious congregation, but the congregation has a limited role in the institution's governance — no reserved powers, no significant percentage on the board, no expectation that the president be a member — the term "affiliation" is more appropriate, though it, too, has no prescribed meaning.

Imagine the following set of circumstances as a way into the questions that this paper means to raise:

You are a newly minted member of the board of trustees of a Catholic college or university. You belong both to the highly influential finance committee and to the mission and identity committee, which has scarcely the power of the finance committee, but which you see as important nonetheless. Although the finance committee may "run the world" of the institution, you learned from a well-placed advisor that the mission and identity committee can have an influential role in situations of crisis.<sup>4</sup>

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*Universities* (Washington, DC: AGB Publications, 2004), 37-43, at 41. Gallin reports that a "survey of 228 members of the Association of Catholic Colleges and Universities conducted in 1995... showed that 164 of the institutions had 'independent' boards, though 86 had some powers reserved to members of 'the corporation,'" typically religious, though in some cases lay persons as well.

<sup>3</sup> *Ibid.*, 42: "It means whatever the parties want and define it to mean." See further, on the elements conventionally recognized as constituting "sponsorship," Melanie M. Morey and Dennis H. Holtschneider, CM, "The Meaning and Patterns of Catholic Sponsorship Today," in *Mission and Identity*, 53-60, especially 55-56. The relationship of the institutional church to colleges and universities with formal ties to canonically recognized religious congregations is a matter of some controversy in canon law, in particular since the promulgation in 1990 of *Ex corde Ecclesiae* (Apostolic Constitution on Catholic Universities). For discussion of the variety of ways ecclesiastical authority may apply, see Robert T. Kennedy, "Note on the Canonical Status of Church-Related Institutions in the United States," in *New Commentary on the Code of Canon Law*, ed. John P. Beal, James A. Coriden, and Thomas J. Green (New York: Paulist Press, 2000), 172-176.

<sup>4</sup> Edward A. Malloy, CSC, president of the University of Notre Dame, 1987-2005, interview by the author, March 24, 2017. Father Malloy referred to the Notre Dame board's Committee on Social Values and Responsibilities, which is charged with giving "consideration to matters of policy, priority, and programming that will be supportive of and enhance the Catholic character of the University and its role in modern society."

Before you joined the board, you did your homework on the responsibilities that would be entrusted to you,<sup>5</sup> and so you are aware that trustees must find the balance between being interested bystanders and usurping the jobs of the administrators of the institution.<sup>6</sup> “Whereas the board of trustees governs, it does not manage and certainly does not micromanage. Its job instead is to ensure that the [institution] is well administered in accordance with its vision.”<sup>7</sup>

One of the issues facing the board concerns health insurance. The institution is self-insured, and its risk pool is quite small, making the institution vulnerable should there be even a handful of high-cost cases. Costs have risen nearly 50 percent higher than what the institution budgeted, requiring that it both dip deeply into its reserve fund and work to rebuild this fund. In addition, health insurance premiums are expected to be much higher than previously projected, limiting financial resources.

The basic question before the board is: How should the increased costs of health insurance be distributed? Should they be distributed equitably across all employees, or should employees with family plans have to pay a greater share of the costs? It costs more to insure families with children than individual employees, and as it happens the increased costs were generated by the children of employees with plans covering dependents. What is the right decision for an institution that

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See the bylaws of the University of Notre Dame, article III, section 8, April 30, 2015, available online at <https://www.nd.edu/assets/docs/bylaws.pdf>.

<sup>5</sup> See, for example, Gallin, “A Brief History of Trusteeship in Catholic Colleges and Universities,” in *Mission and Identity*, 40, on “the commonly accepted functions of corporate boards in American higher education”:

the power to carry out the articles of incorporation and institutional bylaws and to amend, alter, revise, or dissolve them; to select the president or chief executive officer and members of the board; to acquire new property or assets and to dispose of them; to dissolve the corporation; and to change the corporation’s mission and purpose.

She adds one last function: to exercise “the fiduciary powers such as borrowing and lending money for institutional purposes.”

<sup>6</sup> Paul Locatelli, SJ, “Trustees of a Catholic University: A President’s Perspective,” in *Mission and Identity*, 61-67, at 65. Father Locatelli was president of Santa Clara University from 1998 to 2008.

<sup>7</sup> Mark William Roche, *Realizing the Distinctive University: Vision and Values, Strategy and Culture* (Notre Dame, IN: University of Notre Dame Press, 2017), 146.

takes seriously its Catholic mission and identity?<sup>8</sup> No Catholic institution would present having children as an indulgence that people need not have allowed themselves! In addition, how do you balance the needs of families against the needs of lower-salaried employees? Should they receive assistance to cover the increased costs? Finally, is it the responsibility of lay board members to raise these questions of mission and identity, or that of board members who are likewise members of the institution's founding religious congregation?<sup>9</sup>

This vignette is intended to suggest questions about (1) the adequacy of the education of boards of trustees in the mission and identity of Catholic colleges and universities; (2) the readiness of boards to bring Catholic mission and identity to bear on matters of policy; (3) the roles and expectations of board members who are likewise members of an institution's founding religious order; and (4) the roles and expectations of lay board members. Adequate education of board members in the

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<sup>8</sup> See, on whether colleges and universities constitute “communities,” James F. Keenan, SJ, *University Ethics: How Colleges Can Build and Benefit from a Culture of Ethics* (Lanham, MD: Rowman & Littlefield, 2015), ch. 5, 57-79. Keenan argues that the lack of horizontal accountability among the various offices or “fiefdoms” (his word) organizing U.S. academic institutions — academic affairs, student life, institutional advancement, enrollment management — makes it difficult to sustain a sense that the institution really is a community animated by common interests other than the bottom line. He speaks instead of “our so-called university community” (79). One way or the other, there is no pretending that the modern college or university is a community like the early Church, where all shared everything they had (Acts 4:32-37).

<sup>9</sup> Compare Father Malloy on Notre Dame's twelve-member board of fellows who, among other powers, elect the trustees and may amend both the university's bylaws and statutes:

Responsibility for the preservation of Notre Dame's Catholic mission and identity and an appropriate attention to preserving the role of Holy Cross at the university would lie with the board of fellows, which is made up of six laypeople and six members of Holy Cross, so in a sense this group was intended primarily as a protective mechanism. Any change in the bylaws requires a two-thirds vote of the fellows, so if all the Holy Cross people stayed together the laypeople couldn't simply change the bylaws on their own.

See Malloy, *Monk's Tale: The Presidential Years, 1987-2005* (Notre Dame, IN: University of Notre Dame Press, 2016), 190; compare 21. In our interview, Father Malloy reflected that a majority of board members feel more comfortable talking about finances; on matters involving Catholic mission and identity, they will defer to the president, vice president of mission, the provincial of the congregation, or the religious superior of the Holy Cross at Notre Dame. For the duties and powers of the fellows, see the Statutes of the University of Notre Dame, article V, available online at <https://www.nd.edu/assets/docs/statutes.pdf>.

