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The Governance Relationship Between the  
Sisters of Mercy and College Misericordia

by

Martha Hanlon, R.S.M.

Presented to the Graduate and Research Committee

of Lehigh University

in Candidacy for the Degree of

Doctor of Education

in Elementary Education

Lehigh University

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**THE GOVERNANCE RELATIONSHIP BETWEEN COLLEGE MISERICORDIA AND  
THE SISTERS OF MERCY**

**by**

**Martha Hanlon, R.S.M.**

**An Abstract**

**Lehigh University**

**1996**

**1**

## ABSTRACT

Prior to the 1960s boards of trustees in Catholic colleges and universities were mostly composed of clergy and members of religious congregations. After the Second Vatican Council many Catholic colleges legally separated from their founding religious congregations. College Misericordia became a separate College Corporation in 1963 when it legally separated from the Sisters of Mercy who founded it. As a College Corporation, College Misericordia adopted a bicameral governance structure which reserved certain powers to the Sisters of Mercy who became the Corporate Member of the College Misericordia Corporation.

This study traced the governance relationship of the Sisters of Mercy and College Misericordia from 1914 when land was purchased for the construction of College Misericordia until 1993 when the College Misericordia's bylaws were amended. A description of the governance relationship was reported from primary sources taken from the archives of the Mercy congregation and College Misericordia.

Results of historical analysis showed that the governance relationship of the Sisters of Mercy to College Misericordia followed similar governance patterns of Catholic religious congregations to colleges founded by religious congregations. Like College Misericordia and the Sisters of Mercy, religious congregations evolved into college governance relationships from ownership and control into relationships of sponsorship

and influence.

A questionnaire was developed for this study which gathered quantitative data from Trustees and Sisters of Mercy who served College Misericordia for a period of six years since 1977. Results of the questionnaire revealed a need to clarify the role of the Corporate Member, to reevaluate the Board orientation program, and to study the bicameral governance structure of College Misericordia.

## CHAPTER I

### INTRODUCTION

The history of Catholic higher education paralleled the origins and development of other American colleges and universities. The first Catholic colleges were established to provide seminary education for prospective priests and were places where young men were given an opportunity to cultivate moral virtues. In Catholic colleges, the goal of intellectual development as a value was overshadowed by apostolic and communal responsibilities. Only in the nineteenth century did the intellectual goals of Catholic higher education become the basis for collegiate foundations (Donovan, 1964).

Catholic colleges founded between 1786-1849 were controlled either by diocesan clergy or religious congregations. During the second half of the nineteenth century, with the impact of large scale immigration of Catholics and the changing social and economic situation, Catholic colleges were hastily established and often just as hastily closed. In the twentieth century, the most conspicuous feature of Catholic college development was the rapid growth of women's colleges (Donovan, 1964).

In 1924 the Sisters of Mercy founded a Catholic College for women in northeastern Pennsylvania, College Misericordia. College Misericordia was the first college in Luzerne county. Although the Sisters of Mercy continued sponsorship of College Misericordia in 1996, the relationship between the religious

congregation and College Misericordia was different from what it was when Misericordia opened her doors more than seventy years ago. From 1924 until the late 1960s the congregation of the Sisters of Mercy was similar to other religious congregations who sponsored colleges; the Sisters owned, operated, and administered the sponsored college with little external assistance. The governance relationship between the Sisters of Mercy and College Misericordia from 1977 until 1993 underwent changes that caused both Sisters and laity to question what it meant for the Sisters of Mercy to sponsor College Misericordia. Why the Sisters continued to sponsor College Misericordia, was a question that was given serious consideration on the part of the religious congregation.

Chapter I of this study outlines the purpose of the study, the need for the study, and the limitations of the study. Terms are defined in the first chapter in order to facilitate an understanding for the reader who may not have been familiar with those terms that are unique to religious congregations or to the Catholic Church.

Chapter II presents a review of literature which is intended to lead the reader to a deeper understanding of the background of Catholic colleges in the United States and the institution of Boards of Trustees for Catholic Colleges. Chapter II identifies the need for and development of College Corporations, the necessity for Board restructuring and renewal as a consequence of the Second Vatican Council, the

importance of the movement from control to influence by the religious congregations through sponsorship, and the necessity for positive relationships between religious congregations and sponsored institutions.

To familiarize the reader with the values and spirit of College Misericordia, Chapter III introduces the reader to the foundress of the religious congregation of the Sisters of Mercy, Catherine McAuley. Catherine McAuley's compassion for poor women and children motivated her to dedicate her life and fortune to help the poor improve the status of their lives through education. The importance of Chapter III is to introduce the reader to the Sisters of Mercy through Catherine McAuley. By providing information about the foundress, the reader is positioned to appreciate why the Sisters of Mercy chose to continue the charism of Mercy by opening College Misericordia in 1924.

Chapter III also includes a description of the responsibilities of religious superiors prior to Vatican Council II. This information will assist the reader in identifying how College Misericordia was affected by the authority of the superior of the religious congregation from 1924 until 1977. In 1977 the Congregation of the Sisters of Mercy changed its governance structure to increase the responsibilities of the Board of Trustees of College Misericordia. Chapter III identifies changes in the governance of the congregation of Sisters of Mercy which

contributed to the initiation of change in the relationship of the Sisters to their sponsored works, particularly College Misericordia. Chapter III informs the reader about the early days in the history of the Sisters of Mercy as well as the current history and governance of the Congregation. Information is presented in Chapter III to help the reader understand more clearly how changes internal to the governance of the Mercy Congregation affect the governance relationship of the Mercy Sisters to College Misericordia.

In Chapter IV the study explores the historical development of College Misericordia. Information included in Chapter IV familiarizes the reader with the foundation, the mission, and the purpose of College Misericordia. Through changes in College Misericordia's bylaws, Chapter IV describes the administration of College Misericordia and how the governance role of the Sisters of Mercy, from 1924 until 1993, impacted the governance relationship between the Sisters of Mercy and College Misericordia.

Chapter V presents quantitative data based on the results of a questionnaire that was distributed to people who were involved in College Misericordia's two-tiered governance structure for a minimum of six years. The questionnaire was designed to ascertain perceptions of the relationship between College Misericordia's Board of Trustees and College Misericordia's Corporate Member. Prior to distribution, the questionnaire was piloted by Mount Aloysius College which has

a two-tiered governance structure that is similar to that of College Misericordia. Chapter V outlines how information was gathered from Board of Trustee members and members of the Religious Congregation.

Finally, Chapter VI summarizes and discusses the results of the study and presents recommendations based on conclusions drawn from the study. In an effort to clarify the governance relationship of the Sisters of Mercy to College Misericordia, the following questions were answered.

1. What was the historical governance pattern of Roman Catholic Colleges and Universities in the United States?
2. What circumstances led to the restructuring of Boards of Trustees in Roman Catholic Colleges and Universities in the United States?
3. What circumstances in the religious congregation of the Sisters of Mercy led to the restructuring of the College Misericordia Board of Trustees?
4. What was the historical governance pattern of College Misericordia?
5. What was the impact on the relationship of the Mercy Congregation to College Misericordia Board of Trustees as the Congregation moved from a position of ownership and control to a position of sponsorship?

#### **Purpose of the Study**

The purpose of this study was to describe the governance relationship of College Misericordia to the Sisters of Mercy.

The study identified how change internal to the religious congregation affected change in the Sisters' governance relationship to College Misericordia.

According to Donovan (1964) prior to Vatican Council II the superior of a religious congregation appointed the president of the college. In some instances, the office of the president of the college and that of the religious superior of the congregation was held conjointly (Donovan, 1964). For the Sisters of Mercy, it was the office of the superior of the Convent who served as President of College Misericordia (College Misericordia Archives, 1931).

The professional environment of a Catholic college was influenced by the spirit of the religious congregation who sponsored the college. Each congregation had a distinctive rule and spirit that were learned by members of the congregation and had an influence on the college. The subculture of each religious congregation marked its institution with a unique personality. The administrative offices of Catholic colleges were almost always reserved for members of the religious congregation (Donovan, 1964).

#### **Need for the Study**

Since no complete record of the history of the governance of College Misericordia and its relationship to the founding religious congregation existed, the collection, organization, and dissemination of information from this study serves individuals who played important roles in the college and

those individuals who will have responsibility for the future governance structure of College Misericordia. Catholic colleges that made changes in board structures have discovered that the changes do not necessarily meet the current needs of the college nor those of the religious congregation. Findings from the study of the governance structure of College Misericordia may help to reevaluate the relationship of the Sisters of Mercy to College Misericordia through governance, and assist other colleges to determine an alternate approach to board and sponsoring religious congregational relationships. This study will make a contribution to Catholic colleges contemplating changes in governance structures between religious congregations and boards of trustees.

#### **Limitations of the Study**

This study was limited to an historical account of the governance relationship of College Misericordia to its founding religious congregation. A Sister of Mercy researched the study and she tried to overcome biases that may have existed.

The study did not undertake to defend the existing relationship found between the sponsoring religious body and the Board of Trustees at College Misericordia. Rather, the study clarified the nature of the relationship and recognized the importance of an honest and truthful relationship as a value for future growth of the institution.

## Definition of Terms

Because some terms were included in the study which were unique to religious congregations or to the Catholic church, specific terms were defined according to their usage in this study. By defining specific terms, the reader was prepared to apply an intended definition to a particular term thereby insuring the purpose for which the term was intended in this study.

### **Authority:**

a term used to describe the power vested in an office or a role.

### **Canon Law:**

the common form of the legal device used for the creation of a private institution and may be granted under the rules pertaining to the corporation (Henderson, 1967).

### **Collegiality:**

an attitude within an organization which insists that, no matter how relationships are structured relative to authority, in a decision-making process, all are peers (Burns, 1994).

### **Congregation:**

the collective term for members of the sponsoring religious body.

### **Corporate Member:**

a term mentioned in several bylaws especially those with two-tiered structures where the sponsoring religious body, called the Corporate Member, constitutes the top tier and holds unto itself reserve powers of decision. Some of the reserve powers deal with property rights and selection of trustees. The general composition of the Corporate Member are members of the sponsoring religious body (Loehr, 1988).

**Corporation:**

a term used for a collection of individuals united by authority of law into one body under a special name and empowered to act in many respects as an individual or an artificial person (Henderson, 1967).

**Governance:**

the process of direct control by groups or individuals over college and /or university policies (Hodgkins & Meeth, 1971).

**Members-College Misericordia Corporation:**

Sisters of Mercy who are the successors of the foundresses of College Misericordia and who inherited the responsibility to preserve and strengthen the life and mission of College Misericordia in collaboration with others.

**Mercy Mission:**

Our Mercy spirit and mission, centered in Christ and rooted in the heritage of Catherine McAuley, is characterized by courageous and loving service to the needy, the practice of the spiritual and corporal works of mercy, and reverence for the dignity of each person. To perpetuate and continually vitalize our spirit and mission, we commit ourselves to work toward equal partnership in a ministry with persons of like values. With our partners we shall:

- . carry on our sponsored ministries;
- . respond to emerging needs as our resources allow;
- . directly minister to women, to the poor, to the elderly; and
- . work for the alleviation of the injustices of our social systems.

In all of our ministerial endeavors, we expect that there will be mutual support and accountability (Archives, Sisters of Mercy of the Americas, 1991).

**Non-Collegiate Moral Person:**

an aggregation of goods or property whereby legal personality is bestowed on things destined to be used for a religious or charitable purpose (McGrath, 1968).

**Non-profit Corporation:**

a special type of corporation in American law. Members of a non-profit corporation usually elect the Board of Trustees, although members may reserve ultimate control to themselves (McGrath, 1968).

**Policy:**

a general rule of principle, statements of intent or direction, which provides guidance to administrators in reaching decisions with respect to the particular matters entrusted to their care.

**Power:**

the ability of individuals or groups to control the policy making process in the academic community (McGrath, 1968).

**Sponsorship:**

As Sisters of Mercy we sponsor institutions to address our enduring concerns and to witness to Christ's mission. Within these institutions we, together with our co-workers and those we serve, endeavor to model mercy and justice and to promote systemic change according to these ideals (Constitutions, Sisters of Mercy of the Americas, Article 5).

We carry out our mission of Mercy guided by prayerful consideration of the needs of our time, Catherine McAuley's preferential love for the poor and her special concern for women, the pastoral priorities of the universal and local church and our talents, resources and limitations (Constitutions, Sisters of Mercy of the Americas, Article 7).

A ministry is considered sponsored when one or more congregations, regional communities, dioceses, or similar corporate entities exercise significant influence over the culture of the ministry and the quality of its service, and ultimate control of its mission and tangible assets (Gottemoeller, 1995).

**Sponsoring Religious Congregation:**

the religious congregation which is the founding body of the respective college, and up until the time of change in governance, retained the primary rights and responsibilities for functions generally held by members of boards of trustees (Loehr, 1988).

**Subsidiarity:**

a decision that happens at the lowest possible place where the impact is felt and competency lies (Burns, 1994).

**Trust:**

a legal arrangement whereby a person or an institution administers material good for the benefit of another (Association of Governing Boards, 1986).

**Trustee:**

one of a body of persons appointed to administer the affairs of an organization such as a college or a university (Association of Governing Boards, 1986).

**Two-tiered Governance Structure:**

The structure of governance present at College Misericordia which provides an element of control by allowing the retention of selected fundamental decisions by a sponsoring religious body while permitting all other actions to be taken by the Board of Trustees (Moots & Gaffney, 1979).

## CHAPTER II

### REVIEW OF LITERATURE

To enable the reader to appreciate the evolutionary role of lay men, lay women, and members of religious congregations in Catholic college governance, Chapter II presents information regarding Catholic colleges, governance boards, and college corporations. Additional information in Chapter II includes a literature review of college sponsorship by religious congregations, renewal for Catholic College Boards of Trustees, and information regarding Catholic identity.

#### Historical Background of Catholic Colleges

In the nineteenth century the Catholic Church in America became the Church of the immigrants. It was estimated that between 1790 and 1850 more than one million Catholics immigrated from Europe and radically changed the character of Catholic life and Catholic education in America (Shaughnessy, 1925). Catholic parochial and collegiate educational systems in America became obvious manifestations of a distinct American Catholic sub-culture that was developed outside of the mainstream of American education. Chief among the reasons to establish Catholic schools in America was the threat to the Catholic faith in a predominantly Protestant environment. American bishops saw Catholic education as a way to protect Catholic youth from Protestant influence. When an adequate number of parish schools were established in a diocese, the bishops looked toward the establishment of higher educational

facilities. According to Hassenger (1970), bishops in America were the traditional founders of Catholic colleges in order to preserve, extend, and fortify the faith. Catholic colleges were also established to offer preparatory education for future clergy and to prepare Catholic lay leaders (Hassenger, 1970).

Although bishops founded educational facilities for Catholics, they realized that religious orders were much better prepared to establish and operate colleges because the religious orders brought stability to collegial education that could not be achieved by diocesan priests or bishops. Since most Catholic colleges were not endowed, financial support from any source was welcome. The ordinary sources of income for the early colleges came from tuition, donations, and contributed services of the religious congregations who sponsored them.

Hundreds of colleges owed their existence to a single person who may have used the college as an outlet for talents and dreams that could otherwise not be realized in business or in the churches. Similarly, many colleges were founded for religious and pedagogical reasons. Catholic religious orders that founded colleges wanted to create a culture that would be literate, respectable, and faithful (Jencks & Reisman, 1968).

Early colonial institutions were generally a response to a religious motivation to prepare ministers for existing churches as well as to prepare the sons of colonial gentlemen

to become serious scholars. As the concept of the purpose of colleges broadened, conflicts arose over their control. In the early nineteenth century, there was some interest in the concept that colleges were organized to serve the public welfare and should be under government control. An example was the interest of the state of New Hampshire in the conversion of Dartmouth into a public institution. However, the Supreme Court's Dartmouth decision of 1819 decreed the inviolability of the original Dartmouth charter and established the point that a college like Dartmouth was a private and not a public corporation. The Dartmouth decision proclaimed the sanctity of college and university charters as legitimate and legal contracts, not to be broken by the state (Gibson, 1964).

Private colleges had an impact on the whole cultural quality of American life and their future depended on their fiscal ability to continue. The first Roman Catholic college began in Georgetown in 1789. Like Georgetown, which was founded by the Jesuits, Catholic colleges were predominantly under the guidance of Catholic religious orders (Burns, 1962).

The Catholic Church and Catholic education served as vehicles for the Americanization of a large section of the immigrant population. Catholics, as a minority in America, frequently bore the brunt of ethnic prejudice and usually began life with acute economic disabilities. This condition resulted in the creation of an institutional form and a

cultural style that tried to provide ideological, emotional, and political protection from a larger society. By the end of the nineteenth century, Catholicism probably became the most powerful denomination in America (Jencks & Reisman, 1968).

Just as American society attempted to meet the need for its own unity and stability while accommodating diversity in ethnic, religious, and regional communities, the history of American Catholic education reflected a similar challenge. As one minority among many, American Catholics wanted to insure that their children remained Catholic and were also provided with opportunities to participate in a larger society. Catholic education was deemed necessary to the degree that Catholic communities were able to preserve traditional culture, improve their economic and social conditions, help the bishops and clergy build a Catholic Church, and secure a respected place in the larger society (O'Brien, 1993).

#### **Catholic Colleges and Catholic Religious Congregations**

By 1964 Donovan indicated that Catholic colleges in the United States were extensions of the Church in order to fulfill the teaching mission of the Church. Catholic Church legislation as well as tradition perpetuated a pattern of clerical leadership within the limitations of a provincial or regional structure. Donovan (1964) further indicated that not only was the president of a Catholic college usually a member of a religious order but the president was selected from among the members of the religious order who sponsored the college.

However, some Catholic colleges challenged traditional views of the mission of their institutions. For example, the former presidents, Grennan, Reinhardt, and Hesburgh of Webster College, Fordham University, and the University of Notre Dame respectively, maintained that as a separate legal corporation, Catholic colleges cannot be an arm of the teaching magisterium of the Church (Grennan, 1968).

The National Catholic Education Association (1968) reported that approximately 75 different Catholic congregations operated colleges in the United States. United States congregations had different national origins, different systems of organization and government, different traditions, and very often, leaders who were dissimilar. These conditions led to great autonomy for Catholic colleges but the colleges frequently found themselves involved in intense competition for students, donors, and respectability (Jencks & Reisman, 1968).

According to Greeley (1967) the structure and history of many religious communities placed serious obstacles in the work of higher education. Greeley claimed that religious orders became involved in higher education because they had the personnel, resources, and background in education to make it feasible. The view of religious congregations often differs from views held by most Americans involved in higher education. The training, life style, norms, values, and methods of administration of religious men and women were

shaped by historical traditions of the religious community rather than those of secular American higher education. Greeley (1967), contended that tensions existed almost from the beginning within religious communities and the administration of colleges.

Even though there were large numbers of lay faculty members teaching in Catholic colleges after World War II and the number of laity continued to increase, Catholic colleges were indistinguishable from the founding religious order. (Greeley, 1967). Grennan (1968) reported that after the Civil War 88% of all Catholic college teachers were members of religious orders and by 1964, that proportion decreased to 30% (Grennan, 1968).

Lair Dale (1961), a Jesuit priest, believed that one of the quickest ways to judge the influence and strength of an educational system was to investigate the qualifications of its teachers. Greeley (1967), on the other hand, suggested that academic improvement in Catholic higher educational institutions was dramatically related to the professional competence of administrative leadership. Unlike the early colleges and universities where faculty were credited for academic excellence, Greeley (1967) credited the president of the college with responsibility for academic excellence. When the president of a college combined an understanding of the purpose of higher education with the achievement of the institutional goals, with little or no interference from the

religious congregation, the college improved academically (Greeley, 1967).

### **Colleges and Boards of Trustees**

According to Caiman (1962) college and university boards of trustees had their origins in America. The most distinguishing characteristic of college and university trusteeship was the vast power which was legally vested in lay boards. Some charters of colleges and universities gave trustees sweeping control and managerial power over all matters relating to the educational program in colleges. In 1962 Caiman reported in church-related colleges, particularly Catholic colleges and universities, most lay boards were advisory in status. When the status of boards changed from that of advisory to that of governance, trustees often operated without being required to account to any higher authority for their stewardship.

Even though the bishop authorized the foundation of a Catholic college in his diocese, a Catholic college was usually controlled by a board appointed by the teaching order who conducted the college. As diverse as Catholic colleges were, almost all were controlled by religious orders.

In establishing a relationship between colleges and sponsoring congregations, it was important for administrators of the college and the religious congregation to agree about basic purposes which created their connection. The purposes reflected an agreement about the common mission of the

congregation and the college. The legal or formal relationship between a sponsoring religious body and a college was their mutual commitment. The legal relationship provided the opportunity for the religious congregation to exercise influence and, in some instances, control over policy decisions made by the college (Moots & Gaffney, 1979).

Many board members in colleges and universities were selected to boards, not because of high qualifications but because they deserved to be rewarded for past favors. Traditionally, business and professional men constituted the majority on most boards; recently, the number of women serving on college and university boards increased. Further, alumni became an important monetary source for institutions and were named as trustees. There was general agreement that the most important duty of the board of trustees was to select the president of the college or university. However, trustees were responsible to learn as much as possible about the institution in which service was rendered. In addition to being responsible for the selection of the president, trustees procured, conserved, and managed the funds of the institution. Boards were responsible for the upkeep of the physical property and equipment of the college and needed to be alerted to immediate and future needs for the college. The task of acquiring funds by way of gifts to the institution usually became a responsibility of the trustees (Caiman, 1962).

Some boards left the responsibility for academics in the

hands of the academicians. However, trustees were responsible to uphold and promote the good name and reputation of the institution and enhance its public image (Caiman, 1962).

The movement for the founding of colleges in America before the Civil War was identified with the growth of religious denominations. Between the Revolutionary War and the Civil War practically all colleges founded were organized, supported, and controlled by religious interests. It followed that boards of trustees in the decades before 1860 were predominantly controlled by clergymen. Since the chief purpose of denominational colleges was the propagation of the groups that established them, extensive power in determining the curriculum and the composition of the staff was granted to the boards of trustees.

As social forces in America changed, the demands on higher education led colleges and universities to provide a multitude of curricula designed to meet the needs of society. By the Civil War, there were changes in the composition of boards of trustees; namely, numbers of clergymen decreased and the number of businessmen and politicians increased. As early as 1910 more than four-fifths of the trustees in state universities were selected from the fields of business, banking, and law (McGrath, 1936).

#### **Institutional Charters and Boards of Trustees**

Control in both private and public colleges in America

was placed in the hands of boards of trustees who were given the legal responsibility for the welfare of the institution they represented. Charters of higher educational institutions determined the number and manner of choosing members to the board of trustees. Boards for private institutions became self-perpetuating with wide and socially important powers whereas public institution boards of trustees tended to be more responsive to the wishes of their constituencies and were not self-perpetuating. A concentration of control was more apparent in private institutions than state institutions which operated according to constitutional and statutory regulations. Private institutions operated under a fixed charter or articles of incorporation and were changed only by the agreement of the board itself; this condition made change a slow process (McGrath, 1936).

Whether in private or public institutions, a difference between the pre-Civil War college and the post-Civil War college, from the viewpoint of governance, was the change from an institutional control that was primarily sectarian to an institutional control that was primarily secular (Schenkel, 1971).

Some of the most prestigious private universities founded in the late nineteenth century were founded and endowed by a single individual. Of all people involved in universities, none was potentially more influential than those who founded or endowed a university. The prerogative of the founder was

to participate in or abstain from the governance of the university.

Trustees became extremely influential in American higher education during the nineteenth century. The basic function of trustees was to act as guardian of the charter of the institution and to constitute the body in which ultimate authority was vested. According to Schenkel (1971), boards, composed primarily of businessmen and lawyers, were traditionally conservative and often caused antagonism between themselves and the president of the institution in which they served. A basic ambivalence in the role of the trustee continued to be whether the trustee was responsible to the university or to groups outside the university. In other words, did a trustee appointed by the state represent the interests of the public to the university or did the trustee basically defend the interests of the university (Schenkel, 1971)? A similar question was often asked of members of religious congregations who were members of boards of trustees in colleges sponsored by the religious congregations. Did the religious congregation's members represent the religious community or did they defend the interests of the college or university?

#### **College Corporations**

A college or university was founded as a corporation in accordance with civil law. Colleges and universities were subject to a degree of supervision by the state to ensure that

civil law was not transgressed. As an artificial person, a corporation had only the powers and purposes conferred on it which were enumerated in the charter. All corporations had the power, by virtue of legal form, to have a corporate name, to sue and be sued, to purchase and hold property, to have a corporate seal, and to make bylaws. The implied powers include whatever action was necessary to carry out the express purpose of the corporation (Henderson, 1967).

Corporations had the authority to make bylaws which were consistent with the provisions of the charter. The charter of a corporation created the board of trustees and the board of trustees became the corporation; the trustees exercised powers of the corporation. The board operated as a unit; individual members had no authority to act for the corporation (Henderson, 1967).

The board had full legal authority and responsibility for the institution; often college and university boards delegated the responsibility of the educational program to the faculty. Henderson (1967) agreed with Caiman (1962) that the basic duties of the board included the selection of the president and the preservation and investment of assets of the institution. Lay boards in the United States, who had representatives of the general public in the formation of policy, in overseeing the management of the institution, and in assisting the institution to secure adequate resources, were unique among the universities of the world (Henderson,

1967).

### **Catholic College Corporations**

According to McGrath (1968), pioneer priests and members of religious orders in America were primarily interested in establishing the Church for the early settlers. Property gained was destined for the furtherance of the religious needs of the Catholic faithful and was subject to the norms of canon law. In the nineteenth century many religious communities and parishes conducted their charitable and educational work as aspects of their religious work. Separate incorporation and civil law control became more common for Catholic colleges and universities during the last decades of the nineteenth century. Property of the educational and charitable institutions was considered to be Church property and subject to ecclesiastical authority. During the latter half of the nineteenth century, Catholic colleges and universities needed ecclesiastical permission for the alienation of property. Religious superiors of founding congregations were appointed to the presidency of the colleges and trustees were appointed from the ranks of clergy and members of religious orders. On the other hand, Catholic institutions founded in the twentieth century were incorporated by their respective states. Standards for granting degrees were enforced by professional associations and government agencies (McGrath, 1968).

