

Faculty Senate Meeting  
Wednesday, September 5, 2007  
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**Members Present:** Alan Johnson, Anthony Trozzolo, Barry Keating, Bernd Goehring, Carlos Jerez-Farran, Charlie Barber, Caitlyn Shea, Claudia Polini, Colin Jessop, Dale Nees, Dan Lapsley, David Klein, Debbi Desrochers, Kwan Kim, John Gaski, John Shafer, John Stamper, Judy Fox, Julian Velasco, Juan Rivera, Kristen Lewis, Lei Li, Liangyan (Leon) Ge, Meredith Chesson, Morten Eskildsen, Nasir Ghiaseddin, Salma Saddawi, Sarah McKibben, Seth Brown, Timothy Ovaert, Tom Gresik, Tom Noble, Vaughn McKim,

**Members Excused:** Jill Godmilow, Don Sporleder, Marker Dehmlow, Parker Ladwig, Susan Youens.

**Members Absent:** Al Miller, Collin Meissner, David Ladouceur, Richard Pierce, Robert Norton

The meeting was called to order at 7:00 pm by Chair Colin Jessop who offered an opening prayer.

**Elections – Colin Jessop**

Several unfilled elections from the May meeting were conducted. Kristin Lewis and Morton Eskildsen were elected co-secretaries, Judy Fox was elected Chair of the Academic Affairs Committee, Julian Velasco was elected to the Traffic Appeals Committee. Dan Lapsley was elected to serve as an alternate Student Senate Representative.

**Senate organization – Colin Jessop**

Colin Jessop reviewed Roberts Rules of Order and the structure and role of the Faculty Senate. Communication with members of the faculty will take place via email and the Faculty Senate website ([www.nd.edu/~facsen](http://www.nd.edu/~facsen)), which will be upgraded by Mark Dehmlow. The Senate will also consider a Faculty Senate newsletter for quarterly communication, as well as new technologies such as Wikis, blogs, etc.

Minutes of the Senate meetings will be distributed and approved electronically by members of the Senate. Jessop stressed the importance of accurate minutes, and asked Senators to help by clearly stating their name before speaking.

Jessop requested that senators poll their constituents to establish the agenda of the Senate for the year. Suggestions should be emailed to Jessop ([cjessop@nd.edu](mailto:cjessop@nd.edu)) and Rose Mitchell ([Mitchell.63@nd.edu](mailto:Mitchell.63@nd.edu)), and will be discussed during October meeting of the Senate.

**Benefits Committee Report - Nasir Ghiaseddin**

Meetings on health care continued over the summer and new premiums have been approved by Officers of University. If a faculty or staff member takes the (WebMD) health care survey, then changes in premiums costs will likely be moderate. Denise

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Murphy (Human Resources) will attend the next meeting of the Faculty Senate to discuss changes in the faculty medical benefits.

Nasir Ghiaseddin also voiced concerns that Meritain may not be accurately recording and calculating payments to out-of-pocket expenses. Reports of this so far are anecdotal, so faculty members are asked carefully review their records for inaccuracies and report any problems to Ghiaseddin ([ghiaseddin.1@nd.edu](mailto:ghiaseddin.1@nd.edu)). The Benefits Committee will bring these issues to Human Resources. Claudia Polini commented that she has found that several faxes must be sent to be reimbursed through the Flexible Spending Account, and that these problems did not appear to occur when Notre Dame managed accounts directly. Ghiaseddin reminded members that medical travel expenses could be also reimbursed through a Flexible Spending Account.

**Proposed Amendments to the revision of the Academic Articles – Seth Brown**

The Academic Articles are reviewed every ten years, voted on by the Academic Council, and approved by the Trustees of the University. Potential revisions to the Articles were circulated in April 2007, and the Faculty Senate was asked to form an ad hoc committee (Seth Brown and Charlie Barber) to review and comment on the proposed revision. The Faculty Senate does not have direct voting powers on the Articles, but was asked to make recommendations to be considered by Academic Council.

The ad hoc committee has proposed a total of seven amendments to the revisions, four of which were discussed and voted on during this session of the Faculty Senate. The remaining amendments will be discussed at a future meeting of the Senate.

**Amendment 1: Procedure for electing search and review committees for the Provost (*Article II, Section 1*)**

From the summary document circulated to the Senate by the ad hoc committee:

“The procedure for electing the selection or review committee from the whole of the tenured faculty seems unwieldy. We therefore prefer the *status quo ante* procedure of election from the elected faculty representatives in the Academic Council. This also restores the eligibility of certain classes of untenured faculty (e.g., library faculty) who might appropriately serve on the committee. Any lacunae of expertise or representation may be fixed through the presidents’ appointees to the committee. We propose reducing the number of appointees to two, removing one faculty member and one student, in order to decrease the size of the committee and to have it be more independent of the president (since the committee is advisory in any case, it is most helpful to have a more independent committee). Other minor changes in language are proposed for clarification or consistency.”

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*Proposed changes (Art. II, Sect. 1):*

*When such an appointment is to be made, the president so advises the University through the Academic Council. The council then elects five members from ~~all tenured faculty of the university, its elected faculty representatives~~ and one member from ~~the Academic Council's~~ its student representatives to constitute a committee chaired by the president. The president may also appoint to the committee up to ~~three~~ two members from among the ~~tenured regular~~ tenured regular faculty ~~and one student~~ in order to insure that a broad range of views and perspectives is represented on the committee. This committee receives and considers nominations from all sources After ~~completing its due diligence on consideration of~~ each candidate and deliberation among all committee members, the members of the committee other than the president make a recommendation to the president. The president reports the complete results of the committee's deliberations and recommendations to the Board of Trustees, along with a personal recommendation.*

*For the five-year review of the provost, a committee is constituted ~~in the same way. The president does not chair the committee, but appoints similarly, except that the president is not a member of the committee, but names~~ a member of the committee to serve as chair, and may appoint another person to join the committee and assist as a non-voting member. The five-year review of the provost shall include an overall review of the provost's performance as well as the provost's responsibility for the performance of the associate provosts. After receiving the report of the committee, the president ~~makes a recommendation to the Board of Trustees on reappointment forwards the recommendation of the committee to the Board of Trustees, along with a personal recommendation.~~*

Tom Noble questioned why one wouldn't want to draw from the full faculty rather than a small group of faculty on the Academic Council. Charlie Barber reiterated the difficulty of running an election from such a broad group. Seth Brown noted that the Articles still call for two faculty members to be chosen by the President from among the whole faculty. Tom Gresik inquired as to the intention of the initial revision to broaden the group. Barber explained that the revision was proposed in response to a sense that the committee had been too secretive in the past. Brown noted that restricting the committee membership to the Academic Council added more weight to the authority of that body. Salma Saddawi spoke in favor of the current amendment because it provided the possibility for non-tenured faculty such as Special Professional, Research and Library faculty as well as young Teaching and Research faculty to participate.

Tom Gresik expressed concerns that several seats on the Academic Council may be held by Department Chairs who might be more connected to the views of the Administration. Gresik proposed an amendment that the election to the committee be open to all Regular Faculty. In Gresik's proposal the wording would read "the Council then elects five

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members from all Regular Faculty of the University”. Judy Fox commented that although Chairs might be among the members of Academic Council, these individuals were still elected by their peers and presumably would represent their constituency on a search committee. Opening the election to all Regular Faculty would not address the infeasibility of electing from such a broad group. Tom Noble inquired about use of the term “Regular Faculty” throughout the Articles and whether it was used consistently. Seth Brown responded that the definition of Regular Faculty is clear and will not change. (Regular Faculty includes Teaching and Research, Special Professional, Research and Library Faculties.) Dale Nees expressed concern that the amendment proposed by Gresik would reverse the attempt to simplify the process of electing members. Tom Gresik questioned why the Faculty Senate would propose a more restrictive limitation when the Administration was trying to increase faculty representation. Gresik’s amendment was rejected by majority vote.

