

Faculty Senate Meeting Minutes
Room 216 DeBartolo
October 3, 2017

Signed in as Present: Adam Martin, Anna Simon, Annie Coleman, Ben Heller, Ben Radcliff, Chao-Shin Liu, David Gasperetti, Eric Sims, Joe Urbany, John Henry Hobgood, Marsha Stevenson, Mary Frandsen, Matthew Capdevielle, Mei-Chi Shaw, Meng Wang, Molly Walsh, Nasir Ghiaseddin, Natalie Porter, Paul McGinn, Phillip Sloan, Richard Pierce, Richard Sheehan, Richard Williams, Samir Younés, Sergei Rouvimov, Shauna Williams, Sibonay Shewit, Tarek Dika, Tom Nowak, Tom Stober, Xiaoshan Yang

Not Signed in as Present: Aaron Striegel (e-mailed; excused), Catherine Schlegel, Cody Brockelmeyer, Dan Johnson (e-mailed; excused), David O'Connor, David Thomas, Guangjian Zhang (e-mailed, excused), Jeanne Romero-Severson (e-mailed; excused), Jimmy Gurulé (e-mailed; excused), Marie Halvorsen-Ganepola, Matt Bloom, Shahriar Mobashery, Sylwia Ptasinska

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

1. Opening prayer

- BH offered the opening prayer.

2. Minutes of the September 5, 2017 meeting

- BH offered up the minutes of last May's meeting for correction/amendment.
- No amendments offered.
- Approval moved, seconded, and carried unanimously.

3. Committee Reports

- a. *Academic Affairs Committee* update from Matthew Capdevielle (MC) (standing in for Jeanne Romero-Severson, Chair) re: Classified Research.

i. Invited guests:

1. Bob Bernhard (BB), Vice President for Research
2. Faculty Colleagues in support of allowing classified research contracts
 - a. Scott Morris, Professor, AME (SM)
 - b. Tom Corke, Professor, AME (TC)
 - c. Tom Fuja, Chair of Electrical Engineering (TF)
 - d. Gerry McKenny, Theology (GM)

ii. MC introduced the invited guests, and posed the first question:

1. *What exactly is being asked of the Faculty Senate with respect to the draft proposal from BB's office concerning the acceptance of classified research contracts?*

- iii. BB responded that his office is seeking feedback at an early stage in the deliberation process, before a full-blown policy document is created. Hence the abbreviated character of the materials that have been circulated. This early consultation of the Faculty Senate is at the suggestion of Jeanne R-S.

- iv. Rich Williams (RW): Suppose my research is so secret that I can't publish it. How does that affect tenure and promotion process?
- v. BB: When that faculty member gets to that point of high level research, he or she would move into consulting mode rather than research mode.
- vi. RW: You mean quit academia?
- vii. BB: In negotiation with deans, that person might be counseled to take a leave. Stop the clock.
- viii. RW: It sounds like the academy will not reward them for their work in this domain.
- ix. BB: If it's *applied*, that's true. The fundamental thing can often be published without publishing the application.
- x. RW: And junior faculty would be warned of this?
- xi. Tom Corke (TC): To clarify, let me provide an example from supersonic technology advancements: Some fundamental aspects are published without publishing the application (in this case, the geometry of the object).
- xii. RW: How does the peer reviewer know that it works?
- xiii. Scott Morris (SM): [Offers another example of a project in which] all the science was collaborative with grad students, but I personally worked on the application.
- xiv. Tom Fuja (TF): There are some cases in which we would not recommend junior faculty taking on this research.
- xv. Nasir Ghiaseddin (NG): Are there any cases in which people could NOT publish and were jeopardized for tenure?
- xvi. TC: We already accept contracts for research that is ITAR [International Traffic in Arms Regulations] or Export Controlled. In our experience, this has never been a problem publishing without any restriction in 15 years. There's a 40-day review period with funding agency. Also, the classified research would be not more than 10% of the project. [This kind of work] shows us what the cutting-edge research is in our particular field.
- xvii. BB: I've fielded about 10 of these projects and not had any problem.
- xviii. Annie Coleman (AC): What would you say to someone who says that this kind of research will connect the University to the military industrial complex in ways that are ethically problematic?
- xix. BB: We're already doing research that is connected to the military industrial complex. That is the rationale for the review board.
- xx. Tarek Dika (TD): What is the definition of ethical?
- xxi. Gerry McKenny (GM): Good question. And it should be posed at a lot of levels. If you think that contribution to military endeavors are unethical, then you are a pacifist, which is fine, but not something that most people in universities believe. That question [should be] delegated to individual researchers.
- xxii. BB: I have the responsibility of accepting grants and contracts. Every six months or so there is an issue—usually some kind of biomedical research. I then consult on these issues with Gerry and Maura Ryan. We have a 14-page document that we can use for evaluating those issues. When I have