The tension between being faithful to the principles and ideals of Catholicism along with serving public functions

often led to conflicting practices by administrators of Catholic institutions. Civil law had to be followed at all times but often canon law was ignored or not applied when college administrators believed that canon law was irrelevant.

Membership of the governing boards for many Catholic institutions became more diverse in the twentieth century by being composed of professional people from many faith backgrounds. There were some Catholic institutions, however, whose board membership was still primarily from the sponsoring religious congregation (McGrath, 1968).

Power to acquire property was usually essential to most corporations if the purposes for which the corporation was created were to be accomplished. Both American civil law and canon law made provisions for corporations and moral persons to own property in their own name (McGrath, 1968). In civil law, the owner of a non-profit corporation was the non-profit corporation itself (Oleck, 1971).

Questions of ownership of institutions result from the historically unique relationship between congregations and separately incorporated institutions.

The question basically arises from the fact that many institutions were built, acquired or financed by the general revenues of the Congregation and contributed services of the sisters. The perception, therefore, was that these institutions were part of the whole apostolate of the Congregation.

If the institution is separately incorporated and real estate is titled in the institution's name with no other reservations, the institution owns the real estate. This holds true even if the real estate was initially the property of the religious Congregation (DiPietro, 1985, p.10).

The articles of foundation of a non-collegiate moral person determined the purpose of the institution, detailed its right and powers, designated the physical person or moral person who conducted the institution, provided for the government of the institution and made provisions for the distribution of the assets of the institution upon its dissolution. A non-collegiate moral person always remained a distinct legal entity from the physical person or moral person who conducted the institution. According to McGrath (1968) the institution owned the physical assets; the directors were the administrators, not the owners. The business of the institution was conducted according to the articles of foundation of the institution (McGrath, 1968).

McGrath (1968) held that American people favored the establishment and growth of church-related colleges as integral to the American pluralistic culture and that those church-related educational institutions chartered as corporations under American law were not owned by the sponsoring religious body but were vested in a corporation. The influence exercised by the religious sponsoring body over

the educational institution is what makes a Catholic college. Influence was exercised through the charter and bylaws, the board of trustees, the administration, and the staff of the corporation (McGrath, 1968).

Canon 114 (Code of Canon Law, 1983) states that:

- #1. Juridic persons are constituted either by prescription of law or by special concession of the competent authority given through a decree; they are aggregates of persons or of things ordered toward a purpose congruent with the mission of the Church and which transcends the purpose of the individuals that make them up.
- #2. The purposes spoken of in #1 are understood as those which pertain to works of piety, of the apostolate or of charity, whether spiritual or temporal.
- #3. The competent ecclesiastical authority is not to confer juridic personality except upon those aggregates of persons or things which pursue a truly useful purpose and, all things considered, have resources which are foreseen to be sufficient to achieve their designated end (Canon 114).

To that end, Maida (1975) differed from McGrath (1968) and took a position that the bishop or religious superior was the sole member of the institution established to own or manage the work of the church. Maida (1975) recommended that controlling decisions for the institution be reserved to the Members of the Corporation. Maida (1975) held that a formal

decree which was necessary to establish a moral person need not be a document separate and apart from the decree or published decision which was issued from a competent ecclesiastical authority. Maida (1975) stated that ecclesiastical institutes are constituted as moral personalities in the Church by the fact that ecclesiastical institutions are established by ecclesiastical authority and are subject to Canon Law. The decree which declared the explicit intention of the bishop or religious superior to erect a college to further the teaching mission of the Church was all that was required as the formal decree (Maida, 1975).

Flaherty (1960), in her dissertation, discussed women's Catholic colleges and stated that the administration in Catholic institutions conducted by religious communities was closely connected and dependent upon the controlling factors within the religious community. Flaherty recognized the importance of separating administration from governance. She described the typical organization of a privately supported institution as one that provided for the board of trustees to act as a legislative rather than an executive body (Flaherty, 1960).

On the suggestion of accrediting agencies and because of the need for separate financial holdings, religious communities received separate articles of incorporation for their sponsored colleges. In many separate corporations, the major superior chaired the board and the corporation depended

on the religious community for support. Satisfying both civil and canon law, the corporation assumed the status of a moral person and the property and physical facilities of the college belonged to the religious community (Flaherty, 1960).

#### **Catholic College Board Renewal**

The Second Vatican Council, which began in the fall of 1962, gave laymen and laywomen a new importance and stature in the Church. The Council provided new impetus for reforming boards of control in church-related institutions. As a result of the Second Vatican Council, boards of control were in a state of flux. It was Donovan's (1964) thesis that the role of church-related boards should not differ from that of independent, non church-related boards. A corporation, according to civil law, became a legal person and needed a human person to govern its affairs. Thus, it became the function of boards of trustees to govern the affairs of the institution (Donovan, 1964).

Catholic colleges and universities that relinquished exclusive ownership and control over policy in the late 1960s did so, according to McCluskey (1967), because sponsoring religious communities recognized the differences between the monastic, conventual or ecclesiastical community and the academic community. As alluded to earlier by Grennan (1968), some of the forerunners in this movement were: Notre Dame, St. Louis, and Fordham, who recognized that the nature of government and ownership of a collegiate institution flows

from the character of higher education itself (McCluskey, 1967).

As Catholics became more influenced by Vatican II's Decree on the "Apostolate of the Laity" Catholic college administrators and boards realized a need for increased financial resources. At the same time there was a recognition for people outside religious orders to share a responsibility in promoting Christian humanism in Catholic colleges and universities (Abbott, 1966).

In civil law educational corporate boards exercised legal power without the approval of outside authority. In many Catholic institutions, as noted in Canon 114 (Code of Canon Law, 1983), the specific exercise of some powers was subject to the approval of local bishops or superiors of religious congregations.

Until the implementation of the proceedings from the Second Vatican Council it was, as previously stated, a tradition in Catholic colleges for religious orders to restrict membership on the boards of control to the sponsoring religious congregation. In some Catholic colleges where financial stability became problematic, religious orders set up lay advisory boards. Lay advisory boards were expected to offer counsel but had no responsibility or authority to put into effect what they had advised (Donovan, 1964).

Ford (1967) attributed impetus for renewal of Catholic institutions of higher learning to the following factors:

limited resources, few professional administrators, critical students and professors, anti-intellectualism, Catholic separation from the broad perspective of higher education, boards of control that were not distinct from the religious order, and the need to redefine the meaning of the term "Catholic higher education" (Ford, 1967).

Boards of control became more secular after the 1960s. Whether the institution had its origins in the work of the religious order or was primarily controlled by religious members of the order, Catholic colleges began to focus on the laity as potential governing board members after the Second Vatican Council (Ford, 1967).

McCluskey (1967) rationalized the restructuring of Catholic colleges on the belief that a university was based on the natural order and must be characteristic of the work of contemporary higher education. He further stated that operational principles of a university discharged responsibility for the discovery, transmission, and application of the truth. Competency, experience, and seniority were at the core of the university.

Secondly, restructuring was necessary because of the limitations of financial resources. A third reason for restructuring was that religious orders and dioceses did not have enough qualified priests and religious personnel to staff and administer Catholic institutions.

As Catholic institutions expanded in size and complexity,

colleges and universities recruited more lay teachers and administrators who began to assume a larger role in the general operation of the institution. According to McCluskey (1967), priests and members of religious orders engaged in college level education were stewards of a public trust because the charter of the institution was issued by the particular state in which they resided. As stewards, priests and members of religious orders had a clear and direct obligation to the civil authority that gave an institution a civil existence. Priests and religious congregational members engaged in higher education looked upon their institutions as a powerful witness to Christian humanism. Lay teachers and staff who joined in the educational work abided by the same commitment (McCluskey, 1967). In 1967 St. Louis University was the first Catholic institution to vest ownership and control of the university in a board of trustees composed of both lay and religious persons (McCluskey, 1967).

St. Louis University's governance structure was identified by Langan (1970) as the first of four models of governance that would dominate colleges and universities as they evolved and underwent change. Langan's first model was one of "less control but presence" and implied that religious personnel influenced college campus activities in curricular and extracurricular affairs more than in the active administration and governance of the institution. The second model of "shared control" was a structure chosen by the

University of Notre Dame in 1967 that included an equal number of lay members and Christian brothers and priests to serve as "Fellow." However, the University of Notre Dame retained in perpetuity its essential character as a Catholic institution of higher learning. The third model, considered by Langan (1970) to be the least valuable governance structure was that of "no change in control". The most effective, but least broadly based model for the future, Langan claimed, was that of "secularization" where divergent ideas were promoted and not merely tolerated (Langan, 1970).

Sheridan (1971) reflected that even before Vatican II when Catholic colleges were exclusively controlled by clergy and members of religious orders, from the board of trustees to administrative and faculty appointments, the laity asserted that the clerical or religious state did not automatically endow individuals with professional competence in establishing policy in higher education. On the other hand, clergy and members of religious congregations were fearful that control by laity would result in secularization of church-sponsored institutions.

Sheridan (1971) claimed that in the Vatican II documents, "The Church in the Modern World" and "Religious Freedom" it was made clear that the church belonged in the world and that the sacred was not separated from the secular. Some of the changes resulting from the Vatican documents were observed in the changing character of Catholic education. The curriculum

of philosophy and theology was altered. Secular subjects were presented more competently, spiritual exercises were encouraged rather than required, and more freedom was granted to students. College administrators and faculty members were no longer appointed solely by the superior of religious congregations. In the area of governance, boards of trustees composed, only of men or women from religious orders, were replaced by members of the laity. Acknowledgement was given that the above identified factors did not, by themselves, make a college Catholic.

Sheridan (1971) predicted that Christian secularity and the values of contemporary society would play a role in the future of Catholic higher education. Clergy and religious men and women would be present on college campuses as faculty, staff or administrators but would no longer be appointed to those positions by religious superiors. Rather, religious men and women, like their lay counterparts, would be hired on the basis of educational or administrative expertise (Sheridan, 1971).

### **Catholic Colleges and Sponsorship**

In a study spanning the years between 1966 and 1972, Marie Fox (1975) examined significant changes in relationships between governing boards and sponsoring religious bodies of Catholic colleges and universities. Results of the study were based on responses from 208 people who were closely connected with 51 Catholic colleges or universities who participated in

the study. Fox's findings indicated that the power and responsibility for the governance of Catholic colleges shifted noticeably from sponsoring religious groups to boards of trustees and college super boards. Areas of change identified by the respondents in Fox's study included: approval of the sale or disposition of college property, approval of the merger or consolidation of the institution with another corporation, and approval of the selection of the president of the college. In 1966, sponsoring religious groups had authority to select the president in 23.1% of the institutions and boards of trustees controlled 74.4%. By 1972, college boards selected the president in 96.1% of the cases and religious communities no longer selected the president. Title to the college's buildings and land was held by the sponsoring religious groups in 33.3% of the institutions in 1960 but only 16.0% in 1972. Most titles were transferred to governing boards, college corporations, or college super boards by 1972. Fox (1975), identified super boards as those governance structures which reserve powers to the sponsoring religious body.

If the influence of a sponsoring religious body upon the college leadership was insufficient, a way of arranging further control by the sponsoring religious body was through a two-tiered governing structure. A two-tiered structure allowed the retention of selected fundamental decisions by the sponsoring religious body and permitted all other actions to be

taken by the governing board. Another governance structure which maintained some control by the sponsoring religious congregation was for the congregation to become the membership corporation and reserve powers within the corporate structure of the college. The exercise of legal authority addressed the concern of legal responsibility for the institution and the sponsoring religious community. The practical importance of influencing the college by the religious congregation depended on the informal and personal relationships which existed between the leaders of the college and the sponsoring religious congregation (Moots & McGlynn, 1979).

Recognizing that the institutional governance mechanisms of the Catholic system of higher education in the United States remained stable from colonial times until the mid 1960s, Martin Stamm (1979) conducted a study to determine the extent to which the process of "laicization" of boards of trustees at American Catholic colleges and universities had occurred from the mid 1960s until 1977. Stamm's (1979) study included finding the impact on the relationship of the college or university to the sponsoring religious congregation as a result of the "laicization" of boards of trustees. Stamm (1979) reported that in 1977 members of the sponsoring religious congregation who were trustees were almost always in the minority of board voting members and members of the sponsoring religious congregations relinquished formal control over the governing boards of 68% of the 112 Catholic higher

educational institutions surveyed in the study. Stamm also found that religious congregation board members influenced board decisions only in the areas of campus ministry, relations with the congregation, and the theology curriculum.

Almost all colleges and universities in the study had a distinct budget separate from that of the religious congregation; Catholic colleges and universities included in the study were separately organized from the religious congregation. College and university presidents felt the influence of the religious congregation was adequate and thought that lay trustees were understanding and empathetic to the religious congregation's role at the institution. Finally, Stamm (1979), found that "laicization" had insured a shared partnership in the future of Catholic higher educational institutions.

Early in 1990, the Leadership Conference for Women Religious national board and executive committee commissioned a planning and ministry study to convey data about women leaders in religious congregations. A section of the study focused on sponsored works, an assessment of future college sponsorship by religious congregations, and changes anticipated from 1991-1996. From 860 surveys distributed, 668 were completed, which represented a return of 78%.

In the area of higher education, 3,253 members of institutes included in the survey indicated involvement in ministry in a college or university setting. Findings

indicated that 45.1% of the survey respondents projected a decrease for full-time religious professional staff, including a 32.2% decrease for full-time support staff, and 29.4% decrease for administrators in colleges and universities. Respondents' projections for campus ministry and part-time support staff suggested stability until 1996. Overall, 1996 personnel projections for college and university education reflected less anticipated change than that expected for the areas of elementary and secondary education (Munley, 1992).

Since the church in its law had no specific set of criteria for sponsorship of ministries, sponsorship was provided in a variety of ways. Sponsorship, according to Munley (1993), was defined by the relationship between the religious congregation and the institution in regard to support, influence, and control. Sponsorship projections in colleges and others sponsored works in the ministry of education reflected a stable picture until 1996 (Munley, 1993).

The formal process of examining the authenticity of Mercy commitments and the effectiveness of Mercy ministry began in 1975 with the formation of a sponsorship committee called together by the administrator general of the Sisters of Mercy of the Union. The purpose of the committee was to provide direction to the corporate ministerial presence with the Church in light of the call of Vatican II, a decrease in the number of sister personnel, changing congregational placement

policies, limited financial resources, and changing sociopolitical ministries (Moran, 1978).

The sponsorship committee devised a definition of sponsorship:

Sponsorship consists of the support of, influence on, and responsibility for a project, program, or institution which furthers the goals of the sponsoring group, the Sisters of Mercy. Sponsorship further implies that the sponsoring group is publicly identified with the project, program, or institution and makes certain resources available to them.

The sponsorship definition was accepted at the General Chapter of the Sisters of Mercy of the Union in April 1977 (Sponsorship Committee Minutes, 1978).

Some of the reasons identified by Moran (1978) which caused religious congregations to look at sponsorship were reinforced by Gallin (1984) who addressed the issue of "Sponsorship as Partnership". The term, "sponsoring religious body" suggested a supportive relationship between a religious community and a college or university founded by it. The word "sponsor" suggested lending one's name, one's talents, one's money, and one's reputation to a cause that seemed valuable. Because both laity and religious communities were running Catholic colleges together, Alice Gallin, former Executive Director of the Association of Catholic Colleges and Universities, considered the relationship to be one of

partnership rather than sponsorship.

Gallin (1984) suggested that reflecting on the history of both the religious congregation and the college helped address feelings of those who were concerned about the guardianship of the mission being passed from the hands of the religious congregation into the hands of the trustees. Often new trustees were not aware that religious congregations invested personnel and financial resources into their institutions over the years and that sponsoring a college implied ownership and control.

As the number of laity increased in Catholic institutions and the number of religious congregational members decreased, the locus of governance moved from the religious congregation to governing Boards of Trustees where members of religious congregations and laity governed the institution together. To give structure to the joint governance relationship so that the ability to offer a Christian education to students could be strengthened, Gallin (1984) suggested that boards and religious congregations discuss issues such as distribution of power, distribution of responsibility, ministry goals, legal accountability, liability, fiscal responsibility, and the mission of the college as "owned" by various constituencies, even though "entrusted" to the legal Board of Trustees. Since religious congregations ordinarily worked for less than their lay counterparts and the difference was returned to the college as a form of contributed service, most communities

never accumulated savings for the future. In light of those past circumstances, justice in financial arrangements was an important element in structuring a partnership between the congregation and the laity. According to Gallin (1984), the question was not who controlled the college but how partners exercised their gifts to promote the health and vitality of the institution (Gallin, 1984).

Although religious congregations were responsible for large numbers of institutions, the relationship between the congregation and the college changed since Vatican Council II. The most obvious reasons for the changing relationships according to Gottemoeller (1991) was the decline in the number of sisters, the rising age of the sisters, the fact that there were more laity than sisters in given institutions, and that the President of the institution, to whom the sister was accountable, was often a lay person.

Separate incorporation of institutions created the necessity to formalize the governance of the institution to distinguish it from congregational administration which led to complex organizations. A sister ministering in such institutions began to wonder what, if any, influence she had on the overall direction or quality of the ministry. The "new" ministry of governance, however, opened new roles for congregational members who had opportunities for collaboration with laity. Even though religious congregations maintained ultimate responsibility for Catholic institutions, the

majority of administrators in the institutions were members of the laity. While accepting a definition of sponsorship as the "significant influence and ultimate control over the assets, the mission, and the quality of service of the institution," Gottemoeller (1991) questioned how sponsorship could be a viable concept by religious congregations when sisters were not present in key positions.

Another question asked by congregations had to do with whether a religious congregation demonstrated how the institution it sponsored more readily responded to need, was more cost-effective, or made any real difference to services rendered. Positive answers to the above questions challenged religious congregations to identify specific positions in the institutions where sisters could be recruited and prepared to serve the mission of the institution.

Gottemoeller (1991) recommended principles for making decisions by religious congregations who faced institutional sponsorship relationships. One of those principles was for Catholic institutions to belong to the Church like the people of God and the needy they served. Other principles were that sponsorship of institutions should be a deliberate decision of congregations with open recognition of the consequences of the decision. Gottemoeller held that significant influence was a combination of legal control and a deliberately cultivated corporate culture. The physical presence or representation by sisters was not synonymous with significant influence

(Gottemoeller, 1991).

In an address to Sister of Mercy Board Members at a conference held in Omaha in 1994, Sheila Carney, President of the Sisters of Mercy from the Pittsburgh Regional Community (1987-1995), emphasized that:

as Sisters of Mercy who have expended ourselves in the creation and continuity of giving birth to our institutions, we reserve the right to tell our story and to determine the value base from which the ministry will draw strength and meaning (Carney, 1994, 9.1).

In her talk, Carney focused on the value of cultivating a vibrant Mercy spirit and identity. She also discussed the importance of balancing and respecting the necessary legal control necessary for a viable sponsoring relationship to exist (Carney, 1994).

According to Welch (1994), religious congregations in the United States used the term sponsorship to describe the relationship of the congregation to its established works. In the spirit of the Second Vatican Council religious men and women were challenged to collaborate with lay colleagues by recognizing the talents of both laity and religious. In some instances, laity were directly involved in the governance of the sponsored work and, according to Welch (1994), members of religious orders needed to refocus resources as numbers of active members of the congregation declined so that the gift of the corporate congregational existence was not lost to the

Church (Welch, 1994).

Doucette (1994) claimed that sponsorship had two components, namely: what was sponsored and how it was sponsored. As a participant in a panel at the Mercy Higher Education Colloquium in 1994, Doucette stated her position on sponsorship as that of wanting to be involved because of a belief in what was being done. In sponsoring a college, Doucette categorized a difference in the role of a sister from that of a lay person and suggested that sisters must be willing to educate and articulate the real purpose of the college and the laity must be willing to learn and accept the responsibility of sponsorship. As an institution matured, the role of sisters and lay persons became a distinct and a shared responsibility.

Consistency had to be established with mission statements, performances, and reality. It was important to make a distinction between what the college had been and what the sponsors wanted the college to become; sponsors had to create a culture and climate in the college (Doucette, 1994).

On the other hand, another panel participant at the 1994 Mercy Higher Education Colloquium meeting spoke of sponsorship in terms of power to influence so that the college could continue the work of the Church and the religious congregation. For the Mercy congregation, the enduring concern centered around the future of Catherine McAuley's charism to educate women and to nurture a connection between

those who have more and those who have less (Stevens, 1994).

### **Catholic Colleges and Catholic Identity**

In a paper presented at the annual meeting of the Association of Catholic Colleges and Universities, Savage (1984), asserted that the board of trustees had a role to play in maintaining the institutional identity and integrity of a college or university. Trustees were often unsure about the role they played in shaping and/or maintaining the Catholic identity of a college. Trustees had to understand the distinctive Catholic identity of the institution and determine ways to incorporate that identity in policy and action.

In the era of change introduced by the Second Vatican Council during the 1960s, Catholic college constituencies addressed various issues. Faculty were concerned about academic freedom while students questioned the continuation of piety and religious practices and challenged expected campus behavior and core curriculum requirements. Administrators, on the other hand, were concerned about the number of religious personnel in key administrative positions, discriminatory practices in hiring, promotion, and tenure, government funding and church-state relationships. Trustees gave attention to the legal separation of the college from its founding or sponsoring religious congregation.

So that Catholic colleges would maintain their Catholic identity and institutional integrity as they moved into the future, Savage (1984) suggested that boards should take the

lead for the future by focusing on the future and allowing themselves time to consider the long term impact of changes, revenue, constituencies, and purposes. Secondly, boards should focus on Catholic identity and recognize that mission becomes credible only by creating and sustaining an institutional culture. Third, boards should take time at board meetings to discuss institutional identity and insure that the story of the college is told among themselves and with the constituencies of the college (Savage, 1984).

The changing character of colleges had an impact on sponsoring religious bodies. Laity began to compete with religious men and women for leadership positions in Catholic colleges and new search procedures for vacancies threatened the placement of religious personnel in the colleges.

Religious congregations who at one time almost single handedly founded and nourished Catholic colleges no longer assumed sole concern for the improvement in Catholic higher educational institutions. Religious congregations were not looking for control but for moral influence. According to Henry (1984), religious congregations should become involved in teaching, campus ministry and/or administrative positions where they will come in direct contact with students and be in positions of direct service and influence (Henry, 1984).

Savage (1991) suggested that board members and sponsors of Catholic colleges engage in conversation about the future direction of higher education by positively articulating the

role Catholic higher education has played and will continue to play in society. Conversation should have service to the community as one of its aims.

Savage's position was that leaders of religious communities usually responded personally or pastorally to people or issues and should have focused more on the future direction of the religious congregation. Focus should have been on specific institutional issues regarding how the identity of religious men and women affected the policies on curriculum, student service programs, community service programs, personnel, athletic programs, and campus ministry.

To assure an effective and ongoing relationship between trustees and religious congregations, Savage further held that each party should know the distinctive governance responsibility of each constituency of the college. Neither trustees nor sponsors should overstate their role. Faculty, students, and staff who generate much of the action of the college should be credited. Trustees and sponsors should talk together, work together, and empower the members of the academic community to strengthen the religious character of the college (Savage, 1991).

As president of a Mercy college and former College Misericordia trustee, Keiss (1991) asserted that the key to strengthening the relationship between the board and the sponsoring religious congregation was to foster a common understanding of the college's particular mission and purpose

in relationship to the church and the broader society which it attempted to serve. The guardianship of the institution's mission belonged to the trustees. Keiss also said that the 18 Mercy colleges preserved and extended the charism of Catherine McAuley and made it possible to incarnate Catherine's values, insights and mission in structures that preserved Catherine's values through the passage of time.

For a collaborative effort in mission between laity and religious congregations in preparation for the twenty-first century, the trustees of Catholic colleges had to understand the animating spirit of the college culture as reflected in the heritage of the sponsoring religious community. In mutually accepting the responsibility for governance of a college, both the religious congregation and lay colleagues needed to clarify institutional purposes, set mutual expectations, agree on the nature of services and support that each provided the other and establish methods for evaluating progress toward agreed-upon goals.

A commitment to the specific and unique Catholic mission of a college must be held by trustees in a Catholic college and mutual expectations with the religious sponsoring congregation must be clearly understood. The future of Catholic colleges hinges on the effectiveness of the collaboration between religious and laity grounded on a joint commitment to mission and a phasing out of dependence on the sponsoring religious community. When a respectful, mutual

relationship between college trustees and a sponsoring religious congregation was effective, the sponsoring religious body faced the future with optimism by finding lay board members who reviewed the college in light of its declared mission and were eager to maintain a public identification with the founding religious congregation (Keiss, 1991).

DiPietro (1991) too, called for religious congregations and trustees to work together to influence the Catholic character and identity of the college. Modernizing of governance structures called for vision, creativity, and straight forwardness of purpose by the religious congregation and the college. The challenge of modernizing governance structures was through open negotiations which were respectful to the founders, history and future of the institution.

Stating the goal was a critical function in redesigning a governance structure. Who had the right to define the controlling objectives of the reorganization and to determine if a Catholic identity or a linkage to the Church threatened the institutional autonomy and academic freedom of the college, were questions that needed to be answered. Objectives as well as clearly defined terms had to be agreed upon by both the sponsoring religious congregation and the trustees when the future of Catholic education was most effectively promoted (DiPietro, 1991).

Warner (1991) agreed with DiPietro (1991) and Savage (1991) that religious congregations play an appropriate role

in collaboration with their partners in ministry in the preservation of the Catholic character of a Catholic college or university. Warner suggested that the Catholic character could be maintained by establishing a bicameral model of governance whereby trustees and the religious congregation held the institution in trust and preserved the essential character of the institution as derived from the spirit of its founders (Warner, 1991).

According to Burns (1994), prior to Vatican II religious men and women saw themselves and were seen by others as offering visibility and stability to the teaching, healing and consoling ministry of the church. As a result of Vatican II, institutions of health care, education or social services sponsored by religious congregations belonged primarily to the church. As sponsors of many institutions, religious congregational leaders were key catalysts in stimulating attitudinal and behavioral changes required to shift from the religious congregation's needs to the needs of the larger church and to persons marginalized by contemporary society.

Essential to securing sponsored works in the twenty-first century will be an attitudinal shift from parochial to global thinking and from singular, parallel efforts of service to collaborative, integrative efforts. Efforts to break through issues of turfdom, vested interest, and competition promise hope for the future. Efforts to offer service in the name of Catholic sponsorship must be rooted in the Church and based on

the principles of collegiality, subsidiarity and accountability (Burns, 1994).