Kwan Kim expressed support for the revision as initially proposed by the Provost’s Office to open the committee to all tenured faculties. Kim then proposed to divide question, separating the clause on faculty eligible for election to the committee from the rest of the amendment. This was approved by majority vote resulting in a division into Part a) and b)

Amendment 1a) was then approved by majority vote. Amendment 1b) was also approved by majority vote.

**Amendment 2: Appointment and review processes for the deans (*Article II, Section 4,5,6*)**

From the ad hoc committee:

“Two important amendments are suggested for the process to select and review Deans of the colleges: First, it is clarified that each College Council should establish its own procedure for electing a committee, in advance. This allows each college to adopt distinctive procedures of its own choosing, but minimizes confusion by making these known before an election is imminent. Second, in cases of review, the committee is given the option of transmitting a copy of its report directly to the dean (for purposes of constructive feedback). In the cases of the Deans of the Law School and the School of Architecture, we propose that formation of a faculty committee, currently optional, be made obligatory.”

*Proposed Changes:*

*Art. II, Sect. 4:*

*The dean of a college is appointed by the President, with the concurrence of the committee provided for in this section. The appointment is subject to formal review every five years. When such an appointment is to be made, the provost advises the college of the pending appointment through the College Council. The council then elects five members from among the tenured faculty of the college and*

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one student from among the student members of the college council according to procedures determined in advance by the College Council.~~to constitute a committee chaired by the provost.~~ The provost ~~The committee is chaired by the provost, who~~ may appoint up to two additional members from among the regular faculty of the University to the committee in order to ensure that a broad range of views and perspectives is represented on the committee. The committee receives and considers nominations, including those from the faculty of the college. The provost then reports the recommendations of the committee to the president, along with a personal recommendation.

For the five-year review, a similar committee is constituted, except that the provost does not ~~chair~~ serve on it and committee concurrence in action taken pursuant to the review is not required. The provost will ~~appoint~~ name the chair of the review committee from among the elected members and may assign a vice president and associate provost to assist the committee as a non-voting member. The committee will transmit its assessment and recommendation to the provost, and may at its discretion share its report with the dean.

Art. II, Sect. 5:

The dean of the Law School is appointed by the president; the appointment is subject to formal review every five years. When such an appointment is to be made ~~or a review conducted, the provost consults formally with all regular faculty of the school.~~ A committee comprised of three tenured faculty elected by the regular faculty and one student elected by the Student Bar Association ~~may be is~~ established ~~to facilitate either a search or a review.~~ The provost chairs the committee and may appoint up to ~~two~~ one additional members from among the regular faculty of the University to the committee in order to ensure that a broad range of views and perspectives is represented on the committee. The provost ~~may assign a vice president and associate provost to assist the committee as a non-voting member.~~ ~~In appointment cases, the provost~~ will consult with the faculty of the Law School concerning the candidates recommended by the committee. No offer, formal or informal, is extended to any candidate for the deanship until the provost has provided the faculty with that candidate's credentials and a full opportunity to react to that candidacy.

For the five-year review, a similar committee is constituted, except that the provost does not serve on it. The provost will name the chair of the review committee from among the elected members and may assign a vice president and associate provost to assist the committee as a non-voting member. In both appointment and review cases, the provost ~~gives the president both a forwards the recommendations of the committee to the president along with a~~ personal recommendation and a full account of all consultations with the faculty.

Art. II, Sect. 6:

The Dean of the School of Architecture is appointed by the president; the appointment is subject to formal review every five years. When such an appointment is to be made ~~or a review conducted, the provost consults formally with all regular faculty of the school.~~ A committee comprised of regular faculty

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*and a student ~~may be established to facilitate either a search or a review is elected by the regular faculty of the School.~~ The provost chairs the committee and may appoint up to ~~two~~ one additional members from among the regular faculty of the University to the committee in order to ensure that a broad range of views and perspectives is represented on the committee. ~~The provost may assign a vice president and associate provost to assist the committee as a non-voting member.~~ ~~In appointment cases,~~ The provost consults with the faculty of the School of Architecture concerning the candidates recommended by the committee. No offer, formal or informal, is extended to any candidate for the deanship until the provost has provided the faculty with that candidate's credentials and a full opportunity to react to that candidacy.*

*For the five-year review, a similar committee is constituted, except that the provost does not serve on it. The provost will name the chair of the review committee from among the elected members and may assign a vice president and associate provost to assist the committee as a non-voting member. In both appointment and review cases, the provost gives the president both a forwards the recommendations of the committee to the president along with a personal recommendation and a full account of all consultations with the faculty.*

Section 5 and 6:

Julian Velasco proposed to divide the question and consider the recommendations for the Schools of Law and Architecture (Section 5 and 6) separately. The motion to divide the question was passed unanimously. Velasco commented that members of the Law School had not been sufficiently consulted in drafting the amendment. John Stamper concurred that he would like the proposal to be made available to members of the School of Architecture before voting. Seth Brown agreed that the matter needed more consultation with the faculty of Law and Architecture. Velasco moved to commit the matter back to the ad hoc committee, pending further consultation with the appropriate faculty members. The motion to commit passed unanimously.

Section 4

Vaughn McKim noted some surprise that the language specified that a Dean would be appointed by the President with "concurrence of the Committee". Seth Brown agreed that the Article as stated did provide significant power to the Committee.

John Griffin noted that if the Provost appoints one additional member to the committee, this results in a committee of eight members that could come to a tie decision, whereas if two additional members are appointed there is a nine member committee. Griffin proposed a motion that the language be changed to "will appoint two additional members".

Vaughn McKim asked if the intention of the additional members was to allow faculty from outside the college to serve on the search committee. Seth Brown indicated that this

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was the case. John Stamper commented that if change were made here, then it should apply to similar cases throughout the Articles. John Shafer suggested that the language be changed to “will appoint zero or two additional members” so that appointment of additional members would not be mandatory.

Griffin’s amendment was rejected by majority vote.

Judy Fox inquired if there were any provisions made for a search for the Dean of the Graduate School. Seth Brown replied that this would be done at a later date since the position was just created. Don Sporleder asked whether the Articles should be changed so that the recommendations from the committee go directly to the President rather than communicated through the Provost. Brown presumed that in practice the written recommendations of the committee are provided to the Provost and then to the President. Tom Noble commented that since the Provost chairs the committee, the Provost may not in fact vote, since the Articles allow the Provost to provide a separate recommendation.

Amendment 2 (*Section 4*) was approved by majority vote.

**Amendment 3: Termination notice for instructors and one-year appointees as assistant professor (*Article III, Section 3, Subsection (a) Teaching and Research Faculty*)**

From the ad hoc committee:

“Because of the academic hiring cycle, termination with less than six months’ notice can constitute a significant hardship. Even in a one-year appointment, six months from the conventional start date of July 1 allows one full semester for assessment of the performance of the faculty member, and thus does not impose an unreasonable burden on the University.”

**(3) Termination notice for instructors and one-year appointees as assistant professor**

Because of the academic hiring cycle, termination with less than six months’ notice can constitute a significant hardship. Even in a one-year appointment, six months from the conventional start date of July 1 allows one full semester for assessment of the performance of the faculty member, and thus does not impose an unreasonable burden on the University.

*Proposed changes (Art. III, Sect. 3, Subsection (a), “Teaching and Research Faculty”):*

*The requirements for the rank of instructor are the same as those for assistant professor except that the instructor may not yet possess the terminal*

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*degree. The appointment is ordinarily for a one-year period, and may be renewed twice. If the University chooses to terminate the services of an instructor at the end of a contract period, the University will give ~~three~~ six months' notice of such termination. If the instructor elects to terminate services, the University should be given three months' notice of such termination. Time spent at this rank does not count toward tenure.*

*The assistant professor should ordinarily possess the doctoral degree or its equivalent, or, in certain fields, the appropriate professional degree or license. The assistant professor should have demonstrated teaching ability, promise as a scholar, interest in students, and a genuine spirit of study necessary to keep courses continually revised and to assure growth in knowledge and maturity. The initial appointment is ordinarily for a three-year period, but salary is reviewed each year. If the University chooses to terminate the services of an assistant professor at the end of a contract period, the University will give 12 months' notice of such termination. If an assistant professor elects to terminate services, the University should be given three months' notice of such termination, and the end of the notice period should coincide with the end of an academic year. An appointment as assistant professor may be made for a period of one academic year. In this case, if the University chooses to terminate the services of the assistant professor at the end of the contract period, the University will give ~~three~~ six months notice of such termination; if the assistant professor elects to terminate services, the University should be given three months' notice of such termination.*

Seth Brown clarified the amendment would return the Article to the *status quo ante*. The proposed revisions to Articles had reduced the termination notice to three months, with the thought that this would provide more time for assessment before a final decision was to be made on the faculty member's reappointment.

