



Notre Dame

R E P O R T

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1989-90

The University

Endowed Academic Chairs Filled

Seven faculty members have been installed in endowed academic chairs. They are:

Alasdair MacIntyre, McMahon-Hank professor of philosophy

Arvind Varma, Arthur J. Schmitt professor of chemical engineering

Thomas J. Mueller, Roth-Gibson professor of aerospace engineering

William G. Gray, Massman professor of civil engineering

Ruey-wen Liu, Frank M. Freimann professor of electrical and computer engineering

John G. Keane, Martin J. Gillen dean of the College of Business Administration and Howard J. and Geraldine F. Korth professor of strategic management

Barry H. Lopez, visiting W. Harold and Martha Welch professor of American studies

There are 58 endowed chairs fully funded and occupied at Notre Dame. There are another 47, either in some state of funding or fully funded and for which a national search for a chair holder is now being conducted.

Advisory Council Members Appointed

Rev. Edward A. Malloy, C.S.C., has appointed 36 persons to eight advisory councils at the University. They are as follows:

Arts and Letters

Kathryn Hank Collett, Moline, Ill.
Esther I. Ivory, Arlington, Va.
Noel D. Wycliff, New York, N.Y.

Business Administration

Catherine A. David, Modesto, Calif.
Ronald A. Homer, Boston, Mass.
David A. Sabey, Seattle, Wash.
Phyllis Washington Stone, South Bend, Ind.
Anthony G. Thomas, Minneapolis, Minn.

Science

Kelvin A.W. Hill, Loma Linda, Calif.
Dr. Mark W. Lambertus, San Francisco, Calif.
James E. McGraw, Kansas City, Mo.
Dr. Carol Lally Shields, Philadelphia, Pa.
Christa-Marie Singleton, Louisville, Ky.

Engineering

Clinton G. Berry Jr., Irving, Tex.
Anthony F. Earley Jr., Hicksville, N.Y.
Donald Gothard, Troy, Mich.
Thomas (Joe) Johnson III, Chicago, Ill.
Maureen F. O'Brien, Denver, Colo.
H. Edward Prein, Grand Rapids, Mich.

Law School

Ronald K. Dallas, Fort Lauderdale, Fla.
Susan Cisle Goodman, Chicago, Ill.
Otto K. Hilbert, Phoenix, Ariz.
Sonya M. Jones, Columbus, Ohio
Hon. Kathleen A. Kearney, Fort Lauderdale, Fla.
Diana Lewis, West Palm Beach, Fla.

University Libraries

Stanley M. Cardenas, San Francisco, Calif.
Charles Dobson Jr., Morton Grove, Ill.
Elizabeth A. Duffy, St. Louis, Mo.
John S. Meany Jr., Lombard, Ill.
Michael J. Schierl, New York, N.Y.
Joseph Zavislak, Tempe, Ariz.

Institute for Social and Pastoral Ministry

Catherine O'Hare, Blacksburg, Va.
Louis M. Nanni, Orlando, Fla.
Mr. and Mrs. Gary D. (Joe) Sweeney, Fox Point, Wis.
Mr. and Mrs. Julio E. Vizcarrondo Jr., Guaynabo, Puerto Rico

Snite Museum of Art

Barbara A. Bridges, Seattle, Wash.

Faculty Notes

Honors

Paul J. Griffiths, assistant professor of theology, was licensed as a lay preacher in the Episcopal Diocese of Northern Indiana in September.

Richard A. Lamanna, associate professor of sociology, was appointed to represent the University on the U.S. Department of Housing and Urban Development's Community Housing Resource Board of St. Joseph County. He was appointed to the Redistricting Oversight Committee of the South Bend Community School Corporation.

Rev. Edward A. Malloy, C.S.C., president and professor of theology, was appointed to the Presidential Advisory Council on Drugs. The 27 member group will advise President George Bush on the national antidrug effort.

Anthony N. Michel, McCloskey dean and Freimann professor of electrical and computer engineering, received the "Outstanding First Paper" Publication Award for the three-part paper "Application of Interval Analysis Techniques to Linear Systems: Part I — Fundamental Results; Part II — The Interval Matrix Exponential Function; Part III — Initial Value Problems" co-authored by E.P. Oppenheimer which appeared in the *IEEE Transactions on Circuits and Systems*, Vol. 35, September 1988, pp. 1129-1138, and Vol. 35, October 1989, pp. 1230-1256, by the Applied Physics Laboratory of The Johns Hopkins University. The award includes a certificate and a monetary prize and was presented Nov. 27.

James I. Taylor, associate dean, College of Engineering, and professor of civil engineering, was appointed to an overview panel for a study titled "Supplemental Advance Warnings," a special project of the National Research Council, Transportation Research Board.

