

Faculty Senate Meeting Minutes
Room 216 DeBartolo
December 5, 2017

Signed in as Present: Aaron Striegel, Adam Martin, Anna Simon, Annie Coleman, Ben Heller, Ben Radcliff, Catherine Schlegel, Chao-Shin Liu, Cody Brockelmeyer, Dan Johnson, David Gasperetti, David O'Connor, Guangjian Zhang, Jeanne Romero-Severson, Jimmy Gurulé, Joe Urbany, John Henry Hobgood, John Nelson, Marsha Stevenson, Mary Frandsen, Matthew Capdevielle, Meng Wang, Molly Walsh, Nasir Ghiaseddin, Paul McGinn, Richard Pierce, Richard Williams, Sergei Rouvimov, Sibonay Shewit, Sylwia Ptasinska, Tarek Dika, Tom Nowak, Tom Stober, Xiaoshan Yang

Not Signed in as Present: David Thomas, Eric Sims (e-mailed; excused), La Donna Forsgren, Marie Halvorsen-Ganepola, Matt Bloom, Mei-Chi Shaw (e-mailed; excused), Natalie Porter, Patrick Deneen, Phillip Sloan, Richard Sheehan, Samir Younés, Shahriar Mobashery, Shauna Williams, Timothy Matovina

- Chair, Ben Heller (BH) called the meeting to order at 6:05pm

1. Opening prayer

- BH offered the opening prayer.

2. Minutes of the November 7, 2017 meeting approved

3. Committee Reports

- a. *Academic Affairs Committee*, Jeanne Romero-Severson (JRS), Chair
 - i. JRS offers Update on Resolution regarding classified research at ND
 - ii. Recaps visits from Bob Bernhardt
 - iii. Our committee considered this for the first time tonight without guests. We haven't had a chance to discuss the matter fully.
 - iv. The committee is divided on issue. The resolution that we hoped to bring to the Senate tonight is not yet drafted.
 - v. A subcommittee of our committee will draft a resolution combining the 3 views, and we will present the resolution to full Senate in February.
 - vi. A sampling of views
 1. Meng Wang (MW), AME
 - a. A number of my colleagues in AME will be able to access info on the cutting edge, advancing their research objectives.
 - b. Reminders:
 - i. The lowest level of classification is what is sought.
 - ii. Right now, the University doesn't have any stance on whether it can or cannot do classified research.
 - iii. Bob Bernhardt wants input from faculty members.
 - iv. If this is approved, there will be a review board (to evaluate proposals and advise VP of Research)

- c. Some people have negative views on classified research, but classified research is not inherently unethical.
 - d. If proper review measures are put in place, we can ensure that we will not do unethical research.
 - e. They want our input. Reminder: The admin can make its own decision without our input. It is to our advantage that we give our opinion to shape the next steps.
2. Tom Stober (TS), Mendoza
- a. My concern is that the proposal included a review board, and that the info that we were given suggested that the members of that committee would not have the security clearance to view those proposals or to see the applications of the research.
 - b. In addition, Bob indicated that they couldn't find another university that had such a board.
 - c. Personally, I'd be fine with classified research, but I'd like to have some people, deans and dept. chairs who could obtain the security clearance so they can be in a position to evaluate the proposals [rather than a new review board].
3. Jimmy Gurulé (JG), Law School
- a. Concerning the Research Review Board
 - i. We haven't had an opportunity to flesh it out.
 - 1. What's it's purpose?
 - 2. What is the composition of the board?
 - a. How many?
 - b. Are they tenured members of the faculty?
 - 3. Recommendations by consensus? Unanimity?
 - 4. Recommendations should be in writing. Record, documentation of the findings of the review board.
 - 5. Merely advisory or dispositive?
 - ii. These are some of the procedural elements that we need to be clarified [before we can give our support to the proposal].
4. Ben Heller (BH):
- a. To clarify:
 - i. [The research review board] would be advisory to VP of research, who could make a further recommendation to the president.
 - ii. If VP were to overrule review board, the board would be informed, and they could appeal.
 - iii. In case of a difference of opinion, the review board would be able to advance their position to the president for his consideration.

