

Jesuit University Lacks "Substantial Religious Character"

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An NLRB Regional Director has determined that Seattle University "lacks substantial religious character" and is therefore subject to the jurisdiction of the NLRB. In response to a petition from non-tenure-track adjunct professors seeking to organize, the University asserted that it was not subject to the NLRB's jurisdiction because it was a religiously operated university. The regional director disagreed finding that the University "is not a church-operated institution." The Regional Director based his conclusion on a wide variety of factors including:

- Neither the Catholic Church nor the Society of Jesus provides funding to the university
- Only 30% of the school's enrollment consists of Catholic students
- Only a minority of the Board of Trustees must be Jesuit
- There is no requirement the trustees be Catholic
- Faculty are subject to no religious requirements
- There is no provision for terminating employees for not adhering to Catholic or Jesuit values

The Seattle University case [\[a copy of which is available here\]](#), is the latest in a series of cases in which the Obama administration NLRB is attempting to assert jurisdiction over religiously operated colleges. In fact, as we have [previously written](#), the Board has sought briefing on the question of what is the proper test for Board jurisdiction over religiously operated colleges and universities.