

NOTRE DAME REPORT

FACULTY NOTES

- 159 *Faculty Honors*
- 159 *Faculty Activities*

ADMINISTRATORS' NOTES

- 161 *Administrators' Honors*
- 161 *Administrators' Activities*

DOCUMENTATION

- 162 *President's Address to the Faculty*
October 12, 1993
- 168 *Academic Council Minutes*
September 29, 1993
- 175 *Faculty Senate Journal*
September 9, 1993
- 179 *Faculty Senate Journal*
October 13, 1993
- 185 *University Libraries' Hours During Christmas and*
New Year's
December 24-28, 1993
- 185 *University Libraries' Hours During Intersession*
January 3-12, 1994

THE GRADUATE SCHOOL

- 186 *Current Publications and Other Scholarly Works*

DECEMBER 3, 1993 • NUMBER 7

FACULTY NOTES

Honors

Richard W. Fessenden, professor of chemistry and biochemistry and associate director of the Radiation Laboratory, has been elected a fellow of the American Association for the Advancement of Science "for pioneering applications of electron spin resonance (ESR) to the study of the structure and reactions of short-lived free radicals."

Denis A. Goulet, O'Neill professor in education for justice, economics, has been appointed to the Commission on Environmental Strategy and Planning of the IUCN, the World Conservation Union in Gland, Switzerland.

Alven Neiman, assistant dean of arts and letters and concurrent assistant professor in the arts and letters core course, has been named to chair the program committee for the 1995 annual meeting of the Philosophy of Education Society, to be held in conjunction with the western division meeting of the American Philosophical Association. As program chair he will both serve as a member of the program committee for the 1994 meeting, and will edit the proceedings for 1995.

Walter Nugent, Tackes professor of history, has received an outstanding academic book of 1993 award by *Choice*, a publication of the Association of College and Research Libraries, for *Crossings: The Great Transatlantic Migrations 1870-1914*.

Arvind Varma, Schmitt professor of chemical engineering, has received the R.H. Wilhelm Award in Chemical Reaction Engineering by the American Institute of Chemical Engineers. The citation honors his "significant and new contributions in chemical reaction engineering."

Activities

Ani Aprahamian, assistant professor of physics, presented the seminar "Vibrational Multi-Phonon Excitations and Identical Bands" at the Nuclear Physics Institute at the University of Koln in Koln, Germany, Oct. 19.

Howard A. Blackstead, associate professor of physics, gave the talk titled "Anisotropic Field and Temperature Dependent Surface Resistance of High Temperature Superconductors" at the Massachusetts Institute of Technology in Boston, Mass., Nov. 5.

Rev. Austin I. Collins, C.S.C., associate professor of art, art history and design, presented an outdoor sculpture exhibition at the Greater Reston Art Center, Inc., in Reston, Va., sponsored by Walker and Co., Aug. 1993-Aug. 1994. He was a participant in the seventh Rosen Outdoor Sculpture Competition and Exhibition 1993-94 at Appalachian State University in Boone, N.C.

Norman A. Crowe, associate professor of architecture, presented a paper titled "A View of the City from the Campus" at the annual symposium of the northeast regional meeting of the Association of Collegiate Schools of Architecture on "Architecture on Campus" at Annapolis, Md., Oct. 29-30.

Lloyd H. Ketchum Jr., associate professor of civil engineering and geological sciences, presented "Scrap Tires in Asphalt Pavements" coauthored with Julie Huckaba and Gary A. Gilot at the eighth annual Civil Engineering Professional Seminar in West Lafayette, Ind., Nov. 4.

Rev. John F. Kurtzke, C.S.C., visiting associate professor of mathematics, visiting from the University of Portland, gave the talk "Problems with ISETL in a Discrete Mathematics Course" at the sixth annual international conference on Technology in Collegiate Mathematics held at Parsippany, N.J., Nov. 4-7.

