

**Minutes of the Notre Dame Faculty Senate
4 April 2017**

Signed in as Present:

Adam Martin, Anna Simon, Annie Coleman, Ben Heller, Ben Radcliff, Dan Johnson, David Galvin, Guangjian Zhang, Hai Lin, Hannelore Weber, Jeanne, Romero-Severson, John Gaski, Mary Frandsen, Matthew Capdevielle, Meng Wang, Michael Hemler, Nasir Ghiaseddin, Paul McGinn, Richard Pierce, Samir Younés, Sylwia Ptasinska, Xiaoshan Yang, Tarek Dika

Not Signed in as Present:

Aaron Striegel, Beyerlein Kraig, Bridgette Drummond, Byung-Joo Lee, Chao-Shin Liu, Chuck Dittbenner, Daniel Hopkinson, David Thomas, Dominic Chaloner, Marie Halvorsen-Ganepola, Howard Lanser, Joe Urbany, Marsha Stevenson, Matt Bloom, Natalie Porter, *Philip Sloan, Randy Kozel, Shauna Williams

Excused:

Bruce Huber

*Present but did not sign the attendance sheet

1. Faculty Senate chair Jeanne Romero-Severson (JRS) opened the meeting at 6:05 p.m. and offered the Opening Prayer.
2. Minutes of 7 March meeting
Several amendments and corrections were made. Hannelore Weber moved to accept the minutes as amended; John Gaski seconded. The motion carried.
3. Committee reports
 - a. Academic Affairs (JRS): heard from two guests:
 - I. Angie Appleby Purcell, Human Resources. Exploration of Continuing Education. Adult continuing education concept, two-week summer programs, engaging and interesting, Academic Affairs committee received favorably, is a concept at the moment, Notre Dame has not decided yet. If interested in participating contact Angie Appleby directly. Non-degree program, directed at our alumni and perhaps the region within a fifty-mile radius of Notre Dame. Nasir Ghiaseddin mentioned that the Student Affairs Committee of Student Government discussed whether students who did not finish their degrees could come back and finish, and have earlier credits counted toward the degree.
 - II. Patricia Clark, Professor of Chemistry and Biochemistry and Chemical and Biomolecular Engineering. Prof. Clark discussed the proposed Ph.D. program in Biophysics with the committee. The program will involve the several departments in the College of Science, and not an ordinary interdisciplinary program, as it involves the creation of an interdisciplinary curriculum with three areas of specialization. The proposal is well thought out and has been circulated to relevant faculties; it will soon be circulated to Biology. The Academic Affairs Committee gave the proposal a favorable review, and hopes that Academic Council will consider it this year. Q: masters no PhD Biophysics. JRS: the program is already a need; Notre Dame is losing recruits because we have no program in Biophysics, unlike our aspirational peers. Mary Ann McDowell (MAM) added that five graduate teaching assistantships and other stipends have been contributed by the departments to the program, and Notre Dame has

received a gift of ten million dollars to help recruit faculty in Biophysics.

b. Administrative Affairs (Dan Johnson):

The committee has prepared a Statement Regarding SPF Representation in Senate. (See handout). Committee met, corresponded by e-mail also, heard from SPF individually and as a committee body, many viewpoints, issues brought to Administrative Affairs, some conflicting desires with respect to SPF representation in Faculty Senate. Any change requires changes to both the Faculty Senate bylaws and the Academic Articles. Can now offer a statement and items to pursue next year. The statement includes three recommendations:

1. Open departmental representation to associate and full SPFs, and by a petition process to assistant SPFs.
2. Increase SPF senators to five and encourage their election from a variety of schools, colleges, programs, institutes, and centers.
3. Add one senator from First Year of Studies.

The committee would also like to encourage a careful review of overall representative balance among departments and faculty groups. For example, research faculty, another non-tenure-eligible body, are granted only 1 senator, which seems disproportionate to their number (63 as of 2015) [from the statement].