- trouble evaluating an issue, I go to them, and then to Father John.
- xxiii. TD: Would you be willing to share that document with Faculty senate
- xxiv. BB: Absolutely.
- xxv. Tarek: As for philosophical issues, I think that should be discussed.
- xxvi. BH: The research review board will be in addition to Maura and Gerry?
- xxvii. BB: The board will be advisor to me, replacing Maura and Gerry.
- xxviii. GM: Almost everything that begins with classified uses has civilian uses as well. We benefit from this.
- xxix. AC: There's some explicit understanding that researchers are not beholden to the funding agency when they accept these contracts?
- xxx. BB: I accept those contracts by the way. We have in those contracts terms and conditions that place limitations on protection of intellectual property.
- xxxi. Sergei Rouvimov (SR): Military doesn't mean always bad. Military can be defense. Defense is peacemaking. I support what Gerry is saying.
- xxxii. Nasir Ghiaseddin (NG): Are there any projects that you've rejected for ethical reasons?
- xxxiii. BB: we've had some with human embryonic stem cell (ESC) research. In one case, it was modified so we didn't accept the ESC research. Weapons of mass destruction is something we would not accept for example. Classified research got a bad reputation in Vietnam. We would never accept that kind of research.
- xxxiv. BH: How does the [protocol for the review of classified contracts] outlive us [the current faculty and administration]?
- xxxv. BB: Since I sent this document, I've consulted with General Counsel. They've said we need to create a policy document. That means it outlives me.
- xxxvi. Tom Stober (TS): In your benchmarking did you find that any of the other 140 universities have review board?
- xxxvii. BB: We did not find that, but we didn't dig very deeply. They all have a VP of Research who is in charge of reviewing and accepting contracts.
- xxxviii. BH: What's been the consultation process with respect to the colleges?
- xxxix. BB: Vetted this with Deans Council. The deans of Science and Engineering are supportive because there will be a group of faculty who will be given opportunity to do this kind of research. Deans of AL and Keough want to know whether we will we have proper ethical safeguards. I also sort of got in a discussion with the Humanities chairs. I brought it up. Nobody had strong negative response, but there were two groups:
1. This is an academic freedom issue: Faculty ought to be given the opportunity to do this.
 2. Do not accept the contracts
- xl. This proposal is in response to the things that we've heard.
- xli. Richard Sheehan (RS): What concerned the Academic Affairs Committee was: Why are we recreating the wheel on how this process goes forth, given that none of these other institutions has a review board?
- xlii. BB: At Purdue, they didn't used to do this kind of research.
- xliii. RS: Other institutions have been doing this for a while. The problem I see

is that you have a new committee, but from the perspective of the individual researcher will that [be an obstacle]? Would it be better to be run through individual department? How do you do this efficiently? I'm concerned about this.