J. Eric Smithburn, professor of law, has been elected to a three-year term on the faculty council of the National Judicial College located on the campus of the University of Nevada at Reno, Nev. The National Judicial College, which is formerly affiliated with the American Bar Association, is the world's largest institution for educating trial court judges.

Stephen Watson, associate professor of philosophy, was elected an executive director of the Society of Phenomenology and Existential Philosophy.

Activities

Rev. David Burrell, C.S.C., Hesburgh professor of arts and letters, professor of philosophy, and professor of theology, presented "Maimonides, Aquinas, and Ghazali on Naming God" at the Boston Colloquium on Medieval Philosophy in Boston, Mass., Oct. 25, at the Middle East Studies/Religious Studies colloquium at Yale University in New Haven, Conn., Oct. 27, and at the Society for the Study of Islamic Philosophy and Science at Baruch College, New York, N.Y., Oct. 29.

Norman A. Crowe, associate professor of architecture, delivered the keynote address "Looking Back" on the general topic "The Use and Importance of Architectural Theory in the Day to Day Conduct of an Architectural Practice" to the annual convention of the Kentucky Chapter of the American Institute of Architects in Cincinnati, Ohio, Nov. 10. He served as a commentator on a panel discussion at the convention, Nov. 11.

John D. Dow, Freimann professor of physics, gave the invited talk "Molecular Dynamics of Semiconductors: Growth and Anharmonic Phonons" at the workshop on Surface Dynamics held at the University of Texas at Austin, Tex., Nov. 10-11.

Sr. Mary Ewens, O.P., adjunct professor in the Arts and Letters Core Courses and part-time associate director of the Cushwa Center, presented a paper titled "Catholic Female Academies: Fluff or Substance?" at the annual meeting of the History of Education Society in Chicago, Ill., Oct. 29.

Denis Goulet, O'Neill professor of education for justice and in the Kellogg Institute, lectured on "The Political Economy of World Debt" to the Faculty Seminar, Chair of World Economy in International Relations at Warsaw University, Warsaw, Poland, Nov. 13.

Alexander J. Hahn, professor of mathematics, gave an invited lecture "On Indecomposable Positive Definite Z-Lattices" to the Algebra Seminar of Pennsylvania State University, University Park, Pa., Nov. 9.

John D. Halfman, assistant professor of earth sciences, presented "Sedimentation and Its Cyclic Behavior in Lake Turkana, Kenya: Is it Consistent Between Basins?" at the 1989 fall meeting for the American Geophysical Union held in San Francisco, Calif., Dec. 4. He also presented "A High Resolution Study of Paleoclimate for the Past 4000 Years at Lake Turkana, Kenya, Based on Stable Isotopes: A Recent, Anomalous Departure in Climate?" co-authored with Thomas C. Johnson of Duke University and William J. Showers of North Carolina State University at that meeting.

Faculty Notes

Stephen M. Hayes, associate librarian, gave the invited speech "Government Documents: What to Expect in the 90s" at *Navigating the Nineties: Resource Strategies*, the Midwest Regional Conference of Law Librarians, Chicago, Ill., Oct. 26-28.

Lloyd H. Ketchum Jr., associate professor of civil engineering, presented a paper titled "Anaerobic Sequencing Batch Reactor Treatment of Hazardous Industrial Wastewater" co-authored by Y. Shen and Robert L. Irvine, professor of civil engineering and director of the Center for Bio-engineering and Pollution Control, at the national meeting of the American Chemical Society held in Miami Beach, Fla., Sept. 11-14. He presented an invited paper titled "Superfund Site Cleanup Using Innovative Biological Methods" at a combined civil engineering and chemical engineering seminar at Howard University, Washington, D.C., Nov. 14.

John Matthias, professor of English, delivered the paper "Translating Oral Poetry: The Serbo-Croatian Heroic Poems" at the American Literary Translators Association meeting at the University of Iowa in Iowa City, Iowa, Nov. 9-12. He gave the reading "The Battle of Kosovo," which was translated from Serbo-Croatian, and a bilingual reading of his own poetry in English with translations into French made by Anne-Catherine Rielly at that meeting.

Rev. Richard P. McBrien, chairman and Crowley-O'Brien-Walter professor of theology, presented "The Catholic College Graduate: Hope for the Future?" to the First Friday Club of Cleveland, Ohio, Nov. 2. He gave the Aledor J. Gengras Lecture "The Church's Mission in a Modern Society" at West Hartford, Conn., Nov. 9.

Leonard E. Mustermann, associate faculty fellow in biological sciences, gave the poster presentation titled "Geographical Mapping of Vector Abundance and Disease Incidence Using Microcomputer Methods" at the fifth Australian Arbovirus Symposium held in Brisbane, Australia, Aug. 28-Sept. 1. He collected the mosquito *Aedes albopictus* in Southeast Asia in Malaysia, Singapore, Indonesia (Sumatra, Java, Bali, Timor, Moluccas, Ceram, Sulewese), Philippines (Luzon, Mindanao, Palawan), Thailand, Taiwan, Japan (Okinawa, Amami-Oshima) on a National Geographic Collection Expedition, Sept. 2-Nov. 15.

