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All Are Welcome in This Place: A Vision of Inclusive Community
at Barry University

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BARRY UNIVERSITY

**ALL ARE WELCOME IN THIS PLACE:
A VISION OF INCLUSIVE COMMUNITY AT BARRY UNIVERSITY**

by

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THESIS PROJECT
SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF MINISTRY
IN THE DEPARTMENT OF THEOLOGY and PHILOSOPHY
AT BARRY UNIVERSITY

**MIAMI SHORES
2012**

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DEDICATION

To the Adrian Dominican Sisters, Barry University's founders and primary sponsors,
especially all those who have served here over the last 72 years,
without whom there would not be a Barry University where *All Are Welcome*.

To the gay and lesbian members of the Barry community, past and present,
whose lives lived in the dignity of children of God are a witness
to the inclusiveness of Barry University and an inspiration for this project.

ACKNOWLEDGEMENTS

My deepest gratitude, admiration and love go to my parents, Joe and Joan Fletcher, my first teachers and models in the faith.

I must acknowledge my wonderful loving partner Leo, who has patiently seen me through two degrees now and who generously kept the home fires burning during many evening classes and late night writing sessions. You have allowed me to love and to be loved. Together we have made a family that enriches every moment of my day and night. Gracias, mi pana.

I am grateful to those faculty members of the Barry University Department of Theology and Philosophy who served not only as my professors but also as my role models and sources of inspiration. I am especially grateful to Mary Jo Iozzio, Ph.D., who lent me many texts from her personal library.

I extend my particular thanks to Alex Schlich, D.Min., my classmate and friend, for serving as my peer reader and for being an example of constancy and perseverance, as well as for lending an ear on more occasions than I can count; to Fr. Scott O'Brien, OP, D.Min., for serving as the faculty reader on the thesis proposal and to James Nickoloff, Ph.D., for serving as the faculty reader on the thesis project.

I appreciate the many members of the Barry community who participated in the survey for this project. Their responses helped demonstrate that Barry is a place where all are welcome—with some work still to be done. I am indebted to Shaunie Grant and Marcos Velazquez of the Barry University Office of Institutional Research who provided

invaluable advice and assistance for the survey, especially in collecting and interpreting the data.

I am grateful for the many friends and colleagues, who supported my pursuit, encouraged my work, prodded my efforts, and listened to my complaints lo these many years, and above all to Esther Sampol who generously served as my proofreader and personal spellchecker.

Most of all, I am grateful to Gloria L. Schaab, SSJ, Ph.D., who served as my academic advisor and mentor, but who also wears many hats: colleague, professor, friend, and others.... Her gentle but firm guidance provided direction to this project when my own vision was lacking. Her generous affirmation provided inspiration to continue when the end seemed too far off. Her unwillingness to accept anything less than absolute quality pushed me to pursue excellence as well. Her unparalleled editorial skill offered abundantly and enthusiastically made the mechanics of writing less burdensome and the content more intelligible.

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ABSTRACT

“All Are Welcome in This Place: A Vision of Inclusive Community at Barry University”

This project explores the practice and the animating documents of Barry University in dialogue with magisterial teaching on the primacy of the dignity of all persons to propose the inclusion of sexual orientation as a protected status in the non-discrimination clause of the University as a whole and in its various divisions, departments, and documents. Drawing from the Mission and Vision of the Adrian Dominican Sisters, founders and sponsors of Barry University, and the Mission Statement and Core Commitments of the University, this project sets forth a vision of Barry University as a completely inclusive community, both in practice and in its public portrayal of itself. The project reports the results of two surveys: first, of the Barry community with regard to its perceptions of the inclusive environment at Barry; second, of 249 other Catholic colleges and universities in the United States and their inclusive stance as revealed by their non-discrimination clauses. Based on these data, this thesis advances five critical principles and accompanying policies which advocate measures that safeguard and ensure an environment where it can be stated and demonstrated unequivocally that “*All Are Welcome in this place.*”

INTRODUCTION

“All Are Welcome in This Place”

Or Are They?

The inspiration for the title of this thesis is drawn from the song *All Are Welcome* by composer Marty Haugen.¹ I use this title because in this thesis project I will consider whether in fact all *are* welcome at Barry University—both in practice, but more importantly in the University’s public portrayal of itself. In other words, is it consistent with the nature of a Catholic university to include the phrase “sexual orientation” in its non-discrimination clause? Conversely, can a Catholic university whose mission, nature and heritage are inextricably tied to social justice fail to include it and still be true to its mission? These are the questions that this thesis project seeks to answer.

Chapter One, “Minister and Ministry,” begins with an autobiographic narrative of my formative background and ministerial situation. The chapter then describes my ministerial concern, including claims and intuitions about the University which I believe are key to understanding the fundamental question regarding the phrase “sexual orientation” in the non-discrimination clause. The latter half of the chapter is concerned with the theological perspectives and the methodology of Donald S. Browning to be employed in the analysis of this ministerial question.

In Chapter Two, “The Adrian Dominican and Catholic Heritage of Barry University,” this project examines the identity of Barry University, focusing on three

¹ Marty Haugen, *All Are Welcome* (Chicago: G.I.A. Publications, 1994).

foundations upon which that identity is built and how each informs the question at hand. The first is the Adrian Dominican Sisters, the University's founders and primary animators, whose own mission and vision have helped build Barry University into what it is today. The second is Barry's own Mission Statement and especially its Core Commitments. These are the primary documents which explain why Barry University exists and why it does what it does. The third is the Catholic heritage of Barry, primarily reflected in Pope John Paul II's landmark document *Ex Corde Ecclesiae*, and how the characteristics called for in this document inform the particular situation at Barry today. Together these three sources ground the character and nature of Barry University and provide the underlying rationale for examining this ministerial question.

Of primary concern in my ministerial question of whether sexual orientation can be added to the non-discrimination clause at Barry University is whether such an addition would be compatible with the Catholic nature of the University. Therefore, in Chapter Three, "Catholic Teaching Regarding Homosexuality and Social Justice," I examine the magisterial teaching of the Catholic Church regarding homosexual orientation, especially with regard to the dignity of the person as made in the image of God, and how that teaching impacts the question at hand. Specifically, this chapter examines four contemporary ecclesial documents: the *Declaration on Certain Questions Concerning Sexual Ethics*; the *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, the *Catechism of the Catholic Church* as the compendium of official theological teaching of the Roman Catholic Church; *Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons*; and *Always Our Children: A Pastoral Message to Parents of*

Homosexual Children and Suggestions for Pastoral Ministers. These documents are considered in dialogue with the writings and statements of members of the magisterium and of several scholars whose words help elucidate the broad range of pastoral action which could potentially result from fully understanding and implementing the theological points derived from these four documents.

In Chapter Four, “The Voice of the Barry University Community,” this project provides a more practical look at the question of sexual orientation protection at a Catholic university. This chapter examines the results of a survey conducted within the Barry University community designed to ascertain perceptions of how well the University lives up to its Core Commitments with regard to eight characteristics: race, color, age, religion, gender, national or ethnic origin, sexual orientation, and handicap status. Chapter Four also examines many other documents and statements of the Barry community that address the issue of sexual orientation. Finally, this chapter gives voice to 249 other Catholic college and universities in the United States in the form of a web survey which ascertained their own use of the term “sexual orientation” in their non-discrimination clauses.

Chapter Five, “Voices in Unison,” brings together the various voices heard throughout this project—those of the Adrian Dominican Sisters, the Mission Statement and Core Commitments of Barry University, magisterial documents, the survey of the Barry University community, and the findings from a survey of other Catholic colleges and universities in the United States – and synthesizes them into one coherent voice to address the primary questions posed in this thesis project. In response to these questions and in the voices raised throughout this thesis, this chapter advances five critical

Principles and the practices that follow from them to be implemented at Barry University or at similar institutions. The implementation of these Principles, this project concludes, to advocate for measures that safeguard and ensure an environment where it can be stated and demonstrated unequivocally that “*All Are Welcome in This Place.*”

CHAPTER ONE

Minister and Ministry

INTRODUCTION

Is it consistent with the nature of a Catholic university to include the phrase “sexual orientation” in its non-discrimination clause? Can a Catholic university whose mission, nature and heritage are inextricably tied to social justice fail to include it and still be true to its mission? The chapter that follows investigates these questions as they apply to Barry University in Miami Shores, Florida. The first part is largely autobiographical, describing my development and growth as a minister, both educationally and formatively, and laying the foundation for my current ministry at Barry University. This is followed by a section describing my ministerial concern and situating my ministry and my question within the appropriate University context. This section includes certain claims or intuitions I assert about the University which I believe are key to understanding the fundamental question which guides this project.

The latter half of the chapter describes the theological perspectives and the methodology to be employed in the analysis of this ministerial question, including a detailed description of the four movements of Don S. Browning’s style of practical theological reflection which provides the analytical structure for this entire work. Integral to this description is a rationale for employing Browning’s style of reflection. Each of Browning’s four movements is further delineated and their direct relationship to and impact on this question are explored in depth.

MYSELF AS MINISTER AND MINISTERIAL SITUATION

Myself as Minister

I am a life-long practicing Catholic who has always taken an active role in ministry in my parish wherever I have been. I grew up in a rather ordinary family in northern Indiana, the second of six children of a life-long Catholic father and a mother who joined the Catholic Church shortly after high school. I am also a product of Catholic education for twenty-one of my twenty-four years of formal education, seven years of which were in seminaries. I attended grammar school at the local parish through fifth grade, at which point the school closed. I spent sixth grade in public school and then for seventh through twelfth grade I attended a college preparatory all-male school run by the Salesians of St. John Bosco, who had a powerful influence on me.

After high school I determined to join the Salesians as a priest and spent five years with them at their minor seminary, Don Bosco College, in New Jersey. These years consisted of one year of postulancy, one year of novitiate and three years of temporary vows. At the end of my three years of temporary vows I left the Salesian community. After a year back home with my parents, I accepted a position as a lay teacher in a Salesian school in Tampa, Florida, where I spent a year. From there I took a position teaching public high school for the next 12 years.

During that time I remained active in my local parish, not merely by attending Mass regularly, but by being involved in a variety of ministries. These ministries included liturgy committee, music ministry, lectoring, adult education, and the like. During that time I never quite lost the sense of being called to ordained priesthood and so, after 12 years of teaching, with the support of my parish community, I took a leave of

absence from my teaching position and entered the regional diocesan seminary and studied for the Diocese of Venice. I spent two years there, benefitting from a quality education and a very psychologically healthy formative experience. It was the formative experience that was most beneficial to me as I was much more mature than I had been when I first joined the Salesians nearly 20 years earlier. Thus, I was able to take advantage of the life of study and prayer in a much more wholesome and authentic way. However, during the middle of my second year I realized that, although I believed – and continue to believe – that I have an authentic calling to ordained ministry, such was not to be my future. I completed my Master of Arts in Theology there and set out to find my future in another way, in another place.

Soon I found a position with Barry University, a Catholic university in the Dominican tradition, where I have been for more than 13 years. I currently serve the Division of Enrollment Services as the Senior Director of Graduate Admissions. My role is to promote the University and recruit students into forty-one of the fifty-one programs offered at the master, specialist and doctoral levels in the University. For many people not well versed in the language and philosophy of ministry, my work in enrollment services is not often seen as an obvious ministry. For example, on several occasions, when explaining my pursuit of the Doctor of Ministry degree, I have had colleagues ask, “So, when you’re done with this degree, are you going to take a pulpit?” or “...are you going to go to seminary?” They do not see what to me has been a somewhat obvious ministerial role: promoting the mission of a Catholic university by recruiting students to the graduate programs and, to the degree that I am able, influencing policy and procedures to that end.

The final piece of my ministerial description is that I am also an openly gay man in a permanent relationship with my partner. We have been together more than 15 years. He has a son from his previous marriage whom I consider my son as well. Together we are a family in every sense of the word, with the joys and sorrows, hopes and struggles, graces and faults of any family. Although at times this seems to put me in a situation of obvious dichotomy, since no knowledgeable person is unclear about the Roman Catholic Church's official teaching regarding homosexual orientation and same-sex domestic partnerships, to me the dichotomy is not as important as it might seem to others. My vision of Church is much broader than Magisterium or official position or hierarchical structure and I choose to seek out and participate in Catholic communities that are welcoming and inclusive of all people, especially of gay and lesbian people.

My Ministerial Situation: Barry University

Barry University is the largest Dominican University in the United States, having been founded as Barry College for Women in 1940 by the Dominican Sisters of Adrian, Michigan, at the request of the bishop, William Barry, of the Diocese of St. Augustine, Florida. The Adrian Dominicans established the school, staffed it, and provided its leadership and animation, as they do to this day. As a result, Barry is one of the few Catholic universities in the United States still to have as its president a member of the founding order. Barry became co-educational in 1975 and rose to the level of a university in 1981. The University currently consists of 9 schools and colleges including the School of Adult and Continuing Education, the College of Arts and Sciences, the School of Business, the Adrian Dominican School of Education, the College of Health Sciences, the

School of Human Performance and Leisure Sciences, the School of Law, the School of Podiatry and the School of Social Work. In a typical year it enrolls between eight and nine thousand students, including full and part-time traditional undergraduate students, graduate students, professional students in medicine and law and non-traditional adult students. In 1981 Barry became an independent university and transferred control to a self-perpetuating Board of Directors. The Adrian Dominicans, however, continue to fulfill the role of the University's sponsors and primary animators even today.

I am very committed to Barry University. I find my job personally fulfilling from many perspectives and I am enriched almost every day I come to work. I believe I am effective in my work and I receive feedback from many colleagues that reinforces that belief. I find great satisfaction in helping potential students take an important step toward achieving their dreams. I earn adequate compensation with comprehensive benefits and have opportunities for personal and professional growth on a regular basis. I have earned the respect of my colleagues and consider several of them my personal friends. I am enlivened by the Adrian Dominican charism which animates the University. This is, hopefully, the place from which I will retire. In short, I am exceedingly attached to and content with Barry University as an employer and a community and, from many perspectives, am more than satisfied with my position here.

MINISTERIAL CONCERN AND MOTIVATION

Barry University identifies itself as a "Catholic institution of higher education...[which] foster[s] individual and communal transformation where learning leads to knowledge and truth, reflection leads to informed action, and a commitment to social justice leads to

collaborative service” and which “affirm[s its] Catholic identity [and] Dominican heritage.”¹ Apparently consistent with this self-identification is the University’s non-discrimination clause (hereafter referred to as NDC) which indicates:

Barry University does not discriminate on the basis of race, color, age, sex, national or ethnic origin, and physical limitation. This includes policies and procedures related to membership on the Board of Trustees, the educational program, employment and personnel practices, admission, scholarship/grant/loan awards, and participation in athletic and other student activities.²

Concerning employment practices, the Office of Human Resources states as well,

Barry University does not discriminate [against] applicants or employees for terms of employment on the basis of race, color, sex, religion, national origin, disability, veteran status, political affiliation or any other terms prohibited under the county ordinance, state or federal law.³

Close inspection of these statements reveals that neither statement of the University’s NDC includes sexual orientation as a protected class for either employees or students. In

¹ “Mission Statement and Core Commitments,” Barry University; available from <http://www.barry.edu/aboutbarry/mission.htm>; Accessed 30 January 2011.

² Office of the Registrar, Barry University; available from <http://www.barry.edu/classschedule/summer2007/Default.htm>; Accessed 30 January 2011.

³ Human Resources, Barry University; available from <http://www.barry.edu/humanresources/employment/EEO.htm>; Accessed 30 January 2011.

contrast, the NDC of the Barry University Law School *does* include sexual orientation as a protected class, applying to both employees and students.

The School of Law hires qualified employees and admits qualified students without consideration of any race, color, creed, age, gender, religion, sexual orientation, national or ethnic origin, or disability. It does not discriminate on the basis of race, color, creed, age, gender, religion, sexual orientation, national or ethnic origin, or disability in the administration of its admissions policies, education policies, hiring policies, scholarship and loan programs, or other school administered programs.⁴

The presence of sexual orientation in the Law School NDC seems to preclude any possible rationale for not including it in the general NDC of the University. Nonetheless, the failure to do so in the University's overall NDC sets up an untenable two-tier caste-like system for students and employees: those who are protected from discrimination based on sexual orientation and those who are not and who are therefore vulnerable to discrimination in their employment or student status.

Although I do not experience a sense of dichotomy in my personal life as a gay Catholic man as a result of this omission, the dichotomy that I do experience comes from promoting the University to potential students, and occasionally to potential colleagues, knowing that the University as a whole does not openly include protection based on

⁴ Barry University Dwayne O. Andreas School of Law, "Nondiscrimination Policy"; available from <http://www.barry.edu/law/future/AboutUs/NondiscriminationPolicy.htm>; Accessed 07 September 2010.

sexual orientation. How do I reconcile this question both for myself and for the University which I am promoting? In addition, although I firmly believe that the reality at Barry University is that from the University's perspective sexual orientation tends to be a non-issue for both students and employees, that status is really a product of the good will of the administration at any given time and something that is subject to change should the administration see fit to do so. Furthermore, any particular student or employee who experiences harassment or discrimination based on sexual orientation would have no recourse or protection grounded in any specific policy of the University. With this in mind, my hope for Barry University and my core motivation for undertaking this project is to create a vision of what Barry could be—a completely inclusive community, both in practice and in its public portrayal of itself. As such a community, current students and employees would not just *feel*, but also would *know* that they are protected from discrimination based on sexual orientation. Future students and employees would know that they could become members of the Barry community without fear of discrimination based on sexual orientation.

This situation, however, raises several questions. Can a Catholic Dominican University include sexual orientation in its non-discrimination clause and still maintain its Catholic Dominican identity? Conversely, can an institution whose Core Commitments include “development of solutions that promote the common good and a more humane and just society,” which understands itself as “a global inclusive community characterized by interdependence, dignity and equality, compassion and respect for self and others,” which “nurtures and values cultural, social and intellectual diversity,” and which “expects all members...to strive for equality...and to engage in

meaningful efforts toward social change” fail to include sexual orientation in its non-discrimination clause and still claim that it is living up to those core commitments?⁵

While I believe there are strong rationales for adding sexual orientation to the NDC that stem from several perspectives, my most important and perhaps most challenging goal is to demonstrate that the most pertinent rationale comes from Barry University’s own Mission and Core Commitments and those of the Adrian Dominican Sisters and that these provide the most compelling perspective from which to create a vision of what Barry University might look like, for both students and employees, if it were to adopt and practice a formal policy of non-discrimination which includes sexual orientation. These are the questions and issues that I address in this thesis project.

Initial Claims and Intuitions

The initial claim that I make about these questions in this context is based on the following three facts:

1. The primary University NDC *does not* include sexual orientation.
2. The NDC of the Barry University Law School *does* include sexual orientation.
3. The student handbook does not protect students based on sexual orientation but does prohibit sexual harassment, including that based on sexual orientation.

Based on these stated facts, my first claim is that *Barry University is at best inconsistent in its public portrayal of itself with regard to sexual orientation in its NDC*. While there may be rationale given in an attempt to justify this dichotomy, it is still a dichotomy

⁵ Barry University, *2009-2010 Graduate Catalogue*, 7.

which leaves the largest portion of the Barry University population, those not directly connected to the Law School, vulnerable to discrimination.

My second claim is that, while the practice of the University is largely supportive of gay or lesbian employees and students to the extent that there is no consistent, overt, regular, verifiable harassment or discrimination against them, this dichotomy is effectively discriminatory to the extent that gay and lesbian employees and students are not protected based on sexual orientation as a matter of principle. The lack of current overt discrimination is clearly no justification for continuing to exclude sexual orientation from the NDC. Rather, the University should support the current practice of non-discrimination by providing policies to protect those who risk potential discrimination and offering them recourse if such discrimination should be experienced.

From my perspective, the root cause of this dichotomy on the part of the University results from a threefold dynamic. The first dynamic is that the University subscribes to the fundamental heterosexist culture by its de facto omission of sexual orientation from its NDC. That is to say, while the University, in principle, does not view gay and lesbian students and employees as morally inferior or intrinsically disordered, it does by its lack of explicit protection from discrimination view them as existing outside the norm and therefore not subject to the same protections and benefits to which the heterosexual world is subject. It is curious to note, however, that as of September 1, 2010, during the time this thesis-project has been in development, the University has adopted a policy offering employee benefits to qualified “Legally Domiciled Adults.” The category of legally domiciled adult includes both homosexual and heterosexual couples; hence it represents a significant step in countering the prevailing heterosexist culture.

Nevertheless, the heterosexist culture still prevails and influences the failure to include sexual orientation in the NDC.

The second dynamic that I claim promotes this dichotomy is that, because of the heterosexist culture and its heavy-handed enforcement within the Catholic tradition, the University is reluctant to openly challenge the institutional Church by an explicit statement of inclusion. Although such a statement should be meant to acknowledge the human dignity of the person, it nevertheless can often be interpreted as having strong political overtones. This is an area that the University is wise to carefully negotiate, but which stands under the challenge of the University's Adrian Dominican Vision of confronting systems which privilege some and dehumanizes others.

The third dynamic is that, due to its Catholic nature and the prevailing heterosexist culture *outside* the University, the University seeks to avoid adverse publicity from a positive statement of inclusion. Again, this can be interpreted as having political overtones and must be carefully negotiated. Such negative publicity could have a corresponding negative effect on many areas of the University, not the least of which could be enrollment and fund raising. Nonetheless, the question is one of University identity and integrity as an Adrian Dominican institution which should weigh heavily in the balance of enrollment and revenue.

Despite the impact of these dynamics, my third claim is that Barry University can be a place that not only lives a vision of social justice for its gay and lesbian brothers and sisters but that also witnesses to justice and inherent dignity by proclaiming non-discrimination based on sexual orientation. It is incumbent upon the University to make a bold proclamation of non-discrimination, loud and clear and without fear, based on the

principles of its Mission, its Core Commitments, and the animating documents of its sponsors, the Adrian Dominican Sisters.

MINISTERIAL BENEFIT AND EFFECTS ON MINISTRY

Benefits to Barry University

I see several benefits of this thesis-project. Ideally, as a result of this project, the administration of Barry University will see the incongruity of the public portrayal of the University with its actual practice and will appreciate the incoherence in the University's various NDCs. Furthermore, the administration of the University will understand that the documents which animate the mission of the University and the mandates of human dignity and social justice cry out against the injustice of excluding sexual orientation from the NDC and call upon their consciences to add the term to the NDC of the University. Finally, the administration will come to a fuller understanding of the benefit that can accrue to the University by adding sexual orientation to the primary NDC. As a result of these deeper realizations, the administration would add the term "sexual orientation" to Barry University's primary non-discrimination clause.

The benefit is not only from the administration's perspective however. Were this addition to happen, the benefit would be extended to any potential or actual student or employee. They would know that they are protected from discrimination on the basis of sexual orientation. In my work as Senior Director of Graduate Admissions, I could tell people with confidence for the very first time that Barry University does not discriminate in *any* respect, including sexual orientation. Publicly proclaiming equality for our gay and lesbian brothers and sisters would also send a very clear statement about the values which

form the foundation of the University and which govern our daily operations and interactions.

Nonetheless, such a stance is not without risks. Certainly this thesis-project challenges the status quo at the University. It is in no way meant to be an indictment of the current administration; rather, it is meant as a call to greater transparency and integrity and an invitation to richer implementation of the principles of the Mission and Core Commitments of the University. Nonetheless, one wonders how its results will be perceived by the administration. I could also see the potentially negative consequence of an interpretation of a change to the NDC by some as an “endorsement” of the “homosexual lifestyle.” Such individuals might distance themselves from the University as a potential student, employee or donor. This would challenge me to present any change to the NDC in the light of social justice and equality for all members of the community and of the integrity of the University as living up to its animating documents. Anticipating a final risk, we must be clear that this proposal relates only to the employment, admission, and/or student status of University constituents and is in no way intended to reach beyond that specific relationship into personal lives or behavior.

Personal Benefit and Engaging Questions

The most significant benefit that the outcome of this thesis project could have on me personally is the possibility that, as an openly gay member of the Barry community, I would fall under the protection of the NDC in regard to sexual orientation as well. Although I am “out” as an employee at the University, I still run the risk, as do all gay and lesbian members of the community, that the policy toward openly gay and lesbian employees or students could change based on a decision of the present administration or

with a change in administration. A change in the NDC would give me the security of protection against such a decision.

Moreover, in my role as a minister, the change called for by this thesis project could potentially increase the attractiveness of Barry to gay and lesbian applicants and could increase the prospect/applicant pool to our graduate programs which fall directly under my responsibility. While I do not believe that there would be any dramatic increase, I do hold out the possibility of an impact. With regard to ministry, however, I have one primary concern: I do not want to establish an adversarial position with the University administration. The goal of this project is to construct a vision of what Barry University *could* be if sexual orientation were added to the NDC and to build a case for that vision rather than simply advocating for a change to the NDC. I do not want this to become a battle for the rights of gay and lesbian employees. Rather, I want to create *a vision of what can be*, rather than *a mandate of what should be*, with the hope that, inspired by such a vision, the administration and community of Barry University will bring about this change.

METHODOLOGY: PRAXIS-THEORY-PRAXIS

Theological Issues

The most important theological issue to be dealt with in this project stems from theological anthropology; that is, the understanding of the human person as made in the image of God (*imago dei*), the inherent dignity this gives to all human persons, and the rights that are inherent in that human nature. The corollary of this issue and the core ministerial question is whether Barry University has integrity with regard to its stated

Mission and its articulated protections. More precisely, the question is whether a University that claims in its Core Commitments that it is a place which “advances...a more human and just society;” that understands itself as an “inclusive community characterized by interdependence, dignity and equality, compassion and respect for self and others;” that “nurtures and values cultural, social and intellectual diversity;” and that “expects all members...to strive for equality...and to engage in meaningful efforts toward social change” can fail to include sexual orientation in its non-discrimination clause and still claim that it is living up to those commitments.⁶ For me as a minister, it also raises the issue of personal integrity. Although I am firmly attached to Barry University and my work there and Barry is welcoming in practice if not in policy, it does create a certain amount of internal dissonance arising from two realities: my being openly gay in and my recruiting students into an environment that is inconsistent with my personal integrity and commitments, into a University that is inconsistent in this respect with its own Core Commitments.

Theological Perspective and Theological Discipline

The theological perspective that I use is drawn from the basic tenets and principles of liberation theology, particularly gay and lesbian liberation theology. The core of this perspective is the conviction that sexual orientation is one among many human traits which are basic to an individual’s identity and that the variety of sexual orientations that exist are all equally valid expressions of the mystery of God’s love in and among human persons. A corollary of this perspective as proclaimed through liberation theology is that God’s love and grace can free the gay or lesbian person from

⁶ Barry University, 2009-2010 Graduate Catalogue, 7.

the oppression that is inherent in a world with a heterosexual bias and can proclaim liberty to those who are the oppressors in a heterosexual world and free them from their sin of oppression. Specifically, I rely on the disciplines of systematic theology for its contributions to liberation theology and its understanding of grace in the life of the human person and of moral theology for its contribution to the understanding of the human person and the dynamics of human relationships.

In addition, this project uses scriptural sources consistent with liberation theology, especially where the scripture speaks of justice and freedom for the oppressed. However, with respect to the role of scripture, my references do not include the six phrases in scripture which purport to address homosexuality. I omit them for several reasons. First, because of the variability in interpretation of these phrases, dealing with them requires an entire project unto itself, which is not the purpose of this thesis project. Second, the goal of this project is not framed as an argumentation, justification or legitimization of homosexual actions or behaviors. It is solely meant to deal with the self-identified or perceived sexual orientation of human persons and the rights and dignities that pertain thereto. Third, this project intentionally and properly focuses on the justice due to all people as children of God made in God's own image, even as it specifically advocates for an explicit expression of this justice within the Barry University community. As a final source, this project gives appropriate recognition to Roman Catholic magisterial teaching on homosexuality. However, since the goal of this project is not framed as an argumentation, justification, or legitimization of homosexual actions or behaviors, the primary contribution of such teaching focuses on the social justice due homosexual persons as persons made in the image and likeness of God.

