Understanding the Impact of State & Federal Aid on the Catholic Identity of Colleges and Universities in New York State

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Understanding the Impact of State & Federal Aid on the Catholic Identity of Colleges and Universities in New York State

Abstract
There are close to 200 institutions of higher education in the US that claim a Catholic identity. The degrees to which the values and attitudes proclaimed by this identity are actually experienced by students on campus varies widely across the country. One of the defining influences on the institutional history and leadership composition of many colleges and universities founded by religious orders has been the availability of governmental monetary support, in particular during the last five decades. Federal and state laws regarding the use of public funds to support higher education at institutions with a religious affiliation have prompted changes in the culture of these organizations. This work provides an introduction to the relevant sources of aid, legislation and related documents affecting Catholic institutions of higher education, particularly in New York State. It presents a historical perspective and analysis addressing the degree to which changes in Catholic identity were prompted by attempts to conform to perceived or real aideligibility guidelines.

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Fernando Ontiveros, PhD

Abstract

There are close to 200 institutions of higher education in the US that claim a Catholic identity. The degrees to which the values and attitudes proclaimed by this identity are actually experienced by students on campus varies widely across the country. One of the defining influences on the institutional history and leadership composition of many colleges and universities founded by religious orders has been the availability of governmental monetary support, in particular during the last five decades. Federal and state laws regarding the use of public funds to support higher education at institutions with a religious affiliation have prompted changes in the culture of these organizations. This work provides an introduction to the relevant sources of aid, legislation and related documents affecting Catholic institutions of higher education, particularly in New York State. It presents a historical perspective and analysis addressing the degree to which changes in Catholic identity were prompted by attempts to conform to perceived or real aid-eligibility guidelines.

The 1800’s

Public schools in the 1800’s were de facto Christian (protestant) schools. It was not until the 1960’s that prayer and Bible reading were banned. With the arrival of Irish and later Italian Catholic immigrants, requests for public funding of Catholic schools was denied by the protestant majority (funding would only be available to “non-sectarian” schools), giving rise to the anti-catholic (38) state Blaine amendments. This was a time in US history in which anti-immigrant and anti-catholic sentiment motivated a polarization of society and gave rise to institutions like parochial schools and the Knights of Columbus.

“the exclusion of pervasively sectarian schools from otherwise permissible aid programs” represents a doctrine, born of bigotry, that should be buried now.

NYS “Blaine amendment” 1844/1894

In the footstools of a failed US Constitutional amendment in 1875, several states amended their constitutions to include laws that would bar funding of “sectarian” public schools. The NYS “Blaine amendment” states:

“Neither the state nor any subdivision thereof, shall use its control or direction of any religious denomination, or in the school or institution of learning wholly or in part under the authority of whatever kind, lay or clerical, external to the academic community itself.”

Institutions of higher education with religious affiliation in NYS faced several challenges:

i) Small endowments.
ii) Decline in religious vocations.
iii) Decline in birth rate.
iv) SUNY competition.

The identity crisis has its foundations in the lack of understanding of the role of Catholic institutions within the world of higher education in the US at this time. For example, the American Association of University Professors stated that “higher education must be free of religious or ideological restraints”. At the same time, Vatican II is understood as a revolution that would bring the Church in direct contact with secularizing influences.

Higher Education Act of 1965

This document is an important example in which the federal government delineates the eligibility of religious institutions to receive financial aid, properly taking into consideration the First Amendment and the Establishment Clause. It emphasizes that the government should not control or influence any aspect of the institutional culture.

“No loan may be made under this part for any educational program, activity or service related to religious, missionary or ideological tenets or to religious orthodoxy or teaching of any particular religious faith or doctrine. No religious orthodoxy or teaching of any particular religious faith or doctrine shall be a factor in the award of any educational loan which the Secretary certifies is necessary or proper for carrying out the provisions of this title.”

The 1960’s

The Catholic educators and administrators are no longer sure of what the institutional Catholic identity means.

The International Federation of Catholic Universities is founded in July 1965. The American chapter (formed by administrators of Catholic colleges) comes together in 1968 to write a document meant to shape Catholic institutions of higher learning. The document seeks:

“True autonomy and academic freedom: the authority of whatever kind, lay or clerical, external to the academic community itself.”

Ex Corde Ecclesiae Apostolic Constitution promulgated in 1990 by Pope John Paul II seeks to clarify the purpose and role of Catholic colleges and universities. Some key points:

- “In regard to faculty members at Catholic colleges and universities, I wish to reaffirm the principle of academic freedom in order to justify positions that contradict the faith and the truth wherever careful analysis of evidence leads you. Yet it is also the case that any appeal to the Church in direct contact with secularizing influences.

- “In the footsteps of a failed US Constitutional amendment in 1875, several states amended their constitutions to include laws that would bar funding of “sectarian” public schools. The NYS “Blaine amendment” states:

- Neither the state nor any subdivision thereof, shall use its control or direction of any religious denomination, or in the school or institution of learning wholly or in part under the authority of whatever kind, lay or clerical, external to the academic community itself.”

The aid-eligibility requirements motivated by the “Blaine amendments” and the 1965 Higher Education Act are financially less restrictive than the US Constitution and several landmark Supreme Court decisions. A court is likely to rule that NYS discriminates on the base of religion, violating the First Amendment and the Establishment Clause.

NYS “Bundy Aid” (1968) & TAP

This aid program spearheaded by Gov. Rockefeller was meant to help private institutions of higher education that were in financial trouble at the time. It conflicted, however, with the state “Blaine amendment”, a repeal of the amendment failed, so a questionnaire for eligibility was established and it is still in use (based on the Higher Education Act (MD)), which does not follow US Supreme Court standards.

1) Institutions may have no denominational control. Boards must be self-governing and a majority (51%) must be laity.
2) Institutions may not require courses in religious doctrine or philosophy. A faculty is likely to rule that NYS discriminates on the base of religion, violating the First Amendment and the Establishment Clause.

Considerations

a) The aid-eligibility requirements motivated by the “Blaine amendments” and based on the Horace Mann case have prompted or catalyzed a dramatic change in the culture of religious academic institutions in NYS.

b) The NYS Constitution and the Bundy requirements are significantly more restrictive than the US Constitution and several landmark Supreme Court decisions.

c) A court is likely to rule that NYS discriminates on the base of religion, violating the First Amendment and the Establishment Clause.

d) The availability of “conditioned” aid places religious institutions at a disadvantage and harms student choice.

e) Academic accreditation for non-religious formation should suffice to meet aid-eligibility criteria.

In spite of these concerns, many academic institutions in the state have maintained a religious identity.