Acknowledging that colleges are agents of social change, McInnes (1991) recognized that colleges and universities shaped society in distinctive ways and were shaped by the environment in which the colleges operated. Cultural changes over the past 40 years have impacted higher education and higher education will continue to be impacted by economic, political, and cultural changes in society.

Church related institutions need to understand the challenges facing all colleges such as: how colleges can improve the quality of education, how they can promote cultural diversity, how they can adapt to the aging of personnel and buildings, how they can be open to globalization and the demand for gender equality, and how they can operate efficiently in a changing economic environment. Distinctive challenges for church-related colleges demand and will continue to demand committed and knowledgeable trustee leadership to confront issues of: preserving and promoting the religious identity of the college, improving relations between the college and its sponsoring body, and incorporating distinctive religious commitment into the routine life of the institution (McInnes, 1991).

In his encyclical, "On the Christian Education of Youth", Pope Pius XI wrote that:

it is the inalienable right as well as the indispensable

duty of the Church to watch over the entire education for her children in all institutions, public or private, not merely in regard to every regulation insofar as religion and morality are concerned (Pius XI, 1939).

Archbishop Baum (1975) recognized that interest in church related institutions of higher learning captured the attention of parents and students as well as academicians who were experiencing financial stress while trying to keep their private institutions afloat. Baum stated that the university fulfilled its mission by being a sign of a community of faith which served as a model of reconciliation (Baum, 1975).

Changes occurred in Catholic colleges and universities over the last 30 years which contributed to the fact that more than 600,000 students participated in Catholic higher education. Catholic colleges and universities were perceived as academically solid institutions. Changes in governance from religious communities to lay boards and the increase of lay faculty in the institutions may be credited for those improvements (Leibrecht, 1995).

If the right and the duty of the Church is to continue to watch over the education for her children and if Catholic colleges continue as a means to that end, the relationship between the religious and lay trustees must be one of honesty and complete trust. According to Antone (1980), both must realize and appreciate the essential role of the other in the future of Catholic colleges and universities.

## Summary

The review of related literature began with a perceived need by the Catholic Church in America to use a Catholic educational system to preserve and promote the Catholic faith. The review continued with a discussion of the role of Catholic religious congregations of men and women in the establishment of Catholic colleges and universities. How Catholic colleges were shaped by historical traditions of religious communities was also acknowledged.

In making the transition from colleges that were founded, organized, supported, and controlled by religious interests, the literature explained how members of religious congregations moved from models of self-administration and governance of Catholic colleges to models of governance which encouraged greater involvement by lay men and women. The literature reviewed the establishment of separate college corporations and the transfer of congregational property assets to college corporations sponsored by religious communities.

Vatican Council II was credited as one of the motivational factors supporting renewal for Catholic College Boards of Trustees. However, Ford (1967) and McCluskey (1967) attributed renewal efforts to an increase in the number of laity on boards, limited college resources, a decrease in the number of men and women entering religious congregations, and a need for lay expertise in college governance.

The issue of sponsorship as a means of relationship between religious congregations and colleges founded by the religious congregation was discussed. Catholic identity as it was evidenced in Catholic colleges and the role of the Board of Trustees in maintaining the mission and integrity of colleges was identified as necessary for the future of Catholic higher education (Savage, 1984).

A recognition of the need for an attitudinal shift from parochial to global thinking was represented in the literature (Burns, 1994). The literature acknowledged that colleges were agents of social change and they distinctively shaped society by impacting economic, political, and cultural changes (McInnes, 1994).

College Misericordia, as a Sisters of Mercy institution in America, experienced changes in governance since it was established in 1924. The next section of this study introduces the foundress of the Mercy community whose life was dedicated to helping others to help themselves. It was in the spirit of the foundress that the Religious Sisters of Mercy continued to sponsor College Misericordia.

## **CHAPTER III**

### **INTRODUCTION**

Founded in Ireland by Catherine McAuley in 1831, the Mercy Congregation traditionally served the Catholic community through education, health care, and social services (Sabourin, 1976). Chapter III introduces the reader to the foundress of the Sisters of Mercy, Catherine McAuley, and describes the changing nature and development of the Congregation of Sisters of Mercy. Chapter III gives the reader information about the spirit, charism, and works of Catherine McAuley in order to appreciate Catherine's response to the needs of the poor in Dublin. Catherine's legacy of service to the poor, as it continued from the confines of Ireland to become an international religious community, laid the foundation for the ministry of the Sisters of Mercy throughout the world.

Because of the nature of this study, information was confined to the movement from Ireland to the United States, specifically Northeastern Pennsylvania. In addition to the spirit and charism of Catherine McAuley and the Mercy Congregation, Chapter III describes the changing governance structure of the Sisters of Mercy in the United States from 1843 when the Sisters came to the United States until 1991 when the Sisters of Mercy from North and South America joined together to become the Sisters of Mercy of the Americas.

#### **Catherine McAuley**

In 1831, the Congregation of the Sisters of Mercy was

founded in Dublin, Ireland by a Catholic woman named Catherine McAuley. Although Catherine came from a family of money, she began to appreciate the plight of the poor when she discovered that most of the McAuley family money was spent after the death of her mother. When Catherine was about 18 years old, she was fortunate enough to be invited to live with her relatives, Mr. and Mrs. Callahan, who had returned to Ireland from India after realizing a considerable fortune.

During the early 1800s, because Dublin was a city of excitement, unrest and revolution, the Callahans and Catherine moved to the suburbs in search of peace and security. They moved to Coolock House which was situated on 22 acres of land only a carriage ride from the city of Dublin (Neuman, 1969).

While living with the Callahans, Catherine continued to recognize the needs of others and was given a free hand in her charitable endeavors. Catherine had ample means at her disposal to help the poor.

In 1822, after the death of his wife, James Callahan signed his will and appointed Catherine as the sole heir of his estate. The will stipulated that Catherine was to do whatever she wished with her inheritance (Miley, 1931).

Catherine chose to seek out the poor, go to them, live near them, and make a commitment of herself and her fortune to serve the needs of the poor, sick, and ignorant (Neuman, 1969). According to Neuman (1969), Catherine, who was a poised, gracious, courteous woman, showed sympathy and

affection towards all people but especially for the sick, the poor, and those in need of consolation. Between 1824 and 1827, Catherine worked with the poor at St. Mary Poor School, Liffey Street where she taught poor women to make crafts or articles of clothing that could be sold so that the women could gain a sense of independence.

The movement of lay Catholic action, which enlisted the support of middle class Catholics who gave of their time and talent to assist the church in meeting the spiritual and temporal needs of impoverished Catholics, attracted Catherine McAuley to construct a building on Baggot Street in Dublin, Ireland. The building was in a fashionable section of Dublin which ensured that the social consciousness of the wealthier classes toward the poor would be aroused. Departing from the method usually followed by Catholics in the early 1800s of erecting buildings in back alleys, Catherine made plans for building a house for women and girls which would be far away from slum neighborhoods and in a good section of the city. She found the place she wanted on Baggot Street in Dublin where the rich would see and know the privations of the poor.

#### **Mercy Foundation**

On September 24, 1827, the new house was opened as a shelter for destitute girls and women. The house was used to train girls and women to become independent as well as to provide a daytime school for poor children. In addition to schools for poor children, Catherine McAuley opened schools

for the middle class wherever the necessity existed. Once the schools were opened, Catherine worked unceasingly to improve them (Miley, 1931). Because of the numerous homeless children that Catherine found on the streets of Dublin, she also established the Baggot Street house as an orphanage. As the apostolate of Mercy grew, Catherine McAuley enlisted the help of additional women whose lifestyle in the House of Mercy began to resemble that of convent living. The daily schedule included religious devotion; the dress became simple; and the residents called one another, "sister". By 1829 there were a dozen women living in the house who were servicing poor women and children (Burton, 1948).

Catherine and the "women who helped her" adopted a common mode of dress and a regulated common life. As Catherine's service to the poor became known, the Catholic clergy were concerned that the "House of Mercy" which the house on Baggot Street was called, posed a threat to a new religious congregation of the Sisters of Charity. As a consequence, Catherine was encouraged to enter a religious congregation (Savage, 1950).

Catherine had not the slightest desire to become a member of a religious community. Her chief reason for holding back from religious life, long after the encouragement from the Catholic clergy, was that all religious women of her time took vows of enclosure. Above all, Catherine's work required that she be where the poor lived which would have to be

outside the confines of the cloister. One of her advisors, Archbishop Murray, successfully sought permission from Rome for Catherine to begin a religious congregation that would not be constrained by cloister.

In September 1830, Catherine and two of her associates began their training in religious life with the Presentation Sisters. On December 12, 1831, Catherine and her two companions became the first Sisters of Mercy.

It was the founder or foundress of a religious institute who determined the central elements of the institute's heritage. The heritage represented the nature, purpose, spirit, character and tradition of the institute which required ratification by a competent ecclesiastical authority (Canon 578, Code of Canon Law). At the time of its establishment, the Institute of Mercy was classified as a female, lay, religious apostolic institute of pontifical right with an autonomous type of governance.

Catherine McAuley seemed to have based her choice of a governance structure on practicality rather than on clearly focused governance principles. She considered what would benefit the sisters and their apostolates as well as what bishops, possible candidates, and potential benefactors would find most acceptable. Catherine's belief was that autonomous houses would foster a family spirit among the sisters in a way that a strongly controlled governance structure could not. She believed that constant consultation with a remote mother

superior might hamper a local superior in realistically evaluating the needs of an area. Catherine did not think that any one foundation should be confined by the limitations of another. She also realized that bishops preferred convents over which they had some control and the bishops would not appreciate contending with a bishop or a mother superior from another diocese (Darcy, 1993).

For Catherine McAuley the Mercy community was intended to manifest a sense of unity despite the formal governmental arrangements that were necessary to carry out the mission. Through her letters and visitations, Catherine encouraged her sisters to remain faithful to the spirit of the Institute of Mercy. Within ten years after the foundation of the Sisters of Mercy, Catherine McAuley died on November 11, 1841 at the age of 63. During those ten years Catherine established 14 foundations and a total of 150 women entered the congregation of the Sisters of Mercy (Bourke, 1991).

#### **Sisters of Mercy in the United States**

Tremendous expansion characterized the congregation of the Sisters of Mercy after the death of Catherine McAuley. On December 20, 1843, the most abundant growth began when Frances Ward and six other Sisters of Mercy arrived in Pittsburgh from Ireland at the invitation of Michael O'Connor, the first Bishop of Pittsburgh (Healy, 1973).

More than 80% of the expansion of the Sisters of Mercy in the United States grew from foundations made in Pittsburgh and

New York. Nearly 140 autonomous houses were established by the Sisters of Mercy in the United States between 1843 and 1928 (Darcy, 1993). On September 8, 1875, eight Sisters of Mercy arrived from Pittsburgh, Pennsylvania at St. Mary's Church in Wilkes-Barre, Pennsylvania and took up their residence in an old rectory (Archives, Sisters of Mercy, Mercy Center, 1884).

#### **The Amalgamation of the Sisters of Mercy**

As early as 1861, Frances Ward, the woman considered to be the American foundress of the Sisters of Mercy, proposed that all independent convents in Pennsylvania should have one General Superior and all young religious should be trained in one novitiate. At that time, Frances Ward's proposal was not acceptable to the other superiors of individual convents, but attempts toward unification continued to be made. Between 1881 and 1928 at least 16 unions of autonomous houses of Mercy occurred in the United States for the sake of efficiency, increased uniformity in customs, and a centralization of authority.

Between 1902 and 1905, the Sacred Congregation for the Propagation of Faith tried to regularize the conditions of the Sisters of Mercy in the United States because each independent Mercy community retained the Constitution from the original mother house in Dublin. The rules, customs, and procedures of each mother-house varied according to the interpretation of the Superior of the mother-house in each diocese. The Holy

See began to encourage the unification of all Sisters of Mercy of the United States. In 1929, from a possible 60 autonomous mother-houses, 39 consented to amalgamate; the Sisters of Mercy from Dallas, Pennsylvania, were among the 39 and became known as the Province of Scranton. The mother-house in Dallas was in the Scranton diocese (Darcy, 1993).

Prior to the Amalgamation, individual ministry assignments were made by the local convent superior who was appointed by the foundress of the mother-house. Following the amalgamation, superiors of local convents were appointed by the Provincial and Council. The Provincial and Council were appointed by the Mother General and her Council who were elected by delegates from each province every six years. The practice of appointments for Sisters of Mercy who belonged to the Union continued from 1929 until the seventh General Chapter in 1965.

Initially, the transition for many Sisters from a small, comfortable community to a large national entity was stressful but the general administration forged ahead to regulate customs and practices. One of the greatest outcomes of the Union was the sharing between the general mother-house and the provinces. As sisters from the various provinces pooled their talent and expertise, the sisters began to realize how the amalgamation strengthened the Mercy community.

During the first 30 years of the Union's existence, structures were put into place to solidify the amalgamation.

A "Constitution" was approved by Rome, a book containing guidelines and customs to be followed by the members of the Union was printed, health care, education programs and conferences were established, and information from the general offices and the provincial offices was shared.

Between 1929 and 1979, nine independent groups of Sisters of Mercy were received into the Union. Each group, called a province, had its own local governance structure to facilitate local administrative matters but was part of the larger, general structure to whom it was accountable. In 1959, a general mother-house was constructed in Bethesda, Maryland; each province was financially responsible to amortize the debt of the mother-house (Werntz, 1989).

By the mid-nineteenth century, the Catholic church was ready for an active contemplative congregation of women who directly ministered to the poor, sick and uneducated and for religious leaders who were capable of combining personal spirituality with a pioneering spirit of initiative and independence. By 1943, the Congregation of Mercy was the second largest congregation of religious women in the world with a membership of 30,000 in the United States. Elements which contributed to the unprecedented growth of the Mercy Congregation were spiritual, structural, social, and personal (Healey, 1973).

Prior to Vatican Council II, Sisters of Mercy of the Union wore a prescribed religious habit and adopted a certain

style of ordering their lives. For example, prayer, recreation, and travel were determined by the prescriptive outlines of the Congregation. By Vatican Council II, each province of the Sisters of Mercy was enveloped by sound canonical principles, policies, and procedures (Sabourin, 1976).

#### **Vatican Council II and the Sisters of Mercy**

The Mother General and Council of the Sisters of Mercy were influenced by the activities of the Second Vatican Council (1961) and desired to act in accord with the thinking of the Church. The desire of the Sisters of Mercy was to prepare for change as a way to rebuild Christian unity and foster world peace.

Predicated on the direction of the Second Vatican Council, the first session of the Seventh General Chapter of the Sisters of Mercy of the Union was called into session in 1965. Delegates represented each of the nine provinces and the Provincial from each province took the lead from the general administration of the congregation and made decisions to revise the Constitutions, to change the traditional Mercy habit, and to collaborate with the laity in making the Church present and operative (Werntz, 1989).

A second session of the Seventh General Chapter was held between May 14-23, 1966, in Bethesda, Maryland. Chapter proposals covered topics from ministry to religious community life to governance structures. In regard to higher education,

the chapter delegates voted that a certain percentage of Sisters of Mercy of the Union would be released from ministerial duties in order to earn doctoral degrees as preparation for staffing at the college level. At that time in the history of the Congregation, the Provincial and Council assigned sisters to their respective ministries (Werntz, 1989).

After the conclusion of the Seventh General Chapter in 1966, Rome mandated that all religious congregations hold special chapters before October 11, 1969. The purpose of the Special Chapter was to serve as a bridge between the past and the future of religious life.

In compliance with the Vatican mandate, a Special General Chapter for the Sisters of Mercy was held between June 26 and August 3, 1966. Each of the nine provinces sent three elected sisters and the provincial administrator to Bethesda where Chapter proceedings were conducted. An outcome of the Special Chapter was to accept a proposal submitted from the Scranton Province which stated that:

In all areas affecting a sister's personal life, she is free, trusted, and encouraged to make her own decision; that in those areas which affect the union and charity [and apostolic effectiveness] of a particular group, the sister engage in shared decision-making; that all the Sisters of Mercy be conscious of their membership in this religious institute in accepting whatever norms affect

the entire body (Mercy Covenant, 1972, p. F-3).

The phrase, "apostolic effectiveness" was added to the proposal which passed by a vote of 54 to 11.

Three areas of religious community governance were considered at the 1966 Special Chapter. First, the function of governance at the generalate level was to be a strong unifying force among the provinces and was to facilitate the taking of risks which would open the way for creative change within the Church. Second, autonomy was given to each province to determine the method used to select delegates for provincial and general chapters. Approval was also given for sisters in temporary vows to vote for provincial chapter delegates and other offices. Third, subsidiarity was discussed around the relative autonomy that was given to the local level and individual persons in matters pertaining to governance, life-style, and ministry (Werntz, 1989).

As a result of the 1966 Special General Chapter, sisters began to make decisions about ministry placement rather than to accept assignments made on their behalf by the Provincial Administrator and Council. This action paved the way for sisters to decide whether they wanted to prepare to work in Mercy community-owned institutions and for those who were working in Mercy owned institutions, to decide if they wanted to continue to work in them.

### **Sponsorship and the Sisters of Mercy**

One of the first conversations regarding sponsorship for

the Sisters of Mercy was initiated in 1975 when three Sisters were commissioned by the Administrator General to design an instrument to obtain Union wide data regarding sponsorship. In 1976, the Administrator General of the Sisters of Mercy contacted each province to discuss ministry-related issues concerning: a decrease of sister personnel and visibility of sisters, the changing province placement policies which formerly guaranteed personnel in Mercy community-owned institutions, and the shifting economic relationships of the religious congregations to the institutions of education and health care.

Ministerial discussions centered around whether Mercy corporate ministries would take on new life and increased vitality or whether the Sisters of Mercy would become involved in new ways of ministering (letter January 5, 1976 Moran to provincials, Mercy Center Washington Archives, 1976).

Decisions made by the Congregation of the Sisters of Mercy which affected the governance of College Misericordia and other Congregational owned institutions had begun as early as 1929 when the Sisters of Mercy amalgamated with other Mercy Congregations, changed from an independent to a central governance structure, and became known as the Sisters of Mercy of the Union. Changes in the Mercy governance structure continued throughout the years until the most recent change in 1991 when Mercy Sisters in North and South America joined together to form the Institute of the Sisters of Mercy of the

Americas.

### **Sisters of Mercy of the Americas**

On July 20, 1991, 7,400 Sisters of Mercy joined together to form a new Institute. The Institute of the Sisters of Mercy of the Americas was a religious community of women publicly dedicated to the service of the poor, sick, and ignorant who shared a common heritage, a common vision and a conviction that their bonds were rooted in God. Sisters of Mercy held a belief that they strengthened and enabled one another for mission. According to Darcy (1993), the Sisters believed that the relationship among them was strengthened by adding a dimension of authority which operated with shared responsibility (Darcy, 1993). The merging of Mercy communities gave the Sisters of Mercy centralized leadership, shared Constitutions, and a shared heritage (Hartmann, 1994).

## CHAPTER IV

### THE SOCIETY OF THE SISTERS OF MERCY

Based on the recognized need for the education of women in Wyoming Valley, the Sisters of Mercy of Wilkes Barre, like Catherine McAuley their foundress, responded to a need by providing educational opportunities for women. Chapter IV shares information about how the Mercy Sisters worked with the laity in order to purchase land that could be used as a College for young women. Chapter IV describes the establishment of College Misericordia and notes the changing role of the Sisters of Mercy in the administration of College Misericordia from the opening of Misericordia until the present.

When the Sisters arrived in Pittsburgh in 1843, they continued the work of their foundress by opening schools, visiting the sick in homes and hospitals, and caring for the general needs of the poor. From Pittsburgh the Sisters opened foundations of Mercy throughout the United States. On September 7, 1875, Mercy Sisters left Pittsburgh, traveled to Wyoming Valley, and settled in Wilkes-Barre, Pennsylvania.

In the eighteenth century, Wyoming Valley was chartered by Connecticut settlers and took its name from Indians to whom the area first belonged. Wyoming Valley was an anthracite coal-mining area where men could find jobs and provide for their families.

During the early 1920s a mixed population of Welsh,

English, Irish, German, Polish, and Italian settlers lived in Wyoming Valley and were looking for a better way of life. Wyoming Valley, as a coal-mining area, experienced rapid changes in society following World War I. Parents were looking for a stabilization of life values for their children. Those immigrants who were of the Catholic tradition typically looked to the Catholic church and the teaching orders of nuns to teach their children in grade schools and academies.

A handful of Sisters of Mercy recognized a need to alter the intellectual environment of the area. The Sisters provided for new, creative, and disciplined ideas by courageously envisioning an academic institution for young women who "might not otherwise have obtained an education" (Sister of Mercy Archives).

Nine years after arriving in Wilkes Barre, November 11, 1884, the Sisters of Mercy from Wilkes Barre formed a legal corporation called the "Incorporation of the Society of the Sisters of Mercy of Wilkes Barre." The purpose of the Corporation was:

to found, endow, support, and maintain, by the charity of its members, an institution of purely public charity for the education and instruction of the young (College Misericordia Archives, 1884. P. 1).

In accomplishing its purpose, the "Society," as the Incorporation of the Society of the Sisters of Mercy was called, opened a school in Wilkes-Barre; began a night school

in 1898; and purchased a house in Wilkes-Barre to offer residence to self-supporting young women.

Bylaws of the "Society" were approved in 1909 by Bishop Hoban, Bishop of the Scranton Diocese (Incorporation Minutes, 1909). It was primarily the Society of the Sisters of Mercy of Wilkes-Barre who assumed the legal, canonical, and financial responsibility for beginning College Misericordia and for moving the mother-house of the Sisters of Mercy from Wilkes Barre to Dallas. Responsibility for College Misericordia lay with the Incorporation of the Society in one form or another from when the land was purchased in 1914 until the Corporation was merged into the Dallas Regional Community of the Sisters of Mercy in 1992 (Gallagher, 1992).

In 1913 Sisters of Mercy, through legal lay representatives, purchased 99  $\frac{2}{5}$  acres of land for a new mother house and novitiate in Dallas, Pennsylvania, nine miles northwest of Wilkes-Barre. Catholic and non-Catholic leaders of Wilkes-Barre and other cities throughout the area cooperated with the Sisters in purchasing the land. In 1919, each Sister of Mercy who lived in the Wilkes-Barre area was asked to raise \$100 for the construction of a mother-house. Because of World War I, the building project was deferred until June 3, 1921 when ground was broken for a new building, which became known as Villa St. Terese. (Herron, 1929). Although the land was originally designated to become the mother-house and novitiate of the Sisters of Mercy, it also

became the campus of College Misericordia (Paye, 1976).

On May 29, 1922 a loan of \$200,000 was obtained by the "Society" to complete the work on the mother-house in Dallas. The mortgage was transferred from the "Society" property of St. Mary's in Wilkes-Barre to a new building, Villa Saint Teresa, in Dallas. In 1923, the loan was increased to \$300,000.

College Misericordia's archives (1923) hold a letter from an Attorney in Wilkes-Barre responding to a request for a proposed Incorporation of College Misericordia. The letter suggested that a resolution be adopted that would authorize the officers of the Order of the Sisters of Mercy to incorporate College Misericordia and make conveyance of the Congregation's Dallas and Wilkes-Barre properties to the Trustees of the Corporation of the Sisters of Mercy who were named in the resolution by the Wilkes Barre attorney. Trustees named in the resolution were: two Bishops of the Scranton Diocese, a local priest, and the Mother Superior of the Sisters of Mercy (Morris, 1923). Suggestions made by the Attorney were followed and College Misericordia was separately incorporated in 1924.

#### **Early Governance of College Misericordia**

On September 24, 1924, Dallas, a rural village in Pennsylvania, changed into a college town when College Misericordia was opened as the first college in the Wyoming Valley. College Misericordia began with a student enrollment

of 37 girls, 19 full-time faculty and 3 lecturers. Several Sisters of Mercy obtained the degrees necessary for college teaching (College Misericordia Catalogue, 1924). Eventually, evening and Saturday morning classes were conducted to accommodate local teachers who needed further academic credits toward completing a college degree (Kelly, 1975).

College Misericordia was approved for a charter by the Commonwealth of Pennsylvania Council of Education on January 31, 1927. College Misericordia was granted the power to bestow the degrees of Bachelor of Arts and Bachelor of Science, respectively. The College Misericordia Original Articles of Incorporation and the College Misericordia Charter are recorded in the Luzerne County Charter Book No. 10 p. 420 (Incorporation Papers, 1927). On June 14, 1927, one Bachelor of Arts degree and four Bachelor of Science degrees were granted as the first degrees earned by College Misericordia students (Kelly, 1984).

In 1929 an amendment to the original College Misericordia Charter approved, "The power to grant and to confer such other degrees as may be approved and authorized from time to time by the duly constituted authorities under the Acts of Assembly in such case made and provided" (Luzerne County file No. 1023, May 1929) - (College Misericordia Charter Amendment, 1929).

In 1924 the superior of the Corporation of the Sisters of Mercy of Wilkes-Barre held the title of Honorary President of College Misericordia. In 1929 the Sisters of Mercy from

Dallas amalgamated with the Sisters of Mercy of the Union in the United States of America.

As a result of that action, the Dallas region became known as a Province and the superior of the Province became known as the Mother Provincial. The Mother Provincial was not permitted to retain the office of the President of the College Misericordia Corporation. Again, it was by virtue of the office of President of the Corporation that the superior held the honorary title of College Misericordia President. After the amalgamation in 1929, the honorary title of President was given to the superior of the College Misericordia convent (Corporation Minutes, 1931).

In 1957 an active President was appointed to College Misericordia by the Mother Provincial and her Council. Until 1957, the Academic Dean of College Misericordia was the person who was the chief administrator of the College (Gildae, 1980).

Excerpts from minutes of the Board of Directors of the Society of the Sisters of Mercy from Wilkes-Barre, reflect the involvement of the Sisters of Mercy in the administration of College Misericordia, for example:

Minutes from May 14, 1928 gave permission to the "Corporation" to use the donation from the Catholic Gymnasium for the purpose of erecting a new college dormitory. On December 28, 1928 the Corporation decided to raise money and build a new dormitory which was projected to cost approximately \$90,000 exclusive of furnishings. The President

and Secretary of the Corporation were authorized and empowered to make, execute, and deliver, in the name of the Corporation, a deed conveying all the right, title and interest of the "Corporation" property situated at 324 Carey Avenue, Wilkes-Barre, Pennsylvania to an individual person from Wilkes-Barre (Corporation Minutes, 1926).

