

Minutes for Faculty Senate Meeting
7:00 pm, Tuesday, September 2, 2014
Room 140 DeBartolo

Attendees: Gail Bederman, Karen Buranskas, Matthew Capdevielle, Xavier Creary, Matthew Devine, John Duffy, David Galvin, John Gaski, David Gasperetti, Liangyan Ge, Nasir Ghiaseddin, Alexandra Guisinger, Michael Hemler, Michael Kirsch, BJ Lee, Lin Hai, Linda Major, Adam Martin, Paul McDowell, Paul McGinn, Hildegund Muller, Walter Nicgorski, John Polhamus, Jeanne Romero-Severson, Joshua Shrout, John Stamper, Marsha Stevenson, Joe Urbany, Sandra Vera-Munoz, Meng Wang, Sophie White, Richard Williams

Excused: Richard Cross, Liz Dube, Donald Kommers

Absent: Mark Caprio, Sylwia Ptasinska, Tom Stapleford,

1. Meeting opened at 7:03 in DeBartolo lecture room 140.
2. Opening Prayer
3. We had a Moment of Silence for faculty members who passed away during the 2013-14 academic year
4. Introductions
5. Minutes of the May 6, 2014 were approved by acclimation.
6. Chair's remarks
 - a. What is the role of the Faculty Senate?
 - i. Chair described the role of the faculty senate with references to the Faculty Handbook. Described the job as generating opinions and sending them to other offices or committees.
 - ii. Note that the Faculty Senate has no power other than to change its own rules.
 - iii. Four committees (Academic Affairs, Administrative Affairs, Benefits, and Students Affairs). Each committee has a chair that serves on the Academic Council. The council determines the general academic policies and regulation of the University. Chairs serve on that, as do department chairs, elected faculty members. Council agenda set by an Executive Committee on which serves the Chair of the Faculty Senate. Through this route the Faculty Senate has a path to raise issues.
 - iv. Common actions include reviewing proposals that will rise to the Academic Council. Paul provided path of proposal upward.

- v. Other committees of note. First Year of Studies Committee. Core Curriculum Review Committee which will review general course requirements. Many, many others that can be found in the handbook. One of note, the Academic and Faculty Affairs Committee of the Board of Trustees to which the Senate Chairperson is invited to discuss issues of concern. Where do we fit in? If we make a lot of noise, the Provost listens, so this is a good place to get things started.
- b. Requests for volunteers to serve in Faculty Senate positions.
 - i. Academic and Administrative Affairs need Chairs who will serve on the Faculty Senate Executive Committee as well as have a position on the Academic Council.
 - ii. Campus Life Council is filled by David Galvin.
 - iii. Bookstore committee is filled by Walter Nicgorski.
 - iv. ECDC – Alexandra Guisinger
 - v. Student Senate – Gail Bederman
- c. 403b Problems
 - i. A meeting with JAG, Bob MCQuade, Nasir Ghiaseddin, and Paul McGinn is being scheduled
- d. Advancing Our Vision II (AOV II)
 - i. In July, a meeting was held in Chicago to review suggestions from the committee about how to save more money for the University. Chair, Paul McGinn noted expense of holding a meeting off site as well as a need for all sections of the University (including sports) to document equivalent savings.
 - ii. Will be on going through the year.
- e. Understanding the Budget
 - i. Attempting to schedule a meeting with John Affleck-Graves to explain how budgeting is done at Notre Dame in October or November.
 - ii. A slight preference noted for November, because Denise Murphy from HR is coming in October.
 - iii. Please come up with any questions for JAG in advance about how the budget is set. Send them to Monica or Paul and they will make sure to get them to JAG before the Nov. meeting.
- f. Background Checks
 - i. University is proposing background checks on all faculty
 - ii. Using driver license information to determine whether the University needs to undertake further research (color coded gradations looking for felony and above legal issues). Candidate would sign initial agreement, but in addition, if problems arose, then Candidate would be informed and would have an opportunity to correct, explain, or stop.
 - iii. Gail Bederman said that she called the American Association of University Professors and discovered that they had a policy against it as intrusive and unnecessary. They noted that there had been a push 10 years ago, but most schools pushed back. Bederman noted concerns that if peer, private schools did not have a similar policy then it could cause difficulties in hiring.

- iv. Chair noted that all of the administrators go through it. Discussion about which areas this is appropriate – for example managing federal grants, working with minors, and other sensitive issues.
- v. Others noted that the policy was not going to be equally undertaken. Additionally the time frame (30 to 60 days for foreign hires) would cause problems for hiring, especially since it includes adjunct and visiting faculty. Pointed out that the rationale doesn't actually solve the potential problems. A background check would not stop a "Penn State" level problem. Another raised issue about cost-benefit of adding this. Others noted the potential costs for lawsuits. But it was questioned whether this would really be a solution, other than legal coverage. Matthew Devine (student rep) mentioned that background checks would not be a selling issue and understood hiring issues, although noted that students don't really think about these issues since most meetings with faculty are in classrooms. Also raised, the students and student employees aren't asked to do these background checks, and they are similarly representatives of the university. Question about whether this is a real issue and also how accurate these are. How many unnecessary red flags are brought up?
- vi. Questions about what to do? One suggestion would be to ask them to look at peer institutions. Further to this point, what does the review processes look like at other schools? Are these reasonable or not. What type of things gets disclosed? Does it turn into a blanket policy? Another would be that there should be a response by Academic Affairs. A suggestion for a two-stage process: response now with current reaction with a request for further information and explanation in the October session. Request for circulation of the AAUP policy. Also request to get information from the departments about how they saw the impact on the hiring process. A question was also asked about the timeline. The administration had proposed implementing this this year (hiring begins in October), this was noted as not possible.

Emeritus:

- vii. Proposal for a new emeritus level – "University Emeritus Professor"
- g. Obituaries/Remembrances
 - i. Currently obituaries and remembrances are scattered across the University.
 - ii. University of Wisconsin has a single site.
- h. Faculty Senate Website Improvements
 - i. Currently under construction to move to Conductor.
- i. Emeriti Poll
 - i. Proposal for social space for Emeritus but not clear what it would be. Chair requested a poll.
 - ii. Walter Nicgorski noted that such a survey was already in preparation.

6. Committee Meetings began at 8:15

- a. Academic Affairs Rm. 140
- b. Administrative Affairs Rm. 136

- c. Benefits Rm. 131
- d. Student Affairs Rm. 138

8. General Meeting Reconvened at 8:37 for Committee Reports

- a. Academic Affairs
 - a. Reviewed activities of prior year – especially the role of reviewing proposals with comments to Laura Carlson, briefings, and the initiations of a study on junior faculty mentoring.
 - b. New sources of business – creating and sharing criteria for reviewing proposals, initiating a review of AP policy credits, variation in foreign language requirements. Potentially considering more broadly how are students learning to write and how could they be improved.
 - c. Nominated a new chair Paul McDowell from Romance Languages.
- b. Administrative Affairs Rm. 136
 - a. Recommended Jeanne Romero-Severson for chair
 - b. Discussed background checks and would like to take this on as a committee. Requested permission to circulate draft and request feedback and encouraged unframed, neutral responses with suggestions to be sent first to faculty senate members and then to John with responses due before next Senate meeting.
- c. Benefits Rm. 131
 - a. Met over the summer with HR to discuss formulation of next year's benefits. This year changes appear to be moderate. Small changes in premiums. Again, changes in the formulary. The drug company that they are using –Express Scripts – not going to sell certain drugs because they can't get enough discount so those won't be available. This list is not yet compiled. Will be sent when available. Bigger changes in the following year when the Cadillac Tax starts up. May be removal of some HMO options.
 - b. A question was asked about if the share of cost is being shifted more to faculty and staff. Nassir said there was a slight shift to increase faculty share but varies across types of plans. Paul thinks target number is 19%.
 - c. Discussion about 403b. Will be able to talk to the committee making decisions about what goes into the funds.
- d. Student Affairs Rm. 138
 - a. Gail Bederman spoke to the Registrar about undergraduate student auditing.
 - b. Also, discussion about the survey of faculty on student department (still confidential).
 - c. Recognized 40 years of service by Xavier Creary.