Practical Theological Method

This project relies primarily on Don S. Browning's style of practical theological reflection for two primary reasons. First, "[c]ontemporary practical theology is a critical reflection on current praxis, rather than an application of theory to practice and it concentrates on the community of faith and its relationship to the larger society."⁷ Second, Browning's approach to practical theology focuses on interpreting the practices of the faith community with the goal of making them more consistent and effective. He states, "I find it useful to think of fundamental practical theology as critical reflection on the church's dialogue with Christian sources and other communities of experience and interpretation with the aim of guiding its action toward social and individual transformation."⁸

The situation I have illustrated is certainly one that provides the opportunity for reflection on current praxis. The University's employment policies and attitudes, including those reflected in the NDC, are not a theoretical situation. They are the very real policies that affect the lives of nearly 10,000 current employees and students. Furthermore, the University is, by its own definition, a faith community. Thus, Browning's description applies well. In the context of Barry University:

- "Church's dialogue" is the dialogue or refusal to engage in one about the equality or lack thereof of equal protection for gay and lesbian persons.

⁷ Robert L. Kinast, *What Are They Saying About Theological Reflection?* (Mahway: Paulist Press, 2000) 54.

⁸ Don S. Browning, *A Fundamental Practical Theology* (Minneapolis: Fortress Press, 1996), 36.

- “With Christian sources” refers to the Gospel values and Adrian Dominican animating documents which ground the Core Commitments of the University and in which its vision and mission are rooted.
- “Other communities of experience” includes the entire University community, not just individual members or leaders. The University has a long history of experience as a Christian community and with gay and lesbian employees and students.
- “Action toward social and individual transformation” is exactly what is called for in this situation. It calls for a transformation of the hearts and minds of individuals with the authority to transform the University into an institution that clearly advocates justice and equity for all its members.

Finally, Browning’s practical theological approach is communal, focusing on the experience of communities in practice and in struggle with society and cultural influences. It is also problem oriented, “looking for the discrepancies, inconsistencies and inadequacies of current practice when compared with the values and ideals those practices are intended to implement.”⁹ This is exactly the situation as it currently exists at Barry University. There is an obvious discrepancy or inconsistency from either of two perspectives. First, the University practices non-discrimination towards gay and lesbian persons but does not proclaim that non-discrimination in the NDC and, second, the University commits itself to be a place of equality and social transformation but does not establish policies which contribute to fulfilling those commitments. The University is inconsistent in its application of the NDC that results in an inconsistency between its

⁹ Kinast, *What Are They Saying About Theological Reflection*, 60.

policy and practice. Because of these obvious discrepancies, the method of Browning is extremely applicable to this ministerial situation.

Browning's Practical Style of Theological Reflection

The practical style of theological reflection contains four movements which Browning refers to as descriptive theology, historical theology, systematic theology and strategic practical theology.

Descriptive theology “uncovers the religious meanings implied in the corporate and individual practices of both religious and secular communities; [and] ...acknowledges the personal perspectives and preunderstandings of the describer(s) as well as the theology implicit in the practices described.”¹⁰ To uncover these meanings, Browning advocates a ‘thick’ description of the experience which involves five levels of input: vision, obligation, human tendencies-needs, environmental-social setting and rules-roles.

- “**Vision** designates the community’s theological horizon, set of ultimate religious meanings they profess, such as their understanding of God, creation, sin, grace redemption and salvation. These are the beliefs and values that define the community’s identity and declare its stance in the larger social environment.”¹¹

In the case of Barry University, several particular texts or sources help to define the community’s identity. Among them are texts published by the University itself. The most obvious is the Barry Mission Statement which, by its very nature, is a statement of

¹⁰ Ibid., 53-54.

¹¹ Ibid., 55.

identity. The Mission Statement includes four Core Commitments which address the academic life, the nature of the University community, its focus on social justice, and the commitment toward service to others. They are drawn from the “Catholic intellectual and religious traditions [which] guide [the University] in the fulfillment of [its] mission. The mission and values of the Adrian Dominican Sisters serve as the inspiration for [these] core commitments.”¹² Furthermore, the University’s primary NDC also reflects its identity and self-understanding. In contrast, the Barry University Law School’s NDC, which currently *does* include the term *sexual orientation*, is examined as one of the documents by which one segment of the community defines itself. Another source which contributes to the University’s identity is the Mission Statement and Vision Statement of the Adrian Dominican Sisters, the University’s sponsors and primary animators. In these two documents, by defining themselves and their mission, they give insight as to how they animate Barry University in their role as sponsors, which in turn helps further define the University.

A further important source of the community’s identity is rooted in its Catholic Christian identity and the sacred texts which contribute to that identity. In addition to the primacy of Scripture, this identity is formed through the Roman Catholic tradition and its teachings. There are a number of texts which can be used as sources of the official Church teaching regarding sexual orientation and the dignity of the person. Perhaps the most significant text in this regard is from the *Catechism of the Catholic Church* which, in Canon 2358 regarding homosexual persons, states in part: “They must be accepted

¹² Barry University, *2009-2010 Graduate Catalogue*, 7.

with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided.”¹³

When I read through all these texts that define the beliefs and values of the University, I find words of profound depth with a common theme. The words that are most rich with meaning are words like “individual and communal transformation...learning leads to knowledge... reflection leads to action...commitment to social justice...community where all are welcomed... analysis of fundamental questions...common good...more humane and just society...inclusive community...dignity and equality...social diversity...efforts toward social change...solutions to human problems...co-creators of justice and peace...challenge heresies...confront systems... challenge structures.”¹⁴ These are not words of a passive community or one drawn in on itself but rather these are the words of a community that recognizes its role and mission of creating positive change, of working actively for justice; not only change that it can effect in the world but even more so in its role as a formative agent of tomorrow’s leaders who themselves are empowered to effect positive change. Browning would identify these characteristics as essential components of the University’s identity and its stance in the local and world community.

- “**Obligations** flow from the vision; they are the practical and moral implications for living out what is professed. Obligations are not imposed externally or arbitrarily; they are a behavioral expression of the vision. When a discrepancy

¹³ United States Conference of Catholic Bishops, *Catechism of the Catholic Church*, § 2358; <http://www.usccb.org/catechism/text/pt3sect2chpt2art6.shtml>; Accessed 01 September 2010.

¹⁴ Phrases quoted from the Barry University Mission Statement and the Vision and Mission Statements of the Adrian Dominican Sisters.

arises between vision and obligation (from either side), it sets into motion the process of practical theological reflection.”¹⁵

This seems the simplest part of all, and yet is perhaps the most difficult.

“Obligations are behavioral expressions of the vision.”¹⁶ Here Browning has hit upon one of his key points and one of the most important reasons why Browning’s method is so relevant to my project. If we truly believe in who we are as a University community, then how does that belief manifest itself in obligations? I would maintain that, in actual practice, the discrepancy between our vision and our obligation is small. However, by virtue of the failure to include sexual orientation in our NDC, the discrepancy is significant.

- “*Tendencies-needs* are the impulses shared by most people for food, shelter, security, relationships, self-esteem and the like. ...the tendencies and needs that practical theology is interested in are manifested in a community’s concrete actions, responses, decisions and interpretations. These will change over time and between groups, affecting and sometimes altering a community’s vision and sense of obligation.”¹⁷

This section of Browning’s method is particularly relevant because many specific tendencies-needs are related to the issue of acceptance of, or non-discrimination based on, sexual orientation. Among those tendencies-needs are security (to be safe from discrimination in one’s job; safe from physical or verbal threats, safe from undue

¹⁵ Kinast, *What Are They Saying About Theological Reflection*, 55.

¹⁶ *Ibid.*, 55.

¹⁷ *Ibid.*, 55.

psychological stress), relationships, (knowing that one can have a partner of one's choosing), self-esteem (the sense of being welcomed in the University environment) and a sense of personal worth.

- “The *Environmental-Social setting* helps to shape a community's vision, obligation and tendencies-needs by determining the constraints on an otherwise idealistic picture. ...it is part of the human reality. People living on the margins...have a very different interpretation of human existence and Christian faith from that of their counterparts (people at the center...) in those same situations. When a clash of perspectives within the same environmental-social setting occurs, it calls for practical theological reflection.”¹⁸

This area of environmental-social setting might actually be the facet of Browning's method that has the most significant impact on the current situation at Barry. This is addressed in this project in reference to heterosexism, the Catholic theological and canonical tradition, the local and universal Church, the public image of the University, and finally the issue of domestic partner benefits which has recently undergone a complete change during the time of preparing this thesis-project.

- “*Rules-roles* are the most specific determinants of human activity, spelling out who acts, in what circumstances, with what authority and by what means. As such, rules and roles contain their own implicit sense of vision and obligation, which may or may not be consistent with what a community professes or with the practices through which it responds to human tendencies-needs within

¹⁸ Ibid., 55-56.

environmental-social conditions. These discrepancies provide another occasion for practical theological reflection.”¹⁹

This issue is really very brief. The decision whether or not to add sexual orientation to the NDC is made solely by the Executive Council of the Administration, the University’s effective governing body. The Council’s decision would then be approved or not approved by the Board of Trustees, the University’s ultimate governing body. There is a question as to how much input might be given by members of the University community and through what means (e.g., Faculty Senate). The bigger question, however, is not who might give input and who would make the decision, but *whether* the issue even comes up for discussion.

Historical theology begins the critical reflection on the questions/issues surfaced by descriptive theology. It examines the normative texts that are already part of the effective history of the community—biblical teachings, confessional statements, doctrinal positions and community traditions.²⁰

- ***Biblical Texts***

One could fill volumes discussing the texts in both the Hebrew and Christian scriptures related to sexual orientation issues—not because there are many such texts, but because proper biblical scholarship requires such an in depth approach in order to do justice to those texts. However, as mentioned earlier, that type of biblical exegesis is a project unto itself and much too complex and involved for inclusion in this work. The challenge here is to give appropriate attention to these

¹⁹ Ibid., 56.

²⁰ Ibid.

scriptures without, on the one hand, making them the focus of the project or, on the other hand, ignoring them completely.

- ***Community Traditions***

The traditions that have been handed down in the University community are on the cautiously positive side. It is my personal experience and my supposition within the larger community that Barry is accepting of gay and lesbian persons. This particular research study is meant to “take the pulse” of the Barry community on the issue of sexual orientation in relation to the Core Commitments of the University. I argue that, while on the one hand there is no formal recognition of the status of gay and lesbian employees or students, on the other hand, everything that the University Mission and Core Commitments and Adrian Dominican animating documents call for is, in reality, the practice in the University. The gay and lesbian employees that I know, including myself, can be open about their orientation without fear of reprisal. Some have pride symbols in their office. Partners attend University events. Some have even sought and found employment for their partners in the University. It is Barry University’s own version of a “Don’t Ask; Don’t Tell” policy. I also examine the issue of any particular student support groups or organization addressing the interests of gay and lesbian students.

- ***Doctrinal Positions***

A final point of consideration in the area of historical theology is the role of doctrinal positions. I believe this may be the point on which this whole discussion turns. The magisterium of the Roman Catholic Church is totally opposed to

anything that even approximates the suggestion that homosexuality may be a normal and healthy sexual orientation. The *Catechism of the Catholic Church* makes this quite clear. While maintaining that every unjust discrimination is to be avoided, the *Catechism* nonetheless states that the sexual “inclination” of gay and lesbian persons “is intrinsically disordered.”²¹

Systematic theology is

...essentially an exercise in normative thinking, a critical and creative dialogue between the theological positions implicit in current practice and the theological positions implied in the normative Christian texts. The goal of systematic theology is to fuse a new horizon of meaning out of these positions. It does this by examining the general themes that current practice and normative texts share and then formulating a new interpretation that is responsive to the practical situation under consideration.... The end result is not a foundational, objectively certain judgment but a set of sufficiently good reasons for acting a certain way.²²

The primary theme that the normative texts share with current practice is that of justice based on the human dignity of each person as *imago dei*. The texts examined all call for justice, equality and concern for all people, in this case, students and employees. The current practice shares this theme, to a large degree, in the way the mission is actually

²¹ USCCB, *Catechism of the Catholic Church*, § 2358.

²² Kinast, *What Are They Saying About Theological Reflection*, 57-58.

lived out. Furthermore, I can identify four specific “sufficiently good reasons,” as Browning puts it, to support the inclusion of sexual orientation in our NDC.

First, if we affirm the texts which define who we are as a community, there is really no other choice than to include this phrase in our NDC. Second, as Chapter Four demonstrates, there is precedent among other Catholic universities. These institutions include some prominent schools and some not so prominent. Some are Dominican. At least one other school is also sponsored by the Adrian Dominicans. Third, adding sexual orientation to the NDC can have a positive impact on hiring and retention. Given the general lament that Barry’s salary compensation for most positions is below that of neighboring state universities, we are already at a competitive disadvantage. Adding sexual orientation protection would open the door to many more employees who might consider the University if it were a gay-friendly work environment and could increase retention for those who might currently be “at risk” for leaving due to the lack of protection. Fourth, offering sexual orientation protection can boost productivity and build strong bonds within the University community. When employees have to hide their sexual orientation—from guarding or avoiding social dialogue to removing wedding rings or consciously not bringing a spouse’s picture to the office – this extracts a high price for employers. This can create an environment where employees are aloof and might be reluctant to bond with fellow employees. This is especially significant in a setting like Barry University, which is built on interpersonal relationships, trust and the team work of its employees. Conversely, employees who know that they are protected from discrimination based on sexual orientation have one less area about which to be guarded. They can focus their energies on the job at hand, without constantly worrying

about guarding their language or wondering if they will be asked a casual question that might touch upon their personal lives.

Strategic Practical Theology: The first three movements culminate in the fourth movement, strategic practical theology. This movement responds to four questions for which this project postulates tentative answers.

- **Question 1: How do we understand the concrete situation in which we must act?**

The previous analysis can be summed up in three points: (1) There is a call to justice and to fidelity to the mission and identity of the University which exists in a dichotomy. The protection for gay and lesbian persons appears to exist in practice. However, there is no official policy implementing this practice. (2) The University is in a situation where it must tread a fine line. Adding sexual orientation to the NDC will seem to some to be an “endorsement” of homosexuality and the “gay lifestyle.” However, this is not the case. A statement of protection based on a particular characteristic is just that—protection *from* discrimination based on that characteristic, not an endorsement *for* any position regarding that characteristic. (3) There are enough examples of Catholic universities in the United States including sexual orientation in their NDC that it is clear that it can be done by a Catholic university without violating any provisions of Catholic theology or the *Catechism of the Catholic Church*. In fact, these resources uniformly reject discrimination against gay and lesbian persons.

- **Question 2: What should be our action (praxis) in this situation?**

The question is not really one of what our action should be, but rather “Do we act or do we not act?” In other words, it is a question of action versus non-action. The simple

answer can be framed in another question, “What do our mission and the Adrian Dominican spirit compel us to do?”

- **Question 3: How do we critically defend the norms of our action in this situation?**

The only compelling answer to this comes down to the primary sources that give the University its identity: its Mission Statement and Core Commitments; the spirit of the Adrian Dominican Sisters, as reflected in their Constitution, Statutes and Chapter documents; and the social teachings of the Catholic Church, of which we are a part.

- **Question 4: What means, strategies and rhetoric should we use in this situation?**

Continued, persistent, patient dialogue is the only proper and effective method of furthering a cause such as this in an environment such as Barry. Any work toward possible change must be grounded in the documents of the University. The Mission Statement with its Core Commitments is compelling. The research on the NDCs of other Catholic Universities is revealing. Allies from among the various University constituencies, such as the Faculty Senate, the Administrative Staff Council, and the like could be found and their collaboration sought.

CONCLUSION

I began by asking two related questions: first, whether a Catholic university can include sexual orientation in its NDC and, second, whether one whose mission, nature and heritage are so tied to social justice can fail to include it and be true to its mission. I think the subsequent chapters demonstrate that the answer is clear. While I have always

believed that sexual orientation should be a part of our NDC, I am even more convinced after using Browning's method of practical theological reflection. This method causes us to look at all of these essential Barry documents as one and to find that, in their consistency with one another, the impact they make as a group is far greater than the sum of the parts. The five-level thick description adds dimensions to the process that might otherwise be overlooked in any other theological reflection approach. The many layers and facets of Browning's method require a depth of examination that ultimately gets to the roots of what Barry is and believes. In the final analysis, this is not a question about a Human Resources policy or about creating a better environment for hiring and retention. While those are good and noble goals, ultimately, the only real measure of this decision can be made from an analysis of the documents that give the University its very identity. Based on my reading of those documents, clear answers to the two questions emerge: Yes, a Catholic University can add sexual orientation to its NDC and No, an institution whose mission and founding spirit are so tied to peace and justice cannot fail to include it and still say that it lives out its mission fully. The chapters which follow demonstrate this conclusion.

CHAPTER TWO

The Adrian Dominican and Catholic Heritage of Barry University

INTRODUCTION

Building on the foundation set forth in Chapter One, this chapter considers more fully the identity of Barry University and the foundations upon which that identity is built.

Specifically it looks at the Adrian Dominican Sisters, their history, spirituality and animating documents and how these sources have contributed to the mission and core commitments of the University and have helped to create the University as it is today. It also focuses on the Catholic heritage of Barry, examining the qualities that contribute to a particularly Catholic identity. This approach stems primarily from the perspective of Pope John Paul II's landmark document *Ex Corde Ecclesia* and how the characteristics called for in this document apply to the particular situation at Barry today.

THE ADRIAN DOMINICAN FOUNDATION

As stated in Chapter One, Barry University is a Catholic institution founded by the Adrian Dominican Sisters. Their official title is the Dominican Sisters of the Congregation of the Most Holy Rosary, Adrian, Michigan. As Dominicans, they trace their roots back to the first foundation of Dominican sisters in the United States, but before that to their founding by Dominic de Guzman in the thirteen century and to one of the earliest Dominican foundations of all, Regensburg, Germany in the thirteenth century. From the cloistered Dominican community at Regensburg, four Dominican Sisters came

to New York in 1853 in answer to the call of American bishops to help meet the needs of the growing European immigrant population. The Congregation was growing and soon sent out sisters to establish other convents, including the first Dominican foundations in Adrian, Michigan at two parish schools in 1879 and 1880. In 1884 the Sisters established a hospital in Adrian. In 1896 they established St. Joseph Academy there and in 1919 St. Joseph College, now Siena Heights University. The Congregation was quickly establishing Adrian as a center of operation. Adrian had already become a province of the New York foundation and it was only a matter of time before this province became the independent Congregation of the Most Holy Rosary. Thus, although the Adrian Dominicans trace their heritage back almost 800 years, the Congregation itself is relatively young, achieving canonical independence only in 1923 and pontifical status in 1944.¹

The Sisters of the Adrian Dominican Congregation live the spirit of their original Dominican heritage which dictates that the Sisters' lives are built on four core principles, or "pillars" of Dominican Life: Prayer, Study, Community and Ministry.² Prayer, in all its varied forms, is the font and origin from which their ministry flows. Study promotes the search for truth and is the springboard which gives substance to the ministry.

Community provides structure for their lives and ministries and serves to witness to a life

¹ Adrian Dominican Sisters, "Adrian Dominican Sisters History"; available from <http://www.adriandominicans.org/WhoWeAre/CongregationInformation/History.aspx> (Accessed 27 September 2010).

² Adrian Dominican Sisters, "The Four Pillars of Dominican Life"; available from <http://www.adriandominicans.org/WhoWeAre/DominicanLife/FourPillars.aspx> (Accessed 28 September 2010).

of conversion. The fourth pillar, ministry, is one and yet many. The primary Dominican ministry and charism is preaching, as indicated by the initials O.P. that are used by each Dominican sister and which stand for the Latin “*Ordo Predicatorum*,” or the “Order of Preachers.” As the Sisters themselves tell us:

Preaching is at the heart of the Dominican vocation. Our reason for being is preaching the Good News of Jesus Christ, who came that we might live abundantly. Our lives and words preach God's great compassion for all people, especially the poor and disenfranchised. We exercise our charism for preaching in a myriad of ways through our diverse ministries, the arts, social justice activism and various forms of liturgical preaching.³

As this text makes clear, preaching is not limited to only formal speaking from the pulpit during liturgical ceremonies. Rather, preaching in this fuller sense is really more of a living witness to the Gospel, a way of life in which all aspects of the Sisters’ lives bear witness to the truth of the Good News of Jesus. This does not ignore or diminish formal preaching, which is a particularly Dominican characteristic, but in this more complete sense, it is less about words and more about actions—actions that might be carried out in a variety of other ministries: education, parish or health care work, social services or other diverse kinds of ministry. In these ministries the first three pillars of Dominican

³ Adrian Dominican Sisters, “Adrian Dominican Sisters Charism”; available from <http://www.adriandominicans.org/Preaching/Charism.aspx> (Accessed 27 February 2011).

life, prayer, study and community, come to fulfillment as each sister preaches the Gospel of Jesus Christ, whether by action or by words.⁴

The rise of the Dominican order in the thirteenth century was strengthened, almost providentially as it were, by the intellectual and social challenges of that time and the need for well educated clergy and preachers to address those challenges from an intellectual perspective.⁵ By seeking out education through the new medium of universities, the founding Dominicans developed an intellectual tradition with has continued through the centuries and remains a hallmark of the their order, having produced over the years intellectual giants such as Albert the Great, Thomas Aquinas and Catherine of Siena in the early years and Yves Congar, Gustavo Gutierrez and Edward Schillebeeckx in more recent times. One prominent characteristic of this intellectual tradition is the merging of faith and reason in the search for truth and in its application to real-life situations. Thus it is particularly relevant that Barry is a Dominican University, in the best sense of that tradition, and that it engages serious questions of our day with the goal of positively impacting the lives of our students and those with whom they come in contact. This concept will be particularly relevant in examining the role of a non-discrimination policy in the lived reality of the Barry University community.⁶

⁴ Adrian Dominican Sisters, “The Four Pillars of Dominican Life.”

⁵ William A. Hinnebusch, *The History of the Dominican Order: Origins and Growth to 1500* (New York: Alba House, 1965).

⁶ Mark E. Wedig, “The Dominican Heritage” in *Mission Statement and Core Commitments: A Commentary*, ed. Gloria L. Schaab (Miami Shores, FL: Barry University Academic Publications), 15.

Animating Documents

As a congregation, the Sisters are guided by their Mission Statement and Vision Statement.

Adrian Dominican Mission Statement

In the mission of JESUS we Adrian Dominican Sisters discover and identify ourselves as women called together to share faith and life with one another and sent into our world to be with others bearers and recipients of his love, co-creators of his justice and peace.⁷

Adrian Dominican Vision Statement

We DOMINICAN Preachers of Adrian impelled by the Gospel and outraged by the injustices of our day seek truth; make peace; reverence life.

Stirred by the Wisdom of God and rooted in our contemplative prayer, communal study and life in community, we challenge heresies of local and global domination, exploitation, and greed that privilege some, dehumanize others, and ravage Earth.

We confront systems where women are denied freedom, equality, and full personhood.

We walk in solidarity with people who are poor and

⁷ Adrian Dominican Sisters, "Mission and Vision Statement"; available from <http://www.adriandominicans.org/OurMissionVision/MissionVision.aspx> (Accessed 28 Sept 2010), emphasis in the original.

challenge structures that impoverish them.

We practice non-violent peacemaking.

We promote lay leadership and shared decision-making
for a renewed Church

We live right relationships with Earth Community.

We claim the communal authority and responsibility of our Dominican
heritage. We commit ourselves to live this vision.⁸

Although the Sisters live a Dominican spirituality which is centuries old and consistent with that of other Dominicans throughout the world, these documents give us insight into how the Adrian Dominicans live out this spirituality in a particularly “Adrian Dominican” way, which may be distinct from other Dominican congregations. There are three particular qualities which I note in these documents and which I have long admired as characteristics of the Adrian Dominicans.

First, there is the strong and clear sense of personal and communal identity, which grounds their mission and purpose. They “discover” and “identify” that they are “called” and “sent.” It is not by accident that these women are involved in the kinds of ministry in which they labor. They clearly name and claim their identity and position as women with a particular role to play in the world and who are “rooted” in the charisms of their order. That role is not one of chance. Coming from diverse backgrounds and being otherwise unassociated with each other, they recognize that they are “called,” by God, into a single

⁸ Ibid., emphasis in the original.

Community—one of the four pillars—and it is there and in prayer and study that they are “rooted,” which gives them grounding for being “sent” by God, into the world to build the kingdom of God by word and by example. It is only out of their common identity that the Sisters find their mission.

Second, there is a very real sense of obligation and empowerment to fulfill this call. The nature of this call is such that it cannot be ignored or denied. It is not just a simple “desire” or “preference” or choice of occupation. These women are “impelled” to their calling; they are driven. It is almost as if there is not an option or, rather, that the call is so convincing and profound and the need so great that they simply cannot say no. They are “stirred” by the Wisdom of God. It is as if there is an unsettledness about them that does not allow for complacency. They must respond. And they must respond not simply because they see a need to do good in the world, which they certainly do, but because they are “outraged” by the injustices they find. These injustices are so significant, so overwhelming, and so deeply violate the sense of dignity of the human person that, with true conviction, these Sisters must respond. And their response is to take an active role in making a difference. In the first place, they model the behavior which they believe we are all called to: they practice non-violence, walk in solidarity with the poor and marginalized and live right relationships. In short, they live the example as a model for others to follow. As mentioned above, this is the very preaching to which they are called: first and foremost to preach by example.

Finally, the third quality I admire in the Adrian Dominicans is a sense of willingness to seriously grapple with the big issues of social injustice and to call to task

those responsible for creating or allowing such situations. They are not a contemplative order in the traditional sense of that word, in spite of being rooted in contemplation—one of the four pillars—but could be considered a contemplative order whose contemplation breaks forth into action against injustice by “challenging” heresies and greed, by “confronting” oppressive systems and by becoming one with those who are oppressed. They do not shrink before the big issues of the day, including those issues which are dismissed by some as merely “politically correct,” such as non-violence and ecology. They also confront issues within the Church itself, including the sensitive issue of Church leadership. In short, these are women of great vision and courage who are not afraid to do the right thing because they know it is right and because they know that they have been called by God to do what is right.

Educational Ministry

The Adrian Dominicans have long been involved in education at all levels, from the first parish elementary schools in Adrian in the 1800s to the establishment of St. Joseph College in 1919. In the 1920s, the Sisters expanded their schools into southeast Florida. In 1933 Mother Gerald Barry was elected Prioress of the congregation. It was under her inspiration and guidance, and with the support of her two brothers, one a priest in Miami and the other the Bishop of the diocese of St. Augustine, which encompassed all of Florida at the time, that she and the Adrian Dominicans established Barry University as a Catholic college for women in 1940. The Sisters staffed Barry University, provided its leadership and animation, and continue to do so today. In their role as the

University's sponsors and primary animators, their own mission and vision statements provide inspiration and context for the mission statement of the University and are indicative of the Adrian Dominican influence on the University.

BARRY UNIVERSITY MISSION STATEMENT

Barry University is a Catholic institution of higher education founded in 1940 by the Adrian Dominican Sisters. Grounded in the liberal arts tradition, Barry University is a scholarly community committed to the highest academic standards in undergraduate, graduate and professional education. In the Catholic intellectual tradition, integration of study, reflection and action inform the intellectual life. Faithful to this tradition, a Barry education and university experience foster individual and communal transformation where learning leads to knowledge and truth, reflection leads to informed action, and a commitment to social justice leads to collaborative service.

Barry University provides opportunities for affirming our Catholic identity, Dominican heritage, and collegiate traditions. Catholic beliefs and values are enriched by ecumenical and interfaith dialog.

Through worship and ritual, we celebrate our religious identity while remaining a University community where all are welcome.⁹

Undergirding this mission statement are 800 years of the Dominican tradition of engaging the world through the academic community. This is consonant with the Dominican motto *Contemplari et contemplata aliis tradere*—to contemplate and to hand on to others the fruits of that contemplation. This tradition and this clear sense of mission provide a context for the very nature of Barry University. Although the liberal arts tradition is sometimes considered to be education for its own sake, for the mere virtue of education, the Dominican tradition gives a greater depth to liberal arts tradition. In the Dominican tradition, education has the specific goal of transforming the world. It is not merely a goal of providing people with employable skills or knowledge. Rather, its goal or end is to have a positive influence on the common good of all, but especially on those who are most vulnerable and in need.¹⁰ As the Mission Statement dictates, study and contemplation must lead to “informed action.” Without action, especially on behalf of the poor and vulnerable, the university becomes somewhat incestuous: merely producing academics who produce more academics who produce more academics.