*substance* of an institution's Catholic mission and identity must be highest on the list of challenges before independent boards of trustees at Catholic colleges and universities. Being committed to "keeping the institution Catholic" means little if the basic commitments of the Catholic faith do not ground and shape a board's deliberations, whether about how to distribute increased health insurance costs, or about labor practices (see Joseph McCartin's paper in this same issue), or about investment and licensing policies (see the paper by William Purcell and Margarita Rose). The questions also gesture toward the promise of the "new partnership," as it has been called, between religious and lay persons in the governance of Catholic colleges and universities.<sup>10</sup> This promise, in the words of Alice Gallin, OSU, the foremost chronicler of the new partnership in question, is that the "Church's laity can carry on" — or at least help carry on — "the mission of education begun and nurtured by the religious men and women of the past."<sup>11</sup> This paper aims to clarify the terms of the partnership between religious and lay persons when it was struck fifty years ago, to throw light on the present conditions of boards, and to reflect on this partnership's prospects for the next fifty years.

To these ends, I draw first from historical research on the establishment of independent boards at Catholic colleges and universities and then from interviews and correspondence with the presidents of six Holy Cross institutions: King's College (PA), Saint Mary's College (IN), St. Edward's University (TX), Stonehill College (MA), the University of Notre Dame (IN), and the University of Portland (OR). These Holy Cross institutions make for interesting case studies for at least two reasons. One is that Notre Dame figured prominently and arguably even led the way in the movement toward separate incorporation and the establishment of independent boards of trustees. A second is that there are currently instructive differences among the boards of the six institutions, not only but especially between the boards of the four institutions now sponsored by the U.S. Province of Priests and Brothers of the Congregation of Holy Cross (King's, Notre Dame, Portland, and Stonehill) and the boards of the institutions sponsored by the Congregation of the Sisters of the Holy Cross (Saint Mary's) and affiliated with the Moreau Province of the Brothers of Holy Cross (St. Edward's).

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<sup>10</sup> Alice Gallin, OSU, *Independence and a New Partnership in Catholic Higher Education* (Notre Dame, IN: University of Notre Dame Press, 1996).

<sup>11</sup> Gallin, "A Brief History of Trusteeship in Catholic Colleges and Universities," in *Mission and Identity*, 43.

## Separate Incorporation and the Establishment of Independent Boards

The opening vignette could not have occurred prior to the late 1960s. Until then, as Gallin writes, “It was clear that the religious were ‘in charge’” of the colleges and universities they had, after all, founded and then largely staffed.<sup>12</sup> At the same time, in the words of David O’Brien, another important chronicler of Catholic higher education, “The relationship between the college or university and the hierarchy was intimate but, in a peculiar way, undefined.”<sup>13</sup> This peculiar lack of definition of the relationship between institution and order gave rise to a felt need for substantial, structural change among the post-World War II era’s ambitious Catholic college and university presidents, of whom the most iconic is Theodore Hesburgh, CSC, president of the University of Notre Dame from 1952 to 1987.<sup>14</sup> The separate incorporation of the great majority of U.S. Catholic colleges and universities from their founding religious orders and the establishment of independent boards of trustees including lay members happened very quickly, with a rush of activity in the late 1960s and early 1970s, but it had been at least two decades in the making.

Part of what motivated presidents like Hesburgh was “frustration with the intrusion of religious authority into the day-by-day affairs of the university.”<sup>15</sup> For example, “The president’s power to construct annual university budgets was limited by the religious authority that had overall control of finances.”<sup>16</sup> In the context of the expansion of Catholic higher education after World War II, spurred by the G.I. Bill and subsequent government programs, the need to seek permission from religious authority for the acquisition of land and the erection of buildings “became an obstacle to rapid and independent decision-making and to the setting of long-range priorities.”<sup>17</sup> Hesburgh, in particular, also looked back to an experience in the mid-1950s, when Notre Dame had become entangled in the Vatican’s dispute with the Jesuit John Courtney Murray. In light of this experience, “another reason for lay governance,”

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<sup>12</sup> Gallin, *Independence and a New Partnership in Catholic Higher Education*, 4.

<sup>13</sup> David J. O’Brien, *From the Heart of the American Church: Catholic Higher Education and American Culture* (Maryknoll, NY: Orbis, 1994), 43.

<sup>14</sup> Paul Reinert, SJ, president of Saint Louis University from 1949 to 1974, was another leading figure in the movement toward separate incorporation and the establishment of independent boards.

<sup>15</sup> Gallin, *Independence and a New Partnership in Catholic Higher Education*, 1.

<sup>16</sup> *Ibid.*, 7.

<sup>17</sup> *Ibid.*, 104.



simply put, was that “it removed Notre Dame from interference from Rome in affairs of the University.”<sup>18</sup>

Such frustrations and experiences gave impetus to the groundbreaking Land O’Lakes statement, the product of a July 1967 gathering of prominent figures in Catholic higher education — twenty-six men, with no women’s colleges represented — convened by Hesburgh at Notre Dame’s conference center in Land O’Lakes, Wisconsin.<sup>19</sup> By the mid-1960s, it had become clear to Hesburgh that for Notre Dame to be “a university in the full modern sense of the word, with a strong commitment to and concern for academic excellence,” the institution “must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself” — the ringing declarations with which the Land O’Lakes statement opens.<sup>20</sup> As O’Brien remarks, “The Land O’Lakes statement provided the rationale for bold institutional reforms,”<sup>21</sup> though at Notre Dame separate incorporation and the establishment of an independent board of trustees in fact had occurred earlier that year in March.<sup>22</sup> (At Saint Louis University, another pioneer, new bylaws establishing a new board with lay members were likewise approved in March 1967, not quite two weeks before Notre Dame did the same; separate incorporation followed in September.<sup>23</sup>)

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<sup>18</sup> Richard Conklin, “The Maker of Notre Dame,” *Notre Dame Magazine*, March 2015, 14-22, at 21. See further Michael O’Brien, *Hesburgh: A Biography* (Washington, DC: The Catholic University of America Press, 1998), 58-59.

<sup>19</sup> See, for a brief account, David J. O’Brien, “The Land O’Lakes Statement,” *Boston College Magazine* 58, no. 1 (Winter 1998): 38-45, who notes at 39 that

[t]he group [of attendees] included no women, despite the fact that [at that time] women’s colleges accounted for a majority of Catholic institutions of higher education. The stated focus of the discussion was universities—research institutions—of which none were run by women’s religious orders. The distinction was artificial, however, because the institutions represented at Land O’Lakes devoted almost all of their resources to undergraduate education, not research.

<sup>20</sup> “Land O’Lakes Statement: The Nature of the Contemporary Catholic University,” in *American Catholic Higher Education: Essential Documents, 1967-1990*, ed. Alice Gallin, OSU (Notre Dame, IN: University of Notre Dame Press, 1992), 7-12, at 7.

<sup>21</sup> David J. O’Brien, “A Catholic Academic Revolution,” in *Mission and Identity*, 23-34, at 29.

