

Appendix A

A STATEMENT OF THE CATHOLIC THEOLOGICAL SOCIETY OF AMERICA ON THE DISMISSAL OF SISTER M. CARMEL McENROY, R.S.M., Ph.D.

On 26 April 1995, Archabbot Timothy Sweeney, O.S.B., of St. Meinrad Archabbey in Indiana issued letters ordering Rev. Eugene Hensell, O.S.B., the president-rector of St. Meinrad School of Theology, to remove Dr. M. Carmel McEnroy, R.S.M., from her faculty position as tenured associate professor of systematic theology. The archabbot's action was taken following a visitation of the school by a committee of bishops and seminary rectors designated by the NCCB Committee on Priestly Formation. The school had requested the visitation.

Archabbot Timothy wrote that he acted in his capacity as ordinary of the archabbey responsible "for confirming and maintaining that the faculty of the School of Theology abides by and does not dissent from Church teachings and positions." The archabbot cites as grounds for dismissal of Dr. McEnroy her signing an open letter to Pope John Paul II and the National Conference of Catholic Bishops protesting the pope's declaration "that the Church has no authority whatsoever to confer priestly ordination on women and that this judgment is to be definitively held by all the Church's faithful" (*Ordinatio Sacerdotalis*, n.4). The open letter, signed by a large number of individuals and groups, was published in the *National Catholic Reporter* on 4 November 1994.

The archabbot declared in his letter that Dr. McEnroy's signing of the open letter constituted public dissent from the pope's statement and was a "serious infraction of nn. 502, 503, and 504 of the [American Bishops'] Program of Priestly Formation of 1992." The archabbot then cited canon 253/3, which directs that "a seminary teacher who is seriously deficient in his or her duty is to be removed by the authority mentioned in /1"—namely, the archabbot for the St. Meinrad School of Theology. The archabbot then directed Fr. Hensell to effect the removal of Dr. Carmel McEnroy from the Seminary faculty by the end of the spring 1995 semester. A letter from Fr. Hensell to Dr. McEnroy dated 8 May 1995 details the financial and other arrangements made to carry out the archabbot's order, which was effective in May 1995.

The Catholic Theological Society of America views the peremptory dismissal of Dr. Carmel McEnroy with dismay. The absence of any process to deal with the charges against a tenured faculty member raises serious concern that after more than a decade of joint efforts by American bishops and scholars to formulate processes to insure fair treatment for Catholic scholars accused of doctrinal

error, due process, even that guaranteed by contract, is often jettisoned. Dr. McEnroy's is a case in point.

Dr. McEnroy was granted continuing appointment (tenure) by St. Meinrad's School of Theology in 1992. The contract signed by her and by Fr. Hensell on 19 May 1992 states:

The statements on academic freedom and responsibility, on appointment and dismissal contained in the *Faculty Constitution* are among the terms of appointment.

In section 3.200 of the *Faculty Constitution* which deals with Dismissal and Nonreappointment, section 3.201 reads:

Dismissal and nonreappointment are affected [*sic*] according to the norms of the AAUP.

At 3.309 the *Constitution* states:

NOTE: Continuing Appointment implies that the faculty member with Continuing Appointment may be dismissed only for grave cause as spelled out in sections 3.202, 3.203, 3.204 of the *Constitution* or on account of a grave financial emergency, or because that teaching post no longer serves the needs of the institution and will be discontinued by a vote of the faculty.

The section goes on to describe a process for dealing with issues that might lead to dismissal or nonreappointment. The process involves actions by committees of faculty peers as well as action by the president-rector and, on appeal, by the board of trustees. There is no mention of unilateral action by the archabbot. The role of the faculty committees in most cases is to determine whether "grave cause" exists to proceed against a faculty member.

It is plain from the actions taken against Dr. Carmel McEnroy that the terms of her contract assuring her the process described in detail in the *Faculty Constitution* were simply ignored. There was no due process.