In order to give life to the Mission Statement and provide for practical application of the call to informed action, Barry University’s Mission Statement includes four Core

⁹ Barry University, *2009-2010 Graduate Catalogue*, 7.

¹⁰ Wedig, “The Dominican Heritage,” 16.

Commitments which address the academic life, the nature of the University community, the focus on social justice and the commitment toward service to others. They are drawn from the Catholic intellectual and Dominican religious traditions which guide the University in the fulfillment of its mission. The mission and values of the Adrian Dominican Sisters serve as the inspiration for these Core Commitments.

BARRY UNIVERSITY CORE COMMITMENTS

Knowledge and Truth

Barry promotes and supports the intellectual life, emphasizing life-long learning, growth and development. The University pursues scholarly and critical analysis of fundamental questions of the human experience. In the pursuit of truth, the University advances development of solutions that promote the common good and a more humane and just society.¹¹

This first Core Commitment is perhaps the most “Dominican” of all the Commitments in the sense that its subject matter, the search for knowledge and truth, reflects the very thing that gave rise to the Dominican Order, as mentioned above. Barry University carries on that tradition in both a formal sense—the awarding of degrees based on commonly accepted practices of higher learning in the United States – but also in the

¹¹ Barry University, *2009-2010 Graduate Catalogue*, 7.

sense of encouraging its community, both academic and non-academic members, to engage in their own human development in pursuit of real knowledge and truth. This is a commitment to education that is truly transformative, not just of the individual person, but of the community, state, country and world as well. Fr. Scott O'Brien, former chaplain at Barry University writes that

...the education and formation that is offered to a Barry student can never be reduced to a utilitarian endeavor or a commodity that culminates in a diploma which in turn secures a profession. It is rather a transformation process by which each of us chooses to enter into an exchange of gifts. The life which each person has been freely given is returned to God as self-gift through service of neighbor with all the education and experience one has gained in the process.¹²

The Dominican motto *Veritas* (truth) is reflected well in this Core Commitment. Not only does “the University [pursue] scholarly and critical analysis of fundamental questions of the human experience” but, in the Dominican understanding of truth, it is in the very contemplation of these fundamental questions that real truth surfaces. Therefore, by engaging the human experience in the quest for truth, the University reveals the depth of

¹² Scott T. O'Brien, “A Spirituality for Living the Mission” in *Mission Statement and Core Commitments: A Commentary*, ed. Gloria L. Schaab (Miami Shores, FL: Barry University Academic Publications), 36.

its Dominican character. This Dominican character is further revealed when that truth is put to the service of others, transforming the world for the greater good of all.¹³

Inclusive Community

Barry is a global, inclusive community characterized by interdependence, dignity and equality, compassion and respect for self and others. Embracing a global world view, the University nurtures and values cultural, social and intellectual diversity, and welcomes faculty, staff, and students of all faith traditions.¹⁴

Inclusivity is another characteristic that is particularly, although not exclusively, Dominican. Although this Core Commitment is intentional on the part of the Barry community, there is a natural diversity within the University which would be present even without a concerted effort to live up to this Commitment. Without providing specific statistics, it is easily recognized that the diversity found in South Florida is well reflected in the University—at least in the student body and staff. There are those who indicate a concern that the upper administration of the University (Deans and Executive Council of the Administration) does not reflect this same diversity. Nevertheless, Barry proudly advertizes its position as “the most diverse university in the southern United

¹³ Wedig, “The Dominican Heritage,” 16.

¹⁴ Barry University, *2009-2010 Graduate Catalogue*, 7.

States,” a title it has held for a number of years. The diversity at Barry is manifest in many ways, including race, ethnicity, nationality and religion. As mentioned in Chapter One, Barry’s inclusivity does extend to sexual orientation as well, at least in practice even if not affirmed in the non-discrimination clause.

This multi-faceted diversity reflects a quality that has long been prized by Dominicans. From their earliest days, Dominican communities were models of inclusiveness and were at the forefront of reaching out to the “other” in their pursuit of ministry. The early communities involved a collaborative association of friars, nuns and laity. Dominicans journeyed to the Americas with Columbus and were among the first to evangelize Asia. As mentioned above, the sisters to whom the Adrian Dominicans trace their heritage came from Europe to work with immigrants in the United States.¹⁵ Barry University continues that tradition, having as many as 80 different nations represented in the student body within the past decade and welcoming a substantial population of non-Catholic Christians and non-Christians, primarily Jews and Muslims, to the University community.

Social Justice

Barry expects all members of our community to accept social responsibility to foster peace and nonviolence, to strive for equality, to recognize the sacredness of Earth, and

¹⁵ Wedig, “The Dominican Heritage,” 17.

to engage in meaningful efforts toward social change. The University promotes social justice through teaching, research and service.¹⁶

Social justice is rooted in our “obligation to respect all persons as ends in themselves, to respect their autonomy and relationality, and thus not to harm them, but to support them....[All people] have claims to freedom from unjust harm, equal protection under the law, [and] an equitable share in the goods and services available to others.”¹⁷ It is appropriate that Barry University value a commitment to social justice and foster it in several aspects since much of the Mission Statement of the Adrian Dominicans is in fact focused on issues of social justice. Furthermore, it can be argued that it is the very Dominican tradition itself that has given birth to the social justice movement in the teachings of the Dominican scholar St. Thomas Aquinas and in the praxis of the Dominican missionary to the Americas Bartolomé de las Casas, a tradition which has fostered what has become our modern notion of social justice.¹⁸

More than merely appropriate because of Dominican tradition, it is essential that social justice be integral to the University community, for justice is essential to true education and to true growth. Education that does not have as its goal the positive transformation of human persons risks becoming mere ideology and can, in reality, be

¹⁶ Barry University, *2009-2010 Graduate Catalogue*, 7.

¹⁷ Margaret A. Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2006), 228.

¹⁸ Wedig, “The Dominican Heritage,” 18.

oppressive rather than liberative. Thus, “the education and formation that is offered to a Barry student can never be reduced to a utilitarian endeavor or a commodity that culminates in a diploma which in turn secures a profession.”¹⁹ Barry University’s inclusion of Social Justice in its Core Commitments ensures that the true end of education will be the students who are the recipients of that education and those people with whom they will eventually work.

Collaborative Service

Barry is committed to serving local and global communities through collaborative and mutually productive partnerships. The University accepts responsibility to engage with communities to pursue systemic, self-sustaining solutions to human, social, economic and environmental problems.²⁰

It stands to reason that a commitment to social justice must be lived out in very concrete ways if it is to be realized at all. Otherwise, such commitment is merely empty promises, never to be fulfilled. Barry University’s commitment to collaborative service also has roots in the Dominican tradition, specifically in the practice of “*disputatio*” or shared discussion, a practice which was “grounded in the conviction that all participants in the dialogue enjoyed the gift of inherent dignity and were a ‘Word of Truth’ for each

¹⁹ O’Brien, “A Spirituality for Living the Mission,” 39.

²⁰ Barry University, *2009-2010 Graduate Catalogue*, 7.

other.”²¹ It was in this shared service that collaboration produced a richer harvest for the preaching. So too, in Barry University’s commitment to collaborative service we are not only offered more and appropriate opportunities to share our gifts acquired or enriched through transformative education, but we also provide opportunities for others to share their gifts as well.

Furthermore, Barry University’s collaborative service is meant to “engage communities.” While it does not specify which communities are to be engaged, I see two appropriate interpretations of this phrase. First, this could (and should) imply that the University engages those communities who will themselves benefit from “systemic self-sustaining solutions,” for any attempt to bring about change must include the participation of those who will be affected by the change. If they do not have a voice in their own future, then change becomes only one more oppressive structure imposed on them by outsiders or those in power. Second, collaboration should be with those other entities that are also engaged in bringing about solutions to the aforementioned problems—other charitable, governmental or non-governmental individuals or entities. Finally, by engaging in collaborative service, we are more fully modeling and participating in the ongoing creative work of God with whom we collaborate as well.

Pope John Paul II, in his encyclical letter on the dignity of human labor, wrote:

The word of God's revelation is profoundly marked by the
fundamental truth that man [*sic*], created in the image of

²¹ O’Brien, “A Spirituality for Living the Mission,” 40.

God, shares by his work in the activity of the Creator and that, within the limits of his own human capabilities, man in a sense continues to develop that activity, and perfects it as he advances further and further in the discovery of the resources and values contained in the whole of creation. We find this truth at the very beginning of Sacred Scripture, in the Book of Genesis, where the creation activity itself is presented in the form of "work" done by God during "six days", "resting" on the seventh day.²²

Therefore, as we put into practice the truth and knowledge we have acquired and the social justice for which we are all responsible, we are collaborating with the creative activity of God, and making that creativity an ongoing event on earth. Living the mission of Barry is, then, in its ultimate purpose, collaborating with God our creator.

CATHOLIC TRADITION AND THE CATHOLIC IDENTITY OF BARRY UNIVERSITY

Another primary source of the University's identity is its understanding of itself as Catholic and, therefore, its unity with the Roman Catholic Church. What makes a University Catholic? When is a Catholic university not sufficiently Catholic? Is it enough

²² Pope John Paul II, *Laborem Exercens*; available from http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens_en.html (Accessed 13 May 2011).

for a university was founded as Catholic in order to be identified as such? In a recent situation involving Manhattan College, founded by the Christian Brothers in 1853, the National Labor Relations Board (NLRB) ruled that Manhattan College cannot prohibit adjunct faculty from unionizing because “the school’s core purpose isn’t religious enough to trigger a labor law exemption.”²³ Manhattan College had objected to the unionizing on the grounds that it would interfere with the school’s religious freedom. The NLRB overruled that objection on the basis that the school’s “stated purpose does not involve the propagation of a religious faith, teachers are not required to adhere to or promote religious tenets, (and) a religious order does not exercise control over hiring, firing, or day-to-day operations.”²⁴ In other words, in the opinion of the NLRB, it appears that Manhattan College had strayed too far from its founders and their mission to meet the litmus test of “Catholic.” Yet the college meets the one criterion established in Canon Law for a university to be Catholic: It is recognized by the Archdiocese of New York as a Catholic college. Furthermore it is listed on the website of the Association of Catholic Colleges and Universities.²⁵

²³ Jeffrey MacDonald, “Catholic college disallows union.” National Catholic Reporter Feb 11, 2011; available from <http://ncronline.org/news/justice/catholic-college-disallows-union-federal-officials-question-religious-identity> (Accessed 01 June 2011).

²⁴ Ibid.

²⁵ Although the Code of Canon Law does not specify what constitutes a Catholic University, Canon 808 stipulates: “Even if it is in fact Catholic, no university is to bear the title or name of Catholic university without the consent of competent ecclesiastical authority.” In other words, in the case of Manhattan College, the Archbishop says it is Catholic. That meets the requirement of Canon 808. (*Code of Canon Law*, available from http://www.vatican.va/archive/ENG1104/_P2O.HTM#1M(Accessed 01 June 2011), Canon 808.

Would Barry University meet the criteria established by the NLRB? In reality, the NLRB was not passing judgment on Manhattan College’s catholicity as much as it was “applying to adjunct faculty a legal standard for church-state separation that’s been in place for decades, according to Michael Broyde, an expert on church-state law at Emory University School of Law.”²⁶ What is sure, however, is that Barry University would certainly meet the criterion of Canon 808—being recognized by the appropriate local authority, in this case, the Archbishop of Miami, as a Catholic university. The University’s main campus exists within the physical boundaries of the Archdiocese of Miami. However, since Barry is an independent University, the Archbishop has no jurisdictional authority in the day-to-day operation. In spite of his lack of juridical role in the University, out of respect for the office of the Archbishop, he or his designee has long had a seat on the Barry University Board of Trustees, and continues to do so.²⁷

Barry University’s Catholic identity goes beyond its canonical status or the relationship it has with the local archdiocesan Church. A perspective on its broader identity as a Catholic University can be taken from the Apostolic Constitution issued by Pope John Paul II in 1990 entitled *Ex Corde Ecclesiae*, or “From the Heart of the Church.” In this document, the Holy Father identifies four essential characteristics which a Catholic University must have:

²⁶ MacDonald, “Catholic college disallows union.”

²⁷ Barry University, “Board of Trustees”; available from <http://www.barry.edu/president/trustees/default.htm> (Accessed 27 December 2010).

1. A Christian inspiration not only of individuals but of the university community as such;
2. A continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research;
3. Fidelity to the Christian message as it comes to us through the Church;
4. An institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life.²⁸

Each of these particular characteristics will be considered as they apply to Barry University.

1. *A Christian inspiration not only of individuals but of the university community as such.*

Evidence of the Christian inspiration of the Barry community is found in the aforementioned documents of the Adrian Dominican Sisters, which claim their own inspiration from the “mission of Jesus” and the “Gospel,” and which animate the University and inspire the Core Commitments. A Christian inspiration implies, I believe above all, following the mandate of Jesus to spread the Good News to all who come in contact with the University, whether in formal preaching or prayer, or, more likely, in

²⁸ Pope John Paul II, *Ex Corde Ecclesiae*, available from http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae_en.html (Accessed 01 June 2011), § 13.

witness and service to the community. This is certainly in keeping with the charism of the Adrian Dominican Sisters, as cited above, but more deeply, this Christian inspiration is fundamentally about hope—hope and belief in a loving God who became one with humanity in order that humanity might be made one with God. It is hope grounded in the belief that our human actions can and do contribute to a better world, a world that we can change because of the God whose presence in our world changes us. How does this happen? According to *Ex Corde*,

A Catholic University pursues its objectives through its formation of an authentic human community animated by the spirit of Christ. The source of its unity springs from a common dedication to the truth, a common vision of the dignity of the human person and, ultimately, the person and message of Christ which gives the Institution its distinctive character.²⁹

In her essay “What Can the Roman Catholic Tradition Contribute to Christian Higher Education?” theologian Monica Hellwig, identifies five principles which make Catholic higher education unique.³⁰ One of these principles, “a communitarian aspect of redemption” recognizes the same Christian inspiration spoken of in *Ex Corde*: that the formation of true community, bonds of friendship and the relationship to the larger

²⁹ *Ex Corde Ecclesiae*, §13.

³⁰ Monika K. Hellwig, “What Can the Roman Catholic Tradition Contribute to Christian Higher Education?” in *Models for Christian Higher Education: Strategies for Survival and Success in the Twenty-First Century*, ed. Richard T. Hughes and William B. Adrian (Grand Rapids, MI: Eerdmans, 1997), 14.

church, form a second, non-academic core of the university community which further challenges the community to live out that distinctive Christian inspiration.

The Christian inspiration of the university means that it is not merely a human endeavor but rather an endeavor that fundamentally seeks to participate in the action of God in the world, to bring all of humanity to God toward whom we are all naturally oriented. This belief is grounded in what Jesuit theologian Karl Rahner saw as a “vision of the human reality as being completely embraced and irreversibly transformed by divine grace.”³¹ The Christian inspiration is perhaps no more evident in the role of the university than when it is viewed as a community of persons furthering the mission of Christ on earth, acting as a force for good on earth.³² *Ex Corde Ecclesiae* is direct in its mandate that this Christian inspiration must direct the university to make the common good its ultimate goal.

Scientific and technological discoveries create an enormous economic and industrial growth, but they also inescapably require the correspondingly necessary *search for meaning* in order to guarantee that the new discoveries be used for the authentic good of individuals and of human society as a whole. If it is the responsibility of every

³¹ J. A Di Noia, “Karl Rahner,” in *The Modern Theologians*, ed. David. F. Ford (New York: Blackwell, 1997), 120.

³² James H. Provost, “The Sides of Catholic Identity” in *Enhancing Religious Identity: Best Practices from Catholic Campuses*, ed. John R. Knox and Irene King (Washington, D.C: Georgetown University Press, 2000), 19.

University to search for such meaning, a Catholic University is called in a particular way to respond to this need: its Christian inspiration enables it to include the moral, spiritual and religious dimension in its research, and to evaluate the attainments of science and technology in the perspective of the totality of the human person.³³

2. A continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research.

This characteristic is reflected in Barry's Core Commitment to Knowledge and Truth which, as mentioned above, is also a particularly Dominican perspective. The key point of this characteristic is that the commitment to knowledge and truth is carried out, not in isolation or from a single perspective but in "light of the Catholic faith." Hellwig speaks of a "continuity of faith and reason" which balances the pursuit of knowledge, whereby secular and faith-based learning are integrated and inform each other.³⁴ In other words, the two extremes of reliance on reason alone or reliance on faith alone are to be avoided. Rather, a proper balance must be struck between the two, with each informing the other. Pure reason or scientific pursuit must always be tempered by the insights of faith and the proper understanding of the use of knowledge for the purpose of advancing

³³ *Ex Corde Ecclesiae*, § 7.

³⁴ Hellwig, "What Can the Roman Catholic Tradition Contribute to Christian Higher Education?" 14.

the good of the human person. When knowledge is devoid of any authentic valuing of the human person, which must be the reference point of all knowledge, it risks becoming its own end, such that it has no parameters or ethical guidance. On the other hand, pure faith devoid of any rationality or science is fundamentalism at its most raw, often fostering ignorance in the name of fidelity and, in extreme cases, radical action in the name of devotion. This delicate balancing act of faith informing reason and reason enlightening faith insures that

While each academic discipline retains its own integrity and has its own methods, this dialogue demonstrates that "methodical research within every branch of learning, when carried out in a truly scientific manner and in accord with moral norms, can never truly conflict with faith. For the things of the earth and the concerns of faith derive from the same God". A vital interaction of two distinct levels of coming to know the one truth leads to a greater love for truth itself, and contributes to a more comprehensive understanding of the meaning of human life and of the purpose of God's creation.³⁵

³⁵ *Ex Corde Ecclesiae*, §17.

3. Fidelity to the Christian message as it comes to us through the Church.

The principal way in which this characteristic is reflected at Barry is in its commitment to knowledge and truth in light of the Catholic intellectual tradition. Hellwig writes of a similar quality which she refers to as respect for the cumulative wisdom of the Catholic tradition. This quality not only recognizes that the Christian message has been handed down through the institution of the Church, but includes as well a reverence and respect for those people who have been part of that tradition—saints and martyrs and teachers and religious—all of whom have contributed to the tradition that is our Catholic heritage. Furthermore, in the Catholic tradition, this fidelity is extended even to spiritual, devotional, theological and philosophical traditions.³⁶ This is a challenge in today's university, especially in the American university, because of several factors. First, in the United States there is commitment academic freedom, which is somewhat foreign to the institutional church. Next, there is the necessity of adherence to government regulations, both federal and state. There are also accreditation standards required to validate the status of the university. Finally, the University must comply with financial aid regulations, equal opportunity hiring policies, and other social and political norms within society today. This challenge of respecting the Catholic intellectual tradition played out in 2010 when the University of Notre Dame awarded an honorary degree to President Barack Obama. There was much discussion on both sides, and even boycotting of the

³⁶ Hellwig, "What Can the Roman Catholic Tradition Contribute to Christian Higher Education," 15.

event, by those who claimed that this was contrary to Church teaching because of Obama's method of opposing abortion.

According to Pope John Paul, fidelity to the Christian message is found in its “common dedication to the truth, a common vision of the dignity of the human person, and, ultimately, the person and message of Christ, which gives the institution its distinctive character.”³⁷ However, it must also be recognized that, while a university may be recognized as Catholic, the interpretation of the relationship of a particular university to the wider universal Church is still not without controversy, especially in the American context.³⁸

4. *An institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life.*

This characteristic is perhaps the most recognizable within the Barry community as it is reflected in the Core Commitments of Social Justice and Collaborative Service. Barry actively promotes this as an “institutional” commitment through dedication of the Martin de Porres Volunteer and Community Service Center. However, service in this sense is not just the notion of “extra-curricular” service, such as alternative spring break and Habitat for Humanity, but also as the University’s Service Learning curriculum

³⁷ *Ex Corde Ecclesiae*, § 21.

³⁸ Alice Gallin, *Negotiating Identity: Catholic Higher Education since 1960* (Notre Dame: University of Notre Dame Press, 2000), 155.

component. Moreover, service also refers to the broader picture of putting the real goods and services of the University at the service of the human community and focusing on using its resources to bring about real positive change for the good of the human family.

John Paul II reminds us that

A Catholic University, as any University, is immersed in human society; as an extension of its service to the Church, and always within its proper competence, it is called on to become an ever more effective instrument of cultural progress for individuals as well as for society. Included among its research activities, therefore, will be a study of serious contemporary problems in areas such as the dignity of human life, the promotion of justice for all, the quality of personal and family life, the protection of nature, the search for peace and political stability, a more just sharing in the world's resources, and a new economic and political order that will better serve the human community at a national and international level. University research will seek to discover the roots and causes of the serious problems of our time, paying special attention to their ethical and religious dimensions.³⁹

³⁹ *Ex Corde Ecclesiae*, § 32.

With some of the programs at Barry, it is quite easy to see how this dimension is put into practice. The Andreas School of Law offers a specialization for the J.D. program in children and family law, thus focusing on vulnerable populations. The College of Arts and Sciences offers a bachelor's track in environmental chemistry to help support and defend the sacredness of Earth, an Adrian Dominican value. Programs in counseling, social work and clinical psychology provide mental health professionals to work with those experiencing a variety of mental, social or psychological issues. The School of Podiatric Medicine trains podiatrists and physician assistants to care for the sick and injured.

Therefore, there are many ways in which a Catholic university can be deemed Catholic. However measured, Barry has a long history as a Catholic institution. Whether judged by its founding by Catholic Dominican women who still maintain sponsorship of the institution to the canonical test of recognition by the Archbishop of Miami to meeting the four primary criteria offered by John Paul II in *Ex Corde Ecclesiae*, Barry University is clearly and proudly a Catholic university.

CONCLUSION

This chapter looked at the history, spirituality and animating documents of the Adrian Dominican Sisters. In particular, it considered the four pillars of Dominican life and how the Dominican's primary charism of preaching has fostered the development of their ministry at Barry. Furthermore, it presented the Adrian Dominican Mission and Vision

Statements and examined how these have helped form the identity of Barry University and have contributed to its Core Commitments of Knowledge and Truth, Inclusivity, Service and Justice. Finally it considered the Catholic nature of Barry and how its Catholicity is revealed in the Core Commitments and Mission of the University. This last part is particularly important as the following chapter examines Catholic teachings on social justice and homosexuality and considers how these teachings connect to and ground the consideration of adding sexual orientation to the non-discrimination clause at Barry University.

CHAPTER THREE

Catholic Teaching Regarding Homosexuality and Social Justice

INTRODUCTION

One of the primary issues surrounding the question of whether sexual orientation can be added to the NDC of Barry University is whether such addition would be compatible with the Catholic identity of the University. Therefore, in this chapter I consider the official teaching of the Catholic Church regarding homosexuality and how that teaching impacts the question at hand. I examine four contemporary ecclesial documents published by the Congregation for the Doctrine of the Faith and one document issued by the United States Conference of Catholic Bishops: the *Declaration on Certain Questions Concerning Sexual Ethics*; the *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, the *Catechism of the Catholic Church* as the compendium of official theological teaching of the Roman Catholic Church; *Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons*; and *Always Our Children: A Pastoral Message to Parents of Homosexual Children and Suggestions for Pastoral Ministers*. I elucidate these documents in dialogue with the writings and statements of members of the magisterium and scholars whose words help express the broad range of pastoral action which results from the understanding and implementation of the theological points derived from the primary documents.

THE MAGISTERIAL POSITION OF THE CATHOLIC CHURCH

The question of whether sexual orientation can be added to the NDC of Barry University surfaces an ironic contradiction, well illustrated by Joseph Cardinal Bernardin, Archbishop of Chicago from 1982-1996, in addressing the Illinois Gay and Lesbian Task Force regarding a proposed civil rights ordinance for the State of Illinois. The Cardinal wrote:

Let me state clearly at the outset that I am not afraid to take an unpopular position in defense of human or civil rights. However, I know you understand that any leadership I might provide in regard to such issues would have to be exercised within the parameters of the Catholic Church's teaching.¹

Bernardin, with his use of "however," appears to draw a dichotomy between "human or civil rights" on the one hand and "the Catholic Church's teaching" on the other hand. How is it possible that Catholic teaching can find itself in conflict with human or civil rights? Is this not counterintuitive and clearly contrary to the accord that one might expect to find between these two disciplines? As Richard Peddicord, a Dominican priest, insists,

¹ Joseph Cardinal Bernardin, "Letter to the Illinois Gay and Lesbian Task Force," in John Gallagher, ed., *Homosexuality and the Magisterium: Documents from the Vatican and the U.S. Bishops, 1975-1985* (Mt. Rainier, MD: New Ways Ministry, 1986), 103.

civil rights legislation...not only is...compatible with Catholic moral teaching, [but also] ought to be accepted by the Catholic conscience as normative. In other words, contemporary Catholicism ought to bear witness to the unacceptability of social and economic discrimination against gay people.²

Consistent with Peddicord's claims, Bernardin does go on to say that "all human persons, including those with a homosexual orientation, have a right to decent employment and housing."³ On face, it would seem that he resolved his own apparent conflict. However, if this is so, then how is it possible that there could be any contradiction between these two theoretical positions, real or apparent? To address this question, this chapter examines several contemporary documents from the magisterium of the Catholic Church that specifically address the issue of sexual orientation in a direct and profound way. The first document to be considered here is the *Declaration on Certain Questions Concerning Sexual Ethics*.

Declaration on Certain Questions Concerning Sexual Ethics

Published in 1975, the *Declaration on Certain Questions Concerning Sexual Ethics* covers a variety of sexual morality issues, including sexual relations outside of

² Richard Peddicord, *Gay and Lesbian Rights: A Question: Sexual Ethics or Social Justice* (Kansas City, MO: Sheed & Ward, 1996), 26.

³ Bernardin, "Letter to the Illinois Gay and Lesbian Task Force," 103.

marriage, homosexuality and masturbation. With regard to homosexuality the document begins by drawing a distinction between

homosexuals whose tendency comes from a false education, from a lack of normal sexual development, from habit, from bad example, or from other similar causes, and is transitory or at least not incurable; and homosexuals who are definitively such because of some kind of innate instinct or a pathological constitution judged to be incurable.⁴

The rationale for making this distinction between what the *Declaration* identifies as “transitory” and “permanent” or perhaps “curable” and “incurable” is provided in the subsequent paragraph:

In regard to this second category of subjects, some people conclude that their tendency is so natural that it justifies in their case homosexual relations within a sincere communion of life and love analogous to marriage, in so far as such homosexuals feel incapable of enduring a solitary life.⁵

⁴ Congregation for the Doctrine of the Faith (hence CDF), *Persona Humana: Declaration on Certain Questions Concerning Sexual Ethics*, 1975, § VIII; available from http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19751229_persona-humana_en.html (Accessed 03 Jan 2011).

⁵ *Ibid.*, § VIII.

In other words, the distinction is drawn between those who apparently intend to live in some kind of permanent homosexual relationship and those who do not. According to the *Declaration*, it is only those who are judged “permanent” or “incurable” who would choose a permanent relationship, since the text refers specifically to the “second category of subjects” in drawing this conclusion. However, even though this statement seems to provide a rationale for claiming a distinction between two “types” of homosexual persons, further review of the document reveals that the confusion still persists.

These homosexuals must certainly be treated with understanding and sustained in the hope of overcoming their personal difficulties and their inability to fit into society....But no pastoral method can be employed which would give moral justification to these acts on the grounds that they would be consonant with the condition of such people.... homosexual acts are intrinsically disordered and can in no case be approved of.⁶

Confusion stems from the failure to clarify what is meant by “these homosexuals.” If the term refers to the “second category,” those judged incurable and who choose homosexual relationships, then it leaves one wondering what, if anything, is said about the first group, the “curable” homosexuals? Is it presumed that they do not engage in homosexual acts because they do not choose to live in a homosexual relationship? Or is it presumed that they will be cured and therefore such acts become a

⁶ Ibid., § VIII.

moot point? The question is simply not addressed. On the other hand, if “these homosexuals” is taken to mean all homosexuals, regardless of category, then there is a fundamental question as to why the two groups were distinguished at the outset. Furthermore, this paragraph makes some sweeping generalizations about homosexual persons, referring, for example, to the homosexual orientation as a “personal difficulty.” More disturbing is the presumption – completely unsubstantiated in the document – that homosexuals are unable to fit into society due to their homosexual orientation. These claims are brought to their ultimate conclusion in the core point of the *Declaration* that homosexual acts themselves are disordered and cannot be approved of. Nevertheless, there is at least some positive nuance to this document in that it speaks of a “pastoral method” to be utilized in dealing with homosexual persons. It teaches that homosexuals “must certainly be treated with understanding.” In so doing, the *Declaration* fortuitously distinguishes the homosexual person from homosexual acts. This is a significant distinction and is one that regrettably is not always made.

Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons

The second document from the contemporary Church dealing with sexual orientation is the *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, published by the Congregation for the Doctrine of the Faith in 1986 under the direction of Joseph Cardinal Ratzinger, now Pope Benedict XVI. This document is dedicated exclusively to the subject of homosexuality, rather than considering homosexuality within the context of overall sexual morality.

The emphasis of this *Letter* is an explicit statement regarding the nature of the homosexual inclination itself, summarized in section 3:

Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward an intrinsic moral evil; and thus the inclination itself must be seen as an objective disorder.⁷

This statement took a significant step beyond the 1975 *Declaration* toward making explicit the Church's doctrine regarding homosexual orientation. Whereas the *Declaration* had only referred to homosexual "acts" as intrinsically disordered, the *Letter* went further and declared even homosexual "orientation" to be intrinsically disordered. The explanation for this explicit statement was due to "an overly benign interpretation given [by some people] to the homosexual condition itself"⁸ in the previously noted *Declaration*.

In addition to the teaching on homosexual orientation, the *Letter* emphasizes two other aspects of Catholic teaching regarding homosexuality:

- that homosexual activity is immoral and no type of same-gender relationship can be fruitful or truly loving;

⁷ CDF, *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, 1986; available from http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19861001_homosexual-persons_en.html (Accessed 03 Jan 2011), § 3.

⁸ *Ibid.*, § 3.

- that the homosexual condition should be seen as a cross and accepted as such and that all homosexuals are called to live a life of chastity.⁹

The *Letter* begins with the Congregation's indicating that it understands the complexity of the topic undertaken but that it specifically intends to approach it from the *moral* (emphasis mine) perspective.

Naturally, an exhaustive treatment of this complex issue cannot be attempted here, but we will focus our reflection within the distinctive context of the Catholic moral perspective. It is a perspective which finds support in the more secure findings of the natural sciences, which have their own legitimate and proper methodology and field of inquiry.

It then includes its justification for that perspective:

However, the Catholic moral viewpoint is founded on human reason illumined by faith and is consciously motivated by the desire to do the will of God our Father. The Church is thus in a position to learn from scientific discovery but also to transcend the horizons of science and to be confident that her more global vision does greater justice to the rich reality of the human person in his

⁹ Ibid.

spiritual and physical dimensions, created by God and heir,
by grace, to eternal life.

It is within this context, then, that it can be clearly seen that the phenomenon of homosexuality, complex as it is, and with its many consequences for society and ecclesial life, is a proper focus for the Church's pastoral care. It thus requires of her ministers attentive study, active concern and honest, theologically well-balanced counsel.¹⁰

While the final paragraph above mentions the appropriateness of a “pastoral approach,” such pastoral sensitivity nonetheless stands in sharp contrast to the overall approach of this Letter, which is an exclusively moral one. This issue directly relates to the Church’s social justice mission and commitment and provides for practical application of the theme of the dignity of the human person mentioned in the various documents cited above. Barry University is a prime example of the assertion made by Vatican II and subsequent synods that if one claims a Christian identity then one must also be concerned with social responsibilities. To do otherwise is to be complicit in what the Vatican began to refer to as social sin. This reality grows out of a realization of the significant potential impact that social structures have for effecting good or bad in our

¹⁰ Ibid., § 2.

world and the proper understanding of the mission of the Church—to preach a message of liberation from sin and evil, including from sinful structures.¹¹

The way the Church becomes involved with social structures can be expressed according to three approaches:

- 1) the Church speaks a prophetic word to challenge the status quo and to urge itself and others to action;
- 2) the Church acts out the justice which she proclaims as liberation, thus giving witness to her own conversion from sin;
- 3) the Church commits herself to work toward political change which will bring about change in social structures which oppress.¹²

If Barry University, which is an institution of the Church and whose members are the Church, is to be involved in furthering the Gospel of justice, it necessarily demands that witness to that justice be given. The present case is one concrete opportunity to do just that. However, the failure of the Church to resolve the distinction between what is moral and what is just severely limits its vision when it comes to social justice for homosexual persons. In the same vein, this failure to resolve the tension between the social justice perspective and the moral perspective entrenches the Church in a single-minded negative view of homosexual persons.

Addressing the issue of justice, the *Letter* does condemn violence against homosexuals and calls for respect of the intrinsic dignity of every person.

¹¹ Peter Henriot, “Social Sin and Conversion: A Theology of the Church’s Social Involvement” in *Introduction to Christian Ethics*, ed. Ronald Hamel and Kenneth R. Himes (Mahway, NJ: Paulist Press), 217-221.

¹² *Ibid*, 222-225.

It is deplorable that homosexual persons have been and are the object of violent malice in speech or in action. Such treatment deserves condemnation from the Church's pastors wherever it occurs. It reveals a kind of disregard for others which endangers the most fundamental principles of a healthy society. The intrinsic dignity of each person must always be respected in word, in action and in law.¹³

However, the exact intent of protecting the dignity of the person is unclear, when the CDF warns that the purpose of civil legislation is to protect “behavior” rather than to protect human civil rights:

But the proper reaction to crimes committed against homosexual persons should not be to claim that the homosexual condition is not disordered. When such a claim is made and when homosexual activity is consequently condoned, or when *civil legislation is introduced to protect behavior* to which no one has any conceivable right, neither the Church nor society at large should be surprised when other distorted notions and practices gain ground, and irrational and violent reactions increase.¹⁴

¹³ CDF, *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*. § 10.

¹⁴ *Ibid.*, emphasis mine.

Clearly there is a contradiction on the part of the CDF in the statements made here. In the first case, the document declares that “the intrinsic dignity of each person must always be respected in...*law*.” This, of course, would be consistent with the Church’s social justice ethic, calling for respect for all persons and for the rules of society to support that respect. However, at the same time, the document decries “civil legislation [that is meant] to protect [homosexual] *behavior*.” It seems that this document not only fails to uphold the dignity of the person regardless of the behavior of the person, but also demonstrates a lack of awareness of the violence perpetrated against gay and lesbian persons fueled by such intolerant language in the name of religion. According to Gregory Herek:

A principal justification for discrimination and hostility toward gay people appeals to religious morality. Because homosexuality is condemned by several major religions, it is argued, laws prohibiting discrimination would require heterosexual individuals to violate their personal moral standards. In this context, gay people can be viewed as a religious minority group: Although they do not manifest a unified religious ideology, they are often persecuted on the basis of the dominant majority’s religious beliefs.¹⁵

Furthermore, it is shocking that the Church appears to blame the victims of such violence (homosexual persons) for the increase in violence because of their attempt to

¹⁵ Gregory M. Herek, “Stigma, Prejudice, and Violence Against Lesbians and Gay Men,” 1991; available from http://psychology.ucdavis.edu/rainbow/html/spssi_91.pdf (Accessed 21 July 2011).

gain acceptance or civil rights protection. As the *Letter* states, “neither the Church nor society at large should be surprised when other distorted notions and practices gain ground, and *irrational and violent reactions increase*.”¹⁶ While this document falls short of justifying such violence, one cannot help but wonder at the confusion created by the contradictions exposed here. Does the Church support respect for the rights of homosexual persons or not? It seems that in principle the answer would be yes, but in the concrete, the magisterium appears to be reluctant and inexplicit about what that support would look like. If it does not come in the form of civil legislation, then exactly what would be considered support?

In an effort to ground its position that an “an overly benign interpretation [was] given [by some people] to the homosexual condition itself” in the earlier *Declaration*, this *Letter* gives considerable space to the discussion of the “clearly consistent” traditional understanding of homosexual activity as presented by the “solid foundation of a constant Biblical testimony.”¹⁷ It further grounds its rationale in the Church’s theology of marriage and in the complementarity of heterosexual relationships as being the only morally acceptable type of relationships and the only ones that are truly love-giving and life-giving. The *Letter* also warns against groups or programs, both within and outside of the Church, which attempt to pressure the Church and society to change its opinion of homosexual activity or to present the Church’s teaching in a different light or undermine

¹⁶ *Ibid.*, § 10.

¹⁷ *Ibid.*, § 5.

its teaching authority. While rejecting both types of activities, the *Letter* encourages pastors to provide appropriate pastoral care to homosexuals.¹⁸

The Catechism of the Catholic Church

The third contemporary document of significant importance in the Church's teaching on homosexuality is the *Catechism of the Catholic Church* (hereafter *CCC*) most recently published in 1997. In comparison to the previous documents, the *CCC* is more concise in terms of its content regarding homosexuality. It contains only three brief paragraphs which convey the Church's official position on homosexuality in precise terms. Repeating much of what has already been discussed, in summary, the *CCC* says:

- The homosexual inclination and acts are intrinsically disordered and contrary to the natural law.
- Homosexual people must be accepted with respect, compassion, and sensitivity.
- Homosexual persons are called to chastity.
- Homosexual acts are always immoral.¹⁹

This document like the others above reflects the particular nuance of John Paul II in referring to the lack of complementarity in homosexual relationships, but it presents, for the first time, two insights from the field of psychology which have heretofore gone

¹⁸ *Ibid.*, § 5.

¹⁹ United States Conference of Catholic Bishops, *Catechism of the Catholic Church*, 1997, §§ 2357-2359; available from <http://www.usccb.org/catechism/text/pt3sect2chpt2art6.shtml> (Accessed 09 Jan 2011).

unmentioned. First, it acknowledges that homosexuality “has taken a great variety of forms through the centuries and in different cultures. Its psychological genesis remains largely unexplained.”²⁰ Although brief, these two sentences recognize that homosexuality exists across some kind of spectrum and that its origins, while not understood, at least cannot be reduced merely to the influence of sin or choice. Second, the *Catechism* acknowledges that “the number of men and women who have deep-seated homosexual tendencies is not negligible.”²¹ Although stated in the negative, this brief phrase acknowledges the pervasiveness of the homosexual orientation. These two acknowledgements amount to an admission, for perhaps the first time, that homosexuality is a part of our human culture and condition and that neither homosexual people nor the homosexual orientation will go away simply by an act of will, of condemnation, or of asserting its disorderedness. The magisterium, while continuing all three of these approaches, recognizes that homosexual people are part of society and must be dealt with in that context.

Once again the magisterium takes a primarily moral approach in this document, focusing on behavior which “under no circumstances can...be approved.”²² However, the *CCC* is also clear that homosexuals “must be accepted with respect, compassion, and sensitivity.”²³ Like the *Letter* above, this document adds nothing to that understanding since there is no further explanation of what it means to be “accepted with respect,

²⁰ *Ibid.*, § 2357.

²¹ *Ibid.*, § 2358.

²² *Ibid.*, § 2357.

²³ *Ibid.*, § 2358.

compassion and sensitivity.” Nevertheless, the CCC states , “Every sign of unjust discrimination in their regard should be avoided.”²⁴

While this at first seems a positive statement with regard to homosexuals, it is carefully nuanced with the word “unjust” discrimination, implying that some discrimination may, in fact, be just. Additionally, the *CCC* does not plainly affirm that homosexuals should have any particular civil or human rights. It simply asserts that “*unjust discrimination should be avoided.*”²⁵ It fails, therefore, to present a strong case for protecting the human dignity of such persons.

Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons

The fourth document issued by the Congregation for the Doctrine of the Faith in 1992 considered in this chapter carries the rather pragmatic title *Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons* (hereafter *SCC*). This document takes a far stronger pejorative stance in terms of the rights of gay and lesbian persons with respect to non-discrimination. In addition to reiterating the points of prior documents about the nature of same-sex inclination and homogenital behavior, it mentions three additional points of significance.

First, regarding the status of sexual orientation as a human quality, it declares that, “‘Sexual orientation’ does not constitute a quality comparable to race, ethnic background,

²⁴ Ibid.

²⁵ Ibid., emphasis mine. The concept of just and unjust discrimination is discussed later in this chapter.

etc. in respect to non-discrimination.”²⁶ The rationale provided for this conclusion is that “unlike these, homosexuality is an objective disorder and evokes moral concern.”²⁷ Second, in addressing discrimination, the Congregation takes the view that “there are areas in which it is *not unjust* discrimination to take sexual orientation into account, for example, in the placement of children for adoption or foster care, in employment of teachers or athletic coaches, and in military recruitment.”²⁸ The example of employment of “teachers or coaches” seems to imply the false presumption that children are more vulnerable to molestation when teachers are gay or are unduly influenced by gay teachers toward a homosexual orientation or behavior.²⁹ In fact, the Catholic Bishops of the state of Washington issued a declaration in 1983 criticizing this very concern:

A number of Catholics are concerned about the role of homosexuals in professions which have care of their children. There are those who think that gays and lesbians inevitably impart a homosexual value system to children or that they molest children. This is a prejudice and must be unmasked as such. There is no evidence that exposure to

²⁶ CDF, *Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons*, 1992; § 10; available from http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19920724_homosexual-persons_en.html (Accessed 03 Jan 2011).

²⁷ *Ibid.*

²⁸ *Ibid.*, § 11, emphasis mine.

²⁹ For more information on the relationship between homosexuality and child molestation refer to (among other sources) Gregory M. Herek, “Facts About Homosexuality and Child Molestation,” 2009; available from http://psychology.ucdavis.edu/rainbow/html/facts_molestation.html (Accessed 11 Jan 2011).

homosexuals, of itself, harms a child....Accordingly, there is no need to make efforts to screen out all homosexually oriented persons from our educational system.³⁰

Finally, in addressing human rights, the Congregation notes that

Homosexual persons, as human persons, have the same rights as all persons including the right of not being treated in a manner which offends their personal dignity. Among other rights, all persons have the right to work, to housing, etc. Nevertheless, these rights are not absolute. They can be legitimately limited for objectively disordered external conduct. This is sometimes not only licit but obligatory. This would obtain moreover not only in the case of culpable behavior but even in the case of actions of the physically or mentally ill. Thus it is accepted that the state may restrict the exercise of rights, for example, in the case of contagious or mentally ill persons, in order to protect the common good.³¹

³⁰ New Ways Ministry, "Human Dignity and the Common Good: A Response of New Ways Ministry to the Vatican Document on Lesbian and Gay Rights" (1992), in Peddicord, *Gay and Lesbian Rights*, 127.

³¹ CDF, *Some Considerations*, § 12.

It is a positive sign that the Congregation specifically addresses such human rights as housing and work. They are two of the most fundamental human rights and to deny them would constitute discrimination on a very grave level. And while it claims that even these rights may be “legitimately limited,” the Congregation recognizes that such limitation could be only based on “external conduct,” not for homosexual orientation *per se*. Although “external conduct” is not defined, this is a move forward in understanding that the rights of the homosexual person accrue to him or her based on human dignity alone regardless of sexual orientation. Nevertheless, it is unfortunate that the Congregation compares homosexual behavior to physical or mental illness. This does nothing to reinforce the dignity of the person and is contrary to the prevailing opinions of the medical and psychological communities which do not consider homosexuality to be a mental or physical disorder in need of treatment.³²

It should also be noted that there are legitimate questions regarding the canonical status of this document in the hierarchy of Church teachings, since the CDF never clarified its standing. Furthermore, John R. Quinn, Archbishop of San Francisco from 1977 to 1995

judged that SCC does not have the kind of binding force that would demand a change in his present opinion or a

³² “In 1973, the weight of empirical data, coupled with changing social norms and the development of a politically active gay community in the United States, led the Board of Directors of the American Psychiatric Association to remove *homosexuality* from the *Diagnostic and Statistical Manual of Mental Disorders* (DSM). Some psychiatrists who fiercely opposed their action subsequently circulated a petition calling for a vote on the issue by the Association’s membership. That vote was held in 1974, and the Board’s decision was ratified...The American Psychological Association (APA) promptly endorsed the psychiatrists’ actions, and has since worked intensively to eradicate the stigma historically associated with a homosexual orientation.” From Herek, “Facts About Homosexuality and Mental Health.”

retraction [of] his earlier stances. He wrote that this judgment is founded upon “the canons of interpretation approved and used by the Vatican itself. According to those canons, this document is not a mandate but is a document intended as an informal aid to bishops looking for some assistance in dealing with problems of legislation.”³³

This observation was confirmed by papal spokesman Joaquin Navarro-Valls who “explained that SCC was ‘not intended to be an official and public instruction on the matter from the congregation but a background resource offering discreet assistance for bishops perplexed about gay rights legislation.’”³⁴ Moreover, since the CDF fails to provide any real evidence that gays and lesbians are a threat to young people, the family, or the institution of marriage, Peddicord states, “it is irresponsible to advocate measures that are prejudicial to gay people....Without evidence to support its claims, SCC is patently unjust. It would be advocating none other than the systematic oppression of an already undervalued social minority.”³⁵

Always Our Children: A Pastoral Message to Parents of Homosexual Children and Suggestions for Pastoral Ministers

³³ John R. Quinn, “Civil Rights of Gay and Lesbian Persons.” *Origins*, 22 (August 20, 1992): 204.

³⁴ “Angry Reaction to Vatican Observation on Homosexuals,” *The Tablet* 246 (August 1, 1992): 967, in Peddicord, *Gay and Lesbian Rights*, 135.

³⁵ Peddicord, *Gay and Lesbian Rights*, 136-137.

There are also several documents published by the United States Conference of Catholic Bishops (hereafter USCCB) which add to the teaching presented above. Often these documents simply reinforce what has already been previously mentioned. One document that is unique in its perspective is *Always Our Children: A Pastoral Message to Parents of Homosexual Children and Suggestions for Pastoral Ministers* which was published in 1997. *Always Our Children* takes quite a different approach from the Roman documents previously discussed and focuses on helping the parent come to terms with the reality of a homosexual child. It is written in a much more pastoral tone than the previously cited doctrinal references. In fact, *Always Our Children* explicitly states that “it is not a systematic presentation of the Church’s moral teaching. It does not break any new ground theologically.”³⁶ Instead, its goal is

to speak words of faith, hope, and love to parents who need the Church's loving presence at a time that may be one of the most challenging in their lives [and to] be helpful to priests and pastoral ministers who often are the first ones parents or their children approach with their struggles and anxieties.³⁷

³⁶ United States Conference of Catholic Bishops (hence USCCB), *Always Our Children, A Pastoral Message to Parents of Homosexual Children and Suggestions for Pastoral Ministers*, 1997; available from <http://www.usccb.org/laity/always.shtml> (Accessed 09 Jan 2011).

³⁷ Ibid.

With such a pastoral approach as its starting point, *Always Our Children* does not reduce homosexual identity to exclusively homogenital acts, as the previous documents do. Rather, consistent with its pastoral tone, it reinforces the assertion that “the dignity of all persons means the recognition of human rights and responsibilities.”³⁸ It also reinforces magisterial teaching on social justice, “mak[ing] it clear that the fundamental human rights of homosexual persons must be defended and that all of us must strive to eliminate any forms of injustice, oppression or violence against them.”³⁹

The entire document is written around a theme of acceptance—of oneself as the parent or family member of the homosexual person, of the homosexual person him/herself, and of the Church’s teaching with regard to sexual orientation. In all these areas, the approach is more than positive. In the case of family members, *Always Our Children* encourages parents to recognize the range of emotions they might experience and to acknowledge and understand these emotions, without letting them dictate subsequent behavior. The pastoral message further encourages parents to love their children—first by not rejecting them. It is quite powerful that the document affirms that “rejection by their families... and other external pressures can place young people at a greater risk for self-destructive behaviors like substance abuse and suicide.”⁴⁰ Such an explicit concern has been absent from all previously discussed documents and shows, for the first time, a sincere awareness of the ramifications of doctrinal approaches without an accompanying pastoral approach. It implies that sterile doctrinal approaches can foster

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

behavior which does nothing to provide emotional support to the homosexual person and can, in fact, foster behavior which is emotionally and physically harmful.

In its presentation of Church teaching, *Always Our Children* again takes a positive approach as it reiterates three points consistent with previous documents:

- We all have an inherent dignity because of our creation in God’s image. In the case of gays and lesbians, this dignity also calls them to chastity.
- Respect for human dignity also means respect for the human rights and responsibilities of all people, including homosexuals.
- The Church should offer pastoral care to its gay and lesbian members, who also should have opportunities to lead and serve the community.⁴¹

Consistent with these points, the pastoral message provides a number of specific suggestions to parents and to pastoral ministers and concludes by pastorally emphasizing responsible love as the key to the Christian community’s identity, including its homosexual members.⁴² It is a document which, by intention, has a decidedly different message from the other documents examined here. This is not only because of its pastoral approach but also because within that approach is a message of love and hope—for the family, for the homosexual community, and for the Christian community. Its message is never about condemnation, exclusion or rejection but always about inclusion, welcome and support. It does all of this without avoiding the key teachings of the Church, but by

⁴¹ Ibid.

⁴² Ibid.

presenting them in such a way that homosexual persons still know they are valued and loved—by their families and by the Christian community.

PRACTICAL IMPLICATIONS OF MAGISTERIAL TEACHING ON HOMOSEXUALITY

While the documents considered above carry different degrees of authority because of their promulgating sources and their titles (e.g., *Declaration, Letter, Considerations, Catechism, Message*), they all are clear about what the Catholic Church teaches regarding homogenital acts and several of them are explicit about Church teaching regarding homosexual orientation. Moreover, they all emphasize that the inherent dignity of the human person demands recognition of the human rights of homosexual persons and that any form of injustice, including unjust discrimination, must be eliminated. The question, therefore, becomes from whence comes the discrimination experienced by homosexual persons within the Church. The answer derives from the notion of “just discrimination.” How does one define just discrimination? How do just and unjust discriminations function? Are there situations in which it is clearly just, and perhaps even obligatory, to discriminate against someone based on sexual orientation? On the other hand, is the primacy of human dignity so compelling that all discrimination based on sexual orientation must be considered unjust?

Consider, for example, the Vatican II document *Nostra Aetate*, in which the Second Vatican Council taught that “[t]he Church reproves, as foreign to the mind of Christ, any discrimination or harassment because of race, color, condition of life, or

religion.”⁴³ Whether viewed positively or negatively, sexual orientation can certainly be considered a “condition of life.” The Church acknowledges as much when it says that “[i]ts psychological genesis remains largely unexplained” and that “[t]he number of men and women who have deep-seated homosexual tendencies is not negligible.”⁴⁴ If it is a condition of life and the Church condemns any discrimination in such circumstances, what then could be considered just discrimination?

Just and Unjust Discrimination

Lacking clarification in other instances, the most significant indication concerning what the magisterium considers just or unjust discrimination comes from the 1992 document *Some Considerations* from the CDF. First of all, the CDF considers that gay and lesbian persons, like all people, have a *right to work*. This implies that they should not, by mere virtue of their sexual orientation, be refused employment. Since the right to work implies the right to appropriate working conditions, it follows logically that gay or lesbian persons must be protected from discrimination within the workplace on the basis of their sexual orientation. Otherwise, discrimination such as harassment, unsuitable working conditions, inequitable performance standards or even refusal to employ or to retain in employment, is tantamount to denying gays and lesbians the right to work which is clearly an injustice according to the CDF. This being said, what constitutes a situation in which discrimination might conceivably be considered just?

⁴³ Pope Paul VI, *Nostra Aetate*, available from http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_en.html (Accessed 13 February 2012).

⁴⁴ United States Conference of Catholic Bishops, *Catechism of the Catholic Church*, §§ 2357-2358.

In 1992, Archbishop Daniel E. Pilarczyk, then president of the National Conference of Catholic Bishops, pointed out what might be considered “just discrimination” when he clarified that *Some Considerations* “rightly warns against legislation designed more to legitimate homosexual behavior than to secure basic civil rights and against proposals which tend to promote an equivalence between legal marriage and homosexual lifestyles.”⁴⁵ However, according to Gerald D. Coleman, this clarification is overtly discriminatory. Coleman interprets it as primarily supporting heterosexual family life so that “discrimination and homosexuality are thus evaluated in relationship to the family in society.”⁴⁶ In this light, it is only in a situation that clearly is contrary to the common good of the family, in its strictest interpretation, that an institution could find it necessary to discriminate. As we have seen, gay or lesbian orientation *per se* does not fall in the category of something contrary to the good of the family.

The consideration of just discrimination based on sexual orientation also fails in the perspective of Mary Elsbernd and Reimund Bieringer in *When Love is not Enough: A Theo-Ethic of Justice*. According to these authors, the duties and obligations associated with justice flow from the dignity of the person and from the relationships that one person has with another:

[I]nviolable human dignity is reinforced by its anthropology as well as three faith convictions. First,

⁴⁵ Gerald D. Coleman, *Homosexuality: Catholic Teaching and Pastoral Practice* (New York: Paulist Press, 1995), 99.

⁴⁶ *Ibid.*

human persons are created in the image and likeness of God. Second, believers are called to love one another as they have been loved. Third, the treatment of the widow, the orphan, and the poor is the concrete measure of the believer's love of God.⁴⁷

It is necessary to point out that the situation of the rights of gay and lesbian persons is not the only example of the Catholic Church calling for just discrimination. In this discussion, however, it should be clarified that the Church uses the word "discrimination" in a very specific sense, perhaps in a more legal sense than the average person would use it. It must also be acknowledged that the word "discrimination" has acquired a pejorative sense in the United States and is synonymous with intolerance or oppression. In contrast, the magisterium often uses the word to mean a distinction or differentiation without an inherently prejudicial or oppressive connotation implied, in the sense of discriminating "between." In this context, the Church would say that it is just, for example, to discriminate between a 10-year-old and a 30-year-old in terms of marriage. The 10-year-old does not have the emotional, mental or legal wherewithal to contract marriage. According to the magisterium, this not discrimination in the sense of oppression or withholding a right since that right is not presumed to be present in the first place.

Nonetheless, the reasoning of the magisterium is not equally clear in its discussion of just and unjust discrimination with regard to sexual orientation. For

⁴⁷ Mary Elsbernd and Reimund Bieringer, *When Love is not Enough: A Theo-Ethic of Justice* (Collegeville: The Liturgical Press, 2002), 110.

example in 2010, the United States Conference of Catholic Bishops issued a letter to all members of the U.S. Congress on the topic of the Employment Nondiscrimination Act (ENDA). While citing Catholic teaching against “unjust discrimination based on sexual inclination,”⁴⁸ the Bishops nevertheless opposed ENDA and encouraged lawmakers to do the same. In their rationale the Bishops pointed out that this opposition “[could not] be equated with ‘unjust discrimination’ because it is based on fundamental truths about the human person and personal conduct. Homosexual conduct is categorically closed to the transmission of life, and does not reflect or respect the personal complementarity of man and woman. In contrast to sexual conduct within marriage between one man and one woman—which does serve both the good of each married person and the good of society— heterosexual and homosexual conduct outside of marriage has no claim to special protection by the state.”⁴⁹ In other words, it seems as though the Bishops are saying that this is not unjust discrimination because it meets the Bishops’ definition of just discrimination. The distinction between just and unjust discrimination often seems to be appear in situations where the civil law conflicts with the Church’s desire to impose its beliefs on the whole of society and have those beliefs insulated from those who might hold other views. Moreover, it seems that the first criterion for the measure of justice for the Bishops begins with the orientation of the person, rather than with the nature of the person as a human being and a person of faith.

⁴⁸ United States Conference of Catholic Bishops, *Letter on Same-sex Marriage and ENDA*, available from http://www.americamagazine.org/blog/entry.cfm?blog_id=2&entry_id=2923; Accessed 24 February 2012.

⁴⁹ *Ibid.*

Gay Rights Are Human Rights

In the face of the notion of just discrimination, Elsbernd and Bieringer turn to the social justice encyclicals of the Church to find the foundation for obligations of justice which stem from one's nature as human being and as a person of faith. For them, the primary measure of justice is the person, not the person's sexual orientation. "God's creation covenant with all creatures...establishes a community in which equitable treatment of other persons becomes a mutually binding obligation."⁵⁰ If human dignity is the core and the measure of justice, then it is incumbent on the Church to preach and work for the whole truth relating to the complex realities of homosexuality, not *exclusive* of, but *inclusive* of the human rights of the homosexual person. This is consistent with the *Letter to the Bishops* which teaches that that "the intrinsic dignity of each person must be respected in word, action and law."⁵¹

This same strong position regarding the positive human rights of homosexual persons was espoused by Bishop Francis Mugavero, Bishop of Brooklyn from 1968 to 1990, who, in his pastoral letter *Sexuality—God's Gift* addressed the issue of human rights as related to homosexuals:

We urge homosexual men and women to avoid identifying their personhood with their sexual orientation. They are so much more as persons than this single aspect of their personality. That richness must not be lost.... It is not

⁵⁰ Elsbernd and Bieringer, *When Love is not Enough: A Theo-Ethic of Justice*, 110.