9. New Business

- a. Mike Kirsch elected as second Secretary.
- b. Paul McDowell was elected as Chair of Academic Affairs
- c. Jeanne Romero-Severson was elected as Chair of Administrative Affairs

10. Adjournment at 8:58 pm.

Minutes for Notre Dame Faculty Senate Meeting
October 7, 2014, 7:00pm

Attendees: Gail Bederman, Karen Buranskas, Christopher Chowrimootoo, Xavier Creary, Matthew Devine, Liz Dube, John Duffy, David Galvin, John Gaski, David Gasperetti, Liangyan Ge, Nasir Ghiaseddin, Alexandra Guisinger, Michael Hemler, Michael Kirsch, BJ Lee, Hai Lin, Linda Major, Adam Martin, Paul McDowell, Paul McGinn, Hildegund Muller, Walter Nicgorski, John Polhamus, Sylwia Ptasinska, Jeanne Romero-Severson, Christopher Shields, Joshua Shrou, John Stamper, Marsha Stevenson, Joe Urbany, Sandra Vera-Munoz, Meng Wang, Kyle Watson, Richard Williams

Excused: Matthew Capdevielle, Mark Caprio, Sophie White

Absent: George Howard, Donald Kommers,

Meeting opened at 7:00pm in DeBartolo Room 140

1. Opening Prayer
2. Introductions
3. Minutes of the September 2, 2014, meeting were approved with minor corrections
4. Chair's Remarks (Paul McGinn)
 - a. 403(b) Transition

The Chair and Nasir Ghiaseddin (Benefits Committee) met with EVP John Affleck-Graves (JAG) and VP of HR Robert McQuade to ask questions regarding the 403(b) transition. JAG informed the Chair that Faculty Senate representatives are not allowed on the 403(b) investment committee (because of concerns that it could create fiduciary responsibilities). The Chair and Nasir were allowed to view a summary of the investment committee's minutes (not the actual minutes), but were not allowed to keep the summary.

- b. Academic and Faculty Affairs Committee of the Board of Trustees

The Chair met with the Academic and Faculty Affairs Committee of the Board of Trustees and raised the following issues:

- i. The lack of a Faculty Senate representative on the 403(b) investment committee
 - ii. The possibility of the Faculty Senate having a representative on the University's budget working group. JAG has not yet responded to the Chair regarding this request. The Chair will follow up.
 - iii. Concerns regarding the proposed criminal background checks for new faculty hires

- iv. Concerns raised by Walt Nicgorski regarding the lack of Faculty Senate input on the Campus Crossroads project. JAG will attend the November Faculty Senate meeting to discuss this issue and issues regarding budgeting.

5. Proposed Background Checks for New Faculty Hires

VP & Assoc. Provost for Faculty Affairs, Prof. Dan Myers attended the meeting to summarize the proposal that would require felony and sex offender background checks for new faculty hires, and to answer questions. Prior to the meeting, a number of Senate representatives had forwarded questions/concerns to Prof. Myers.

a. Slide Presentation

Prof. Myers went through a slide presentation summarizing background considerations, peer school policies, and key elements of the proposed policy. A copy of his slides are attached to these minutes.

In discussing the slides, Prof. Myers addressed several concerns that had been raised prior to the meeting.

- i. Regarding the potential for discrimination, he agreed that ND does not want to replicate biases that may exist in the criminal justice system. However, he noted that ND needs to be convinced that a person who has committed a prior felony that may be relevant to their potential position at ND (e.g., embezzlement) has been rehabilitated and that a similar problem won't arise here.
- ii. With respect to concerns that had been raised regarding potential competitive disadvantage in the hiring process, Prof. Myers provided details regarding background-check policies at AAU private schools, the "top 20" Catholic schools, and the Colonial Group. He noted the "definite trend" toward these policies and asserted that within a year there might not be any colleges that don't implement a similar policy. He stated that the proposed checks will not significantly slow down the hiring process (at least in the domestic context), given that the criminal background check usually takes only 3 days in the domestic context. He acknowledged that it is tougher to predict the timing of the checks in the international context (the vendor states that it typically takes 30-90 days for the background checks in the international context, at least with respect to those countries for which background checks are available). Prof. Myers stated that ND will monitor the process (particularly in the international context) to ensure that the timing is not creating significant problems.
- iii. Regarding privacy concerns, Prof. Myers noted that the felony and sex offender data are public records (although he acknowledged that it

often might be difficult for an individual to find these records). The data is maintained in a database by the private vendor, and ND is notified only if there is a “hit” pursuant to the criteria specified in the proposed policy.

- iv. Regarding the 2004 report, *Verification and Trust: Background Investigations Preceding Faculty Appointment*, by the American Association of University Professors, Prof. Myers suggested that the proposed policy complies with the AAUP report’s recommendations. In particular, as summarized in his slides, he asserted that the proposed policy is consistent with the scope and procedural concerns raised by the report. In addition, he noted that the AAUP report does not adequately address the costs to potential victims if a problem arises after a person is hired without an adequate background check.
- v. Prof. Myers stated that the University is more than happy to consider changes to the proposed policy. Among the changes under consideration are:
 - a. Specific language about avoiding replication of structural discrimination.
 - b. Clarify the offenses that are relevant (e.g., sexual offenses; violent offenses; offenses involving financial crimes, such as embezzlement). Prof. Myers expressed his opinion that it would be useful to clarify this.
 - c. Allow the applicant to invoke the review process (Prof. Myers said he needs to think further about this, as it might raise problems, particularly if the hiring unit decides that it no longer wants to hire the applicant).
 - d. Allow the applicant to start working while the check is being completed (Prof. Myers noted that this change will probably not be made, given the numerous problems it might generate).
 - e. Add language clarifying that “political persuasion” and “intellectual viewpoint” will not be factors that would prevent hiring (Prof. Myers suggested that this would be a reasonable change).

b. Questions & Answers

Following his presentation, Prof. Myers took questions from Faculty Senate representatives. The following summarizes the principal questions and Prof. Myers’s answers:

Question: Regarding the process, if there is a “hit”, who asks the candidate for an explanation?

Prof. Myers: The vendor asks the candidate if the candidate would like to provide an explanation. The vendor then sends the relevant

information (including the applicant's response, if any) to the Provost's Office.

Question: Will criminal background checks be done on students, given that sexual assault allegations often involve students?

Prof. Myers: The committee especially considered whether to have background checks for graduate students, but decided not to address that now; it might be considered in the future. Graduate students are asked about past convictions on their application; we don't verify the answers, but students could be disciplined if they are later determined to have not told the truth.

Question: The proposed procedures seem to place too much trust in the deans/unit heads – in particular, faculty could only get involved in supporting the candidate if the dean was willing to call for a review.

Prof. Myers: This is a good point that should be considered further.

Question: The Kellogg Institute, Kroc Institute, and other units rely on visitors from abroad, many of whom often come for relatively short periods (e.g., 3 months). Will the proposal interfere with their ability to bring people here?

Prof. Myers: This raises the question of how long of a stay should trigger the background check. Prof. Myers's initial thoughts are that a semester-long visit seems like an appropriate trigger, but he will have additional talks with the Kellogg Institute and other relevant units to determine their needs.

Question: Are there concerns about a department knowing an offer was extended and then wondering why a person didn't come to ND?

Prof. Myers: We're willing to consider language in the proposal regarding this.

Question: What eventually happens to the report when there is a "hit"?