Minutes from the August 6, 1930 meeting of the Board of Directors of the Society record a decision to erect two new wings to the administration building of College Misericordia and to empower the superior of the convent to write all checks and transact all business pertaining to the erection of the new wings. In 1930, the minutes reflected a need to increase the mortgage loan to \$500,000 in order to complete two new wings of the main building of College Misericordia. At the same meeting the President of the Society of the Sisters of Mercy was given discretionary power to carry on and complete the transactions necessary for obtaining the loan. When in August of 1929, the independent congregation of the Society of the Sisters of Mercy of Wilkes Barre had amalgamated to become part of the Sisters of Mercy of the Union, the Society of the Sisters of Mercy of Wilkes Barre held the deed to College Misericordia property in Dallas and needed permission from the Mother Provincial, the Mother General, and the Apostolic Delegate in Rome to borrow the \$500,000 needed to add two wings to the main building of College Misericordia. Permission was granted by all three parties in 1930

(Corporation Minutes, 1930).

At a regular annual meeting of the Directors of the Corporation on August 8, 1934, a financial statement of College Misericordia was read and suggestions were made to provide ways and means to increase the usefulness of College Misericordia to members of the religious congregation. The President of the Corporation also served as Academic Dean of College Misericordia. The Academic Dean permitted academic credits to be given to members of the religious community only if community members were sanctioned by the proper authorities of the College. The Academic Dean further recommended that applicants take examinations so that educational standards would be safeguarded and maintained (Directors of the Society Minutes, 1934).

A review of Sisters of Mercy Provincial Council minutes (December 13, 1942) stated a decision to empower seven Sister members to act as an Administrative Board for College Misericordia. The responsibility of the Board was to control college policies, keep abreast of the trends of modern education, and maintain adherence to the aims of College Misericordia. It was the decision of the Administrative Board to offer free tuition to outstanding pupils in the high schools of the vicinity. The administrative Board functioned until November 15, 1950 when the name was changed to the Executive Council of College Misericordia (Provincial Council Minutes, 1934).

### **Later Governance of College Misericordia**

The first College Misericordia Board of Trustees was advisory in nature and was composed of 21 members, four of whom were women and three who were clergymen. The Mother Superior and her Council served as Ex officio members of the Board (College Misericordia Recordings, File # 5, 1923).

Members of the College Corporation adopted a special resolution on January 19, 1963 to amend the Bylaws of College Misericordia to read that the number of Trustees would be reduced from 26 to 11 (College Misericordia Bylaws, Article IV, 1963). It was also resolved that Section 1 of Article VI of the College Bylaws be amended to read that:

The Board of Trustees shall invest and reinvest all funds of the College and shall control generally the financial administration of the College. It may authorize the borrowing of money and the mortgage, purchase, sale, leasing or otherwise disposing of any real estate of the College without requiring the consent or approval by members of the Corporation (Minutes, College Misericordia Corporation, 1963, p. 1).

It is important to note that when the above decision was made by the Members of the College in 1963, the Corporate power vested in the Board of Trustees was held by the Mother Provincial of the Scranton Province, ex officio; the President, Academic Dean, Dean of Women, Registrar, Secretary and Treasurer of the College, ex officio, all of whom were

Sisters of Mercy. Only two of the remaining seats on the Board of Trustees were to be filled by lay members. The Mother Provincial of the Scranton Province chaired the Board of Trustees, the Superior of the College convent was the Vice Chair, and the President of the College served as the Secretary of the Board (Minutes, College Misericordia Corporation, 1963).

Prior to 1969, Article III of the Bylaws stated that:

The members of the Corporation shall be professed members of the Religious Sisters of Mercy of the Union in the United States of America, Scranton Province, who have been duly assigned to Faculty and Administrative duties at College Misericordia (College Misericordia By-laws, 1963, p. 1).

On November 13, 1969, Article III. Members of the Corporation, of the Bylaws was changed to read:

The Membership of the corporation shall consist of professed members of the Religious Sisters of Mercy of the Union of the United States, Scranton Province, chosen by the Provincial Administrator and her Council. The number of members shall not exceed 12. They will be appointed for and serve a term of three years; provided, however, that for the first appointments following the adoption of these Bylaws, one-third of the members shall be appointed for one year; one-third shall be appointed for two years and the remaining one-third shall be

appointed for three years. A member may be reappointed to serve consecutive terms (p. 1).

Article V. Section 2 (a). Membership of the Board was changed to read:

The Board of Trustees shall consist of not less than eleven (11) nor more than twenty-five (25) members, of which, at all times, at least one-half shall be professed members of the Religious Sisters of Mercy of the Union in the United States, and at least one member shall be an alumna of the College. The Provincial Administrator of the Scranton Province and the President of the College shall be members of the Board, ex officio, with full voting rights (p. 2).

Article V. Section 3 (a). Officers of the Board was changed to read:

The Officers of the Board shall consist of a Chairman, a Vice-Chairman and Secretary elected from its membership by the members of the Board at its annual meeting upon nomination of the Committee on Trustees. They shall be elected for a term of one year or until their successors are elected. They may be eligible for re-election, however, no officer may serve in the same office for more than five (5) consecutive terms but may be elected to the same office after a sabbatical from that office for two years. Any vacancy may be filled at any meeting of the Board upon nomination of the Committee on Trustees.

Any officer may be removed from office by a ballot vote of majority of the whole number of Trustees whenever the best interests of the College will be served thereby (p. 2).

In 1973 a paragraph was added to Article III. Members of the Corporation, which read:

The members of the Corporation shall elect the members of the Board of Trustees and shall approve the borrowing of money and the mortgage, purchase, sale, leasing or otherwise disposing of any real estate of the College. The President of the College will preside at meetings of the members of the Corporation and the Secretary of the College shall serve as secretary. Neither shall have a vote, unless appointed as a member to the Corporation (p.1).

Article VII. Powers and Duties of the Board of Trustees was changed to read:

The Board shall constitute the governing body of College Misericordia. It shall formulate and determine policies as shall be necessary for the administration and development of the College in accordance with the terms of its charter and its stated purpose. It shall appoint a President for the College who shall be directly responsible to the Board for the administration of the College. It may authorize the borrowing of money and the mortgage, purchase, sale, leasing or otherwise disposing

of any real estate of the College subject to the approval of member of the Corporation. Budgets and audits shall be available to the Board, which shall ensure that adequate funds are available for the functioning of the College. It shall authorize and supervise the construction of new building, additions, and matters pertaining to expenditures for such construction. Upon recommendation of the President of the College, it shall approve the granting of tenure or dismissal of faculty members. As the governing body of the College, all actions of the Board shall be final except in specific instances where such action requires the approval of the majority of the members of the Corporation (p.5).

Article IX, Officers of the College, Sections 1 and 2,

1973 Bylaws read:

Section 1. The officers of the College shall be a President, Secretary and Treasurer all of whom shall be members of the Religious Sisters of Mercy of the Union in the United States and who shall be appointed by the Board of Trustees.

Section 2. President. The President shall be a member of the Religious Sisters of Mercy of the Union in the United States. The President shall administer the government of the College as its chief executive officer. She shall be an ex officio member of the Board of Trustees and all committees of the Board. She shall see that all policies

established by the Board are implemented fully; that proper educational standards are observed; that everything possible is done to carry out the objectives of the College and to promote the best interests of the students and the faculty. She is to report to the Board of Trustees upon the condition of the College and make such recommendations as she considers necessary (p. 9).

On October 2, 1977, the Members of the College Corporation unanimously passed two motions which further affected the relationship between the Congregation of the Sisters of Mercy and the Board of Trustees of College Misericordia. It was agreed by the Members to amend Article IX, Officers of the College Section 1, to read: "The officers of the College shall be a President, Secretary, and Treasurer who shall be appointed by the Board of Trustees" (p.7). The line, "all of whom shall be members of the Religious Sisters of Mercy of the Union in the United States", was deleted from the Article.

Article IX, Section 2, was changed by deleting the first sentence which read, "The President shall be a member of the Religious Sisters of Mercy of the Union in the United States" (p. 7).

In December of 1977, further Bylaw revisions were approved regarding Membership of the Corporation, powers reserved to the Members of the Corporation and meetings of the Members of the Corporation. Article III, Members of the

College. Section 1, Membership, was changed to read:

The Members of the College shall consist of the Provincial Administrator, those persons who constitute the Council of the Scranton Province of the Religious Sisters of Mercy of the Union in the United States, and two members of the Society of the Sisters of Mercy of Wilkes-Barre shall be appointed by the Provincial Administrator and Council for one and two-year terms respectively and may be reappointed to serve consecutive terms. Neither of these two members of the Society shall be a member of the Board of Trustees nor an employee of the College (p.1).

In 1980, the bylaws reflected a substitution of the word "Corporation" to be replaced with the word "College". Also, in 1980, a reserved power was given to the Members of the College to approve the bylaws and bylaw amendments. It was in 1980, Article IV. Meetings of the Members of the College, established that joint meetings were to be held at least once every two years between the Members of the College and the Board of Trustees (p. 2).

In 1988 a resolution was given to the Members of the College by the Board of Trustees regarding the inclusion of the Members of the College, ex-officio, on the Board of Trustees with full voting rights. Revised sections of the Resolution were approved by the Members of the College (Minutes, Member Meeting, July, 8, 1988).

After the period of experimentation by the Members of the College who also served on the Board of Trustees for three years, the Members of the College made a motion that was accepted at the June 1993 Board meeting to resign from the Board of Trustees but to work together in good faith to strengthen the relationship between the Members of the College and the Board of Trustees (Minutes, College Misericordia Board Meeting, 1993). Bylaws were changed to reflect the continued involvement of the Sisters on the Board. Article III. Members of the College. Section 1, Membership, was changed to read:

The Members of the College shall consist of the President and those persons who constitute the Leadership Team of the Dallas Regional Community of the Sisters of Mercy of the Americas. The President of the Dallas Regional Community or her delegate will serve ex-officio as a member of the Board of Trustees with full voting rights (p. 1).

Article V. Board of Trustees. Section 2(a), Membership of the Board, was changed to read:

The Board of Trustees shall consist of not less than eleven (11) nor more than forty (40) persons and will include no fewer than fifteen percent (15%) Sisters of Mercy. The President of the College shall be an ex-officio member of the Board with full voting rights (p. 2).

Copies of the 1962, 1973, 1977 and a current copy of

College Misericordia Bylaws appear in (Appendix E) of this study. Bylaws from those particular years were chosen because the Sisters of Mercy approved amendments to the bylaws that empowered the laity to partner with the Sisters in the administration and governance of College Misericordia. From the beginning in 1924 until the 1970s College Misericordia was governed and administered by the Religious Sisters of Mercy.

Even though the Sisters of Mercy empowered College Misericordia's Board of Trustees to appoint the President of the College, as was reflected in the 1973 College Misericordia Bylaw, it remained the stewarding responsibility of the Sisters of Mercy to ensure that the values on which College Misericordia was founded continued to permeate the institution. The Congregation of Mercy was responsible for insuring the continuance of the mission and purpose of College Misericordia according to the intention of the Sisters who founded College Misericordia.

This study focused on a description of the past and current governance relationship between the Congregation of the Sisters of Mercy as Members of the College Misericordia Corporation and the College Misericordia Board of Trustees. The next chapter describes quantitative research obtained by a survey instrument.

## CHAPTER V

Thus far the study provided information about the history and foundation of the Sisters of Mercy and Catherine McAuley who was the foundress of the Mercy Congregation. The study also identified changes in the governance of the Mercy Congregation which affected the governance role of the Sisters of Mercy at College Misericordia. Chapter V of the study reports data which reflects the perception of the relationship between the Sisters of Mercy and lay members of the Board of Trustees since 1977. In 1977 Sisters of Mercy empowered lay trustees to share in governance responsibilities for College Misericordia with the Mercy Congregation.

### Questionnaire Research

Quantitative data regarding the perception of the Sisters of Mercy Congregation to College Misericordia's Board of Trustees was obtained from responses to a governance questionnaire. The questionnaire was completed by Sisters of Mercy who served College Misericordia as a Corporate Member and Sisters of Mercy and laity who served College Misericordia as Trustees for a minimum of six years since 1977. Subjects involved in this study were Members of the College Misericordia Corporation and members of College Misericordia Boards of Trustees. Prior to a 1993 College Misericordia Bylaw change, College Misericordia Trustees were appointed for 3 three-year terms. As of a 1994 Bylaw change, Trustees were appointed for 4 three-year terms. Members of the College

Misericordia Corporation also served as the elected leadership for the Sisters of Mercy and were elected for 2 four-year terms.

All subjects invited to participate in this study served as part of the two-tiered governance structure of College Misericordia for a minimum of six years, since 1977. In 1977 the Board of Incorporators approved a College Misericordia Bylaw change which no longer restricted the officers of the College to the Sisters of Mercy. Approval was given at the same meeting to dissolve the membership of the Incorporators and transfer the power held by the Board of Incorporators to the Provincial Council and two additional members of the Society of the Sisters of Mercy of the Wilkes Barre Corporation (Kennedy, 1977).

For the purpose of this study, it was assumed that six years was enough experience for participants to evaluate the relationship between the Members of the College Corporation and the Board of Trustees. From the 37 Trustees who served College Misericordia for a minimum of six years, five Trustees were Sisters of Mercy who also served as Corporate Members. In addition, there were five Sisters who served only as Corporate Members for a minimum of six years. The number of subjects eligible to participate in this study was 42.

#### **Questionnaire**

A questionnaire (Appendix C) was designed to collect information from the College Misericordia Board of Trustees

and the Members of the College Corporation. That questionnaire was mailed in a self-addressed, stamped envelope to Members of the College Misericordia Corporation and Trustees who served College Misericordia for a minimum of six years.

Each of the 42 persons eligible for this study was sent an invitational letter describing the purpose of the study and ensuring complete confidentiality. Participation in this study involved completing a self-administered closed-ended questionnaire by rating 30 items on a five-point Likert scale ranging from "strongly disagree" to "strongly agree."

Essential elements used as the basis for the questionnaire were taken from the review of literature, the "College Misericordia Final Report of the Governance Study Group" (1993), Loehr's study (1988) regarding the relationship of sponsoring religious communities to Boards of Trustees at women's colleges, Zwingle's Trustee Audit (1979), and Zwingle's publication on "Effective Trusteeship" (1977).

In an effort to strengthen the validity of the study, the questionnaire was piloted by five persons from Mount Aloysius College Board of Trustees. Mount Aloysius College was a college sponsored by the Sisters of Mercy with a two-tiered governance structure and had the same Corporate Members as College Misericordia. The purpose of the pilot study was to determine: the clarity of the language, the simplicity of directions, and the amount of time it took to complete the

questionnaire. To anticipate the actual circumstances in which the questionnaire was conducted, a copy of the cover letter to the Board of Trustees along with the Questionnaire was mailed with a stamped return envelope.

To determine reliability, the researcher looked for: "failure to answer questions; giving several answers to the same question; and/or writing comments in the margin" (Fink, 1985, p.50). Changes in the questionnaire were made based on feedback from the pilot study.

#### **Treatment of Data**

Data from this study were analyzed by the Statistical Analysis Software (SAS) computer program. The computer program was a complete data entry, analysis, graphics, and reporting package.

The purpose of the questionnaire was to ascertain perceptions of the relationship between the governance of the College Misericordia Board of Trustees and the Sisters of Mercy. Subjects, who were Sisters of Mercy and lay Trustees, were asked to complete a College Misericordia governance questionnaire. For the convenience of the respondents and as a resource, College Misericordia's Mission Statement, definitions used in the questionnaire, and assumptions held by the researcher were sent to the subjects. The instrument identified the number of men and women who rated each item and indicated whether the respondent was a Sister of Mercy or a College Misericordia lay trustee.

Each of the 30 items on the questionnaire was rated on a five-point scale to determine the extent of agreement or disagreement with each item. Items used in the questionnaire were rated as follows: (1) Strongly Disagree, (2) Disagree, (3) Undecided, (4) Agree, and (5) Strongly Agree.

The research utilized in analyzing data from the questionnaire was the Likert Scale. According to D.C. Miller, (1983) in the Handbook of Research Design and Social Measurement, "Likert, (1932) developed a type of scale that was easier to construct while yielding satisfactory reliability." Likert-type items yielded more information because respondents had the freedom to strongly agree, be neutral, or strongly disagree.

Analysis of data from this section of the study was reported according to percentages of agreement or disagreement for each item. Data from each respondent (N=35) were analyzed for each item and were reported in the form of frequency and percentage for each of the five possible levels of agreement on the questionnaire. Data were also reported according to the responses of Sister Trustees (N=13) and Lay Trustees (N=22), respectively.

To draw meaningful conclusions from gathered data, mean scores from lay trustees and Sister trustees were determined for each item. A t test was used to compare the levels of satisfaction between the two groups.

A questionnaire was distributed on December 1, 1995.

Forty-two respondents were asked to sign an enclosed consent form, complete the questionnaire by December 20, 1995, and return both documents in a self-addressed, stamped envelope.

A thank-you letter was sent to subjects who responded to the questionnaire. On January 2, 1996, a second letter of request was sent to any subject whose questionnaire was not received by the investigator. From the 42 persons eligible to participate in this study, 35 subjects or 83% completed the required information and returned it to the investigator with a signed consent form. The consent form fulfilled a requirement for Lehigh University's Human Subjects office.

Table 1 of this study supplies information related to the category of service offered to College Misericordia by the participants in the study. Tables two through 31 inform the reader about the perception of subjects' experience while serving College Misericordia as a Trustee or as a Corporate Member. Subjects were instructed to rate a level of agreement for each statement on a five-point Likert scale.

Data are presented for each question from the total number (N=35) of study participants and are further analyzed according to the responses from sisters and other trustees, respectively. Data are reported according to frequency and percent.

A t-test was done on the data with  $p < .05$  statistical level of significance. Results of the t-test are included in Table 33 of this study.

**Table 1**

Categories of Service

N=35

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	Sisters of Mercy (n=13)		Laity (n=22)	
	f	%	f	%
CM Trustee	5	14.28	22	62.85
CM Member	2	5.7	0	0.00
Trustee/Member	6	17.1	0	0.00
Total	13	37.08	22	62.85

---

Subjects from this study represented the following categories of service to College Misericordia: 27 College Misericordia Trustees, 77%; 2 College Misericordia Corporate Members, 6%; and 6 subjects, 17%, who served College Misericordia as a Trustee and a Corporate Member. From this total, 13 or 37% of the participants were members of the congregation of the Sisters of Mercy and 22 or 63% were College Misericordia lay Trustees.

**Table 2**

Orientation Satisfaction

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	1	2.86	0	0.00
Disagree	0	0.00	6	17.14
Undecided	5	14.29	1	2.86
Agree	6	17.14	11	31.43
Strongly Agree	1	2.86	4	11.43

Twenty-two or 63% of the respondents agreed or strongly agreed, 7 or 20% disagreed or strongly disagreed, and 6 or 17% were undecided that College Misericordia's Orientation program satisfactorily explained the governance responsibilities of a Trustee. From the 22 who were in agreement that the orientation program satisfactorily explained the governance responsibilities of trustees, 7 were Sisters of Mercy and 15 were lay trustees.

**Table 3**

Policy Integration

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	0	0.00
Undecided	1	2.86	3	8.57
Agree	9	25.71	11	31.43
Strongly Agree	3	8.57	8	22.86

Thirty-three or 89% of the respondents agreed or strongly agreed and 4 or 11% of the respondents were undecided about College Misericordia's policies demonstrating an integration of the philosophy, mission, and values of College Misericordia and the Sisters of Mercy. From the above frequencies, 12 of the respondents were sisters and 31 were lay members of the Board.

**Table 4**

Presidential Selection

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22) <sup>a</sup>	
	f	%	f	%
Strongly Disagree	2	5.71	1	2.86
Disagree	3	8.57	1	2.86
Undecided	1	2.86	5	14.29
Agree	6	17.14	6	17.14
Strongly Agree	1	2.86	8	22.86

<sup>a</sup>

n=21 One lay trustee did not respond to this item.

Twenty-one or 60%, agreed or strongly agreed, 7 or 10%, disagreed or strongly disagreed, 6 or 17% were undecided, and 1 person 3%, did not respond to the statement that College Misericordia's Presidential appointment process involved the Members of the College Corporation. Fourteen of the respondents who agreed that Members of the College were involved in the Presidential selection process were lay men and women and 8 respondents were Sisters of Mercy.

**Table 5**

**Presidential Appointment**

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22) <sup>a</sup>	
	f	%	f	%
Strongly Disagree	3	8.57	0	0.00
Disagree	1	2.86	2	5.71
Undecided	1	2.86	3	8.57
Agree	6	17.14	10	28.57
Strongly Agree	2	5.71	6	17.14

<sup>a</sup>

n=21 One lay trustee did not respond to this item.

Twenty-four or 69% agreed or strongly agreed, 6 or 17% disagreed or strongly disagreed, 4 or 11% were undecided, whether the Members of the College Misericordia Corporation were involved in the appointment of a President for College Misericordia; 1 person, 3%, did not respond to the item. From the 24 who agreed with the statement, 8 were Sisters of Mercy.

**Table 6**

**Governance Responsibilities**

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	2	5.71	2	5.71
Undecided	0	0.00	1	2.86
Agree	2	5.71	11	31.43
Strongly Agree	9	25.71	8	22.86

Thirty or 86% agreed or strongly agreed, 4 or 11% disagreed, and 1, 3% of the respondents were uncertain that sister trustees and lay trustees shared the same governance responsibilities. Eleven Sisters of Mercy and 19 members of the laity were in agreement that Sisters and laity shared the same governance responsibilities.

**Table 7**

Trustee Selection

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	2	5.71	3	8.57
Undecided	2	5.71	3	8.57
Agree	7	20.00	12	34.29
Strongly Agree	2	5.71	4	11.43

Twenty five or 71% agreed or strongly agreed, 5 or 14% disagreed, and 5 or 14% of the respondents were undecided whether or not College Misericordia trustees were selected because their talents and skills were important to the governance of College Misericordia. Sixteen lay trustees and 9 sisters agreed that Misericordia Trustees were chosen because their talents and skills assisted in the governance of College Misericordia.

**Table 8**

**Mission Integration**

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	0	0.00
Undecided	0	0.00	2	5.71
Agree	10	28.57	15	42.86
Strongly Agree	3	8.57	5	14.29

Thirty-three or 94% agreed or strongly agreed and 2 or 6% of the respondents were undecided about College Misericordia's programs and curricula reflecting the mission of College Misericordia. Only 2 trustees were undecided that College Misericordia's mission was reflected in the programs and curricula; all other trustees agreed or strongly agreed with the statement.

**Table 9**

Trustee Responsibilities

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	0	0.00
Undecided	3	8.57	0	0.00
Agree	3	8.57	10	28.57
Strongly Agree	7	20.00	12	34.29

Thirty-two or 91% agreed or strongly agreed and 3 or 9% of the respondents were undecided that a responsibility of the College Misericordia Board of Trustees was to develop policies and to provide resources for Misericordia. With the exception of the 3 sisters who were undecided, all other trustees agreed that a responsibility of the Board was to develop policies and to provide resources for Misericordia.

**Table 10**

On-going Board Education

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	4	11.43	6	17.14
Undecided	1	2.86	5	14.29
Agree	7	20.00	7	20.00
Strongly Agree	1	2.86	4	11.43

Nineteen or 54% agreed or strongly agreed, 10 or 29% disagreed, and 6 or 17% of the respondents were undecided that ongoing education was given to the Board of Trustees regarding the concordance of the curriculum with the mission.

**Table 11**

**Scholarship Allocation**

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	£	%	£	%
Strongly Disagree	2	5.71	0	0.00
Disagree	5	14.29	0	0.00
Undecided	2	5.71	4	11.43
Agree	3	8.57	15	42.86
Strongly Agree	1	2.86	3	8.57

Twenty-two or 63% strongly agreed or agreed, 7 or 20% strongly disagreed or disagreed, and 6 or 17% of the respondents were undecided that College Misericordia's budget reflected sufficient scholarship allocation for financially needy students. Four sisters agreed that the scholarship allocation was satisfactory and 18 lay trustees agreed that the budget allocation for scholarships was satisfactory.

**Table 12**

Mercy Influence

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	1	2.86	0	0.00
Disagree	5	14.29	4	11.43
Undecided	3	8.57	2	5.71
Agree	2	5.71	12	34.29
Strongly Agree	2	5.71	4	11.43

Twenty or 57% agreed, 10 or 29% disagreed, and 5 or 14% of the respondents were undecided that College Misericordia's Trustees understood how the history and tradition of the Sisters of Mercy influenced the mission and tradition of College Misericordia. Sixteen of the respondents who were in agreement with this statement were lay trustees and 4 were Sisters of Mercy.

**Table 13**

Catholic Character

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	0	0.00
Undecided	3	8.57	1	2.86
Agree	8	22.86	14	40.00
Strongly Agree	2	5.71	7	20.00

Thirty-one or 89% agreed and 4 or 11% were undecided that College Misericordia demonstrated its Catholic Character. Three of the 4 who were undecided were Sisters of Mercy.

**Table 14**

Support for Member's Role

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	1	2.86	0	0.00
Disagree	4	11.43	1	2.86
Undecided	7	20.00	7	20.00
Agree	0	0.00	10	28.57
Strongly Agree	1	2.86	4	11.43

Fifteen or 43% agreed, 6 or 17% disagreed, and 14 or 40% of the respondents were undecided about trustees supporting the role of the Members of the College Misericordia Corporation. One Sister of Mercy from the 13 who responded and 14 lay trustees from the 22 who responded agreed that trustees supported the role of the Corporate Member.

Table 15

Support for Trustee's Role

N=35

---

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	2	5.71
Undecided	3	8.57	2	5.71
Agree	7	20.00	11	31.43
Strongly Agree	3	8.57	7	20.00

---

Twenty-eight or 80% agreed, 2 or 6% disagreed, and 5 or 14% of the respondents were undecided that the Members of the College Misericordia Corporation supported the role of the College Trustees. Eighteen of the respondents who were in agreement were lay trustees and 10 respondents were sisters.

**Table 16**

Reflection of Mercy Values

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	1	2.86
Undecided	1	2.86	3	8.57
Agree	8	22.86	11	31.43
Strongly Agree	4	11.43	7	20.00

Thirty or 86% agreed or strongly agreed, 1 or 3% disagreed and 4 or 11% of the respondents were undecided as to whether or not Mercy values were reflected in the day to day operation of College Misericordia. One sister was undecided and 3 lay trustees were undecided whether the Mercy values were reflected in the day to day operation of College Misericordia.