⁵¹ CDF, "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons."

homosexuality which should be one's claim to acceptance or human rights or to be loved by us all: it is the fact that we are all brothers and sisters under the Fatherhood [*sic*] of God. Our community must explore ways to secure the legitimate rights of all our citizens regardless of sexual orientation, while being sensitive to the understanding and hopes of all involved.⁵²

Indeed, Mugavero correctly points out that human rights accrue to homosexual persons, as to all people, by virtue of their common humanity, not by virtue of identification as homosexual persons. According to Peddicord,

if one's rights flow from one's humanity—not from one's sexual orientation—then [even those] homosexuals who act upon their sexual drives do not thereby forfeit their human or civil rights. When it is further recognized that all sorts (quantitatively the vast majority if [*sic*] over 90% of human society is heterosexually oriented) of intrinsically disordered and gravely immoral conduct flow from people's *heterosexual* orientation, the desire to discriminate

⁵² Francis J. Mugavero, "Sexuality—God's Gift," 1976; available from <http://www.scribd.com/doc/28546796/Sexuality-God-s-Gift>; Accessed 13 Jan 2011.

against homosexual persons—even the most flamboyant—
is revealed as arbitrary and unjust.⁵³

Even if the Church and its official teaching did not support the application of human rights to homosexual persons, the rights would still accrue. According to Elsbernd and Bieringer, the obligatory nature of justice is grounded in an anthropological/social context. They identify our social nature as that which gives rise to human rights and duties. “If persons are social by nature, a corresponding obligation arises to create those conditions of social life by which persons can survive and thrive through a network of relationships.”⁵⁴ Clearly one of the conditions of a flourishing social life is the right to employment and to earn a productive living. As stated above, this requires an environment free from discrimination or any influences which would negatively impact the work environment. Of course, the real goal of any application of justice is the common good of all and the good of the persons in question. “Both the common good and the [faith expression of it, the reign of God] are inherently relational. As such both require and provide a framework for justice as mutually binding obligations which make achievement of a common good possible.”⁵⁵ That framework is human rights—for all people.

The teachings presented above, while clear about homosexual behavior, also make it clear that the rights and dignity of the human person are to be respected. Yet this is apparently not always such an easy situation to resolve. According to Peddicord,

⁵³ Peddicord, *Gay and Lesbian Rights*, 68.

⁵⁴ Elsbernd and Bieringer, *When Love is not Enough*, 111.

⁵⁵ *Ibid.*

As a rule, there is warrant for claiming that the average American bishop would feel comfortable with (say) issuing a statement on the necessity of respecting the humanity of homosexual persons and on the obligation of wishing them no harm. However, this same bishop is apt to be skittish when it comes to a question of his supporting a specific piece of legislation designed to protect homosexual persons from discrimination. Often the choice is made to oppose the legislation with a view toward publicly upholding the Church's sexual ethic and keeping at bay the trend toward a more benign interpretation of homosexuality.⁵⁶

Citing the example of John Cardinal O'Connor's opposition to New York City's attempt to pass a gay and lesbian rights ordinance, Peddicord illustrates that, according to O'Connor,

[The] issue of civil rights protection for gay people falls squarely under the rubric of the Church's sexual ethic. Homosexual behavior (i.e., the genital manipulations of homosexual persons) is an intrinsic evil and the law should not grant people "rights" to gravely immoral behavior. In O'Connor's vision, the Catholic position on the moral valence of homosexual acts inspires opposition to measures

⁵⁶ Peddicord, *Gay and Lesbian Rights*, 63.

which attempt to ensure fair treatment for gay men and lesbians.⁵⁷

Thus, for O'Connor and others who hold such positions, the denial of rights to gay and lesbian persons is in complete accord with Catholic teaching. In their view, to give support to such measures would undermine Catholic doctrine on sexual morality, which can never be justified. However, even for those who hold more moderate positions on the understanding of homosexuality, it can be difficult to support policies which speak directly to the civil rights of gays and lesbians. Joseph Cardinal Bernardin illustrates this position.

Bernardin is known to have affirmed the basic dignity and civil rights of homosexuals:

Homosexuals, like everyone else, should not suffer prejudice against their basic human rights. They have the right to respect, friendship, and justice....There is no place for arbitrary discrimination and prejudice against a person because of sexual attraction. We especially deplore violence and harassment directed against such persons. Moreover, all human persons, including those with a homosexual orientation, have a right to decent employment and housing.⁵⁸

⁵⁷ Ibid., 66.

⁵⁸ Bernardin, "Letter to the Illinois Gay and Lesbian Task Force," in Gallagher, *Homosexuality and the Magisterium*, 103.

However, Bernardin also was careful to state the Church's teaching on homosexual activity:

Homosexual *activity*, as distinguished from homosexual orientation, *is* morally wrong...and patterns of life, sometimes referred to as 'lifestyles,' which encourage immoral behavior are also moral objectionable....As a Church, we do not approve of those patterns of life or lifestyles which encourage, promote, or advocate homosexual activity.⁵⁹

As a man of conviction, he clearly felt a certain pressure from both sides of the issue as these words illustrate:

My own position, then, is this: I firmly deplore acts of violence, degradation, discrimination, or diminishment of any human person—including anyone with a homosexual orientation. I am especially concerned that such attitudes or acts might be found at times in institutions of this archdiocese. At the same time, I am equally bound to teach that homosexual activity and patterns of life which promote it are immoral.⁶⁰

⁵⁹ Ibid.

⁶⁰ Ibid., 104.

In the end, Bernardin opposed the Chicago municipal gay rights ordinance proposed less than a year after the letter above was written.⁶¹

Catholic Teaching and the NDC

In light of internal dissonance such as this, could one aspect of the rationale for a lack of a positive statement in the NDC at Barry University be a concern among the administration that a Catholic university adopting such a policy might appear to endorse or condone behavior which is contrary to Church teaching? Could an additional issue be a concern about how adoption of such a policy might be viewed by the local Archbishop or Catholic community—the very concern mentioned by Archbishop Pilarczyk above? In their document “The Application of *Ex Corde Ecclesiae* for the United States,” the USCCB cites the four essential characteristics of a Catholic university, discussed in Chapter Two above.

1. A Christian inspiration not only of individuals but of the university community as such;
2. A continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research;
3. Fidelity to the Christian message as it comes to us through the Church;

⁶¹ Peddicord, *Gay and Lesbian Rights*, 74-75.

4. An institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life.⁶²

The degree to which these characteristics apply to Barry University may be the subject of debate depending on who is interpreting them and how intimately they know Barry University. Nonetheless, there is clearly no provision among them that explicitly prevents the inclusion of sexual orientation in the non-discrimination clause of the University. In fact, to the contrary, the Bishops affirm in their writing that “universities enjoy institutional autonomy: as academic institutions their governance ‘is and remains internal to the institution.’”⁶³ Moreover, implicit in these documents is support for the rights of homosexual persons particularly within the work environment.

The Bishops insist that Catholic universities, such as Barry, should “implement in practical terms their commitment to the essential elements of Catholic identity, including [a] commitment to serve others, particularly the poor, underprivileged and vulnerable members of society [and] to care pastorally for the students, faculty, administration and staff.”⁶⁴ There is little disagreement in the literature cited here that gay and lesbian people can, by virtue of their sexual orientation, be considered vulnerable members of a society, including that of Barry University. This is not only because of the prevailing

⁶² Pope John Paul II, *Ex Corde Ecclesiae; Apostolic Constitution of the Supreme Pontiff John Paul II on Catholic Universities*; available from http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae_en.html (Accessed 01 June 2011), § 13.

⁶³ *Ibid.*, 1.7, internal quote from *Gaudium et spes.*

⁶⁴ *Ibid.*

heterocentric culture in which we live, but also due to the lack of specific civil rights in Florida and the lack of protection based on sexual orientation that still remains unarticulated at Barry.

In addition to the commitment to serve others, the Bishops also call upon universities to “care pastorally for the students, faculty, administration and staff.”⁶⁵ The documents above clearly demonstrate that the magisterium calls for particular and appropriate pastoral care to be given to gays and lesbians and, based on the Church’s own teachings, it is not unreasonable to consider that the issue of working conditions and assuring the rights of workers could be viewed within the umbrella of pastoral care as well. Therefore, it is within the mandate of the Bishops’ call to add such protection based on sexual orientation for gay and lesbian employees.

Whatever the points of concern, for Barry University to fail to add sexual orientation to the NDC is tantamount to ignoring the rights of the human person. These rights are rooted in human dignity and in humanity’s social nature. Moreover, protection of these rights is not only consistent with the essential dignity and sociality of the human person, but goes further by actually contributing to the individual good of the people in question and to the common good of the Barry community. Specifically, failing to foster an environment in which gay and lesbian persons are protected based on sexual orientation can have detrimental effects in and on the work place, according to a Center for Work-Life Policy study published in the July/August 2011 edition of the *Harvard Business Review*. This study, based on the replies of nearly 3000 gay and lesbian persons found that when gay and lesbian employees are either forced or feel compelled to keep

⁶⁵ Ibid.

their lives and their loved ones a secret from colleagues and supervisors, there can be a cost—both in terms of morale and in actual cost to the employer. Among the findings:

- 48% of gay or lesbian employees reported being closeted at work.
- Nevertheless, this group identified itself as: ambitious (71%), committed (88% are willing to go the extra mile for employers) and highly educated (48% of LGBT respondents have graduate degrees versus 40% of their straight counterparts).
- Employees who are not out reported significantly greater feelings of being stalled in their careers and greater dissatisfaction with their rates of promotion and advancement.
- Employees who are not out are 40 percent less likely to trust their employer than those who are out.
- Employees who remain closeted and isolated are 73 percent more likely to leave their companies within the next three years.⁶⁶

Furthermore, a policy of non-discrimination based on sexual orientation would allow gay and lesbians persons to feel safe and secure knowing that they have recourse against discrimination or harassment based on their real or perceived sexual orientation.

It seems apparent then that adding sexual orientation to the NDC at Barry is not only the morally just thing to do, it is also the smart operational step to take—for the good of Barry University as an institution and for the good of its employees.

Nonetheless, if a man such as Cardinal Bernardin who believed so strongly in the value of human and civil rights for homosexual persons could be persuaded to oppose an

⁶⁶ Sylvia Ann Hewlett and Karen Sumberg, *The Power of Out*; available from <https://www.worklifepolicy.org/documents/CWLP%20-%20LGBT%20-%20Final%206.21.11.pdf> (Accessed 13 Feb 2012).

ordinance advocating for those rights, it is not unreasonable to see how the University leadership might be reluctant to take a position which might appear to be formally supporting a certain “lifestyle” deemed immoral by Church teaching.

CONCLUSION

The Roman Catholic Church’s teaching regarding homosexual *behavior* is simple and direct: it is morally wrong in all cases, at all times and in all situations. This has been stated in the documents examined above, all of which were produced during the last 25 years of the twentieth century. Roman Catholic teaching is clear about the homosexual *orientation* as well: it is disordered. Several of these documents substantiate that perspective. However, the teaching of the Church is also clear and explicit about the human rights of gay and lesbian persons—they are to be honored “in word, in action and in law,” in keeping with the dignity of the person as made in the image and likeness of God. Too often the focus has been trained on the Church’s teaching regarding homosexual behavior and orientation. It is time that an equal emphasis be placed on the Church’s teaching regarding human rights, a teaching which, if pushed to its natural conclusion, must support the addition of the phrase “sexual orientation” to the NDC at Barry University. The lack of such a statement not only leaves gay and lesbian students and employees vulnerable to discrimination and has a potentially negative impact on employee morale and retention but, as Chapter Four demonstrates, also contributes to a certain invisibility of gay and lesbian persons within the University community.

CHAPTER FOUR

The Voice of the Barry University Community

INTRODUCTION

In Chapter Two we heard the voice of the Adrian Dominican spirit and Catholic traditions which give life and direction to the University mission and identity. In Chapter Three we heard the magisterial teaching of the Catholic Church on the issue of homosexuality and homosexual persons, regarding orientation, behavior, and human rights. However, these are not the only voices that have something to say on this topic. The present chapter gives voice to the Barry community itself in the form of the results of a survey conducted among all members of the University. This survey was designed to ascertain their perceptions about how the University lives out its Core Commitments in terms of the issue of sexual orientation. This chapter also gives voice to 249 other Catholic college and universities in the United States in the form of a web survey regarding their own use of the term “sexual orientation” in their non-discrimination clause. Although two different surveys, they both speak to the relevance and appropriateness of adding this term to Barry’s own NDC.

THE VOICE OF THE BARRY UNIVERSITY COMMUNITY: THE SURVEY

As discussed in Chapter One of this thesis, one of my initial claims or intuitions is that, in spite of its lack of including sexual orientation in the NDC, Barry University is actually a rather positive environment for gay and lesbian employees and students. I base this claim on my personal experience as an openly gay man who has worked at Barry for more than 13 years and the experiences related to me by other gay and lesbian employees and

students. In order to validate that impression, I distributed a survey to the entire Barry University community with the primary goal of gaining an understanding of whether the University community believes that Barry is living up to its Core Commitments with respect to various social differences among the population: race, color, gender, age, religion, national or ethnic origin, and handicap status. Ultimately I had hoped that the survey would show there to be no significant difference between how the University lives out its four Core Commitments with respect to sexual orientation as opposed to other social distinctions.

The objective of the survey was to “take the pulse” of the Barry community regarding their perceptions. Although my initial claim and the subject of this thesis project have to do with sexual orientation, the other seven social categories were included in the survey so as not to bias the respondents in their answers and in order to have social categories with which to compare the category of sexual orientation. Respondents were invited to offer their own comments to clarify any of their responses. Other than identifying the respondent’s primary connection with the University, as student, faculty member, staff member, or administrator, the survey respondents remained completely anonymous. See Appendix I for a copy of the survey.

Method

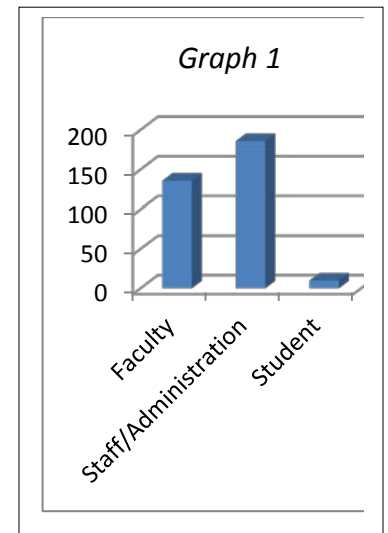
The survey was first distributed to a pilot group of 100 randomly selected individuals. This initial deployment returned 5 responses, or 5%. Since there were no substantial comments or concerns received from the pilot group regarding the format of the survey, it was released by email to all Barry University employees and students who

have a University email address. This included all full and part time students at all academic levels and schools and in all programs, all part-time and full-time faculty, and all part-time and full-time employees of any rank or status, including the executive administration. Altogether, approximately 9000 people received the survey. Three weeks after the initial deployment, a follow up email was sent to encourage non-respondents to complete it. No follow up was made beyond the second email.

Counting both the pilot release and the primary release with its follow up, altogether there were 332 responses. Of those 332 responses, 136 or 40.96% were faculty, 186 or 56.02% were staff or administrators, 10 or 3.01% were students (Table 1 and Graph 1).

Table 1: Respondents' Primary Relationship to Barry University

| | <u>Count</u> | <u>Percent</u> |
|-----------------------------|--------------|----------------|
| Faculty | 136 | 40.96% |
| Staff/Administration | 186 | 56.02% |
| Student | 10 | 3.01% |
| Total | 332 | |



Overall this total represents approximately 3.68% of the entire Barry University community. I would have preferred to have a larger portion of the respondents be students so that I could feel comfortable that the student body was adequately reflected in the sample. However, that is not the case. Nevertheless, I believe some of the comments

received in the survey have applicability to the student body as well and can help the reader to obtain a sense of the current situation among students.

Results

A tabulation of the responses from the survey yielded the following data concerning each of the four Core Commitments.

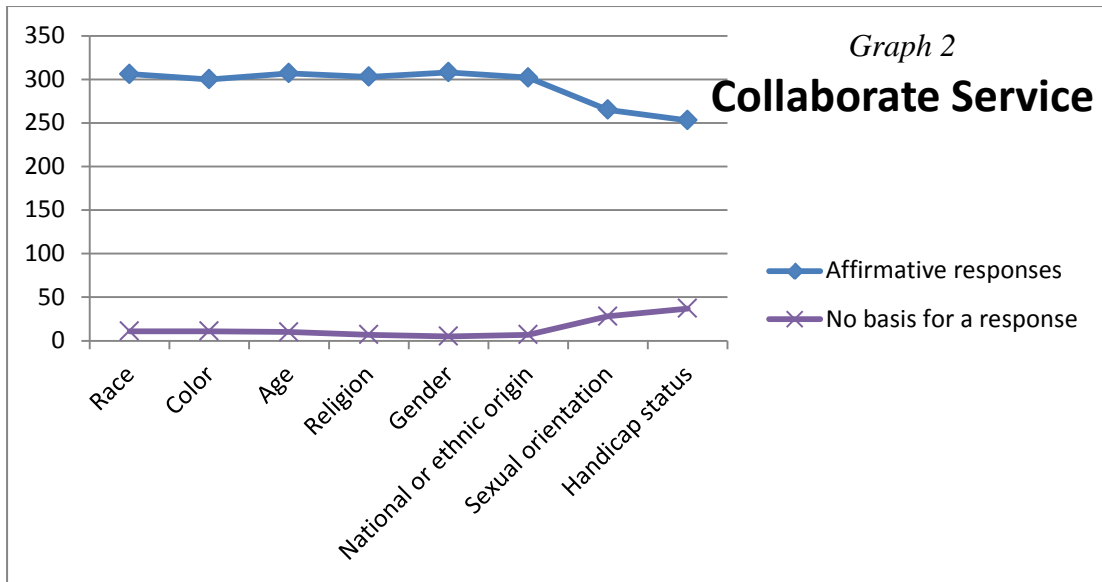
Collaborative Service

Of the 332 survey respondents, approximately 300 responded affirmatively that Barry University applies the Core Commitment of Collaborative Service to all people regardless of race, color, age, religion, gender, or national or ethnic origin (Table 2 and Graph 2). The total count of affirmative responses is a narrow band, ranging from 300 to 308. However, when it comes to sexual orientation and handicap status, the number of affirmative responses drops from the 300 range to 265 and 253 respectively for those categories. Correspondingly, among those who indicated that they had no basis for a response, between 5 and 11 indicated so for the same categories of race, color, age, religion, gender, or national or ethnic origin. Nonetheless, when it came to the categories of sexual orientation and handicap status, the number of “no basis” responses jumped to 28 and 37 respectively.

Thus, in reference to collaborative service, approximately 90 to 93% of respondents indicated that they believe that Barry University does apply this Core Commitment without regard to race, color, age, religion, gender, or national or ethnic origin. However, fewer than 80% of those respondents believe that the same holds true for the categories of sexual orientation and handicap status. Conversely, only 3% or

fewer claim no basis for a response in the categories of race, color, age, religion, gender, or national or ethnic origin but that number increases dramatically to 8.4 and 11.1% respectively for sexual orientation and handicap status.

| <i>Table 2: Collaborative Service</i> | | |
|--|------------------------------|------------------------------|
| <i>Barry University is committed to serving local and global communities through collaborative and mutually productive partnerships. The University accepts responsibility to engage with communities to pursue systemic, self-sustaining solutions to human, social, economic and environmental problems.</i> | | |
| | <u>Affirmative responses</u> | <u>No basis for response</u> |
| Race | 306 | 11 |
| Color | 300 | 11 |
| Age | 307 | 10 |
| Religion | 303 | 7 |
| Gender | 308 | 5 |
| National or ethnic origin | 302 | 7 |
| Sexual orientation | 265 | 28 |
| Handicap status | 253 | 37 |



Seventy-one respondents contributed comments regarding the first Core Commitment. Of those comments, 15 (approximately 21%) had a positive perspective regarding the University’s application of this Core Commitment to sexual orientation. This positive perspective was expressed either by mentioning sexual orientation specifically or by

making a general comment that could be assumed to apply to all social categories in the survey, including sexual orientation.

The positive comments provided by respondents follow.¹

- 1) Barry is very open to diversity.
- 2) Barry University welcomes all.
- 3) Based on the student population at my campus, I can say that I have seen no discrimination in any area.
- 4) Everyone is equal at Barry.
- 5) I have enjoyed the fact that I am openly gay on campus and have not been discriminated against in the least.
- 6) I have not encountered any bias to any of the categories.
- 7) I have taught a very diverse student population and have witnessed fairness in the application of policies. In addition, the individualized support and mentoring is extraordinary.
- 8) If there is one thing I can say, everyone here is treated equally. Whether it's Faculty, Staff or student.
- 9) In my experience Barry strives to meet the above entities in an inclusive manner.
- 10) It is so obvious that Barry accepts all. I am a new employee and I am very impressed by the all-inclusive environment here.
- 11) My experience has been that all students are treated equally and fairly.
- 12) No Barry personnel ever express bias toward any of the protected groups named above.
- 13) Over a decade +, I have witnessed Barry's core commitments in action and the university's efforts to be faithful to them.
- 14) The University is open to all and welcomes diversity or at least does not appear to discriminate intentionally against any group.
- 15) Within the limits of its all-too-human employees and students the University attempts to apply this core commitment to all individuals.

However, there were also 7 (about 10%) negative or at least less than positive comments regarding the University's living out of Collaborative Service in connection with sexual orientation. These comments included:

¹ All comments throughout this chapter have been edited for spelling.

- 1) Based on the emails I receive in my Barry inbox, I rarely see collaboration with groups advocating for women's equality or the equality of lesbian, bisexual, gay, and transsexual individuals.
- 2) I believe all the categories mentioned are a protected class except sexual orientation, so I don't believe we have a collaborative partnership in that area.
- 3) I don't think Barry does much for the gay and lesbian community. I understand that there are some perceived differences between Barry's Catholic tradition and this community.
- 4) I have witnessed private conversations where it is advised not to engage members or organizations from the Gay Lesbian Bisexual and Transgendered (GLBT) community in certain program opportunities due to divergence with Catholic Church doctrine.
- 5) I remain concerned that Barry continues its failure to reach out to the members of our community who differ due to religion, sexual orientation, and or handicap status. The religious emphasis acts to limit equitable access to those who do not comfortably fit into the acceptable portrait of a traditional Barry faculty member or student.
- 6) I think the university is playing 'catch up' on sexual orientation (and still needs to play catch up even more on issues of gender identity). It is good that legally domiciled benefits passed this year (which subsumes same-sex benefits for employees' partners) and BU did participate in the anti-bullying day the other week but what about a Pride Event; incorporating sexual orientation and gender identity into its anti-discriminatory statement for employees?
- 7) Negative comments have been made to me about my sexual orientation.

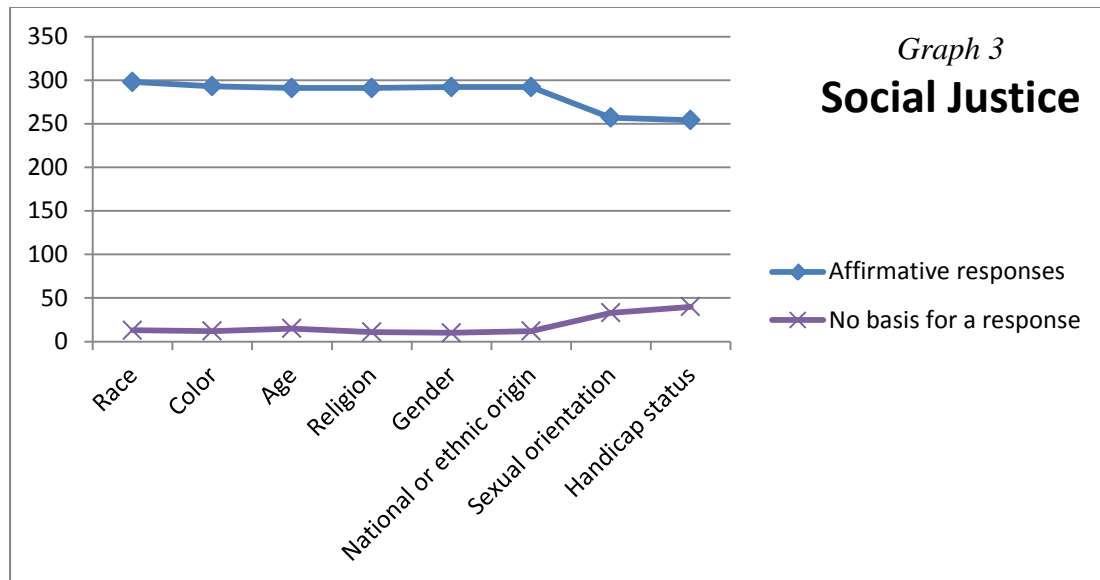
Among the 71 comments made in regard to this Core Commitment, those not mentioned above addressed either another one of the other social categories found in the survey or were such that their exact perspective was indeterminate or addressed an issue extraneous to this survey.

Social Justice

Regarding the Core Commitment of Social Justice, slightly fewer than 300 of the 332 survey respondents responded affirmatively that Barry University applies this Core Commitment to all people regardless of race, color, age, religion, gender, or national or ethnic origin (Table 3 and Chart 3). Again, the total count of affirmative responses is a

narrow band, ranging from 291 to 298. As before, when it comes to sexual orientation and handicap status, the number of affirmative responses drops from the 300 range to 257 and 254 respectively for those categories. Correspondingly, among those who indicated that they had no basis for a response, between 10 and 15 indicated so for the same categories of race, color, age, religion, gender, or national or ethnic origin. Nonetheless, when it came to the categories of sexual orientation and handicap status, the number of “no basis” responses jumped three-fold, to 33 and 40 respectively. Thus, in reference to social justice, just fewer than 90% of respondents indicated that they believe that Barry University applies this Core Commitment without regard to race, color, age, religion, gender, or national or ethnic origin. However, only about 77% of those respondents believe that the same holds true for the categories of sexual orientation and handicap status. Conversely, 4% or fewer claim no basis for a response in the categories of race, color, age, religion, gender, or national or ethnic origin but that number more than triples to 9.9% and 12.0% respectively for sexual orientation and handicap status.

| <i>Table 3: Social Justice</i> | | |
|---|-------------------------------------|-------------------------------------|
| <i>Barry expects all members of our community to accept social responsibility to foster peace and nonviolence, to strive for equality, to recognize the sacredness of Earth, and to engage in meaningful efforts toward social change. The University promotes social justice through teaching, research and service.</i> | | |
| | <u>Affirmative responses</u> | <u>No basis for response</u> |
| Race | 298 | 13 |
| Color | 293 | 12 |
| Age | 291 | 15 |
| Religion | 291 | 11 |
| Gender | 292 | 10 |
| National or ethnic origin | 292 | 12 |
| Sexual orientation | 257 | 33 |
| Handicap status | 254 | 40 |



Fifty-four respondents contributed comments regarding the Core Commitment of Social Justice. Of those comments, 9 (about 17%) had a positive perspective regarding the University’s application of this Core Commitment regarding sexual orientation. This positive perspective was expressed either by mentioning sexual orientation specifically or by making a general comment that could be assumed to apply to all social categories in the survey, including sexual orientation. The positive comments provided by respondents follow.

- 1) Barry has many student groups and activities that support social justice across diverse populations.
- 2) Barry recently expanded health coverage to include other legally domiciled persons; this is an example of Barry's efforts to promote social change.
- 3) Barry strives to be inclusive
- 4) Barry treats all students with respect in and out of the classroom. Students are encouraged to make a difference and contribute back to the community through service or monetary pledges.
- 5) Barry's commitment to social justice seems to include all categories... some more than others obviously.
- 6) I have not experienced or observed any distinction made based on any of the above.