Rev. Edward D. O'Connor, C.S.C., associate professor of theology, gave conferences on "Mental Prayer" at Notre Dame, Ind., Oct. 8 and Nov. 5. He gave a Day of Recollection at the Handmaidens of the Holy Trinity Retreat Center, South Bend, Ind., Nov. 18.

Maria Rosa Olivera-Williams, associate professor of romance languages and literatures, read an invited paper titled "La Cifra Anonima de Hiber Conteris o la Narrativa de las Situaciones Limites" at the session titled "La Novelística de Hiber Conteris" during the Midwest Modern Language Association meeting held in Minneapolis, Minn., Nov. 2-4. She read an invited paper titled "*La Mujer Desnuda* de Armonia Somers como Manifestación de la Narrativa Imaginaria" at the Mid-American Conference on Hispanic Literature at Kansas University, Lawrence, Kans., Nov. 9-11. She was the chairperson and discussant of the session titled "Contemporary Argentine Narrative" at that conference.

Ersine Peters, professor of English, delivered the paper "The Artistic and Philosophical Liabilities of Sterotyping" at the annual Austrian Association for American Studies Conference at the University of Innsbruck, Austria, Nov. 9-12. While at the University of Innsbruck, he also delivered a lecture to the American Studies Department on "Understanding Afro-American Literature: Establishing a Frame of Reference."

Morris Pollard, Coleman director of the Lobund Laboratory and professor emeritus of biological sciences, delivered two invited lectures sponsored by The Simon Wiesenthal Center in Los Angeles, Calif., Nov. 14-15.

Francesca Rochberg-Halton, assistant faculty fellow in history, presented "Astronomy and Astrology and the Birth of Scientific Inquiry" at a symposium on Mesopotamian Divination and the Birth of Scientific Inquiry" at the University of Toronto, Toronto, Canada, Sept. 24. She gave "Methods and Goals in Babylonian Non-mathematical Astronomical Texts" at the History of Science Society meeting held in Gainesville, Fla., Oct. 27. She presented "Babylonian Horoscopes and Astronomical Context" at Yale University, New Haven, Conn., Nov. 7.

Eugene W. Rochberg-Halton, associate professor of sociology, presented "*Lebensphilosophie* and Modern Life" at the Center for European Studies at Harvard University, Cambridge, Mass., Nov. 17.

Ken D. Sauer, assistant professor of electrical and computer engineering, presented a paper titled "Statistical Refinement of Transmission Computed Tomograms in High Photon Counting Noise" at the *SPIE Conference on Visual Communications and Image Processing* at Philadelphia, Pa., Nov. 9.

Faculty Notes

Mark Searle, associate professor of theology, gave the major address "Catholic Liturgy, American Culture" to the Federation of Diocesan Liturgy Commissions in Pittsburgh, Pa., Oct. 11. He led a faculty seminar on the use of semiotics in liturgical studies at the Catholic Theological Union in Chicago, Ill., Nov. 8.

J. Eric Smithburn, professor of law, presented an invited lecture titled "New Horizons in Scientific Evidence" at the Indiana Trial Lawyers Association 25th annual institute in Indianapolis, Ind., Dec. 1.

James I. Taylor, associate dean, College of Engineering, and professor of civil engineering, gave the presentation titled "Engineering Decisions: The Ethical and Moral Dimensions" to the faculty and students in the College of Engineering at Valparaiso University, Valparaiso, Ind., Nov. 8.

Anthony M. Trozzolo, Huisling professor of chemistry, presented a seminar titled "The Multi-Faceted Photochemistry of Three-Membered Heterocycles" at the Central Research and Development Department at E.I. du Pont de Nemours & Company, Experimental Station, Wilmington, Del., Nov. 16.

John J. Uhran Jr., assistant chairman and professor of electrical and computer engineering, gave the presentation "The Artificial Neural Network: A Building Block for Intelligence" at MIT Lincoln Laboratory, Lexington, Mass., Aug. 16. He presented "Some Unusual Properties of Hopfield Networks" at the Great Lakes Computer Science Conference in Kalamazoo, Mich., Oct. 20. He gave "Unusual Properties for Hopfield Networks with Applications" at the Stevens Institute of Technology in Hoboken, N.J., Oct. 27.

Eugene Ulrich, professor of theology, presented an invited address titled "The Status of the Publication of the Biblical Dead Sea Scrolls" at a symposium on "Perspectives on the Dead Sea Scrolls" at Princeton University, Princeton, N.J., Nov. 13.