- iv. Concerning the number of members:
 - 1. 3-5
 - v. Not specified whether tenured or not.
- 5. JG: Okay. We'll still need clarification on a few of these other points.
- 6. Annie Coleman (AC): It seemed to me that when Bob spoke to us, he revised the proposal based on our feedback and it seemed that they would be amenable to further revision.
- 7. JRS: There is a third viewpoint in the committee. Tarek?
- 8. Tarek Dika:
 - a. While I agree with everything that's been said by my colleagues in the committee, especially w/r/t oversight and transparency, I think it merits being brought up that there are questions of principle here that:
 - i. 1) even if classified research begins with the lowest level, there is no guarantee that it will not increase to higher levels
 - ii. 2) it often happens that this research is used for purposes that are potentially in conflict with mission of the University
 - iii. 3) money often influences moral judgement. Availability of a large amount of money for faculty members.
 - iv. 4) it is not even clear whether proposals themselves will be or will not be classified.
- 9. Nasir Ghiaseddin (NG): So what is your solution Jeanne? These points are important, but what's the solution.
- 10. JRS
 - a. These three members [Stober, Gurulé, and Dika] will work together to articulate these three views, and then we will work together to draft a resolution.
 - b. Personally, I think that if the University is going to do this anyway, we want to have some input.
- 11. NG: I propose that we include a proposal for a Faculty Senate representative on the review board.
- 12. David O'Connor (DO)
 - a. I was on the human subjects review board many years ago.
 - b. I wonder whether that system of review would be useful in terms of a model for the structure of this review board.
- 13. Tom Nowak (TN)
 - a. If a lot of this research is basic research, it's almost impossible to predict how it will be used.
 - b. If you need expertise, you can add people ad hoc to look over proposals. Possibly add that to recommendations.
- 14. AC
 - a. My question is whether a resolution from the senate would

need to be 100%. Given diversity of opinion within committee, could the resolution:

- i. reflect the wish that it stays at level 1,
 - ii. Identify the fears that we have on record,
 - iii. and then get someone on that committee?
- b. Yes, we recognize the potential value of this research, but we want the safeguards in place and we want to register our concerns.

15. JRS: That would be our hope.

16. BH: Seems to me that you could come up with a resolution that is positive, one that is negative, and then one that is neither approve or disapprove but reflect concerns.

17. JRS: Something like that may be what we end up presenting.

18. Rich Williams (RW): I thought they said that it would still go through human subjects review.

19. JRS: This would be in addition to human subjects review.

20. RW: I thought they said they had some sort of a document. Is that forthcoming?

21. JRS

a. This is a statement of the thinking of the office, I don't think it's complete.

b. One thing I've agreed to do is talk to Bob B again.

22. BH: About the ethical guidelines, are you expecting something other than that document that we were sent?

23. JRS: I will find out if there is anything else.

b. **Administrative Affairs Committee:** Dan Johnson (DJ), Chair

- i. No substantive progress on academic freedom panel. Things are moving in background.
- ii. Proposed Academic Articles revision: Revision to description of Faculty Senate (Sent in advance for Senators' review)
- iii. BH:
 1. We haven't touched section on The President.
 2. Look at the changes suggested by the committee.
- iv. DJ: A lot of language here that's new to academic articles comes from the bylaws.
- v. AC: So now those things are consistent?
- vi. BH: They should be. We'll need to double-check.
- vii. DJ: Changing "should" to "shall" for slightly more forceful articulation of what we do.
- viii. JRS: You don't mean to suggest that the faculty senate will be providing oversight of faculty because that could be in conflict with ideals of academic freedom.
- ix. Mary Frandsen (MF): Would it make sense to clarify by saying "University research policies"
- x. JRS: If the intent is for the senate to comment on *policies*, then that needs

to be clarified.

- xi. [Discussion and wordsmithing follows]
- xii. BH: (Points out that this language is a recommendation for the Academic Articles Review Committee. They will accept or reject it and wordsmith it themselves for consistency with rest of the document.)
- xiii. TD: “Consulted” is insufficiently robust. We should use this to push for [more agency]
- xiv. BH:
 - 1. Thanks for that. ND is unusual in that.
 - 2. I don’t think consultation is timid. I think we have to dignify that.
 - 3. We can certainly propose that we have more legislative power. I don’t know how that would dovetail with that.
 - 4. Historically, under Molloy, president of senate proposed eliminating academic council in favor of legislative faculty senate.
- xv. [Discussion follows]
- xvi. Paul McGinn (PM): (Suggests adding a point to ensure that FS is consulted in establishment and composition of major ad hoc committees)
- xvii. [Wordsmithing follows]
- xviii. BH: Do we have a motion to approve it?
- xix. DJ (for Academic Affairs Committee) Move to approve.
- xx. **Motion passed** (with all but one in favor)

c. **Benefits Committee:** Nasir Ghiaseddin, Chair

- i. Meeting with HR in January to discuss procedure for denial of medical procedures
- ii. Care advocates: Bright Horizon
 - 1. More people are using this service
- iii. Wellness center is being used more and more every month. A plan in the works for expansion of the Wellness Center.
- iv. We are discussing these things with HR
- v. PM: Concernign the leave policy with birth of a child:
 - 1. A semester off within a year of the birth of the child?
 - 2. Who is going to pay for this? Sounds like an unfunded mandate. Chairs that I’ve spoken to have not agreed to this.
- vi. AC:: Seems like a good opportunity to request a presentation on the proposal so that we can provide input.
- vii. NG: Maura Ryan and Laura Carlson is formulating this process
- viii. BH: Let’s take that as a suggestion for the Exec. Comm. for future invitation to Senate meeting.
- ix. AC: Should we start asking constituents about their feelings about this issue?
- x. BH: Yes.
- xi. DO: Can I ask for clarification of the status of this discussion?
- xii. NG: The idea is that the father would be eligible for parental leave.
- xiii. DO: Where is this being discussed?
- xiv. NG: Provost’s office—Maura Ryan, Laura Carlson

