

Faculty Senate Statement on the Role of Departmental Affiliation in Tenure and its Application to the Proposed Reconfiguration of Economics at Notre Dame

I. Tenure and Departmental Affiliation

Affiliation with a department plays a central role in the scholarly life of the faculty. In its definition of teaching and research faculty, the Academic Articles note that "Members of the teaching and research faculty hold appointments *in the academic departments* of the University" (Art. III, Sect. 1(a), emphasis added). Membership in a department plays an important role in participation in faculty governance. Membership in a department also communicates to the outside world that the faculty member is recognized as a scholar in the relevant field; this materially affects his or her ability to publish, to speak at conferences, and generally to participate in the scholarly life of the discipline. Likewise, the protections afforded by tenure are inextricably intertwined with departmental affiliation. Tenure is granted by the University; but it is granted in the context of review within a department and by applying standards of scholarly achievement germane to the appropriate discipline. The Academic Articles tacitly recognize the relevance of the department in contemplating, in a case where a department has been eliminated, that even tenured faculty from that department may be dismissed from the university should a bona fide effort to find them other appropriate affiliations be unsuccessful (Art. III, Sect. 7(a)). The converse claim—that tenured faculty in existing departments may not be deprived of their continuing affiliation with that department—has been enshrined in institutional practice and must be maintained if tenure is not solely to be "permanence of appointment", but to serve its "principal purpose . . . [,] the protection of academic freedom." (Art. III, Sect. 5). To eject a faculty member from a department without his or her consent, even if his or her employment is maintained elsewhere in the university, severely curtails his or her ability to participate in scholarly discussion that is central to the academic enterprise.

Therefore, the Faculty Senate maintains that *tenure includes protection against removal of a faculty member from a continuing department without his or her consent, barring demonstration of serious cause for removal.*

II. The Case of Economics at Notre Dame

In 2003, the Department of Economics at the University of Notre Dame was renamed the Department of Economics and Policy Studies, and a new department, called the Department of Economics and Econometrics, was created in the College of Arts and Letters. Since then, Economics and Econometrics has grown in size, now including about eighteen T&R faculty members, roughly half of whom are tenured. Economics and Policy Studies has contracted in size, now including eight T&R faculty members, all of whom were tenured at Notre Dame prior to 2003 in the original Department of Economics.

A proposal is currently being considered which would change the status of these two departments as follows:

- (1) The current Department of Economics and Policy Studies would be dissolved.
- (2) The current Department of Economics and Econometrics would be renamed the Department of Economics.
- (3) Current faculty in Economics and Policy Studies would be affiliated with other academic units in the University. Some might join the new Department of Economics, subject to that department's approval; it is expected that no more than two or three would do so. Others might join other departments or academic units such as institutes or centers, subject to those units' approval. If no other institutional home can be found, faculty will retain tenure at large in the College of Arts and Letters.

Normally, when a department is eliminated, the affected faculty must be scattered across the University, and may (as noted above) even be dismissed in the absence of a suitable home. But normally, when a department is eliminated, it represents a move by the University to abandon its concerted efforts in a field. In this case, by contrast, the University maintains a strong interest in economics and continues to sponsor work in this field. Should the above proposal be adopted, its net effect is that a cohort of faculty who were tenured members of the Department of Economics at Notre Dame in 2002, and who will still be called Professors (or Associate Professors) of Economics, will nevertheless in 2010 have been involuntarily excluded from the Department of Economics. The fact that this exclusion will have taken place in slow motion does not make it any less of an abridgment of the usual protections of tenure. Nor does the undoubted fact that the nature of the Department of Economics will have changed

substantially over this time justify this exclusion. Departments routinely shift, often dramatically, as the nature of their fields and institutional aspirations change, and this does not negate tenure awarded earlier in the department.

Therefore, the Faculty Senate holds that, *should a Department of Economics be reestablished at Notre Dame, faculty members tenured in the original Department of Economics should be allowed, if they so choose, to be members of that department.*