- xliv. BB: We did form a group that did a dry run with the review committee: Monk Molloy David Clermont, and Gerry, using Tom Corke's work. The question was Can someone like Tom present this in a way that is comprehensible to the committee.
- xlv. GM: It does help to have technical knowledge, but we were able to understand enough to raise questions.
- xlvi. BB: That's question number one. Number 2 is how fast can this move.
- xlvii. RS: The benchmarking issue: What bugs in the system have other institutions worked out that we can learn from?
- xlviii. BB: We didn't get that far in our discussion. We asked: Do you accept it? Do they do it through separate entity? The provost wants to do it.
- xlix. RW: Does any of this go also to the human subjects review board?
 - 1. BB: It would have to go through the IRB. We asked the other universities: Could you use your normal proposal review process (IRB) for classified research? They said yes.
 - li. SM: All proposals must be not classified.
 - lii. BH: When is it reviewed?
 - liii. BB: Our preference is that we review it before it goes through IRB.
 - liv. BH: Contracts—when funder is nonmilitary, industry, how do you ensure no conflict of interest?
 - lv. BB: These are not commercial contracts. Review for conflict of interest.
 - lvi. TD: What is the vocation of the university? What historically has been the relationship between military and universities? I would suggest that historically [university research has been misused].
 - lvii. BB: I don't think that's true. Instances in which university research had been misused are very few. The vast majority have been beneficial. Most technological advances have been beneficial to the public. GPS technology for example.
 - lviii. TD: That's an ambiguous example.
 - lix. BB: our research is not involved in those uses. It's involved in the fundamental understanding.
 - lx. TC: What *we* do is ethical, but we cannot control what other people do with our research.
 - lxi. BB: You should also know that we're not talking about the top level of classification.
 - lxii. TC: [Offers clarification] We have not been doing classified research. We have been doing export controlled, ITAR research.
 - lxiii. TD: I see.
 - lxiv. BB: Slide number 11 addresses this.
 - lxv. Mei-Chi Shaw (MCS): What is the role of the Faculty Senate in this process?
 - lxvi. BB: I believe consultation. Faculty Senate's role is to advise.

- lxvii. Paul McGinn (PG): What's the loss to the University if we do not accept these contracts?
 - lxviii. BB: It will affect some faculty who will not be able to work on cutting edge research.
 - lxix. PM: Could say the same thing about embryonic stem cell research?
 - lxx. BB: Classified research is not intrinsically unethical. Again, it got a bad name in Vietnam. [That's not what we're proposing.]
 - lxxi. MC: I'd like to read a question posed by a member of the Academic Affairs Committee, Jimmy Gurulé (Law School) who couldn't be with us tonight: "Is the recommendation of the Research Review Board a written recommendation setting forth the reasons for recommending approval or disapproval of the research project or merely a thumbs-up or -down? I would prefer a short, written recommendation with the reasons supporting the recommendation of the Research Review Board. It is important to maintain a written record of the recommendations made on these classified research projects."
 - lxxii. BB: I'd be happy to share the policy document and work with you to get it where it needs to be in order to advise the President.
 - lxxiii. BH: And also the 14-page document drawn up by Maura Ryan and Gerry McKenny providing ethical guidelines for evaluating project proposals?
 - lxxiv. BB: Yes, that too.
- b. **Administrative Affairs Committee:** update from Annie Coleman (standing in for Dan Johnson, Chair)
- i. The Revision of Academic Articles
 - 1. Opportunity for Senate to clarify and strengthen our job description.
 - a. Make recommendations to President
 - b. Discussed what the Senate was for
 - i. Two jobs
 - 1. Communicating info from top down—to constituents
 - 2. Line goes the other way: Not only do we share that info with constituents, but it's our job to ask them their opinions on things that we know will be coming up for vote.
 - ii. We agreed on that.
 - iii. Also came to consensus to strengthen our role as consultant but also approval role in some sense. This is something we'd need to figure out. As the only body on campus that represents faculty across the entire university, there's a role for us (separate from Academic Council) to approve projects.
 - c. End product:
 - i. Our committee will be meeting to come up with

language that we could suggest to revise the Academic Articles in this way. Talk to constituents and send feedback to Dan

