

Minutes of the Faculty Senate Meeting  
September 7, 2010

**Members Present:** J. Douglas Archer, Andrew Bell, William Berry, Philip Bess, Seth Brown, Michael Brownstein, J. Randy Crist, Antonio Delgado, Jeffrey Diller, Morten Eskildsen, Patrick Flynn, Judith Fox, Thomas Fuja, Patrick Gaffney, C.S.C., John Gaski, Nasir Ghiaseddin, Timothy Gilbride, John Griffin, Jessica Kayongo, David Ladouceur, William Leahy, Chao-Shin Liu, Kate Marshall, Alexander Martin, Tom Marullo, Karel Matous, Paul McGinn, Sarah McKibben, Connie Mick, Catherine Perry, Dianne Pinderhughes, Yael Prizant, Robin Rhodes, John Robinson, Carolyn Rodak, Salma Saddawi, Robert Schmuhl, Jeffrey Schorey, Stephen Silliman, Mark Suckow, Anthony Trozzolo, Richard Williams, Yongtao Zhang.

**Members Excused:** Mark Beudert, Sean Kelsey, Patricia Maurice, Robert Schulz, D. Katherine Spiess.

**Members Absent:** None.

**Departments without a Senator:** Program of Liberal Studies, Psychology, Theology.

John Robinson called the meeting to order at 7:05 pm and he offered the opening prayer.

There was a motion to approve the minutes of the May meeting; the motion was seconded and the minutes were approved unanimously.

The usual round of introductions took place with special emphasis put on the new elected senators.

John Robinson read the Memorial Resolution for the Faculty that passed away last academic year.

**Chair's Report (John Robinson)**

Fellow Senators,

We meet tonight to renew what must be a perennial effort on our part, however often experience teaches us that complete success may not be ours again this year. That is the effort to give the Notre Dame faculty, in all of its many quite different incarnations, a genuine voice in the governance of the University. We do not work at a public university; so we can make no claim to whatever academic freedom this nation's courts tell us that the federal Constitution guarantees to public post-secondary educational institutions, to the individuals who teach in those institutions, or to both. We work instead at an institution that is both private and religious in its history and in its executive structure. The Board of Trustees is so structured as to guarantee the Congregation of Holy Cross a crucial say on all those matters that go to the heart of the sort of university Notre Dame is, and the President of the University is always a member of that congregation.

Until quite recently in the history of the University, it would have been fair to describe its administration as both clerical and paternalistic and the faculty's role in its administration as limited either to departmental or college matters, except when the central administration thought it prudent to involve some faculty members in a particular matter of interest to the entire university. All of that has undergone radical change over the course of the past generation. Now, a clear majority of the key positions in the central administration are held by individuals who are not clerics, and, now, being a Catholic is not a precondition, stated or unstated, to service as so crucial an administrator as the Provost. Furthermore, consultation, formal and informal, with appropriate faculty members on issues of importance to the entire university is vastly more commonplace than it once was.

My own sense is that the sort of academic freedom that is available to us as faculty members of a private, religious university that has morphed in recent decades from a clerical, paternalistic mode of administration to a much more inclusive and deliberative mode should go beyond the freedom of inquiry and expression that Article III of the Academic Articles promises us. It is not that I do not value those freedoms highly; of course I do. My point is, instead, that having a significant role in university governance is a necessary complement to the freedom of inquiry and the freedom of expression that we are inclined to regard as exhaustive of our academic freedom. That, to a considerable extent, the University already recognizes this is evident both from the role that faculty members play in crucial academic decisions affecting their own department, school, or college and in the role that faculty members play as members of the University community in the processing of a wide range of sensitive matters—individual appeals, in some cases, from denials of reappointment, promotion, or tenure, and institutional attempts, in other cases, to dismiss a faculty member or to impose a serious sanction upon him or her.

As important as each of those functions is to the well-being of the academic community, none of them directly involve the faculty in making policy determinations for the University. University-wide policy-making takes many forms at Notre Dame, some of them ad hoc, some of them highly institutionalized. The one form that interests me here is the Faculty Senate, and my claim about it is a simple one: an effective and respected Faculty Senate is not just important to the well-being of the University; it is also an important component of the academic freedom of the faculty. Along with our freedom of inquiry and expression, I am saying, goes—or should go—our conscientious and respected participation in University-wide policy-making. The Faculty Senate is surely not the only vehicle by means of which the faculty participates in University-wide decision-making, but it is the one vehicle over which the faculty exercises, as a practical matter, almost unfettered control.

The Faculty Senate has come a long way since that grim episode years ago when it attempted to dissolve itself. Still, we have a long way to go. Once again this year, as in every year of the Faculty Senate's existence, those of us who serve on the senate will have to commit valuable time that would otherwise have gone to our

professional or personal lives to seeing to it that the recommendations that we make are carefully thought out and clearly articulated. There is no alternative to our doing that if we are to win, or, where we have won it, to keep, the respect of our peers on the faculty and of the central figures in the University administration. We would be fooling ourselves if we thought that the respect that I have just mentioned is already a fait accompli at Notre Dame.

There comes a point, however, at which we cannot succeed at the task of winning and keeping respect without the active assistance of the central administration of the University. It is not possible for us to contribute meaningfully to the formulation of university policy if we are asked to respond to significant and complex initiatives but are not then given the time that would be needed for serious and sustained inquiry, reflection, and debate. We know that we are not being taken seriously when we are given a week or two to advise the Academic Council or some other university body on a proposal that was years in the making, has been under consideration elsewhere in the University for months or more, and that deserves our own careful scrutiny before we have our say on it. A healthy sense of our own and of this body's intrinsic worth should keep us from serving as a rubber stamp when what the interests of the university and the exercise of our own academic freedom as valued participants in University-wide policy-making require is serious and sustained inquiry, reflection, and debate.

So tonight, I will refer an intriguing proposal for the creation of a Master's of Science in Global Health Program to the Academic Affairs Committee for its careful and constructive consideration. I am now urging that committee, when it meets later tonight, to estimate the amount of time that consideration of that sort will take it, to commit itself to giving this proposal that sort of consideration, and to reject any suggestion that it act precipitously on this proposal in order to facilitate its rapid operationalization. (The committee is, of course, entirely free to take what action it thinks best on this matter.) I am confident, based on conversations that have taken place in recent days, that the key players in the central administration with regard to this proposal will be sensitive to our insistence on taking the time that we need in order to play our proper role in the University's deliberations on this proposal. We will act with speed, but, of necessity, that speed will have to be deliberate.

Thank you for your attention to this report.

Postscript:

- (1) I have added to the text that I read to the Senate at our September 7<sup>th</sup> session so that the minutes would reflect my thinking more fully than did the hurried text from which I read at that time.
- (2) I am indebted to the work of Judith Areen, a law professor at Georgetown University, for some of the ideas expressed here.

John Robinson then urged the new senators to join a committee for the academic year. He then proceeded to fill some positions that had not been filled at the May session:

- One senator is needed to attend the Student Senate. Since no volunteer appeared, he asked the Student Affairs committee to find a possible candidate for that position.
- Jessica Kayongo has been serving on Traffic Appeals for the past two years. She offered to relinquish the position; however, no senators were interested in serving on this committee. So, Senator Kayongo has agreed to continue in this capacity.
- Salma Saddawi was serving at the ad-hoc ECDC committee. It is unclear if that committee will continue to meet or not.
- Catherine Perry was elected to the position of co-secretary by acclamation.

The meeting then broke into committees and reconvened at 8:20pm for the reports:

### **Academic Affairs**

The academic affairs committee reported about the recent proposal regarding the creation of a Master's of Science in Global Health (MSc GH) Program. The Faculty Senate was asked to advise on this proposal, but the committee said that it would need some time to deliberate over the proposal. Jeffrey Schorey said that the proposal had been held for a long time at the Graduate School.

The committee also gave an update on the coming survey about the necessity for longer final exams. Depending on the results of that survey further action would proceed.

### **Administrative Affairs**

The administrative affairs committee reported that they have been looking into the situation of three faculty members of the former Department of Economics & Policy Studies who have not been able to find a home in any department, hence having no representative in the Faculty Senate. Different possibilities were discussed and the committee will continue to investigate the issue and will report in forthcoming meetings.