<sup>22</sup> See, for a detailed account, Gallin, *Independence and a New Partnership in Catholic Higher Education*, 52-67, especially 65-66 regarding a special meeting of the board of trustees on March 28, 1967.

<sup>23</sup> *Ibid.*, 36-52, especially 44 (on the new bylaws and board) and 47 (on separate incorporation).

The Land O'Lakes statement also indicates that the motivation for change in the relationship between institution and order was not only pragmatic — a matter of making presidents' jobs more feasible — but was grounded as well in an ambition to academic excellence, which Hesburgh notoriously found wanting at Notre Dame when he became its president.<sup>24</sup> Importantly, Hesburgh was by no means original in this judgment: He and counterparts like Paul Reinert, SJ, the president of Saint Louis University, understood themselves as responding to the scathing assessment of Catholic intellectual life in the United States published in 1955 by the formidable Catholic historian John Tracy Ellis.<sup>25</sup> Ellis had lamented “the absence of an intellectual tradition among American Catholics,”<sup>26</sup> as well as “the absence of a love of scholarship for its own sake among American Catholics, and that even among too large a number of Catholics who are engaged in higher education.”<sup>27</sup> His examination of U.S. Catholic colleges and universities found deep currents of “vocationalism and anti-intellectualism,”<sup>28</sup> for which Ellis chiefly blamed Catholics themselves. According to him, “Their frequently self-imposed ghetto mentality... prevents them from mingling as they should with their non-Catholic colleagues.”<sup>29</sup> Presidents like Hesburgh and Reinert would have none of the “perpetuation of mediocrity” that Ellis saw in the Catholic universities that had graduate schools.<sup>30</sup> In this regard, the leading presidents were also motivated by what O'Brien calls “a shared Americanism”: They believed that

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<sup>24</sup> See Conklin, “The Maker of Notre Dame,” 15-16, quoting Hesburgh's 1952 report to the Ford Foundation about Notre Dame:

Our student body had doubled, our facilities were inadequate, our faculty quite ordinary for the most part, our deans and department heads complacent, our graduates loyal and true in heart but often lacking in intellectual curiosity, our academic programs largely encrusted with accretions of decades, our graduate school an infant, our administration much in need of reorganization, our fundraising organization nonexistent, and our football team national champions.

<sup>25</sup> See Gallin, *Independence and a New Partnership*, 38.

<sup>26</sup> John Tracy Ellis, “American Catholics and the Intellectual Life,” *Thought* 30 (1955): 351-388, at 357.

<sup>27</sup> *Ibid.*, 376.

<sup>28</sup> *Ibid.*, 375.

<sup>29</sup> *Ibid.*, 386. See, for a thoughtful paper addressing the question, “Where have we come in the decades since Ellis issued his indictment?” Alexander R. Eodice, “The Catholic Intellectual Tradition and American Catholic Higher Education,” *Expositions: Interdisciplinary Studies in the Humanities* 9, no. 1 (2015): 33-40.

<sup>30</sup> Ellis, “American Catholics and the Intellectual Life,” 375.



“[m]oving up and out of the Catholic subculture was a good thing.”<sup>31</sup> The Second Vatican Council (1962-1965), seeking as it did to make the Church young again by opening it to the modern world,<sup>32</sup> put wind in the leading presidents’ sails: In O’Brien’s words once more, “Vatican II seemed to give permission for separation [from ecclesiastical structures] by affirming the autonomy of the human sciences and encouraging recognition of the expertise of laypeople,”<sup>33</sup> and thereby “gave the reformers... theological support” for the changes they sought.<sup>34</sup>

Hesburgh and Reinert saw independent boards of trustees with lay members as shields against religious authority “external to the academic community”; equally important, boards with lay members figured as vehicles for the connections, expertise, and financial resources needed to make Notre Dame and Saint Louis universities “in the full modern sense of the word,” comparable to the best secular institutions in the land. Notre Dame had had an advisory board of lay trustees since 1921.<sup>35</sup> But, like lay advisors elsewhere, they did not have authority over how the funds they raised were spent, which Gallin notes sometimes led to “[t]roublesome tensions” and accordingly less wholehearted fundraising than might be hoped.<sup>36</sup> The urgent need for fundraising was accompanied by a need for a “pool of persons with expertise in management, finance, public relations,” plus connections to foundations, corporations, and government.<sup>37</sup> In brief, these persons were not to be

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<sup>31</sup> O’Brien, “A Catholic Academic Revolution,” in *Mission and Identity*, 34.

<sup>32</sup> *Lumen Gentium* (Dogmatic Constitution on the Church), §4, promulgated November 21, 1964, available online, like all other Vatican II documents cited hereafter, at [w2.vatican.va](http://w2.vatican.va).

<sup>33</sup> O’Brien, *From the Heart of the American Church*, 52. See, on “the autonomy of earthly affairs” and “the rightful independence of science,” *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World), §36; see, on the expertise of laypeople, §43, exhorting the laity not to imagine that priests “are always experts” in seeing to it “that the divine law is inscribed in the life of the earthly city,” or that, “to every problem which arises, however complicated, they can readily give [the lay person] a concrete solution, or even that such is their mission.” *Gaudium et Spes* was promulgated on December 7, 1965. O’Brien comments further that it “became a kind of *magna carta* for Catholic higher education in the United States. Its words affirmed all that the reformers were trying to achieve.” See *From the Heart of the American Church*, 49.

<sup>34</sup> O’Brien, “A Catholic Academic Revolution,” in *Mission and Identity*, 27, or “The Land O’Lakes Statement,” 41. He comments further: “By the late 1960s institutional autonomy, presidential authority, and academic excellence seemed intimately connected.” See *From the Heart of the American Church*, 51.

<sup>35</sup> Gallin, *Independence and a New Partnership in Catholic Higher Education*, 53.

<sup>36</sup> *Ibid.*, 105.

<sup>37</sup> *Ibid.*, 50.

found in religious orders; instead, they were lay people. A new partnership was evidently called for on more grounds than one.

At least one other factor in the movement toward separate incorporation and independent boards should be noted: concern over the eligibility of Catholic colleges and universities for public aid. Litigation over public aid programs benefiting religiously-affiliated educational institutions coincided with the movement toward separate incorporation and independent boards. Both rose up in the late 1960s and crested in the early 1970s. The 1966 *Horace Mann* decision, by the Maryland Court of Appeals, “declared two Maryland Catholic colleges ineligible for federal grants because they were judged to be ‘sectarian’”; Notre Dame and the like responded by hastening the changes underway.<sup>38</sup> During the same period, the U.S. Supreme Court struck down multiple programs providing public aid to Catholic parochial schools on the grounds that they were “‘pervasively sectarian’ educational institutions.”<sup>39</sup> In the Supreme Court cases of *Tilton v. Richardson*, decided in 1971, and *Roemer v. Board of Public Works*, decided in 1976, Catholic colleges and universities passed the test that parochial schools did not — but by a bare margin of 5-4 in both instances.<sup>40</sup> Sufficient change had come just in time.