JRS pointed out that the *ad hoc* committee to review the Academic Articles has not yet been constituted. MAM added that the Senate should indicate to that committee (once constituted) that this is what the Senate wants; the Academic Council will accept this as the will of the Senate. Dan Johnson: the Ad Hoc Committee on Faculty Governance chaired by Judy Fox (Law School) will produce a report next year; the statement of the Administrative Affairs committee could be used by that committee. JRS added that she would like to see the statement sent on, but was unsure of next step given that no ad hoc committee has yet been established for the revision of the Academic Articles. If senators agree with the statement, she would like the Administrative Affairs committee to draft the same as a resolution for consideration by the Senate. John Gaski suggested that the momentum be slowed down; he pointed out that over the long term there has been an inordinate amount of attention to SPF issues in the Faculty Senate, and suggested that if the Senate adopted all three items in the statement, it could be overwhelmed with SPF matters. He favored proceeding incrementally when the time comes to finalize the Senate's position; he suggested selecting the most popular among the three recommendations and adopting that, and then moving to another if the first does not work. JRS pointed out that SPF issues keep arising as they are not addressed. David Galvin pointed out that 27% of the faculty are SPF, and that we have the imprimatur to develop a proposal for the May meeting. JRS indicated that senators should send feedback to Dan Johnson.

c. Benefits (Nasir Ghiaseddin): Various groups have been happy with the work of the Benefits committee. Things go smoothly with Benefits as the committee meets with HR on a monthly basis and is involved in the process. He suggested that Benefits use this same model and request regular meetings with Executive Vice President John Affleck-Graves (JAG) to discuss sources of discontent or things related to parking, construction, budgeting, etc. that people hear about or read in the *South Bend Tribune* and get upset about. Benefits could learn about these issues from JAG and bring them back to the Senate for reaction; this way, things might go more smoothly. Nasir thinks JAG would be willing to meet with the committee; JRS also thought he would be very

receptive; she added that this approach may take more time but is useful and gets things done.

d. Student Affairs (John Gaski): no meeting.

4. ACC Scholar vote:

JRS reminded senators of the names of the four candidates: Kelsey Johnson Keith Bybee, Stephan Duma, and Neil Johnson. The candidate selected must have a sponsoring department; the Provost's office supplies a budget of \$2500.00 for the visit; the ACC scholar gives a talk, meets with students and faculty, etc.

Vote:

Kelsey Johnson, Associate Professor of Astronomy, University of Virginia: 1

Keith Bybee, Professor of Law and Political Science, Syracuse University: 5

Stefan Duma, Professor of Biomedical Engineering and Mechanics, Virginia Tech: 6

Neil F. Johnson, Professor of Physics, University of Miami: 9 [winner]

JRS asked if the Physics Department was willing to host Prof. Johnson; the senator from Physics thought so.

5. Election of Officers: postponed, slate not yet filled.

6. Guest: Jack Swarbrick, Director of Athletics.

Mr. Swarbrick opened by addressing the role of the association that governs college athletics and our relationship with it. Today the NCAA voted again to allow North Carolina to host NCAA championships, and the ACC followed suit. The legislation in question (H. B. 2, the Bathroom Bill) was repealed and changed, and the NCAA reluctantly changed its policy. Last night North Carolina won the championship, in the midst of a major investigation: 17 years of bogus courses in one department in the university. Courses were designed and implemented without any athletic involvement. Student athletes constituted 52% of the population in the courses; the NCAA investigation lasted over two years. His reason for raising both issues: what is this association to be? What do we want it to be? Swarbrick spoke at a forum on the North Carolina issue in Washington, D.C.; thought it strange that a major academic scandal emerges and is only adjudicated by an athletics association. Many important issues have been addressed through the NCAA. Fr. Jenkins discussed the issue in an editorial in the *Wall Street Journal*: should we allow an athletics association to play that role for us? The role played by the NCAA is growing relative to colleges and universities in the USA. Swarbrick feels the NCAA should focus more on the intended mission of athletics, but in the absence of other responsible bodies, the NCAA has also taken on this role. We will continue to run up against this; what if the next issue is capital punishment, or something that faith-based institutions believe in and others do not? He is not sure that the NCAA has articulated when it will act, and what the standards are. The scope and role of the NCAA were at the core of ND's decision to appeal the NCAA decision of academic misconduct [ruling of 22 November 2016] and the imposition of sanctions: the NCAA interfered with and put itself in the place of the University and its honor code. The NCAA ruling says that if Notre Dame had removed students from the University, then there would have been no sanctions, but since the honor code dictated another path, ND would be sanctioned. The nature of violation was that we certified someone as eligible whom we later found was not eligible. We looked at the situation and assigned a new grade. Some institutions have a six-month statute of limitations on honor code decisions. The Honor Code should not be designed for the interaction with an athletics association. The broader issue is, what do we want this association to do? It continues to play a larger and larger role in matters that extend beyond athletics.

Mr. Swarbrick (JS) then took questions from senators:

JRS: How do other ACC institutions deal with the question of a six-month sunset clause for the honor code?

JS: Some have changed their policies because of our case, which is troubling B they seek to avoid this consequence. Some will, some won't revisit the issuance of degrees (which affects graduation success rate, etc..