Prof. Myers: If the person is hired, it will go into their confidential personnel file. If the person is not hired, the report will be destroyed. A follow-up question asked whether, instead of putting the report into a hired person's personnel file, an annotation could be made in the file stating that "an issue was identified, we looked at it, and determined it was ok". Prof. Myers responded that this might be a reasonable alternative and he will look into it.

Question: Does the proposed policy apply to various categories such as undergraduates, post-docs, and contract employees?

Prof. Myers: It does not apply to "post-docs", who are not considered hires. Background checks will apply (indeed they already apply) to undergraduates to the extent they are hired to work in special areas (e.g., working with children). Prof. Myers is not sure how the proposal will apply to contract employees.

Question: Will this proposal actually lower the risks to the University community? After all, Penn State's Jerry Sandusky would have passed a felony and sex offender database background check.

Prof. Myers: Although we can never get the risk down to zero, that doesn't mean that we shouldn't make efforts to reduce the risk.

Question: There are many other things the University could do to lower risks for students and faculty on campus. Isn't this proposal merely about legal liability protection for the university, rather than a genuine effort to protect the University community?

Prof. Myers: I agree that there may be other things that the University can do to make the campus safer, and we should continue to work on them. However, those efforts don't need to be to the exclusion of this proposal. Even if this proposal isn't the most important thing that can be done, if it can help to some extent then we should do it.

Question: How effective is the vendor at screening and separating common names to avoid situations of mistaken identity?

Prof. Myers: The applicant would be able to clarify "that's not me" during his or her initial opportunity to respond. As a result, a false "hit" would go no farther than the Provost's office, where the false "hit" would be ignored and the applicant would be cleared to be hired (i.e., it would not go to the Dean or head of the hiring unit and it would not go into the new hire's personnel file).

At the end of the Question & Answer session, Prof. Myers invited Faculty Senate representatives to contact him with any additional comments and questions. He also agreed to distribute the Power Point slides and encouraged representatives to share the slides with their colleagues.

6. 2015 Health Insurance Benefits

Denise Murphy, Director of Benefits and Wellness, Department of Human Resources, attended the meeting to summarize changes to health and other benefits for the upcoming 2015 open enrollment. She also encouraged faculty members to take advantage of the Wellness Center.

a. Presentation

Ms. Murphy briefly summarized some of the principal benefits changes from last year, including:

Dental Plan: Although some employees had requested that the overall maximum benefit be increased, only 4-6% of faculty in the plan exceed the maximum each year, so it was decided that an increase in the maximum (with its associated premium increase) was not warranted. However, preventative services will no longer count against the annual benefit maximum, thereby effectively increasing the benefit without changing the premium.

EyeMed: No changes in the benefits or premium.

Life Insurance: The rates have increased for supplemental term and retirees.

Flex Spending Accounts: No changes.

Health Insurance Plan: The maximum out-of-pocket maximums have increased. However, this increase may be partially ameliorated by a change that will allow drug co-pays to count toward the out-of-pocket maximums. Other changes include a slight increase in the HMO Emergency Room cost. Employee premiums will increase approximately 2.5-3.0% compared to last year.

b. Questions & Answers

Following her presentation, Ms. Murphy took questions from Faculty Senate representatives. The following summarizes the principal questions and Ms. Murphy's answers:

Question: With respect to the 2.5-3% increase in employee health insurance premiums, have the overall costs of the plan gone up by that amount, or does at least some of this increase in the employee premium reflect a policy decision by the University to shift a greater percentage of the costs to employees?

Ms. Murphy: The overall plan costs have increased by approximately 1%, so the new employee premiums do reflect, in part, a shift of costs toward faculty/staff.

Question: Will same-sex married couples be covered by the plan, given the recent court developments recognizing these marriages in Indiana?

Ms. Murphy: I am waiting for an official decision by the University on this issue, probably later this week. I anticipate that the benefits will probably be extended, but there is nothing official yet.

Question: Are children with disabilities who are older than 26 covered by the family plan?

Ms. Murphy: Yes (a special process applies)

Question: What is the updated information regarding the drug formulary?

Ms. Murphy: Last year, ESI decided that they wouldn't cover some very expensive drugs (e.g., certain MS drugs). ND recognizes the frustration of affected faculty/staff, and has been trying to work in coalition with other universities to get ESI to change its policies. The pharmacist in the Wellness Center has been helping us address this issue by identifying alternative drugs.

Question: Is the ND plan a "Cadillac" plan under the Affordable Care Act?

Ms. Murphy: It is unclear, and may depend on what specific benefits are included in the determination (e.g., Wellness Center, Health Flex Spending Accounts, etc.). ND estimates that it might be subject to a

\$3 million penalty if just the medical plan and Wellness Center are included in the calculation. In the rapidly changing marketplace, we benchmark AAU schools to come up with ideas to keep policies affordable but still provide quality care. The University is establishing a Working Group, which will hire a consultant, in order to make recommendations to leadership by March 2015.

Question: With respect to contraceptive care, will faculty/staff need to use separate cards again in 2015, and what is being done to address the implementation problems that arose in 2014?

Ms. Murphy: As in 2014, Meritain Health will provide contraceptive care coverage on its own, separate from the ND plan. They provide all support, and any questions should be directed to them (indeed, Meritain does not even talk to the University about the contraceptive plan, as it is not the University's plan). A follow-up question asked whether the Health Advocate could help with problems that arise. Ms. Murphy said that they might be able to help, as the Health Advocate is not a part of the University.

7. New Business

a. Campus Crossroads Project Issues

Walter Nicgorski noted that, prior to the meeting, he had circulated materials expressing concern about the Campus Crossroads project. Walter moved that the Faculty Senate pass the following resolution:

“In the light of the serious concerns raised throughout the University community – among students, faculty and alumni – and the significant, enduring impact this Project would have on the campus and community, the Faculty Senate requests the Administrative leadership of the University and the Board of Trustees to delay the beginning of construction on the project to allow further study with opportunity for open discussion.”

Gail Bederman seconded the motion.

Walter noted that the resolution does not necessarily reflect opposition to the project. Rather, it reflects concern that the project, given its significance to the University and the campus (as emphasized in the University press releases), should have been brought to the Faculty Senate for advance consideration. He also noted that this is the second recent major change that was introduced without formally consulting the Faculty Senate (the changes to the 403(b) plan being the other). Walt suggested that the resolution would make clear that, in order to fulfill its role contemplated by the Academic Articles, the Faculty Senate should be given the opportunity for early consultation in significant projects.

The floor was opened for discussion. Several representatives expressed support for the resolution, expressing concern that the Administration often brings issues to the Faculty Senate only after the Administration has already made a decision.

Some other representatives expressed concern with the resolution. For example, it was suggested that the resolution (with its request that the University delay the Campus Crossroads project) is too late, given that construction has already been publicly announced and is about to get underway. Suggesting a halt to the project at this late date might make the Faculty Senate appear out-of-touch. A question was also raised as to whether the Faculty Senate should weigh-in on every construction project, which would seem to be excessive.

John Stamper proposed a friendly amendment to delete the words “to delay the beginning of construction on the project”. Walt accepted the friendly amendment in order to help move the resolution.

Other representatives suggested that if the principal concern is faculty governance (and the Administration’s failure to properly include the Faculty Senate in significant decision making), the resolution should focus explicitly on faculty governance issues (rather than the Campus Crossroads project). Under such an approach, the Campus Crossroads project might merely be listed as an example of a more general concern about faculty governance. Walter expressed concern that waiting until next month to discuss a more general faculty governance resolution, rather than passing a resolution tonight focused on an immediately impending project, would weaken the resolution.

Other representatives expressed opposition to the resolution based on several concerns—a lack of facts regarding the approval process; the lack of specific objections to the Campus Crossroads project; and general approval of the project, including the inclusion of at least some academic space in the project.

Given the apparent lack of consensus, Rich Williams moved to table Walt’s motion. Walt seconded the motion to table.