Vatican II’s so-called new theology of the laity — declaring that, for example, “modern conditions demand that [the lay] apostolate be broadened and intensified”<sup>41</sup> — was often cited by presidents like Hesburgh and Reinert in support of the changes that they sought to bring about, but both Gallin and O’Brien judge that “recognition of the ‘emerging’ layman” was more talking point and justification for the changes in question than it was a motivating factor.<sup>42</sup> O’Brien comments further:

Presidents who guided the early moves to lay boards admit[ed] that, even though they understood the change as a sharing of responsibility with lay Catholics in the spirit of Vatican II, they selected laypeople on the basis of the skills or experi-

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<sup>38</sup> *Ibid.*, 23.

<sup>39</sup> See Charles H. Wilson, “Catholic Campus Trustees and American Civil Law,” in *Mission and Identity*, 83-94, at 92.

<sup>40</sup> *Ibid.*, 90-91.

<sup>41</sup> *Apostolicam Actuositatem* (Decree on the Apostolate of the Laity), §1, promulgated November 18, 1965. Compare *Lumen Gentium*, §36, declaring that “[t]he laity have the principal role in the overall fulfillment of [the] duty” to see to it that “the world may be permeated by the spirit of Christ and... fulfill its purpose in justice, charity and peace.”

<sup>42</sup> See Gallin, *Independence and a New Partnership*, 63 (“recognition of the ‘emerging’ layman”), 134 (“talking points”). See further 40: “Interestingly, the reasons [Reinert] put forth [in 1966] did not include any emphasis on the role of the laity in the church, a reason which came to be cited frequently as time went on.”

ence they could bring to the school: lawyers, benefactors, key alumni, businessmen who could offer specialized advice, such as on investments or insurance.<sup>43</sup>

Responsibility for representing Catholic mission and identity belonged still to members of the religious congregations who were members of the new boards. Against this background, “the first chairs of new independent boards at Notre Dame and Saint Louis... wanted to do whatever ‘Father’ thought would ensure a great future for the university.”<sup>44</sup> Not surprisingly, “anecdotal evidence suggests that the new lay trustees tended to take Catholic identity for granted or leave such matters to the president, usually still a member of the sponsoring religious community.”<sup>45</sup>

Readers who want to know more about this history have more to learn from Gallin and O’Brien, among others.<sup>46</sup> Familiarity with the history of boards at Catholic colleges and universities provides a helpful angle from which to consider the present conditions of boards. Before moving on, however, there is one point that needs further clarification. Briefly put, when independent boards of trustees were established fifty or so years ago, the expectations of lay members in this new partnership with religious were at once immense and limited. There were immense expectations with respect to fundraising, finance, management, marketing, communications — in sum, in dealing with what the Vatican II documents call, in time-honored tradition, the temporal order.<sup>47</sup> Despite the impressive professionalization of administrative offices at many if not most Catholic colleges and universities in the meantime, these immense expectations appear to persist to the present. Where expectations of lay members were limited was in representing, safeguarding, and developing the institutions’ Catholic mission and identity. To repeat, responsibility for representing Catholic mission and identity belonged still to members of the religious congregations who were members

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<sup>43</sup> O’Brien, *From the Heart of the American Church*, 76.

<sup>44</sup> Gallin, *Independence and a New Partnership in Catholic Higher Education*, 13.

<sup>45</sup> O’Brien, *From the Heart of the American Church*, 59.

<sup>46</sup> See, for Gallin’s summary of the many and complex “purposes for which governing boards of Catholic colleges and universities were reorganized so as to bring laymen into the power structure,” *Independence and a New Partnership in Catholic Higher Education*, 133-134. Compare O’Brien, “The History of American Catholic Higher Education,” in *American Catholic Higher Education in the 21st Century: Critical Challenges*, ed. Robert R. Newton (Boston: Linden Lane Press at Boston College, 2015), 1-15, at 7-8. See also Philip Gleason, *Contending with Modernity: Catholic Higher Education in the Twentieth Century* (Oxford: Oxford University Press, 1995), 314-317.

<sup>47</sup> See, for example, *Apostolicam Actuositatem*, §2: the laity “exercise the apostolate... by their activity directed to... the penetrating and perfecting of the temporal order through the spirit of the Gospel.”

of the new boards. Here, as I document shortly, the passing of time has brought change, but old dynamics have not disappeared altogether, even while the numbers of religious have plummeted.

By way of transition from past to present, in 1967, there were 498 priests in the Indiana Province of the Congregation of Holy Cross, and there were 161 priests in the Eastern Province, for 659 priests total.<sup>48</sup> According to the 2016-2017 directory of the U.S. Province of Priests and Brothers (formed in 2011 with the merger of the Indiana and Eastern provinces), it numbers a total of 447 men, including 361 priests, sixteen brothers, and seventy seminarians in vows (twenty-seven in the United States, the great majority in East Africa).<sup>49</sup> Around 125 of the 447 are over the age of sixty-five, and most of these 125 men live in the United States.<sup>50</sup>

From 659 priests in 1967 to 361 priests in 2016-2017, many over the age of sixty-five and a good number residing outside the United States, represents a decrease of nearly fifty percent, with more to come. And, unlike many orders, the U.S. Province of Priests and Brothers of the Congregation of Holy Cross has vocations in the United States — if not as many as in East Africa.<sup>51</sup> The decline in numbers has been more drastic for the Congregation of the Sisters of the Holy Cross (Saint Mary's) and the Moreau Province of the Brothers of Holy Cross (St. Edward's).

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<sup>48</sup> Of the Indiana Province priests, seventy-two resided at Notre Dame and thirty-seven resided at the University of Portland. Of the Eastern Province priests, twenty-three resided at Stonehill College and twenty resided at King's College. These numbers come from the 1967 directories of the Indiana and Eastern provinces and were provided by the current archivist for the U.S. Province, Christopher Kuhn, CSC, via Thomas Looney, CSC, director of campus ministry at King's College. Looney, e-mail to the author, May 15, 2007. It should be noted, however, that Father Kuhn, who himself entered the Holy Cross in 1967, was unable to distinguish priests who simply resided in the community residences connected to the four colleges and universities from those who resided there and had positions at the institutions.

<sup>49</sup> Twenty-nine priests or brothers have positions at Notre Dame; fourteen have positions at Portland; nine have positions at Stonehill; and nine have positions at King's. Some are faculty, some have administrative appointments, others work in campus ministry, and some at Notre Dame serve as rectors in the residence halls. The current information about the U.S. Province was provided by Father Looney (e-mail to the author, May 15, 2017).

<sup>50</sup> Around 110 of the 447 live outside the United States, in East Africa, Italy, Mexico, Peru, and Chile.

<sup>51</sup> According to Mark Poorman, CSC, president of the University of Portland, 80 percent of U.S. vocations come through Notre Dame (interview by the author, October 17, 2016).