Andrzej Walicki, O'Neill professor of history, delivered the paper "Catholicism and the Eastern Church in the Philosophy of Vladimir Soloviev" at the international conference on "The Slavs in the Eyes of the Occident and the Occident in the Eyes of the Slavs" at Jagellonian University in Cracow, Poland, Nov. 21-24.

Rev. Joseph L. Walter, C.S.C., chairman of preprofessional studies and associate professor of chemistry, gave the address "The New Medical College Admissions Test" at a Premedical Workshop sponsored by the Family Practice Group of Memorial Hospital in South Bend, Ind., Nov. 10.

Stephen Watson, associate professor of philosophy, presented an invited paper "On the Critical Tribunal" at a conference on "Deconstruction and the Possibility of Justice" held at the Cordoza Law School in New York, N.Y., Oct. 2-3. He participated in conferences on the thought of Martin Heidegger at Loyola University of Chicago, Sept. 21, and at Memphis State University, Memphis, Tenn., Oct. 5-7.

Death

Rev. Edward A. Keller, C.S.C., associate professor emeritus of economics, Oct. 28.

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Correction to *Notre Dame Report #4*

JEAN A. PEC, *Associate Librarian*. B.A., Kalamazoo College, 1968; M.L.S., Western Michigan Univ., 1969; M.S.A., Univ. of Notre Dame, 1988. (1979)

Minutes of the Academic Council Meeting October 10, 1989

Members in attendance: Rev. Edward A. Malloy, Prof. Timothy O'Meara, Rev. E. William Beauchamp, Prof. Roger Schmitz, Rev. David Tyson, Prof. Nathan Hatch, Deans Francis Castellino, Emil Hofman, John Keane, David Link, Michael Loux, and Anthony Michel; Mr. Robert Miller, and Prof. Paul Conway; Profs. Kathleen Biddick, John Borkowski, Leo Despres, Fernand Dutile, Morton Fuchs, Mark Herro, Barry Keating, Jerry Marley, Suzanne Marilley, William McGlinn, Dian Murray, William Nichols, Daniel Pasto, and Philip Quinn; Mr. J. Douglas Archer, Dr. James Powell, and Dr. Kathleen Maas Weigert; Students Kenneth Scheve, Martin Chiaverini, Frank Ciraci, and Audrey George

Observers in attendance: Mr. Richard Conklin and Col. Howard Hanson

Prof. O'Meara opened the meeting at 3:00 p.m. with a prayer.

Fr. Malloy commented generally about the functioning of the Academic Council. He felt that, as a rule, council meetings should run no longer than two hours. If necessary, incompleting items may be carried over from one meeting to the next. He stated his intention to monitor discussions so as to give everyone a fair chance to speak but to avoid bogged-down situations.

1. **Minutes.** The minutes of the Academic Council of April 12, 1989, were approved as published in *Notre Dame Report*, No. 18, 1988-89.

2. **Appointment of a panel of reviewers for appeals concerning alleged faculty employment discrimination based upon sex.** Prof. O'Meara reminded the council

that, according to the settlement of the Frese case, he is to appoint a panel of reviewers at the beginning of each academic year in consultation with the Executive Committee of the Academic Council. He announced that, following such consultation, he had appointed the following individuals to the 1989-90 panel: Profs. Neal Cason, Yu-Chi Chang, Xavier Creary, JoAnn DellaNeva, Julia Knight, Naomi Meara, John Roos, Edward Trubac, and Arvind Varma. Prof. O'Meara pointed out that he had followed his customary practice of retaining the same membership from year-to-year except to replace those members who were involved in an appeal case through the past year or who are unavailable for service. The new members on the above list are Profs. DellaNeva and Roos who replace Profs. Philip Gleason and Katherine Tillman.

3. **Election of the Executive Committee.** The council elected the following members to serve on the 1989-90 Executive Committee: Dean Castellino, Prof. Dutile, Prof. Hatch, Dean Loux and Dr. Weigert. In addition, Fr. Malloy appointed Prof. Keating, Dean Michel, and Mr. Scheve to the committee. Profs. O'Meara, Conway, and Schmitz serve as ex-officio members.

4. **Refinement of the new grading system.** Prof. O'Meara pointed out that when the council approved the new +/- grading system, the numerical equivalents of the suffixed letter grades were shown with two decimal places. Since official transcript grades are reported to three places, these numerical equivalents lead to inconsistent, and sometimes problematic, round off. Consequently, for the 1989-90 publication of the Faculty Handbook, they were changed to show three decimal places. Thus plus grades have the integers 333 to the right of the decimal point, and minus grades, 667. A motion to approve this change passed without dissent.