Ruey-wen Liu, Freimann professor of electrical engineering, was the keynote speaker at IEEE international conference on Computers, Communication, Control and Power, Blind Signal Processing — a New Frontier for Intelligent Control in Beijing, China, Oct. 19-21. He served as the keynote speaker at the international conference on Neural Networks and Signal Processing, Analog Neural Network for Blind Signal Separation, in Guangzhou, China, Nov. 2-5.

George A. Lopez, professor of government and international studies and faculty fellow in the Kroc Institute, gave the address "Catholics, Conscience and the Use of Force: Issues for the Present and Future" at the conference *Pacem in Terris* and *The Challenge of Peace: An Anniversary Reflection and a Look to the Future* held at the University of Dayton in Dayton, Ohio, Nov. 5-7.

Rev. Richard P. McBrien, Crowley-O'Brien-Walter professor of theology, presented "Reflections on *Ex Corde Ecclesiae*" for the panel discussion on *Ex Corde Ecclesiae* during a conversation on the Catholic character of Notre Dame in Notre Dame, Ind., Oct. 20. He presented the keynote address "We are the Church in the Mid-'90s: Reading the 'Signs of the Times'" for the Call to Action national conference in Chicago, Ill., Oct. 29. He gave the first annual John XXIII lecture "Catholic Identity and the Future of the Church" to the Fellowship of Southern Illinois Laity, Diocese of Belleville, in Centralia, Ill., Nov. 4.

Ralph McNerny, Grace professor of medieval studies, director of the Maritain Center and professor of philosophy, gave the lecture "Aristotle and Some Thomisms" at the Bradley Medieval Lecture Series at Boston College in Chestnut Hill, Mass., Oct. 22. He presented the lecture "The Advantage of a Catholic University" at Loras

FACULTY NOTES

College's Classical Philosophy Lecture Series in Dubuque, Iowa, Nov. 11.

Walter Nugent, Tackes professor of history, chaired and commented at a session on "Where the West Begins" at the annual meeting of the Western History Association in Tulsa, Okla., Oct. 14.

Dean A. Porter, director of the Snite Museum of Art and associate professor of art, art history and design, delivered the lecture "Patronage in Taos, New Mexico, 1915-1950" at the sixth annual Southwestern Art History Conference in Taos, N.M., Oct. 29.

Kenneth F. Ripple, professor of law, served as a guest faculty member at the School of Law at Duke University in Durham, N.C., Nov. 2. He lectured in classes on Federal Criminal Law and Appellate Advocacy and consulted with members of the regular faculty on research interests.

James L. Sauer, assistant professional specialist in the Freshman Writing Program, delivered the paper "Collaboration Beyond the Electronic Writing Classroom" at the 1993 Indiana Teachers of Writing Conference in Indianapolis, Ind., Oct. 1.

Mihir Sen, associate professor of aerospace and mechanical engineering, presented a paper titled "Chaotic Particle Paths and Heat Transfer Enhancement in Internal Flows" coauthored with Hsueh-Chia Chang, chair and professor of chemical engineering, at the seventh Toyota conference: Towards the Harnessing of Chaos, organized by Toyota Motor Corporation in Toyota Mikkabi Creative Center, Japan, Oct. 31-Nov. 3.

Peter H. Smith, assistant professor of music, delivered a paper titled "Liquidation, Augmentation, and Brahms's Blurring of the Recapitulatory Articulation" at the University of Notre Dame Music Department lecture series, Notre Dame, Ind., Oct. 20, and at the 1993 joint meeting of the American Musicological Society and the Society of Music Theory in Montreal, Quebec, Nov. 6.

Billie F. Spencer Jr., associate professor of civil engineering and geological sciences, was a visiting scientist in the Center of Mechanics at the Institute of Fundamental Technological Research of the Polish Academy of Sciences in Warsaw, Poland, Oct. 11-30. This opportunity was provided under the Marie Skłodowska-Curie Joint U.S./Polish Fund. He presented the seminar "Reliability-Based Structural Control for Dynamic Hazard Mitigation" at that center, Oct. 18, and at the Technical University of Cracow in Cracow, Poland, Oct. 26.