## The Partnership at Fifty

My interviews and correspondence with the presidents of King's College, Saint Mary's College, St. Edward's University, Stonehill College, the University of Notre Dame, and the University of Portland took place in the fall of 2016 and winter and spring of 2017. During that same period, I also interviewed a handful of persons with experience as president, vice president for mission, and board chairperson at Holy Cross institutions. Given the limited number of persons interviewed, I make no general claims about all boards at all U.S. Catholic institutions. Conversations with colleagues elsewhere, however, suggest that the six Holy Cross schools are not unrepresentative of a good many other institutions.

All the presidents were asked about the principal criteria for selecting board members, about the education of new board members in the institution's Catholic and Holy Cross mission and identity, and about whether the principles of Catholic Social Thought figured in that education. Depending on the institution's statutes or bylaws, I often asked about the rationale for inclusion of Holy Cross or members of other religious congregations on the board. A follow-up question was whether there was any concern, going forward, about the numbers of religious qualified to serve on the board. Typically those two questions would lead to further discussion of the roles and expectations of lay persons on the board.

To begin with, the boards' structures vary significantly with respect to the terms of partnership between Holy Cross religious and lay persons:

1. The King's board consists of up to forty members, of whom it is stipulated that at least ten "shall be priests, brothers, or sisters of Holy Cross," including *ex officio* the provincial of the U.S. Province of Priests and Brothers. Holy Cross religious also have a role as members of the corporation, which elects the members of the board. The corporation consists of "all the full-fledged members of the Congregation of Holy Cross whose official assignment is directly related to King's College, and the Superior of the local Holy Cross community and the Provincial of the Congregation of Holy Cross," U.S. Province.<sup>52</sup>

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<sup>52</sup> Bylaws of King's College, April 26, 2012, article 4, section 1 (on the composition of the board) and article 1, section 1 (on the composition of the corporation).

2. The Saint Mary's board comprises at least twenty-six and no more than thirty-five members including *ex officio* the college's president and the president of the alumnae association, plus one faculty member and one student. (Only Saint Mary's, among the six Holy Cross schools considered here, has faculty and student members on the board.) As of 1994, when the bylaws underwent a significant revision, there are "two classes of members" on the board: Class 1 members consist of the president of the Congregation of the Sisters of the Holy Cross and two persons appointed by her; class 2 members (everyone else) must include no fewer than seven trustees who are "members of the Congregation or members of other Roman Catholic religious congregations," female or male. A majority vote of both class 1 members (two out of the three) and class 2 members (ranging from twelve out of twenty-three to seventeen out of thirty-two) is required for a number of actions, termed "protected covenants," which the bylaws characterize as concerned with ensuring "that the College retains its grounding in the Congregation's philosophy of education." By way of example, one protected covenant concerns appointing or removing the college's president; another concerns amending the bylaws governing the vice president for mission, whose appointment, remarkably, is "mutually decided upon by the President of the Congregation and the President [of the College]" and who performs the duties of the office "on behalf of the College and the Congregation."<sup>53</sup>
3. The St. Edward's board consists of at least fifteen and not more than thirty-six voting members. The university's president sits on the board *ex officio*, but has no vote. The provincial superior of the Moreau Province of Brothers sits on the board *ex officio* with both voice and vote; the bylaws also stipulate that the Moreau Province may appoint three other trustees, though there is no indication that they need be brothers or for that matter members of other religious congregations.<sup>54</sup> Currently, four Holy Cross brothers, including the provincial superior, belong to the board. The university's president acknowledges concern about the numbers of brothers going forward.<sup>55</sup> As the chief mission officer, the president reports to the board at every meeting on programs and activities advancing the mission, as

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<sup>53</sup> Code of Bylaws of the Corporation of Saint Mary's College, Notre Dame, April 6, 2016, article 6, section 2 (on the number of trustees), article 6, section 3 (on the two classes of members), article 5 (on the meaning and purpose of the "protected covenants"), article 9, section 3 (on the appointment and duties of the vice president for mission).

<sup>54</sup> Bylaws, St. Edward's University, Inc., May 8, 2015, article 2, part C, section 1.

<sup>55</sup> George Martin, president of Saint Edward's University, interview by the author, March 24, 2017.



documented for him by the director of campus ministry, who currently is a Holy Cross priest. There is not, however, a board mission and identity committee. (Only Portland, among the other Holy Cross institutions, does not have such a committee; King's, Notre Dame, Saint Mary's, and Stonehill do.<sup>56</sup>)

4. Stonehill's board of trustees consists of at least fifteen and not more than thirty-three members. The provincial of the U.S. Province of Priests and Brothers sits *ex officio* on the board, as does the college's president and a member elected by and from the President's Council. All other members are elected by the college's "fellows," whose sole power is to elect members of the board. The fellows number nineteen: The college's president is again a member *ex officio*; the other eighteen are elected by and from various constituencies (seven from the Holy Cross serving at Stonehill, three from lay members of the faculty, three from the President's Council, three from lay members of the alumni, two from the student body). It is stipulated further that "[n]o less than ten of the elected Trustees shall be priests or brothers of the Congregation of Holy Cross," which means — assuming that the college's president is a Holy Cross religious, as all the presidents have been to date — that there are at least twelve Holy Cross on the board, counting also the provincial.<sup>57</sup> Despite the idiosyncratic means of electing board members through the fellows, Stonehill's current president, John Denning, CSC, described its board as "much like other boards." Typically, the president discusses potential board members with the board's executive committee and brings candidates to the fellows for consideration.<sup>58</sup>
5. Notre Dame's board has a two-tier structure, consisting of twelve fellows of the university and at least thirty and no more than sixty trustees. The fellows comprise six Holy Cross and six lay persons. Four of the fellows hold the office *ex officio*: the provincial of the U.S. Province, the religious superior of the Holy Cross religious at Notre Dame, the university's president, and the chairperson of the board of trustees. The university's statutes charge the fellows with maintaining "[t]he essential character of the University as a Catholic institution of higher learning." The university's statutes and bylaws alike

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<sup>56</sup> Arguably, Notre Dame effectively has two mission and identity bodies: the fellows of the university and the board Committee on Social Values and Responsibilities.

<sup>57</sup> Stonehill College Bylaws, July 2011, article 3, section 2 (number and profile of trustees), article 2, section 5 (number and profile of fellows).

<sup>58</sup> John Denning, CSC, president of Stonehill College, interview by the author, February 16, 2017.

may be amended only by a two-thirds vote of the fellows in office. Among the powers of the fellows is to elect members of the board of trustees as well as new fellows. All lay fellows must be members of the board of trustees.<sup>59</sup> All the Holy Cross who hold the office of fellow are *ex officio* members of the board of trustees; other *ex officio* board members are the university's provost and executive vice president and the president and president-elect of the alumni association.<sup>60</sup>

6. Finally, Portland's board consists of at least twenty-two and up to forty-five elected members, plus at least five and up to nine Holy Cross, including *ex officio* the provincial of the U.S. Province and the religious superior of the Holy Cross community at the university. The president of the university is also an *ex officio* member of the board, as is the chairperson of the university's alumni association. The board's Committee on Regents recommends new members of the board for election by the general board membership. The bylaws stipulate that this committee "shall consist of at least five members," but do not specify that any Holy Cross religious must be among those members.<sup>61</sup>

Every president stressed the importance of "commitment" to the institution's Catholic mission and identity in selecting new board members. The response of John Jenkins, CSC, president of Notre Dame, to a question concerning the fellows of the university is characteristic in this regard: "For both Holy Cross and lay fellows, we are looking for people of good judgment who understand and are committed to the mission of Notre Dame."<sup>62</sup> Education to ensure lay board members' understanding of Catholic and Holy Cross mission and identity, however, tends to be modest, though here again there are some significant differences among the six institutions.