- 7) I have seen Barry to be very committed and inclusive to all the groups mentioned in relation to the pursuit of social justice.
- 8) No Barry personnel ever express bias toward any of the protected groups named above.
- 9) Openly gay students have been welcomed in my classes and generally accepted by other students.

However, there were also 10 (about 19%) negative or at least less than positive comments regarding the University's living out of Social Justice in connection with sexual orientation. These comments included:

- 1) Since sexual orientation is not a protected class under our current employment statement, we cannot say we strive for equality and 'meaningful efforts toward social change.'
- 2) Barry carefully and conspicuously omits GLBT issues/equality from most opportunities to promote social change. It is easier to focus on poverty and racism.
- 3) I have not seen the fostering of social justice responsibility towards age, sexual orientation, or handicap status. These are simply not talked about on this campus and I have not experienced any direct involvement of the university in these areas.
- 4) Not aware of special support for the LGBT constituents.
- 5) Sexual Orientation and Gender Identity should be listed in Barry's non-discrimination policy. This would fall under 'to strive for equality'
- 6) Similarly, I think that failure to act to protect and support the rights and equitable privileges of women, alternative religious/spiritual practitioners, and the GLBT community is a real problem.
- 7) The cancellation of Pride week activities a few years ago leaves this out in my opinion.
- 8) The [members of the] LGBT community are not treated as equals on this campus in the eyes of the administration. Even if LGBTs aren't discriminated against in promotion in rank, 'moral behavior' and 'pride in self' is still frowned upon. This is evidenced by the cancelling gay pride day.
- 9) The university has not endorsed all opportunities to support sexual orientation.

Other comments made in regard to this Core Commitment that have not been reported here addressed either another one of the other social categories mentioned in the survey

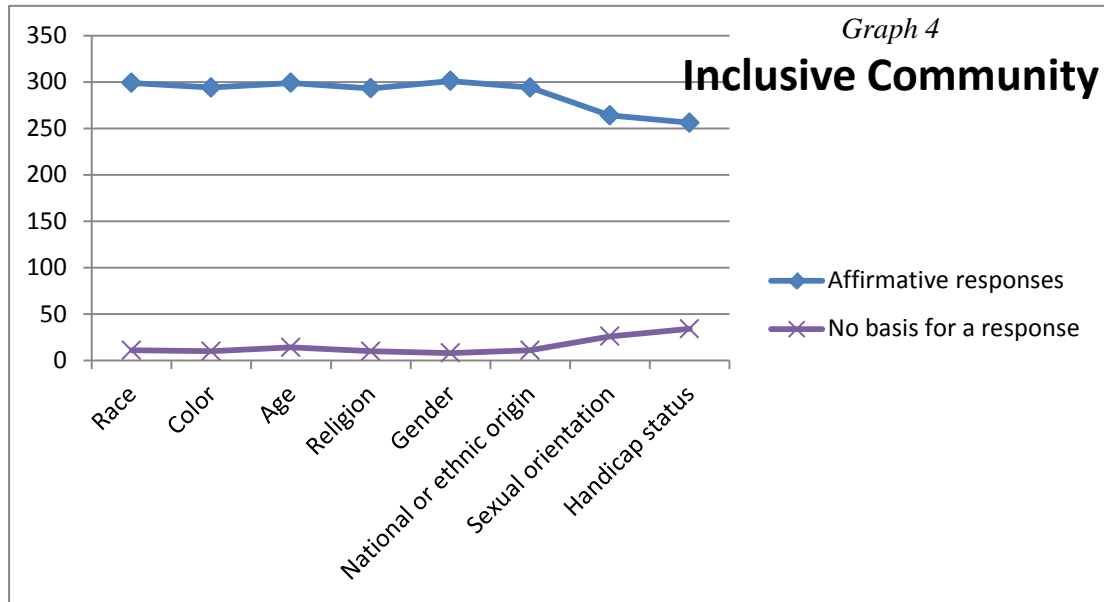
or were such that their exact perspective was indeterminate or addressed an issue extraneous to this survey.

Inclusive Community

A review of the results from the survey concerning the Core Commitment of Inclusive Community indicates that slightly fewer than 300 of the 332 survey respondents responded affirmatively that Barry University applies this Core Commitment to all people regardless of race, color, age, religion, or national or ethnic origin. Three hundred-one responded affirmatively with respect to gender (Table 4 and Chart 4). Again, the total count of affirmative responses is a narrow band, ranging from 293 to 301. As before, when it comes to sexual orientation and handicap status, the number of affirmative responses drops from the 300 range to 264 and 256 respectively for those categories. Correspondingly, among those who indicated that they had no basis for a response, between 8 and 14 indicated so for the same categories of race, color, age, religion, gender, or national or ethnic origin. Nonetheless, when it came to the categories of sexual orientation and handicap status, the number of “no basis” responses increased to 26 and 34 respectively. Thus, in reference to Inclusive Community, around 90% of respondents indicated that they believe that Barry University does apply this Core Commitment without regard to race, color, age, religion, gender, or national or ethnic origin. However, only 77% of those respondents believe that the same holds true for handicap status. While only 80% of respondents believe this is true for the category of sexual orientation, this is the highest positive response yet regarding this category. Conversely, between 2 and 3% claim no basis for a response in the categories of race, color, age, religion, gender, or

national or ethnic origin but that number more than triples to 7.8% and 10% respectively for sexual orientation and handicap status.

| Table 4: Inclusive Community | | |
|---|------------------------------|------------------------------|
| <i>Barry is a global, inclusive community characterized by interdependence, dignity and equality, compassion and respect for self and others. Embracing a global world view, the University nurtures and values cultural, social and intellectual diversity, and welcomes faculty, staff, and students of all faith traditions.</i> | | |
| | <u>Affirmative responses</u> | <u>No basis for response</u> |
| Race | 299 | 11 |
| Color | 294 | 10 |
| Age | 299 | 14 |
| Religion | 293 | 10 |
| Gender | 301 | 8 |
| National or ethnic origin | 294 | 11 |
| Sexual orientation | 264 | 26 |
| Handicap status | 256 | 34 |



Forty-seven respondents contributed comments regarding the Core Commitment to Inclusive Community. Of those comments, 12 (about 26%) had a positive perspective regarding the University’s application of this Core Commitment as to sexual orientation. This positive perspective was expressed either by mentioning sexual orientation specifically or by making a general comment that could be assumed to apply to all social

categories in the survey, including sexual orientation. The positive comments provided by respondents follow.

- 1) All is ok.
- 2) Barry does better on inclusiveness than on collaboration (question 2).
- 3) Barry University is an inclusive university.
- 4) Barry's diversity is evident in its faculty, student body, activities, conferences, events, and culture. In every way possible, Barry's stakeholders develop ways to be inclusive, diverse, and global. Barry not only supports multiculturalism, the University reaches out to various communities and finds ways to include their contributions and make them comfortable on the level playing field they have created.
- 5) I am a prior student of Barry, female, and now a faculty member. In my interactions with faculty, administration, and fellow students, all groups seem to be treated equally.
- 6) I feel I have traveled the world since working here at Barry University due to its diversity. It has been one of the best experiences of my life.
- 7) I have never known Barry faculty or staff to discriminate against any of the above groups.
- 8) I have not experienced or observed any distinction made based on any of the above.
- 9) No Barry personnel ever express bias toward any of the protected groups named above.
- 10) Overall, Barry seems very inclusive in the most general terms. Some categories more explicitly... others implicitly. Some more on a faculty/staff level... some more on a student level...
- 11) The diversity of Barry's campus and faculty testifies to this core commitment.
- 12) This is one of Barry University's strengths.

However, there were also 6 (about 13%) negative or at least less than positive comments regarding the University's living out of Inclusive Community in connection with sexual orientation. These comments included:

- 1) Again, we do not protect 'sexual orientation' and this is in direct conflict with 'Barry is a global, inclusive community characterized by interdependence, dignity and equality, compassion and respect for self and others'.
- 2) GLBT visibility is almost completely nil. Interesting that recently same-sex partner benefits for health care became available for full-time employees.

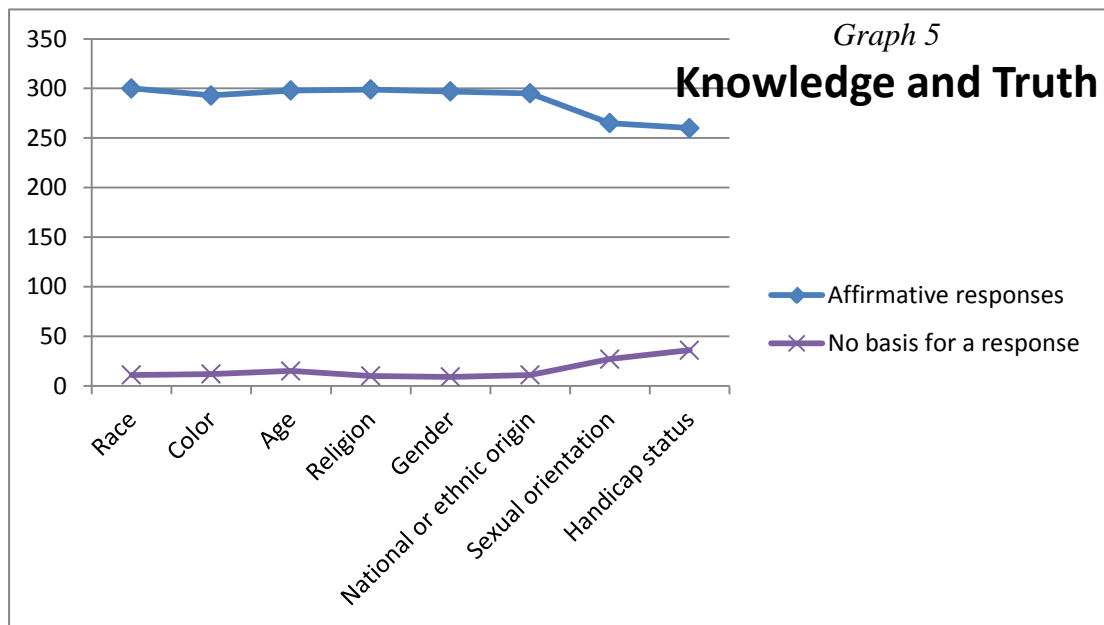
- 3) In the past, there were some reports of biased comments directed toward members of our community who are Jewish, Muslim, and gay. I believe we have made progress, but need to continue to stress inclusiveness and appreciation for diversity.
- 4) Sexual Orientation and Gender Identity should be listed in Barry's non-discrimination policy. This would fall under 'inclusive, equality, and respect for others, and social diversity.'
- 5) The cancellation of Pride week activities a few years ago leaves this out in my opinion.
- 6) The university may be compassionately 'global' but I don't recall reading anywhere that sexual orientation is not discriminated against. If the wording is now different in the catalog, the university didn't bother to make an announcement.

Knowledge and Truth

In evaluating the Core Commitment to Knowledge and Truth, slightly fewer than 300 of the 332 survey respondents responded affirmatively that Barry University applies this to all people regardless of color, age, gender, religion, or national or ethnic origin. Exactly 300 responded affirmatively with respect to race (Table 5 and Chart 5). Again, the total count of affirmative responses is a narrow band, ranging from 293 to 300. As before, when it comes to sexual orientation and handicap status, the number of affirmative responses drops from the 300 range to 265 and 260 respectively for those categories. Correspondingly, among those who indicated that they had no basis for a response, between 9 and 15 indicated so for the same categories of race, color, age, religion, gender, or national or ethnic origin. Nonetheless, when it came to the categories of sexual orientation and handicap status, the number of “no basis” responses increased to 27 and 36 respectively. Thus, in reference to Knowledge and Truth, around 90% of respondents indicated that they believe that Barry University does apply this Core Commitment without regard to race, color, age, religion, gender, or national or ethnic

origin. However, only 80% of those respondents believe that the same holds true for sexual orientation and only 78% of respondents believe this is true for the category of handicapped status. Conversely, between 3 and 5% claim no basis for a response in the categories of race, color, age, religion, gender, or national or ethnic origin but that number increase to 8% and 11% respectively for sexual orientation and handicap status.

| <i>Table 5: Knowledge and Truth</i> | | |
|---|-------------------------------------|-------------------------------------|
| <i>Barry promotes and supports the intellectual life, emphasizing life-long learning, growth and development. The University pursues scholarly and critical analysis of fundamental questions of the human experience. In the pursuit of truth, the University advances development of solutions that promote the common good and a more humane and just society.</i> | | |
| | <u>Affirmative responses</u> | <u>No basis for response</u> |
| Race | 300 | 11 |
| Color | 293 | 12 |
| Age | 298 | 15 |
| Religion | 299 | 10 |
| Gender | 297 | 9 |
| National or ethnic origin | 295 | 11 |
| Sexual orientation | 265 | 27 |
| Handicap status | 260 | 36 |



Forty-seven respondents contributed comments regarding the Core Commitment to Knowledge and Truth. Of those comments, 7 (about 15%) had a positive perspective regarding the University's application of this Core Commitment to sexual orientation. This positive perspective was expressed either by mentioning sexual orientation specifically or by making a general comment that could be assumed to apply to all social categories in the survey, including sexual orientation. The positive comments provided by respondents follow.

- 1) Barry University follows its Core Commitments to both their staff and students. This is evident in the University's diversity and consistent engagement to make a difference throughout Florida and abroad.
- 2) Barry's communities are constantly and consistently pursuing the greater good through the acquisition and application of knowledge. From classroom to community, Barry is committed to social justice and to preparing its students to address the global challenges the future holds. Barry is uniquely prepared for this task because of its high standard of excellence and inclusion. Modeling what a healthy, diverse, inclusive and ever-learning community can be, Barry prepares its students to take this same message and practice into the world.
- 3) I have not experienced or observed any distinction made based on any of the above. Barry is a place that does, in fact, promote causes and offers solutions towards the common good of our community and society.
- 4) In my experience, Barry is far more inclusive than other universities. I loved the Catholic university from which I graduated, but I do feel that Barry is much more accepting in general.
- 5) No Barry personnel ever express bias toward any of the protected groups named above.
- 6) There is a genuine openness on this campus regarding research in any field.
- 7) When I first came to work at Barry, I was worried that it might be a conservative, close-minded place to work - with only one world view. I have found it to be just the opposite. Open and caring and welcoming to everyone.

However, there were also 3 (about 6%) negative or at least less than positive comments regarding the University's living out of Inclusive Community in connection with sexual orientation. These comments included:

- 1) Again, the university needs to make a more concerted effort (from high-up in administration) to welcome its LGBTQ students and employees.
- 2) Barry does not promote 'solutions that promote the common good and a more humane and just society' by its antiquated policy that does not include sexual orientation as a protected class - neither for faculty and staff - nor for students. Barry needs to step into the 21st century and protect all its constituents.
- 3) Barry University, most likely because of its affiliation with the Catholic Church, has a long way to go with regard to embracing social justice for those of the minority sexual orientation (gay, lesbian, bisexual).

SOME INITIAL CONCLUSIONS

In all cases of the 6 social categories of race, color, age, religion, gender and national or ethnic origin, the affirmative responses were 90% or slightly higher than Barry University does apply all four Core Commitments equally without regard to those categories. This response also indicates a prominent awareness of the presence of these social groups within the Barry community. With regard to sexual orientation and handicap status, the affirmative responses were approximately 80% that Barry University applies all four Core Commitments equally. While there is a difference of 10% between these two trends, this nonetheless implies strong support for my original hypothesis. In other words, the fact that 80% of respondents agree that Barry University applies its Core Commitments to all constituents without regard to sexual orientation is indicative of a strong majority. Furthermore, of the 68 comments made in general or specifically related to sexual orientation, 43 (approximately 63%) were positive, mentioning points such as the ability to be “out” in public at Barry, that Barry accepts all, that domestic partner benefits are offered, and that diversity is one of Barry’s hallmarks. While some of the comments are straight-forward and even stated in the negative, e.g., “I have not witnessed any discrimination,” other comments actually express an almost palpable enthusiasm with phrases such as, “*very open to diversity....I have enjoyed the*

fact that I am open....it is *so obvious* that Barry accepts all.” There is one comment though that seems to really get at the heart of Barry’s Core Commitments:

From classroom to community, Barry is committed to social justice and to preparing its students to address the global challenges the future holds. Barry is uniquely prepared for this task because of its high standard of excellence and inclusion. Modeling what a healthy, diverse, inclusive and ever-learning community can be, Barry prepares its students to take this same message and practice into the world.

Not only does this reflect a real depth of understanding of the Core Commitments, but it also connects with the Church’s understanding of social justice as a basic human right for all, including gay and lesbian persons. Going even further, this comment reflects what I indicated in Chapter Two—that social justice, to be justice, must be put into practice. According to the person who wrote this, Barry does this a fine job of putting it into practice and preparing others to do so.

There is more than a clear implication here that Barry University has created a positive environment for gay and lesbian students and employees or that, at the very least, there is not a wide gulf of distinction between how it lives out the Core Commitments with regard to sexual orientation as compared to other social categories. However, this is not to say that the environment is perfect for gay and lesbian persons, as the survey, and especially the comments, also revealed. Comments such as “LGBT community are not treated as equals on this campus,” “negative comments have been made about my sexual orientation,” and “Barry omits GLBT issues/equality from most opportunities to promote

social change” indicate that there is still a lot of room for progress in ensuring that the human rights about which the Church speaks in its documents on homosexuality are, in fact, guaranteed to the gay and lesbian students and employees at Barry.

Whereas between 2 and 5% of respondents who “had no experience on which to base a response” indicated such for the categories of race, color, age, religion, gender and national or ethnic origin, that number increased to around 8-9% for sexual orientation. I find it telling that, in every consideration of sexual orientation, the drop in affirmative responses correlates quite well with the increase in “no experience” responses. It might seem to be a reasonable conclusion to say that those who were not able to respond affirmatively in this regard did not do so because they believed that Barry does not fulfill its commitments toward the gay and lesbian community. However, I conclude that they did not respond affirmatively because they claim to have no experience with the gay and lesbian community at Barry. Nonetheless, the responses provide no support for either interpretation.

Since this pattern played out consistently in all four Core Commitments, it leads me to conjecture that there may be a certain degree of “invisibility,” so to speak, for the gay and lesbian community here. While the percentage of “no experience” respondents is small compared to the overall number of respondents and the actual reasons for this “no experience” response were not the subject of the survey, it seems to be indicative of such invisibility. Granted, it may be easier to conceal one’s sexual orientation than, for example, color, race or gender. But could it be that this aspect is intentionally concealed by some members of the community specifically because there is no stated protection against discrimination in this regard?

This apparent invisibility of the gay community is indicated in a second way as well. By the absence of the words “sexual orientation” in the non-discrimination clause, there may be a sort of unconscious presumption or unspoken declaration that gay and lesbian employees and students do not exist in the Barry environment. If this is the case, it is particularly significant when one considers the prevalence of the non-discrimination clause at the University. For example, it is seen by every potential and actual employee who completes an application or other related paperwork with the Human Resources Department. It is seen by every student who applies for admission to the University. It is seen by anyone who reads the inside cover of the graduate or undergraduate catalogues. It is found in many of our other publications and marketing pieces. The combined effect of all of this exclusive language may well be to convey the message that there are no gay or lesbian members of the community, or at least that they are not worthy of specific consideration by the University at large.

The invisibility that is fostered in the absence of sexual orientation in the NDC is reflected in several of the negative comments made by survey respondents. Some comments referred to the cancellation of Pride events a few years ago by the administration. Another comment broadly indicts the University on the basis that “Barry carefully and conspicuously omits GLBT issues/equality from most opportunities to promote social change.” Together, comments such as these tend to convey the idea that public recognition of homosexual persons, events, or issues should be avoided.

THE VOICE OF THE BARRY UNIVERSITY COMMUNITY: OTHER SOURCES

Although Barry's primary non-discrimination clause does not contain the phrase "sexual orientation," there are a number of other policies in place at the University which either do include this language or have been interpreted to include it. The language and spirit of these documents and policies exemplify the values and vision of the Adrian Dominican heritage of the University: facing head-on the challenge of standing with and for human rights for all people, giving voice to the outrage fostered by injustice and confronting systems which attempt to dehumanize members of society. Furthermore, these policies lend more support to the argument that Barry does foster a positive environment for gay and lesbian members of the community, but at the same time these policies demonstrate the inconsistency that exists within the Barry community due to lack of a primary comprehensive statement in this regard. Therefore, in addition to the voice of the community expressed through the survey, several other sources within the Barry community should be allowed to contribute to the conversation. These sources include the NDC from the Dwayne O. Andreas School of Law, Employment Policies and Hiring Guidelines of Barry University, and the Office of Student Life.

The Dwayne O. Andreas School of Law

The NDC of the University's Dwayne O. Andreas School of Law does contain the phrase "sexual orientation" and applies it to both employees and applicants/students.

It is the policy of Barry University School of Law not to discriminate on the basis of sex, disability, race, age, color, religion, sexual orientation, or national or ethnic origin in its

educational programs, admissions policies, financial aid, employment or other school-administered programs.²

This position is clearly influenced by the fact that Barry's Law School sought and obtained accreditation from the American Bar Association (ABA). In order to obtain such accreditation, the ABA mandates that

A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability.

A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability.³

While the ABA policy does not state that this precise phrasing must be used by member law schools, it clearly indicates that such discrimination cannot be allowed in regard to employees, applicants, or students. The ABA, in fact, does not require that *any* particular language, wording, or phrasing be used in the NDC as long as the actual status is protected. In other words, although the ABA requires that Barry's law school not

² Barry University Dwayne O. Andreas School of Law, "Nondiscrimination Policy"; available from <http://www.barry.edu/law/future/AboutUs/NondiscriminationPolicy.htm> (Accessed 27 Dec 2010).

³ American Bar Association, "2010-2011 Standards and Rules of Procedure for Approval of Law Schools"; available from "http://www.americanbar.org/content/dam/aba/migrated/legaled/standards/2010-2011_standards/2010-2011abastandards_pdf_files/chapter2.authcheckdam.pdf"; Standard 211 (Accessed 10 August 2011).

discriminate on the basis of sexual orientation in hiring or admission, it does not require the law school to use the phrase “sexual orientation” in its NDC. Nevertheless, Barry’s law school has opted to strictly follow Standard 211 as written, including the use of the term “sexual orientation” in the NDC, in order to be sure to fully comply with the ABA Accreditation Standards.⁴ Therefore, while some consideration for this inclusion in the Barry Law School’s NDC must be attributed to the ABA policy by which the school must abide in order to maintain its accreditation, it demonstrates that it was a matter of choice on the part of Barry University to opt for specific inclusion of this language of protection in the law school NDC. This can certainly be construed as both an affirmation of Barry’s positive environment for gay and lesbian members of the community and as an indication of the inconsistency in Barry University policy. Nevertheless, it is evidence that there is no particular rationale that would prevent the University in general from using the term in the primary NDC. Moreover, it is clearly consistent with the Adrian Dominican vision of challenging heresies that dehumanize and exclude persons and with the Barry Core Commitment of Inclusive Community.

Employment Policies

Barry University’s Human Resources Department website contains Barry’s Equal Employment Opportunity (EEO) policy, which reads:

Barry University is an Equal Opportunity Employer. Barry University does not discriminate [against] applicants or employees

⁴ Sheri Lagomarsino, Associate Dean for Student Affairs, Barry University Law School, personal email, August 10, 2011.

for terms of employment on the basis of race, color, sex, religion, national origin, disability, veteran status, political affiliation or any other terms prohibited under the county ordinance, state or federal law.⁵

Straightforward and without embellishment, this policy includes most of the commonly protected categories, e.g., race, color, religion, and some others not discussed previously, e.g., political affiliation. This statement uses the phrase “disability” instead of “physical limitation” mentioned above, but fails to include the phrase “sexual orientation.”

The policy statement above is then followed by a paragraph which provides the rationale and purpose of the EEO policy.

The policy of Barry University is to take positive steps to promote equal opportunity in all aspects of the University's activities and to eliminate unjustified direct and indirect discrimination in order to ensure that no individual on the grounds of race, color, religion, sex, national origin, age, political affiliation or belief, veteran status, mental or physical disability, family responsibilities or family status in employment, or any other ground prohibited under state or federal law is discriminated against.⁶

In keeping with the Adrian Dominican spirit of promoting right relationships and Barry's commitment to inclusivity, this statement notes that the primary purpose of the

⁵ Barry University, “EEO Policy”; available from <https://www.barry.edu/humanresources/employment/EEO.htm> (Accessed 27 Dec 2010).

⁶ Ibid.

EEO policy is to promote equal opportunity and to eliminate direct and indirect discrimination. Although the statement is positive in its tone and even expands the understanding of disability to include “mental disability” as well, it still neglects to include the term “sexual orientation.”

One should note, however, that the EEO policy does include the phrase “other terms prohibited under the county ordinance, state or federal law.” The Office of Human Resources at Barry University customarily interprets this additional phrase as providing protection from discrimination based on sexual orientation since Miami-Dade County, wherein the University is incorporated, has an ordinance prohibiting discrimination in employment based on sexual orientation. The relevant paragraph of the code states:

It shall be unlawful for any employer to engage in any practices described below on account of the race, color, religion, ancestry, sex, pregnancy, national origin, age, disability, marital status, familial status or sexual orientation of any individual or any person associated with such individual.⁷

In addition, Barry workshops designed for supervisors like me specifically state that Barry University cannot discriminate based on sexual orientation as a result of the Miami-Dade ordinance.

Because of its consistency with Adrian Dominican values and Barry’s commitment to inclusiveness, this kind of interpretation is what one would expect to find within the Barry community, both in the official EEO policy and among the population at

⁷ Miami-Dade County, Florida, Code of Ordinances, “Article IV. – Employment”; available from <http://library.municode.com/index.aspx?clientID=10620&stateID=9&statename=Florida> (Accessed 15 August 2011).

large. However, this does not remove the significant gap between the actual ordinance and Barry's interpretation of it, since the same Miami-Dade code clearly states:

Furthermore, nothing in this article relating to unlawful employment practices based on sexual orientation shall pertain to any religious organization, association, society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.⁸

This clause, therefore, makes it clear that the protection based on sexual orientation required by Miami-Dade County would not necessarily apply to Barry University because Barry is a non-profit institution operated in conjunction with a religious organization—in this case, the Adrian Dominican Sisters. Nonetheless, while Barry does not officially have a policy that prohibits discrimination based on sexual orientation and while the interpretation given to the Miami-Dade ordinance concerning discrimination on the basis of sexual orientation is theoretically negated by the subsequent clause excluding religious organizations, the position as stated by Barry's Office of Human Resources confirms that, consistent with the Adrian Dominican spirit and the Core Commitment to inclusivity, Barry understands itself as not discriminating based on sexual orientation.

Hiring Guidelines

Among the resources which Barry University provides to its employees is a section on the Human Resources intranet page entitled "Supervisory Tips for Hiring"

⁸ Ibid.

which includes guidelines on how to handle an interview with a potential employee. It contains a section entitled “Illegal Interview Questions,” with the instructions, “Employers should refrain from asking any questions related to an individual’s legally protected status.”⁹ It then provides examples of such legally protected statuses, including sexual orientation. The phrase “legally protected status,” as it is used here, implies that there is some larger governmental entity (e.g., city, county, state or nation) which extends protection from discrimination based on sexual orientation. Nevertheless, despite a common misconception, there is no general ordinance against discrimination based on sexual orientation provided by the United States federal government. While some specific governing bodies, such as states, cities, counties, and school districts have adopted such ordinances, such protection is not universally provided. Where these ordinances do exist, they are local, applying only to that specific governmental region and not to anyone outside of its boundaries. Furthermore, as demonstrated in the example above, such ordinances frequently exclude religious institutions, as is the case with the Miami-Dade County ordinance. In keeping with the spirit of the Adrian Dominican sisters which animates the University and its commitment to inclusivity, Barry, nevertheless, includes sexual orientation on this list of illegal questions. However, it is one more instance of an inconsistency between policy and practice regarding protection based on sexual orientation. It would seem that if it is appropriate to prevent discrimination based on sexual orientation during the hiring process, then it should be appropriate to state such in the primary NDC of the University.

⁹ Barry University, “Supervisory Tips for Hiring”; available from [http://bucwis.barry.edu/hr/Supervisor Info/default.htm](http://bucwis.barry.edu/hr/Supervisor%20Info/default.htm) (Accessed 16 August 2011). Access limited to authorized users.