John Shafer inquired why the termination notice for Research Faculty remained three months. Seth Brown noted that the short notice was necessary because such faculty positions were funded by soft money. Vaughn McKim asked if TCE results were available by the deadline for six months notice. Seth Brown noted that the numeric TCE results were available promptly, along with other teaching assessments carried out by the Department during the semester.

Amendment 3 was approved by majority vote.

**Amendment 4: Improvements in procedures for reporting negative tenure and promotion decisions (*Article III, Section 4*)**

From the ad hoc committee:

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“Two changes to the procedures for reporting negative tenure and promotion decisions to the faculty member are proposed. First, the current system requires the faculty member to request the information. Since it is difficult to envision a situation where the faculty member would not want the information (and she is free to discard it if so), we propose making this communication automatic. Second, the information is usually relayed through an intermediary (e.g., the department chairperson), who may not have firsthand knowledge about the reasons for the negative decision (and indeed may disagree with it). This can lead to garbled or uninformative descriptions. We therefore propose that the written communication be made by the person ultimately responsible for the decision (president for T & R faculty, provost for other regular faculty).

We also propose clarifying the communication process between departmental CAPs and the higher administration in cases where disagreements arise, to ensure that CAPs are given an adequate hearing by the dean, and in cases where their recommendations are not followed, that they are informed of the reasons by the ultimately responsible party (usually provost or president).”

Proposed changes (Art. III, Sect. 4):

Subsection (a), Teaching and Research Faculty

. . . . Reappointments, promotion, and tenure for the teaching and research faculty are made by the president. A faculty member under consideration for reappointment, promotion or tenure must be notified by the chairperson in advance of the evaluation process and must submit a statement and evidence on the faculty member’s own behalf for use in the evaluation process. The chairperson of the department submits written recommendations, along with a written report, approved by the CAP, of its deliberations and recommendations, to the dean of the college, who then submits these recommendations to the provost, along with a written personal recommendation. If the dean anticipates ~~disagreement disagreeing~~ with the recommendation of either a CAP or a departmental chairperson, the dean ~~consults formally meets~~ with the chairperson and the CAP jointly ~~to discuss the case~~ before submitting the written personal recommendation to the provost. The results of any such ~~consultations meetings~~ are forwarded to the provost along with the recommendations. The provost, after consultation with such advisers as the provost may choose, submits all recommendations, both positive and negative, and including a personal recommendation, to the President for final action. For reappointment, promotion, and tenure decisions, the provost ordinarily will consult with the Provost’s Advisory Committee before making a recommendation to the president.

Whenever the ultimate decision concerning reappointment, promotion, or tenure is negative, the ~~dean, upon request of the faculty member concerned,~~ ~~president~~ conveys in writing the reasons for this negative decision to the faculty member.

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Whenever a recommendation made by a CAP is not accepted ~~by the provost or the President, the CAP may request that the president conveys the~~ reasons for such nonacceptance ~~be conveyed~~ in writing to the committee through the dean.

Subsection (b), Endowed Chairs

. . . . The departmental Full Professor CAP shall evaluate each candidate for appointment to an endowed chair at the full professor level and provide the Endowed Chair Review Committee with a written report of its deliberations and recommendation. The Endowed Chair Review Committee shall then assess the candidate evaluated by the departmental Full Professor CAP and advise the dean as to the candidate's quality. The Endowed Chair Review Committee advises the dean as to the candidate's quality by submitting a written report of its deliberations and recommendation to the dean. The Endowed Chair Review Committee also shall forward to the dean the written report of the departmental Full Professor CAP. If the dean approves of appointing the candidate to the endowed chair, the dean shall provide the Provost with a written personal recommendation along with the written reports of the departmental Full Professor CAP and the Endowed Chair Review Committee. If the dean disapproves of appointing the candidate to the endowed chair, the dean is not required to forward any written materials to the Provost but instead shall terminate the candidacy by informing the Provost and the committees of the decision and his reason for it. If the Provost, after receiving a positive recommendation from the dean and after consultation with such advisers as the Provost may choose, approves of appointing the candidate to the endowed chair, the Provost shall submit a personal recommendation and all other reports and recommendations to the President for final action. If the Provost disapproves of appointing the candidate to the endowed chair, the Provost is not required to forward any written materials to the President but instead shall terminate the candidacy by informing the President ~~and the~~ the dean, and the committees of the decision and his reason for it.

. . . . Whenever a recommendation made by a departmental committee is not accepted by the ~~Dean, the~~ Provost, or the President, the reasons for such nonacceptance are conveyed to the committee in writing through the dean.

Subsection (c) Research Faculty

. . . . Reappointments and promotions of the research faculty are made by the provost. The formal procedure for determining recommendations is initiated by the chairperson of the approving department {see section 1, subsection (b)}, acting with the departmental CAP. The formal procedure for reappointment and promotion may also be initiated ~~also~~ by the director of a University institute. In such case, the director refers further consideration to the department involved in the particular appointment. A faculty member under consideration for reappointment or promotion must be notified in advance of the evaluation process and must submit a statement and evidence on the faculty member's own behalf

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that might be used in the evaluation process. The appropriate chairperson or director submits written recommendations, along with a written report, approved by the appropriate CAP, of its deliberations and recommendations, to the dean of the college or school, who then submits these recommendations to the provost, along with a written personal recommendation. If the dean anticipates ~~disagreement~~ disagreeing with the recommendations of the appropriate departmental chairperson (or institute director), or with the committee, the dean ~~consults formally~~ meets with the chairperson (or the director) and the committee jointly to discuss the case before submitting the written personal recommendation to the provost. The results of any such ~~consultations~~ meetings are forwarded to the provost along with the recommendations.

. . . . Whenever the ultimate decision concerning reappointment or promotion is negative, the ~~chairperson or director, upon request of the faculty member concerned,~~ provost conveys the reasons for this negative decision in writing to the faculty member.

Whenever a recommendation made by a ~~departmental committee~~ CAP is not accepted ~~by the provost,~~ the provost conveys the reasons for such nonacceptance ~~are conveyed~~ in writing to the committee through the appropriate dean ~~or director~~.

#### Subsection (d) Library Faculty

Appointments to the library faculty are made by the provost or the provost's designate. The formal procedure for appointment is initiated by the director of University Libraries in consultation with the University Libraries Committee on Appointments and Promotions (CAP). The director of University Libraries submits written recommendations to the provost. ~~The provost, after consultation with such advisers as the provost may choose, submits all recommendations, both positive and negative, and including a personal recommendation, to the president for final action.~~ Faculty of the Law Library follow appointment procedures set forth by the Hoynes Code of the School of Law.

Reappointments and promotions of the library faculty are made by the provost. A faculty member under consideration for reappointment or promotion must be notified in advance of the evaluation process and must submit a statement and evidence on the faculty member's own behalf for use in the evaluation process by the University Libraries CAP. The director of University Libraries submits written recommendations to the provost. ~~The provost, after consultation with such advisers as the provost may choose, submits all recommendations, both positive and negative, and including a personal recommendation, to the President for final action.~~ Faculty of the Law Library follow reappointment and promotion procedures set forth by the Hoynes Code of the School of Law.

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Whenever the ultimate decision concerning reappointment or promotion is negative, the ~~director of libraries, upon request of the faculty member concerned,~~ provost conveys the reasons for this negative decision in writing to the faculty member through the director of University Libraries.

Whenever a recommendation made by the library CAP is not accepted ~~by the provost or the President, the CAP may request that~~ the provost conveys the reasons for such nonacceptance ~~be conveyed~~ to the committee in writing.