Q: Who determines the rules of the NCAA?

JS: The board of governors, which comprises university presidents. Chair of the NCAA Council is a director of athletics, currently Blake James of the University of Miami. Legislation comes to the council (65 members in the 5 power conferences), decisions are made at meetings of the governing council.

MAM: What went into the decision when we switched to the ACC?

JS: The window to make the decision turned out to be about 10 days, but we could see it coming. Many offices of the University were involved. The main considerations were these: 1. Cultural fit: the ACC would better serve the interests of ND because of the number of members who were private schools B Duke, Wake Forest, etc. 2. Geography: there was greater proximity among the Big 10 institutions; better markets for ND in the ACC. 3. Educational dynamic: the Big 10 Academic Consortium was a big plus. We explored whether anybody could give tangible assistance to AAU membership. The other main factor: maintaining football independence. There was a great complication with the Big 10: members are now also equity owners of a very successful broadcast network, the Big 10 Broadcast Network.

Q: Back to NCAA involvement in political issues: you seem to be intimating that that this is not their business, is a slippery slope, from the North Carolina law to others. Does this take into account that the NCAA is a huge business that makes and spends a lot of money, and has an impact by withdrawing? It can exercise power that way, and make its desires known. It is also sensitive to money B a lack of support will translate into a loss of money. How does one take into account that the NCAA is a big business, and is not quite the same as other college organizations (like Mock Trial, for example)?

JS: Agreed that this is a source of leverage. Made two points, aspects with which he has discomfort. 1. Has there been a conscious decision that this leverage is what we as members want? 2. What are the principles that will cause us to act? These have not been articulated B have not established the standards that will cause us to act independently of any particular situation (he would like NCAA to do this). There has been lobbying to prevent BYU from joining the Big 12 due to its Mormonism. JS wonders whether the next version of this might be, given the Catholic view on reproductive rights, that 1st or 2nd round NCAA competitions cannot be held on Catholic campuses?

JRS (asked a question for a member who could not attend the meeting): The football schedule has an impact on the availability of meeting rooms, etc.; issues of conflicts with the football schedule can also arise in conference planning. When are the football schedules set? It would be useful for faculty to know the schedule as soon as it is set.

JS: I have a great incentive to release the schedule B for promoting the games, booking hotel rooms, etc. Has released the schedule through 2019, and had trouble getting that far out, as elements change and unravel the schedule. Wants to get to contracts with these games, not just verbal agreements; agreed that the schedule hasn't been out far enough ahead. Is optimistic that he can get the schedule for the next three years out by end of this year, then the schedule for five years.

MAM: asked about the television contract; the money coming in helps the university.

JS: NBC agreement, which is unique, was struck more than 20 years ago.

Every year this puts four million dollars into undergraduate financial aid; this past fall the contributions surpassed 100 million. all. Now we are creating the ACC network, like the Big 10 and other networks. If it performs well, we will have more opportunity to support the University

financially; will also benefit FTT and other depts, as we will have to produce much of the content. Is most proud of Fighting Irish Media, has led to the building of the Digital Media Center on the east side of the stadium

MAM: Whose idea was the Campus Crossroads project?

JS: I was responsible for this. Was troubled after a few seasons that ND had the second lowest home field advantage of 100+ teams. in all of Division I football. After every game, the opposing athletic director would say Awe love playing here. Started by thinking: how can I enhance the home field advantage? Looked at data and studied the history; looked at historic photos of the stadium, aerial photos of opening day in 1930, first football game in the stadium, which was built way off campus, relatively speaking. Issue had nothing to do with home field advantage: how can you take the most valuable piece of real estate on campus and use it just seven times a year? More students walk past the stadium than any other place on campus. Was a real estate issue, needed a solution to use this space. Other universities have made the decision to rebuild their stadia off campus. Question became: what use can our stadium have that would turn it into a year-long facility, not one used just seven times a year? Worked with an architect who proposed the initial design. Then had to decide what was the best use for the facilities. For those opposed to the project: the stadium allowed us to attract donations that would have been much harder to attract otherwise, and thus accelerated those projects.

Q: A few years ago, Fr. Jenkins was quoted in the *New York Times* concerning the issue of college labor and the amount of money brought in, and said if it ever became the case that ND football was more about making money... Where are we now with that?