5. **Faculty Senate resolution regarding Academic Article III.4.e.** (See attachment.) Prof. Conway introduced this resolution, a copy of which was sent to members in advance, and entered the motion that the Academic Council undertake a revision of the faculty appeals procedure with input from, and in conjunction with, the Faculty Senate. Prof. Quinn added that the senate chose not to propose the revision itself but to identify in the resolution those parts of the present procedure which it felt were problematic and needed to be addressed.

Prof. O'Meara explained that the present procedures were approved several years ago during the latest revision of the Academic Articles to meet then-current situations. He emphasized that their purpose is to deal with allegations

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involving academic freedom, personal bias or procedural error, not to provide a general appeal route for those who have been denied reappointment, promotion, or tenure.

Fr. Malloy stated that he regards considerations of appointment and promotion cases to be his most important business. He emphasized the importance of departmental committees on appointments and promotions, and he cited the need for protective policies and procedures against biased judgments. He felt that continuous seeking of ways to improve our processes is warranted and desirable.

During an extensive discussion, comments were made to the following effects.

- The resolution seeks a refinement and clarification of procedures, not a broadening of the range of allegations.
- The resolution is not based on a judgment that prior decisions have been right or wrong, but rather that something is lacking in the procedures.
- The formulation of the existing procedures was guided to some extent by a concern for the confidentiality of the deliberations of the departmental committee on appointments and promotions (CAP).
- Since many of the allegations stem from CAP actions, the review process is impeded if access to CAP minutes is denied.
- In cases where the provost decides not to begin the reappointment or promotion process anew at the department level even though a review committee has presented evidence to support an allegation, there may be suspicion that the decision was influenced by whether or not the case could win in court.
- A revision of the procedures should include a definition of *personal bias*.

Prof. O'Meara stated that all files have been made available to review committees in the past. He suggested that the motion specifically refer the revision to the Executive Committee which would determine the appropriate committee — possibly a subgroup of the Executive Committee expanded by members of the Faculty Senate or Academic Council who were originally involved in the formulation of the resolution. In this form, the motion to undertake a revision of Article III.4.e. passed without dissent.

6. Visit by the National Council for Accreditation of Teacher Education (NCATE). Prof. O'Meara announced that a 10-member team from NCATE and the State of Indiana will visit the Notre Dame and Saint Mary's cam-

pus. The visit is part of a periodic accreditation process for the jointly sponsored program in education which enables Notre Dame students to obtain teacher certification in the area of their academic major.

7. Graduate degree programs in Biochemistry. Dean Castellino reminded the council that it had approved a name change for the Department of Chemistry (now Chemistry and Biochemistry) and an undergraduate degree program in Biochemistry at its previous meeting of April 12, 1989. At the same time, the council discussed a proposal for graduate degrees in Biochemistry but deferred action pending consideration of the proposal by the Graduate Council. Dean Castellino reported now that the Graduate Council had approved the proposal. He moved that the Academic Council approve Masters and Ph.D. programs in Biochemistry as they were presented and discussed previously. The motion was approved without dissent.

8. Election of a search committee for the Dean of the Freshman Year of Studies. Prof. Schmitz pointed out that according to Academic Article II.6., the Academic Council is to elect five members from its elected faculty representatives to a committee which "studies qualifications of possible candidates and submits recommendations to the President" for a new Dean of the Freshman Year of Studies. (Dean Hofman will retire from that position and become Professor Emeritus on June 30, 1990.) One student representative is also to be elected, and the committee is to be chaired by the provost. Prof. Schmitz reported that the Executive Committee felt that a two-part election process would help achieve membership balance among the colleges. Specifically, the Executive Committee's suggestion was to elect three faculty members and a student in the first part and two faculty members in the second. Profs. Murray and Quinn asked to be removed from the list of candidates as they will be away from the campus through the spring semester. So conducted, the election resulted in the following committee membership: Ms. George (student member); Prof. Biddick, Fr. Burtchaell, and Prof. Marley from the first part; Profs. Fuchs and Keating from the second part.

9. Athletics and Academics. Fr. Malloy told the council that the Executive Committee had received a resolution from Prof. Fuchs calling for the election of a committee to explore the relationship between academics and varsity athletics at this University. He stated that the Faculty Board in Control of Athletics is the appropriate group to consider the matter, first at least, and that he is directing

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the matter to that group. Prof. O'Meara added that the Executive Committee considered the Fuchs resolution at length and held a special meeting with Prof. Fuchs in attendance. The principal expressed concern was the apparent increase in class absences owing to varsity athletic schedules, particularly by freshman students. Prof. Fuchs also stated that a feeling exists among some faculty that admission standards have slipped for athletes and some summer course offerings commonly taken by athletes are substandard. Prof. O'Meara stated that the Executive Committee unanimously felt that these matters and concerns should be reported to, and studied by, the Faculty Board in Control of Athletics and that a response from that board should be made to the president.