Another topic that was discussed was the resolution made in the last year about urging the administration to fix the football schedule at least fifteen months in advance of any particular season in order for faculty to be able to schedule conferences and workshops in the fall without clashing with football weekends. The chair of the Senate promised to look into what could be done to reach that goal.

## **Benefits**

The benefits committee reported a meeting with HR where the changes in health coverage were discussed. The Senate will get a full update on that matter at the October meeting. Also senators were reminded of the health advocate program recently started by HR.

## **Student Affairs**

Finally the student affairs committee reported that they will be paying attention to possible problems with student behavior in class. For that reason, they asked the senators to report problems of that sort to members of the committee.

Another item that the committee will look into is the possibility of having family-friendly policies for graduate students. It was mentioned that the cost of health insurance for the spouse of a married graduate and for their children is high and most of the times impossible to afford for a graduate student.

## **New Business**

- The policy of the College of Arts & Letters to charge Table Talks, dinners and photocopies to faculty accounts and not to the departmental budgets was brought to the attention of the Senate by Sarah McKibben. This will be further investigated by the Academic Affairs committee.
- The undergraduate representative, Andrew Bell, urged the Senate to elect a member to attend Student Senate meetings because the students felt that her/his presence will be very valuable. Other members of the Faculty Senate mentioned that because the Student Senate meets every Wednesday, it would be difficult for any one senator to attend all of the meetings. It was then suggested that perhaps two or more senators could take turns attending the meetings. The Student Affairs committee will look into this.

The meeting was adjourned at 9:05pm.

Minutes of the Faculty Senate Meeting  
October 5, 2010

**Members Present:** J. Douglas Archer, Andrew Bell, William Berry, Philip Bess, James Brockmole, Seth Brown, J. Randy Crist, Antonio Delgado, Jeffrey Diller, Krista Duttonhaver, Morten Eskildsen, Judith Fox, Patrick Gaffney, C.S.C., John Gaski, Nasir Ghiaseddin, Timothy Gilbride, John Griffin, Sean Kelsey, David Ladouceur, Kate Marshall, Alexander Martin, Tom Marullo, Karel Matous, Paul McGinn, Connie Mick, Catherine Perry, Dianne Pinderhughes, John Robinson, Carolyn Rodak, Salma Saddawi, Robert Schmuhl, D. Katherine Spiess, Anthony Trozzolo, Richard Williams, Yongtao Zhang.

**Members Excused:** Mark Beudert, Michael Brownstein, Thomas Fuja, Jessica Kayongo, William Leahy, Chao-Shin Liu, Patricia Maurice, Sarah McKibben, Mark Suckow.

**Members Absent:** Patrick Flynn, Yael Prizant, Robin Rhodes, Jeffrey Schorey, Robert Schulz.

**Departments without a Senator:** Civil Engineering & Geological Sciences, Theology.

Chair John Robinson called the meeting to order at approximately 7:05pm. During the customary round of introductions, two new senators, Krista Duttonhaver, Program of Liberal Studies, and James Brockmole, Psychology, were introduced. John Robinson shared that Stephen Silliman had resigned his position as the senator from the Department of Civil Engineering and Geological Sciences.

J. Douglas Archer of the Hesburgh Libraries offered the opening prayer. The minutes from the September 7, 2010 meeting were approved unanimously. John Robinson then delivered the Chair's Report (available for viewing from the Faculty Senate website).

Denise Murphy, Director of Compensation and Benefits, delivered a presentation updating the senators on changes to health plans, open enrollment, and Health Quotient followed by a brief Q&A (PowerPoint is available for viewing on the Faculty Senate website).

Gregory Crawford, Dean of the College of Science, delivered a presentation detailing the new initiatives undertaken by the College of Science followed by a brief discussion (PowerPoint is also available for viewing on the Faculty Senate website). He listed 7 goals of the college:

1. To enhance and expand basic research, scholarship, and creative activities in core disciplines;
2. To promote expanding interdisciplinary research initiatives, programs, and infrastructure;
3. To offer the most distinctive undergraduate science education;
4. To increase the college's visibility internally and externally;
5. To cultivate an environment that embraces our Catholic traditions and values;

6. To create an outlet where our research and teaching discoveries, inventions, and innovations can benefit society; and
7. To create a culture of continuous improvement.

The senate broke into standing committees and then reconvened 20 minutes later to hear the reports delivered by each chair of the four committees:

### **Academic Affairs – Judy Fox**

The Academic Affairs Committee has a survey that will be submitted to the faculty after break. The survey is to determine whether or not there is a need for exam periods of longer length. The committee would like all senators to complete the survey and to encourage their colleagues to do the same.

Two other issues had been brought to our attention: (1) the new requirements to pay for lunch with students and copying out of research funds and (2) revisiting the issue of hiring and retaining women. The first issue has resolved itself with a reversal by the Dean of Arts and Letters. The second issue the committee felt has been recently addressed by the University and the committee did not feel that sufficient time had passed for us to revisit that issue. We are, therefore, open to any other issues senators would like to present.

### **Administrative Affairs – Seth Brown**

At the Administrative Affairs Committee we discussed the following:

- (1) Whether we needed to follow up with on other aspects of the athletics issue once our concerns about football scheduling were taken care of. The committee decided that the answer was no.
- (2) I indicated that I was gathering information about faculty demographics relevant to the question of amending the bylaws to introduce an at-large representative from the College of Arts and Letters.
- (3) I noted that the committee would likely have future work coming to it on the subjects of a conflict of commitment policy and issues regarding the special professional faculty.
- (4) We very briefly discussed how we would proceed in addressing the feasibility and desirability of the University's sponsoring a shuttle bus service between Chicago and Notre Dame.

### **Faculty Benefits – Nasir Ghiaseddin**

In our committee meeting, the only topic of discussion was the need for more and appropriate location of handicapped parking spaces. It was brought to the attention of the committee that the number of the handicapped parking spaces is not sufficient and some are not appropriately located. A study by a group of students last spring came to the same conclusion. The committee decided it is best to meet with Doug Marsh and discuss the matter and seek a resolution to this problem. The result of our discussion with University officials will be reported to the Senate at a future meeting.

### **Student Affairs – John Gaski**

The Student Affairs committee is considering a draft resolution of support for Fr. Jenkins' pro-life activity. There was nothing further to report at this time.

### **Old Business**

Due to time constraints, there was no old business discussed.

### **New Business**

Initiated by the chair, the senate decided that the date of the next Faculty Senate meeting shall take place on Tuesday, November 9<sup>th</sup> instead of Tuesday, November 2<sup>nd</sup>.

The meeting was adjourned at approximately 9:08pm.

Minutes of the Faculty Senate Meeting  
November 9, 2010

**Members Present:** J. Douglas Archer, Andrew Bell, William Berry, Philip Bess, James Brockmole, Seth Brown, J. Randy Crist, Antonio Delgado, Jeffrey Diller, Morten Eskildsen, Judith Fox, Thomas Fuja, Patrick Gaffney, C.S.C., John Gaski, Nasir Ghiaseddin, Timothy Gilbride, Jessica Kayongo, David Ladouceur, Chao-Shin Liu, Kate Marshall, Alexander Martin, Tom Marullo, Paul McGinn, Connie Mick, Catherine Perry, Robin Rhodes, John Robinson, Carolyn Rodak, Robert Schmuhl, Jeffrey Schorey, D. Katherine Spiess, Mark Suckow, Anthony Trozzolo, Richard Williams, Yongtao Zhang.

**Members Excused:** Mark Beudert, Krista Duttonhaver, Patrick Flynn, William Leahy, Karel Matous, Paulinus Odozor, Dianne Pinderhughes, Yael Prizant, Salma Saddawi.

**Members Absent:** Michael Brownstein, John Griffin, Sean Kelsey, Patricia Maurice, Sarah McKibben, Robert Schulz.

**Department without a Senator:** Civil Engineering & Geological Sciences.

Chair John Robinson called the meeting to order at 7:02 pm. He introduced new Faculty Senate member Paulinus Odozor, representing the Department of Theology, who was not present at this meeting.

After the customary round of introductions, chair John Robinson read the Saint Francis prayer. He then delivered the Chair's Report (available for viewing on the Faculty Senate website), in which he mentioned the letter by Gail Bederman, Department of History, to the family of deceased student Declan Sullivan, which she has invited all Notre Dame faculty to sign. John said that he had sent Gail's letter to each senator with a request that they invite their department faculty to add their signatures. He also stated that the 2011 and 2012 football schedules have now been finalized. Finally, he referred to the survey that Judy Fox, chair of the Academic Affairs Committee, circulated to all faculty at Notre Dame, requesting feedback on the final exam format.