Subsection (e) Special Professional Faculty

Reappointments and promotions to the special professional faculty are made by the provost ~~or the provost's designate~~. A faculty member under consideration for reappointment or promotion must be notified in advance of the evaluation process and must submit a statement and evidence on the faculty member's own behalf to be used in the evaluation process. The chairperson, institute director or academic unit head consults with the relevant CAP, and submits a written recommendation to the dean, who submits this recommendation to the provost, along with a written personal recommendation.

Whenever the ultimate decision concerning reappointment or promotion is negative, the ~~chairperson or director, upon request of the faculty member concerned,~~ provost conveys in writing the reasons for this negative decision to the faculty member.

Whenever a recommendation made by a CAP is not accepted, the provost conveys the reasons for such nonacceptance are conveyed in writing to the committee through the appropriate dean.

Meredith Chesson requested that the proposed language in *Article III, Sect. 4, Subsection (b), Endowed Chairs* be altered to be gender inclusive. Seth Brown modified the language to meet this request.

John Stamper questioned whether the current recommendation would open the University to appeal in every negative decision, and had the ad hoc committee considered the possible consequences. Seth Brown responded that a faculty member currently has right to ask for reasons for a negative tenure decision, and the proposed amendment simply makes this notification required and in writing. Charlie Barber commented that such a change might be welcome by the General Councils office, because it would resolve the current ambiguous situation. Judy Fox noted letters would most likely be written by the General Council not the President or Provost. It is legally more problematic to have Deans and Chairs inform faculty members without any control or structure. Julian Velasco noted that the proposed amendment does not specify the level of detail to be

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provided in the letter. John Stamper agreed that if in fact some Deans are providing this information to their faculty, then this amendment is an improvement over the status quo.

Amendment 4 was approved by majority vote.

Colin Jessop adjourned the meeting at 9pm.

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**Members Present:** Alan Johnson, Anthony Trozzolo, Barry Keating, Bernd Goehring, Carlos Jerez-Farran, Charlie Barber, Caitlyn Shea, Colin Jessop, Dale Nees, Dan Lapsley, David Klein, Debbi Desrochers, Don Sporleder, Kwan Kim, John Gaski, John Griffin, John Shafer, John Stamper, Judy Fox, Julian Velasco, Juan Rivera, Keith Rigby, Kristen Lewis, Lei Li, Liangyan (Leon) Ge, Mark Dehmlow, Max Johnson, Meredith Chesson, Morten Eskildsen, Nasir Ghiaseddin, Parker Ladwig, Salma Saddawi, Sarah McKibben, Seth Brown, Susan Youens, Timothy Ovaert, Tom Gresik, Tom Noble, Vaughn McKim,

**Members Excused:** Asma Afsaruddin, Claudia Polini, Emily Cooperstein, Jill Godmilow, Steve Fredman

**Members Absent:** Al Miller, Collin Meissner, Oliver Collins, Richard Pierce, Robert Norton

The meeting was called to order at 7:00 pm by Chair Colin Jessop. After the usual round of introduction the opening prayer was offered by Tom Noble.

**Chairs Report – Colin Jessop**

With the elections which took place during departmental faculty meetings (see minutes) all senate representatives are now elected.

New senators: Asma Afsaruddin (Classics), Emily Cooperstein (Undergraduate student representative), Stephen Fredman (English), Max Johnson (Theology), Sarah McKibben (Irish language and literature), Keith Rigby (Civil engineering) and Caitlyn Shea (Graduate student representative). This brings the senate to a full roster except for computer science and electrical Engineering.

The senate was updated on the recent progress in setting up information technologies for communication within the senate and within the committees. In particular Mark Dehmlow demonstrated different possibilities (Wiki's, RSS feeds) to the executive. Use of "groups" and "sub-groups" within InsideND are also being considered. Finally, the senate webpage is being improved.

Finally Jessop reminded the senators that they should poll their constituents to establish the agenda of the Senate for the year. Suggestions should be emailed to Jessop ([cjessop@nd.edu](mailto:cjessop@nd.edu)) and Rose Mitchell ([Mitchell.63@nd.edu](mailto:Mitchell.63@nd.edu)).

**Annual Report on Faculty Benefits – Denise Murphy (director of compensation and benefits, HR)**

The components of the 2008 benefits were reviewed. There will be only a few changes with respect to the 2007 benefits. Most notably the employee contribution for medical insurance will

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increase by a moderate amount. Other rates (dental, vision, etc.) will remain unchanged. In order to support a healthy culture at Notre Dame and hopefully control long-term health plan costs, a health risk assessment (HRA) program is presently taking place (WebMD/HealthQuotient). As an incentive there will be a \$10/month credit towards the medical plan contribution for those who complete the assessment before Oct. 30.

After her presentation Denise Murphy answered question from the senate.

Ghiaseddin: Why does stop-loss insurance go in and increase threshold for specific persons?

Murphy: This is a common trend for reinsurance companies.

Senator: Is there a risk that the HRA will be used to differentiate premiums?

Murphy: There is no plan to do this. Also this could already be done today based on costs incurred by individuals.

Senator: Letters reminding people to certify dependent status did not go out. Some people got dropped.

Murphy: It was deemed that the advantage of letters was minimal, and it should only be necessary to list dependents during open enrollment. People who were dropped by Meritain were done so in error.

Senator: Could credit for participation in HRA program go up?

Murphy: We will wait and see how the program works out with respect to reducing costs. It is the intent to continue with the credit in coming years.

Senator: What is the cost of screening and coaching in connection with HRA?

Murphy: Significant. Expected costs are \$400k for the program and \$400k in credits.

Senator: Would the University consider subsidizing healthier food on campus?

Murphy: This is already being looked into.

Senator: Would it be possible to work to reduce stress for employees?

Murphy: HR is working/talking about this.

Jessop: We have heard about problems with Meritain.

Murphy: These are being addressed. People who encounter problems should share these with HR through Ghiaseddin.

Griffin: What fraction of total health care costs is paid by Notre Dame and how does this compare to other universities?

Murphy: ND currently pays 86-87%. Other universities go as low as 70-75% and others are higher than ND. Keep in mind it is difficult to compare with universities which have their own medical center!

Senator: Will recommended (but not mandatory) inoculations be covered in the future?

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Murphy: Yes, from 2008.

Senator: It is difficult to get immunizations required for traveling abroad.

Murphy: This is not covered in health plan

Keating: University health services do already provide immunizations for people traveling abroad.

Jessop: When do benefits for 2009 get decided and when is appropriate time to bring up issues?

Murphy: During the summer.

**Recess to allow subcommittee organizational meetings**

After the recess the senate reconvened to finish the agenda.

**Proposed Amendments to the revision of the Academic Articles – Seth Brown**

The Academic Articles are reviewed every ten years, voted on by the Academic Council, and approved by the Trustees of the University. Potential revisions to the Articles were circulated in April 2007, and the Faculty Senate was asked to form an ad hoc committee (Seth Brown and Charlie Barber) to review and comment on the proposed revision. The Faculty Senate does not have direct voting powers on the Articles, but was asked to make recommendations to be considered by Academic Council.

The ad hoc committee has proposed a total of seven amendments to the revisions. Four of the amendments were discussed and voted on during the previous session of the Faculty Senate. The following is the discussion of the remaining three amendments.

**Amendment 5: Stay of termination in cases of bias or procedural error (Article III, Section 6, subsection (b))**

From the summary document circulated to the Senate by the ad hoc committee:

“Currently, the appeals process for determining bias or procedural error in a decision regarding reappointment may run until the end of the academic year in which the decision took place. A T & R faculty member is generally granted a terminal year contract, and so may remain at the university while the process is reinitiated with provisions to prevent recurrence of error. However, a research faculty member or SPF may effectively be terminated even if it is determined that the reappointment process was affected by bias or procedural error. We propose renewing the contract for one academic year in such cases to allow the reappointment process to be reinitiated properly while the faculty member is retained at the university (at their previous rank). Note that this would only affect cases where the appeal is found to have merit. This is a common sense specification: if a faculty member is found to have been improperly terminated, then the termination should be stayed until it can be reassessed without bias or procedural error.”