The Faculty Senate unanimously voted to table Walt’s motion regarding the resolution (with the friendly amendment that Walt had accepted).

b. Campus Life Representative

The Chair noted that the Faculty Senate needs a second representative to attend Campus Life meetings. The representative would attend meetings once per month. In the absence of other volunteers, the Chair volunteered to attend.

8. Adjournment

A motion to adjourn was seconded. The meeting adjourned at 9:38pm.

Next Meeting: Tuesday, Nov. 4, 2014, at 7:00pm; Room 140 DeBartolo. EVP John Affleck-Graves will attend to answer questions.

Respectfully submitted,

Michael Kirsch
Professor of Law
Co-Secretary

Minutes for Notre Dame Faculty Senate Meeting
November 4, 2014, 7:00pm
DeBartolo Room 140

Attendees: Gail Bederman, Karen Buranskas, Christopher Chowrimootoo, Matthew Capdevielle, Xavier Creary, Liz Dube, John Gaski, Liangyan Ge, Nasir Ghiaseddin, Alexandra Guisinger, Michael Hemler, Michael Kirsch, Donald Kommers, BJ Lee, Linda Major, Adam Martin, Paul McDowell, Paul McGinn, Hildegund Muller, Walter Nicgorski, Christopher Shields, Joshua Shrout, John Stamper, Marsha Stevenson, Sandra Vera-Munoz, Meng Wang, Kyle Watson, Sophie White, Richard Williams

Excused: Mark Caprio, John Duffy, David Galvin, David Gasperetti, Hai Lin, John Polhamus, Sylwia Ptasinska, Jeanne Romero-Severson, Joe Urbany

Absent: Matthew Devine, George Howard

1. Opening Prayer
2. Introductions
3. Minutes of the October 7, 2014 meeting approved
4. Chair introduced John Affleck-Graves
5. John Affleck-Graves (JAG) spoke on University budgets, Crossroads, 403b
 - a. To begin, JAG described the overall process of the approval of the budget in February by Notre Dame's board of trustees, noting that the board has a finance committee that is the primary contact for the budget process.
 - i. In August, the President and Provost provide a statement to the budget working group (BWG) about what they see as the priorities in the budget. After that presentation, the BWG starts the budgeting process by rolling over the prior year's budget (tuition, endowment payoffs, faculty compensation) with growth, and sees if it balances. Usually, there is a small surplus. After this initial process, the BWG sees what changes are possible including increases in tuition, increases in compensation for faculty and staff, and possible changes in the endowment payoff. Endowment payout is regulated by a spending rate limit of 4 to 5%. Spending rate= (what you can spend/endowment return averaged value over the previous 12 quarters). There is some flexibility in the spending rate: when markets are strong, lower the rate (to 3.6%); when markets are weak (2008 & 2009), increase the rate to increase the payout. JAG says that the expectation is an increase in the payout to 5% each year so we can cover an increase in faculty compensation. However, because of the financial crisis we have been limited to around 3% increases lately but are hoping to return to 5%.
 - ii. In October, the BWG has a sense of how much additional money will be available. Thus in October, units can make presentations to the Provost's Office, President's Office, and Budget Office. These requests are aggregated by those

offices and brought to the budget working unit. At that point, there is a negotiation between different interests to set priorities. Sometimes priorities are moved to “one time funding” with the idea that it will be returned to the budget the following year. In other cases items are deferred to the next year, and receive higher priority at that time.

- iii. In November, the draft budget goes to the finance committee. In February, the finance committee then presents it to the full board for approval. The full board usually approves but tends to push on tuition and board increases.
- b. JAG then responded to a series of questions
 - i. **Question about the effect of market on payoffs.** There are contingency funds for when the endowment drops to certain levels. There are two different contingency plans for a 5 to 10% drop in a market. Larger than that are hard to plan for in advance, as they would be a large shock to all universities and the market.
 - ii. **Question about the negotiations in the budget working group.** JAG says the bias is usually for academic initiatives, then student affairs, then facilities. In answer to a follow up question about representation by faculty, JAG argued that representation would then rapidly increase to other interested parties, and it would be harder to come to agreement and perhaps would hurt the faculty rather than help since potentially these groups would weigh against academic expenses.
 - iii. **Question about what is the growth rate of the athletic budget vs. university?** The athletic budget increased 200% during a time period that the university budget increased by 30% if one looks at the gross values. However, the athletic budget is treated as other auxiliary groups (bookstore, catering) and thus they focus on net rather than gross revenue. Growth of athletics has led to growth in the contribution back to the general fund: contribution has increased 4 fold.
 - iv. **Question about contribution process.** JAG says that athletics also come to the budget working group and make projections about revenues and expenses to calculate the net. He argues that focus on net is correct since gross expenses are covered by the increase in revenues. Also a share is taken to be placed in reserve because of concern about unknown risks to do with change in the NCAA regulations, treatment of licensing, concussion liability etc. Moody’s outlook on 5 sources of revenue for universities is that they are all under pressure: tuition is hard to increase, federal funds under pressure, endowment, and auxiliary budget (\$40 to 60 million a year in net revenue).
 - v. **Question about recent years there were many changes in who pays for graduate stipends, fringe benefits, etc. What prompted these changes?** JAG’s answer is that revenue pressure requires colleges and departments to be responsible for fully covering any increase in costs. Colleges and schools generate these costs and so they need to have a plan to cover them. JAG says it is too early to judge if changes have been a success. Most peers are trying to

centralize, but Notre Dame is already far more centralized than most schools so decentralization here may lead to a convergence with peers. He does not expect further changes.

- vi. **Question about college budget.** JAG didn't have any contribution as this is all done at the college level.
- vii. **403b question. Is TIAA/CREF for profit or not?** TIAA/CREF says that they operate as a non-profit, but legally the IRS treats it as a taxable company.
- viii. **Question about why no social choice option.** JAG says that the law is clear that when provided, a 403b plan must provide most profitable option at given risk rate. Given the restrictions of a socially responsible fund, it is likely that it will not be as profitable. We cannot as an employer offer that fund, as the employer is responsible for providing the best option. JAG argued that it is TIAA-CREF that is preventing faculty from being offered their products, rather than the University, because TIAA-CREF will not allow for access to their funds unless TIAA-CREF is the single record keeper. Fee difference is substantial. Senate faculty member noted that he can buy TIAA-CREF on the private market.
- ix. **Question of whether Vanguard is a for profit group.** Although the materials say it is investor-owned, it is also for profit.
- x. **Question about expanding ECDC.** JAG noted a Spring 2006, a committee was put together to evaluate ECDC. Licensing in Indiana requires smaller rooms, and more caregivers for infant care. The committee said the cost was too high relative to the number of spaces available. This is a standing committee that meets regularly. JAG claimed that he would have to cut faculty compensation by 1% to pay for expansion of ECDC. But the faculty senate should invite Linda Kroll to talk about this.
- xi. **Question about Crossroads consultation: should the faculty senate have been consulted?** JAG argued that new facilities don't typically come to the Faculty Senate because it is a decision between the specific unit and facilities. A Student Center was one of the unfunded priorities in the last campaign. JAG thought that there was no enthusiasm because of the originally planned placement at the Stepan Center site. The suggestion for the stadium expansion did not come from athletics department. Instead it arose from a conversation between JAG, Jack Swarbrick and Dr. Burish. If you draw a 5 minute walking circle from the flag pole, two underused locations emerge: space next to the lake and space around the stadium. The space around the stadium is used only 6 perhaps 8 times a year if you count Sunburst and graduation. Funding for the new building has been difficult prior to Crossroads. Some Crossroads funding came from the strategic plan to cover buildings that had been previously planned (\$200M). Also athletics contributed some funds that would have been used for an additional practice facility (\$25M of \$35M). Additional funding will come from loans. Covering these loans and additional costs of the facilities will be paid for by premium seating revenue. There are few sources of revenues, premium seating

offers a source and will cover the operating budget. Most of the departments seem enthusiastic about the new facilities. Could this have been achieved at less cost, elsewhere? Perhaps, but the programs would not be getting the building that they will currently get. You could make arguments that the locations could have been better placed, but again, there is a chance that they would not be funded at all from the campaign. The fundraising started Feb 2, to date, the University has raised \$140M of the \$200M. Having the buildings attached to the stadium was more appealing to donors. For example, not one of them had previously offered to fund the music building.