The minutes from the September 7, 2010 meeting were approved unanimously, by acclamation.

The senate broke into standing committees and the senate reconvened 30 minutes later for the reports delivered by each chair of the four committees:

**Administrative Affairs – Seth Brown**

Seth Brown reminded the Senate that the College of Arts and Letters has no at-large representative, and that the creation of an at-large Senate position for the College would mean that those faculty members who were left department-less by the elimination of the Department of Economics and Policy Studies would, once again, be represented in the

Senate. At this time, the College has a ratio of 21.9 faculty per representative. By adding an at-large representative, the ratio would be 20.9. The Committee will recommend adding this at-large representative at the Senate's December meeting. If approved, this measure will require approval of the Academic Council. Seth also mentioned that the ratio for Special Professional Faculty is very high, 94.3 per representative, and the ratio for Research faculty is also high, 77 per representative, but these constituents have not complained about those ratios.

Seth discussed the request for a shuttle to and from Chicago for the 38 faculty who reside in Chicago (among whom 24 regular faculty). These 38 faculty represent 2% of all Notre Dame faculty. At the present time, Seth said the cost of a shuttle bus to transport some of these 38 individuals to and from Notre Dame daily is too high. To the question of whether it would be possible to schedule a shuttle for faculty who want to do research in Chicago, Seth answered that this option is not sustainable for reasons of cost. He also stressed the difficulty of managing a car pool. As for commuting by train, the South Shore interurban schedule does not work to the advantage of people who leave Chicago for South Bend in the morning and who return to Chicago in the evening.

#### **Academic Affairs – Judy Fox**

Judy Fox discussed the survey on final exams which she recently circulated to all faculty at Notre Dame. So far, 170 faculty have responded. From faculty responses so far, it appears that faculty want more flexibility with regards to the length – and even the necessity – of final exams. Some Senators said that there is a high level of non-compliance among faculty to the current structure.

Next, Judy Fox raised the question of the Academic Council's work regarding the need to define the position of "post doc." At present, there is no clear explanation as to the benefits and expectations tied to this position. Human Resources, for instance, does not recognize that category of employment. The Academic Affairs Committee has been asked to weigh in on this issue. The proposal will come before the Academic Council in February or March 2011. Currently, post docs receive the same benefits as staff, but these benefits are not universal because they are not well defined. It is not clear how post docs are hired and terminated because there are no customs or processes across units (some deal with the position well; others do not).

Judy Fox also discussed the issue of benefits for graduate students, especially for those who have a family. At present, there is one unified health insurance rate for graduate students. Nasir Ghiaseddin, chair of the Benefits Committee, will present this issue to Human Resources.

### **Faculty Benefits – Nasir Ghiaseddin**

According to Nasir Ghiaseddin, the Faculty Benefits Committee discussed several issues:

- a) It was brought to the attention of the Committee that Off-Cycle hires are not receiving appropriate orientation in terms of benefits from the University. It was decided that the matter should be discussed with HR to see what procedure need to be devised so this group of employees receive a proper orientation.
- b) Handicapped parking remains an issue, not with respect to the number of parking spaces but with respect to the placement of some parking spaces that are not close enough to relevant buildings.
- c) There is a need to clarify the content of various faculty pension plans. The Committee would like to invite a representative from Human Resources to present these plans before the Senate.
- d) Some members suggested that the Committee should ask HR to do a presentation on preparation for retirement. The issue will be discussed with HR.
- e) As usual, the Committee will meet next spring with Vice President and Senior Associate Provost Christine Maziar to discuss faculty salaries. Christine Maziar will also attend the February Senate meeting.
- f) Garage parking is of interest to some faculty and the topic could be raised with the administration.

Seth Brown commented that meetings with Notre Dame's Administration about salaries are not very useful, because the Administration will always agree with the goal of raising faculty salaries, but will say that current fiscal realities make significant raises impossible. Nasir Ghiaseddin stressed the necessity to keep bringing up this issue.

### **Student Affairs – John Gaski**

The Committee is presently deliberating on a draft resolution of support for Fr. Jenkins' pro-life activity. In response to a question regarding student comportment issue, John Gaski answered that the Committee will address that issue after it has completed its current deliberations.

One senator returned to the question of faculty salary raises, saying that some of his colleagues perceive very low wages as punitive. Someone else noted the Administration's reluctance to disclose information about mean salary changes on a unit by unit basis. There was then some discussion of the process by means of which salary raises are determined as well as of the interest that the members of the Faculty Affairs Committee of the Board of Trustees have in this issue. Nasir Ghiaseddin stressed the need for Notre Dame to match the salary levels of the AAU (Association of American Universities). John Robinson proposed a meeting with Chris Maziar to discuss these issues. Judy Fox explained that the average raise does not mean each member of the faculty receive just

that raise: supposing the average raise is 2%, some people will get 1.5%, which means that some will be unhappy with their raise.

### **Old Business**

There was no old business to discuss.

### **New Business**

Antonio Delgado raised the issue of the 30 hours e-mail black out on October 26-27. He mentioned that some faculty had to send time-sensitive emails for NIH grants. An explanation from the OIT chief officer came only 24 hours later, which, he said, is not acceptable. The OIT help desk shut down at 5:00 pm on October 26. Further, the OIT help desk staff is not always knowledgeable about black-outs and related problems, he said. According to Judy Fox, this is because the office has changed its location. Antonio Delgado wants the University's Chief Information Officer to visit the Faculty Senate and explain what happened. He also mentioned a calendar issue between professors and students, whose systems do not talk to each other.

Andrew Bell, Student Representative, raised the issue of enhanced class search, which helps students choose a professor to suit their learning style but which has been down for two weeks. This is a huge problem, he said, since class registration is about to begin, on November 15.

Antonio Delgado made a motion to adjourn, which Seth Brown seconded. The meeting was adjourned by acclamation at 8:44 pm.

Minutes of the Faculty Senate Meeting  
December 7, 2010

**Members Present:** J. Douglas Archer, Philip Bess, James Brockmole, Seth Brown, Michael Brownstein, Antonio Delgado, Morten Eskildsen, Patrick Flynn, Judith Fox, Patrick Gaffney, C.S.C., John Gaski, Nasir Ghiaseddin, Timothy Gilbride, Sean Kelsey, Kate Marshall, Alexander Martin, Karel Matous, Paul McGinn, Connie Mick, Paulinus Odozor, Catherine Perry, Dianne Pinderhughes, Robin Rhodes, John Robinson, Carolyn Rodak, Salma Saddawi, Jeffrey Schorey, D. Katherine Spiess, Mark Suckow, Richard Williams, Yongtao Zhang.

**Members Excused:** Andrew Bell, Mark Beudert, J. Randy Crist, Jeffrey Diller, John Griffin, Jessica Kayongo, David Ladouceur, William Leahy, Chao-Shin Liu, Tom Marullo, Patricia Maurice, Sarah McKibben, Yael Prizant, Robert Schmuhl, Anthony Trozzolo.

**Members Absent:** William Berry, Krista Duttonhaver, Thomas Fuja, Robert Schulz.

**Departments without a Senator:** Civil Engineering & Geological Sciences.

John Robinson called the meeting to order at 7:03 pm. He introduced the new senator, Father Paulinus Odozor, of the Department of Theology. The usual round of introductions took place; then John Robinson offered the opening prayer.

John Robison announced a couple of changes in the minutes of the last meeting as those minutes had been emailed to the senators earlier in the month. With those changes in mind, the Senate voted unanimously to approve the minutes of the November meeting.

John Robinson presented his Chair's Report (posted on Faculty Senate website).

Seth Brown took the floor to discuss a recommendation brought forward by the Academic Affairs Committee to amend the bylaws of the Senate to include an at-large senator from the College of Arts and Letters to account for the faculty members of the former Department of Economics and Policy Studies who currently do not reside in any department.

For this change in the bylaws to become effective, a parallel change in the Academic Articles will be necessary. Thus, if the Senate were to approve of the proposed amendment to the bylaws, the Senate would have to propose, sometime in the spring semester, that the Academic Council begin the process by which the Academic Articles are amended and to do so in a way that addresses the composition of the Senate.