At King's, new board members — of whom there is rarely a cadre of more than a few — currently go through an orientation of 90 minutes, during which time multiple vice presidents make brief presentations, with about 15 minutes devoted to mission and identity. The King's president, John Ryan, CSC, holds that the education in mission and identity "should be more formal"; his goal is to make the orientation a

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<sup>59</sup> Statutes of the University of Notre Dame, article 2 (number and profile of the fellows), article 5 (duties and powers of the fellows).

<sup>60</sup> Bylaws of the University of Notre Dame, section 1.1 (number of trustees), section 1.2 (ex officio trustees).

<sup>61</sup> Bylaws of the University of Portland, September 16, 2011, article 2, section 2 (number of elected members and ex officio members), article 5, section 7 (Committee on Regents).

<sup>62</sup> John Jenkins, CSC, president of the University of Notre Dame, e-mail to the author, September 29, 2016.

full day, with much more time for discussion of different aspects of the institution.<sup>63</sup> Likewise, Thomas Looney, CSC, currently the director of campus ministry at King's, formerly the vice president for mission at Stonehill, holds that the orientations at both King's and Stonehill need to be at once "more formalized and thicker." At Stonehill, the vice president for mission makes a 30-minute presentation. At both institutions, however, there is "no thick conversation" about Catholic and Holy Cross mission and identity; there is no presentation on Catholic Social Thought or Catholic anthropology. In brief, "We don't do presentations... that there are things that should inform your thinking." Instead, there is what Father Looney calls, critically, a "presumption about osmosis": It is presumed that board members will pick up what they need to know as they go along, especially as they interact with the Holy Cross on the board, who are cast — at King's, Notre Dame, Portland, and Stonehill alike — as ongoing educators of other board members. Against this background, it makes sense that lay members of the board tend to "assume that the Holy Cross community is safeguarding the mission."<sup>64</sup>

The need for a more formal, thicker, more explicit introduction to Catholic and Holy Cross mission and identity was expressed at more than one institution. So, too, was a sense that "presumption about osmosis" may be misplaced.<sup>65</sup> At Portland, the presentation on mission, though 90 minutes over lunch, is confined to "big picture" items.<sup>66</sup> At Notre Dame, William Lies, CSC, vice president for mission engagement and Church affairs, provides new board members a 30-minute presentation, including some discussion of Catholic Social Teaching, with another 30 minutes for questions. Matters of mission and identity are addressed elsewhere in new board members' orientation, which occurs over a period of two-plus days, but Lies holds that "we have to be more explicit." In his experience, lay members of the board, who would not be chosen without evidence of deep commitment to Notre Dame, sometimes have great interest to become better versed than they are already.

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<sup>63</sup> John Ryan, CSC, president of King's College, interview by the author, September 20, 2016.

<sup>64</sup> Thomas Looney, CSC, director of campus ministry, King's College, interview by the author, April 13, 2017.

<sup>65</sup> It should be noted that, at both King's and Stonehill, there is a deliberate attempt to place new board members on the mission and identity committee. Thomas Looney, CSC, e-mail to the author, June 5, 2017.

<sup>66</sup> Mark Poorman, CSC, president of the University of Portland, interview by the author, October 7, 2016.

Holy Cross institutions, however, are “tempted” to take for granted that trustees will pick up what they need to know on the job.<sup>67</sup>

It is noteworthy that, at the four institutions sponsored by the U.S. Province of Priests and Brothers, Catholic Social Teaching (CST) figures — though briefly — only in the presentation at Notre Dame. The presidents of Stonehill and Portland both told me that CST principles like option for the poor or stewardship of the earth might come up in discussion, for example, of investments or admissions, but it is trusted that board members will learn about such principles as issues arise.<sup>68</sup> The burden to *frame* issues in such a way that moral dimensions stand out evidently falls to the Holy Cross on the board, which is a heavy responsibility. And what if, for example, there are no Holy Cross members on the finance committee? As one observer notes, lay board members tend to come from “the very top of the income ladder,” and “the link between the goals they set for the universities and a vision of economic success is a strong one.”<sup>69</sup> Recall the vignette with which this paper opened. It is not obvious that an institution’s Catholic mission and identity might have implications for its decision about how to distribute the increased costs of health insurance. An insight of Cardinal Joseph Bernardin’s is to the point here: Catholic ethics and social teaching are relevant not only to providing answers to questions, but also to raising and formulating questions in the first place.<sup>70</sup>

In light of the critical role of Holy Cross religious on the boards of King’s, Stonehill, Notre Dame, and Portland, the order’s declining numbers prompt the question of whether there will be enough Holy Cross to serve in this capacity. There are currently six Holy Cross men in doctoral studies, which is significant because having an advanced degree (Ph.D., Ed.D., J.D., or M.D.) is normally a prerequisite for Holy Cross religious to serve as board members at Holy Cross institutions. Another

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<sup>67</sup> William Lies, CSC, vice president for mission engagement and Church affairs at the University of Notre Dame, interview by the author, April 4, 2017.

<sup>68</sup> Compare Father Jenkins, e-mail to the author, September 29, 2016: “We do not have a formal presentation of the whole of Catholic social teaching, but it regularly comes up as we grapple with issues, and people learn about its relevance as we do the grappling.”

<sup>69</sup> David Hollenbach, SJ, “The Catholic University under the Sign of the Cross: Christian Humanism in a Broken World,” in *Finding God in All Things: Essays in Honor of Michael J. Buckley, SJ*, ed. Stephen Pope and Michael Himes (New York: Crossroad, 1996), 279-298, at 287-288.

<sup>70</sup> See for discussion an article by the present archbishop of Chicago, Cardinal Blase Cupich, “Signs of the Times: Witnessing to a Consistent Ethic of Solidarity,” *Commonweal*, June 2, 107, 12-16, at 12.

prerequisite is normally significant experience with higher education. The response to this question was mixed, ranging from “I think we have that” in the community and “it’s a robust list,”<sup>71</sup> to the trend is “not alarming,”<sup>72</sup> to we “have to have some worry,” to “there are men coming through who will have the qualifications,” but “their numbers will be few” given the number of institutions and board seats reserved for Holy Cross religious.<sup>73</sup>

The rapidly diminishing number of religious sisters in the United States over the last fifty years has led already to significant change at Saint Mary’s. In 1972, the college inaugurated its first lay, male president. Two lay, male presidents followed in 1975 and 1986; since then, three lay women have served as president, with the latest, Janice Cervelli, inaugurated in 2016. In the 1980s, the board, the Congregation of the Sisters of the Holy Cross, and the college community as a whole came to the practical realization that the order was declining in the United States and that, accordingly, primary responsibility for the college would have to be handed over to the laity. There are now 248 sisters of the Congregation of the Holy Cross residing in the United States and 146 outside it. Of the 248 sisters, 225 are over the age of sixty-five (and not all of the remaining twenty-three are U.S. citizens).<sup>74</sup> The significant revision of the college’s bylaws in 1994 was undertaken in recognition of these demographics. As the bylaws state, “Lay women and men shared in the enterprise [of Saint Mary’s] from earliest days, but it has been only in relatively recent times that responsibility for the ongoing operation of the College has rested largely in lay hands.”<sup>75</sup> Succession planning became necessary.