In the stadium, there will be multiple levels of premium seats. At the "5.5 level" suites of 8 seats are available. For these, a donor pays \$1M upfront, and an additional \$150k a year. There are 136 of these seats. ND is holding back 16 of these. Top benefactors have already had an opportunity to buy them and we have already sold many of them. 'Loge boxes' are \$45K upfront, \$30K/yr. There are 348 of these and approximately ½ are sold. There are 2,200 club seats and they are 20% sold. All together there are 2,700 premium seats. All seats come with a capital fee and an annual fee, and are sold for 20 years. Seats are only transferrable to a family member. Important to remember that even if benefactors start with athletics, they usually then provide funding for other areas. For a subset of benefactors, athletics is an entrance. ND will issue \$200M taxable debt at 4-4.5% (still TBD). The capital component (seat sales) will fund about \$75M, which we will have in 2017. We could take this in short term debt, but ND might take the full \$200M in long term debt, with the assumption that we can transfer this \$75M to the endowment and it will grow faster than the cost of the debt. It will likely be taxable debt because it will allow more flexibility and the cost differential is small.

- xii. A question was raised about the role of the faculty senate in advising on important issues. Noting the bylaws of the faculty senate, it was asked whether the faculty senate should have been consulted. JAGs response is that they can't bring every proposed building to the faculty senate. Crossroads is a series of buildings and had full participation by the colleges and departments involved. On the benefits side, his office has traditionally worked through the benefits committee. In this case (i.e. recent 403b change), it came too late. In the future, they will need to start early. 403b includes staff, not just faculty. However, having seen the savings to the University, he feels like they can't go back. If we could do it again, we would try to get more participation.
- xiii. **Did Crossroads go through the approval faster and more quickly than others?** Yes, because funding was so readily available and everything in the process is driven by funding. Thus we need to move quickly. Typically Lou Nanni comes to JAGs office about 2 years before funding will close to allow for planning to start. In the case of Crossroads, Lou expected that there would be no problems getting funding, and he was correct so they could announce plan. They raised

\$80-90M in just 3 months. They did have a contingency plan to delay if funding wasn't present by June, but the plan wasn't needed.

- xiv. **What is going to happen to the student center, Haggard Hall, etc.?** Dan Meyers in the Provost office is looking at the backfill of these buildings and he is in negotiation with departments to fill them.

6. Revisit Crossroads resolution: Delayed for lack of quorum.

7. Committee Meetings cancelled because to allow faculty to leave for election night.

8. New Business – Request for faculty senate member to participate in student government meetings.

Meeting adjourned at 9:20p.m.

Minutes for Notre Dame Faculty Senate Meeting
December 2, 2014
Rm. 140 DeBartolo

Attendees: Gail Bederman, Karen Burnaskas, Xavier Creary, David Galvin, John Gaski, David Gasperetti, Nasir Ghiaseddin, Michael Hemler, Michael Kirsch, Donald Kommers, BJ Lee, Hai Lin, Linda Major, Adam martin, Paul McDowell, Paul McGinn, Hildegund Muller, Walter Nicgorski, Sylwia Ptasinska, Jeanne Romero-Severson, Christopher Shields, John Stamper, Marsha Stevenson, Joe Urbany, Sandra Vera-Munoz, Meng Wang, Kyle Watson, Richard Williams

Excused: Mark Caprio, Christopher Chowrimootoo, Matthew Devine, Alexandra Guisinger, John Polhamus, Joshua Shrout

Absent: Matthew Capdevielle, John Duffy, Liangyan Ge, George Howard, Sophie White

1. Opening Prayer
2. Introductions
3. Minutes of November 4, 2014 meeting were approved, as corrected
4. Chair's remarks (Paul McGinn)

The Chair asked John Gaski to summarize his experience on parking committee last spring.

John said current construction-restricted B1 is very different than the design the committee was shown last spring. John was impressed with the creative ideas the broadly-represented committee proposed. John had made suggestions regarding a temporary lot on the lawn near DPAC, but it hasn't been accepted yet. Parking isn't necessarily worse than other major universities. John suggested to them that we shouldn't be afraid of garages - parking garages might look better than lots. Senate members should send any comments to John.

No news regarding the Academic Council

The Chair received an updated draft of the background check policy.

The student affairs committee might want to consider a policy on civility & comportment in the classroom to submit to Student Affairs.

5. Faculty Experience Survey - Dan Myers & Katherine Spiess

They've met with various groups around campus; there will be more local meetings in the spring; comments can be submitted to one of them, or anonymously on the Provost's website.

Almost 75% of the faculty answered the survey; lots of free comments and responses were received.

Rich Williams was on the committee. Katherine Spiess presented summary slides to the Senate that highlighted key issues. A full report is available on the Provost's website. The committee did not see its primary role as making recommendations, although it included some in the report.

Background

All schools in the survey consortium are private universities, but Notre Dame was the only Catholic school and the only non-urban school.

Because the comparison schools didn't have all of our faculty categories, only instructional faculty are included in comparisons

Caveat: small sample sizes for minority faculty limits the ability to draw conclusions; also, most disaffected faculty tended not to disclose demographic info (this didn't significantly impact gender data, but it may have affected race data)

Overview of Results

Good news - overall high satisfaction

Bad news - there was not a single category where female faculty were more satisfied than male faculty

The female vs male dissatisfaction was not based on resource concerns. The committee could not identify any specific reason that drove the relative dissatisfaction.

Katherine was asked to identify the peer institutions in the survey, but she replied that under the agreement we are not allowed to name specific schools. However, Paul mentioned that SMU has a list of the schools on its website. (<http://smu.edu/Provost/IR/Resources/PeerUniversities>)

Satisfaction by Division

The Law School was the only division where female satisfaction exceeded male satisfaction

Comparison by Race/Ethnicity

Because of the relatively small sample sizes for various races and ethnicities, the committee aggregated all non-white faculty responses. Race & ethnicities were small, committees were aggregated and all non-white

Based on the small sample size and need to aggregate, the committee couldn't make clear conclusions, but there didn't seem to be significant differences from the results for white faculty.

Qualitative comments

Resource & support factors were largely positive. Some negative comments were identified.

Catholic character (Including gender comparisons)

The main difference involved "climate" and "diversity of opinion" - significantly fewer females had positive responses on these items (even male faculty agreement was relatively low - the lowest ranked individual items by males of any items on the survey)

Recommendations

The administration wants to address concerns regarding opportunities for female faculty being the same as those for male faculty, and for minority faculty opportunities to be the same as those for non-minority faculty.

The survey also identified concerns about leadership-faculty relations.

They are trying to gather input regarding areas of improvement, and then would like to come back in a few years to see how things are going.

Dan Myers opened the floor for questions/comments

Question: what accounted for dissatisfaction among female faculty?

Katherine: some salary/benefits issues, but mainly climate & opportunity-related issues

Question: how can we hire more female faculty, given the environmental issues

Katherine: we don't claim to have all answers, but at least some of the climate/opportunity concerns might be addressed if the numbers increase

Sandra Vera-Munoz agreed that it needs to be two pronged approach - hiring more female faculty will itself help improve the climate, given strength in numbers

Katherine noted that the top work-related stress factor was inter-office politics:

Question: Asked for clarification regarding the Catholic character responses

Katherine: issues of Catholic character show up in both what are the most positive aspects and what are the most negative aspects, and also regarding areas for improvement

Dan Myers: concerns were expressed (mainly in the open-ended comments) regarding discrimination for both being too Catholic or not Catholic enough

Q: Is the committee getting any great recommendations from group meetings

Dan: we've gotten a number of recommendations so far (including from the web site), but deans want to hold off on concrete recommendations until they have a chance to discuss this in local groups; so far, recommendations are what might have been expected

Rich Williams: the survey is useful because it shows the concerns aren't just concerns of a few unhappy faculty members

Question: is the survey confidential within Notre Dame?