Some discussion was generated about the election procedures for filling this position and also about the likelihood of it actually being filled.

Antonio Delgado made a motion to call the question and the motion was approved. The resolution (posted on website) was then voted and it was approved with two votes against.

The meeting broke at 7:31pm into committees and reconvened at 8:10pm for the reports.

### **Academic Affairs – Judy Fox**

Judy Fox reported that a proposal to define the category of “post doc” is being studied in the Advanced Studies Committee of the Academic Council. The proposal will be brought to the Senate when it is in final form.

She also presented (presentation posted on website) the final conclusions of the survey conducted among the faculty to assess faculty interest in being free to give final exams that last more than two hours. Because the 10% of the faculty who expressed interest in a more-than-two-hour-long final exam are motivated by pedagogical concerns, the committee will meet with the Registrar early next year to see if this interest can be accommodated. As an aside, the Committee will inquire into the extent to which the two-hour final exam rule is followed in the units that are affected by it.

### **Student Affairs – John Gaski**

John Gaski announced that the Committee has approved a resolution to support Father Jenkins’ pro-life activities; it will be presented to the full Senate in the next meeting.

The Committee will also be studying the issue of student department during class-time. As the Committee will need as much input as possible from the faculty during its study, John asked the senators to share with him their own perceptions of recent changes in student department during class-time.

### **Faculty Benefits – Nasir Ghiaseddin**

In response to concerns that had been expressed about apparent deficiencies in the way that faculty and staff who are hired out of the normal hiring sequence learn about their benefit options, Nasir Ghiaseddin reported that he had been told that there are orientation meetings that address benefit options every two weeks during the academic year. Faculty being hired off-season can attend these meetings. There are also monthly meetings about retirement. Human Resources has, furthermore, offered to come to the Senate to talk about pensions and investment issues.

In response to other concerns, Nasir reported both that there has been no change in the health insurance package that is available to our graduate students since 2009. He also reported that he will be meeting early in the coming calendar year with the appropriate administrator to see what can be done to increase the number (and to improve the location) of parking places that are available to people with ambulatory disabilities.

Nasir also reported that some faculty members had expressed concern about the phone calls received from the Athletic Department on the night of Sunday, December 6<sup>th</sup>. These calls announced the availability of tickets for an upcoming post-season football game. Some faculty members doubted the propriety of those calls; others were concerned about

the conditions under which faculty phone-numbers are made available. The Benefits Committee, Nasir said, will meet with Human Resources to discuss the issue.

### **Administrative Affairs – Seth Brown**

Seth Brown announced there will be two proposals coming to the Committee from a committee of the Academic Council in the near future. He was not in a position to say anything more about those proposals.

### **Old Business**

There was no old business to discuss.

### **New Business**

Catherine Perry expressed that faculty are experiencing difficulty reserving classrooms equipped with the technology that they need in order to conduct their classes appropriately. It was agreed that, in the new year, the Academic Affairs committee will meet with the Registrar and others in the hope of improving how classrooms are assigned.

Antonio Delgado said that it was his sense that, in the fall semester, Monday-Wednesday-Friday classes have 50 minutes less class time than Tuesday-Thursday classes due to the policy of making the Wednesday before Thanksgiving a holiday. John Robison will discuss this with the Registrar.

The meeting was adjourned at 8:53 pm.

Minutes of the Faculty Senate Meeting  
February 8, 2011

**Members Present:** J. Douglas Archer, Philip Bess, Mark Beudert, James Brockmole, Seth Brown, J. Randy Crist, Antonio Delgado, Michael Desch, Jeffrey Diller, Morten Eskildsen, Patrick Flynn, Judith Fox, Thomas Fuja, John Gaski, Nasir Ghiaseddin, Timothy Gilbride, Jessica Kayongo, Sean Kelsey, Chao-Shin Liu, Kate Marshall, Alexander Martin, Tom Marullo, Karel Matous, Paul McGinn, Connie Mick, Paulinus Odozor, Catherine Perry, Dianne Pinderhughes, Robin Rhodes, John Robinson, Carolyn Rodak, Salma Saddawi, Robert Schmuhl, D. Katherine Spiess, Mark Suckow, Richard Williams.

**Members Excused:** Andrew Bell, William Berry, Krista Duttonhaver, David Ladouceur, William Leahy, Yael Prizant, Anthony Trozzolo, Yongtao Zhang.

**Members Absent:** Michael Brownstein, Patrick Gaffney, C.S.C., Patricia Maurice, Sarah McKibben, Jeffrey Schorey, Robert Schulz.

**Departments without a Senator:** Civil Engineering & Geological Sciences.

The February Faculty Senate meeting was postponed by one week owing to the snow storm on Tuesday, February 1<sup>st</sup>. The meeting was held in room 3140, Eck Hall of Law.

John Robinson called the meeting to order at 7:01 pm. The usual round of introductions took place. Mark Beudert (Department of Music) offered the opening prayer by reading an excerpt of Psalm 8.

The Faculty Senate voted unanimously to approve the minutes of the session of December 7, 2010.

John Robinson announced that the meeting would be dedicated to considering 3 issues: a Postdoctoral Scholar Proposal, a Conflict of Commitment Proposal, and a Special Professional Faculty Proposal. He mentioned that the Postdoctoral Scholar Proposal has been in process since September 2010 and that the Executive Committee of the Faculty Senate is confident that it is a good proposal, even though it is not yet quite complete. As for the two other proposals, the Faculty Senate was unable to have access to them until January, but John Robinson thinks that they will probably not go to the Academic Council for its consideration before March. For this session, the Faculty Senate decided to allocate 10 minutes to the Postdoctoral Scholar Proposal, 30 minutes to the Conflict of Commitment Proposal, and 1 hour to the Special Professional Faculty Proposal. Because of the importance of these discussions, there would be no committee meetings.

First, there was discussion on the floor about the delay in the Faculty Senate's reception of the Conflict of Commitment Proposal and the Special Professional Faculty Proposal. John Robinson reported that, in the interest of expediting the process, the chair of the Faculty Affairs Committee of the Academic Council gave instructions not to circulate these documents until January. Judy Fox suggested that if one wants to get a proposal through smoothly it may be desirable to share it early and receive feedback, as demonstrated by the process of the Postdoctoral Scholar Proposal, which the Faculty Senate and the Academic Council shared as early as September 2010.

## 1) Postdoctoral Scholar Proposal

As chair of the Academic Affairs Committee, Judy Fox presided over the discussion of the Postdoctoral Scholar Proposal. She explained that the document is divided into two parts, one about policy that the Academic Council will vote on, and the other about procedure that the Academic Council will not vote on. Specifically, the Academic Council will vote on the first 6 pages of the most recent document. The Academic Affairs Committee of the Faculty Senate incorporated every suggestion that it received and it recommends that the Faculty Senate approve the proposal.

In response to a question about the Faculty Senate's force in these matters, Judy Fox explained that the Faculty Senate makes recommendations, which shows the Academic Council that the faculty have seen and approved a document before the Council's final vote. John Robinson added that, if the Faculty Senate judges with good reason that a document such as this proposal needs improvement, the Academic Council is open to the Faculty Senate's efforts to improve it. Therefore, although the Faculty Senate does not have a vote equal to that of the Academic Council (it is not a bicameral legislature), it does have a significant voice.

Discussion on the floor included questions concerning the data and other records generated by Postdoctoral Scholars which belong to the University under Federal Law, the compromise that the Committee reached (on p. 4 of the Proposal) in order to accommodate both Federal Law and discipline-specific practices and settings in which Postdoctoral Scholars work, the fact that the proposal originated in the hard sciences and had to be rewritten in order to accommodate suggestions from different disciplines at the University. The present document is conceived to be as flexible as possible while providing sufficient guidance and clarifications, in contrast to past language which could discourage Postdoctoral Scholars from coming to the University.

At 7:20 pm the Faculty Senate voted unanimously to recommend that this proposal be approved.

## 2) Conflict of Commitment Proposal

As chair of the Administrative Affairs Committee, Seth Brown presented the Conflict of Commitment Proposal. The key sentence is in the second paragraph of section 5: "When a faculty member is contemplating engaging in a new activity or expanding his or her commitment to an existing activity, the faculty member should consider whether the commitment constitutes or has the potential to develop into a conflict of commitment." If a faculty member has considered that an outside commitment does not interfere with the fulfillment of his or her professional duties for the University, then he or she is in compliance with this policy. The only problem arises when there is a divergence of opinion with the chair of the faculty member's department, in which case they must negotiate. If they do not reach an agreement, then under this policy the department chair would have the power to restrict the faculty member's outside activities. If the faculty member disagrees with that judgment, he or she can appeal it to a panel composed of 3 faculty members: one selected by the faculty member, one selected by the dean of his or her college, and one selected by the Provost. The panel would consider the disagreement and make a final and binding rule.