Gregory E. Sterling, assistant professor of theology, gave the invited lecture "The Gospel of the Cross: The Mes-

sage of Mark" at Christ College, Valparaiso University, Valparaiso, Ind., Oct. 28.

William C. Strieder, professor of chemical engineering, presented a paper titled "Knudsen Gas Heat Transport in Fibrous Media" and coauthored "Effective Emissivity of a Random Porous Medium" and "Some New Considerations Involving Gas-Solid Reactions Following the Sharp Interface Model" at the 1993 annual meeting of the American Institute of Chemical Engineers in St. Louis, Mo., Nov. 7-12.

M. Katherine Tillman, associate professor in the Program of Liberal Studies, gave the keynote address "The Liberal Artist: Newman on Catholic Higher Education" at the opening ceremonies of the Leo A. Pursley Center for Newman Studies at St. Joseph's College in Rensselaer, Ind., Nov. 6. She gave the same lecture and led a faculty workshop on seminar teaching at Mount St. Mary's College in Emmitsburg, Md., Oct. 26-27.

Chris R. Vanden Bossche, associate professor of English, presented the paper "This Is Not a Paper: Some Alternative Ways of Conferencing" at the Midwest Modern Language Association annual meeting in Minneapolis, Minn., Nov. 6.

Edward Vasta, professor of English, delivered jointly with Professor Dino Cervigni, University of North Carolina at Chapel Hill, a coauthored paper titled "Restoring Orality to Dante's *Vita Nuova*" at the conference "Dante Now: Current Trends in Dante Studies" held at the University of Notre Dame, Notre Dame, Ind., Oct. 29-30.

Rev. Oliver F. Williams, C.S.C., associate provost and associate professor of management, gave the Biever Lecture on "Ethics in the Marketplace: The Challenge and the Promise" at Loyola University in New Orleans, La., Nov. 4. He presented "Forming Business Leaders With a Moral Sense" at the Joseph A. Butt, S.J., College of Business Administration Business Partners Program at Loyola University, Nov. 5.

Kwang-tzu Yang, Hank professor of aerospace and mechanical engineering, presented the paper titled "Forced Convection Cooling in Microelectronic Cabinets via Oscillatory Flow Techniques" at the third world conference on Experimental Heat Transfer in Honolulu, Hawaii, Nov. 2-6.

Samir Younés, assistant professor of architecture, delivered a lecture titled "Critical History and Architectural Education" at the "Architecture on Campus" conference in Annapolis, Md., Oct. 29-30. The lecture was also included in the proceedings of the Society of Architectural Historians southeast meeting at Clemson University in Clemson, S.C., Nov. 4-6.

ADMINISTRATORS' NOTES

Honors

Alan S. Bigger, director of Building Services, was reappointed to the Technical Advisory Committee of the National Executive Housekeepers' Association, an international organization representing nearly 8,000 members worldwide in the housekeeping and building services professions.

Activities

Alan S. Bigger, director of Building Services, co-authored a book titled "Custodial Staffing Guidelines" that set staffing standards and methodologies for Building Services operations. The book has been such a success with facilities management that it is already in its second printing. He authored a monograph for the Association of Higher Education Facilities Officers titled "Solid Waste Management: A Paradigm Imperative" which was published in two different formats by the association.

Dale Getz, athletic facilities manager, gave a talk titled "Practical Solutions for Multipurpose Fields" at the annual meeting of the Sports Turf Managers Association in Baltimore, Md., Nov. 8.

Michael Langthorne, associate director of Educational Media, presented "Building for Multimedia" at the Educom post-conference at the University of Cincinnati in Cincinnati, Ohio, Oct. 21.