Office of Student Life

Like most other universities, Barry University publishes a Student Handbook and a Housing and Residence Life Manual. Both of these documents contain, among other things, the Barry University Student Code of Conduct. Within this code there is a section that deals with prohibited behavior, including “abusive behavior,” which it defines as

Any action or situation which produces mental or physical discomfort for any member of the university community, or which places the individual or group in danger of physical or mental injury. This behavior includes but is not limited to...harassment on the basis of race, ethnicity, gender, disability, religion, or sexual orientation.¹⁰

This is another statement present in the documents of Barry University which encourages a positive approach to the gay and lesbian members of the community. However, it is also a statement with a fine distinction, for while it takes the positive approach of prohibiting *harassment* based on sexual orientation, it does not, in fact, prohibit *discrimination* based on sexual orientation. It would leave room, for example, for one to discriminate against or exclude a homosexual member of the community as long as such discrimination or exclusion did not constitute overtly threatening or tormenting *behavior* which characterizes an act of harassment. As a result, the Code of Conduct exemplifies the inconsistency between the NDC and Barry’s core values and vision.

¹⁰ Barry University, “Housing and Residence Life Manual”; available from <http://www.barry.edu/studenthandbook/residentiaallife/default.htm> (Accessed 17 August 2011).

Under the section “Student Expectations,” the Student Handbook, takes an even more positive and affirming approach in a paragraph entitled “Respect for Others.”

One value of learning lies in understanding what knowledge can contribute to the community. It is expected that students will be open to learning, including learning about and respecting persons and cultures different from their own. Members of the campus community must act out of mutual respect to establish an atmosphere of trust. Therefore, Barry University expects its members to treat one another with sensitivity, consideration, understanding, tolerance and an active concern for the welfare of others. The university is particularly concerned that its members show respect for others regardless of race, creed, gender, disability, sexual orientation or nationality. All forms of harassing or offensive behaviors must be avoided.¹¹

This statement goes beyond solely prohibiting harassment by actually calling for respect for others “regardless of race, creed, gender, disability, *sexual orientation* or nationality.” This is not simply a statement encouraging proper social decorum. In fact, it ties respect for difference to the very learning process itself, the fundamental reason for the existence of the University, and emphasizes its primacy as a “particular concern” of the University.

As with the statements discussed above, while it does not actually prohibit discrimination based on sexual orientation, its language further reveals the fundamentally

¹¹ Barry University, “Student Handbook”; available from <http://www.barry.edu/studenthandbook/handbook/studentLife.html> (Accessed 17 August 2011).

positive attitude toward the homosexual community which Barry fosters. Furthermore, the paragraph concludes by indicating potential penalties for those who choose to violate this very significant policy of the Student Handbook: “Bias related incidents will receive the most severe sanctions deemed appropriate to the incident, up to and including expulsion from the university.”¹² The fact that the University allows “the most severe sanctions” to be imposed for such violations is further indication of the seriousness with which the University upholds this policy. It is one more way in which Barry promotes inclusive community and fosters positive social change.

The Student Handbook contains two other sections that are salient to this discussion. The first is a section entitled “Students’ Rights and Responsibilities.” The first paragraph under “Rights” contains what appears to be a completely inclusive NDC, at least for students: “Barry University is open to all students who are qualified according to its published admission standards. No student is barred on the basis of race, gender, religion, national or ethnic origin, age, or sexual orientation.”¹³ While this is a thoroughly positive approach to the inclusion of sexual orientation as a non-discriminated status, it must be acknowledged that this is not the official primary NDC of the University. Nevertheless, it is further evidence of Barry’s positive view in this regard and can actually serve as an example for how inclusive the primary NDC could be.

The second salient section is the “Posting and Publicity Policy” whose purpose is to govern the public posting of notices of general information and the spaces given to such postings. The policy prohibits posting “statements or pictures that would reasonably

¹² Ibid.

¹³ Ibid.

be perceived as offensive or insensitive to any group on the basis of religion, ethnicity, age, disability, gender or sexual orientation.”¹⁴ While there is no particular penalty provided for posting such inappropriate announcements, the Handbook assures that “Announcements failing to meet these requirements will be removed without notice.”¹⁵

Related Barry Policies and Procedures

The positive approach to gay and lesbian members of the University community goes well beyond the particular texts mentioned above. The following serve as prime examples:

- The Office of Intercollegiate Athletics, in its Purpose Statement, maintains that Each sport program acknowledges the presence of God through wholesome and clean competition, comradeship among participants, good sportsmanship, and equality of opportunity exclusive of one's sex, race, ethnicity, sexual orientation, or religious affiliation.¹⁶
- The University library demonstrates non-discrimination beyond the immediate University community by promoting a collection development policy which states

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Barry University, “Intercollegiate Athletics”; available from <http://www.barry.edu/athletics/aboutus/Default.asp> (Accessed 22 August 2011).

that “[m]aterials will not be excluded because of the race, nationality, ethnicity, political, religious, or sexual orientation of the author.”¹⁷

- The Office of Student Activities requires that any proposal or request to form a new student organization abide by a non-discrimination policy. In the application, the organizing members must verify that they “will choose and accept new members without discrimination by [*sic*] race, religion, age, physical handicap, national origin, sexual orientation, or gender.”¹⁸

These many examples illustrate that not only is Barry University an inclusive environment when it comes to the issue of sexual orientation, but also that the University is willing to state so in many of its official policies or in its interpretation of official policies. Nonetheless, every particular case in which there exists a policy or statement of inclusiveness with regard to sexual orientation at the department or division level, such policy also serves as evidence of the inconsistency that exists at the University level. With so many statements already advocating for inclusiveness for the gay and lesbian members of the community, it seems then a wholly logical step to add the words “sexual orientation” to the primary non-discrimination clause and make such inclusion a formal and official policy. Barry is already doing a remarkable job of living out the vision of social justice inspired by the Adrian Dominican Sisters and in fulfilling its Core Commitment to Inclusive Community. Now, it simply needs to *say in writing* what it is already *doing in practice*.

¹⁷ Barry University, “Library Services”; available from <http://www.barry.edu/libraryservices/about/policiesprocedures/collectiondev.htm> (Accessed 22 August 2011).

¹⁸ Barry University, “Student Organization Intent Form”; available from <http://www.barry.edu/studentinvolvement/docs/new%20student%20organization%20intent%20form.doc> (Accessed 22 August 2011).

THE VOICES OF OTHER U. S. CATHOLIC UNIVERSITIES

The final section of this chapter adds the voices of other United States Catholic Universities and associations of higher education to the chorus of voices affirming non-discrimination at Barry University.

Association of Catholic Colleges and Universities

The Association of Catholic Colleges and Universities (ACCU) describes itself as “the collective voice of Catholic higher education in the United States.”¹⁹ Its purpose is to “[help] to foster a vibrant Catholic identity at member institutions and [support] cooperation among them for the greater good of society and the Church.”²⁰ The website of the Association lists 249 Catholic degree-granting institutions in the United States. The criteria for inclusion on the ACCU website are that such institutions

1. must be listed in the 2005 Index produced by the Congregation for Catholic Education *or*
2. must be listed in the 2010 Official Catholic Directory under the subheading ‘Seminaries’ or ‘Colleges and Universities’ or under some other subheading but offers a degree, *or*
3. are not listed in the above sources, but the local ordinary has submitted a formal letter of recognition of the institution, *and*

¹⁹ The Association of Catholic Colleges and Universities, “About ACCU”; available from <http://www.accunet.org/i4a/pages/index.cfm?pageid=3330> (Accessed 22 August 2011).

²⁰ *Ibid.*

4. must offer degrees for lay students, *and*
5. must be financially, academically, or for accreditation purposes, independent of any other institution.²¹

As one might imagine, this list contains a wide variety of institutions of all sizes, varieties of sponsorship, and statements of mission. The largest group of institutions could be described as ordinary colleges or universities. However, some on the included institutions are both colleges and seminaries. A few are exclusively seminaries but, in order to be included on the list, these institutions must also offer degrees for lay students, as indicated above.

I conducted a web-based survey of all 249 institutions listed on the ACCU website with the goal of determining whether they included sexual orientation in the primary non-discrimination clause of the college/university. I conducted this search by reviewing each individual website of the listed institutions. In some cases, I discovered a readily identifiable NDC. In most cases, however, such a clause was found only after a search within the school's website using words such as "discriminate," "discrimination," "sexual," "orientation," "sexual orientation," "resources," or "human resources." In some cases, it was necessary to find a copy of the school's catalogue and search within the catalogue.

I set the following criteria for identifying a primary non-discrimination clause:

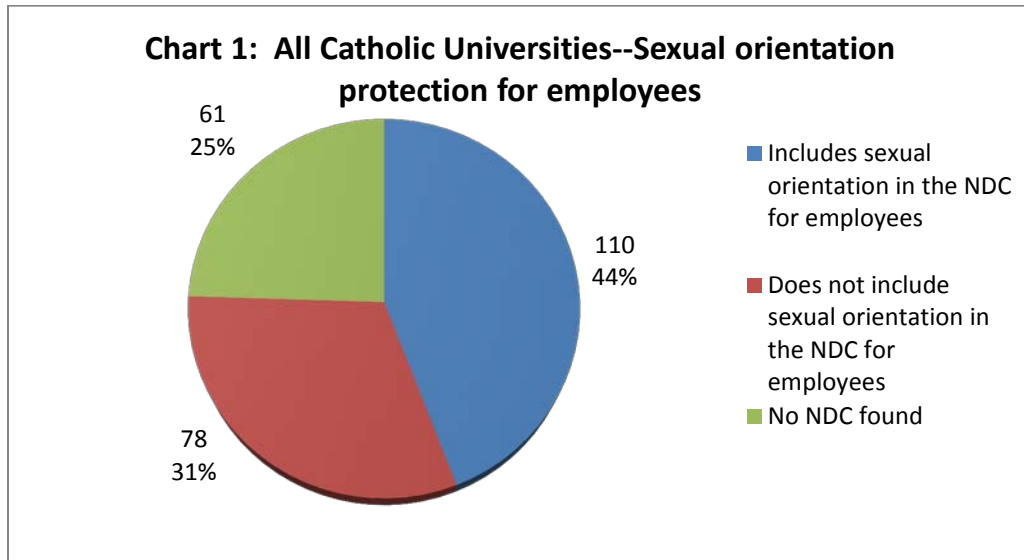
²¹ The Association of Catholic Colleges and Universities, "Colleges and Universities"; available from <http://www.accunet.org/i4a/pages/index.cfm?pageid=3489> (Accessed 22 August 2011).

- 1) The NDC had to be in a general section of the website or catalogue or on a general admission or employment application and had to appear to apply, more or less, to the entire university, either all employees or all students or both.
- 2) If the NDC was listed in either the undergraduate or graduate catalogue, I accepted it as a valid NDC applying to the entire university.
- 3) If a primary NDC included sexual orientation, but I then found a similar department's or program's NDC did not include it, I defaulted toward the inclusive NDC.
- 4) The NDC must include some or all of the usual protected categories of gender, religion, age, disability, ethnicity, and the like.
- 5) The clause had to be clearly a non-*discrimination* policy and not solely a non-*harassment* policy.
- 6) Some schools indicated that they do not discriminate in "*employment*" or in "*admission*" based on the protected categories. When the clause was more general, such as "It is our policy not to discriminate based on [the protected categories]" without specifying employment or admission, I took that to mean "in all instances."
- 7) In some cases there were separate NDCs for "employees" and "faculty." Where there was only one clause that mentioned employees, I assumed it to apply to ALL employees, faculty and non-faculty.

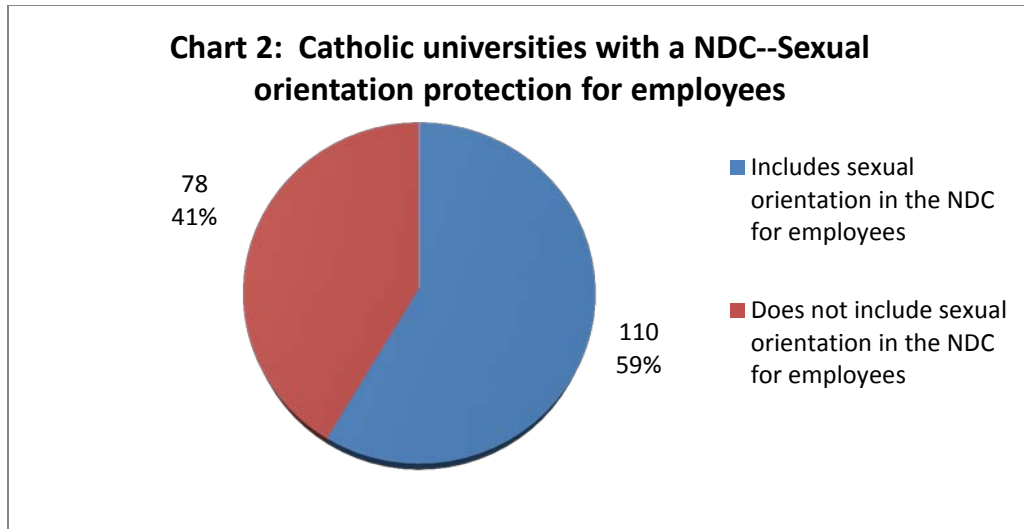
After considering all these criteria, I then reported from two perspectives: whether the school's primary NDC referenced employees and whether it referenced students.

Findings

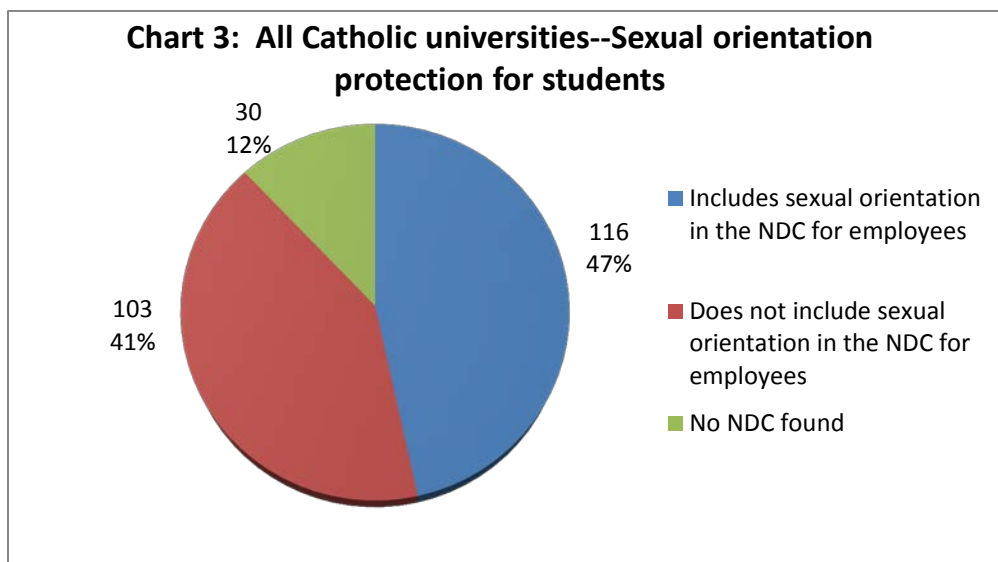
Of the 249 Catholic colleges and universities on this list, 61, or 25% did not have any NDC that I could find that referred to protection for employees (Chart 1 below). Of the 188 remaining schools that did have an identifiable NDC, 78 or 31% did not include sexual orientation as a protected class for employees while 110 or 44% did include such protection for employees. Thus, based on this research, slightly fewer than half of all Catholic colleges and universities which are members of ACCU include protection from discrimination based on sexual orientation for their employees.



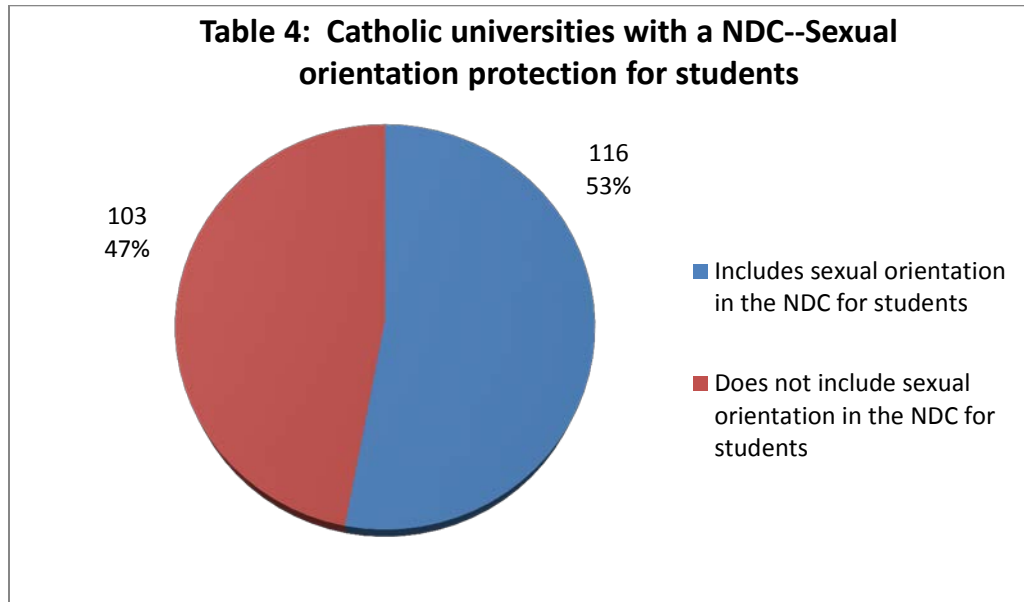
When we exclude those schools which did not have an identifiable NDC and consider only those 188 schools that had such a clause, 110 or 59% of these schools included sexual orientation as a protected class (Chart 2 below). This is 18% higher than the group of schools which did not include sexual orientation and comprises a clear majority of those schools with a NDC.



With regard to students or applicants, 30 or 12% of the same 249 member schools of the ACCU had no identifiable NDC. This is half as many as mentioned above in reference to employees (Chart 3 below). Of those 219 remaining schools that did have an identifiable NDC, 103 or 41% did not include sexual orientation as a protected class for students/applicants, while 116 or 47% did include such protection for this population. Thus, based on this research, almost half of all Catholic colleges and universities which are members of ACCU include protection from discrimination based on sexual orientation for their students or applicants.



Once again, if we exclude those schools which did not have an identifiable NDC and consider only those 219 schools that had such a clause referring to students or applicants, the 116 schools which did include sexual orientation as a protected class make up 53% of this group (Table 4 below). This is 6% higher than the group of schools which did not include sexual orientation and comprises a slight majority of those schools with a NDC.



The variety of non-discrimination clauses found during my research demonstrates that there is a rich tapestry of protection based on sexual orientation guaranteed by many Catholic institutions. For most schools, the specific rationale was not provided. A number of schools simply state in a matter-of-fact way that our institution “is an equal employment opportunity employer dedicated to a policy of non-discrimination in employment without regard to race, color, religion, gender, national origin, sexual orientation, disability, or age.” This statement is straight-forward and clear, with no particular motivation indicated. Some examples of more explicit phrasing or foundation follow.

- The College of the Holy Cross, in Worcester, MA uses the term “sexual preference” in its NDC.²² This is not the preferred term of many gay persons because it implies a choice, which most would say is not the case.
- Avila University, in Kansas City, MO, goes beyond a standard NDC and actually includes a supplemental statement on “Racial, Religious, Sexual Orientation or National Origin Harassment.”²³ Although technically not a NDC, it does emphasize the seriousness with which Avila deals with such matters, including, apparently, sexual orientation harassment.
- St. Mary’s College in Notre Dame, IN, includes the following sentence in its NDC: “Based on our Catholic values, the College also commits to avoiding discrimination based on sexual or political orientation.”²⁴
- Xavier University in Cincinnati, OH, does not include sexual orientation in its NDC, but provides an additional “Statement on Sexual Orientation” which clearly precludes any possibility of discrimination.

Central to Xavier University’s mission and identity as a Catholic, Jesuit University is its belief that all members of the University Community—students, faculty staff, administration and alumni—are children of God, redeemed through his Son, Jesus Christ.

²² College of the Holy Cross, “Notice of Nondiscrimination”; available from http://offices.holycross.edu/sites/all/modules/tinytinymce/tinymce/jscripts/tiny_mce/plugins/filemanager/files/humanresources/NoticeOfNondiscrimination2010RevMarch17_2011.pdf (Accessed 20 Sept 2011).

²³ Avila University, “Faculty Handbook”; available from <http://www.avila.edu/faculty/documents/FACULTYHANDBOOK.pdf> (Accessed 20 Feb 2011).

²⁶ St. Mary’s College, “Employee Handbook”; available from <http://www3.saintmarys.edu/hr-employee-handbook#eoe> (Accessed 22 Sept 2011).

Flowing from this shared and sacred identity is the requirement that all members of the University Community intend nothing less than the happiness and fulfillment of one another, a fulfillment that is, while distinctly human, nonetheless, divine in origin.

Consequently, discrimination against and harassment of one member of the University Community by any other member of the University Community, strikes at the very heart of this institution. Roman Catholic doctrine teaches us that such offenses are especially egregious when directed against the more vulnerable and marginalized members of the Community. Indeed, the Church teaches that special efforts to include and encourage these members are always praiseworthy in God's eyes.

It must be recognized that gay, lesbian, bisexual, or transgender people and those questioning their sexual identity constitute one such vulnerable population within the University Community. Hence, this University states unequivocally that gay, lesbian, bisexual, or transgender students, faculty, staff, administrators, and alumni are welcome members of the University community, including its gay, lesbian bisexual, or transsexual members, as the children of God they are.²⁵

²⁵ Xavier University, "Statement on Sexual Orientation"; available from <http://www.xavier.edu/hr/documents/2SexualOrientationStatement.pdf> (Accessed 22 Sept 2011).

The statement goes on to explain that its non-inclusion in the NDC is based on the University's desire to avoid complicated legal issues and the confusion between sexual orientation and sexual behavior. Nevertheless, this statement is not only a strong repudiation of discrimination based on sexual orientation by a Catholic institution, it is so promulgated, not in spite of, but because of its very Catholic identity. As already addressed in Chapter Three, some people may consider it against Catholic values to provide protection from discrimination based on sexual orientation. However, contrary to that opinion, and in keeping with the magisterial teaching that no unjust discrimination should be borne by homosexual persons, schools such as St. Mary's and Xavier explicitly provide a rationale which goes so far as to identify the Catholic heritage as *the basis* for including sexual orientation in the NDC.

CONCLUSION

The voice of the Barry University community and the voices of Catholic university communities nationwide speak clearly to the issue of non-discrimination. From the results of the survey I conducted within the Barry University community, it is clear that, some concerns notwithstanding, Barry exists as an inclusive non-discriminating community with regard to its homosexual students and employees. Many divisions, departments, and offices are already non-discriminatory in policy and practice or at least attempts to be so. Ample evidence is found in the numerous citations of Barry documents which reference non-discrimination toward gay and lesbian members of the community. What remains is to formalize this policy by adding the phrase "sexual orientation" to the NDC.

As demonstrated by the survey conducted among the 249 Catholic colleges and universities, more than half of all schools with an identifiable NDC include sexual orientation for employees or students or both. This is clear evidence that Catholic identity, in and of itself, does not preclude inclusion of sexual orientation in the NDC. Furthermore, as demonstrated by some institutions, it is the very Catholic heritage and identity themselves which compel the inclusion of sexual orientation in the NDC. At least for those schools, failure to include this measure of protection would be failure to fully live up to that Catholic identity.

At the intersection of these two surveys is exactly where I maintain Barry University finds itself. While clearly avoiding discrimination toward its gay and lesbian members, Barry falls short of fully living up to its Catholic identity and Adrian Dominican heritage by failing to include sexual orientation in the NDC. Proposals for how this shortfall may be addressed are the focus of Chapter Five.

CHAPTER FIVE

Voices in Unison

INTRODUCTION

This thesis project has examined three sources which animate Barry University and considered the voice of the Barry community itself and other Catholic universities. Chapter Five examines how these voices, though distinct, all contribute in its own way to the message of non-discrimination. As a way of bringing a practical application to the call for a non-discrimination policy at Barry University, I suggest five principles which, if put into effect, would assure that Barry not only lives up to the Adrian Dominican and Magisterial traditions, but also responds specifically to its own Core Commitments in this regard. Moreover, I show how the theological method of Don S. Browning, which has provided the framework for this project, supports the analysis and conclusions drawn here as well as provides a structure for consideration of the principles suggested herein.

ALL ARE WELCOME IN THIS PLACE – OR ARE THEY?

The title of this thesis project is *All Are Welcome in This Place*. The inspiration for this title is drawn from the song *All Are Welcome* by composer Marty Haugen.

Let us build a house where love can dwell
and all can safely live,
a place where saints and children tell
how hearts learn to forgive.
Built of hopes and dreams and visions,
rock of faith and vault of grace;
here the love of Christ shall end divisions:
*All are welcome, all are welcome,
all are welcome in this place.*

Let us build a house where prophets speak,
and words are strong and true,
where all God's children dare to seek
to dream God's reign anew.
Here the cross shall stand as witness
and as symbol of God's grace;
here as one we claim the faith of Jesus:
*All are welcome, all are welcome,
all are welcome in this place.*

Let us build a house where love is found
in water, wine, and wheat:
a banquet hall on holy ground where peace and justice meet.
Here the love of God, through Jesus,
is revealed in time and space;
as we share in Christ the feast that frees us:
*All are welcome, all are welcome,
all are welcome in this place.*

Let us build a house where hands will reach
beyond the wood and stone
to heal and strengthen, serve and teach,
and live the Word they've known.
Here the outcast and the stranger
bear the image of God's face;
let us bring an end to fear and danger:
*All are welcome, all are welcome,
all are welcome in this place.*

Let us build a house where all are named,
their songs and visions heard
and loved and treasured,
taught and claimed as words within the Word.
Built of tears and cries and laughter,
prayers of faith and songs of grace,
let this house proclaim from floor to rafter:
*All are welcome, all are welcome, all are welcome in this place.*¹

Haugen's title and lyrics articulate what I believe to be fundamentally true for Barry University: *all are welcome in this place*. However, the use of a song title lends an additional aspect to this project because music can well serve as a metaphor for what I

¹ Marty Haugen, *All Are Welcome* (Chicago: G.I.A. Publications, 1994).

have articulated in the previous chapters—the perspective of four different voices of Barry University singing in unison of what Barry University could be like if equality were truly protected for all persons. Like voices in four-part harmony, the Adrian Dominican Vision and Mission Statements, the Barry University Mission and Core Commitments, the Magisterial documents of the Church, and the Barry Community itself each articulates the message slightly differently from one another, but each contributes to the overall impact of the song by being consistent with the song being sung and by complementing the other three voices harmoniously and with this single aim:

Let us build a house where love can dwell
and all can safely live,
a place where saints and children tell
how hearts learn to forgive.
Built of hopes and dreams and visions,
rock of faith and vault of grace;
here the love of Christ shall end divisions:
*All are welcome, all are welcome,
all are welcome in this place.*²

In a very real sense we have come a long way toward ending divisions at Barry, in the sense that there is little overt discrimination based on sexual orientation. But I believe that it is in the “hope and dream and vision” in which “all can safely live” that the four voices of this project speak in unison.

HARMONIZED VOICES

The Adrian Dominican Sisters

The unified voice of the Adrian Dominican Sisters who founded and still animate the University is rooted in both the 800-year-old Dominican heritage and in the modern

² Ibid.

lives of these courageous women. These Sisters who founded the University, who have served here in the past, and who continue to serve here even today are the living examples of those described in Haugen's second verse:

Let us build a house where prophets speak,
and words are strong and true,
where all God's children dare to seek
to dream God's reign anew.
Here the cross shall stand as witness
and as symbol of God's grace;
here as one we claim the faith of Jesus:
*All are welcome, all are welcome,
all are welcome in this place.*

These Sisters are the prophets who, from their position as faithful followers of Jesus, speak words drawn from the Gospels and from their own Mission and Vision Statements to challenge oppressive systems and heresies that dehumanize and to call all to be co-creators with God of God's own justice and peace.³ These Sisters are the ones who create an environment where people of all types, including gay and lesbian persons, can dare to dream of God's kingdom being fulfilled here and now—where they are guaranteed protection from discrimination based on sexual orientation. The voice of the Adrian Dominican Sisters, therefore, establishes the fundamental attitude of the University and gives character to the other voices that come from within the University. It is, as it were, a melody line—the primary tune—against which the other voices play as they join in the common song of justice and equality for all.