The Administrative Affairs Committee looked at this proposal and created a draft that they distributed earlier to the Faculty Senate. In general, the Committee feels that this is a sound framework. The Committee particularly appreciates the fact that the document starts on a

positive note by saying that the University values outside activities and recognizes their importance; it also relies principally on the professional judgment of the individual faculty member. Secondly, the department chair presumably has some understanding of the professional norms in which a faculty member works. The Committee also likes the fact that there is some recourse if disagreement arises with the chair.

The Committee's main criticism of this proposal concerns the continuing vagueness of what exactly constitutes a conflict of commitment. This could be a severe problem when the 3-faculty member panel has to determine if there is a conflict of commitment. The Committee therefore suggested a clarification of the definition of a conflict of commitment (Section 4 of the Committee's draft): "A conflict of commitment is an outside activity that prevents a faculty member from performing his or her professional duties to the University in a satisfactory manner." The Committee feels that this language is crisper as compared with the definition in the present draft, which is somewhat amorphous and hints at an idealized, theoretical contribution by faculty members.

Section 2 of the Committee's draft proposes a time threshold, which is a more concrete way of determining what may constitute a conflict of commitment. In this framework, small-time outside activities will not constitute a conflict of commitment.

In section 3 of the Committee's draft, two points address the appeals committee process with the goal of clarifying 1) the basis of the chair's judgment: there has to be an outside activity and it has to cause unsatisfactory performance; and 2) the timing: if there is an appeal, the faculty member can continue with his or her activity until a judgment is reached. Most faculty members have a department chair; if not, the institute director or the dean of the faculty member's college would serve in that capacity.

Seth Brown invited the Faculty Senate to make comments or raise questions from the floor. To the question whether the Faculty Affairs Committee of the Academic Council has approved this proposal and recommended that it go forward, Seth Brown answered that it has voted on this proposal and has recommended that it be distributed. The Administrative Affairs Committee of the Faculty Senate will report back to the Academic Council with comments which will be studied in a subcommittee. This subcommittee will make changes to the proposal if they wish and send it back to the Academic Council, which will then vote on it.

Asked when the Academic Council will vote on this proposal, John Robinson answered that it is not possible to know at this time and that the vote will be partially a function of the feedback that this proposal receives. There may be a strong faculty sentiment for a relatively flexible policy, whereas the deans may desire a policy with sharper language. The process could take some time. This proposal is relatively favorable to faculty but weaker at the appellate level as the criteria by which the panel reaches a decision need clarification.

There was concern that the new language (i.e. "satisfactory") in the Faculty Senate draft may be equally amorphous as the original. Seth Brown pointed to section 2 of the original proposal, stating that a conflict of commitment refers to a situation that "compromises" the faculty member's "professional obligations to the University" and further states that this is problematic because it dilutes the faculty member's expected contribution to the University. In the official definition the language is also "compromises professional obligations." John Robinson commented that the choice is therefore between "compromises," which is vague, and "satisfactory," which is also vague. According to Sean Kelsey (Philosophy), the new language

focuses on performance, which is measurable, versus obligations, which is more nebulous and cannot be measured. Seth Brown pointed out that the proposed change of language focuses on what constitutes minimum satisfactory performance, as opposed to the original statement of a theoretical, idealized, pure performance. John Robinson commented that no language is going to be perfect because it is a matter of judgment. By focusing on what the University can reasonably expect from faculty members and on whether one can attribute unsatisfactory performance to an outside activity, the Academic Affairs Committee provides better guidance to department chairs and for the appeals process, should it arise.

To a question from Paul McGinn (Chemical & Biomolecular Engineering) whether this policy would only apply for the academic year, Seth Brown answered that in his experience the University's administration is adamant that faculty members are full-time employees, they are paid during 9 or 12 months. The language of the revised proposal is sufficiently flexible that a faculty member's own judgment of his or her duties in the summer may vary from duties performed during the academic year. John Robinson clarified that the administration is genuinely concerned about faculty members engaging in activities that could draw them away from their obligations and keep them away to the point that they are no longer doing their committee work and other duties for the University, as has happened at MIT and Stanford University. There is nothing in the proposal that refers to summer or the academic year. Seth Brown pointed out that in his department, as in most departments, it is expected that research continues over the summer as part of faculty members' professional obligations. It is not unreasonable to surmise that working full time at another occupation over the summer might interfere with this obligation, whereas attending a conference for a week would not interfere. Michael Desch (Political Science) commented that the University has a formal calendar for the 9 month appointment that runs from August 22 through May 21, so that faculty members who are appointed on that calendar are obligated to perform service for the department during the term of their contract. What they do in the summer, as long as they pursue a year's worth of research, is not governed by this policy. Regarding teaching at summer school elsewhere, Seth Brown explained that the language in the proposal has shifted the emphasis from summer activities that compete with the University to performing one's professional obligations for the University. John Robinson added that this proposal includes the obligation to report annually to one's chair.

Paul McGinn (Chemical & Biomolecular Engineering) commented that the proposal includes multiple policies, which makes the document open to various interpretations. He would like to see more explicit rules in the proposal (12 month versus 9 month appointment, for instance). He is also concerned about the potential for abuse in a department. Seth Brown responded that the vast majority of departmental chairs are not malicious, that this proposal has an appeals process built in, and that it is not more susceptible to abuse than any other University document. Michael Desch (Political Science) commented that faculty members are judged by their total research productivity over the course of the year, which is not a problem from the standpoint of a departmental chair, whereas there could be a problem when a chair has to consider other sorts of obligations, particularly those that arise over the course of the 9 month contract. Without a formal policy, therefore, the ability of a departmental chair to deal with that kind of issue is more constrained. John Robinson wondered whether this proposal would lead to a better policy if it explicitly addressed the summer and what is expected of faculty in that regard. To Paul McGinn's question, he added that, given the vast differences among the cultures within the faculty it might be impossible to come up with specific rules applying to all. But perhaps the summer issue does need to be clarified.

At 7:55 pm the Faculty Senate voted unanimously to recommend that this proposal be sent forward with the changes that the Administrative Affairs Committee has proposed (see document on website).

### 3) Special Professional Faculty Proposal

As chair of the Academic Affairs Committee, Judy Fox presided over the discussion of the Special Professional Faculty Proposal. She began by reminding the Faculty Senate of the definition of a special professional faculty in Article 3 of the Academic Articles:

*Members of the special professional faculty are professionals who make a direct and significant academic contribution to the educational process at the University through teaching, research, or administration.*

The Faculty Affairs Committee of the Academic Council has proposed replacing the word “administration” with “creative works.” The Faculty Senate will vote on this proposal from this part forward.

The proposed change is very controversial. Judy Fox has heard objections from multiple administrators, including the deans of the Colleges of Arts and Letters, Science, and Engineering, as well as First Year of Studies and the Center for Social Concerns, all of whom say that this proposal “will make our colleges unable to operate.” Essentially, the problem is that many special professional faculty do mixed chores, such as advising and teaching in addition to their administrative tasks. If their status as faculty members is removed because they do not do a significant amount of teaching, the sense is that they will not be able to function. Academic advisors are not defined in this proposal. This policy therefore means that the entire First Year of Studies, most directors of undergraduate studies in the College of Arts and Letters and the College of Science, a large portion of the Center for Social Concerns, assistant deans in the College of Arts and Letters and the College of Science, will no longer be faculty.

When John Robinson pointed out that existing administrators would be grandfathered in, Judy Fox responded that the grandfather clause has little significance because most special professional faculty are on short term contracts. In addition, the grandfather clause has not yet been defined—will it be renewed with the contract? Will it be operative as long as the special professional faculty member is working at the University?