Rev. Peter D. Rocca, C.S.C., assistant vice president for Student Affairs, as general editor of Paulist Press Ordo, has published his seventh edition of *The Order of Prayer in the Liturgy of the Hours and Celebration of the Eucharist*, 1994. Published in 34 separate editions, this Ordo is used by every diocese and archdiocese in the United States as well as by a number of religious communities.

Stephen M. Simons, M.D., University physician, has published an article in the October 1993 edition of *The Physician and Sportsmedicine* titled "Preventing Sudden Death: The Role of Automated Defibrillators."

Gayle Spencer, assistant director of student activities/programming, served as 1993 conference coordinator of the National Association for Campus Activities Illiana Regional Conference in Peoria, Ill., Nov. 18-21.

Timothy Truesdell, director of development research, presented "Prospect Research: What You Need to Know and Where to Find It" to the Illinois chapter of the National Society of Fund Raising Executives at its National Philanthropy Day celebration in Champaign, Ill., Nov. 19.

President's Address to the Faculty October 12, 1993

Rev. Edward A. Malloy, C.S.C.

I. The Federal Government

In previous addresses I have attempted to speak directly and straightforwardly to issues of concern to the faculty and to suggest plans and processes by which our common goals might be realized. Much of the past academic year was taken up with Colloquy committee work and with the completion of the final report. I am personally pleased with the generally favorable response to the Final Report of the Colloquy. Even the prolonged and ongoing debate about the Catholic character, mission and identity has contributed to the collective understanding of this crucial and sensitive matter.

Since last spring, Tim O'Meara and I have sent you letters which discuss in detail different aspects of University life. In my address today I propose to cover a wide variety of subjects, some pertaining to higher education in general and others focused on Notre Dame. I hope that you will find my perspectives helpful as we move to the next stage of collaborative endeavor.

In my capacity as chair of the American Council on Education (ACE), I am expected to represent American higher education in its relationships with the White House and the Congress. The full-time staff of ACE includes, among others, Robert Atwell, president, two professional full-time lobbyists, and a general counsel. It is their responsibility to stay on top of pending legislation and of court interpretations so that the organization as a whole can be an effective agent for the institutions and associations that constitute it. The board of ACE meets formally three times a year and is in frequent consultation by telephone and fax. Through my participation in this organization I am reminded regularly both of the complexity and the richness of higher education in this country. It can be difficult to find a common voice for such diverse institutions but the effort succeeds more often than it fails.

Based on my experience as chair of ACE, I would like to offer some generalizations about the perspective of policymakers in the federal government.

First, the federal budget deficit looms large in the minds of policymakers in both political parties. Education at all levels is just one social service competing for limited funds with health care, housing, retirement, the criminal justice system and environmental concerns. Furthermore, the only way that new programs can be undertaken is to slash previously funded priorities. This was seen quite

vividly when the National Service Trust Act was opposed by some legislators, and perhaps even more surprisingly, by some educators, because its establishment jeopardized full funding for Pell Grants.

Second, there is a sea change under way due to the crisis mentality which has developed with regard to public primary and secondary education. More and more, philanthropic foundations, private benefactors and elected representatives at the state and federal levels are redirecting their attention toward the earlier stages of education, to the detriment of higher education. High ranking officials in the Department of Education have a special interest in the reform of the public schools. This puts all of us on the spot since we can hardly argue that the problems are not severe or that we do not have a stake in the outcome. Within the last six months, the present Secretary of Education, Dick Riley, and his primary associate, Madeline Kunin, both of whom are former governors, have publicly addressed this point very clearly on at least two occasions. One solution may be for us to undertake closer programmatic linkages with the public and private primary and secondary schools in our own community and perhaps beyond.

I know that some members of the faculty interested in issues related to education have formed a working group and applied for funding from some foundations. There is another proposal having to do with our relationship to the Catholic school system and how students might become involved in it after graduation.