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*Proposed changes (Art. III, Sect. 6, subsection (b)):*

*. . . . If, in consultation with the President, the provost determines that there has been a violation of academic freedom, personal bias, or procedural error of such magnitude that there was a substantial likelihood that it affected the outcome, then the appellant's contract is renewed for one academic year and the entire reappointment or promotion process is begun anew. When, pursuant to this subsection, the process is begun anew, the provost appoints a monitor, and takes whatever additional measures are necessary, to ensure that the violation, bias, or error does not recur. The monitor, who may have served on the review committee, has access to the committee's report. The monitor tracks the case through the rehearing, attending the meetings of the committees implicated in the violation, bias, or error.*

Discussion:

Lewis: Does this affect rights of SPF to an additional year at end of 6 year (or more) contract?

Brown: No.

Amendment 5 was approved by majority vote.

**Amendment 6: Changes to the structure of Academic Council (Article IV, Section 3, subsection (a))**

From the ad hoc committee:

“(a) The research faculty are currently not represented on Academic Council (they are the only regular faculty not so represented). We propose that they be included, changing the number of directly elected faculty from 20 to 21. (b) The representatives of the Faculty Senate on the Academic Council are elected (albeit to the Faculty Senate, rather than directly to the Council). We therefore propose adding language that clarifies that these Council members should be considered as elected for the purposes of eligibility for committees (this affects search and review committees for the Provost, VP for Research, Dean of the FYS, and Appeals committees). This broadens possible representation on these committees, and retains the original intent, which is to make sure that such committees are not dominated by administrators. (c) It is proposed that the executive committee, rather than the president, set the agenda (this is more consistent with current practice and should eliminate some communications problems arising from the president chairing the Council but not sitting on the executive committee).”

*Proposed changes (Art. IV, Sect. 3, subsection (a)):*

*The Academic Council consists of the president of the university, who chairs the council; the provost; the executive vice president; the vice president and senior associate provost; the vice presidents and associate provosts; the vice president for Student Affairs;*

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*the vice president for Research; the chairperson of the Faculty Senate and the chairpersons of the four standing committees of the Faculty Senate; the deans of the colleges; the dean of the Law School; the dean of the School of Architecture; the dean of the First Year of Studies; the director of University Libraries, and 20 21 elected faculty members, and three additional faculty-at-large appointed by the chair of the Academic Council. In addition, there are six student members: one is the academic commissioner of the student government, another a student from the Graduate School, one from the other programs of professional studies, and three undergraduates from the three colleges not represented by the academic commissioner of the student government (with the School of Architecture considered jointly with the College of Engineering for the purposes of this allocation). Student members are selected according to procedures approved by the Academic Council. For purposes of eligibility to serve on committees, the five representatives of the Faculty Senate are considered elected faculty members of the Council.*

*The faculty members are elected by and from the teaching and research faculty of the four colleges, the School of Architecture, and the Law School, the library faculty, ~~and~~ the special professional faculty, and the research faculty. Such faculty members are elected in numbers proportional to the size of the above named faculty constituencies, except that each category of faculty shall elect at least one member. Faculty members are elected by simple majority vote, and they are elected and may be reelected, for a term of three years, in such a manner that one-third of the elected membership is elected each year.*

*. . . . The council meets at least once each semester. Meetings are called by the president. The president may call a meeting upon request of a member of the council, and shall call a meeting at the earliest possible time upon petition of six members of the council. Any member of the council may propose an item to the ~~president~~ executive committee for the agenda, and any six members may place an item on the agenda. Agenda proposals should be received 48 hours in advance of the meeting. ~~Ex officio m~~Members of the Academic Council may, if necessary, be represented at meetings by their designees, who will have speaking but not voting privileges. ~~Elected members may be represented by elected alternates, who shall have voting privileges.~~*

*The council has an Executive Committee composed of the provost, who chairs the committee, a vice president and associate provost designated by the provost, the chairperson of the Faculty Senate, five members elected annually by and from the council and three members appointed annually from the council by the president. The executive committee is charged with setting the agenda of the Council.*

Amendment 6 was approved unanimously without discussion.

**Amendment 7: Procedure for redressing violations of the Academic Articles (Article V)**

From the ad hoc committee:

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“Historically, there has been no procedure for dealing with violations of the Academic Articles. The current draft revisions suggest that such cases be referred to the president for action. We recommend instead that such cases be referred to the general counsel for consideration. (I thank Tom Burish for this suggestion.) This has the following advantages: (1) general counsel is outside the usual academic hierarchy and so is less likely than the president to have been directly involved in any disagreement. (2) As a lawyer, general counsel is specifically trained in the interpretation of contracts, which is what the Academic Articles are.

We note explicitly here that final interpretation of the Articles is given to Academic Council in Article IV, section 3, subsection (a); general counsel is therefore enjoined, should there be a genuine ambiguity in interpretation, to solicit the interpretation of Academic Council.”

*Proposed changes (Art. V):*

~~Reports of~~ *Violations of the provisions of the Academic Articles (other than those covered by the appeals and grievance procedures described here) may be reported to the president who can designate a faculty member(s) to general counsel, who shall review the allegations and recommend appropriate action to correct or redress an outcome. If there is a genuine ambiguity in the relevant provisions of the Academic Articles, the general counsel shall solicit the Academic Council's interpretation of the provisions in question, as provided in Article IV, section 3, subsection (a).*

Discussion:

Jessop: Is confidentiality to be included? Do we have an ombudsman who is not working for the provost that we can go to?

Senator: Does Academic Council have two master to serve, namely the university and the individual who allege breach of academic articles?

Brown: In part yes, but this is not seen as conflict of interest.

Fox: The General Council represents the University not president or provost.

Gaski: Could an independent council do this in stead of General Council?

Velasco: Not much would be gained by having independent council. The proposed amendment is not perfect but probably the best we can hope for.

Johnson: Notre Dame have ombudsman for discriminatory behavior only.

Amendment 6 was approved unanimously.

**Amendment 2 (partial) (Art. II, Sect. 5)**

At previous Senate meeting the part of proposed amendment 2 that dealt with the appointment and review of the dean of the Law School (Sect. 5) was sent back to the subcommittee in order to allow consultations with the faculty at the Law School.

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The following paragraph is a text proposed by the Law School faculty. It principally responds to the proposal to include a student as a member of any dean search committee by establishing an obligation to consult with the students without having a student committee member. The second paragraph is a redlined version which strikes through the language that our proposal deletes from the proposed amendments under consideration by the Academic Council, and italicizes additions to the text.

*Clean Version (Art. II, Sect. 5):*

*The dean of the Law School is appointed by the president; the appointment is subject to formal review every five years. When such an appointment is to be made or a review conducted, the provost consults formally with all regular faculty of the school. A committee comprised of three tenured faculty of the Law School elected by its regular faculty shall be established to facilitate either a search or a review. The provost may appoint to the committee up to two additional members from among the regular faculty of the Law School in order to ensure that a broad range of perspectives is represented on the committee. The provost may assign a vice president and associate provost to assist the committee as a non-voting member. Before making any recommendation to the provost, the committee shall consult with the law school faculty, its students, and other members of the law school community. In appointment cases, the provost will consult with the faculty of the Law School concerning the candidates recommended by the committee. No offer, formal or informal, shall be extended to any candidate for the deanship until the provost has provided the faculty with that candidate's credentials and a full opportunity to react to that candidacy. In appointment and review cases, the provost must give the president both a personal recommendation and a full account of all consultations with the faculty.*

*Redlined Versions (Art. II, Sect. 5):*

*The dean of the Law School is appointed by the president; the appointment is subject to formal review every five years. When such an appointment is to be made or a review conducted, the provost consults formally with all regular faculty of the school. A committee comprised of three tenured faculty of the Law School elected by its regular faculty ~~and one student elected by the Student Bar Association may~~ shall be established to facilitate either a search or a review. The provost may appoint to the committee up to two additional members from among the regular faculty of the Law School ~~to the committee~~ in order to ensure that a broad range of perspectives is represented on the committee. The provost may assign a vice president and associate provost to assist the committee as a non-voting member. Before making any recommendation to the provost, the committee shall consult with the law school faculty, its students, and other members of the law school community. In appointment cases, the provost will consult with the faculty of the Law School concerning the candidates recommended by the committee. No offer, formal or informal, ~~is~~ shall be extended to any candidate for the deanship until the provost has provided the faculty with that candidate's credentials and a full opportunity to react to that candidacy. In appointment and review cases, the provost must give the president both a personal recommendation and a full account of all consultations with the faculty.*

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Discussion:

Velasco: Presently there is no student on the committee so the amendment proposed by ad hoc group does not preserve status quo.