**Table 17**

Opportunity for Dialogue

N=35

---

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	2	5.71	0	0.00
Disagree	6	17.14	4	11.43
Undecided	1	2.86	8	22.86
Agree	2	5.71	6	17.14
Strongly Agree	2	5.71	4	11.43

---

Fourteen or 40% agreed or strongly agreed, 12 or 34% disagreed or strongly disagreed, and 9 or 26% of the respondents were undecided if Trustees and College Misericordia's Corporate Members had adequate opportunity for formal and informal conversation and dialogue.

**Table 18**

Sensitivity to Concerns

N=35

---

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	4	11.43	3	8.57
Undecided	3	8.57	5	14.29
Agree	5	14.29	10	28.57
Strongly Agree	1	2.86	4	11.43

---

Twenty or 57% agreed or strongly agreed, 7 or 20% disagreed, and 8 or 23% of the respondents were undecided about College Misericordia Trustees being sensitive to the concerns of students and faculty while maintaining impartiality. From the 20 respondents who were in agreement, 6 were sisters and 10 were members of the laity.

Table 19

Meetings with President

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22) <sup>a</sup>	
	f	%	f	%
Strongly Disagree	0	0.00	1	2.86
Disagree	0	0.00	2	5.71
Undecided	1	2.86	7	20.00
Agree	10	28.57	10	28.57
Strongly Agree	2	5.71	1	2.87

<sup>a</sup>

n=21 One lay trustee did not respond to this item.

Twenty three or 66% agreed or strongly agreed, 3 or 9% disagreed or strongly disagreed, and 8 or 23% were undecided as to whether individual Trustees periodically met with the Presidents of College Misericordia. One subject, 3%, did not respond to the item. From the 13 sisters who responded to this item, 12 either agreed or strongly agreed whereas only 11 from the 21 lay men and women who responded to the item agreed that individual trustees periodically met with the College President to provide support and counsel.

**Table 20**

Lines of Communication

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22) <sup>a</sup>	
	f	%	f	%
Strongly Disagree	0	0.00	1	2.86
Disagree	1	2.86	5	14.29
Undecided	9	25.71	8	22.86
Agree	2	5.71	4	11.43
Strongly Agree	1	2.86	2	5.71

<sup>a</sup>

n=21 One lay trustee did not respond to this item.

Nine or 26% agreed or strongly agreed, 7 or 20% disagreed or strongly disagreed, 17 or 49% were undecided, and 2 or 6% of the respondents did not indicate whether the President of College Misericordia was informed when personal lines of communication were established between Trustees and individuals on campus.

**Table 21**

Committee Meetings

N=35

---

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	2	5.71
Undecided	1	2.86	3	8.57
Agree	9	25.71	9	25.71
Strongly Agree	3	8.57	8	22.86

---

Twenty-nine or 83% agreed or strongly agreed, 2 or 6% disagreed, and 4 or 11% were undecided if the authority and effectiveness of College Misericordia Trustees and Board committees were strengthened by meeting with representatives of faculty and/or students. Seventeen lay trustees and 12 sister trustees indicated an agreement that trustees should have the opportunity to meet with faculty and staff.

**Table 22**

Understanding Governance

N=35

---

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	0	0.00
Undecided	0	0.00	1	2.86
Agree	9	25.71	9	25.71
Strongly Agree	3	8.57	8	22.86

---

Thirty-four or 97% agreed or strongly agreed and 1 or 3% of the lay trustees was undecided about the importance of understanding a two-tiered governance structure. These findings suggested that both lay trustees and sisters agreed that understanding College Misericordia's two-tiered governance structure was important.

**Table 23**

Member's role

N=35

---

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	4	11.43	0	0.00
Disagree	4	11.43	5	14.29
Undecided	2	5.71	10	28.57
Agree	2	5.71	4	11.43
Strongly Agree	1	2.86	3	8.57

---

Ten or 29% agreed or strongly agreed, 13 or 37% disagreed or strongly disagreed, and 12 or 34% were undecided that the role of the Members of the College Corporation was understood by the Board of Trustees. Responses from 15 lay trustees and 10 sisters indicated a need to clarify the role of College Misericordia's Corporate Member.

**Table 24**

Collaborative Relationship

N=35

---

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	1	2.86
Disagree	3	8.57	2	5.71
Undecided	6	17.14	4	11.43
Agree	3	8.57	14	40.00
Strongly Agree	1	2.86	1	2.86

---

Nineteen or 54% agreed or strongly agreed, 6 or 17% disagreed or strongly disagreed, and 10 or 29% of the respondents were undecided that a collaborative working relationship existed between the Board of Trustees and the Members of the College Corporation. Fifteen lay trustees and 4 sisters agreed that a collaborative relationship existed between the Members and the Trustees.

**Table 25**

**Mission Responsibility**

**N=35**

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	3	8.57	0	0.00
Undecided	3	8.57	3	8.57
Agree	6	17.14	14	40.00
Strongly Agree	1	2.86	5	14.29

Twenty-six or 74% agreed or strongly agreed, 3 or 9% disagreed, and 6 or 17% of the respondents were undecided whether the Board of Trustees understood its responsibility for the mission of College Misericordia. Six sisters either disagreed or were undecided while only 3 lay trustees were undecided that the Board understood its responsibility for the mission of College Misericordia.

**Table 26**

Effective Governance Structure

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	1	2.86	0	0.00
Disagree	5	14.29	4	11.43
Undecided	4	11.43	9	25.71
Agree	2	5.71	8	22.86
Strongly Agree	1	2.86	1	2.86

Twelve or 34% agreed or strongly agreed, 10 or 29% disagreed or strongly disagreed, and 13 or 37% of the respondents were undecided that College Misericordia's two-tiered governance structure worked effectively. Findings indicated that 10 sisters and 13 lay trustees either disagreed with or were undecided about the effectiveness of a two-tiered governance structure.

**Table 27**

Member's Responsibility

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22) <sup>a</sup>	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	1	2.86	0	0.00
Undecided	3	8.57	5	14.29
Agree	7	20.00	11	31.43
Strongly Agree	2	5.71	5	14.29

<sup>a</sup>

n=21 One lay trustee did not respond to this item.

Twenty-five or 71% agreed or strongly agreed, 1 or 3% disagreed, 8 or 23% were undecided, and 1 or 3% did not respond to the item about an understanding of the role of the Member of the College Misericordia Corporation. From those who disagreed or were undecided with the statement, 4 were sisters and 5 were lay trustees.

**Table 28**

**Board Education**

N=35

---

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	0	0.00	1	2.86
Disagree	1	2.86	6	17.14
Undecided	9	25.71	11	31.43
Agree	2	5.71	3	8.57
Strongly Agree	1	2.86	1	2.86

---

Seven or 20% agreed or strongly agreed, 8 or 23% disagreed or strongly disagreed, and 20 or 57% were undecided as to whether the Board of Trustees stayed abreast of higher education trends and legislation by reading periodicals and information about higher education. Nine or 26% of the sisters and 11 or 31% of the lay trustees were undecided whether trustees kept abreast of higher education issues.

**Table 29**

Reliance on President

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22) <sup>a</sup>	
	f	%	f	%
Strongly Disagree	0	0.00	0	0.00
Disagree	0	0.00	1	2.86
Undecided	0	0.00	3	8.57
Agree	9	25.71	11	31.43
Strongly Agree	4	11.43	6	17.14

<sup>a</sup>

n=21 One lay trustee did not respond to this item.

Thirty or 86% agreed or strongly agreed, 1 or 3% disagreed, 3 or 9% were undecided, and 1 or 3%, did not respond regarding whether Trustees rely on the President for their information about College Misericordia. Thirteen or 100% of the sisters and 17 or 39% of the lay trustees agreed that information to trustees came through the channel of the President.

**Table 30**

Board Committee Structure

N = 35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	1	2.86	0	0.00
Disagree	2	5.71	1	2.86
Undecided	4	11.43	4	11.43
Agree	4	11.43	14	40.00
Strongly Agree	2	5.71	3	8.57

Twenty-three or 66% agreed or strongly agreed, 4 or 11% disagreed or strongly disagreed, and 8 respondents were undecided if the committee structure of the Board was satisfactory. Ten sisters agreed or were undecided and 21 lay trustees either agreed or were undecided that the committee structure of the Board was satisfactory.

**Table 31**

**Board Diversity**

N=35

	Sister Trustees (n=13)		Lay Trustees (n=22)	
	f	%	f	%
Strongly Disagree	1	2.86	0	0.00
Disagree	5	14.29	2	5.71
Undecided	5	14.29	8	22.86
Agree	1	2.86	9	25.71
Strongly Agree	1	2.86	3	8.57

Fourteen or 40% agreed or strongly agreed, 8 or 23% disagreed or strongly disagreed, and 13 or 37% were undecided as to whether the diversity within the College Misericordia Board was satisfactory. Two sisters and 12 lay trustees agreed that the diversity within College Misericordia's Board was satisfactory.

The above data served as a partial quantitative base for findings and recommendations for this study. Qualitative and quantitative data presented in the study were analyzed in response to questions posed in Chapter I of this study.

Using a t-test, research question five is further analyzed to determine whether a significant difference existed between the responses from College Misericordia lay trustees and the Sisters of Mercy who were involved in the governance relationship study. Results of the t-test found in Table 33 were based on a  $p < .05$  level of significance.

**Table 32**Satisfaction with College Misericordia Governance Items

N=35

Item	Mean Scores		t value	p value*
	Sisters	Laity		
1. Orientation Satisfaction	3.46	3.59	.36	.719
2. Policy Integration	4.15	4.23	.35	.732
3. Presidential Selection	3.08	3.90 <sup>a</sup>	1.90	.071
4. Presidential Appointment	3.23	3.95 <sup>a</sup>	1.59	.129
5. Governance Responsibilities	4.28	4.14	.68	.503
6. Trustee Selection	3.69	3.77	.25	.808
7. Mission Integration	4.23	4.14	.55	.584
8. Trustee Responsibilities	4.31	4.55	.91	.375
9. On-going Board Education	3.38	3.41	.07	.948
10. Scholarship Allocation	2.69	3.95	3.43	.004*
11. Mercy Influence	2.92	3.73	1.98	.061
12. Catholic Character	3.92	4.27	1.64	.115
13. Support for Member's Role	2.62	3.77	3.43	.002*
14. Support for Trustee's Role	4.00	4.05	.17	.869
15. Reflection of Mercy Values	4.23	4.00	.58	.564
16. Opportunity for dialogue	2.69	3.45	1.74	.098
17. Sensitivity to Concerns	3.23	3.68	1.30	.204
18. Meetings with President	4.08	3.38 <sup>a</sup>	2.96	.006*

(table continues)

Item	Mean Scores		t value	p value*
	Sisters	Laity		
19. Lines of Communication	3.23	3.05 <sup>b</sup>	.62	.542
20. Committee Meetings	4.15	4.05	.43	.673
21. Understanding Governance	4.77	4.50	1.53	.137
22. Member's Role	2.38	3.23	2.00	.060
23. Collaborative Relationship	3.15	3.55	1.24	.227
24. Mission Responsibility	3.38	4.09	2.38	.029*
25. Effective Governance Structure	2.77	3.27	1.44	.166
26. Member's Responsibility	3.77	4.00 <sup>a</sup>	.84	.408
27. Board Education	3.23	2.86	1.33	.194
28. Reliance on President	4.31	4.05 <sup>a</sup>	1.21	.233
29. Board Committee Structure	3.31	3.86	1.54	.142
30. Board Diversity	2.69	3.59	2.65	.015*

<sup>a</sup> One lay trustee did not respond to this item.

<sup>b</sup> Two lay trustees did not respond to this item.

\*  
p < .05

Based on  $p < .05$ , results on Table 33 indicated a significant statistical difference between sisters and lay responses for items: 10, 13, 18, 24, and 30 of the governance questionnaire. Responses for item ten indicated a significant statistical difference in a level of agreement for allocating scholarship funds for needy students attending College Misericordia.

Results from item 13 indicated that lay trustees and sisters had a statistically significant different level of agreement regarding support for the role of Members of the College Corporation by the College Misericordia Trustees. A statistical difference in the level of agreement between the lay trustees and the sisters regarding the Board's responsibility for the mission of the college was indicated in the responses to item 24. Results from item 30 indicated a statistical difference in the level of agreement between sisters and laity in regard to the composition of the diversity for membership on the Board of Trustees.

Assuming that relationships can always become stronger, information obtained from this study helped to ascertain governance relationships that needed to be improved. Based on the findings, suggestions and constructive criticisms were made to influence: future governance policies, Trustee and Corporate Member responsibilities, and the corporate climate of College Misericordia. Results of the questionnaire provided data which identified items which needed to be

evaluated for the improvement of the governance responsibilities for College Misericordia's Trustees and Corporate Member.

## CHAPTER VI

### DISCUSSION, RECOMMENDATIONS, and CONCLUSION

Through this study the reader was introduced to the history of American Catholic higher education with a particular emphasis on the changing role of religious congregations who founded and sponsored Roman Catholic colleges. Circumstances were presented about the role of religious congregations and lay boards of trustees before and after Vatican Council II.

Because the Mercy charism, legacy, and tradition continue to be valued by the Sisters of Mercy, highlights of Catherine McAuley's life, foundress of the Mercy community, were discussed in this study. Through sharing highlights of Catherine McAuley's life the reader was given an opportunity to understand and appreciate the Mercy legacy as the ministry of higher education was experienced at College Misericordia.

This study traced the development of College Misericordia's governance structures as the Mercy congregation evolved from a position of power and control to a position of influence. Data were gathered from experienced College Misericordia Trustees and Corporate Members who shared their perceptions about the governance relationship between the Sisters of Mercy and College Misericordia.

Findings relating to the impact of the relationship of the Mercy congregation to College Misericordia's Board of Trustees were presented. The presentation was based on the

results of qualitative and quantitative data presented in the study.

### **Historical Analysis**

Historical patterns of Roman Catholic colleges in America were detailed in the literature presented in previous chapters of this study. College Misericordia followed a governance structure that was similar to many Catholic colleges founded by religious congregations. Based on qualitative data, similarities between the historical governance patterns of Roman Catholic colleges founded in America and the historical governance pattern of College Misericordia were referenced in the study.

### **Discussion**

The study found that American bishops were credited with establishing Catholic colleges to preserve the Catholic faith and that Catholic colleges served as a place where clergy and lay leaders would be prepared for the future mission of the Catholic Church. In the nineteenth century, however, intellectual goals became the emphasis for Catholic colleges. Eventually, bishops recognized that religious congregations were better prepared to operate Catholic colleges than were bishops or diocesan priests.

A religious congregation in the Scranton Diocese, the Sisters of Mercy, obtained permission from the Bishop of the Diocese and established College Misericordia. Misericordia was founded to create a culture that would be literate,

respectful, and faithful to the teaching of the Catholic church. College Misericordia was instituted to provide an education for young women who otherwise would not be able to obtain a college education (Kelly, 1974).

This study showed that College Misericordia's financial situation was similar to most Catholic colleges at the time of its establishment and depended on tuition, donations, and contributed services from the founding congregations for financial support because there was no College endowment.

Rather than building an endowment to secure College Misericordia's future, the Sisters of Mercy offered a full scholarship to the senior girl with the highest academic average in public or Catholic high schools surrounding the Dallas area. In addition, the Sisters offered full and partial scholarships to young women of the area who attended either public or Catholic schools based on the results of a scholarship test that was offered in the spring of each year.

College Misericordia was tuition dependent and counted on monetary donations from the general public and the Sisters of Mercy. In 1981 the Sisters of Mercy decreased the amount of contributed services to College Misericordia. Prior to 1981 Sisters who worked at College Misericordia received a stipend for their services. Because the Mercy community experienced a decrease in the number of new members to the congregation and an increase in retirement costs, both the Mercy community and College Misericordia's President agreed that Sisters would

earn salaries equivalent to their lay counterparts who were holding comparable professional positions. A formula was devised which called for a percentage of Sisters' income to be returned to College Misericordia annually. Both College Misericordia and the Sisters of Mercy agreed that a percentage of the Sisters' salary returned to College Misericordia as a financial gift would decrease over a span of years and come to a stop in 1989.

In addition to financial similarities between College Misericordia and Catholic colleges founded by religious congregations, findings from this study indicated that in the early 1900s the ethnicity of the Wyoming Valley area was consistent with American Catholics who were frequently subjected to ethnic prejudices. College Misericordia was not spared from ethnic prejudice. According to stories told by Sisters of Mercy who were involved with College Misericordia during the early years, the Klu Klux Klan burned crosses on the front lawn of the college while the Sisters defiantly stood at the front door of the administration building (Gildae, 1980).

This study found that a close relationship existed between the Catholic colleges and their founding religious congregation. The president of Catholic colleges was selected from among the members of the religious congregation and the Sisters of Mercy who was the superior of the local congregation, by virtue of her office, served as the President

of the College Misericordia. All Sisters of Mercy who held any position at College Misericordia were appointed by the Provincial Administrator of the Sisters of Mercy. From 1924 until 1977 the President of College Misericordia was a Sister of Mercy (College Misericordia Archives, 1977).

The study discovered that rather than a close, positive relationship between a college and its founding congregation, Greeley held a different position. Greeley (1967) believed that from the beginning of college foundations tensions existed between the administration of the colleges and the sponsoring religious congregations. According to Greeley (1967) the structure and history of many religious congregations were obstacles for higher education.

No evidence existed in the archives of the Sisters of Mercy nor College Misericordia's archives which verified that tensions existed between Misericordia and the Mercy community when the Sisters were the owners and administrators of Misericordia. However, when bylaws of College Misericordia were amended to reflect empowerment for the laity by the religious congregation, negotiations concerning land transfers and the reserved powers of the religious congregation opened lengthy discussion because of differing opinions held by members of the Board and members of the Mercy community.

In the late 1980s the position of the religious congregation was to gift property owned by the religious congregation to the College Corporation and have the value of

the land credited as a gift from the Sisters of Mercy at its appraised value (Brennan, 1990). Discussions ensued around the amount to be credited, how it would be credited, and the timing of the gift as it related to the College's need for building. Both the Sisters of Mercy and College Misericordia's Board entered a good faith negotiation which resulted in the Sisters being given appropriate consideration for the use and the conveyance of property to College Misericordia (Brennan, 1992).

As needs in American society changed so did the needs of American higher education. Boards of Trustees in Catholic colleges in America moved from a primarily advisory role to a governance role. The study showed, (Caiman, 1962) that college boards of trustees began in America and were legally vested with power and control for the administration of colleges.

Accrediting agencies encouraged church-related colleges to financially separate from their sponsoring religious congregation. College Misericordia's Corporation Minutes (1963) reflected that College Misericordia was one church-related college that empowered the Board of Trustees to control the financial administration of the college. College Misericordia, although separately incorporated in 1924, did not empower the Board of Trustees with fiscal responsibility until 1963. Until 1963 College Misericordia's boards were advisory in nature (Minutes, College Misericordia Corporation,

1963). When the decision to relinquish power from the religious congregation to College Misericordia's Board of Trustees was promulgated, only two lay people were board members. When this study was conducted only 5 of the 35 College Misericordia Board Members belonged to the Mercy congregation.

Opportunities for lay men and women to become involved in governance at College Misericordia came in 1969 when College Misericordia's bylaws were amended to increase the number of trustees. Bylaws also stipulated that at least one-half of that number of trustees were to be Sisters of Mercy (College Misericordia Bylaw, Article V. Section 2 a).

Although Bylaws provided opportunities for religious congregations and college boards to exercise governance responsibilities, attention had to be given to the importance of administrators from religious congregations and sponsored colleges to agree on the basic purposes which created their connection and mutual commitment. Reserved powers of College Misericordia's Corporate Member identified the legal relationship between the congregation and the college. For the congregation to exercise influence over college policies and for the trustees to understand their governance responsibilities, communication and cooperation between the President of the College and the President of the Sisters of Mercy from the Dallas Regional community was imperative.

This study showed that one of the legal responsibilities

for Catholic colleges and religious congregations which challenged the issue of power versus influence in the governance of Catholic colleges was related to property holdings. In the nineteenth century property gained by religious congregations for the purpose of promoting the mission of the congregation was considered to be church property and subject to Canon law (McGrath, 1968).

In the twentieth century when Catholic institutions were separately incorporated, McGrath's position was that separately incorporated colleges were not owned by the religious congregation but by the corporation itself. Consequently, the corporation was the owner of the physical assets and the board of directors was the administrator of the corporation.

An opinion from Maida (1975) differed from that of McGrath (1968). Maida maintained that the bishop of the diocese or the religious superior of the sponsoring congregation was the sole member of the institution and that controlling decisions were reserved to the Members of the Corporation. College Misericordia's two-tiered governance structure concurred with the position of Bishop Maida. The Corporation of College Misericordia held the assets of the college. The Sisters of Mercy elected to the religious congregation's leadership council served as the Corporate Member of the College Corporation and held certain reserved powers of the Corporation. One of the reserved powers of the

Corporate Member of the College Corporation referred to the disposition of property (College Misericordia Bylaws, 1993).

According to findings in this study, circumstances which led to restructuring Boards of Trustees in Catholic colleges in the United States concurred with circumstances that led to the restructuring of College Misericordia's Board of Trustees. Restructuring was caused in part to limited college resources, fewer professional priests and sisters in administration, more critical students and professors, and a decrease in Catholic college enrollments.

Circumstances which had an impact on the governance structure of College Misericordia was minimal from 1924 when College Misericordia was founded until the mid 1960s following Vatican Council II. Prior to Vatican Council II there was no governing board for College Misericordia. The power to govern College Misericordia before the mid 1960s lay in the hands of the leadership of the religious community of the Sister of Mercy.

Vatican Council II gave lay men and women an impetus for reforming boards in church-related institutions. The purpose of reform for church-related institutions was to become similar to boards in non church-related institutions. Following Vatican Council II Catholic colleges recognized a need for increased financial resources and recognized the necessity for lay men and women to share in the promotion of Christian humanism.

This study supported data which indicated that from the early days of its foundation, the Sisters of Mercy who served as faculty and administrators of College Misericordia were professionally qualified and academically prepared. The Sisters of Mercy who were the foundresses of College Misericordia obtained the degrees necessary for college teaching before they opened the college doors (Kelly, 1974). College archives and the first College Misericordia catalogue recorded the various credentials of the College Misericordia faculty and staff.

The number of priests and sisters who staffed College Misericordia was not a great problem before Vatican Council II. Sisters were assigned to college positions by the superior of the congregation and priests were assigned to teach religion by the bishop of the diocese.

However, in keeping with the pattern of church-related college issues, the Mercy congregation changed the manner in which the Sisters of Mercy continued to be involved in College Misericordia. Issues discussed in 1976 by the Mercy congregation included a decrease in the number of Sister of Mercy personnel and visibility, a self-selection personnel policy for sisters rather than an assignment to ministries by the superior of the congregation, and the changing economic relationship between the congregation and the college. It was during the changing times following Vatican Council II that the Sisters of Mercy approved amendments to College

Misericordia's bylaws which empowered the laity with governance responsibility for College Misericordia.

Through bylaw amendments College Misericordia fit into a shared governance control of the institution. Members of religious congregations feared that control of Catholic colleges by the laity would result in a secularized college. Sheridan (1971) predicted that Christian secularity and the value of contemporary society would influence Catholic higher education. For College Misericordia, Sheridan's prediction was somewhat realized. College Misericordia's curriculum changed from theology to religious studies, the required number of courses in philosophy and religious studies decreased, spiritual exercises were no longer mandated for students, and students were given more freedom. However, the mission statement of College Misericordia gave evidence to the values of the college which were in keeping with the values of the founding religious congregation of Mercy.

Findings in this study indicated that between 1966 and 1972 the power and responsibility for Catholic college governance shifted from religious congregations to Catholic College Boards of Trustees. Religious congregations moved from positions of power to a role of influence by strengthening the relationship between the religious congregation who served as the Corporate Member of the College Corporation and the College Board of Trustees.

Sisters of Mercy who sponsored College Misericordia, the

administration of College Misericordia, and the College Misericordia Board of Trustees strengthened the governance relationship between the religious congregation and the college. The relationship was strengthened when the Board orientation program was revised to include information about the heritage and legacy of the Sisters of Mercy, invitations for College events were extended to the Corporate Members of the Sisters of Mercy, Misericordia and Mercy facilities were shared for special occasions, a member of the Leadership Council of the Sisters of Mercy was invited to attend Executive College Council Meetings, the Presidents of the Board and the College were invited to attend Mercy Leadership Council meetings, and the Presidents of the Board and Mercy congregation met on a monthly basis.

#### **Qualitative Recommendations**

Based on the findings of this study the relationship of the Sisters of Mercy who served College Misericordia as the Corporate Member and College Misericordia's Board of Trustees must be built on trust and honesty. The recommendation for the future is for the trustees and the sponsors to work together to preserve the essential character of the institution and to influence the Catholic character of the college.

A further recommendation is that the rich heritage of Catholic higher education in America continue to be told. In particular, a recommendation that the heritage, legacy and

story of College Misericordia be told to students, faculty, staff, and trustees in formal and informal ways. While this study addressed issues of governance at College Misericordia, further study should be undertaken to compare the perception of College Misericordia alumni and faculty from 1930 until 1960 with College Misericordia alumni and faculty from 1961 until 1991.

### **Quantitative Discussion and Recommendations**

Lay trustees and Sisters of Mercy who were involved in College Misericordia's governance for a minimum of six years since 1977 and responded to the governance questionnaire showed a statistically significant difference in their responses to 5 of 30 items. An objective of the questionnaire was to evaluate the similarities between responses from lay trustees and Sisters of Mercy. Table 33 indicated a significant difference in the levels of agreement between sisters and lay trustees in areas of scholarship allocation, support for the role of Members of the College by the Board of Trustees, meetings with the College President, mission responsibility, and board diversity.

### **Scholarship Allocation**

Differences in the responses between lay trustees and sister trustees may be attributed to the way each party interpreted its responsibility. The current study indicated that lay trustees understood a primary responsibilities to be one of managing the funds of the institution and tending to

immediate and future needs of the college. Sister trustees, on the other hand, responded to item 10 based on the direction of the Mercy congregations's Direction Statement (Attachment D) and to the founding purposes of College Misericordia. College Misericordia was founded to provide an education for women who otherwise would not have an opportunity for a college education.