Third, the recently-passed federal budget has kept the funding for most higher education programs comparable to last year or, in some cases, at a reduced level. Most significantly for all of private education, Pell grants, which are awards rather than loans, continue to be underfunded. This means that a growing percentage of financial aid from federal sources will come in the form of loans rather than grants. After sometimes acrimonious debate, direct lending by individual institutions is to be phased in over several years. There are differences in opinion about this matter even on our own campus. One of the lurking concerns with this concept is the relatively poor reputation of the bureaucracy within the Department of Education in terms of efficiency and cooperation. There is a kind of negative judgment about Washington bureaucracy in general, but among the agencies in Washington, the Department of Education has come in for some very severe criticism. We have been assured that this is being corrected.

Relative to this generally grim prognosis, it seems odd that funding for the National Science Foundation and the National Institutes of Health will increase by more than 6 percent. Many people attribute this to Congress' continuing enchantment with science and technology, especially

in the biomedical and environmental fields. But there is fear that so-called pure science is less prized than research that is thought to have a connection to economic competitiveness in the world marketplace. In this regard, it is interesting to follow the debate about funding for the super collider, for mapping the human genome, and for the space station. Many people say the interest in funding these programs is due to the implications they have for our economic vitality rather than because of any interest in pure science as such.

Finally, earmarking is subject to renewed criticism. Earmarking, sometimes called porkbarreling, is the effort by local congressional representatives or senators to attach addenda to funding legislation so that programs or building projects for specific institutions will be supported without peer review or open debate. Recent history points to some rather egregious examples of why it's the wrong route to go. Most institutions and associations have been against the practice on philosophical grounds, but a surprising number have participated in it nonetheless. Now there is a suspicion that the trough is not large enough and that earmarking should either be curtailed or abandoned. There has been a discussion of this in the Provost's Advisory Committee.

II. The Public/Private Institution in Higher Education

The ACE and other umbrella organizations of higher education keep searching for a new set of analytical categories which will allow us to comprehend the shifting contours of institutional structure in this country. The public/private distinction is simply breaking down. The most obvious change is on the public side. In state university systems the tuition and living costs keep rising for undergraduate students. It costs approximately \$10,000 or more to send your child to most public schools if they live away from home. Cost factors increasingly are rendering public education less affordable, indeed unaffordable for poor students, especially if there is no tradition of higher education in the family. It also leads to more part-time students and more who hold a full-time job while enrolled.

The time from matriculation to completion of the degree is six to seven years, and this only takes into account those who do not drop out. The new president of Stanford and several other administrators are arguing for a three-year undergraduate degree. This may look interesting because it cuts costs and a lot of students are doing advance placement courses before they enter the university. But the downside is that, effectively, this plan reduces the time required to complete an undergraduate degree from the current level of six or seven years to four or five years.

Furthermore, the elite campuses in the state systems receive a progressively smaller percentage of their operating budget from state appropriations. For example, the University of Virginia at Charlottesville and the University of Michigan at Ann Arbor, two of our great campuses in the state system, are presently supported at less than 20 percent of their operating budgets from funds approved by the state legislatures. The huge shortfalls must be made up through federal monies (usually for research and financial aid), fund raising, and income from tuition and room and board.

Another pressure point is the tendency to accept a higher percentage of out-of-state students, because they pay full tuition. So on the one hand there are pressures to have more in-state students, while on the other hand, for fiscal reasons, there is a need to enroll more students from out of state. The day of the billion dollar capital campaign for state universities is upon us. Ironically, the socio-economic profile of the families of students in these premier institutions is often more affluent on the average than their counterparts in private institutions like Princeton, Vanderbilt, Duke and Notre Dame.