At this time the Senate chair formally called a recess to allow the president of the Student Bar Association Connor O'Brien to address the Senate. O'Brien expressed the view that the students of the Law School could be trusted with confidential or sensitive information that might come up during the appointment or review of the dean of the Law School, and that they would strongly prefer to be involved in the process. After the presentation O'Brien answered questions from members of the Senate.

Ghiaseddin: Should past students of the Law School also have a voice in the appointment or review of the dean?

O'Brien: The committee should be broad and students of the Law School should have the same rights as student at other Colleges.

Senator: Is every student at the Law School a member of the Student Bar Association?

O'Brien: Yes.

Goehring: Is it the current practice in other Colleges to have student on the committee, or is it new in the proposed amendments?

Ovaert: Could you elaborate on comment that "the perspective of a law student on the dean's selection committee far outweigh such concerns as "awkwardness" or "lack of candor" faculty on the dean's search committee may feel by having a student sit on the committee"?

O'Brien: This was to address specific concerns raised during faculty meeting of the Law School.

Griffin: Law school student have much more interactions within the Law School and with the dean compared to other colleges. Could this justify different rules for the Law School? Would you be comfortable with not being present during discussion concerning present faculty members?

O'Brien: Question 1: No. Questions 2: Polite no.

Ovaert: When did you become aware of proposed amendment to academic articles?

O'Brien: Two days before faculty meeting.

Fox: Issue only came to attention of faculty shortly before faculty meeting. A member of the Student Bar Association is always present at faculty meetings.

Griffin: Would you accept being present on the committee but without the right to vote?

O'Brien: Polite no.

Velasco: Reinforced comment that faculty only became aware of this issue just prior to faculty meeting. The objection of the faculty to having a student on the committee are motivated by two

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main arguments: i) The Law School is unique in being small and intimate, and in a sense much more like a department. Students are not involved in choosing department chairs. In addition,, having a student present will constrain the candor of the discussions. ii) If the student have a vote it could be conceived as unfair to other groups who also are not represented (SPF, untenured faculty). Furthermore the committee is small (5 people) and adding student could shift balance.

Lewis: Students at Law School is being trained in the handling of confidential matter. What was motivation for original proposed amendment by ad hoc committee?

Keating: Consistency with other dean search committees.

Brown: Provost is not on Law School search committee unlike other colleges.

Ghiaseddin: In faculty Senate issues raised by faculty should take precedence of concerns of students.

Senator: Both Law School and School of Architecture are special and vote on committee should be same for both.

Fox: It is a small committee and SPF also not represented. Adding a student will change balance. ~33% of faculty is not represented on committee. Language to consult with other groups not represented should be added.

Jessop: Are members of committee requested to sign confidentiality agreement?

Velasco: The faculty is not concerned about the confidentiality.

Noble: Should we be concerned about letting a school or college carve out special rules or exceptions? How about consistency? Also puzzled whether faculty have faith in confidentiality of students or not?

Question called to end debate. Approved with 21 votes in favor and 11 opposed.

Motion to replace "Law School" by "University" in amendment text.

Velasco: Expressed support of status quo to ensure that member of Law School retain influence on committee.

Dehmlow: What is size of committee in other colleges?

Senator: 8 people + provost.

Fox: SPF at Law School in favor of having outside people on committee.

Dehmlow: In other colleges can all faculty be on committee?

Brown: Yes. SPF, library and other faculty can be members.

Ladwig: Outside people could dead-lock committee.

Velasco: With amendment 40% of committee could be from outside Law School.

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Dehmlow: Is there a specific reason to not regularize number of people on all college dean search committees?

Velasco: Would prefer to stay with existing size.

Saddawi: How many faculty are in Law School?

Velasco: 35 including SPF.

Saddawi: Then 5 people on committee should be enough

Dehmlow: How could outside feedback be ensured while keeping committee small?

Velasco: There is a long standing tradition that Law School and School of Architecture are different.

Stamper: School of Architecture does not specify size of committee.

Vote on motion to replace "Law School" by "University" was called. Motion was approved by a vote of 27 in favor and 4 opposed (opposed vote noted: Velasco).

Motion to change composition of committee to 4 members of tenured faculty from Law School and 1 appointed by the provost.

Chesson: This motion goes against previous change to amendment.

Goehring: Shares Noble's concerns about making special rules for Law School and School of Architecture. Would like to include student representation.

Gresik: In favor of motion. This comes closest to make Law School like other colleges.

The motion to change composition of committee was approved by a vote of 13 to 9.

Motion to add a member of Student Bar Association to committee

The motion to add student was approved by a vote of 16 to 10 (opposed vote noted: Velasco).

Motion to add provost to committee.

Velasco: This is not recommended by University.

Fox: Provost gives president his personal recommendation.

The motion to add provost to committee was rejected.

Vote on entire amendment with the approved changes.

In favor: 18

Opposed: 5 (opposed vote noted: Velasco).

**Amendment 2 (partial) (Art. II, Sect. 6)**

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At previous Senate meeting the part of proposed amendment 2 that dealt with the appointment and review of the dean of the School of Architecture (Sect. 6) was sent back to the subcommittee in order to allow consultations with the faculty at the School of Architecture.

*Art. II, Sect. 6:*

*The Dean of the School of Architecture is appointed by the president; the appointment is subject to formal review every five years. When such an appointment is to be made or a review conducted, ~~the provost consults formally with all regular faculty of the school.~~ A committee comprised of regular tenured faculty and a student may be established to facilitate either a search or a review is elected by the regular faculty of the School. The provost may appoint up to ~~two~~ one additional members from among the regular faculty of the University to the committee in order to ensure that a broad range of views and perspectives is represented on the committee. Before making any recommendation to the provost, the committee shall consult with the faculty and the students in the School of Architecture. ~~The provost may assign a vice president and associate provost to assist the committee as a non-voting member.~~ In appointment cases, the provost consults with the faculty of the School of Architecture concerning the candidates recommended by the committee. No offer, formal or informal, is extended to any candidate for the deanship until the provost has provided the faculty with that candidate's credentials and a full opportunity to react to that candidacy. In both appointment and review cases, the provost ~~gives the president both a forwards~~ recommends the recommendations of the committee to the president along with a personal recommendation and a full account of all consultations with the faculty.*

Discussion:

Stamper: There is no representation of student at faculty meeting at School of Architecture. Moreover, student member on committee would most like be an undergraduate. Not in favor of adding student to committee.

Lewis: Undergraduate students can also serve on the committees in other colleges.

Motion to have two appointed member on committee.

Lewis; How many faculty member are in School of Architecture?

Stamper: 10-12 tenured faculty.

Motion to have two appointed members on committee was approved by vote of 17 to 2.

Motion to add one student to search committee (language parallel to Law School committee).

Stamper: Architecture students not aware of discussion to give them representation on committee.

Dehmlow: The Academic Council has final decision, and we are just making a recommendation.

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The motion to add one student to committee was approved by a vote of 17 to 3 (opposed vote noted: Sporleder, Stamper).

Motion to re-introduce sentence starting with "The provost may..." which was stricken in proposed amendment. Approved by a vote of 15 to 1.

Vote on entire amendment with the approved changes.

In favor: 20

Opposed: 1

Jessop adjourned the meeting.