From the 13 sisters who responded to whether College Misericordia's budget reflected a sufficient scholarship allocation for students who were financially needy and educationally deserving only four or 11% agreed with the statement. Eighteen lay trustees or 51% from 22 agreed that College Misericordia's budget allocated sufficient funds for scholarships.

#### **Recommendations**

As a result of the above statistical difference, College Misericordia's process for determining the percentage of the budget reserved for scholarship allocation should be evaluated by the finance committee of the Board of Trustees. A precedent for having at least one Sister of Mercy serve on the finance committee of the Board of Trustees should continue. Results of the evaluation should be communicated to the full board. Since the President of the Sisters of Mercy congregation served on the Board of Trustees, reasons given by the finance committee for a defined scholarship allocation should be communicated to the Sisters of Mercy who serve as

the Corporate Member of the College Corporation.

### **Support for Member's Role**

Table 33 indicated a statistically significant difference .002 using  $p < .05$ , in analyzing responses between lay trustees and sisters regarding support for the Member's role by Trustees. Table 15 indicated that 40% of the respondents were undecided whether trustees supported the role of the Members of the College Misericordia Corporation. When the question was asked about understanding the Member's role as part of the governance structure, Table 24 indicated that only 29% of the respondents agreed that the Member's role was understood by Trustees.

When Sisters of Mercy chaired College Misericordia's Board and when a Sister of Mercy served as College Misericordia's President, the governance role of the Sisters of Mercy was integral to the life of the college. As the number of sisters who served on the college board and the number of sisters who worked at College Misericordia decreased, an understanding of the role of the Corporate Member became more important for the Mercy congregation. Lay trustees, on the other hand, assumed their role as trustees for College Misericordia often without much consideration for the role of the Corporate Member.

Another possible reason for the statistical difference was that board orientation was conducted with the college president and another lay member of the board. Other than

Sisters who were appointed to the board, expectations for lay board members pertained to finances, fund raising, presidential appointment and presidential evaluation. As the role of governance changed for the Sisters of Mercy at College Misericordia, the role as Corporate Member was not always clearly explained to lay trustees.

### **Recommendations**

In an effort to clarify the importance and understanding of the role of the Corporate Member, the President of the Members of the Corporation should take the initiative to clarify and evaluate the role of the Members for both sister trustees and lay trustees. Sisters of Mercy who sponsored College Misericordia were given limited civil power and authority in order to fulfill their stewardship responsibilities for the religious congregation.

A partnership between religious and laity existed to effectuate the mission of the institution and to influence policy through a governing board structure. Findings from the study concurred with DiPietro (1985) who stated that authority should be shared by sisters and laity. College Misericordia's shared governance authority lay in the two-tiered governance structure of the Board.

In addition, an educational session for lay trustees and Sisters of Mercy involved in the governance of College Misericordia should be offered. The governance education session would provide an opportunity for sisters and laity to

share experiences and clarify the diverse levels of agreement regarding the support of the role of the Corporate Member by Trustees. It is further recommended that the role of the Corporate Member be evaluated to determine if the present governance structure best serves the needs of College Misericordia while maintaining the stewarding responsibility of the Sisters of Mercy.

#### **Meetings with the President**

Responses to item 18 on Table 33 dealt with periodic meetings with the College Misericordia President and trustees for the purpose of offering advise and counsel to the president. A statistically significant difference in the level of agreement between lay trustees and sister trustees was indicated. The study showed that a responsibility for a college trustee was to offer support and counsel to the college president.

Because College Misericordia appointed four lay presidents since 1977, the relationship between individual trustees and each of College Misericordia's presidents was unique. Undoubtedly support and counsel were offered to College Misericordia's Presidents. How and in what form advise and counsel were extended to the president by the trustees could have been other than through periodic meetings.

#### **Recommendation**

A recommendation that trustees offer support and counsel to College Misericordia's President is suggested. The manner

in which the support and counsel are offered should be determined by the individuals involved.

### **Mission Responsibility**

Keiss (1991) stated that a clear way to strengthen the relationship between the board of trustees and the religious congregation was to foster a common understanding of the college's mission and purpose as that mission and purpose related to the broader society served by the college. Responses to item 24, Table 33 dealt with Mission Responsibility. An understanding of the Board's responsibility for the mission of College Misericordia indicated a statistically significant difference between responses from sister trustees and lay trustees in their level of agreement to item 24.

Six of the 13 Sisters who responded either disagreed or were undecided that the Board had an understanding of its responsibility for mission. Three lay trustees from the 22 who responded, were undecided about the Board's understanding for its mission responsibility.

Reasons for Sisters who underestimated the Boards' understanding of its mission responsibility could have been based on emphasis, time and attention given to financial matters by lay trustees. Since one of the reserved powers held by the Corporate Members restricted the Board from altering the mission or purpose of College Misericordia without the approval of the Corporate Member, Sisters of Mercy

have been known to believe that lay trustees depended on the sisters to promulgate the college mission.

### **Recommendation**

College Misericordia bylaws stated that trustees were responsible for formulating and determining policies necessary for the administration and development of the College in accordance with the terms of its charter and stated purpose (Article III. Section 3. Power and Duties of the Board of Trustees). Because trustee responses indicated that 26% or nine trustees either disagreed or were undecided as to whether the Board understood its responsibility for Misericordia's mission, a recommendation is proposed for trustees to be informed of mission responsibility prior to board appointment. For those trustees who served College Misericordia and did not attend an orientation program, a special orientation should be offered to them.

### **Board Diversity**

A final area of statistically significant difference in responses between lay trustees and sister trustees, was reflected in a level of agreement about Board Diversity on item 30, Table 33. Only two sister trustees 5.72%, agreed or strongly agreed that board diversity was satisfactory while 14 or 40% of the lay trustees agreed that diversity in the composition of the board according to age, sex, ethnic background, religion, and occupation was satisfactory.

A multicultural consciousness for Sisters who served on

the Board was triggered by a challenge given to Sisters of Mercy to become aware of the multicultural reality of the world. Lay trustees, on the other hand, were not as tuned to a multicultural inclusion for membership on the Board as were the sisters.

#### **Recommendation**

A recommendation is for the President of College Misericordia's Board of Trustees to engage College Misericordia's cultural diversity institute for the purpose of providing an educational in-service session for trustees and sisters involved in governance. Following the in-service program, trustees should be encourage to re-evaluate criteria for future board membership.

#### **Concluding Remarks**

College Misericordia was chartered by the Commonwealth of Pennsylvania as an independent, nonprofit corporation. College Misericordia was founded and established by the Sisters of Mercy from the Scranton Province in 1924. Sisters of Mercy have provided leadership and support to College Misericordia throughout the years. Even though involvement in College Misericordia by Sisters of Mercy changed from what it was in the early years of its foundation, an interrelatedness between College Misericordia and the Mercy congregation remained constant.

The literature implied a fear of lay control as an identified problem associated with lay boards of trustees at

Catholic colleges and universities. There was an expressed concern that sponsoring religious congregations were no longer able to protect the founding purposes of Catholic colleges and that Catholicity may have been in jeopardy. Lay and religious men and women were challenged to carry an equal share of responsibility for making sound and creative decision about present and future governance structures for Catholic colleges and universities.

As a result of the promulgations of Vatican Council II, religious congregations reframed their self-understanding and culture between the 1960s and the 1990s. Often during that period of time, religious congregations shifted their ministerial focus. Congregations and Catholic colleges experienced their own struggle for survival from the 1970s. The environment was sometimes stressful but both the colleges and congregations continued to work toward clarifying their relationships in governance and sponsorship.

Prior to Vatican Council II, Catholic colleges founded by religious congregations were dependent on the founding congregation. In the last twenty-five years colleges and congregations worked toward becoming independent of one another. The decision for colleges to independently incorporate in the 1960s and 1970s disturbed the balance of power that existed between religious congregations and colleges founded by the congregation. In the last twenty-five years, congregations and colleges have been working to

establish a new power distribution between themselves. Recently, Catholic colleges and their founding religious congregations have begun to reestablish mutually interdependent relationships that are a value to each party (Morey, 1995).

College Misericordia and the Sisters of Mercy have not been without a struggle in their relationship. But, to continue to move toward a mutually interdependent relationship, both College Misericordia and the Sisters of Mercy must establish an environment of trust as a basis for interaction and decision making. Neither the congregation nor the college has a guarantee about the future, but ongoing, open communication between the two entities is critical if there is hope for the future.

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**APPENDIX A - LETTER TO COLLEGE MISERICORDIA BOARD MEMBERS**

Dear College Misericordia Board Member:

This year marks the seventy first year of College Misericordia's history. The founding of a college for young women who might not otherwise have the opportunity to obtain an education was a dream that became a reality for the Sisters of Mercy in 1924.

College Misericordia has grown from a graduating class of five (5) women in 1927 to graduating a class of over 250 men and women in 1995. As College Misericordia continues to grow, it is important to know her history, preserve her Mission, and promote the Catholic, liberal-arts based quality education that will determine her future.

Presently, I am studying the governance relationship between the Board of Trustees and the Sisters of Mercy who serve as Members of the College. To accomplish that end, I am asking you to complete the enclosed questionnaire regarding your perception of that relationship. The information you provide will be used as part of the data collection for my Doctoral Dissertation entitled, "The Governance Relationship Between the Sisters of Mercy and College Misericordia, 1924-1990." The study is being conducted as a partial requirement for my scholarly work at Lehigh University.

Your comments and answers will be held in strict confidence. As you are well aware, it is of utmost importance that I receive a high return rate on the questionnaires. Please complete the questionnaire, sign the enclosed consent form, and return both documents to me in the self-addressed stamped envelope by October 30, 1995. Although the questionnaire has been pre-numbered, the numbering system is solely a bookkeeping procedure to provide a record of returns. Your reply will be anonymous and no attempt will be made now or in the future to identify any response with any specific person.

As an alumna of College Misericordia, former Dean of Student Affairs, a Trustee, and Member of the College Misericordia Corporation, I thank you for your participation in this study, and I reach from our common experience to wish you well.

Sincerely yours,

Martha Hanlon, RSM

enclosures

**APPENDIX B - LETTER TO MEMBERS OF THE COLLEGE MISERICORDIA  
CORPORATION**

Dear Sister:

This year marks the seventy first year of College Misericordia's history. The founding of a college for young women who might not otherwise have the opportunity to obtain an education was a dream that became a reality for the Sisters of Mercy in 1924.

College Misericordia has grown from a graduating class of five (5) women in 1927 to graduating a class of over 250 men and women in 1995. As College Misericordia continues to grow, it is important to know her history, preserve her Mission, and promote the Catholic, liberal-arts based quality education that will determine her future.

Presently, I am studying the governance relationship between the Board of Trustees and the Sisters of Mercy who serve as Members of the College. To accomplish that end, I am asking you to complete the enclosed questionnaire regarding your perception of that relationship. The information you provide will be used as part of the data collection for my Doctoral Dissertation entitled, "The Governance Relationship Between the Sisters of Mercy and College Misericordia, 1924-1990." The study is being conducted as a partial requirement for my scholarly work at Lehigh University.

Your answers will be held in strict confidence. As you are well aware, it is of utmost important that I receive a high return rate on the questionnaires. Please complete the questionnaire, sign the enclosed consent form, and return both documents to me in the enclosed in the self-addressed stamped envelope by (Date). Although the questionnaire has been pre-numbered, the numbering system is solely a bookkeeping procedure to provide a record of returns. Your reply will be anonymous and no attempt will be made now or in the future to identify any response with any specific person.

As a Sister of Mercy, an alumna of College Misericordia, former Dean of Student Affairs, a Trustee and a Member of the College Misericordia Corporation, I thank you for your participation in this study and I reach from our common experience to wish you well.

Sincerely yours,

Martha Hanlon, RSM

enclosures

**APPENDIX C - COLLEGE MISERICORDIA GOVERNANCE QUESTIONNAIRE**

## COLLEGE MISERICORDIA GOVERNANCE QUESTIONNAIRE

This questionnaire is designed to gather information for a doctoral study about the governance relationship between the Members of the College Misericordia Corporation and the College Misericordia Board of Trustees.

### I. Mission Statement:

"College Misericordia, a co-educational Catholic college sponsored by the Religious Sisters of Mercy, is committed to provide quality education to its students and to shape its educational programs and policies so as to express the founding Sisters' values and attitudes of justice, mercy, and service. The College welcomes individuals of all faiths.

The educational program is student-focused. Thus the academic development of each student at the undergraduate level depends on the College's commitment to provide a learning experience which cultivates higher order thinking skill through the integration of liberal arts and professional studies. To emphasize academic excellence and to develop critical thinking, all undergraduate curriculum provides a common liberal arts base, the objectives of which are further developed in the students' major area of study. The student's educational program prepares students for productive careers and continued personal and professional growth.

Graduate programs at College Misericordia emphasize intellectual discourse and focused academic growth. The cornerstone of each program is instruction and practice in methods of critical thinking which promote research and enhanced professional expertise.

As part of its comprehensive education program, the College is committed to providing a wide range of spiritual, physical, recreational, social, and cultural activities in which all members of the College community can participate.

College Misericordia fosters a cooperative environment in which students, faculty, and staff demonstrate personal concern for each individual as a valued member of the College community" (College Misericordia Archives, 1994).

**II. Definitions:**

Members of the College Misericordia Corporation: Sisters of Mercy who are the successors of the founding Sisters of College Misericordia and who inherited the responsibility to preserve and strengthen the life and mission of the College in collaboration with others.

Two-tiered Governance Structure: College Misericordia governance structure allows the Sisters of Mercy to retain an element of control by allowing the retention of selected fundamental decisions by a sponsoring religious body while permitting all other actions to be taken by the Board of Trustees (Moots & Gaffney, 1979).

**III. Assumptions:**

The practical importance of the fundamental power to elect the governing board or to assert other formal, legal authority depends in significant measure upon the informal personal relationships which the Members of the College Misericordia Corporation have with the College Misericordia Board of Trustees.

Each person who serves on the Board of Trustees at College Misericordia, knows his or her responsibility as a Trustee.

Each Sister of Mercy who acts as a Member of the College Corporation knows her responsibility as a Corporate Member.

**IV. Background Information**

**Sex**            \_\_\_ Male  
                  \_\_\_ Female  
                  \_\_\_ Total Years of Service as a Trustee/Member

Please check one (1) answer

**Service**       \_\_\_ College Misericordia Trustee  
                  \_\_\_ College Misericordia Corporate Member  
                  \_\_\_ College Misericordia Corporate Member/Trustee

V. Directions:

Please respond to the questionnaire by reflecting your experience while serving College Misericordia as a Member of the College Corporation and/or as a Trustee of College Misericordia. Circle the number which best indicates your level of agreement to the issues listed below.

- 1 = Strongly Disagree
- 2 = Disagree
- 3 = Undecided
- 4 = Agree
- 5 = Strongly Agree

Governance:

1. College Misericordia's Board orientation program satisfactorily explains the governance responsibilities of a Trustee.

(-) 1 2 3 4 5 (+)

2. College Misericordia's policies demonstrate an integration of the philosophy, mission, and values of College Misericordia and the Sisters of Mercy.

(-) 1 2 3 4 5 (+)

3. College Misericordia's Presidential appointment process involves the Members of the College Misericordia Corporation in the selection of a President for College Misericordia.

(-) 1 2 3 4 5 (+)

4. Members of the College Misericordia Corporation are involved in the appointment of a President for College Misericordia.

(-) 1 2 3 4 5 (+)

5. Sisters of Mercy Trustees and lay Trustees share the same governance responsibilities.

(-) 1 2 3 4 5 (+)

6. College Misericordia Trustees are selected because their talents and skills are important to the governance of College Misericordia.

(-) 1 2 3 4 5 (+)

7. College programs and curricula reflect the mission of College Misericordia.

(-) 1 2 3 4 5 (+)

8. A responsibility of the College Misericordia Board of Trustees is to develop policies and to provide resources.

(-) 1 2 3 4 5 (+)

9. On going education is given to the College Misericordia Board of Trustees regarding the concordance of the curriculum with the mission of the College.

(-) 1 2 3 4 5 (+)

10. College Misericordia's budget reflects sufficient scholarship allocation for students who are financially needy and educationally deserving.

(-) 1 2 3 4 5 (+)

**Corporate Climate:**

11. College Misericordia's Board of Trustees understands how the history and tradition of the Sisters of Mercy influences the mission and tradition of College Misericordia.

(-) 1 2 3 4 5 (+)

12. College Misericordia demonstrates its Catholic character.

(-) 1 2 3 4 5 (+)

13. Trustees of College Misericordia support the role of the Members of the College Misericordia Corporation.

(-) 1 2 3 4 5 (+)

14. Members of the College Misericordia Corporation support the role of College Misericordia Trustees.

(-) 1 2 3 4 5 (+)

15. Mercy Values are reflected in the day to day operation of College Misericordia.

(-) 1 2 3 4 5 (+)

16. College Misericordia Board of Trustees and Members of the College Misericordia Corporation have adequate opportunity to for formal and informal conversation and dialogue.

(-) 1 2 3 4 5 (+)

17. College Misericordia Board of Trustees is sensitive to the concerns of students and faculty while maintaining impartiality.

(-) 1 2 3 4 5 (+)

18. Individual Trustees periodically meet with the President of College Misericordia to offer support and counsel.

(-) 1 2 3 4 5 (+)

19. The President of College Misericordia is informed when personal lines of communication are established between Trustees and individuals on campus.

(-) 1 2 3 4 5 (+)

20. The authority and effectiveness of the College Misericordia Board of Trustees and its committees would be strengthened by substantive meetings with representatives of faculty and/or students.

(-) 1 2 3 4 5 (+)

**Corporate Member and Trustee Responsibility:**

21. Understanding the purpose of a two-tiered governance structure of College Misericordia is important for Trustees.

(-) 1 2 3 4 5 (+)

22. The responsibility of the role of the Members of the College Misericordia Corporation is understood by the Board of Trustees.

(-) 1 2 3 4 5 (+)

23. A collaborative working relationship exists between the Board of Trustees and the Members of the College Misericordia Corporation.

(-) 1 2 3 4 5 (+)

24. The Board of Trustees understands its responsibility for the mission of College Misericordia.

(-) 1 2 3 4 5 (+)

25. College Misericordia's two-tiered governance structure works effectively.

(-) 1 2 3 4 5 (+)

26. The responsibility of the role of the Members of the College Misericordia Corporation is understood by the Sisters who serve as Members.

(-) 1 2 3 4 5 (+)

27. The Board of Trustees stays abreast of higher education trends and legislation by reading "American Governing Board New Notes," "The Chronicles of Higher Education," the American Governing Board Reports, and/or other appropriate material.

(-) 1 2 3 4 5 (+)

28. Trustees rely on the President for their information about College Misericordia.

(-) 1 2 3 4 5 (+)

29. The present committee structure of the College Misericordia Board of Trustees is satisfactory.

(-) 1 2 3 4 5 (+)

30. The present diversity within the College Misericordia Board of Trustees by: age, sex, ethnic background, religion and occupation, is satisfactory.

(-) 1 2 3 4 5 (+)

**THANK YOU FOR YOUR COOPERATION!**

**APPENDIX D - SISTERS OF MERCY DIRECTION STATEMENT**

## DIRECTION STATEMENT

### Institute of the Sisters of Mercy of the Americas

Animated by the Gospel and Catherine McAuley's passion for the poor, we, the Sisters of Mercy of the Americas, are impelled to commit our lives and resources to act in solidarity with:

the economically poor of the world, especially women and children;

women seeking fullness of life and equality in church and society;

one another as we embrace our multi-cultural and international reality.

This commitment will impel us to:

develop and act from a multi-cultural, international perspective;

speak with a corporate voice;

work for systemic change;

act in harmony and interdependence with all creation;  
and

call ourselves to continual conversion in our lifestyle and ministries.

Statement re-affirmed as amended July, 1995

**APPENDIX E - COLLEGE MISERICORDIA BYLAWS  
1962, 1973, 1977, 1993**

BY-LAWS OF COLLEGE MISERICORDIA

DALLAS, PENNSYLVANIA

ARTICLE I

NAME

The name of the Corporation is COLLEGE MISERICORDIA.

ARTICLE II

PURPOSE

The purpose of the Corporation is to establish and maintain a College to promote the higher education of women with power and authority to confer collegiate degrees in accordance with such curricula as shall be established by the Governing Board and Faculty of the College, subject to approval of the proper authorities of the Commonwealth of Pennsylvania.

ARTICLE III

MEMBERSHIP IN CORPORATION

The members of the Corporation shall be professed members of the Religious Sisters of Mercy of the Union in the United States of America, Scranton Province, who have been duly assigned to Faculty and Administrative duties at College Misericordia.

ARTICLE IV

TRUSTEES

Section 1 - The corporate powers of College Misericordia shall be vested in the Board of Trustees, consisting of a maximum of twenty-six (26) members, as follows:

- (a) The Mother Provincial of the Scranton Province and the Superior of Villa St. Teresa, Dallas, Pennsylvania, ex officio.
- (b) The President, Academic Dean, Dean of Women, Registrar, Secretary, and Treasurer of the College, ex officio.
- (c) The remainder of the Board to be elected by the members of the Corporation for a term of three (3) years or until their successors are elected and

qualify. Of this group, two will be lay members, one of whom should have a legal background.

Section 2 - The Mother Provincial of the Scranton Province shall be Chairman of the Board of Trustees. The Superior of Villa St. Teresa, Dallas, Pennsylvania, shall be Vice-Chairman of the Board of Trustees, and the President of College Misericordia shall serve the Board as its secretary.

#### ARTICLE V

##### MEETINGS OF BOARD

Annual meetings of the Board shall be held at Dallas, Pennsylvania at the offices of the Corporation on the first Friday of January and July unless otherwise directed by the Chairman of the Board. A majority of the constituted Board shall be a quorum for the transaction of business.

#### ARTICLE VI

##### POWERS AND DUTIES OF BOARD

1. The Board of Trustees shall invest and reinvest all funds of the College and shall control generally the financial administration of the College.
2. It shall authorize and supervise the construction of new buildings, additions, and other matters pertaining to expenditures.
3. It shall bear full and complete legal responsibility for the College as a corporate entity.
4. It shall designate and approve a President for the College, who shall be directly responsible to the Board for the administration of the College.
5. It shall designate and approve such other officers of administration as shall be needed for the operation and control of the College and its constituency.
6. It shall designate and approve the appointment of Faculty members.
7. It shall exercise general supervision over the work of the administrative officers and the College.

## ARTICLE VII

### THE ADVISORY BOARD

1. The Board of Trustees shall choose such persons, clerical or lay as it sees fit, to act as an Advisory Board.
2. For the present, the number of members shall not exceed twenty-six.
3. The members of the Advisory Board shall serve for a term of three years and may be re-elected.
4. The officers of the Advisory Board shall be a Chairman and a Secretary.

## ARTICLE VIII

### FUNCTIONS OF THE ADVISORY BOARD

The Advisory Board, as its name indicates, acts in an advisory capacity, and may be called upon to give advice on the following matters:

1. Relations of the College with Educational Groups and Accrediting Agencies.
2. Maintenance of public relations and dignified publicity for the College.
3. The establishment of contacts with men and women of influence in the communities served by the College.
4. Ways and means of increasing the revenue of the College.

The President of the College should feel free to call upon any individual member of the Advisory Board without a formal meeting of the Board.

## ARTICLE IX

### OFFICERS OF THE CORPORATION

The Officers of College Misericordia shall be a President, Academic Dean, Dean of Women, Registrar, Secretary, Treasurer, and Chaplain. The Board of Trustees shall appoint all Officers of the College except the Chaplain, who shall be appointed by the Bishop of the Diocese of Scranton.

## ARTICLE X

### DUTIES OF THE PRESIDENT

The President is the chief executive of the College. It shall be her duty:

1. To see that all policies established by the Board of Trustees are implemented fully; that proper educational standards are observed; that all legal requirements are met; that everything possible is done to attain the stated objectives of the College; and to promote the best interests of students and faculty.
2. To report regularly to the Board of Trustees upon the condition of the College and make such recommendations as she considers expedient.
3. To draft the annual budget for the approval of the Board of Trustees and to see that it is administered properly.
4. To engage the lay members of the faculty and to determine their duties and salaries.
5. To integrate as far as possible the work of all members of the teaching and administrative staffs.
6. To keep the faculty informed as to educational trends and developments in higher education and as to the development plans of the College.
7. To be ex officio member of all committees in the College.
8. To supervise all official publications of the College.
9. To promote good public relations with the community, the general public, sister colleges and secondary schools.
10. To represent the College to its constituencies, to the general public, to educational groups, and agencies and, in general, to be the spokesman in all external relations.
11. To develop and supervise plans for campus improvements, buildings, etc., as well as for the maintenance of grounds and buildings.
12. To direct and supervise the raising of funds for the support and development of the College.

## ARTICLE XI

### DUTIES OF THE ACADEMIC DEAN

The Academic Dean is the chief academic office of the College under the President and is directly responsible to her for all academic activities. It is the responsibility of the Academic Dean:

1. To exercise general supervision over the faculty and to be concerned with the efficient operation of the Academic Departments.
2. To supervise curricula, courses, methods of instruction, examinations, and grading practices.
3. To recruit, when necessary, to interview, and to recommend to the President for appointment competent lay faculty replacements and additions.
4. To assign teachers for service in a Department and to approve their schedules for submission to the President.
5. In consultation with the Director of Admissions to recommend admission policies to the President.
6. To see that policies concerning student achievement and deficiencies are carried out; to approve students for degrees, and, in general, to supervise the academic welfare of students.
7. To preside at general faculty meetings, whenever requested by the President and to be an ex officio member of all faculty committees.
8. To prepare and to keep up to date the faculty Handbook and to assist the President in supervising all official publications of the College.
9. To act as chief advisor to the President and to discharge her duties during her absence.

## ARTICLE XII

### DUTIES OF DEAN OF WOMEN

The Dean of Women is the administrative officer who is responsible for the coordination and over-all development of the non-academic areas of student life. It is her responsibility:

1. To serve as the liaison officer between the President and other Administrative officers on all matters that concern the health, physical welfare, recreational and social needs of the students.
2. To exercise general supervision over counseling and placement services, intercollegiate and intra-mural athletic, social and culture activities.
3. To communicate with the faculty, student body, and general public on matters concerned with student life.
4. To recommend to the President persons who are deemed qualified to serve as house mothers, residence counselors and faculty moderators for the various student activities.
5. To advise with faculty moderators of student activities about the definition, clarification and development of policy for these activities.
6. To prepare the "Student Handbook", implement its rules and regulations as these pertain to student deportment, either on or off the campus.
7. To serve as an ex officio member of such faculty committees as are concerned with the non-academic interests of students and to act as chairman of the committees on discipline and student activities.
8. To work closely with the Student Council.