Fr. Beauchamp, who serves as chairman ex-officio of the Faculty Board, expressed his strong feeling that the board indeed should be the primary body dealing with such matters — that it should evolve to a state of effectiveness where it constantly reviews absenteeism, academic performance, etc., of athletes. Prof. Fuchs expressed his interest in bringing his concerns to the board and his hope that they will be heard and considered in a timely fashion.

10. **Other.** Fr. Malloy asked the student members to indicate items of special interest to them for 1989-90. Among such were matters surrounding:

- prior student reports to the trustees regarding student intellectual life at Notre Dame.
- the training of graduate student teachers.
- course offerings and class sizes, particularly in the College of Arts and Letters.
- implementation of an honor code for MBA students.

Fr. Tyson reported that an increasing number of halls have reinstated the Hall Fellows Program. Some of the halls have had great success in bringing the intellectual life of the University into the hall through the program.

Prof. O'Meara and Fr. Beauchamp described plans and progress for the new classroom building which will be located on the east side of the new DeBartolo quad. The building will contain a 450-seat auditorium and an assortment of classrooms for 20, 50, 100, and 250 students. Ground breaking will probably take place in the summer of 1990, and the estimated date of completion is spring 1992.

The meeting adjourned at 5:10 p.m.

Respectfully submitted,

Roger A. Schmitz
secretary of the Academic Council

Resolution

WHEREAS significant doubts have been raised by faculty members about the appropriateness of the procedures (Article 3, Section 4, Subsection (e) of the Faculty Handbook: "allegations involving Academic Freedom, Personal Bias or Procedural Error") under which negative reappointment and tenure decisions are appealed; and

WHEREAS the following specific issues have been raised:

1. Timetable for events. There are no deadlines for filing an appeal, establishing an appeal committee, ruling on an appeal, reporting out the results, etc. It would seem desirable that all appeals be filed and heard in a timely and predictable fashion.

2. Involvement in the appeal procedures. Neither individuals directly involved in the initial reappointment or tenure decision (e.g., chairman, dean, CAP members) nor the appellant are excluded from participating in the College Council election process that selects an appeal committee (though no member of the appeal committee may be from the appellant's department). This creates the possibility of an appeal committee being biased at the outset of an appeal process.

3. Appeal committee selection for Library Faculty and Special Professional Faculty. For cases involving regular faculty, an appeal committee is selected by the appropriate College Council. However, the provost appoints the review committees in cases of Library Faculty and Special Professional Faculty. It would seem appropriate also for these faculties to have committees selected by peers.

4. Evaluation of an appeal committee's report. The provost reviews a committee's report and determines in consultation with the president whether or not a violation, bias, or an error has occurred. Given the direct involvement of the provost in the initial decision, this appears inappropriate.

5. Procedure following an appeal judged to be worthy. If a case upon review is judged by the provost in consultation with the president to involve a violation, bias or error, the decision process is "begun anew." There is no specific provision for excluding from the rehearsing individuals who participated in the initial decision. Thus, the possibility exists that the appealed case would be decided by some or all of the same parties who made the initial recommendations and ruling. In addition, there is no requirement that the findings of the appeal committee be considered in a rehearsing. Thus, an appellant has no assurance that the appeal committee's judgment is accorded the substantial weight which it should receive.

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6. Appeal committee guidelines. The appeal committee's internal structure and operating procedures are not standardized. In addition, the experience of prior appeal committees has not been utilized in any formal way to guide more recent appeals.

7. Reporting requirements. There is no requirement that the outcome of an appeal be reported to an appeal committee. Nor is there a requirement that the reasoning for the decision be reported to the appellant or the appeal committee.

8. Provost Advisory Committee Minutes. The only information available to an appeal committee from the PAC is the vote tally. In the absence of minutes from these meetings, it is impossible to determine if a violation of procedure, academic freedom or personal bias has occurred at the PAC level.

BE IT RESOLVED that the Faculty Senate recommends that the Academic Council undertake a revision of the procedure with input from and in cooperation with the senate.

BE IT FURTHER RESOLVED that, upon adoption by the senate, a copy of this resolution be sent to each member of the faculty.

Faculty Senate Journal October 16, 1989

The chair, Prof. Paul Conway, called the meeting to order in room 202 of the Center for Continuing Education and asked Prof. Barry Keating to offer a prayer. Conway reported on his continuing series set of meetings with the provost, Timothy O'Meara. Having met three times for open and frank discussions of views, Conway asked that the provost report by letter to the faculty on the tenure process with statistics for the past three years. O'Meara has done this before, in 1980 and 1984, it seemed appropriate this time, and he agreed to do so. On other topics Conway asked the provost to clarify the *Faculty Handbook* statement on the alcohol policy (see report of Administration Committee later in the "Journal"). They also agreed to remove the question of a committee on the status of women from the agenda of the Academic Council because this will be taken up directly with the Board of Trustees. We are seeking more regular input to the Budget Priorities Committee; to do this Prof. Frank Bonello will be added to a subcommittee of a subcommittee of the BPC as a faculty representative but not as a Faculty Senate representative.