- ii. We would like to get the talking points for the meeting (a la Mary Ann [McDowell]'s talking points) to share with constituents.
- ii. Sponsoring an Event on academic freedom.
 1. Working on a proposal for this.
 2. Possible speakers
 - a. Joan Scott (Princeton, AAUP)
 - b. Robert P. George (Princeton)
 - c. Ulrich Baer, NYU
 3. Email Dan with other recommendations for speakers from outside and charismatic moderator from ND
- iii. November meeting for President's address
 1. Let faculty know
 2. Tell them to RSVP
 3. Gather some questions from colleagues and forward to Ben.
- iv. Provost Invitation
 1. Agreed that we want to have a dynamic relationship with the Provost
 2. Good to have him visit last spring.
 3. Meeting in early spring, ask questions, etc.
 4. MOTION: Establish a practice of inviting the Provost to meet with the senate in February or march.
 5. Eric Sims seconds
 6. BH: We can discuss. We discussed in committee that there wasn't much time for Q&A. We can make time.
 7. Vote: Motion carried.
- c. **Benefits Committee**: update re: Health Benefits from Nasir Ghiaseddin, Chair
 - i. Invited Guest: Denise Murphy, Director, Benefits and Wellness, Human Resources updated the Senate on benefits changes for 2017-2018. For more information see: <http://hr.nd.edu/benefits/oe/> or her presentation on the Faculty Senate webpage (under Reports and Resolutions): http://facultysenate.nd.edu/assets/253821/faculty_senate_oe_2018.pdf
 - ii. Phil Sloane (PS): I'm emeritus. It would be helpful to have this info sent systematically to the over 300 emeriti. If there are programs we could buy into, we would want to know. I often feel very much in the dark. I think there could be some help navigating this.
 - iii. Denise Murphy (DM): Thank for that comment. We are working on this for early retirees. We have communicated some of this information from time to time, but I take that as feedback. Also, the Irish Health Fair is a resource.

- iv. NG: Any resolution about parental leave policy for faculty?
- v. DM: No, we've been working for a long time. It is further along. We're working toward a policy.
- vi. Mary Frandsen (MF): Did you ever run into a situation in which a person runs into a problem with a drug e.g. something being taken off the formulary.
- vii. DM: First talk to Vince in the Wellness Center. He can do a lot to help. Finding an alternative, making an appeal, etc.
- viii. PM: Would Vince serve as an advocate in this appeal process?
- ix. DM: He wouldn't play that role, but he would help the patient have the right words. A Health Advocate would.
- x. (Emeritus Prof.): When I retired, when I had to interact with [name of company], they were terrible to deal with.
- xi. DM: Thanks for the feedback. There is a change for Delta Dental plans. If you are a retiree, and you were on the plan before, they waive the 1-year waiting period.
- xii. Richard Pierce (RP): Is it possible to get a copy of this slideshow?
- xiii. DM: Sure
- xiv. BH: Can we put it up on website?
- xv. DM: Yes.
- xvi. DM: If you don't do anything, everything rolls EXCEPT FSAs. You have to reenroll in that.

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

- i. Student Family Housing, phasing out University Village
 - 1. Geography, price, community highly desirable.
 - 2. Unfortunately, it has come to our attention when this is a done deal.
 - 3. Need to move on and see what option
 - 4. Some will be moved to FOG, but that too will be phased out eventually.
 - 5. Current response from University is that they want to move students into the community.
 - 6. Not clear how many off-campus sites there will be.
 - 7. Very important to students is to have them live in community.
 - 8. Some other questions we need to explore:
 - a. What percentage of married grad students and students with children live in university housing?
 - b. Is it actually cheaper to live in university housing?
 - c. Ask Erin Hoffmann Harding to senate to discuss these Qs
- ii. Phil Sloan: What kind of consultation was there? This seems like it might be a huge impact.
- iii. Tom (emeritus):
 - 1. Some grad students said 6 months ago that the suits came in to tell them.
 - 2. Some of these students work late at night—safety issues