## ARTICLE XIII

### DUTIES OF THE REGISTRAR

As custodian of the academic records of the students, it shall be the duty of the Registrar:

1. To provide a thorough and permanent set of records of academic information concerning students.

2. To secure from faculty and issue to students accurate and prompt reports of grades at mid-semesters and end of semesters.
3. To issue transcripts of credit and official certifications of selected data from students' records.
4. To prepare and supervise class schedules.
5. To provide systematic registration of students.
6. To serve, ex officio, as chairman of the Admissions and Scholarships Committee and as a member of the Administrative and Budget Committees.
7. To serve as the chief admissions officer in the interviewing of and corresponding with prospective students and in securing the required admission credentials.
8. To organize material for statistical use and to take care of routine questionnaires concerning these data.
9. To check with the Dean of Studies on graduation requirements of all degree candidates.
10. To prepare and analyze grade distribution reports following each grade period.
11. To supervise the personnel of the Registrar's office and to recommend an annual budget for its proper functioning.

#### ARTICLE XIV

##### DUTIES OF THE SECRETARY

The Secretary shall keep an accurate record of the meetings of the Corporation, shall give all notices required by law. She shall have charge of all papers, conveyances, and documents of the Corporation, shall keep proper books of records and shall perform such other duties usually incident to such office.

#### ARTICLE XV

##### DUTIES OF THE TREASURER

As administrator of the material and financial affairs of the College, it shall be the duty of the Treasurer:

1. To receive and disburse all money and to maintain the College bookkeeping system.

2. To prepare an annual financial report for the President and to provide for its proper audit.
3. To serve, ex officio, as chairman of the Budget Committee and as a member of the Administrative Committee.
4. To prepare the annual budget for the Budget Committee's approval before recommendation to the Board of Trustees.
5. To supervise the administration of the approved budget.
6. To make all purchases of equipment and supplies and to set up procedures for disbursement of same to departments.
7. To supervise and provide proper maintenance and repair of plant for the safety and general welfare of all.
8. To supervise the College cafeteria, bookstore, and post office.
9. To serve as a counselor on matters pertaining to financial obligations and to arrange for loans and student employment.
10. To issue statements of accounts due to individual students.
11. To supervise the custody and use of all keys in the College plant.
12. To supervise new building construction.
13. To invest funds with the approval of the Board of Trustees.

#### ARTICLE XVI

##### DUTIES OF THE LIBRARIAN

As custodian of the library, its operations, and staff, it shall be the duty of the Librarian:

1. To have ultimate responsibility for the selection and purchase of books, periodicals, audio-visual materials, and other library materials recommended by the faculty and departments.

2. To make recommendations to the President of the College regarding library policy, development, and budget, and to make an annual report on the distribution of the annual budget.
3. To keep records of circulation and library use as is required by accrediting and other agencies.
4. To engage and supervise professional and general library personnel so as to insure proper student and faculty servicing necessary for the academic well-being of the College.
5. To pass on all requests for use of library facilities and equipment.
6. To serve, ex officio, as secretary of the Library Committee and as a member of the Administrative and Curriculum Committees.
7. To keep administration, faculty, and students informed of new acquisitions and to promote the general welfare and development of the library through cooperation with faculty and departments.

#### ARTICLE XVII

##### DUTIES OF THE FACULTY

As the instructional officers of the College, directly responsible to the Academic Dean, it shall be the duty of the Faculty:

1. To conduct classes assigned and to notify the Academic Dean of all necessary absences from class so that arrangement may be made for the proper conduct of class.
2. To abstain from employment in any occupation that may interfere with the thorough, efficient, and earnest performance of the duties of instruction in the College, and to enter upon outside employment only with the permission of the President of the College.
3. To keep abreast in their respective fields and professions by attending conferences, reading current professional literature, and conducting appropriate and worthwhile research whenever possible.
4. To determine the proficiency of the student in courses taught in accord with the standards established by the Faculty.

5. To attend all regular and special faculty meetings.
6. To serve, if elected, as Secretary to the Faculty, and to keep accurate, written minutes of the proceedings of all faculty meetings.
7. To serve, at the request of the President, on standing and ad hoc committees as related to the expanding and strengthening of the academic life and influence of the College as a whole.
8. To serve as class advisers and moderators of student organizations.
9. To approve candidates for degrees, honors, and prizes.
10. To be present at the Commencement of the College and other official academic functions of the College.

ARTICLE VIII

AMENDMENTS

The By-Laws may be amended or repealed by a two-thirds vote of the members of the Board of Trustees, provided that due notice of the proposed amendment be sent in writing to the members of the Board at least ten days in advance of the meeting at which the proposed amendment is presented.

I certify that the foregoing is a true and correct copy  
of the By-Laws of College Misericordia.

  
Sister Mary Calarica, R. S. M.  
President

August 4, 1962

(Approved January 13, 1973)

BY-LAWS  
COLLEGE MISERICORDIA  
DALLAS, PENNSYLVANIA

ARTICLE I. NAME

The name of the corporation is College Misericordia.

ARTICLE II. PURPOSE

The purpose of the corporation is to establish, conduct and maintain a College for higher education with power to confer degrees in accordance with such curricula as shall be established by the governing board and faculty of the College, subject to approval of the proper authorities of the Commonwealth of Pennsylvania and to assure the essential character of that education as having explicit Catholic values.

ARTICLE III. MEMBERS OF THE CORPORATION

The membership of the corporation shall consist of professed members of the Religious Sisters of Mercy of the Union in the United States, Scranton Province, chosen by the Provincial Administrator and her Council. The number of members shall not exceed 12. They will be appointed for and serve a term of three years; provided, however, that for the first appointments following the adoption of these By-laws, one-third of the members shall be appointed for one year; one-third shall be appointed for two years and the remaining one-third shall be appointed for three years. A member may be

reappointed to serve consecutive terms.

The members of the Corporation shall elect the members of the Board of Trustees and shall approve the borrowing of money and the mortgage, purchase, sale, leasing or otherwise disposing of any real estate of the College. The President of the College will preside at meetings of the members of the Corporation and the Secretary of the College shall serve as secretary. Neither shall have a vote, unless appointed members of the Corporation.

ARTICLE IV. MEETINGS OF THE MEMBERS OF THE CORPORATION

Section 1. The annual meeting of the members of the corporation shall be held during the month of November or December at such place within or without the Commonwealth of Pennsylvania as may be agreed upon by a majority of the members.

Section 2. Special meetings of the members of the corporation shall be held at such time and places within or without the Commonwealth of Pennsylvania upon the call of the President of the College. The business to be transacted at any special meeting shall be set forth in the notice of the meeting and written notice of such special meeting shall be sent by the Secretary of the corporation to the members of the corporation not less than ten (10) days before such meeting.

ARTICLE V. BOARD OF TRUSTEES

Section 1. The governing body of the corporation shall be a Board of Directors herein referred to as the Board of

Trustees, in which the corporate powers of the College shall be vested.

Section 2. Membership of the Board.

(a) The Board of Trustees shall consist of not less than eleven (11) nor more than twenty-five (25) members, of which, at all times, at least one-half shall be professed members of the Religious Sisters of Mercy of the Union of the United States, and at least one member shall be a graduate of the College. The Provincial Administrator of the Scranton Province and the President of the College shall be members of the Board, ex officio, with full voting rights.

(b) Except for the Provincial Administrator of the Scranton Province and the President of the College who shall serve as ex officio, the members of the Board shall be elected for a term of three years or until their successors are elected and qualified by the members of the corporation at their annual meeting. Provided, however, that at the first annual meeting following adoption of these By-Laws, one-third shall be elected for one year; one-third for two years and the remaining one-third for three years.

(c) The office of any Trustee shall become vacant on his death, resignation, refusal to act, removal from office or expiration of his term. If any Trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the Board, he shall be deemed to have resigned and his office shall become vacant. Vacancies shall be filled

at any meeting of the Corporation.

### Section 3. Officers of the Board

(a) The Officers of the Board shall consist of a Chairman, Vice-Chairman and Secretary elected from its membership by the members of the Board at its annual meeting upon nomination of the Committee on Trustees. They shall be elected for a term of one year or until their successors are elected. They may be eligible for re-election, however, no officer may serve in the same office for more than five (5) consecutive terms but may be elected to the same office after a sabbatical from that office for two years. Any vacancy may be filled at any meeting of the Board upon nomination of the Committee on Trustees.

Any officer may be removed from office by a ballot vote of majority of the whole number of Trustees whenever the best interests of the College will be served thereby.

(b) Chairman and Vice-Chairman. The Chairman shall preside at all meetings of the Board and shall perform the duties usually attached to that office and such additional duties which may be assigned to him by the Board. He shall be Chairman of the Executive Committee. He shall be ex officio a member of all Standing Committees. He shall appoint all committees of the Board annually, with the concurrence of the President of the college. In the absence of the Chairman, the Vice-Chairman shall preside at meetings and perform duties incident to the office of Chairman.

In the event of a tied vote, the Chair shall have the deciding vote.

(c) Secretary. The secretary shall be responsible for the record of all votes of the Board; shall keep a record of all minutes and give due notice of all meetings. He shall communicate actions of the Board to all proper persons. He shall insure that these By-Laws are adhered to by all members of the Board and by their functions and actions.

An assistant secretary may be appointed to keep minutes and to assist the secretary, but shall not be an officer of the Board.

#### ARTICLE VI. MEETINGS OF THE BOARD

(A) The annual meeting of the Board shall be held at the College during the month of January or February at a time fixed by the Executive Committee.

(B) In addition to the annual meeting, three other regular meetings shall be held--in the spring (April or May); in the summer (July or August); and in the fall (October or November), at such times and places as are determined by the Board of Trustees. A majority of the meetings shall be held at the College. At one such meeting, faculty, students, alumnae and/or advisory groups may be invited to join in discussion and presentations of appropriate interests.

(C) Special meetings of the Board may be called by the Chairman of the Board, by any three members of the Board, or by the President of the College and two members of the Board.

The business to be transacted at any special meeting shall be set forth in the notice of such meeting. The Secretary shall issue the meeting call whether or not he is a party to the call.

(D) Written notice of every meeting of the Board shall be sent by the Secretary to the members not less than ten (10) days before such meeting. The agenda, data or material to be discussed shall be sent in advance of the meeting, whenever possible.

(E) A majority of the members of the Board shall constitute a quorum for the transaction of business.

#### ARTICLE VII. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

The Board shall constitute the governing body of College Misericordia. It shall formulate and determine policies as shall be necessary for the administration and development of the College in accordance with the terms of its charter and its stated purpose. It shall appoint a President for the College who shall be directly responsible to the Board for the administration of the College. The President and other Executive Officers of the College are accountable to the Board for their area of responsibilities. The Board shall invest and reinvest all funds of the College and shall control generally the financial administration of the College. It may authorize the borrowing of money and the mortgage, purchase, sale, leasing or otherwise disposing of any real estate of the College subject to the approval of members of the Corporation.

Budgets and audits shall be available to the Board, which shall ensure that adequate funds are available for the functioning of the college. It shall authorize and supervise the construction of new buildings, additions, and matters pertaining to expenditures for such construction. Upon recommendation of the President of the College, it shall approve the granting of tenure or dismissal of faculty members. As the governing body of the College, all actions of the Board shall be final except in specific instances where such action requires the approval of the majority of the members of the Corporation.

ARTICLE VIII. COMMITTEES OF THE BOARD OF TRUSTEES

There shall be an Executive Committee, Standing Committees and Ad Hoc committees of the Board. Standing Committees shall include Financial Affairs, Academic Affairs, Student Affairs, Physical Plant, Development and Public Relations and Committee on Trustees. Other Standing Committees may be established by the Board from time to time as required to oversee functions of a major character. Ad Hoc committees may be appointed by the Chairman of the board in consultation with the President of the College. The term of such committee shall be for no longer than one year.

Section 1. Executive Committee.

The Executive Committee shall exercise all of the powers of the Board when the Board is not in session, except to remove from office. It shall report its interim actions at

the next regular meeting of the Board of Trustees. It shall abide by and adhere to the responsible committee structure in the consideration of all business, except that of an emergency nature. Normally all matters brought to the Executive Committee and to the Board of Trustees shall be directed to the appropriate committee requesting study and recommendation for action.

The Executive Committee shall consist of the officers of the Board, Chairmen of all Standing Committees, and the President of the College ex officio. The Executive Committee shall meet before each session of the Board. A majority of the committee shall constitute a quorum for the transaction of business. Conference telephone meetings are permissible in emergencies, but any actions taken must be ratified at the next Committee meeting. Determination of honorary degrees or special awards conferred in the name of the College shall be approved by this Committee upon recommendation of the President and in accordance with procedures set by the President's office.

Section 2. Standing Committees. The Chairman and members of each Standing Committee shall be regular active members of the Board. The Chairman may invite non-Board members to assist the committees, subject to the approval of the Chairman of the Board and the President of the College. Each committee should meet at least quarterly on days other than those set aside for full Board meetings. The President

of the College may appoint a member of the administration of the College to serve on each committee as her delegate and under her supervision.

Section 3. Academic Affairs Committee. The functions of this committee are:

(a) to assure that there is an up-to-date written description of the academic purpose, goals and mission of the College as recommended by the President and faculty, and approved by the Board of Trustees.

(b) to periodically appraise the regular and special operations of the College and to reflect its judgment thereon to the Board.

(c) to bring to the Board of Trustees recommendations of the President and faculty concerning academic plans, programs and policies.

Section 4. Student Affairs Committee. The functions of the committee are:

(a) to assess and appraise the non-academic aspects of student life.

(b) to maintain a continuing relation with student groups in order to provide mutual understanding among the students, faculty, administration, and the Board of Trustees.

(c) to make recommendations to the Board concerning any aspects of student life which are brought to it either by the students or faculty.

Section 5. Financial Affairs Committee. The functions of this committee are:

(a) to assure that there is an up-to-date financial plan for the College, projected for at least 5 years, based on educational goals, assumptions and requirements;

(b) to review the annual budget of the College as prepared by the administration, and present the same with recommendations for changes or additions to the Board;

(c) to consider all requests for approval of expenditures or the incurring of obligations of extra-ordinary expenses which are not included in the annual budget before presentation to the Board of Trustees;

(d) to recommend to the Board such action as it may deem advisable to improve the financial situation of the College;

(e) to establish policy and procedure with respect to investment and reinvestment of all funds of the College;

(f) to review the financing of special benefit programs for students, faculty and staff.

Section 6. Physical Plant Committee. The functions of this committee are:

(a) to study and recommend to the Board a master campus plan continuously updated to reflect educational goals and financial needs and projections as co-ordinated with the other appropriate Board committees.

(b) to evaluate plant, grounds and the need and use of equipment; to allocate space and to recommend appropriate

action to the Board.

(c) to oversee authorized plant construction and facility improvements; to recommend the retention of campus planners, architects, consultants and contractors as required.

Section 7. Development and Public Relations Committee.

The functions of this committee are:

(a) to study, promote and take leadership in policies and plans for achieving financial support required to realize the educational and physical development of the college;

(b) to study, promote and take leadership in policies and plans for a program of public relations and communications with the objective of achieving a better understanding of and positive action toward the college on the part of its alumnae and other constituencies.

(c) to review and recommend to the Board of Trustees policies on fund raising and public relations programs;

(d) to co-ordinate major fund raising and related committees in their endeavor to fulfill approved college policies and plans.

Section 8. Committee on Trustees. The functions of this committee are:

(a) to continually assess and appraise Board organization, operations, membership and attendance to assure maximum effectiveness and to make such recommendations from time to time as, in its judgment, will accomplish the objectives of the Board;

(b) to maintain a Trustee candidate list through a constant search to identify individuals best able to serve the College as trustees;

(c) to recommend candidates to the Corporation for membership on the Board of Trustees; to make nominations for officers of the Board; and to recommend to the Chairman of the Board of Trustees and the President of the College membership for such committees as required elsewhere in these By-Laws;

(d) to design a continuing program of education of Trustees concerning issues confronting higher education and problems confronting College Misericordia.

#### ARTICLE IX. OFFICERS OF THE COLLEGE

Section 1. The officers of the College shall be a President, Secretary and Treasurer, all of whom shall be members of the Religious Sisters of Mercy of the Union in the United States and who shall be appointed by the Board of Trustees.

Section 2. President. The President shall be a member of the Religious Sisters of Mercy of the Union in the United States. The President shall administer the government of the College as its chief executive officer. She shall be an ex officio member of the Board of Trustees and all committees of the Board. She shall see that all policies established by the Board are implemented fully; that proper educational standards are observed; that everything possible is done to carry out the objectives of the College and to promote the best

interests of the students and the faculty. She is to report to the Board of Trustees upon the condition of the College and make such recommendations as she considers necessary.

Section 3. Secretary. The Secretary shall perform all the duties normally incident to the office of Secretary including, inter alia, the recording of all meetings of the membership, recording all votes of the membership, and the communication of actions of the members to all proper persons.

Section 4. Treasurer. The Treasurer shall be the fiscal officer of the College and shall be responsible for keeping and maintaining all financial records of the College.

#### ARTICLE X. ADMINISTRATION

The President may appoint such administrative staff personnel as may be required by the educational and business needs of the College.

#### ARTICLE XI. FACULTY

The faculty of the College shall consist of professional library personnel and all instructional personnel engaged in teaching and/or research. The faculty shall be appointed by the President of the College in accordance with the requirements as set forth in the faculty manual.

#### ARTICLE XII. ADVISORY BOARD

The President of the College may appoint an advisory board or council, whose membership, terms of service and functions and duties will be determined by her and shall be in accordance with the By-Laws of such advisory board.

ARTICLE XIII. CHANNEL OF COMMUNICATIONS

Any official communication from the faculty, administration, executive officers, or administrative staff of the College to the Board shall be presented in writing to the Board only through the President.

ARTICLE XIV. AMENDMENT

These By-Laws may be amended by a 2/3 vote of the Board at any regular meeting provided that due notice of the proposed amendment be sent in writing to the members of the Board at least ten (10) days in advance of the meeting in which the proposed amendment is to be voted upon.

ARTICLE XV.

These By-Laws shall become effective immediately upon adoption.

COLLEGE MISERICORDIA  
DALLAS, PENNSYLVANIA 18612

**BY-LAWS**

ARTICLE I. NAME

The name of the corporation is College Misericordia.

ARTICLE II. PURPOSE

The purpose of the corporation is to establish, conduct and maintain a College for higher education with power to confer degrees in accordance with such curricula as shall be established by the governing board and faculty of the College, subject to approval of the proper authorities of the Commonwealth of Pennsylvania and to assure the essential character of that education as having explicit Catholic values.

ARTICLE III. MEMBERS OF THE CORPORATION

Section 1. Membership

The Members of the Corporation shall consist of the Provincial Administrator, those persons who constitute the Council of the Religious Sisters of Mercy of the Union in the United States, Province of Scranton, and two members of the Society of the Sisters of Mercy of Wilkes-Barre, who shall be chosen by the Provincial Administrator and her Council. They shall be appointed for one and two-year terms respectively. Each may be reappointed to serve consecutive terms. Of these two members of the Society, neither shall be a member of the Board of Trustees of the College or an employee of the College.

Section 2. Powers

The Members of the Corporation shall elect the members of the Board of Trustees and shall have a right of approval of action of the Board of Trustees relating to the following:

- a) changes in institutional purpose;
- b) the merger or consolidation of the institution with another corporation or the dissolution of the corporation;
- c) the sale, mortgage, purchase or lease of property;
- d) loans of an amount exceeding 5% of corporate assets;
- e) disposition of corporate assets exceeding 1% of corporate assets.

ARTICLE IV. MEETINGS OF THE MEMBERS OF THE CORPORATION

Section 1. The annual meeting of the Members shall be held at Dallas, Pennsylvania during the month of December. At the annual meeting, the Provincial Administrator shall preside and the Members shall select one of their group to act as Secretary at the annual meeting and at all other meetings of Members until the next annual meeting.

Section 2. Special meetings of the Members of the Corporation may be called by the Provincial Administrator or by written request of a majority of the Members of the Corporation. Notice of all meetings shall be given in writing by the Secretary to all Members at least ten (10) days prior to the date of any meeting and in the case of special meetings, the notice shall state the purpose or purposes of the proposed meeting and the business to be transacted at this meeting.

Section 3. A majority of the Members of the Corporation shall constitute a quorum at any meeting of the Members of the Corporation.

ARTICLE V. BOARD OF TRUSTEES

Section 1. The governing body of the corporation shall be a Board of Directors herein referred to as the Board of Trustees, in which the corporate powers of the College shall be vested.

Section 2. Membership of the Board

(a) The Board of Trustees shall consist of a minimum of eleven (11) members. The President of the College shall be a member of the Board ex officio.

(b) Except for the President of the College, who shall serve ex officio, the members of the Board shall be elected for a term of three (3) years or until their successors are elected and qualified by the Members of the Corporation at their annual meeting.

(c) The office of any Trustee shall become vacant on his death, resignation, refusal to act, removal from office or expiration of his term. If any Trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the Board, he shall be deemed to have resigned and his office shall become vacant. Vacancies shall be filled at any meeting of the Corporation.

(d) No person shall be eligible to serve as a member of the Board of Trustees for more than three successive terms of

three years each except that any member serving in his or her third successive term at the time of the adoption of this By-Law shall be eligible to serve one additional successive term.

### Section 3. Officers of the Board

(a) The Officers of the Board shall consist of a Chairman, Vice-Chairman and Secretary elected from its membership by the members of the Board at its annual meeting upon nomination of the Committee on Trustees. They shall be elected for a term of one year or until their successors are elected. They may be eligible for re-election, however, no officer may serve in the same office for more than five (5) consecutive terms but may be elected to the same office after a sabbatical from that office for two years. Any vacancy may be filled at any meeting of the Board upon nomination of the Committee on Trustees.

Any officer may be removed from office by a ballot vote of majority of the whole number of Trustees whenever the best interests of the College will be served thereby.

(b) Chairman and Vice-Chairman. The Chairman shall preside at all meetings of the Board and shall perform the duties usually attached to that office and such additional duties which may be assigned to him by the Board. He shall be chairman of The Executive Committee. He shall be ex officio a member of all Standing Committees. He shall appoint all committees of the Board annually, with the concurrence of the President of the College. In the absence of the Chairman, the Vice-Chairman shall preside at meetings and perform other duties incident to the office of Chairman.

In the event of a tied vote, the Chair shall have the deciding vote.

(c) Secretary. The Secretary shall be responsible for the record of all votes of the Board; shall keep a record of all minutes and give due notice of all meetings. He shall communicate actions of the Board to all proper persons. He shall insure that these By-Laws are adhered to by all members of the Board and by their functions and actions.

An assistant secretary may be appointed to keep minutes and to assist the secretary, but shall not be an officer of the Board.

ARTICLE VI. MEETINGS OF THE BOARD

(A) The annual meeting of the Board shall be held at the College during the month of January or February at a time fixed by the Executive Committee.

(B) In addition to the annual meeting, three other regular meetings shall be held--in the spring (April or May); in the summer (July or August); and in the fall (October or November), at such times and places as are determined by the Board of Trustees. A majority of the meetings shall be held at the College. At one such meeting, faculty, students, alumnae and/or advisory groups may be invited to join in discussion and presentations of appropriate interests.

(C) Special meetings of the Board may be called by the Chairman of the Board, by any three members of the Board, or by the President of the College and two members of the Board. The business to be transacted at any special meeting shall be set forth in the notice of such meeting. The Secretary shall issue the meeting call whether or not he is a part to the call.

(D) Written notice of every meeting of the Board shall be sent by the Secretary to the members not less than ten (10) days before such meeting. The agenda, data or material to be discussed shall be sent in advance of the meeting, whenever possible.

(E) A majority of the members of the Board shall constitute a quorum for the transaction of business.

ARTICLE VII. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

The Board shall constitute the governing body of College Misericordia. It shall formulate and determine policies as shall be necessary for the administration and development of the College in accordance with the terms of its charter and its stated purpose. It shall appoint a President for the College who shall be directly responsible to the Board for the administration of the College. The President and other Executive Officers of the College are accountable to the Board for their area of responsibilities. The Board shall invest and reinvest all funds of the College and shall control generally the financial administration of the College. It may authorize the borrowing of money and the mortgage, purchase, sale, leasing or otherwise disposing of any real estate of the College subject to the approval of members of the Corporation. Budgets and audits shall be available to the Board, which shall ensure that adequate funds are available for the functioning of the College. It shall authorize and supervise

the construction of new buildings, additions, and matters pertaining to expenditures for such construction. Upon recommendation of the President of the College, it shall approve the granting of tenure or dismissal of faculty members. As the governing body of the College, all actions of the Board shall be final except in specific instances where such action requires the approval of the majority of the members of the Corporation.

#### ARTICLE VIII. COMMITTEES OF THE BOARD OF TRUSTEES

There shall be an Executive Committee, Standing Committees and Ad Hoc Committees of the Board. Standing Committees shall include Financial Affairs, Academic Affairs, Student Affairs, Physical Plant, Development and Public Relations and Committee on Trustees. Other Standing Committees may be established by the Board from time to time as required to oversee functions of a major character. Ad Hoc committees may be appointed by the Chairman of the Board in consultation with the President of the College. The term of such committee shall be for no longer than one year.

##### Section 1. Executive Committee

The Executive Committee shall exercise all of the powers of the Board when the Board is not in session, except to remove from office. It shall report its interim actions at the next regular meeting of the Board of Trustees. It shall abide by and adhere to the responsible committee structure in the consideration of all business, except that of an emergency nature. Normally all matters brought to the Executive Committee and to the Board of Trustees shall be directed to the appropriate committee requesting study and recommendation for action.

The Executive Committee shall consist of the officers of the Board, Chairman of all Standing Committees, and the President of the College ex officio. The Executive Committee shall meet before each session of the Board. A majority of the committee shall constitute a quorum for the transaction of business. Conference telephone meetings are permissible in emergencies, but any actions taken must be ratified at the next Committee meeting. Determination of honorary degrees or special awards conferred in the name of the College shall be approved by this Committee upon recommendation of the President and in accordance with procedures set by the President's office.