- xv. Richard Pierce (RP); My understanding was that HR took this to provost's office for consideration
- xvi. NG: A policy already exists for staff
- xvii. DJ: Is there a provision for non-teaching faculty
- xviii. Marsha Stevensen (MS): Yes, four weeks
- xix. AC: Did they talk about same sex couples?
- xx. MS: The language can accommodate that.
- xxi. BH
 - 1. Let me point out that the Provost will visit our February meeting
 - 2. We could invite Ryan and Carlson at the same time.
 - 3. JRS: That would be too much adding Classified Research
- xxii. BH: Consult with constituents for questions to pose to provost.

d. **Student Affairs Committee:** David Gasperetti (DG), Chair

- i. Improving awareness of mental health resources for students
 - 1. Originally considered requiring or urging faculty to include information about mental health resources (and mandatory reporting).
 - 2. Draft of resolution is still in the works. Should be ready by February meeting
 - 3. Catherine Schlegel: Do you discourage including the info syllabus docs?
 - 4. DG: Not really.
 - 5. BH: [Points out that the objection would just be overloading that document.]
- ii. Closing of the University of Village
 - 1. Classic example of the train having left the station
 - 2. Committee would welcome input about how you learned about this problem. Email him and let him know how you found out.
- iii. DO:
 - 1. Apparently they did not consult the Advanced Study Committee of Academic Council
 - 2. They did not consult us in Philosophy, or our graduate director.
 - 3. When John Jenkins said "we" went through deliberation, who did he mean?
 - 4. Perhaps he consulted with the deans.
 - 5. I don't know who he consulted, but it wasn't any of the formal mechanisms that I know of for consultation.
- iv. TN: Grad students were addressed by two suits saying this is going to happen. No questions.
- v. John Nelson (JN) (Grad Student Union VP)
 - 1. This has come up in the GSU
 - 2. Still waiting for answers, information about what the solution is.
 - 3. International student population
 - a. Particular Issue for them
 - b. Issues for their spouses, who don't have licenses, etc.

- vi. NG: Invite John Affleck Graves if time permits
- vii. DG: If I remember correctly Erin Hoffman Harding was involved.
- viii. JN: Yes
- ix. DG: We could invite her to our committee.

4. **New Business**

- a. Jimmy Gurulé (JG) on DACA issue
 - i. JG: DACA issue is moving forward. 3/1 is the date.
 - 1. This will effect our students, 60-80
 - 2. President Jenkins said that he was going to reach out to members of congress
 - 3. My opinion is that the congress that
 - 4. What if any action beyond the letter we've submitted, what might we do.
 - 5. Had a convo with Luis Fraga and he said that he had been in some discussions about providing some legal representation/resources for those students.
 - 6. It's an issue that's not going away, and I don't want us to get caught
 - ii. NG: What can we do?
 - iii. JG:
 - 1. Well, I think it's interesting that the idea of providing legal recommendation.
 - 2. Maybe address with provost, president, "What actions are you going to take to ensure the protection of these students."
 - iv. NG: I assume this is a problem with all the universities right? What do they do?
 - v. BH: Would you propose that we draft a letter to Fr. Jenkins before the next meeting, requesting clarification of support for these students.
- b. John Henry Hobgood (JHH) (Undergrad Student Gov. Rep.): I think for visibility, if there is another letter drafted, consider putting it in the Observer.
- c. AC
 - i. Motion: That we ask Fr. Jenkins what measures he has in place to support DACA students in the event that 3/1 comes and Congress doesn't take any action to protect them from deportation.
- d. DO: Wouldn't want to put the question to him in such a way that he's almost forced to decline to answer
- e. [Discussion and wordsmithing of motion follows]
- f. Proposed: "In a September 5th press release, Fr. Jenkins stated he would be taking concrete actions on behalf of DACA students at ND, and we'd like an update on the actions that he's taken consistent with that statement. The Faculty Senate feels strongly that the protections of DACA should be extended past March 1, 2018, and is willing to collaborate with the President's office in any way possible to make that happen."
- g. **Motion passed** (20 in favor, 1 opposed, 0 abstentions)

Meeting adjourned at 7:56pm

Respectfully submitted,
Matthew Capdevielle, Co-Secretary
Senator for Special Professional Faculty