The challenge Saint Mary’s faces is daunting. Arguably at least, in order “to sustain a vibrant Catholic identity and culture, [it] will need to replace the witness community of knowledgeable and committed

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<sup>71</sup> Denning, interview by the author.

<sup>72</sup> Ryan, interview by the author.

<sup>73</sup> Looney, interview by the author. Father Malloy likewise expressed this perspective, especially in view of the 2011 consolidation of the Indiana and Eastern provinces, which effectively means that the vocations coming through Notre Dame now have to serve four schools, rather than only Notre Dame and Portland (Malloy, interview by the author).

<sup>74</sup> These numbers were provided by Judith Fean, vice president for mission at Saint Mary’s, in consultation with Sister Veronique Wideower, CSC, president of the Congregation. Fean, e-mails to the author, June 2, 2017, and June 13, 2017.

<sup>75</sup> Code of Bylaws of the Corporation of Saint Mary’s College, article 5.

cultural icons who were the members” of the religious community.<sup>76</sup> In the 1960s, 135 Holy Cross sisters worked as faculty at Saint Mary’s; in the 1970s, that number went down to fifty-two. At present, there are four sisters working as faculty at the college.<sup>77</sup> What the board has done so far is to deepen its own education in the heritage and distinctive character of the college. New members receive a full day of orientation on the college’s mission and identity; in summer 2016, the board’s retreat was focused entirely on the theme of Catholic, Holy Cross identity. A further challenge, however, is for the lay persons responsible for carrying on “the mission of education begun and nurtured by the religious men and women of the past” — as Alice Gallin formulated the promise of the new partnership struck in the 1960s<sup>78</sup> — to come to feel that they are the rightful heirs of the institutions they lead and so are themselves entitled to introduce bold innovations, as the ambitious presidents of the 1960s did. The Saint Mary’s board is no doubt right that what is needed in this regard is deepening, ongoing education.

The president of St. Edward’s, George Martin, recognized in 2000, one year into his presidency, that there was a “choice between a plaque of gratitude [to the Brothers of Holy Cross] on a wall, or a plan to answer the question, What does it mean to be Holy Cross in the twenty-first century” under lay leadership?<sup>79</sup> (Martin is the third lay president of St. Edward’s. The first served from 1969 to 1972, followed by a Holy Cross brother from 1972 to 1984, when the second lay president and first woman became president until 1999.<sup>80</sup>) One answer was to found the Holy Cross Institute at St. Edward’s, which has the mission of sustaining the tradition of Holy Cross education.<sup>81</sup> The Institute serves mostly Holy Cross high schools — by Martin’s own admission, colleges

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<sup>76</sup> Melanie M. Morey and John Piderit, SJ, *Catholic Higher Education: A Culture in Crisis* (Oxford: Oxford University Press, 2006), 272. Other challenges include, in President Janice Cervelli’s estimation, how to infuse Catholic identity in the curriculum in a way that is considered relevant to Catholics and non-Catholics, how to articulate the values of the Church in a way that is accessible, and how to make clear the “value-added” of a faith- and value-based institution (Janice Cervelli, interview by the author, March 24, 2017).

<sup>77</sup> Fean, e-mail to the author, June 2, 2017.

<sup>78</sup> Gallin, “A Brief History of Trusteeship in Catholic Colleges and Universities,” in *Mission and Identity*, 43.

<sup>79</sup> Martin, interview by the author.

<sup>80</sup> I thank William Penn, a retired professor of philosophy at St. Edward’s, and Brother Stephen LaMendola, a member of the education department at King’s College, for helping me piece together this history.

<sup>81</sup> See <http://www.holycrossinstitute.org/why>.



and universities have not gotten involved — but it is a way of ensuring that the Holy Cross tradition is represented at the university.<sup>82</sup> Martin himself explains St. Edward’s mission in recruiting new board members; there is no further orientation to mission and identity. The university is upfront about its Catholic identity; the opening line of the mission statement reads, “St. Edward’s University is an independent Catholic university that welcomes qualified students of all ages, backgrounds and beliefs and serves a culturally diverse student body.”<sup>83</sup> But references to Holy Cross (note none in the mission statement’s opening sentence) tend to be couched in the past tense. By way of example, quoting further down in the mission statement, “St. Edward’s was founded by the Congregation of Holy Cross, from which it acquired distinguishing characteristics: the courage to take risks, an international perspective and the commitment to provide educational opportunities for students of varied cultural, religious, educational and economic backgrounds.”

It seems fair to say that St. Edward’s now understands itself as standing “in the Holy Cross tradition,” which is a “legacy” to the university.<sup>84</sup> Accordingly, it also seems fair to say that St. Edward’s is well on its way to becoming a Catholic university with only historical ties to its founding congregation and without any religious on campus. In the 1967-1968 academic year, thirty-six brothers had positions at St. Edward’s. At present, two brothers have adjunct teaching positions, and a third serves as the assistant director of campus ministry. Ninety-six members of the Moreau Province of Brothers now reside in the United States; ninety of these ninety-six are over the age of sixty-five.<sup>85</sup> Saint Mary’s may be on a similar trajectory, but the two institutions — and the sisters and brothers — so far have responded quite differently to similar circumstances.

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<sup>82</sup> See, for the conception of the Institute, George E. Martin, “The Holy Cross Legacy,” *St. Edward’s University Magazine* 5, no. 2 (2004): 1.

<sup>83</sup> See <https://www.stedwards.edu/about-st-edwards-university/history-mission#Mission>. The website does not provide a date for the mission statement. William Penn and Donna Jurick, SND, currently St. Edward’s executive vice president, believe that “the basic statement was written sometime in the early 1980s” and subsequently “modestly revised to be more inclusive and now also to apply to [the University’s] graduate programs.” William Penn, e-mail to the author, May 25, 2017.

<sup>84</sup> See <https://www.stedwards.edu/holy-cross-legacy>. Note also the title of Martin’s article, cited above.

<sup>85</sup> Richard Critz, CSC, Moreau Province archivist, e-mails to the author, May 26, 2017, and June 7, 2017.