Paulinus Odozor (Theology) asked three questions: What was the policy before this proposed change? Why is this change necessary? How is it an improvement? Judy Fox responded that only one word has been changed, and the Faculty Senate is discussing the implications of that change. After the last meeting of the Advanced Studies Committee of the Academic Council, Judy Fox had a long conversation with Chris Maziar, Vice President and Senior Associate Provost, who is responsible for this area of the University; she is not supporting this proposal and she believes that it may have originated in the College of Business. Seth Brown addressed the question about the proposed improvement in the change of term by saying that the concern was to preserve what it means to be a faculty member, that faculty members should basically be engaged in teaching and/or research. The key bone of contention around which there was considerable discussion concerns the status of academic advisors. An administrative assistant is clearly not a faculty member (historically, administrative assistants were hired as special professional faculty, but this

is no longer the practice). In contrast, academic advisors are routinely appointed as special professional faculty, and the Faculty Affairs Committee of the Academic Council felt it was no longer appropriate to designate them as faculty members. This proposed change is financially neutral: it is not designed to cut costs or benefits. In terms of grandfathering, the clear practice at this University is that people who have been hired as special professional faculty remain special professional faculty. The intent of the Faculty Affairs Committee of the Academic Council is to recommend that. However, this recommendation has no force. The main question is whether the University can function better if these are or are not faculty positions.

Judy Fox added that academic advisors feel very strongly that their advising work is a teaching function. Many faculty advisors also teach. Directors of undergraduate studies have a mixed load of teaching, advising, and administration. From the opposition to this proposal, there is a strong sense that it will be difficult to hire people with a Ph.D. degree willing to take these jobs if they are not faculty positions. There is also an unwillingness to hire people without a Ph.D. degree to direct M.A. programs, for instance. Chris Maziar, who will have to implement the policy, believes that it will cause people who are presently in academic positions to be considered as being in staff positions. Another concern that Chris Maziar raised is that staff can leave two weeks after giving notice, whereas faculty members are on contracts for the academic year. This means that an assistant dean could potentially leave at any time during the academic year.

A Faculty Senate member asked why this proposal is still being discussed if the Vice President, the Senior Associate Provost and the dean of every college are opposed to it. Judy Fox responded that, in her understanding, the deans have not yet expressed their opposition to the Faculty Affairs Committee of the Academic Council. They have spoken with Chris Maziar, who is not on the Committee. John McGreevy, the Dean of the College of Arts and Letters, had a large meeting with the special professional faculty of the College, to which Judy Fox was invited to take notes. He was concerned that no one from the Committee had talked to him when his college has the largest number of special professional faculty who would be affected by this policy. Seth Brown clarified that the Committee had talked to his associate dean, Maura Ryan. It is only when people started talking about the implications of the word change that they began to feel concerned that this change could have unintended consequences.

Judy Fox gave a brief history to help explain why many people are concerned about this proposal. Approximately two years ago, all special professional faculty received a letter stating that their contracts would be reevaluated based on whether they were primarily engaged in teaching and research or another occupation. Special professional faculty who were primarily engaged in teaching and research would receive a 9 month contract, and all others would receive a 12 month contract. Many deans then decided that they could pay special professional faculty on a 9 month contract while requiring them to work for 12 months. Some special professional faculty who had been paid for teaching summer courses would no longer be paid for this additional work. Consequently, special professional faculty developed distrust toward the administration.

One of the two main concerns is how to evaluate whether or not a person is in a teaching position. The other main concern is that when titles were changed, directors of undergraduate studies were not allowed to have the title "teaching professor," because their job was defined as 50% advising, 40% teaching, and 10% administration. Since the highest percentage of their job was not in the teaching category, they could not have a teaching title (some of them have since

been able to argue for this title). The course load for special professional faculty in the College of Arts and Letters is 4 per semester. A director of undergraduate studies can have a reduced teaching load (2/2 for instance) and still be doing a lot of teaching (more than in the Sciences and sometimes more than teaching and research faculty), and yet not be considered a teacher.

Richard Williams (Sociology) stated that he has received many statements that the director of undergraduate studies in the Department of Sociology has forwarded to him. In particular, the College of Science has prepared a statement declaring that, under the new policy, departmental advisors would not be able to perform their duties such as writing evaluation and recommendation letters for professional and graduate schools, many of which accept letters only from faculty. This would result in a huge burden for teaching and research faculty. For example, health professions advisors average 400 to 500 evaluation letters per year. And even if some schools will accept them, these letters will not look as good when written by staff. Judy Fox added that in the College of Science, pre-professional advisors are almost all special professional faculty and it is they who write the vast majority of letters of recommendation for medical schools, which will not accept letters from staff. Special professional faculty also direct undergraduate theses and perform other duties that only a teaching faculty member can do. Richard Williams remarked that this proposal would have other consequences, such as the ability to recruit Ph.D. candidates or to apply for grants. Judy Fox pointed out that staff members, according to the Academic Articles, cannot teach unless they are appointed as concurrent faculty in another department.

Alexander Martin (History) stated that he has been hearing the same concerns from the director of undergraduate studies and T&R faculty in his department. Judy Fox added that this proposal, which will only affect a small number of special professional faculty, has alienated 300 members of the faculty because it has created a contentious issue that has led to stress and a heightened sense of insecurity (some people are even considering leaving the University).

A senator remarked that if this change is not advantageous to the University, then the proposal should not be adopted. Antonio Delgado pointed out that it will be very difficult to hire a foreigner, who would need a visa, for a staff position. John Robinson added that when the Postdoctoral Scholar Proposal was evaluated, careful consideration was given to this issue, whereas it seems not to be the case with the Special Professional Faculty Proposal.

Dianne Pinderhughes (Africana Studies) has also received many statements from concerned special professional faculty. For instance, Joshua Kaplan (director of undergraduate studies in the Department of Political Science) is concerned about the criteria used to determine who should be faculty or staff. One of the problems of the proposal is that it relies on general categories. Faculty members do engage in administration and advising as part of their normal responsibilities. Advising per se does not make someone faculty or staff. There is a reason that administrative assistants are not allowed to advise students.

Paul McGinn (Chemical & Biomolecular Engineering) asked whether other universities have established similar criteria. Judy Fox responded that when she was on the working group, they did benchmarking and found that there is no such title as special professional faculty anywhere else, but other universities have different faculty titles, such as instructors. When the benchmarking concerned academic advisors, the data that Judy Fox saw was inconclusive. AAUP schools more often have staff instead of faculty for the position of academic advisor, but

in addition they often have a different category, called “academic staff,” which is arguably equivalent to special professional faculty at the University of Notre Dame. Seth Brown added that other universities also have a category commonly called “academic professional staff.” Responses from other universities often depended on the kind of question asked, and the interpretation of the data was often sensitive to the views that accompanied the questions.

In response to a question from Paulinus Odozor (Theology) regarding the value of this proposal if it is mostly designed to address issues in the Business School, Judy Fox responded that both Faculty Senate committees – the Academic Affairs and the Administrative Affairs – think that each college should make a decision for itself and create staff positions in accordance with that decision.

Robin Rhodes (Art, Art History & Design) asked why this proposal is even being considered when someone must have made an argument for it before it came to the Faculty Senate for consideration. Judy Fox answered that there seems to be a fixation with the academic advisor issue. At this point, hundreds of people have asked her the same question. Apparently, someone thinks there is a need to redefine the position.

Timothy Gilbride (Marketing) commented that there are 3 special professional faculty members in the Dean’s Office of the College of Business: one assistant dean and two academic advisors. There are also academic advisors who are not special professional faculty. When he asked one special professional faculty member the reasons for this, he learned that new people being hired as advisors are not special professional faculty because when majors come to the Dean’s Office for advice, their question usually concerns which courses they need, a question that staff can easily answer. When students ask which specific courses to take, they are sent to department chairs for advice. The College of Business has a different arrangement, which does not mean that the Dean’s Office judges that there is any less value to academic advising. Judy Fox added that the main issue in the College of Arts and Letters is that there are not enough staff members for advising, and therefore advising must be done by faculty members.

To a question from John Gaski (Business at Large) regarding whether it is certain that the proposal originated in the College of Business, Judy Fox replied that this is what Chris Maziar believes, but no one is sure. According to Seth Brown, ultimately it seems that the proposal originated in the Provost’s Office, which controls the agenda of the Academic Council. Judy Fox commented that the key point is that the University now has flexibility regarding special professional faculty and that the proposed change would destroy this flexibility. In some units it is a problem, in others it is not.