Because the process for dealing with charges was not followed, no forum was provided Dr. McEnroy to explain her understanding of her action as those of a private person only—a distinction made in the AAUP statement on Academic Freedom and Tenure. Nor was there opportunity for her to defend herself against the charge of dissent from papal teaching so serious as to warrant her dismissal from the seminary faculty.

There is nothing on the public record to suggest that Dr. McEnroy's work at the School of Theology was unsatisfactory; quite the contrary. For example: a letter dated 11 May 1983, from the then president-rector of the seminary, Rev. Daniel Buechlein, O.S.B. (now Archbishop of Indianapolis), informed Dr.

McEnroy that he would accept the recommendation of the personnel committee and reappoint her to the faculty with a seven-year contract to be written the following spring. And he added:

I was pleased with the positive report which was presented by the personnel committee and I concur with the specific recommendations of the report. In a very short time, you have become a valuable member of our faculty and have won the genuine respect of our students.

Subsequent evaluations were if anything more supportive. A letter dated 18 May 1992 from Fr. Hensell as president-rector informs Dr. McEnroy that the board of trustees has approved his recommendation that she be given a Continuing Appointment (tenure) at the rank of associate professor. Fr. Hensell continued:

Your faculty review was very positive and clear recognition was given to the gifts you bring to the School especially in the area of your teaching. . . . Our students will continue to need solid grounding in systematic theology in order that they be able to provide the kind of ministry and leadership the Church needs and deserves. Your proven ability as a teacher will be a very important asset for our school, our students, and the Church in years ahead.

A congratulatory letter on her receipt of tenure came from the academic dean, Thomas Walters, dated 22 May 1992. The dean comments that

you are also to be commended on your research regarding the women of Vatican II. Because of your intellectual curiosity and desire to probe the boundaries of theological research, we are a better school.

Nothing in the previous evaluations of Dr. McEnroy suggests a history of "dissent" from the teaching of the Church. In the CDF's 1990 instruction (*Donum Veritatis* IV,B), "dissent" has become a technical term to be distinguished from personal difficulties in assenting to Church teaching. "Dissent" is characterized by an attitude of general opposition to Church teaching. The term suggests public and persistent opposition to Church teaching authority. Dr. McEnroy's name, published without further identification of her or her place of employment, hardly displays the attitude of stubborn opposition to magisterial authority described by the CDF as "dissent." In addition, there is no claim in the record that Dr. McEnroy manifested an attitude of "dissent" in her years of teaching and research as a faculty member in the School of Theology.

For fifteen years the Catholic Theological Society of America has worked with other learned societies and with the bishops of the United States to develop procedures to deal with disputes regarding correctness of theological expression.

That collaboration is embodied in the document *Doctrinal Responsibilities* published by the National Conference of Catholic Bishops in 1989. The CTSA has also collaborated with the bishops' conference in response to other documents. Most recently the Society responded with comments to the committee that continues work on ordinances to implement the papal constitution *Ex Corde Ecclesiae*.

The members of the Society are especially dismayed and saddened that procedures already in place in St. Meinrad School of Theology were not used. Such procedures are called for in many Church documents as well as in paragraph 505 of the 1992 *Program of Priestly Formation*. The PPF is especially significant because it refers directly to seminaries as do the procedures expected of institutions accredited by the Association of Theological Schools in the United States and Canada.

When a single incident is being weighed against the work of a professional lifetime, justice demands that careful inquiry be made to determine whether actions called into question meet the description of "dissent" or some other form of unacceptable behavior. The inquiry in Dr. McEnroy's case was limited to asking her whether she had in fact signed the ad published in November 1994. In the view of the Society the demands of justice have not been met.

The Society therefore urges that existing provisions for due process be followed in the case of Carmel McEnroy and that she be reinstated pending the outcome of that process.

The Society also wishes to state that despite the actions taken at St. Meinrad School of Theology, nothing has changed in the professional role of Dr. Carmel McEnroy. She is a Catholic theologian in good standing.