- 3. Anyplace else is more expensive
- iv. Rich Williams (RW): There is an online petition with over 2000 signatories. They apparently want to put in some sort of lucrative development on that property. It's crummy, but something should go up in its place. I think the symbolism looks bad. I think there should be tremendous pressure on the university. I think it will hurt recruitment.
- v. Annie Coleman (AC): It strikes me that this might be a sustainability issue on many levels: Geography, community, ethics. Race and class diversity See *laudato si*. Can we come up with statement that we can bring to sustainability committee? If we want to make an argument that we want to stay away from the market, then there needs to be [a concerted effort.]
- vi. DG: I agree, but I feel somewhat in the dark about the rationale for this.
- vii. AC: Or if we could craft an argument for the significance...
- viii. SR : We just discussed is military is good or bad. We need to support what is good for our community what is good for our students. This needs to be number one in our priorities. What is good for our family.
- ix. DG: I agree, I think that there's a sense of irony given item number 2
- x. PM: Just dug up that this was announced in 2014.
- xi. DG: Item number 2: Undergraduate Housing—>6 semester rule
 - 1. All undergrads admitted in 2018 and later will be required to live on campus for 6 semesters
 - 2. We have student body VP on our committee.
 - 3. We are hard pressed to find ANY student who has anything positive to say about this, and these are students who will not be affected by it.
 - 4. Other issues that came up: None of the focus groups were in favor of the policy. How did they choose members of groups?
 - 5. EHH and Fr. J. met with student council re: "What would keep students on campus?"
- xii. Sibonay Shewit (SS) [Student Government VP]: The requirement was never brought up. All were opposed.
- xiii. DG: Other issue is that there are certain populations that might find it more positive to live off campus-- LGBTQ students, victims of sexual assault, and others, it would be to their psychological benefit to live off campus in a more hospitable environment. Perhaps EHH might also address this.

e. Executive Committee; update and letter on DACA

- i. BH: I wrote a first draft and circulated to the Executive Committee and a few others (Annie and Jimmy) There are different ways to support this: we can sign from the Senate or from "undersigned members of the senate" [Document shared via projector.] Anyone want to open discussion?
- ii. TD: Who would we send this to?
- iii. BH: Senators and Representatives for the State of Indiana.
- iv. [Wordsmithing follows]
- v. PS: "Undersigned members" is a good way of putting it without sampling

the constituency. I think without sampling we can't really sign [anything other than "Undersigned members of the Faculty Senate"].

- vi. Meng Wang: My concern with this wording is that these [legislators] might not have any sense of how large the senate is. Is this a minority?
- vii. RW: I think we have done things in the past that were "the Faculty Senate." I have no qualms with speaking for my department.
- viii. [Wordsmithing]
- ix. TS: I have a fundamental philosophical problem with this. I question whether the ND faculty senate should be involved in national politics in any way.
- x. TD: I see your point, but this particular issue directly affects the students in our classes, so it's within our purview.
- xi. BH: This change would affect the student body and our work directly.
- xii. TD: For those who were not part of the Senate last year, we had some [DACA] students who came to the Senate who expressed desire to stay. The University has welcomed them. We have a responsibility to [them].
- xiii. TD: If these current students were grandfathered, how would the Senate feel about this? Taking a stand now . . . one of my reasons that we should just stand aside. I can see expressing support for students or for our President's statement, but . . .
- xiv. BH: It seems that the immediate need is that there is need for the congress to act on it. We can't predict what their behavior will be, it's true, but that should not limit us from acting ourselves.
- xv. DG: This is very appropriate for us to comment on this. Not appropriate for us to comment on every piece.
- xvi. Sibonay Shewit (SS): From the student perspective, there's been such a loud cry for support.
- xvii. NG: but the student government hasn't done anything about this, have they?
- xviii. SS: We have—we've held events, letter writing campaigns, call-ins, etc.
- xix. Ben Radcliffe (BR): This seems entirely in keeping with our precedent of making statements—like our sanctuary campus statement last spring.
- xx. RW: I think it's mostly symbolic. It shows the students and others that we care about them.
- xxi. Samir Younes (SY): All the more reason to send this. Members of Congress should have in mind
- xxii. AC: Move to accept this letter as written now.
- xxiii. TD: Second the motion.
- xxiv. Vote:
 1. In favor: All but one
 2. Opposed: One
 3. Abstentions: None
- xxv. Motion carried: Letter accepted as written (post-wordsmithing).

4. New Business

- a. No new business proposed.

5. **Adjournment**

- a. Move to adjourn seconded, carried. Adjourned at 8:12pm.

Respectfully submitted,

Matthew Capdevielle, Co-Secretary
Senator for Special Professional Faculty