But the contradictions to this public/private distinction are not just on the public side. If you glance at a list of the institutions receiving the largest share of federal research dollars, certain schools are perennially in a leading position — Johns Hopkins, Harvard, Cal Tech, MIT, the University of Chicago, all of which are private. If federal grants were not available, these so called 'private' institutions would be in dire straits. One of the debates about earmarking concerns spreading the money away from the schools that have had such a high percentage of it in the past. Were that to happen, there would be a great crisis on many of these campuses.

Then there are schools that are private but see themselves as having a 'public' mission. Sometimes this is selective, that is, in relationship to some part of the institution not the whole, as with Cornell, Penn and Pittsburgh. In other situations, it is a function of concern about financial stability and a willingness to tone down an institution's original mission — some would say to compromise it. This might apply to religiously-affiliated colleges and universities in New York and Pennsylvania.

What I am suggesting by this reflection is that Notre Dame is part of this emerging reconfiguration. We are a private, religiously-affiliated, independent institution. Nevertheless, we receive federal monies to subsidize faculty research and to provide grants and loans to our undergraduate, professional and graduate students, including the significant number who participate in the ROTC programs. Some funds come to us from the State of Indiana (for research and for transportable scholarship assis-

tance) and some from other states (those which support students studying out of state). The Catholic Church as such, through its hierarchical leadership, does not contribute to our operating budget. On the other hand, the support of the Congregation of Holy Cross has been incalculable in monetary and labor terms as well as in many other ways. What we are emerges out of our history. But the world of higher education is unstable and we need to be aware of this reality and its potential impact on our future.

III. The Proposed Ordinances in implementation of *Ex Corde Ecclesiae* in the American Context

In my letter to you at the beginning of this semester, I discussed some of the background on the proposed Ordinances for the implementation of *Ex Corde Ecclesiae* in the American context. Since that time, a number of meetings have been held and at least two University bodies have taken formal action.

Let me remind you that the proposed Ordinances were circulated as a draft document to various constituencies that might be affected by them, including: local bishops, the governing boards of Catholic colleges and universities, and founding religious communities. Response was solicited by this December.

The Association of Catholic Colleges and Universities (ACCU) has set up a series of regional meetings. The association, through its executive committee, intends to consider whether a common response is desirable and feasible. In addition, Notre Dame, in collaboration with Georgetown and Boston College, sponsored a meeting of the major Catholic universities where theological scholarship is an integral part of research activity. The discussion was productive, and a working committee will soon be distributing the draft of a possible consensus reaction.

Closer to home, the faculty of our Department of Theology has sent me, at my request, a critique of the Ordinances. This has been made available to the Academic Council, which after discussion at two meetings unanimously approved a position to reject the proposed Ordinances in their present form.

The local Holy Cross Community also has discussed the Ordinances and may send a separate response. There will be a meeting of Holy Cross-affiliated institutions of higher education to explore the same matter.

The Trustees of the University unanimously passed a motion at their fall meeting authorizing me and those I appoint to formulate an official response on behalf of the University which will state concisely the grounds for op-

position to the Ordinances and which will offer more positive alternatives that might be considered by the committee established by the United States Conference of Catholic Bishops.

In addition to this Notre Dame official response by the Trustees, we will cosign other responses generated by combinations of Catholic colleges and universities that make similar points, even if in different language.

The issue of the Ordinances is open to contrary interpretations. As someone who has personally been involved in this general conversation for at least six years, I am confident that reason and goodwill will prevail. Since I serve as a consultant on the Bishops' Committee, I not only will be sending a response, but also will be there receiving it.

The important thing is that we take seriously our role of leadership as a Catholic university.

IV. Setting of Priorities

The final judgment about University priorities (academic, financial, student life, etc.) is the statutory responsibility of the Trustees upon advice from the officers. This takes concrete shape in the regular meetings of the Board of Trustees and through the committee structure of the board. Prior to the periodic fund-raising campaigns of the University, there is extensive discussion about short-term and long-range priorities and the financial targets necessary to realize these goals.