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**In Attendance:** Alan Johnson, Anthony Trozzolo, Asma Afsaruddin, Bernd Goehring, Carlos Jerez-Farran, Claudia Polini, Colin, Jessop, Dale Nees, Dan Lapsley, Debbi Desrochers, Don Sporleder, John Gaski, John Shafer, Keith Rigby, Kristen Lewis, Lei Li, Mark Dehmlow, Max Johnson, Meredith Chesson, Morten Eskildsen, Nasir Ghiaseddin, Parker Ladwig, Sarah McKibben, Seth Brown, Steve Fredman , Tom Gresik, Tom Noble,

**Excused:** Barry Keating, Charlie Barber, Caitlyn Shea, Emily Cooperstein, Jill Godmilow, John Stamper, Judy Fox, Salma Saddawi, Susan Youens,

**Absent:** Al Miller, Collin Meissner, David Klein, Kwan Kim, John Griffin, Julian Velasco, Juan Rivera, Liangyan (Leon) Ge, Oliver Collins, Richard Pierce, Robert Norton, Timothy Ovaert, Vaughn McKim,

Chair Colin Jessop called the meeting to order at 7pm and the opening prayer was ready by Seth Brown.

**Chair's Report - Colin Jessop**

**1. Update on Academic Articles Revisions**

The seven proposed revisions were forwarded to the Academic Council (AC) ad-hoc Committee and the Executive Board of Academic Council. The revisions will pass through the AC ad-hoc Committee and AC Academic Affairs Committee before presentation to the full Academic Council. Jessop communicated that Senate would like to have the proposals presented intact to Academic Council.

**2. Webspace update**

Mark Dehmlow has made significant progress in updating our webspace and the first web-based newsletter should be released before the end of the semester. In the future, a blog or online discussion will be added to stimulate conversation among the Senate and/or Faculty.

**3. Faculty Senate dinner with Fr. Jenkins**

Members of the Faculty Senate are invited to dine with Father Jenkins on April 22<sup>nd</sup> at Sorin's. Dinner will be followed by a short address by Father Jenkins and a question and answer session.

**4. Prioritized Issues to be discussed by standing Committees**

At a recent meeting of the Executive Committee, each standing Committee developed a prioritized list of issues to be addressed this semester.

Benefits: (1) Addressing mistakes in healthcare claims process; (2) Faculty salaries; (3) Retiree health benefits; (4) Replacing University Club with a Faculty Club.

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Academic Affairs: (1) TCE's; (2) Catholic faculty hiring and Catholic character issues; (3) Increasing enrollment in the College of Business; (4) Excessive teaching loads, particularly in language departments.

Administrative Affairs: (1) Catholic faculty hiring, (2) Size and centralization of the Administration; (3) Tenure and promotion appeals process; (4) Academic and health leave approval process.

Student Affairs: (1) Communication between Faculty Senate and Student Senate; (2) Use and cost of course packets; (3) Classroom behavior and decorum; (4) Clocks in classrooms. Note: This was preliminary list of issues from Student Affairs.

### **5. Report on Catholic Faculty**

Provost Tom Burish recently made public the report on the hiring of Catholic Faculty, and would like to hear from the Faculty before acting on the recommendations. During this meeting of the Senate, the Academic Affairs and Administrative Affairs Committees will meet jointly to discuss how best to respond and prepare for a discussion with Burish and Fr. Sullivan in December.

### **6. Provost visit to December meeting of the Faculty Senate**

The Senate agreed the December meeting with Provost Burish will be devoted specifically to the topic of Catholic hiring.

The Senate recessed for Committee meetings.

### **Committee reports**

#### **1. Benefits - Nasir Ghiasseddin**

Reports of mistakes in healthcare claims have been communicated to Human Resources. HR will continue to investigate these issues. The University has committed to bring Faculty salaries in line with the top 20 private AAU member Universities. Ghiasseddin agreed to investigate the salaries of Special Professional Faculty which would likely not be covered in the comparison with other Universities. The Benefits Committee will also investigate the issues of health benefits for retirees, and a possible campus Faculty Club to replace the University Club.

#### **2. Academic Affairs and Administrative Affairs – Seth Brown**

These committees discussed the recent report from the Committee on Recruiting Outstanding Catholic Faculty (September 18, 2007) and prepared for the December visit of Provost Tom Burish and Fr. Bob Sullivan. The committee formulated a series of questions for Burish and Sullivan which will be circulated to Senators for additional comments, and then forwarded to the Provost. Brown indicated that the Senate will produce a formal response to the report, and that members of the committees favored a more general response rather a critique of specific mechanisms in the report.

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The full Senate discussed how to involve faculty in further discussion of the report. A town hall meeting format would provide the advantage of open conversation on the topic, but an anonymous survey might also be desirable due to the sensitive nature of the topic. For either format, the discussion would have to be structured to produce a constructive product. Kristin Lewis noted that small group sessions might provide a more conducive environment for conversation. Tom Noble reminded Senators that the document is not the law of the land but rather an opportunity to begin an open conversation, and the Senate should explore the issue broadly rather than just respond to the report. Seth Brown confirmed that this was the intention of the Committees. Tom Gresik noted that Catholic hiring has already been the main topic of conversation in small group meetings of the Provost, President, and Faculty, so a Faculty Senate response would not be the only response coming from the Faculty. Colin Jessop stressed that the Faculty as a whole would expect Senate to respond to such an important issue and this would allow Faculty to communicate with the Administration anonymously via the Senate.

Sara McKibben noted that untenured faculty members need an anonymous mechanism for response, and that a questionnaire can also be used to provide information and spark discussion. Tom Noble commented that the Faculty Senate should be careful not to duplicate efforts of Colleges or Departments. Alan Johnson proposed that each Senator be charged with soliciting and reporting views from their individual Departments, an environment in which Faculty might feel more comfortable discussing this issue. It was noted that even with Departmental discussions, it was still important to have an anonymous method for comment. Tom Gresik commented that it might be best to solicit anonymous comments first to gauge overall faculty response, and then judge whether an open forum would be effective. Claudia Polini suggested that Departmental discussions would provide a more quantitative response, while a blog or similar mechanism would provide a qualitative response.

An *ad hoc* committee composed of Kristin Lewis, Meredith Chesson, Judy Fox, Keith Rigby, Seth Brown and Colin Jessop will investigate different options for soliciting faculty response to the report.

### **3. Student affairs: Tom Noble**

The Student Affairs Committee discussed the method of communication between the Student Senate and Faculty Senate. A letter in resolution format would be sent from the Student Senate to the Chair of Faculty Senate. At the Chair's discretion the letter would be forwarded to the appropriate Committee, and then brought before the whole Faculty Senate if appropriate. Seth Brown confirmed that setting up such a mechanism does not require a change in bylaws, and also clarified that this would not give the Student Senate a right of agenda in the Faculty Senate.

At the request of the Graduate Student Union (GSU), the Student Affairs Committee will also investigate career and professional development in the Graduate School. As a starting point, the GSU will survey its members to assemble a list of current best practices in each Department. For undergraduates, the Committee will consider the intellectual culture on campus, classroom behavior, and the balance between expanded

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courseloads and outside activities. An effective manner in which to structure these issues is still under consideration.

The meeting adjourned at 9:15 PM.

Faculty Senate Meeting  
Wednesday, December 12, 2007  
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**Members Present:** Alan Johnson, Anthony Trozzolo, Asma Asfsaruddin, Bernd Goehring, Charlie Barber, Caitlyn Shea, Colin Jessop Dale Nees, David Klein, Debbi Desrochers, Don Sporleder, Kwan Kim, John Gaski, John Griffin, John Shafer, John Stamper, Judy Fox, Julian Velasco, Keith Rigby, Kristen Lewis, Lei Li, Liangyan (Leon) Ge, Mark Dehmlow, Max Johnson, Meredith Chesson, Morten Eskildsen, Nasir Ghiaseddin, Parker Ladwig, Robert Norton, Salma Saddawi, Seth Brown, Stephen Fredman, Timothy Ovaert, Tom Gresik

**Members Excused:** Jill Godmilow, Claudia Polini, Sarah McKibben, Tom Noble, Vaughn McKim.

**Members Absent:** Al Miller, Barry Keating, Carlos Jerez-Farran, Collin Meissner, Dan Lapsley, Emily Cooperstein, , Kwan Kim, Juan Rivera, Richard Pierce, Oliver Collins, Susan Youens.