Dan: you need Notre Dame credentials to access it on the website, but it's not viewed as secret; if you want to show it to anyone, that's ok.

7. Committee Reports

A. Academic Affairs

A potential collaboration with the University in China [Xixang] is being discussed, which would involve a joint liberal arts campus (they approached us). It is a highly respected university, and we've already had interactions with the university

Notre Dame has signed an agreement to pursue negotiations, but we are not yet ready to make a decision because of the need for faculty input.

The Committee has concerns because it's all very vague. It's a risky undertaking, but it may have the potential for high reward

Christopher Shields noted that he experienced academic freedom when he was in China, although limitations on the Internet there are real.

There already is a program in Beijing, which seems to have addressed academic freedom issues

But this proposal would go beyond that program, by trying to replicate our traditional 4-year liberal arts program

Committee's Conclusion: the faculty, through the Faculty Senate, should examine this further.

Gundi Müller has served on the University committee that discussed this issue, and thinks this could be a very interesting opportunity. She noted that this issue might move quickly and we should have a voice. She will be at a town hall meeting on this issue on Friday, so please submit comments/questions to her. Also, feel free to send both positive comments and concerns to Nick Entrikin

B. Administrative Affairs (Jeanne Romero-Severson)

Walt Nicgorski's proposed resolution on the role of the relationship between the Administration and the Faculty Senate was discussed

The committee plans to make some wording modifications, and will propose a modified resolution for approval at the next meeting. Paul will put it early on the next meeting's agenda.

C. Benefits (Nasir Ghiaseddin)

There have been inconsistent answers provided to the committee on some 403b issues; we will ask for clarification.

The University has established a committee to discuss what, if anything, will happen to the health plan when the "Cadillac" tax kicks in. Nasir is on the committee and will report back to the Senate on developments.

D. Student Affairs

The parking issue was raised. Student parking is worse than faculty parking. GSU will propose to university that library parking shuttle run later to accommodate needs. The Committee plans to draft a resolution of support. Paul noted that the Faculty Senate might vote on the resolution electronically so it can be timely before our next (February) meeting

8. New Business

None

9. Next Meeting - Tuesday, February 3, 7:00pm, 129 DeBartolo

10. Adjournment at 8:51pm

Respectfully submitted,

Michael Kirsch
Professor of Law
Co-Secretary

Agenda for Faculty Senate Meeting

7:00 pm, Tuesday, February 3, 2015– 129 DBRT

Attendees: Matthew Capdevielle, Mark Caprio, Christopher Chowrimootoo, Matthew Devine, John Duffy, David Galvin, John Gaski, Nasir Ghiaseddin, Alexandra Guisinger, Michael Hemler, Michael Kirsch, BJ Lee, Linda Major, Adam Martin, Paul McDowell, Paul McGinn, Hildegund Muller, Walter Nicgorski, Sylwia Ptasinska, Jeanne Romero-Severson, Cheri Smith, John Stamper, Marsha Stevenson, Joe Urbany, Meng Wang, Kyle Watson, Richard Williams, Xiaoshan Yang

Excused: Karen Burnaskas, David Gasperetti, Donald Kommers, Joshua Shrout

Absent: Xavier Creary, Liangyan Ge, George Howard, Hai Lin, John Polhamus, Christopher Shields, Sandra Vera-Munoz, Sophie White

1. Opening Prayer
2. Introductions
3. Approval of Minutes of the December 2, 2014 meeting – Approved by acclamation.
4. Chair's remarks – Follow up on concerns noted in December
 - a. On parking issues, bus schedules have been improved. There is an email address (parking@nd.edu) to deal with complaints.
 - b. Academic Council – no business so far; Faculty Affairs is formalizing the “Protection of Children Policy.”
 - c. A streamlining of the tenure appeals process that also abides by the Frese sexual discrimination class action settlement is being attempted. Presently it is possible that two parallel appeals processes might occur if possible sexual discrimination is a factor. ND would like to streamline this, but is still bound by the Frese decision. Hence any proposed changes need to be approved by participants in the class action lawsuit, not all of whom are still on or near campus.
 - d. Healthcare Strategy Workgroup now includes Nasir Ghiaseddin (with McGinn observing). The group is trying to reduce the rate of the increase in healthcare costs. Committee has 6 faculty and 6 staff and also includes a consultant for advice. McGinn had asked if a webpage could be provided to explain the issues. Communication consultants suggested that such a website might prove confusing. Thus news from the working group will not emerge until late Spring..

- e. Problems with 403b changes? Please let Nasir Ghiaseddin (Benefits committee chair) know.
- f. Senate Faculty needs to provide a representative on Campus Life Council. Position will last until the end of the year, but most of the work in the run up to trustee board meeting in April.
- g. On the Faculty or University Club desired by retirees (as surveyed by Nicgorski), there is a question about whether the faculty in general would support such a club. Nicgorski noted that this is a favorable moment because of the flexibility of space opened up by the new Stadium buildings. 3-4 years ago, faculty senate appeared to support such a club, but it hasn't been promoted since. Nicgorski noted that all major universities in U.S. and abroad have such a club. McGinn suggested an email survey.
- h. New administrative business raised by Rich Williams about increasing flexibility of policy concerning weather delays. Could non-essential staff be permitted later hours so that lots could be cleared properly etc.?

5. Dean John McGreevy and Dean Greg Crawford--Core Curriculum Review Committee

- a. McGreevy notes that every 10 years ND reviews the core curriculum. Currently 14 courses are required of all students. This current review specifically questions "What Knowledge, skills, and disposition that all students should hold by graduations?"
- b. Have created three focus groups
 - i. How should AP courses be counted?
 - ii. Could there be better advising?
 - iii. Can ND use core curriculum to strengthen connection to Catholic identity?
- c. Current issues
 - i. Currently core courses are "owned" by related departments. Should courses be distributed this way or should they be distributed by learning goals? For example, quantitative reasoning could be covered by a variety of departments.
 - ii. Thematic requirements. Half of "elite peers" have a thematic requirement, for example students must take a course on "Global Affairs" which will expose students to different cultures, politics, etc. Could we have themes on the environment or service or socio-economic differences?
 - iii. Skill outcomes. Almost all would like to see improvements in writing. How could further this? Should oral presentation skills also be promoted?
 - iv. Catholic Mission. Are current theology courses the best way to make this connection?

- v. Advanced Placement.
 - vi. Academic Advising.
 - vii. Delivery of courses. Most schools require core curriculum to be covered by tenured (or tenure track) faculty. At ND, especially in theology and math, many introductory courses are taught by graduate students.
- d. Request for Questions
- i. *Do other peers have similar religion requirements?* Yes, Boston College and Georgetown. Main student complaint is that the courses aren't integrated at all into other courses. Also complaints that "I did this in High School". McGreevy calls it the Grade 13 problem. ND needs to make core curriculum distinct from High School. BC is currently in year 4 of their curriculum review. They did a survey of alumni. Most students remember course called "Pulse" which is a combination of theology, philosophy, and service. Students clearly recall this course.
 - ii. *Has issue of international languages and experience been raised?* Issue is whether this should be a requirement. Already 55% do summer or semester abroad so numbers are already high. Some colleges have a language as a requirement and others don't (for example, Engineering and Business). The movement of students toward departments who don't have such a requirement has meant that fewer and fewer students are required by their major to take a language.
 - iii. John Duffy noted that students need to write well and speak well. Currently less than 50% of students are required to take a writing course because of the AP exemption. Also, there exists no coherent writing skill plan in all four years. Senior thesis important but needs planning earlier. Every department should have at least 2 courses focused on how to write in that discipline: how to write like a historian, a biologist. USEM set up that way but not clear if departments use it that way.
 - iv. Romero-Severson notes that since Biology AP is not accepted, everyone takes the intro course which is taught by tenure track faculty. One third of these students don't need to take this course. However, incentives persist because pushing larger courses with lots of contact hours can be viewed as important, particularly for the purpose of tenure.
 - v. Nicgorski notes the success of Boston College "Pulse" is replicated in other colleges. Yale for example. Very strong students interested in developing knowledge in catholic tradition would benefit from reading classic readings from this tradition – Dante, Pascal, etc. To do this,

would need to say that Catholic Character is not deepened by specific distribution but instead by common text.