Specifically, the University-wide self-studies called COUP and PACE were essential components of this deliberative process prior to the last two campaigns. When the Colloquy process began, it was with the foreknowledge that a University accreditation visit was scheduled for 1993-94 and that we needed to begin the early stages of the next campaign probably by the spring of 1994. One of the components of the campaign is what we call the fly-in weekend at the invitation of the president. During these weekends, we welcome potential benefactors, who know they are potential benefactors. The next series of fly-ins will begin this spring. We are gearing up for what will be a long effort over many years.

Since the establishment of the Colloquy committees, some very positive initiatives have been taken concerning the Academic Council, the Provost's Advisory Committee, the College and Graduate Councils, and the newly-established ad-hoc Committees on Curriculum, International Studies, the Library and Graduate Infrastructure. As a result, the primary vehicles for advising the officers and the Trustees with regard to University priorities are the Academic Council and the Provost's Advisory Committee.

DOCUMENTATION

The agenda for the coming year for these two representative bodies will be quite heavy, including ad hoc committees which will report back to them. A process of constant refinement and specification will be going on.

We must maintain our fiscal responsibility, including our investment strategy, maintenance schedule, cost control and our level of indebtedness, while daring to embrace an expansive and exciting vision of our future. I believe that the Final Report of the Colloquy carries us a long way in that direction. What remains to be articulated can surely take place in the newly energized groups and processes at our disposal.

V. Miscellaneous Items

I would now like to cover a wide range of topics that have varying degrees of importance to the University community.

(i) Academic Initiatives

The Academic Council is discussing matters related to pedagogy. Several members of the council visited Harvard University last year to learn more about their teaching center. Both the undergraduate and the graduate committees of the Academic Council are drawing upon this experience and other available evidence to determine what configuration of responsibilities and what support structures would best serve our needs at Notre Dame. A lot of energy is being directed to the improvement of our teaching environment. I am confident that some creative alternatives will be proposed to the Academic Council before this academic year is over.

A second area of discussion has to do with the breadth and depth of the curriculum. This will be one of the concerns of the newly-constituted Curriculum Committee. One of the proposals already circulating is that every graduating senior, or at least those eligible to earn honors, would have to undertake a research project in his or her major and write a report as a requirement for graduation. This would be one way of achieving greater depth and of providing intellectual challenge to our best students. Or, why not all of our students if possible? I look forward to further debate on this important issue.

With the reduction in the number of undergraduate students in the College of Arts and Letters, there has been an easing of some of the problems of course availability. A cycle seems to be at work in terms of the relative size of undergraduate enrollments in our four colleges. We will have to keep monitoring this question because it has a profound influence on the size of the faculty needed per college. Any change at all in the core curriculum will also

affect our resource distribution by college, and this needs to be an essential part of the reflection that will go on in that committee and eventually in the Academic Council and across the University community.

The Graduate School and the Graduate Student Union are to be commended for the excellent program that has been developed as part of the orientation for new graduate students. The program features talks and panel discussions by experienced graduate students as well as a range of faculty mentors. Creating a more hospitable and conducive climate for graduate student education should be a priority for us.

On this occasion I want to welcome the new faculty who have joined us this year. We look to you for inspiration, hard work and leadership. In particular, I welcome Professor Raimo Väyrynen, director of the Joan B. Kroc Institute for International Peace Studies, Father Paul Philibert, O.P., director of the Institute for Church Life, and Professor Scott Appleby, director of the Cushwa Center for the Study of American Catholicism. They will have a great opportunity for service to this academic community through their leadership of these major entities for interdisciplinary scholarship and conversation.

(ii) Facilities

The College of Business Administration's new building is well under way and on schedule. The laboratory facility at Land O'Lakes, Wisconsin, is nearing completion. The renovations of and additions to the Architecture Building are in the planning stages and full funding is close to being realized. The schematic drawings for the DeBartolo Center for the Performing Arts have been completed and we are hopeful that it can be undertaken after the business administration building is completed.