JS: Fr. Jenkins is not prepared to change the relationship between student athletes and the University, wants a student/educator relationship and not an employer/employee relationship. Many universities feel that athletics would continue to be robust under that model. We changed rules so students could get the cost of attendance; previously had said that athletes could not receive the total cost of attendance as part of their athletic scholarships. Will examine benefits issues like that, and can do this without changing the relationship. Thinks the NCAA is better off if the foundational question is this: if we are drawing a distinction between an athlete and a non-athlete, can we articulate that distinction, and does it make sense? Let's be sure when we draw distinctions that they make sense.

Q: Who was that architect [with whom JS spoke about the stadium project]?

JS: Bill Brown of did the Indianapolis museum of Art, also at the University of Michigan. [Mr Swarbrick could not remember the name of the firm.]

7. Presentation by members of the Ad hoc Committee on the Evaluation of Teaching: Co-chairs James Brockmole (Associate Professor of Psychology and Associate Dean for the Social Sciences and Research) and Mark Gunty (Undergraduate Analytics Program Director, Office of Strategic Planning; Concurrent Assistant Professor of Sociology); Sarah Mustillo (Professor of Sociology and Department Chair); Jim Frabutt (Senior Adviser to the Provost), JRS (Professor of Biological Sciences and Faculty Senate Chair).

Prof. Brockmole started with a Power Point presentation, and talked about the interim report of the committee. In 2015, Provost Burish looked at two facts: (1) the CIF (Course Instructor Feedback) was implemented 2008, provides student perceptions of teaching; (2) 2009: ACPET (Ad hoc Committee on the Evaluation of Teaching) guidelines were implemented in 2009. The Provost thought the time had come to look back at these to make sure they still represented best practices. The process began 18 months ago. After the first year, some membership on the committee changed. The committee wanted to be well informed: conducted surveys of faculty, department chairs, students, met with Student Government, Dean's Council; also OIT and the Office of Strategic Planning and Institutional Research (OSPIR) (for technological implications)

The interim report contains three major sections: (1) Holistic and Comprehensive review of teaching [table in report], measurement (ACPET, etc.); (2) CIF [in table in report]: how to collect, how to use/disseminate? (3) Awareness, Monitoring & Implementation

Prof. Brockmole highlighted the large conclusions of the committee.

The ACPET guidelines are actually very good. These continue to represent best practices, are holistic and comprehensive, etc. Are we balancing these ways of evaluation in the best way? Is there too much emphasis on the student CIF, and if so, why? Standard instrument that measures all classes, etc. Other aspects: peer evaluation, class design, etc. Classes are very different, harder to do. Think about ways to draw the difficulty down, make it easier to engage with these issues. In self reflection and peer evaluation, the discernment value goes down. These rarely talk about weaknesses and problems. To improve this, suggest dividing the professional statement (for promotion to tenure) into three separate statements, on research, teaching, and service. Suggest templates to be used in peer evaluation to hit both highs and lows. Recommend that evaluations should happen more often, should be discussed all the time.

The CIF: here the committee thought about whether we should collect data from students. Most thought we should, as they are the consumers, and should have something to tell us. How to limit potential misinterpretations? Recommend strengthening other areas, and improving the CIF: get rid of deciles. Instead, set standards that everyone can achieve. Understand the context better: why are they giving the scores they give us? Should look at the comments. Currently access to these is limited to the instructor; committee recommends allowing chairs and deans see these as well. Also some things to simplify CIF, improvements to reporting, improve reliability and validity of feedback (honor code out etc.)

Changes implemented need to be sustained: recommend the establishment of an implementation committee.

The floor was then opened for questions:

MAM: the Faculty Senate passed a resolution thanking the committee for its work.

Q (Anne Coleman): What were the ways in which the committee discussed the variety of pedagogies across disciplines? These differ even in departments in the humanities. How did the committee deal with this?

A: The Committee recognized that ways of teaching are quite different. Asked whether the CIF should be same for all class types. Thought that the same questions could apply in some way to each discipline (thus did not recommend different CIFs for different class types). Favored the approach of using questions that can apply in all cases. All can be tailored. Peer observation: examples from other universities. Not one set of questions for the entire university, will not fit all (here should be tailored). Gunty: looking for the best way to make the CIF fit better; should include learning goals and additional questions, which are underused. These should be part of what the CAP sees. University tier (top 10 questions): could not find examples of classes where these did not apply. Also asked whether we should have external evaluations of teaching, and felt these would probably not be so useful.

Q (Ben Heller): 1. Under self reflection: should this happen after every semester? How to read CIFs? How to change practices to make CIFs reflect what you want B how would they deal with this? 2. Correlation between difficulty and time spent and higher evaluations (over 4.0).