- vi. Sherry Smith of Hesburgh library followed John Duffy's point about writing and speaking; students also need to learn how to gather and use information, efficiently and ethically. Currently, students can graduate without having to do research. Theses offer an opportunity, but if the first time they are accessing information is with the thesis, it is too late. Course to discover information and create information on their own.
- vii. McGreevy had poll on whether faculty senate thought there should be a senior thesis requirement. 50/50 split which he said mimicked the split on the committee.
- viii. Paul McDowell from Romance Languages pushed for pedagogical innovation as a way to make the course more interesting to students.
- ix. McGreevy speculated that learning goals might break the students' belief that they are just jumping through hoops when thinking about the core requirements.
 - x. Another suggestion was offered that spreading out requirements would help since students might enjoy courses more.
 - xi. Marianne McDowell asked if committee had considered how the core linked together students. McGreevy thought that in fact rather than creating community, the linkage created this issue of a 13th grade.
 - xii. Matt Divine – noted that students might be over eager to dive in to specific reason that they came to ND. Students who take courses later tend to enjoy them more.
 - xiii. Romero-Severson asked whether it is currently a requirement to take core courses in the first years. McGreevy said no, however, advising tends to direct students in that way.
 - xiv. Questions raised about disjuncture between 10 year cycles of reviews the consistency of policy for the last 40 years. Is there real sense of a need to change? McGreevy said that is not clear. Different groups have different opinions.
 - xv. McGinn asked about the process. Given all this advice, how will the final decision be made? McGreevy said would like to have proposal submitted in the fall, followed by a full year of discussion, and then will got to the Academic Council.
 - xvi. Question about the committee composition. McGreevy noted that one can find it on the website and in emails.

6. Resolution Concerning the Role of Senate from the Administrative Affairs Committee. Current text submitted, but a revision requested. Committee agreed on it, although with some disagreement particularly on final paragraph.

a. Text:

Whereas the Academic Articles of the University of Notre Dame specify in Article I, Section 2 that “ordinarily, the President is guided in setting policy and making decisions by consultation with the other senior administrators, by the deliberations of the Academic Council, and by the recommendation of the Faculty Senate,” and those Articles later speak of the Senate’s range of concern extending “to matters affecting the faculty as a whole and to matters on which a faculty perspective is appropriate,”

Whereas those same Articles authorize the Senate to adopt bylaws that govern its internal operations, and those Bylaws so adopted describe the Senate as an “assembly elected to represent the faculty as a whole in the formulation of policy affecting the entire life of the University” and as an “assembly through which the faculty can exercise a collective and independent voice in the governance of the University,” and the Bylaws then entrust the Senate to form recommendations reflecting the faculty’s independent voice in matters affecting the life of the University.

Whereas the last year has witnessed the failure of the central Administration to consult the Senate on significant matters affecting the faculty as a whole and the life and future of the University – most notably, changes in the 403b retirement plan and the development of the Crossroads Project – and this in the light of the serious concern of the entire faculty about their lack of participation in the governance of the University, a concern emphatically present in the recent Faculty Experience Survey reported to the Senate.

Therefore, the Senate requests that, in the future, the central Administration consult the Senate in advance on significant matters affecting the faculty and future of the University or, as a matter of policy on faculty governance, reconsider the reason for the continued existence of the Senate.

b. Request for comments

- i. Nicgorski thanked the committee for the seriousness of the discussion and the importance of reminding the administration about the existence of the Senate and its role in advising.
 1. Commendation of the final paragraph by John Gaski.
 2. Question about meaning of paragraph. What is meant by “reconsideration”? Romero-Severson noted that was meant to be ambiguous. Others questioned whether ambiguity was a good thing. Didn’t want them to consider abolishing senate for example. Nicgorski thought the ambiguity pointed out that if the Faculty Senate is not consulted in a time fashion, it does in fact raise the purpose of the Senate’s existence.

3. Question about who this should be sent to. Who is the central administration? Romero-Severson's understanding was that the central administration is 3 people - JAG, Burish, and Jenkins – and thus should be sent to them to then be trickled down.
- ii. Suggested that to resolve ambiguity, resolution should include proposals that would lead to better integration of the Faculty Senate. Also, it was suggested that faculty should have a better sense of selves as a body. This raised a series of questions and comments on what the Senate can do. Clear can only “advise”. Can only change own rules.
 1. Library senator raised point that at a library event, Burish had noted that the Senate Faculty was weaker here than any other university. Issue not unknown to Burish. Follow up point that this should increase the need to put in specific role in the final paragraph.
 2. John Gaski noted in past resolutions have been effective. Ghiaseddin noted Senate lobbied how University calculated pension. Changes in TIAA-CREF.
 3. John Duffy notes that on the core curriculum review website there is a critique of the process from Tom Stapleford of Liberal Studies who argues that faculty senate should be central to discussion of Core Curriculum changes.
 4. McGinn noted that Senate can also take advantage of presenting in front of the Trustees. Predecessors had done less.
 5. Point that Senate may also need to write resolution to themselves since could have taken a more active role. Many of these events have been known and yet we as a group haven't been proactive in voicing our opinion.
 6. Williams argued that senate has mattered in scaring the administration.
 7. Student represented another direction for influence is the Campus Life Council. Trustees formed Council to be voice of stakeholders and must discuss any resolution within 24 hours. Faculty Senate should consider utilizing it more.
 8. Another member suggested pushing for a representative of the faculty senate on the core curriculum committee. While a member does currently sit on the committee, he does so as a representative of the School of Architecture and not as a member of the Faculty Senate.
 - iii. Romero-Severson suggested that the Senate should continue to advise on wording and moved to postpone the vote.

1. Nicgorski noted concern about further delay and about overloading the document. Requested only amendment of final sentence.
2. Disagreement over final wording returned suggestion of postponement.
3. Resolved to send suggestions to Romero-Severson for changes before next Faculty Senate meeting.

7. Committee Reports

- a. None

8. New Business

- a. See in Chair's remarks above, points f,g, and h.

9. Next Meeting, 7:00 pm, Tuesday, March 3, 2015; 140 DBRT

10. Adjournment @ 8:52.

Minutes for Notre Dame Faculty Senate Meeting
April 7, 2015
DeBartolo Room 140

Attendees: Matthew Capdevielle, Mark Caprio, Christopher Chowrimootoo, Zavier Creary, John Duffy, David Galvin, John Gaski, David Gasperetti, Nasir Ghiaseddin, Alexandra Guisinger, Michael Hemler, Michael Kirsch, B. J. Lee, Hai Lin, Linda Major, Adam Martin, Paul McGinn, Walter Nicgorski, John Polhamus, Sylwia Ptasinska, Jeanne Romero-Severson, Nidia Ruelas, Cheri Smith, Marsha Stevenson, Joe Urbany, Sandra Vera-Munoz, Meng Wang, Richard Williams, Xiaoshan Yang

Excused: Gail Bederman, Karen Buranskas, Paul McDowell, Hildegund Muller

Absent: George Howard, Donald Kommers, Christopher Shields, Joshua Shrout, John Stamper, Kyle Watson, Sophie White

Called to order at 6:01pm

1. Opening Prayer (Paul McGinn)
2. Introductions
3. Minutes of Feb. 3, 2015, meeting were approved
4. Chair's Remarks (Paul McGinn)

A 6pm start time will be considered for next year's meetings.