On the parental leave policy, there are two issues: first the BPC will study it for costs, and the second part, on the "tenure clock" question for men and/or women, will go to the Academic Council after the senate takes a position on it and makes a recommendation. Finally, our resolution on grievance policy procedures has been taken up by the Academic Council; a committee will review it for changes.

The standing committees next reported.

- Academic Affairs—chair Robert Hayes reported that his group will concentrate on the lack of correlation between curriculum development and library collection development, and will try to suggest ways to ameliorate this problem.
- Administration—chair Frank Connolly reported on his group's work with the provost on the alcohol policy statement in the *Faculty Handbook* (report is printed as appendix A of this "Journal"). The provost has already revised the statement in the *Handbook*.
- Benefits—chair Frank Bonello reiterated the parental leave issue, and his committee will study the "tenure clock" question. This committee will evaluate and publish a report on Notre Dame faculty compensation. Since TIAA/CREF has new options for its members, Benefits will make some recommendations for consideration at the next meeting.
- Student Affairs—chair F. Clark Power reported that his committee will focus on athletics and academics; Prof. J. Keith Rigby heads up a subcommittee on this with specific concerns: absences, admissions standards, and freshmen eligibility.
- Special Professional Faculty—in the absence of Dr. Ellen Weaver, secretary Peter Lombardo reported on a successful meeting with Associate Provost Eileen Kolman and Vice President and Associate Provost Roger Schmitz: What are the boundaries of the SPF, and what are the criteria for appointment and promotion are the two major questions. Until this meeting, no progress had been made on this issue. But now an advisory committee to the provost, made up of elected SPF members and a couple of teaching and research faculty, will be set up to work with the Office of the Provost in a review of the SPF; no current SPF member will be removed from the faculty as a result of this review. Lombardo suggested that the work of the ad hoc committee

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has been successfully completed with the creation of the new advisory committee, and should be dissolved. He further moved a resolution of thanks to Prof. Kathleen Maas Weigert for her efforts in keeping the SPF issue alive; Prof. Leo Despres seconded. The motion passed unanimously. Conway declared that the ad hoc Committee on Special Professional Faculty was officially dissolved.

- Faculty Alcohol Assistance Program—Lombardo will chair the ad hoc committee on this, and asked for volunteers to serve on it, especially to set up the work of informational programming.
- Status of Women—vice chair Kathleen Biddick reported on the progress made for their presentation to the trustees on October 26.
- Governance—Conway reported on a letter from the trustees dated May 14, 1976, in which the board endorsed the AAUP governance statement of principles. The preliminary report of the ad hoc committee has been published and cannot be changed. It is to be followed by another statement later after thorough airing of the issues in the senate and among the faculty. Bonello moved and Prof. Philip Quinn seconded, that the senate form itself into a "Committee of the Whole" for one hour to discuss this report, and when it resumes the meeting, have a short summary statement to be given of the discussion. With no dissent, this was approved. The senate then resolved into itself into the committee of the whole, with vice chair Biddick presiding.

After an hour's discussion, Biddick reported to the senate that the document was historic, and that it has stimulated discussion; senators expressed recommendations for the tone and content of another document in the future, especially in linking teaching and research to the issue of governance; many senators wanted concrete comparative information on what other universities do in this area (especially to see where we are out of compliance with our peer institutions in this regard). The faculty survey will be crucial, and thus should be circulated to the senate before being mailed out. The future report should encompass the variety of views likely to be reflected in the survey as well as the evolving attitude of the administration.

Prof. Walter Pratt moved that the survey be passed by the senate before sending it out to the faculty; Despres seconded. Power suggested as a friendly amendment that anyone with suggestions for questions should send them

to one of the committee members; Pratt so accepted. The general feeling was that a draft survey should be sent to the senators before the next meeting when it will be voted upon. Despres thought the survey should try to elicit a level of satisfaction or dissatisfaction among the faculty on the issue of governance. The senate passed Pratt's amended resolution with no dissent.

Under old business, Prof. Ronald Wasowski, C.S.C., commented on the report on governance for the record. The document said a lot that was accurate, a lot that probably was in people's minds and emotions. But some of these feelings and thoughts did not belong in the document and should not be in the future one. He was distressed at the reaction of some senators, and he wished to state that he did not believe the end justifies the means.

There being no new business, Quinn moved to adjourn, and Despres seconded.

The motion passed.

The senate adjourned at 9:20 p.m.