## Prospects and Strategies for the Next Fifty Years

Gallin notes, toward the beginning of her book on the history of the new partnership, that there was from the beginning a “basic unresolved question: once the college [or university] was no longer under the control of the religious community and its property was no longer regarded as church property, how was it to be ‘Catholic’ and furthermore, how was it to be Jesuit, or Holy Cross, or Mercy?”<sup>86</sup> In his book on the history of U.S. Catholic higher education, O’Brien comments similarly: “If the priests and sisters stepped aside, the Catholic adjective in Catholic higher education might be followed by a question mark.”<sup>87</sup> Yet “thinking through [the relationship between the institutional church and its colleges and universities] for the most part came after, not before, separate incorporation” and the establishment of independent boards.<sup>88</sup>

At least at the six Holy Cross institutions considered here, it seems right to say that this “thinking through” is happening still. The “basic unresolved question” of what it means to be Catholic and Holy Cross (or Jesuit, or Mercy) has not been answered. Instead, this question is now part of what animates the life of each institution.<sup>89</sup>

At the same time, some congregations, presidents, and boards seem to have faced the question more squarely than others. For example, Saint Mary’s significantly revised its bylaws, restructured its board, and committed itself to deepening the board’s education in the college’s Catholic and Holy Cross mission and identity. By contrast, the four institutions sponsored by the U.S. Province of Priests and Brothers — King’s, Notre Dame, Portland, and Stonehill — do not yet feel the same pressure to reckon with declining numbers. The Holy Cross priests interviewed did not speak with one voice about the prospects for adequate numbers of priests with the qualifications to serve as leaders of the institutions. They also did not share the same perspective on the need for deepening lay board members’ education in Catholic and Holy Cross mission and identity. For some, there is urgency in this regard; others

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<sup>86</sup> Gallin, *Independence and a New Partnership in Catholic Higher Education*, 8-9.

<sup>87</sup> O’Brien, *From the Heart of the American Church*, 50.

<sup>88</sup> *Ibid.*, 57.

<sup>89</sup> See, in this regard, the papers from the fall 2014 conference hosted by King’s on “The Idea of a Catholic College” published in the *Journal of Catholic Higher Education* 34, no. 1 (2015).

apparently feel more secure, despite rapidly increasing secularization and a concomitant rise in religious illiteracy in the United States.<sup>90</sup>

There are very few published discussions of the prospects for the future of the partnership between religious and lay persons in governing Catholic colleges and universities. One, though, is by James Heft, SM, formerly provost and chancellor at the University of Dayton, now president of the Institute for Advanced Catholic Studies at the University of Southern California. Heft asks:

Related to the question of the diminishing number of religious, what do presidents do when the founding order has increasing difficulty finding religious capable of serving on their university's board? Also, does it make sense that a religious always head the board's committee on mission? Would it not be better to appoint lay persons to head such committees?<sup>91</sup>

Heft does not answer these questions in his text, so I wrote him to ask how he would do so. He replied:

My own sense is that religious orders who have founded colleges and universities have to focus a lot more energy than they have on preparing lay leadership for their institutions. The demographics of most of our congregations, this side of an immediate revolution by the Holy Spirit, point to few of us being able to provide leadership on the boards of our institutions. And I have seen, sadly, a number of places where members of the order with little competence are appointed to boards of trustees, simply because the constitution requires a certain percentage of the board be members of the founding congregation.... In other words, religious orders need to stop clinging on, entrust the future to more of the laity, and find ways to get lay people appointed to boards who can provide leadership on mission.<sup>92</sup>

Arguably, Heft's position is supported not only by the "demographics of most of our congregations," but by Vatican II's documents concerning the laity. Modern conditions do appear to "demand that [the lay] apostolate be broadened and intensified,"<sup>93</sup> what's more in ways unforeseen in the 1960s.

In brief reflections on the "characteristics of organization and administration" of the contemporary Catholic university, the Land O'Lakes

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<sup>90</sup> See the Pew Research Center's data on the "religiously unaffiliated," <http://www.pewresearch.org/topics/religiously-unaffiliated>.

<sup>91</sup> James L. Heft, SM, "Leadership in Catholic Higher Education," in *American Catholic Higher Education in the 21st Century*, 89-115, at 99.

<sup>92</sup> Heft, e-mail to the author, February 1, 2017.

<sup>93</sup> *Apostolicam Actuositatem*, §1.

statement acknowledges that “a great deal of study and experimentation will be necessary” in order to ensure the realization of the many changes it contemplates.<sup>94</sup> Toward the goal of deepening the partnership between religious and lay persons begun fifty years ago, ambitious presidents and board chairpersons might try the following experiments, which represent only a start.

Initiate a frank, constructively critical discussion with present board members concerning (1) the adequacy of the board’s education in the Catholic mission and identity of the college or university and (2) the board’s readiness to bring the institution’s Catholic mission and identity to bear on matters of policy. To lay the ground for this discussion, have board members read in advance this paper, for example, or others in this issue. Set aside ample time for the discussion — make sure it is not rushed and that it is clearly prioritized — and return to it periodically, say at least every three years.

Invest in opportunities for board members to understand and reflect on CST and the broader Catholic Intellectual Tradition to which it belongs. Monika Hellwig, president of the Association of Catholic Colleges and Universities from 1996 to 2005, observed that, like many faculty at Catholic institutions, lay board members “are likely to have had their last education in the tradition in the undergraduate years at most, but perhaps only at the secondary level, or only in parish preparation for confirmation.”<sup>95</sup> It follows that lay board members, too, would benefit from any of the four approaches to engagement with CST examined by Erin Brigham and Kathryn Getek Soltis in this issue.

Last but not least, bring onto the board at least two prominent Catholic lay persons who have distinguished themselves intellectually, whether as academics at other institutions, as activists for social justice, as journalists, as jurists, and so forth. These might be the lay persons to ask to head the board’s committee on mission, as Heft suggests, and they certainly can be asked to provide leadership on mission. If it is objected that, in light of the many seats reserved for religious who cannot donate significant funds to the institution, all lay board members must bring treasure as well as talent, there are two responses. First, revise the institution’s bylaws to reduce the number of seats reserved for religious; stipulate, however, that the choice of the two prominent

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<sup>94</sup> “Land O’Lakes Statement,” in *American Catholic Higher Education*, 11.

<sup>95</sup> Monika K. Hellwig, “The Catholic Intellectual Tradition in the Catholic University,” in *Examining the Catholic Intellectual Tradition*, ed. Anthony J. Cernera and Oliver J. Morgan (Fairfield, CT: Sacred Heart University Press, 2000), 1-18, at 18.

Catholic lay persons belongs to the sponsoring congregation in some way. Second, counter the objection by insisting that institutions too do not live by bread alone (Matthew 4:4). How much better it is, you might go on, to get wisdom than gold (Proverbs 16:16)!

*This article has its origins in the author's participation in the CST Learning and Research Initiative, a collaboration of faculty and administrators at eleven Catholic colleges and universities across the United States. Through national meetings over the last five years, the Initiative has facilitated campus focus groups and collected oral histories of student understanding of CST, developed a rubric for curricular and research purposes, and conducted conversations leading to the peer-reviewed articles in this issue of the Journal of Catholic Higher Education. For more information, see both the introduction to this issue and <http://sites.nd.edu/cstresearch>.*