A. 1. This should be rephrased in the final report: ongoing self-evaluation, every year, especially

junior faculty. 2. On course difficulty: the often told story is that one receives poor CIFs because the course is too hard. In actuality, far and away the biggest predictor of high CIFs is the intellectual challenge of the course B the greater the challenge, the better the CIFs. Look at what students tell us with respect to disproportionality, effort- in vs gain-out; when they are given a lot of work and cannot appreciate the reason why or see the goal, they judge professors negatively. Professors need to make sure the work is commensurate with the gain the students will get derive from it.

Q (Richard Pierce): explanation for no. 2 (table on biases: you admit there is bias in the CIFs. Why not spell it out B there is race and gender bias? I note that there was no racial minority representation on the CIF committee. How can this bias be addressed in order to make the CIF a valid structural device?

A: (explained the chart, +/- probability one will receive 4.0). Took all classes together, looked at what the probability is of getting 4.0; looked at the size of the class, gender, race, etc. of faculty (see table). Sarah Musillo: race is the biggest factor in the probability of getting 4.0-5.0. The average score for African-American faculty members is 7% lower (see table). Also slightly lower for women than men. Hard part of the interpretation: these are averages. Can=t say that any participating faculty member experienced bias.

Q (Richard Pierce): with respect to the qualitative part (comments); these comments won=t help; a negative perception will be felt in each.

A: analogous to the administration of a new cancer drug, not all will live 5 years longer, etc. Can=t predict for one person. Look at doctor=s notes, can see context.

Q: in recommendations is there a suggestion of how administrators should look at the qualitative comments? Does the committee have advice for administration on how to evaluate these comments? The College of Science has asked whether there was qualitative data mining. Look for things in the comments. Should go back to the committee on this.

A (again on Richard Pierce=s question): if we know these differences exist, what can we do about it?

Richard Pierce: the CIF was supposed to correct this.

A: We can identify differences, but can=t always know why these differences exist. Was the group just not as good, or was there bias against a particular group? Sarah Mustillo: how do we tease out what is bias? Is there bias against older faculty, or are faculty getting lazy as they get older? (Another committee member): hard to say what is a true bias. On the whole the biggest effects on the CIFs that we see are the course characteristics. Departments should have faculty teach different types of courses, including upper division.

Q: have you done the same evaluation at the college or department level? Do you get the same numbers:

A: Engineering has the biggest difference, science not as great.

Q: technical question, on predictors used.

A: Controlling for everything, these factors interact. Did look at combinations, but became unwieldy, so we did not include these results in the report.

Q (John Gaski): I hope the committee heard about two resolutions from the Faculty Senate commending its work? Wondered if they saw the literature on intellectual challenge that suggests that this is an impediment, that material learned more easily is retained the best. Inversely related to characteristics the CIF is trying to measure.

A: This assumes that the style of teaching is completely conflated with intellectual challenge, not sure this is the case. Students see it as good teaching when they perceive that they are being pushed forward. If they work hard and do not see commensurate gains, the faculty member will be hit in the CIF. Students do not have the experience, knowledge, life outside of college, etc. When

learning goals are not articulated well and students feel lost in wilderness, this is reflected in the CIF scores.

Q: 1. I am hesitant to trust the comments, as bias is unconscious; 2. If you can't rule out student bias as the reason for -7 under African American, you could logically say you can't trust the instrument at all for that category of instructor.

A: I don't think that is the case; we can see issues with the measurement and still use it. The vast majority of faculty are in the 4+ area.

Q: When a chair has CIF reports and sees African American faculty regularly ranked -7 compared to others, even without deciles, the instrument is not valid for them.

A: We are trying to get away from using the CIF as *the* way to evaluate teaching, and use it instead as as one way. We need good quality information on teaching ability outside of the CIF, using other metrics. This will help us to understand the CIF numbers in context.

JRS: We spent many meetings discussing Sarah Mustillo's numbers and what to do about these with respect to this instrument. They are averages, and don't apply to individuals. We must add context. The ACPET guidelines come into play. If the CIF is the be-all and end all, looking at red/green arrows in deciles, there you'll be hurt the most. Is very difficult. To simply add the numbers (such as -7 for African American faculty) is not a good, fair answer to the problem.

Q: I was was suggesting that we not use the CIF for some categories of people. Perhaps the report can be written to draw attention to these issues.

A: We will be getting much more feedback; this is an interim report.

Phil Sloan moved that the meeting be adjourned; the motion was seconded by [don't have].

JRS adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Mary E. Frandsen, Co-Secretary
Senator from Music