Sean Kelsey (Philosophy) asked what the Faculty Senate should do next considering that the sense in the room is to recommend that this change should not be made. Should the Faculty Senate strengthen the proposal, collating all the information that it has received, in order to make a stronger and more detailed proposal? Antonio Delgado and Seth Brown answered that all the details are already in the Report by the Academic Affairs Committee of the Faculty Senate on the Special Professional Faculty Proposal (see document). Judy Fox added that the report is perhaps not as detailed as some of the comments on the floor, but that it is nonetheless very detailed.

When the Faculty Senate voted to end the discussion, 3 senators were opposed.

At 8:28 pm the Faculty Senate voted unanimously to recommend sending the Faculty Senate's response to the Faculty Affairs Committee of the Academic Council.

John Robinson commented that this proposal is not doing well in several different venues and will probably not succeed, independently from the Faculty Senate's recommendation. It is nonetheless very important that the Faculty Senate should make a good collective argument and disseminate the many views that it has received.

## Old Business

Dianne Pinderhughes (Africana Studies) reminded the Faculty Senate of the shuttle question, which will be discussed at the next meeting of the Faculty Senate in March.

John Robinson thanked Philip Bess (Architecture) for his patience regarding the discussion of his resolution to support Father Jenkins' pro-life activities. This proposal will be discussed at the next meeting of the Faculty Senate in March. Heather Rhoda will recirculate the proposal to the Faculty Senate before its next meeting.

John Robinson said that either Father Thomas Doyle, Vice Present for Students Affairs, or Robin Kramer, Associate Director of Business Operations, would visit the Faculty Senate during its next meeting in March.

John Robinson added that, because the Faculty Senate can no longer meet in the Mendoza School of Business, with the permission from the Law School it will henceforth meet in room 3140 of Eck Hall each first Tuesday of the month.

## New Business

There was no new business.

The meeting was adjourned at 8:35 pm.

Minutes of the Faculty Senate Meeting  
March 1, 2011

**Members Present:** J. Douglas Archer, Andrew Bell, William Berry, Philip Bess, Seth Brown, Michael Brownstein, J. Randy Crist, Antonio Delgado, Michael Desch, Jeffrey Diller, Krista Duttonhaver, Morten Eskildsen, Judith Fox, Patrick Gaffney, C.S.C., John Gaski, Nasir Ghiaseddin, Timothy Gilbride, Jessica Kayongo, Sean Kelsey, Chao-Shin Liu, Kate Marshall, Alexander Martin, Tom Marullo, Karel Matous, Paul McGinn, Connie Mick, Paulinus Odozor, Catherine Perry, Dianne Pinderhughes, Robin Rhodes, John Robinson, Carolyn Rodak, Robert Schmuhl, Jeffrey Schorey, Anthony Trozzolo, Richard Williams, Yongtao Zhang.

**Members Excused:** Mark Beudert, James Brockmole, Patrick Flynn, Thomas Fuja, David Ladouceur, Sarah McKibben, Yael Prizant, Salma Saddawi, Robert Schulz, D. Katherine Spiess, Mark Suckow.

**Members Absent:** William Leahy, Patricia Maurice.

**Departments without a Senator:** Civil Engineering & Geological Sciences.

This meeting was held in room 3130, Eck Hall of Law.

John Robinson (Chair, Law) called the meeting to order at 7:03. After the usual round of presentations he offered the opening prayer.

Before seeking approval of the minutes of the previous meeting, John Robinson thanked Catherine Perry (Romance Languages and Literature) for her thorough work on taking the minutes for that meeting. A motion was made to approve the minutes, and they were approved unanimously.

John Robinson delivered his Chair's Report (see Chair's Report on website). Then Father Thomas Doyle, Vice President for Student Affairs, took the floor, and the Senate went into executive session.

The Senate went back to regular session at 7:56 to discuss the proposed resolution from Philip Bess (Architecture) to endorse Fathers Jenkins' Task Force on Supporting the Choice for Life.

John Gaski (Business At-Large) as chair of the Student Affairs Committee gave an overview of the resolution stating that his committee has been dealing with it for the last year and that those deliberations have caused some delay on other issues of interest to the committee.

Philip Bess gave an introduction to the proposal (see Bess Proposal Presentation on website), then the floor was open for discussion:

The first question was about the wording of the third paragraph and how one could vote in favor of this resolution while not agreeing with the mandate of the Task Force. John Gaski pointed out that the resolution expresses respect for those who disagree with the mandate of the Task Force.

Another senator spoke against the resolution, saying that it sends the wrong message to the outside world, some quarters of which already view the university as a peculiar place at which to pursue research.

The next comment resonated with the previous one, saying also that it is not the role of the Senate to endorse or reject any task that Father Jenkins may wish to undertake.

Another senator spoke in favor of the resolution, citing the precedent set in May 2009 when the Senate endorsed Father Jenkins' inviting President Obama to be the principal speaker at graduation and to receive an honorary degree. That senator also said that it would be good for Notre Dame if ordinary Catholics were to learn that the Faculty Senate supported the pro-life activities of Father Jenkins.

There were some concerns that some faculty would misinterpret this resolution if it passed, thinking that their senator was attempting to speak for them on a matter on which individuals tend to take very different positions. Some other senators did not see the connection between this resolution and the one about President Obama.

It was said that this endorsement might have some symbolic value for some segment of the Notre Dame community since Father Jenkins represents the whole university.

It was then pointed out that not everybody in this university is Catholic and that this resolution may not reflect the viewpoint of many of those individuals.

Again the timing of this resolution was questioned on the grounds that it could create unnecessary tension within the University and on the grounds that it does not address other social policies that the Catholic Church endorses.

Philip Bess answered saying that support for this resolution would show that the Senate endorses those social policies and also urges the administration to follow those policies. It would also, he said, challenge the claim that a Catholic university cannot be a great university.

Another senator said that talking about abortion will not start any new discussion about the issue and said that this resolution will not serve the goal of making this university a better place.

Others said that some people will see this resolution as support for the pro-life movement and not for the rest of Catholic social teaching. The last five sentences of the resolution, they said, do not change the tone of the resolution.

Finally, one senator said that this resolution, if approved, would be perceived as a reprisal for the Senate's 2009 endorsement of Father Jenkins' invitation to President Obama, adding that he was opposed to the resolution for that reason.

A motion to call the question was made and was approved.

The Senate went ahead and voted the resolution:

8 votes in favor

22 against

1 abstention

Therefore the resolution was not approved.

There were no committee meetings and no new business.

There was a motion to adjourn at 8:55.

## **Faculty Senate Resolution Regarding Father Jenkins' Task Force on Supporting the Choice for Life**

In April 2009 the Faculty Senate passed a resolution supporting “the decision of Father Jenkins to invite President Barack Obama to deliver [the 2009] commencement address and bestow upon him an honorary Doctor of Laws degree.” This resolution included the statement that “President Obama holds positions that are consistent with the teachings of the Catholic Church and positions that are inconsistent with the teachings of the Catholic Church,” acknowledging thereby the source of ensuing controversy over the responsibilities of a Catholic University with respect to Church teaching about issues pertaining to the beginning and end of human life. Father Jenkins at that time indicated his view that there was no conflict between his invitation and the University’s commitment to a culture of life, nor any conflict between a commitment to dialogue, debate, and academic freedom in a Catholic University and Notre Dame's embrace of the Catholic Church's teaching about and defense of the sanctity of human life.

In the Fall of 2009 Father Jenkins appointed a Task Force on Supporting the Choice for Life “to make recommendations on ways in which the University could increase and manifest its own commitment to a culture of life;” and on January 22, 2010 Father Jenkins joined some four hundred Notre Dame students and thirty-five faculty members and became the first president of Notre Dame to participate in the annual national March for Life (an event in which he again participated in January 2011). Also in January 2010, Fr. Jenkins’ Task Force recommended “the University formulate and adopt a policy statement indicating its support for Catholic teaching on the sanctity of human life from conception to natural death,” and that “the University formulate and adopt a policy statement on charitable gifts or investments in order to avoid formal or immediate material complicity” in practices that violate Church Teaching. The University subsequently adopted and published its *Institutional Statement Supporting the Choice for Life* and *University of Notre Dame Principles for Institutional Charitable Activity*, both on April 8, 2010. In addition, as it completed its term of service in May 2010, the Task Force recommended that structures be created to implement other Task Force recommendations, in response to which Father Jenkins established the position of Coordinator for University Life Initiatives and on September 20, 2010 announced the appointment of Mary K. Daly to that post.