³ Adrian Dominican Sisters, "Mission and Vision Statement."

Barry University's Core Commitments

The voice of Barry University's Core Commitments corresponds well to the melody line of the Adrian Dominican Vision and Mission Statements, since they are born from those same sources. If the Adrian Dominican Statements are the melody line, the Core Commitments would be the full chord of the accompaniment, giving a fuller richer sound to the melody while staying consistent to its dominant pattern. They provide a concrete practice to the vision and mission as Haugen describes in the fourth verse of his song:

Let us build a house where hands will reach
beyond the wood and stone
to heal and strengthen, serve and teach,
and live the Word they've known.
Here the outcast and the stranger
bear the image of God's face;
let us bring an end to fear and danger:
*All are welcome, all are welcome,
all are welcome in this place.*

Consistent with these words, Barry's Commitment to Knowledge and Truth exemplifies the call to be "hands" that "teach." It is, after all, the most readily identifiable function of the University and is consistent with the long-standing Dominican tradition of scholarship and education. The Commitments to Social Justice and to Collaborative Service exemplify the call to "heal, strengthen [and] serve," inasmuch as Barry expects all members to "engage in meaningful efforts toward social change," and "engage with communities to pursue...solutions to human, social, economic and environmental problems."⁴ However, the most poignant words from this verse are the ones that go to the core of this project: "Here the outcast and the stranger bear the image of God's face."

⁴ Barry University, *2009-2010 Graduate Catalogue*, 7.

Barry's Core Commitment to Inclusive Community recognizes that there are "outcasts" and "strangers," or "others" in our midst, who too are children of God, valued for their cultural, social intellectual and religious identities.⁵

This is where the core of this project coincides most profoundly with the words of Haugen. The gay and lesbian members of the Barry community are in some way, by virtue of their sexual orientation, the outcast and the stranger, at least in the sense of their status as sexual minorities and their exclusion from protection in the NDC of the University. Yet, inasmuch as they "bear the image of God's face," inasmuch as they are *imago dei*, they deserve the same full measure of justice as the rest of Barry's community. It would be the inclusion of the words "sexual orientation" in the NDC that could bring about a real "end to fear and danger," whether real or perceived: an end to fear of being open about one's sexual orientation, an end to fear of discrimination based on sexual orientation, an end to fear of the insecurity of not having an official policy regarding sexual orientation discrimination at Barry University.

The Voice of the Magisterial Church

In keeping with the theme of voices in unison, the voice of the magisterial documents of the Church is a third part contributing further to the harmony of this work. This voice in some measures is analogous to the bass voices of the song: these voices do not follow the melody so much as keep the whole song in rhythm and punctuate the work at key points. This analogy is fitting because of the percussive dogmatic approach generally taken by these documents. In other measures, however, these documents

⁵ Ibid.

represent a discordant voice which is clearly recognizable as in a symphony or chorale, but which nonetheless moves the whole piece forward because of its dissonance. While there is no particular verse of Haugen's song that I would tie to this voice, there are many phrases from the song that could serve to extend the analogy even to the institutional Church. The Church symbolizes the "rock of faith" for many people and is a "vault of grace" through the sacramental ministries. It is one of many "symbol[s] of God's grace" and the place where those who come together in Eucharist "share...the feast that frees us." In further consistency with the song, this magisterial voice is always punctuating these documents with a call for justice: "the intrinsic dignity of each person must always be respected in word, in action and in law."⁶ Hence, while posing a challenge to many gay and lesbian persons because of its generally reductionist approach to homosexual orientation, the institutional Church with its magisterial teaching is nevertheless still in harmony with the other voices heard here.

The Voice of the Barry University Community

The fourth and final voice contributing to the unison of this song is that of the Barry community itself, raised through the survey reported in Chapter Four and in other Barry documents considered in that same chapter. This voice follows the melody line of calling for justice and equality for the gay and lesbian persons in the community, but also embellishes that melody by confirming in many ways that such justice already exists to a large extent in the Barry community. Perhaps more than any other voice, the voice of the Barry community expresses the tension between what already is and what could be. It

⁶ CDF, *Pastoral Care of Homosexual Persons*, § 10.

responds to the urging “Let us build” by responding that Barry University has already done that: it is already, but not completely, the place “where all can safely live.” It is a community built “on holy ground where peace and justice meet,” inasmuch as Barry has already created a community where gay and lesbian persons are welcome. It is a collection of wood and stone buildings but it is also a place where “hands...reach beyond the wood and stone to heal and strengthen, serve and teach, and live the Word they’ve known,” by living out the mission of the University. It is a concrete expression of the Reign of God on earth that is already here, but not yet fully. Notwithstanding that there is room for progress on this issue, the voice of the Barry community confirms that all truly “*are welcome in this place.*”

The Voice of Other Catholic Universities

While not a voice of the Barry Community, the voices of the other 249 Catholic universities whose NDC’s were considered and reported in Chapter Four also contribute to the allegory of music for this chapter. Rather than contributing to the same song as the other four voices, this voice would rather be an entire chorus of similar songs, the majority of which are consistent in their theme and melody. These voices illustrate well the final verse of Haugen’s song:

Let us build a house where all are named,
their songs and visions heard
and loved and treasured,
taught and claimed as words within the Word.
Built of tears and cries and laughter,
prayers of faith and songs of grace,
let this house proclaim from floor to rafter:
*All are welcome, all are welcome,
all are welcome in this place.*

Indeed, these colleges and universities that have included the words “sexual orientation” in their NDC are places where “all are named,” including gay and lesbian persons. They are places where “songs and visions,” not just of heterosexual persons, but also of gay and lesbian persons, are “loved and treasured.” These are institutions that have heard the “tears and cries and laughter and prayers and songs” of their gay and lesbian community members and named them in their NDC. Barry University has also heard the tears and cries and laughter of its gay and lesbian members. Now it is time to name all members of the Barry community in the NDC—including the gay and lesbian members. Then Barry will be the place not just where all are welcome, as is generally the case now, but where we also “proclaim from floor to rafter: All are welcome, all are welcome, all are welcome in this place.”

PRINCIPLES OF INCLUSION

How can Barry University continue to be, and become even more so, a place where all are welcome? What this calls for is certainly the inclusion of the words “sexual orientation” in the NDC of the University. However, it is about more than just these words. It calls for a transformation of attitude wherein non-discrimination based on sexual orientation is not merely accepted or tolerated, but rather is consciously included as a permanent and permeating quality of University policy and governance. Of course, amending the NDC will be the first step in establishing this as an integral characteristic of the University.

Beyond modifying the NDC, the foundation of the University as presented in Chapters Two, Three, and Four of this work provide a basis from which to develop

specific principles which can then guide a renewed praxis of the University. I am proposing five such principles. Three of them are drawn from the sources which animate and guide the University. The remaining two speak to the issue of consistency within the University and could be used as a litmus test or standard against which all University documents, statements, policies and publications should be measured.

Principle One: Consistency with the Barry Mission and Core Commitments

This principle establishes that a particular document or statement must reflect the essence of one or more of the four Core Commitments and specifically must do so in a way that respects non-discrimination based on sexual orientation. It would seem obvious that a statement or policy promulgated by any division, department or office of the University must be relevant to at least one of the Core Commitments; otherwise it would beg the question of why it is a Barry University policy in the first place. If a particular document is not relevant to all four Core Commitments, then, at the very least, it should not contradict those to which it does not directly relate. This relationship does not have to be overtly literal, as the Core Commitments themselves are broad statements of animating principles, not directives to be slavishly followed. Nevertheless, there must be at least a positive correlation between the statement or policy and at least one Core Commitment, and such a statement must at least be open to consideration of non-discrimination based on sexual orientation.

If the statement relates to the Core Commitment on Knowledge and Truth, as, for example, a class syllabus would, then it could be asked whether it includes sexual orientation as one of the “fundamental questions of the human experience” when

relevant.⁷ Do academic disciplines intentionally include or exclude the topic of sexual orientation? Do publications describing University life accurately portray the diversity of life at Barry University, including our gay and lesbian members? As the University “advances development of solutions that promote the common good and a more humane and just society,”⁸ is the common good of gay and lesbian persons – indeed *all* persons in their diversities – considered as well? Does the concept of “just society” in a particular document also include a just society for gay and lesbian persons – and all others – or are gay and lesbian persons glossed over as not fitting the norm and as irrelevant to the point at hand? Is it abundantly clear that when the full flourishing is impeded or ignored for gay and lesbian persons, full flourishing is impeded and neglected for all?

If a statement or policy relates to the Core Commitment on Inclusive Community, as, for example, any listing of diversity characteristics or any code of conduct, does it consider sexual orientation as a characteristic worthy of “dignity and equality, compassion and respect?”⁹ Does such a document encourage gay and lesbian persons to respect themselves and their dignity as made in the image of God or does it treat homosexual orientation as something to be kept concealed and suppressed? Does it “nurture and value [the] cultural [and] social...diversity”¹⁰ found in sexual orientation in word and in spirit?

⁷ Barry University, *2009-2010 Graduate Catalogue*, 7.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

If a statement or document relates to the Core Commitment on Social Justice, as, for example, employee manuals, mission statements, the primary non-discrimination clause of the University, and any divisional, departmental or program related NDCs, does it “foster peace and nonviolence”¹¹ with regard to gay and lesbian persons as well? In condemning violence, is the University consciously aware of the violence perpetrated against sexual minorities and does it specifically condemn all violence – verbal, physical, emotional, psychological, or spiritual – based on sexual orientation? Does any such document promote “meaningful efforts toward social change”¹² regarding the human rights of gay and lesbian persons?

Finally, if a statement or policy relates to the Core Commitment on Collaborative Service, do the University’s “collaborative and mutually productive partnerships”¹³ extend to the gay and lesbian community, its organizations or causes, specifically with respect to the human rights of gay and lesbian persons? Are gay and lesbian community members or organizations included in advisory councils, academic presentations, and social events as appropriate? Does the University’s “[pursuit] of systemic, self-sustaining solutions to human [and] social...problems”¹⁴ include addressing problems faced by the gay and lesbian community here at Barry University, in the local community and globally?

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

These are just some of the examples of how a renewed praxis can use the Core Commitments to make certain that non-discrimination based on sexual orientation is a quality of Barry University.

Principle Two: Respect for the Adrian Dominican Heritage, Vision, and Mission

This principle establishes that appropriate statements or policies must contribute to the University and its members living up to the Adrian Dominican inspiration of being “co-creators of [God’s] justice and peace.”¹⁵ In particular, such statements or policies must further the cause of justice for gay and lesbian persons, both within and outside of the University. A statement or document might reflect “outrage [at the] injustices of our day”¹⁶ perpetrated against gay and lesbian persons, especially those spiritual and psychological injustices perpetrated in the name of religion. As appropriate, University publications must truly “challenge heresies of ... [heterosexual] domination [and] exploitation” that attempt to “dehumanize” gay and lesbian persons.¹⁷ Does a specific document or policy “confront [any] systems where [gay and lesbian persons] are denied freedom, equality, and full personhood,”¹⁸ whether within or outside of the University? Does University policy promote “shared decision-making”¹⁹ which includes the voices of gay and lesbian members of the community, especially in decisions that affect those

¹⁵ Adrian Dominican Sisters, “Mission and Vision Statement.”

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

members most closely? The Adrian Dominican Vision and Mission Statements serve as the inspiration for Barry's Mission Statement and Core Commitments. Respect for them will guarantee that any Barry documents, policies or publications also indicate respect for non-discrimination based on sexual orientation.

Principle Three: Conformity to Magisterial Teaching on Social Justice and the Dignity of the Person

This principle establishes that a policy, statement or publication must adhere to the magisterial principle that “[t]he intrinsic dignity of [all persons, including gay and lesbian persons,] must always be respected in word, in action and in law.”²⁰ Magisterial teaching regarding the dignity of the person is clear and consistent, not just in the documents referring to homosexual persons cited in this thesis project, but in other documents and teachings as well. Nevertheless, while respect for the dignity of the human person is established as the primary measure against which all other concerns are measured, it often appears that, when speaking of homosexual persons, the primary measure is not human dignity but human behavior. In other words, when referring to heterosexual people, the hierarchy uses human dignity as the standard. When it comes to homosexual persons, the conversation suddenly changes to sexual behavior as the primary measure.

This, of course, completely ignores the actual magisterial teaching on justice and human dignity cited above and creates a double standard between heterosexual and homosexual persons. Implementation of Principle Three would make certain that any

²⁰ CDF, *Pastoral Care of Homosexual Persons*, § 10.

Barry documents or policies would consider the dignity of the person, not the behavior of the person, as the primary standard of justice and would ensure that gay and lesbian members of the community are guaranteed respect for their persons “in word, in action and in law.”²¹ This of course is consistent with and supports the inclusion of the words “sexual orientation” in the NDC of the University. That inclusion alone would be a significant step in validating this principle and in ensuring that the aforementioned respect is the measure of justice for gay and lesbian persons in the Barry community. This would also make certain that qualified gay and lesbian persons in the Barry community have opportunities to lead and serve the community when appropriate.²²

Principle Four: Consistent Incorporation of Principles throughout the University

This principle establishes that any documents, statements or policies of the University must be consistent with the primary governing documents of the University. For example, any division-specific, office-specific, or program-specific NDC must conform to the primary NDC of the University with all of its essential language, including the words “sexual orientation.” This would be a minimum standard, of course. Programs would be free to expand policies or statements as appropriate to a particular situation or to conform to requirements of an accrediting or alternate governing body. This would ensure that all documents and policies of the University adopt the phrase “sexual orientation,” as appropriate, to assure non-discrimination on every level and in every place. Furthermore, this principle would require not just a consistency with the

²¹ Ibid.

²² USCCB, *Always Our Children*.

primary governing documents of the University, but also a consistency across divisions, offices, and programs. This would avoid the current situation of having inconsistent NDCs within the University, with some offices using the term “sexual orientation” in their policies and others failing to include it. Furthermore, this would validate and codify the current Barry University Office of Human Resources policy of disallowing discrimination based on sexual orientation.

Principle Five: Consistency with other Barry University Documents, Statements or Policies Governing Similar Situations

This principle is really a corollary of Principle Four. It would establish that documents or policies must be consistent, not just with the primary governing documents, but also across divisions, offices, and programs. Obviously it would seem a logical consequence to the implementation of Principle Four that if all documents and policies are consistent with the primary governing documents, they would also be consistent with each other. Nevertheless, this provides for another check against which documents can be measured for consistency.

Committee Oversight

Finally, in order to fully implement these principles, I would recommend the establishment of a committee particularly charged with the review of all University documents, statements, publications and policies to see that they conform to the principles stated above. Obviously such a task could be herculean, considering the amount of documents produced by the University. An initial review could take years. Such a committee should begin with the primary governing documents of the University,

with special focus on the NDC and other similar policy statements. As new documents or statements are proposed by different offices, divisions, or committees of the University, they would be subject to review by this committee to help align them with the general principles laid out above and specifically to verify that non-discrimination based on sexual orientation is properly addressed, as appropriate.

This committee should be established under the purview of the Office of Mission Engagement within the Division of Mission Integration and Effectiveness. This task would be suitable for this office because of the nature of its role in the University. The Office is currently developing a mission statement, but, in the meantime, I have been able to obtain the text of a working document. This text has yet to be finalized, but does express some core attributes of this office.

The Office of Mission Engagement, in close partnership with internal and external constituents, seeks to advance Barry's mission, strategic priorities, and important organizational goals through promoting a culture of excellence and offering educational experiences that engage and transform. Through education and dialogue in collaboration with the colleges, schools and departments of the University, the Catholic and Dominican identity as well as the connection between the Adrian Dominican Sisters and the University are advanced and supported.²³

²³ Barry University, "Office of Mission Engagement"; available from <http://dev.barry.edu/mission-engagement/> (Accessed 08 March 2012, restricted to Barry University employees).

The overarching goal of this office is precisely tied into the first three principles I have developed and articulated above: to advance Barry's mission in conjunction with the Catholic and Adrian Dominican traditions wherein its heritage lies. For that reason, it would be very appropriate to have such a review committee situated within the Office of Mission Engagement. Furthermore, the ultimate goal of this office is to "strive to ensure that the University mission, vision, and values are effectively understood and incorporated throughout the organization."²⁴ This goal is aligned with the overall trajectory of this thesis project since what I have been writing throughout is really about the values of the University. While it is up to everyone in the University to promote the values inherent in the Barry culture, it is the specific responsibility of the Office of Mission Engagement to do so. For that reason, the committee I have proposed would best be located in that office.

While the ultimate task of this committee would be to review all documents for appropriate inclusive language, there are other tasks that could be undertaken as well which are also appropriate to this office. For example, among the ways in which the Office of Mission Engagement helps all to understand and incorporate Barry values is by:

- Facilitating change and improvement efforts through the development and implementation of programming, projects, and initiatives
- Offering learning opportunities, lectures, conferences and leadership development for students, faculty, staff, and external community members

²⁴ Ibid.

- Orienting new faculty and staff to the University's mission, vision, organizational structure, strategic priorities, and culture.²⁵

It would be appropriate, therefore, for the Office of Mission Engagement to begin its overall approach to creating a more inclusive community by taking three specific actions:

- 1) Initiate a workshop to introduce the principles of non-discrimination based on sexual orientation to the entire Barry community. This would likely have to be offered as a series of workshops in order to accommodate the entire community.
- 2) Add to their orientation workshop a specific presentation on the culture of non-discrimination at Barry University with particular emphasis on non-discrimination based on sexual orientation.
- 3) Develop a response mechanism for employees and students to report areas of concern where sexual orientation non-discrimination is not being sufficiently addressed. This would not be a mechanism for reporting actions of harassment or discrimination based on sexual orientation, as those properly belong within the Office of Human Resources or the Division of Student Affairs. Rather this would make the office aware of, for example, an instance where a particular document or policy failed to sufficiently address or include a statement of non-discrimination based on sexual orientation or where a particular activity fails to properly include sexual orientation issues, for example a lecture on discrimination or vulnerable populations.

²⁵ Ibid.

With the implementation of these five Principles and the specific actions suggested for the Office of Mission Engagement, Barry will make great strides in proclaiming and not just being a university where all are welcome.

COHERENCE WITH METHODOLOGY OF BROWNING

The theological methodology used in this thesis project was the practical theological reflection of Donald S. Browning. As stated in Chapter One, this was an appropriate methodology for this project for two reasons. First, “Contemporary practical theology is a critical reflection on current praxis, rather than an application of theory to practice and it concentrates on the community of faith and its relationship to the larger society.”²⁶ That is exactly what this thesis project has carried out: a reflection on Barry University’s current praxis of how it deals with its gay and lesbian community members. Second, Browning’s approach to practical theology focuses on interpreting the practices of the faith community with the goal of making them more consistent and effective. He states, “I find it useful to think of fundamental practical theology as critical reflection on the church’s dialogue with Christian sources and other communities of experience and interpretation with the aim of guiding its action toward social and individual transformation.”²⁷ This is also precisely what I have presented in this thesis project: a dialogue between the sources which animate Barry University—Adrian Dominican sources, magisterial teaching, and Barry’s core documents with an overall goal of making

²⁶ Robert L. Kinast, *What Are They Saying About Theological Reflection?* (Mahway: Paulist Press, 2000), 54.

²⁷ Don S. Browning, *A Fundamental Practical Theology* (Minneapolis: Fortress Press, 1996), 36.

the community's documents consistent with its practices and of making all documents consistent with each other. Furthermore, Browning's five dimensions of thick description, also discussed in Chapter One, give a concrete perspective to the principles articulated above.

Vision

The *Vision* level "designates the community's theological horizon, set of ultimate religious meanings they profess, such as their understanding of God, creation, sin, grace redemption and salvation. These are the beliefs and values that define the community's identity and declare its stance in the larger social environment."²⁸ These are our stories: Church history, Adrian Dominican history, and Barry history. These shape our self-understanding. These are the histories from which we draw our deeply held beliefs about the dignity of the person and the obligation to create positive change in the world. Our vision tells us why we at Barry University do what we do. As we put into practice the principles set forth above, we can ask ourselves: Do we really believe that the gay and lesbians members of the Barry community deserve to be treated in a way that is free from all bias based on sexual orientation and are we willing to publicly state so?

Obligations

The *Obligational* level or dimension arises out of the visional level. "*Obligations*... are the practical and moral implications for living out what is professed. Obligations are not imposed externally or arbitrarily; they are a behavioral expression of

²⁸ Kinast, *What Are They Saying About Theological Reflection*, 55.

the vision.”²⁹ This level allows us to examine the moral aspects of what our vision calls us to—the moral aspects of our renewed praxis. Here we can reflect on our current practice of non-discrimination in regard to sexual orientation and we can ask ourselves: is it true justice to proclaim anything less than non-discrimination for all gay and lesbian persons in our community?

Tendencies-Needs

“*Tendencies-needs* are the impulses shared by most people for food, shelter, security, relationships, self-esteem and the like. ...the tendencies and needs that practical theology is interested in are manifested in a community’s concrete actions, responses, decisions and interpretations.”³⁰ At this level we examine what is required for fulfillment of basic considerations for the academic and work environment at Barry University. Certainly appropriate working conditions, including freedom from harassment, insecurity and undue stress, would be appropriate to this level. As cited above, even the Magisterium recognizes that right. Furthermore, the study from the Harvard Business Review cited in Chapter Three supports the significance of a secure work environment on the long-term impact of employee productivity and retention,³¹ both of which qualities are certainly positive for the Barry environment. As we examine this dimension of Browning’s reflective method we can ask: Does the Barry community consider it

²⁹ Ibid.

³⁰ Ibid.

³¹ Sylvia Ann Hewlett and Karen Sumberg, *The Power of Out*; available from <https://www.worklifepolicy.org/documents/CWLP%20-%20LGBT%20-%20Final%206.21.11.pdf> (Accessed 13 Feb 2012).

essential to appropriate working conditions to ensure that employees are secure against any discrimination based on sexual orientation? Does the University consider an appropriate academic environment for its students to be one that guarantees freedom from any threat or insecurity based on sexual orientation?

Environmental-Social

“The *Environmental-Social* setting helps to shape a community’s vision, obligation and tendencies-needs by determining the constraints on an otherwise idealistic picture. ...it is part of the human reality.”³² Here we can consider those influences on the Barry University community that have prevented it from attaining this level of non-discrimination in the past, for example the magisterial emphasis on the moral rather than pastoral approach to homosexual persons, concerns with the relationship to the local Church, the public image of the University, and perhaps the relationship to the issue of domestic partner benefits which has undergone a complete change during the time of preparing this thesis-project. This is the place where we consider the “politics” of a renewed praxis—a question with certainly heavy implications, to be sure. Nevertheless, as we have seen in Chapter Four, numerous other Catholic universities in the United States have taken the same bold step advocated here. Hence, it would be appropriate to examine not only the strictures as mentioned above, but the consequences that could follow from those relationship partners by taking a positive step forward in terms of sexual orientation non-discrimination.

³² Kinast, *What Are They Saying About Theological Reflection*, 55-56.

Rules-roles

“*Rules-roles* are the most specific determinants of human activity, spelling out who acts, in what circumstances, with what authority and by what means.”³³ Of course a decision with the impact that I am recommending, that of adding sexual orientation to the NDC of the University, ultimately belongs to the Executive Council of the Administration, the University’s effective governing body, which then must be ratified, or not, by the University’s Board of Trustees, the University’s ultimate governing body. They must consider the following: Based on our history as a Catholic University in the Adrian Dominican tradition, with the implication of our animating documents and the weight of magisterial teaching on social justice and human dignity, and considering the positive implications for the working, academic, and social environment of the University, can Barry University do anything but add the words sexual orientation to the NDC and adopt a general policy which considers protection from discrimination based on sexual orientation a high priority? I think not. To do any less is to deny our story, our heritage and our very identity as a Catholic Adrian Dominican university.

CONCLUSION

I conclude this chapter and this project as I began it. I ask whether it is consistent with the nature of a Catholic university to include the phrase “sexual orientation” in its non-discrimination clause. Based on my practical theological research and reflection, I must unequivocally answer “yes.” I further ask whether a Catholic university whose mission, nature and heritage are inextricably tied to social justice can fail to include such a phrase

³³ Ibid., 56.

and still be true to its Mission? Based on my practical theological research and reflection, I must unequivocally answer “no.” I believe the explication of the Adrian Dominican narrative, the Barry Mission Statement and Core Commitments, the magisterial teaching on social justice and the dignity of the person, the voice of the Barry University community, and the voices of other Catholic colleges all demonstrate the validity of both of my responses. From the beginning of this project, when it was taking shape as a thesis project proposal, I consistently maintained my belief that Barry University provides an environment for its gay and lesbian members that is free of discrimination based on sexual orientation. I still maintain that belief today. Barry University does a fine job of living up to its animating documents. To this extent, I believe that Barry University truly practices non-discrimination toward gay and lesbian persons. This thesis project now calls on it to now *preach* what it is already *practicing*.

APPENDIX I: BARRY UNIVERSITY CORE COMMITMENTS SURVEY

This survey is designed to gather your opinion on whether Barry University fulfills the four aspects of its Core Commitments as stated in the 2009-2010 Barry University catalogue.

Please indicate your primary relationship to Barry University:

| | | |
|--------------------------|--------------------------|----------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | faculty |
| <input type="checkbox"/> | <input type="checkbox"/> | staff/administration |
| <input type="checkbox"/> | <input type="checkbox"/> | student |

Read each Core Commitment below and answer the question that follows each one. If you have no experience at Barry on which to base a response to a particular category within a specific Core Commitment, check the box provided next to that specific category.

Collaborative Service

“Barry University is committed to serving local and global communities through collaborative and mutually productive partnerships. The University accepts responsibility to engage with communities to pursue systemic, self-sustaining solutions to human, social, economic and environmental problems.”

Based on my personal experience, I believe Barry University applies this Core Commitment to **all constituents** in the Barry Community regardless of: **(check all that apply)**

| | | | I have no experience at Barry on which to base a response. | | |
|--------------------------|--------------------------|---------------------------|--|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | race | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | color | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | age | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | religion | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | gender | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | national or ethnic origin | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | sexual orientation | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | handicap status | | <input type="checkbox"/> | |
| Comments | | | | | |
| | | | | | |

Social Justice

“Barry expects all members of our community to accept social responsibility to foster peace and nonviolence, to strive for equality, to recognize the sacredness of Earth, and to engage in meaningful efforts toward social change. The University promotes social justice through teaching, research and service.”

Based on my personal experience, I believe Barry University applies this Core Commitment to **all constituents** in the Barry Community regardless of: **(check all that apply)**

| | | | I have no experience at Barry on which to base a response. | | |
|--------------------------|--------------------------|---------------------------|--|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | race | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | color | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | age | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | religion | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | gender | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | national or ethnic origin | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | sexual orientation | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | handicap status | | <input type="checkbox"/> | |
| Comments | | | | | |
| | | | | | |

Inclusive Community

“Barry is a global, inclusive community characterized by interdependence, dignity and equality, compassion and respect for self and others. Embracing a global world view, the University nurtures and values cultural, social and intellectual diversity, and welcomes faculty, staff, and students of all faith traditions.”

Based on my personal experience, I believe Barry University applies this Core Commitment to **all constituents** in the Barry Community regardless of: **(check all that apply)**

| | | | I have no experience at Barry on which to base a response. | | |
|--------------------------|--------------------------|---------------------------|--|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | race | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | color | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | age | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | religion | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | gender | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | national or ethnic origin | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | sexual orientation | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | handicap status | | <input type="checkbox"/> | |
| Comments | | | | | |
| | | | | | |

Knowledge and Truth

“Barry promotes and supports the intellectual life, emphasizing life-long learning, growth and development. The University pursues scholarly and critical analysis of fundamental questions of the human experience. In the pursuit of truth, the University advances development of solutions that promote the common good and a more humane and just society.”

Based on my personal experience, I believe Barry University applies this Core Commitment to all constituents in the Barry Community regardless of: (check all that apply)

| | | | I have no experience at Barry on which to base a response. | | |
|--------------------------|--------------------------|---------------------------|--|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | race | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | color | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | age | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | religion | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | gender | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | national or ethnic origin | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | sexual orientation | | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | handicap status | | <input type="checkbox"/> | |
| Comments | | | | | |
| | | | | | |

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