Risk Management should be notified of any falls or other accidents related to snow.

Academic Council is considering additional policies for the protection of children on campus.

The University is undertaking discussions to rework the tenure appeals process

The University is undertaking discussions to consider changes to Academic Council to have stronger faculty representation

The University is creating a Committee to look at CIFs ; they are looking for statistics-minded people for the committee. Please provide the Chair with the names of recommended faculty.

The Provost will ask department chairs to have Faculty Senate reports at

departmental meetings.

Healthcare Strategy Working Group

John Affleck-Graves (JAG) would like increases to be no more than COLA + 2%

There has been discussion of a possible 2-tier structure: slightly higher premiums for those making more than a cutoff amount (e.g. 60k or 70k).

The Chair met with JAG to discuss the possibility of a university club; JAG gave a copy of an old report on this topic to the chair. The Benefits Committee will do a survey to see the level of interest.

In the fall, Department Chair training on mentoring issues will include some of the best practice recommendations resulting from the Senate survey last year.

The Chair looked into insurance coverage for problems that could arise in labs; he asked Bob Zerr (Dir. of Risk Management & Safety) to prepare and post a clear policy.

Indiana Religious Freedom Restoration Act statute - some faculty thought the University should have a formal position statement. The Chair contacted Fr. Jenkins, asking for a statement and suggesting that, in the absence of a statement, the Faculty Senate might pass a resolution asking for a statement. Soon thereafter, the University released a vague statement (published in the South Bend Tribune).

Annual Faculty Senate reception with Fr. Jenkins will be on Thursday, April 23, at 5:00pm, in the Hesburgh Library Penthouse.

At the May meeting we will hold elections for next year – we need a nominating committee.

A Faculty Senate retreat is under consideration, perhaps on the Friday before fall term begins; it could be ½ day, with the agenda to be determined (for new, and possibly continuing, senators).

5. Resolution Concerning Role of Senate (from Administrative Affairs)

Jeanne Romero-Severson (Chair, Administrative Affairs Committee) led the discussion.

This proposed resolution had been discussed, in various forms, at prior Faculty Senate meetings. The Committee circulated a revised draft of the resolution via email before this meeting. Two main points were addressed in this draft: the

relevance of references to the Bylaws, and the specific wording of the last paragraph.

Walter Nicgorski emphasized the importance of faculty having a voice in major developments at the University. The concern isn't necessarily with the final results of new policies, although the results might have been better had faculty as a whole (as reflected in Faculty Senate) been brought into discussions earlier.

John Gaski proposed minor grammatical changes, which were accepted (in the 3rd paragraph, 2d line, change "to matters on which" to "on matters on which"; also, change en dashes to em dashes)

Nasir Ghiaseddin noted that the administration has selectively involved faculty of the administration's choosing. Faculty input should be solicited from the Faculty Senate, which reflects a broader representation of faculty.

A motion was made to approve the resolution.

Concerning the Role of the Faculty Senate in the University in the Light of the Experience of Past Year Respecting 403b Retirement Plans and Crossroads Project

Whereas the Academic Articles of the University of Notre Dame specify in Article I, Section 2 that "ordinarily, the President is guided in setting policy and making decisions by consultation with the other senior administrators, by the deliberations of the Academic Council, and by the recommendations of the Faculty Senate," and those Articles later speak of the Senate's range of concern extending "to matters affecting the faculty as a whole and to matters on which a faculty perspective is appropriate,"

Whereas the Senate's own Bylaws, authorized by the Academic Articles and long abided in by the Administration, describe the Senate as an "assembly elected to represent the faculty as a whole in the formulation of policy affecting the entire life of the University" and as one "through which the faculty can exercise a collective and independent voice in the governance of the University,"

Whereas the last year has witnessed the failure of the central Administration to consult the Senate on significant matters affecting the faculty as a whole and on matters on which a faculty perspective is appropriate – most notably, changes in the 403b retirement plan and the development of the Crossroads Project– and this in the light of the serious concern of the entire faculty about their lack of participation in the governance of the University, a concern emphatically present in the recently reported Faculty Experience Survey reported to the Senate, Therefore, the Faculty Senate asks the central Administration to respect the advisory responsibilities given the Faculty Senate and the long-standing aim of the Senate to exercise a collective and independent voice in the governance of the University, by providing the Faculty Senate with the necessary information and

adequate notice on important policies affecting the "faculty as a whole" or "on which a faculty perspective is important" before such policies are finalized.

The resolution was approved (26 in favor; 0 opposed; 1 abstention)

6. Proposal for New Rank of "University Emeritus Professor"

The Chair explained a proposal prepared by Emeritus Prof. Phil Sloan, which would create a new rank tentatively titled "University Emeritus Professor" in order to address the circumstances of emeriti professors who maintain ongoing involvement in the academic life of the University (primarily regarding research).

Prof. Sloan's proposal lists the potential advantages to the University and faculty, along with the financial implications.

It is not clear how this would impact concerns regarding graduate student teaching opportunities.

The Chair opened the floor for questions:

Jeanne Romero-Severson: Would the new status enable someone to apply for NSF grants?

Chair: The proposal mentions unspecified advantages in applying for grants, but we would need more information on this specific question.

Walter Nicgorski: This proposal is a win-win. It would eliminate a potential barrier to early retirement for those faculty members who are mainly interested in doing continued research, and could bring ongoing benefits to the University.

Nasir Ghiaseddin: An ongoing issue is the availability of offices, which are a limited resource.

Michael Kirsch: How would this proposal relate to what currently happens?

Chair: There would still be normal Emeriti faculty; this proposal would just create a new category for those interested in ongoing research.

Alexandra Guisinger: The proposal's 5-year term for the new status seems too long. Department chairs might balk at that length.

Walter: We're just putting forward the general idea to Academic Council; they will certainly examine the details and possibly reconsider specifics such as this.

Chair: We wouldn't come up with details; we would only express our interest that Academic Council consider this type of approach

David Gasperetti: Suggested that some specific requirements should be clarified.

Chair: We might need more information on the number of faculty expected to utilize this proposed new status.

Rich Williams: Perhaps we should just vote to support this possibility in principle, rather than trying to address every detail (which would probably be changed during the Academic Council's approval process anyway).

The Administrative Affairs Committee agreed to draft language for a resolution approving the proposal in principle.

7. Committee Meetings

8. Committee Reports

The Administrative Affairs Committee presented proposed language for a resolution approving the Sloan proposal in principle.

Minor editing changes were suggested from the floor and approved.

The Chair reiterated that we are not necessarily approving the details of the Sloan proposal (e.g., the specific proposed title of "University Emeritus Professor"), but instead are merely approving the concept in principle.

A motion was made to approve the resolution presented by the Administrative Affairs Committee, as modified.

Proposal for Supporting Emeriti/ae Professors Who Remain Actively Involved in Research, Teaching or Scholarship

The Faculty Senate has reviewed a proposal (attached) prepared by Emeritus Professor Phil Sloan that would create a new rank of "University Emeritus Professor" to provide limited additional support for emeriti/ae professors who intend to remain actively involved in research, teaching or scholarship. Without endorsing the details of that proposal, the Faculty Senate expresses support for addressing the concerns raised in the proposal, and requests that the Academic Council consider these concerns and potential solutions.

The resolution was unanimously approved (26 in favor; 0 opposed; 0

abstaining)

9. New Business

None

10. Next Meeting: Tuesday, May 5, 7:00pm, in 140 DeBartolo

11. Adjournment at 7:33pm

Respectfully submitted,

Michael Kirsch
Professor of Law
Co-Secretary