Section 2. Standing Committees.

The Chairman and members of each Standing Committee shall be regular active members of the Board. The Chairman may invite non-Board members to assist the committees, subject to the approval of the Chairman of the Board and the President of the College. Each committee should meet at least quarterly. The President of the College may appoint a member of the administration of the College to serve on each committee as her delegate and under her supervision.

Section 3. Academic Affairs Committee.

The functions of this committee are:

(a) to assure that there is an up-to-date written description of the academic purpose, goals and mission of the College as recommended by the President and faculty, and approved by the Board of Trustees;

(b) to periodically appraise the regular and special operations of the College and to reflect its judgment thereon to the Board;

(c) to bring to the Board of Trustees recommendations of the President and faculty concerning academic plans, programs and policies.

Section 4. Student Affairs Committee.

The functions of this committee are:

(a) to assess and appraise the non-academic aspects of student life;

(b) to maintain a continuing relation with student groups in order to provide mutual understanding among the students, faculty, administration, and the Board of Trustees;

(c) to make recommendations to the Board concerning any aspects of student life which are brought to it either by the students or faculty.

Section 5. Financial Affairs Committee.

The functions of this committee are:

(a) to assure that there is an up-to-date financial plan for the College, projected for at least 5 years, based on educational goals, assumptions and requirements;

(b) to review the annual budget of the College as prepared by the administration, and present the same with recommendations for changes or additions to the Board;

(c) to consider all requests for approval of expenditures or the incurring of obligations of extra-ordinary expenses which are not included in the annual budget before presentation to the Board of Trustees;

(d) to recommend to the Board such action as it may deem advisable to improve the financial situation of the College;

(e) to establish policy and procedure with respect to investment and reinvestment of all funds of the College;

(f) to review the financing of special benefit programs for students, faculty and staff.

#### Section 6. Physical Plant Committee.

The functions of this committee are:

(a) to study and recommend to the Board a master campus plan continuously updated to reflect educational goals and financial needs and projections as co-ordinated with the other appropriate Board committees;

(b) to evaluate plant, grounds and the need and use of equipment; to allocate space and to recommend appropriate action to the Board;

(c) to oversee authorized plant construction and facility improvements; to recommend the retention of campus planners, architects, consultants and contractors as required.

#### Section 7. Development and Public Relations Committee.

The functions of this committee are:

(a) to study, promote and take leadership in policies and plans for achieving financial support required to realize the educational and physical development of the college;

(b) to study, promote and take leadership in policies and plans for a program of public relations and communications with the objective of achieving a better understanding of and positive action toward the college on the part of its alumnae and other constituencies;

(c) to review and recommend to the Board of Trustees policies on fund raising and public relations programs;

(d) to co-ordinate major fund raising and related committees in their endeavor to fulfill approved college policies and plans.

Section 8. Committee on Trustees.

The functions of this committee are:

(a) to continually assess and appraise Board organization, operations, membership and attendance to assure maximum effectiveness and to make such recommendations from time to time as, in its judgment, will accomplish the objectives of the Board;

(b) to maintain a Trustee candidate list through a constant search to identify individuals best able to serve the College as trustees;

(c) to recommend candidates to the Corporation for membership on the Board of Trustees; to make nominations for officers of the Board; and to recommend to the Chairman of the Board of Trustees and the President of the College membership for such committees as required elsewhere in these By-Laws;

(d) to design a continuing program of education of Trustees concerning issues confronting higher education and problems confronting College Misericordia.

ARTICLE IX. OFFICERS OF THE COLLEGE

Section 1. Officers.

The officers of the College shall be a President, Secretary, and Treasurer who shall be appointed by the Board of Trustees.

Section 2. President.

The President shall administer the government of the College as its chief executive officer. He/she shall be an ex officio member of the Board of Trustees and all committees of the Board. He/she shall see that all policies established by the Board are implemented fully; that proper educational standards are observed; that everything possible is done to carry out the objectives of the College and to promote the best interests of the students and the faculty. He/she is to report to the Board of Trustees upon the condition of the College and make such recommendations as he/she considers necessary.

Section 3. Secretary.

The Secretary shall perform all the duties normally incident to the office of the Secretary including, inter alia, the recording of all minutes of the membership, recording all votes of the membership, and the communication of actions of the members to all proper persons.

Section 4. Treasurer.

The Treasurer shall be the fiscal office of the College and shall be responsible for keeping and maintaining all financial records of the College.

ARTICLE X. ADMINISTRATION

The President may appoint such administrative staff personnel as may be required by the educational and business needs of the College.

ARTICLE XI. FACULTY

The faculty of the College shall consist of professional library personnel and all instructional personnel engaged in teaching and/or research. The faculty shall be appointed by the President of the College in accordance with the requirements as set forth in the faculty manual.

ARTICLE XII. ADVISORY BOARD

The President of the College may appoint an advisory board or council, whose membership, terms of service and functions and duties will be determined by her and shall be in accordance with the By-Laws of such advisory board.

ARTICLE XIII. CHANNEL OF COMMUNICATIONS

Any official communication from the faculty, administration, executive officers, or administrative staff of the College to the Board shall be presented in writing to the Board only through the President.

ARTICLE XIV. AMENDMENT

These By-Laws may be amended by a 2/3 vote of the Board at any regular meeting provided that due notice of the proposed amendment be sent in writing to the members of the Board at least ten (10) days in advance of the meeting in which the proposed amendment is to be voted upon.

ARTICLE XV.

These By-Laws shall become effective immediately upon adoption.

Approved January 13, 1973  
Revised November 3, 1974  
Amended February 25, 1977  
Amended October 2, 1977  
Amended December 21, 1977

BY-LAWS  
COLLEGE MISERICORDIA  
DALLAS, PENNSYLVANIA 18612

ARTICLE I. NAME

The name of the corporation is College Misericordia (herein after referred to as "College".)

ARTICLE II. PURPOSE

The purpose of the College is to establish, conduct and maintain an institution for higher education with power to confer degrees in accordance with such curricula as shall be established by the governing board and faculty of the College, subject to approval of the proper authorities of the Commonwealth of Pennsylvania, and to assure the essential character of that education as having explicit Catholic values.

ARTICLE III. MEMBERS OF THE COLLEGE

Section 1. Membership

The Members of the College shall consist of the President and those persons who constitute the Leadership Team of the Dallas Regional Community of the Sisters of Mercy of the Americas. The President of the Dallas Regional Community or her delegate will serve ex-officio as a member of the Board of Trustees with full voting rights.

Section 2. Powers

The Members of the College shall have the right of approval of action of the Board of Trustees relating to the following:

- (a) Changes in institutional purpose;
- (b) The approval of the appointment of Trustees;
- (c) The merger or consolidation of the institution with another corporation;
- (d) The sale, mortgage, purchase or lease of property;
- (e) Loans of an amount exceeding 5% of corporate assets;

- (f) Disposition of corporate assets exceeding 1% of corporate assets;
- (g) Approval of amendments to the By-Laws.

#### ARTICLE IV. MEETINGS OF THE MEMBERS OF THE COLLEGE

##### Section 1. Annual Meeting

The Annual Meeting of the Members shall be held at Dallas, Pennsylvania, during the month of June. At the Annual Meeting, the President shall preside and the Members shall select one (1) of their group to act as Secretary at the Annual Meeting and at all other meetings of Members until the next Annual Meeting.

##### Section 2. Special Meetings

Special meetings of the Members of the College may be called by the President or by written request of a majority of the Members of the College. Notice of all meetings shall be given in writing by the Secretary to all Members at least ten (10) days prior to the date of any meeting and in the case of special meetings, the notice shall state the purpose or purposes of the proposed meeting and the business to be transacted at this meeting.

##### Section 3. Joint Meetings

A Joint Meeting between Membership of the College and the Board of Trustees shall be held at least once every two (2) years for the purpose of sharing mutual philosophies, goals and values for College Misericordia.

##### Section 4. Quorum

A majority of the Members of the College shall constitute a quorum at any meeting of the Members of the College.

#### ARTICLE V. BOARD OF TRUSTEES

##### Section 1. Governing Body

The governing body of the College shall be a Board of Directors, herein referred to as the Board of Trustees, in which the corporate powers of the College shall be vested.

## Section 2. Membership of the Board

- (a) The Board of Trustees shall consist of not less than eleven (11) nor more than forty (40) persons and will include no fewer than fifteen percent (15%) Sisters of Mercy. The President of the College shall be a member of the Board ex-officio with full voting rights.
- (b) Except for the President and the President of the Sisters of Mercy Dallas Regional Community or her delegate, who shall serve ex-officio, the members of the Board shall be elected for a term of three (3) years or until their successors are elected and approved by the Members of the College at their Annual Meeting. No person shall be eligible to serve as a member of the Board of Trustees for more than four (4) successive terms. IF, however, a Trustee has served for four (4) successive terms (including any partial term), she/he shall not be eligible for reelection until one (1) year has elapsed after the end of her/his fourth term.
- (c) The office of any Trustee shall become vacant on her/his death, resignation, refusal to act, removal from office or expiration of his/her term. If any Trustee shall fail to attend three (3) consecutive meetings without an excuse accepted as satisfactory by the Board, she/he shall be deemed to have resigned and her/his office shall become vacant. Vacancies shall be filled at any meeting of the Board of Trustees subject to the approval of the Members.

## Section 3. Powers and Duties of the Board of Trustees

The Board of Trustees shall constitute the governing body of College Misericordia. It shall formulate and determine policies as shall be necessary for the administration and development of the College in accordance with the terms of its charter and its stated purpose. These powers shall include, but not be limited to, the following:

- (a) It shall elect members of the Board subject to the approval of the Members of the College;
- (b) It shall appoint a President for the College; who shall be directly responsible to the Board for the administration of the College;

- (c) It shall establish and review the educational programs of the College;
- (d) It shall approve degrees in course and honorary degrees upon the recommendation of the faculty;
- (e) It shall establish and approve annually the budget of the College, which shall be submitted to it upon the recommendation of the Finance Committee of the Board of Trustees.
- (f) It shall be responsible for the financial affairs of the College, which obligations shall include, but not limited to:
  - 1. invest and reinvest all funds of the College;
  - 2. authorize the borrowing of money and the mortgage, purchase, sale, leasing or otherwise disposing of any real estate of the College;
  - 3. authorize any changes in tuition and fees within the College;
  - 4. authorize the construction of new buildings, additions and matters pertaining to expenditures for such construction.
- (g) It shall approve rank, tenure, promotion and other personnel policies.

As the governing body of the College, all actions of the Board shall be final except in specific instances where such action requires the approval of the majority of the Members of the College.

#### Section 4. Trustee Emeriti

A Trustee who has served for a minimum of four (4) consecutive three (3) year terms may, upon recommendation of the Executive Committee, be elected by a majority of the Board of Trustees as a Trustee Emeritus. This position shall be reserved for those Trustees with records of unusual and distinctive service. They shall be entitled to receive notices of all meetings of the Board and to attend and speak at all such meetings. A Trustee Emeritus shall not have the power to vote nor be counted as a member of the Board of Trustees for any purpose.

## ARTICLE VI. OFFICERS OF THE COLLEGE

The Officers of the College shall be the Chairperson and Vice Chairperson of the Board of Trustees, the President, one or more Vice Presidents, a Secretary and a Treasurer.

### Section 1. Chairperson and Vice Chairperson

The Chairperson and the Vice Chairperson of the Board of Trustees shall be elected from its membership by the members of the Board at its Annual Meeting upon nomination of the Executive Committee. They shall be elected for a term of one (1) year or until their successors are elected. They may be eligible for re-election; however, no Officer may serve in the same office for more than five (5) consecutive terms, but may be elected to the same office after a sabbatical from that office for two (2) terms. Any vacancy may be filled at any meeting of the Board upon nomination of the Executive Committee. Any Officer of the Board may be removed from office by a majority of the whole number of Trustees whenever the best interests of the College will be served thereby.

### Section 2. Powers and Duties of the Chairperson and Vice Chairperson of the Board of Trustees

The Chairperson shall preside at all meetings of the Board and shall perform the duties usually attached to that office and such additional duties which may be assigned to her/him by the Board. She/he shall be ex-officio a member of all standing committees with full voting rights. She/he shall appoint all committees of the Board annually, with the concurrence of the President of the College. In the absence of the Chairperson, the Vice Chairperson shall preside at meetings and perform duties incident to the office of the Chairperson.

### Section 3. President of the College

The President of the College shall be appointed by the Board of Trustees. In the event of a vacancy in the office of the President, the Board shall appoint a special Presidential Search Committee to submit nominations for candidates for that office.

#### Section 4. Powers and Duties of the President of the College

The President of the College shall be Chief Executive Officer of the College and the official advisor to and executive agent of the Board of Trustees and its Executive Committee. She/he shall, as educational and administrative head of the College, exercise a general superintendence over all the affairs of the institution, and bring such matters to the attention of the Board as are appropriate to keep the Board fully informed to meet its policy-making responsibilities. She/he shall have power, on behalf of the Trustees, to perform all acts and execute all documents to make effective the actions of the Board or its Executive Committee. Except as otherwise provided in these By-Laws, she/he shall be ex-officio a member of all committees of the Board without power to vote.

All other officers shall be appointed by the President of the College with the approval of the Board of Trustees.

#### Section 5. Powers and Duties of the Vice President

Each Vice President shall have such powers and shall perform such duties as may be assigned to her/him by the President. In case of the absence or disability of The President, the duties of that office shall be performed by any Vice President designated by the President and approved by the Board of Trustees.

#### Section 6. Powers and Duties of the Secretary

The Secretary shall perform all the duties normally incident to the office of the Secretary. She/he shall give proper notice of all meetings of the Board of Trustees and shall keep a record of the appointment of all committees of the Board of Trustees and members of the administrative and teaching staffs. She/he shall keep a record of the minutes of all meetings of the Board of Trustees and each of its committees. Any of the duties or powers of the Secretary may be performed by an Assistant Secretary who shall be responsible to and report to the Secretary.

The Secretary shall have custody of the seal of the College and shall attest to and affix said seal to such documents as required in the business of the College.

## Section 7. Powers and Duties of the Treasurer

The Treasurer shall be the Chief Financial Officer of the College. She/he shall have the duty to keep or cause to be kept full and accurate accounts of all receipts and disbursements and to obey all lawful orders of the Trustees, the President of the College, and the Finance Committee respecting funds, property, and accounts of the College. She/he shall be responsible for the preparation of any corporate financial reports as may be required by departments of government, state and federal. The Treasurer shall, in the name of the College give receipts for monies or property as shall be required, deposit fund sin accordance with resolution and direction of the Finance Committee or the Board of Trustees, and safeguard the money of the College. She/he shall cooperate with any independent auditors or certified public accountants retained by the Board of Trustees for the purpose of conducting audits of the accounts of the College, and shall make reports at meetings of the Board of Trustees or the Finance Committee with respect to the financial condition of the College at such time and in such form as the Board or the Committee may duly require. The Treasurer shall give a bond to the College faithfully to perform the duties of her/his office, and to account for all monies and other matters and things which may come into her/his hands and possession by virtue of said office, in such amount as the Finance Committee shall direct.

## ARTICLE VII. MEETINGS OF THE BOARD

### Section 1. Annual Meeting

The Annual Meeting of the Board shall be held at the College during the month of May or June at a time fixed by the Executive Committee.

### Section 2. Regular Meetings

In addition to the Annual Meeting, three (3) other meeting shall be held each year at such times and places as are determined by the Board of Trustees. A majority of the meetings shall be held at the College. At one (1) such meeting, faculty, students, alumni, and/or advisory groups may be invited to join in discussion and presentations of appropriate business.

Section 3. Special Meetings

Special Meetings of the Board may be called by the Chairperson of the Board, or by any three (3) members of the Board. The business to be transacted at any Special Meeting shall be set forth in the notice of such meeting. The Secretary shall issue the meeting call whether or not she/he is a party to the call.

Section 4. Notice of Meetings

Written notice of every meeting of the Board shall be sent by the Secretary to the members not less than ten (10) days before such meetings. The agenda, data or material to be discussed shall be sent in advance of the meeting, whenever possible.

Section 5. Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business, and the act of the majority of the Trustees present and voting, at a duly called meeting of the Board of any committee, shall be the act of the Board of Trustees or that committee, except as may be provided by statute or articles of incorporation or by these By-Laws.

Section 6. Action Without Formal Meeting

Any action required or permitted to be taken by the Board of Trustees or by any committee thereof may be taken without a formal meeting. Meetings may be conducted by mail, telegram, cable, or in any other way the Trustees shall decide. However, a written consent setting forth the action so taken and signed by all members of the Board or of a committee, as the case may be, must be filed with the minutes of the proceedings of the Board of the committee.

ARTICLE VIII. COMMITTEES OF THE BOARD OF TRUSTEES

Section 1. Committees

There shall be an Executive Committee, Standing Committees, and Ad Hoc Committees of the Board. Standing Committees shall include a Committee on Trustees, Academic and Faculty Affairs, Finance, Institutional Advancement, Student Affairs, Buildings and Grounds, and Personnel. Other Standing Committees may be established by the Board from time to time as required to oversee functions of a major character. Ad Hoc Committees may be

appointed by the Chairperson of the Board in consultation with the President of the College. The term of such committee shall be no longer than one (1) year.

#### Section 2. Executive Committee

The Executive Committee shall exercise all of the powers of the Board when the Board is not in session, except to remove or appoint the President of the College or take any action which has been specifically reserved by the Board of Trustees. It shall abide by and adhere to the responsible committee structure in the consideration of all business, except that of an emergency nature. Normally, all matters brought to the Executive Committee and to the Board of Trustees shall be directed to the appropriate committee requesting study and recommendation for action.

The Executive Committee shall continually assess and appraise Board organization, operations, membership and attendance in order to assure maximum effectiveness; it shall present to the Board of Trustees nominations for Trustees and Trustees Emeriti to be elected by the Board at the Annual Meeting of the Board; and it shall present nominations for officers of the Board.

The Executive Committee shall consist of the Chairperson and Vice Chairperson of the Board, Chairpersons of all Standing Committees, and the President of the College ex-officio. The Executive Committee shall meet before each session of the Board. A majority of the Committee shall constitute a quorum for the transaction of business.

#### Section 3. Standing Committees

The Chairperson and members of each standing committee shall be regular active members of the Board. The Chairperson may invite non-Board members to assist the committees, subject to the approval of the Chairperson of the Board and the President of the College. Each committee should meet at least three (3) times a year. The President of the College may appoint a member of the administration of the College to serve on each committee as her/his delegate and under her/his supervision.

#### Section 4. Committee on Trustees

The Committee on Trustees shall present to the Executive Committee of the Board of Trustees nominations

for trustees to be elected to and by the Board, and for Chairperson and Vice Chairperson of the Board, as well as nominations for officers of the College. It also shall furnish information relating to the background and qualifications of all such nominees at least two (2) weeks prior to the Board meeting at which an election or appointment is scheduled to take place. The Committee shall maintain a current profile of the Board's membership composition to guide the selection process. It shall also, subject to the requirements set forth in these By-Laws, nominate Trustee Emeriti. The Committee on trustees shall report to the Board at the Annual Meeting and otherwise as circumstances dictate.

#### Section 5. Academic and Faculty Affairs Committee

The Academic and Faculty Affairs Committee shall study and appraise the quality of the academic program; measure the program relative to other comparable institutions; formulate desirable short and long range enrollment goals; advise the Finance Committee on the specifications and requirements for financing the academic programs; recommend salary, pension, and other personnel policies concerning the academic personnel; review matters affecting the faculty of the College; and make such reports and recommendations to the Board of Trustees relative to the foregoing as may be required.

#### Section 6. Finance Committee

The Finance Committee shall be responsible for recommending policy to the Board of Trustees concerning the annual operating and capital budgets, major financial transactions not provided in the budget, the finance control and auditing system of the College, investment of funds by the College, and the maintenance and operations of the physical plant.

It shall review the annual budget presented by the President and the annual audit presented by the auditors and make recommendations with respect thereto to the Board of Trustees.

#### Section 7. Student Affairs Committee

The Student Affairs Committee shall review matters affecting students of the College, other than those relating to the academic program, consider proposals on such matters, and report and make recommendations thereon to the Board of Trustees as may be required.

Section 8. Institutional Advancement Committee

The Institutional Advancement Committee shall study, promote and take leadership in development of policies and plans for achieving financial support required to realize the educational objectives and the physical maintenance and development of the College; and it shall review and recommend fund raising and public relations programs and report to the Finance Committee on fund raising progress and estimates of income to be received therefrom. It shall report on its activities and make recommendations to the Board of Trustees.

Section 9. Buildings and Grounds Committee

The Buildings and Grounds Committee shall study and assess the adequacy and condition of existing facilities, grounds, and utilities within the framework of a physical planning policy which includes but is not limited to land use, enrollments, facilities inventory and conditions, space utilization, capital programs, deferred maintenance, energy conservation, environmental quality, health and safety, as well as accessibility for the handicapped. It shall make recommendations relative to improvements, expansion and appropriate levels of funding from current revenues for plant operations and maintenance, and level of debt service appropriate for such projects.

Section 10. Personnel Committee

The Personnel Committee shall provide a forum to discuss existing personnel matters and to approve new policies which affect the welfare of all members of the College; and it shall monitor and advise the College on governmental issues/mandates which may affect the College's compliance with the law in such areas of salary, discrimination, harassment, and health.

ARTICLE IX. CONFLICT OF INTEREST

A Trustee shall be considered to have a conflict of interest if such Trustee has existing or potential financial or other interests which may impair or might reasonably appear to impair such member's independent, unbiased judgement in the discharge of her/his responsibilities to the College. All Trustees shall disclose to the Board any possible conflict of interest at the earliest practicable time. No Trustee shall vote on any matter, under consideration at a Board or Committee meeting, in which such Trustee has a conflict of interest. The minutes of such meeting shall reflect that a

disclosure was made and that the Trustee having a conflict of interest abstained from voting. Any Trustee who is uncertain whether she/he has a conflict of interest in any matter may request the Board or Committee to determine whether a conflict of interest exists, and the Board or Committee shall resolve the question by majority vote.

#### ARTICLE X. PERSONAL LIABILITY

A Trustee shall not be personally liable as a Trustee for monetary damages, for any action taken, or any failure to take any action, unless the Trustee has breached or failed to perform the duties of her/his office under Section 8363 or Title 42 (Judiciary and Judicial Procedures) of the Pennsylvania Consolidated Statutes, and the breach or failure to perform such duties constitutes self-dealing, willful misconduct or recklessness. This section shall not apply to the responsibility or liability of a Trustee pursuant to any criminal statute, or the liability of a Trustee for the payment of taxes pursuant to Local, State or Federal law, nor shall this section apply to any actions filed prior to the date of the amendment adding this section to the By-Laws, nor to any breach or performance of duty or any failure of performance of duty by the Trustee prior to such date. No amendment to or repeal of this section shall apply to or have any effect on the liability or alleged liability of any Trustee for, or with respect to, any acts or omissions of such Trustee occurring prior to such amendment or repeal.

#### ARTICLE XI. AMENDMENT

These By-Laws may be adopted, amended and repealed by the Board of Trustees, subject to the power of the Members to change any such action, provided that the Board of Trustees shall not have the authority to adopt a by-law on any subject which is committed exclusively to the Members by the sections of the non-profit corporation law of 1972 listed in Section 7504 thereof. The powers hereby conferred on the Board of Trustees shall be exercised by a 2/3 vote of all members in office of the Board of Trustees at any regular or special meeting duly convened, provided that a full presentation of proposed amendments shall be given to the members of the Board of Trustees at least ten (10) days in advance of the meeting in which the proposed amendment is to be voted upon.

The Members of the College shall be advised of any action taken by the Board of Trustees pursuant to this Article within ten (10) days after such action is taken by the Board of Trustees. The Members of the College shall have a period of thirty (30) days thereafter to change any such action.

\* \* \*

Approved: January 13, 1973  
Revised: November 3, 1974  
Amended: February 25, 1977  
Amended: October 2, 1977  
Amended: December 21, 1977  
Amended: January 29, 1980  
Amended: February 19, 1987  
Amended: June 16, 1988  
Amended: September 29, 1989  
Amended: June 15, 1990  
Amended: June 11, 1993

VITA

Full Name: Martha Michella Hanlon, R.S.M.

Address: 444 River Street  
Forty Fort, Pennsylvania  
18704

Place of Birth: Larksville, Pennsylvania

Date of Birth: September 5, 1938

Parents: Helen and Thomas Hanlon

Education:

1970 University of Scranton  
Scranton, Pennsylvania  
M.S. Elementary Education

1960 College Misericordia  
Dallas, Pennsylvania  
B.S. Elementary Education

Graduate Courses:

1989 - Present Lehigh University  
Bethlehem, Pennsylvania

1977 Fordham University  
New York, New York

1977 Queen's College  
New York, New York

1971 Teacher's College, Columbia University  
New York, New York

Certification:

Pennsylvania State Permanent Teacher  
Certification

New York State Permanent School  
Administrator and Supervisor Certification

**Professional  
Experience:**

1990 - Present Leadership Council for the Sisters of  
Mercy  
Dallas Regional Community

1979 - 1989 Dean of Student Affairs  
College Misericordia  
Dallas, Pennsylvania

1978 - 1979 Assistant Academic Dean  
College Misericordia  
Dallas, Pennsylvania

1974 - 1978 Elementary School Principal (K-8)  
St. Kevin's School  
Flushing, New York

1971 - 1974 Assistant Principal  
St. Kevin's School  
Flushing, New York

1969 - 1971 Teacher  
St. Theresa School  
Wilkes Barre, Pennsylvania

1967 - 1969 Teacher  
St. Francis Xavier School  
Gettysburg, Pennsylvania

1967-1965 Teacher  
St. Joseph School  
Milton, Pennsylvania

1963 -1965 Gate of Heaven School  
Dallas, Pennsylvania

**Memberships:**

1994 - Present Luzerne County United Way  
Wilkes Barre, Pennsylvania

1994 - Present Scranton Diocesan Education Advisory  
Commission  
Scranton, Pennsylvania

1990 - Present      Trustee  
College Misericordia Board of Trustees  
Dallas, Pennsylvania

1988 - Present      Trustee  
Mercy Hospital  
Scranton, Pennsylvania

1986 - Present      Trustee  
Mount Aloysius College  
Cresson, Pennsylvania