In light of these events, and consistent with its earlier resolution of support for Father Jenkins, the Faculty Senate affirms again Fr. Jenkins' witness to the University of Notre Dame's commitments both to intellectual inquiry and debate and to the dignity of the human person and the sanctity of human life; and by this resolution wishes to commend the ongoing public witness of Father Jenkins, his Task Force on Supporting the Choice for Life, the Coordinator of University Life Issues, and most especially Notre Dame students, to a culture of life. In addition, respecting the freedom of conscience of individual University faculty (and Faculty Senate) members who may disagree in whole or in part, the Faculty Senate endorses and urges the University to pursue and implement the remaining Task Force recommendations submitted to Father Jenkins in January 2010.

Finally, and as a general principle, the Faculty Senate urges both the Coordinator for University Life Issues and the University administration itself to strive in all their programs and policies to be faithful to the full spectrum of Catholic social teaching, including especially the promotion of communal solidarity and a preferential option for the poor, and the ongoing development of a culture of justice and generosity both within and beyond the University of Notre Dame.

Minutes of the Faculty Senate Meeting  
April 5, 2011

**Members Present:** William Berry, Philip Bess, James Brockmole, Seth Brown, J. Randy Crist, Antonio Delgado, Jeffrey Diller, Krista Duttonhaver, Morten Eskildsen, Judith Fox, Patrick Gaffney, C.S.C., John Gaski, Nasir Ghiaseddin, David Ladouceur, Chao-Shin Liu, Alexander Martin, Tom Marullo, Karel Matous, Paul McGinn, Sarah McKibben, Connie Mick, Catherine Perry, John Robinson, Robert Schmuhl, D. Katherine Spiess, Anthony Trozzolo, Richard Williams.

**Members Excused:** J. Douglas Archer, Mark Beudert, Michael Brownstein, Michael Desch, Patrick Flynn, Thomas Fuja, Timothy Gilbride, Jessica Kayongo, Sean Kelsey, William Leahy, Kate Marshall, Patricia Maurice, Paulinus Odozor, Dianne Pinderhughes, Robin Rhodes, Salma Saddawi, Jeffrey Schorey, Robert Schulz, Mark Suckow, Yongtao Zhang.

**Members Absent:** Yael Prizant, Carolyn Rodak.

**Departments without a Senator:** Undergraduate Student Government, Civil Engineering & Geological Sciences.

This meeting was held in room 3130, Eck Hall of Law.

John Robinson (Chair, Law) called the meeting to order at 6:32 pm. The meeting began a half hour early on account of the broadcast of the Notre Dame women's basketball tournament, scheduled for 8:30 pm. In the interests of time, there were no introductions. John Robinson offered the opening prayer (Psalm 130). The minutes of the March 1, 2011 meeting were approved unanimously, with one abstention. John Robinson then delivered the Chair's Report (available for viewing from the Faculty Senate website).

At 6:43 pm, Ronald Kraemer, Vice President for Information Technology and Chief Information Officer, delivered a presentation on the current and future state of Information Technologies at Notre Dame, followed by a Q&A.

At 7:28 pm, Denise Murphy, Director of Compensation and Benefits, delivered a presentation updating the senators on the new Faculty Retirement Transition Program, followed by a Q&A.

The meeting was adjourned at 7:55 pm.

Minutes of the Faculty Senate Meeting  
April 19, 2011

**Members Present:** J. Douglas Archer, William Berry, James Brockmole, Seth Brown, J. Randy Crist, Michael Desch, Krista Duttonhaver, Patrick Flynn, Judith Fox, John Gaski, Nasir Ghiaseddin, Jessica Kayongo, Sean Kelsey, David Ladouceur, Chao-Shin Liu, Patricia Maurice, Paul McGinn, Sarah McKibben, Connie Mick, Paulinus Odozor, C.C.Sp., Catherine Perry, Dianne Pinderhughes, John Robinson, Salma Saddawi, Jeffrey Schorey, Mark Suckow.

**Members Excused:** Philip Bess, Mark Beudert, Michael Brownstein, Antonio Delgado, Jeffrey Diller, Morten Eskildsen, Patrick Gaffney, C.S.C., Timothy Gilbride, Alexander Martin, Tom Marullo, Karel Matous, Yael Prizant, Robin Rhodes, Carolyn Rodak, Robert Schmuhl, Anthony Trozzolo, Richard Williams, Yongtao Zhang.

**Members Absent:** Thomas Fuja, William Leahy, Kate Marshall, Robert Schulz, D. Katherine Spiess.

**Departments without a Senator:** Undergraduate Student Government, Civil Engineering & Geological Sciences.

The meeting began at 3:34 pm in the Hesburgh Library, room 222. It was convened by the chair so that the Senate would have an opportunity to consider three issues of some importance to the faculty before the window of opportunity for meaningful input into the administrative consideration of those issues closes. The first two of those issues involve proposed changes to the Academic Articles. The first of those changes would limit to three the number of years in any eight year cycle that a faculty member who is elected to serve on the Provost's Advisory Committee could ordinarily serve as an elected member of it. It does that by saying "A faculty member who is elected to a three-year term may not stand for election to another three-year term until five years have passed from the end of the preceding term." The second of those changes would add a mandatory gap between terms to the term limits that already govern service on the Faculty Board on Athletics on the part faculty members – other than the chair – who are either elected or appointed to that board. It does that by saying, "A faculty member who leaves the board after having served two consecutive terms may not begin to serve another term on the board until five years have elapsed from the date on which the second consecutive term has ended. Likewise, a faculty member who serves two non-consecutive terms within any eight year period may not begin to serve another term on the board until five years have elapsed from the date on which the second non-consecutive term has ended." The third issue involved a change in the way in which the University deals with faculty retirement issues.

With respect to both of the proposed changes to the provision of the Academic Articles, there was general acquiescence within the Senate in both of them. There was, however, a

sustained discussion of the effect that changes of that sort may have on the probability that women and under-represented racial minority-group members will have a decent chance of serving on the committee or board in question. Particularly because women and some racial minority-groups are seriously under-represented in at least one of the University's academic units, any change in the rules according to which individual faculty members may be elected to (or, in one case, appointed to) either the PAC or the Faculty Board ought, the Senate thought, to be carefully scrutinized for its potential effect on women and under-represented minority-group members who are both qualified to serve on those entities and desirous of doing so. There was also a general consensus within the Senate that the University ought to be doing more than it is currently doing to remedy the under-representation that gives rise to the concern expressed in the preceding paragraph.

With respect to the faculty retirement issue, the Senate voted unanimously in support of the following resolution that Nasir Ghiaseddin, in his capacity as chair of the Benefits Committee, had put before it:

**Faculty Senate resolution in response to the Transition to Retirement Proposal currently under consideration by the administration.**

In general the Faculty Senate agrees that a Universal policy for transition to retirement is a good idea. However, the Faculty Senate feels that the window that is currently offered in the proposal (age 65-70) in order for a faculty member to participate in and receive retirement transition assistance under the program is too narrow. We strongly suggest that the following modifications to the policy be made before it goes into effect:

- 1. The starting age for participation in the program be modified to age 60.**
- 2. The upper age limit be eliminated from the policy.**

The following issues have been raised by the faculty:

- a. In some cases, it might be mutually beneficial to the department and the faculty member that a faculty member enters into the retirement program as early as age 60.
- b. It may be desirable by the department that a productive faculty member stays on beyond the age of 70. In those circumstances the faculty member would lose the benefits offered by the program under the proposal that is currently under consideration.
- c. If a faculty member for various personal reasons does not enter in the program before the age of 70, then there will be no incentives for that faculty member to retire until many years later.

- d. The policy that has been in effect at the Mendoza College of Business since 2001 has worked well from both the College and faculty point of views. This program states that a tenured faculty member who has attained age of 55 with 15 years of service, or age 62 with 10 years of service can enter into the transition to Retirement Agreement and receive 2 years of half-load service before retirement.
- e. The announcement of this proposal has created some resentment among older faculty, feeling that the policy aims to get rid of them. The elimination of the upper limit eliminates this tension.

After that action had been taken, the Senate adjourned at 4:26 pm. The special session was followed by a reception on the fourteenth floor of the Hesburgh Library, hosted by Father Jenkins.

Respectfully Submitted,

John Robinson  
Chair (acting as Secretary Pro-Tem)