**Unrepresented Department:** Computer Sciences and Electrical Engineering.

The meeting was called to order at 7:00 pm by Chair Colin Jessop. Jessop welcomes to the meeting Provost Tom Burish and Professors Bob Sullivan and Susan Ohmer. After the usual round of introduction the opening prayer was offered by Judy Fox.

**Chairs Report – Colin Jessop**

Jessop provided a brief explanation on the status of the revision of the academic articles. Presently the ad hoc committee of the academic council and the academic affairs committee of the academic council have completed their work, and the proposed revision are now ready for discussion by the entire academic council. Many of the suggestions made by the faculty senate was not included in the proposed revisions, but will be proposed as amendments on the floor of the academic council.

**Enhancing the Online Presence of the Faculty Senate – Mark Dehmlow**

Dehmlow presented the newly updated faculty senate website, and demonstrated several of its features.

Dehmlow also provided a brief description of some of the deliberations behind the faculty questionnaire which is presently being set up to gauge the response to the report presented by the “Ad Hoc Committee on Recruiting Outstanding Catholic Faculty”.

**Discussion of issues related hiring of Catholic faculty.**

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Prior to the discussion of specific questions Burish, Sullivan and Ohmer presented initial remarks concerning the report of the “Ad Hoc Committee on Recruiting Outstanding Catholic Faculty”.

Following the opening remarks Burish, Sullivan and Ohmer answered questions from the senate.

This part of the faculty senate meeting was held in executive session, meaning that only Senators and Faculty may attend and no minutes will be taken.

Jessop adjourned the meeting at 9:38 pm

Faculty Senate Meeting  
Wednesday, January 30, 2008  
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Colin Jessop called the meeting to order at 7:00 pm. Nasir Ghiaseddin offered the opening prayer.

**1. Chair's report – Colin Jessop**

- Colin Jessop provided an update on the progress of the revision of Academic Articles. A full report will be given to the Senate when the revisions are complete. In general, the recommendations of the Faculty Senate have been accepted.
- The first Faculty Senate Newsletter will be sent next week. The report will include a Chair's Report and information from each standing committee of the Senate.
- Keith Rigby was elected by acclamation to replace Jill Godmillow on the Campus Life Committee Election.

**2. Benefits Committee – Nasir Ghiaseddin**

- Nasir Ghiaseddin reported on the efforts of the Benefits Committee to address falling faculty salaries relative to AAUP members. In the last 7 years, Notre Dame has fallen from 20<sup>th</sup> to 28<sup>th</sup> in faculty salaries.
- The Committee met with Chris Maziar and she confirmed that the goal was to bring salaries up to the median faculty salaries among AAU universities within the next four to five years. The Benefits Committee will continue to follow the issue and work towards this goal.
- The first target will be to increase salaries at the Assistant Professor level, and then moving up the Associate and Full faculty ranks. Tom Gresik reported that Maziar indicated that raises would have a merit-based component, not simply moving the median. Judy Fox reminded the Committee of the importance of considering the salaries of Special Professional Faculty as well.
- Colin Jessop stated that the Trustees had already committed to increase the salary pool, but there still discussion about how the money will be allocated.

**3. Irish Rover – Colin Jessop**

- Colin Jessop provided an update on the attendance of an Irish Rover member at the previous closed meeting of the Senate. Irish Rover is a conservative group/publication, and is supported by Project Sycamore.
- The Irish Rover member took a copy of Senate documents from the last meeting, and had distributed this information via a blog and other methods. The student in question made a formal apology and removed his blog posts.

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- Sarah McKibben reported that the organization has been involved in targeted disruptions of classes taught by non-tenured women and faculty of color.
- Jessop discussed the possibility of issuing formal press passes to student journalists. This would provide an opportunity to stress ethical and professional journalistic standards.

The Faculty Senate began Executive session.

The meeting adjourned at 9:00pm.

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**Members Present:** Michael Brownstein, Debbie Desrocher, Morten Eskildsen, John Gaski, Nasir Ghiaseddin, Tom Gresik, Max Johnson, Alan Johnson, Jessica Kayongo, David Klein, Parker Ladwig, Kristen Lewis, Sarah McKibben, Tom Noble, Catherine Perry, Keith Rigby, Salma Saddawi, Caitlyn Shea, Donald Sporleder, John Stamper, Anthony Trozzolo, Julian Velasco.

**Members Excused:** Asma Afsaruddin, Seth Brown, Stephen Fredman, Bernd Goehring, Kwan Kim, Claudia Polini, Juan Rivera, Susan Youens.

**Members Absent:** Heidi Ardizzone, Oliver Collins, Judy Fox, John Griffin, Dan Lapsley, Dennis Mitchell, Robert Norton, Robert Schulz, Mark Suckow.

Outgoing Chair Colin Jessop called the meeting to order at 7:04 pm. After the initial round of presentations the opening prayer was offered by Max Johnson.

### **Election of Executive Committee**

Nasir Ghiaseddin chaired the election for Faculty Senate chairperson. Nominees for chair announced prior to the meeting were Tom Gresik, Tim Noble and Julian Velasco. No other nominations were offered from the Senate floor. After a short round of presentation by the three nominees the election was conducted and Gresik was elected.

As the newly elected chair, Tom Gresik chaired the election of the remainder of the executive committee.

Nominees for vice chair announced prior to the meeting were John Griffin and Parker Ladwig. No other nominations were offered from the Senate floor. After a short round of presentation by Ladwig (Griffin not present) the election was conducted and Ladwig was elected.

For the remaining members of the executive committee the nominations did not exceed the number of positions. No other nominations were offered from the Senate floor. The following senators were elected by acclamation:

- David Klein (treasurer)
- Kristin Lewis (co-secretary)
- Morten Eskildsen (co-secretary)

### **Outgoing Chairs Report – Colin Jessop**

Main points from meeting with board of trustees:

- Revision of the academic articles was deferred until the fall meeting. Board wanted more time for a careful consideration of the proposed revisions.
- The Faculty Senate report of Catholic hiring was presented and received well by the board who thanked the Senate for their input.

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The Provost will meet with deans and department chairs on 5/13 to discuss Catholic hiring. Senators should make sure that they discuss the Senate report with their respective chairs in advance.

The Provost signed a memorandum of understanding providing to the Senate:

1. IT support for 5 hrs/wk.
2. Secretarial support for 15 hrs/wk. The Senate chair chooses secretarial staff.

These services will be provided through the academic year and one week at both ends.

The Faculty Senate bylaws were amended to require the upkeep of the Senate website.

The second Senate newsletter was sent out this week.

7:50 pm – Break to committee after short description of their main focus during the past year.

8:20 pm – Senate meeting resumed

**Election of Standing Committee Chairs – Tom Gresik**

The following committee chairs were elected by acclamation:

Administration Committee	Seth Brown
Benefits Committee	Nasir Ghiaseddin
Student Affairs Committee	Tom Noble

For the Academic Affairs Committee Judy Fox had indicated she was ready to continue as chairs. John Stamper nominated Julian Velasco. Keith Rigby seconded the nomination. Velasco was elected.

With the standing committee chairs elected each committee gave a brief list of topics they were likely to take up during the coming year.

Academic Affairs:

- TCEs.
- Mission statement and in particular the notion of undergraduate education vs. research university.
- Grade inflation.
- Exam schedules not being obeyed by faculty.

Administration:

- Revision of academic articles.
- TCEs.

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Benefits:

- Health benefits issues.
- Salaries.
- Retiree issues.

Student Affairs:

- Student financial aid.
- Student conduct in class.

**Election of Senate representatives for other university committees – Tom Gresik**

Tom Noble was elected as Student Government Faculty Representative. Election of representatives for the Traffic Appeals Committee and the Campus Life Committee was deferred until the first fall Senate meeting.

Gresik adjourned the meeting at 8:40 pm