Members present: Bender, Bentley, Biddick, Bonello, Bunker, Connolly, Conway, Costigan, Despres, Esch, Fallon, Fuchs, Gad-el-Hak, Halloran, Harmatiuk, Hayes, Jerez-Farran, P.G. Johnson, Keating, Krieger, Lapsley, Lombardo, McCarthy, Moody, Parnell, Pilkinton, Porter, Powell, Power, Pratt, Quinn, Rai, Rigby, Sheehan, Slaughter, Wasowski

Guests: McKim, Kerby

Members excused: Borelli, Collins, Herro, C.L. Johnson, Weaver

Members absent: Anderson, Antsaklis, Attridge, Bandyopadhyay, Bell, Blenkinsopp, Falkenberg, Goddu, Hanson, MacKenzie, Miller, Olivera-Williams, Sporleder

Respectfully submitted:

Peter Lombardo, secretary

Documentation

Appendix A

Report of Subcommittee of Administration Committee on the New Drug and Alcohol Policy

The committee met three times to investigate the new Drug and Alcohol policy appearing on page 47 of the Faculty Handbook.

After much discussion a consensus emerged on four points.

- a. The administration would have served itself and the faculty better if it had discussed the new policy with faculty before publishing it.
- b. The language in the new policy was too loose in certain parts.
- c. In spite of appearances, the new policy did have suitable guarantees of due process for accused faculty. Moreover we felt it was not the intent of the provost to create a ground for dismissal separate from those specified in the Academic Articles. Nevertheless, inauspicious language made this matter less than clear.
- d. Our committee should seek a meeting with the provost to try to obtain changes in language on four points.

The provost agreed to meet with us. For 90 minutes on October 4, we discussed the points above. Agreement was reached on all points. The significant results were:

1) The provost agreed that in matters of this sort, consultation prior to promulgation would be the more appropriate course.

2) The following changes would be made on page 47 of the Faculty Handbook:

- a. I.A. Prohibitions, the third sentence will now read:
"Use of illegal drugs and/or alcohol prior to reporting for work which interferes with a faculty or staff member's work performance, is also prohibited."

b. In II.A. Faculty, the second and third sentence will now read:

"Drug or alcohol abuse in the workplace by a faculty member should be reported to the provost's office and shall be investigated and handled by the provost's office. If this investigation makes it necessary to consider the dismissal of a faculty member for serious cause, the case shall be handled following the procedures for such specified in the Academic Articles."

3) The provost also said that if the Faculty Senate drafts a new Faculty Assistance Program, he would entertain the idea of incorporating it within this policy.

The meeting ended amicably.

Respectfully submitted,

Frank Connolly, chair
Ray Powell
Jack Pratt
Phil Quinn

Documentation

University Library Hours Christmas and New Year's Observances and Intersession December 21, 1989-January 15, 1990

Date	Hesburgh Library		Engineering & Science Libraries
	Building	Public Services	
Thursday, December 21 and Friday, December 22	8 a.m.-10 p.m.	8 a.m.-5 p.m.	8 a.m.-5p.m.
Saturday, December 23	9 a.m.-5 p.m.	Closed	Closed
Sunday, December 24 and Monday, December 25	Closed	Closed	Closed
Tuesday, December 26	9 a.m.-10 p.m.	Closed	Closed
Wednesday, December 27 through Friday, December 29	9 a.m.-10 p.m.	10 a.m.-4 p.m.*	10 a.m.-4 p.m.
Saturday, December 30	9 a.m.-5 p.m.	Closed	Closed
Sunday, December 31 and Monday January 1	Closed	Closed	Closed
Tuesday, January 2 through Friday, January 5	8 a.m.-10 p.m.	8 a.m.-5 p.m.	8 a.m.-5 p.m.**
Saturday, January 6	9 a.m.-10 p.m.	9 a.m.-5 p.m.*	Closed**
Sunday, January 7	1 p.m.-10 p.m.	Closed	Closed
Monday, January 8 through Friday, January 12	8 a.m.-10 p.m.	8 a.m.-5 p.m.	8 a.m.-5 p.m.**
Saturday, January 13	9 a.m.-10 p.m.	9 a.m.-5 p.m.*	Closed**
Sunday, January 14	1 p.m.-10 p.m.	Closed	Closed
Monday, January 15	8 a.m.-10 p.m.	8 a.m.-5 p.m.	8 a.m.-5 p.m.**
Tuesday, January 16	Libraries return to Regular Schedule		

The Hesburgh Library Micro Computer Laboratory will be open during the times when the building is open.

* The following public service areas will be open:

Circulation Services
Current Periodicals/Microtext Center
Reference Center

** Contact the Life Sciences Library about evening and weekend hours.

Advanced Studies

Current Publications and Other Scholarly Works

Current publications should be mailed to the Division of Sponsored Programs, Room 314 Main Building.

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