A number of other building projects referred to in the Final Report of the Colloquy are in various stages of planning. The renovation of the Main Building is related to an administrative services building because of the loss of space that will result from the renovation. We will lose 20 percent of the space. A working committee submitted a fine report on an academic bookstore which is presently being carried to the next stage of planning and deliberation. An addition to the Snite Museum of Art is in the early phase of discussion, and information is being gathered on a science teaching and laboratory building, a London facility, an environmental sciences and engineering building, and a recreational sports facility. A committee will submit a report to the officers sometime this academic year about a possible expansion of the football stadium, bearing in mind the criteria such a project must satisfy.

Three last items: No decision has been made about whether to renovate or enlarge the Morris Inn (which would have a separate line of funding) and/or its parking lot. Information is being gathered about future possibilities for additional on-campus living space for students. Finally, the disposition of the present buildings dedicated to the College of Business Administration will be dependent on how other projects unfold. Will we have to move people temporarily from one space until their new space is ready? Or, can we make that space available for new purposes?

(iii) Awards and Peer Recognition

All of us surely have our opinions about the validity of efforts to rank institutions, departments and individuals at the national level. The accreditation process has evolved as one way to facilitate this effort according to recognized standards of academic achievement. The PACE Report recommended the implementation of external reviews of our various departments and interdisciplinary programs. A full round of these reviews has been completed in the last several years. At their best these mechanisms test our rhetoric about academic excellence and provide a dose of reality when our claims of improvement become inflated. They also publicize the good things going on here to people from the outside. Overall, external participants in these review processes have been complimentary about our relative progress vis-a-vis our peer institutions.

With this in mind, it is gratifying to be included once again in the *U.S. News & World Report* top 25 national research universities. I am not personally convinced that this survey properly focuses on the quality of undergraduate education as it claims to, but the results are taken seriously by parents of prospective students so it is better to be in the top rank than not to be. We can say the same thing about all other similar evaluations of our graduate programs and professional schools. We are happy when we see signs of progress, especially if they take into account a peer appraisal of progress. The difficulty is the elusiveness of the actual criteria used in things like the *U.S. News & World Report*. I met for an hour and a half with their editorial board this summer in a wide-ranging discussion. I had met once before with them several years ago, and I have had a chance over the last several years to meet with the editorial boards of *The New York Times*, *The Washington Post*, *The Los Angeles Times* and *The Chicago Tribune*. In these conversations, I try to talk about higher education and about Notre Dame, so that the members of these boards get some sense of what is going on here and elsewhere in higher education. It is not an easy task.

In a related area, I continue to be troubled by our relative absence from national competitive awards for under-

graduate and graduate students. Perhaps we are not identifying and preparing student prospects properly. There is a lot of blaming going on. I sense that it is our problem generally. We need to work on it continuously. The Academic Council will be pursuing this matter during the coming year and making some recommendations. I know PAC talked about it last year.

(iv) Student Affairs

In my judgment, one of the more difficult responsibilities in the University is exercised by the Office of Student Affairs. Professor Patty O'Hara and her staff have done an outstanding job in sustaining the residential tradition of Notre Dame and in taking on the new challenges presented by our increased diversity. As the student affairs section of the Colloquy Report suggests in Recommendation 29, "The Office of Student Affairs should continue its efforts to reflect upon the role that it plays in the educational mission of the University. Toward this end, it should engage representative student organizations in discussions of issues related to campus life."

From my personal experience of living in a student dormitory for 15 years, I believe that the general campus climate for students has improved greatly. Undergraduate coeducation has been the single most decisive change in student life in our modern history. Our increased ethnic and racial diversity as well as the higher percentage of advanced students living on campus have had an equally fruitful impact. None of this has taken place without some resistance and the wrenching of established attitudes and practices. We are far from realizing all of our potential as an educational, residential, social and worshipping community, but I like the progress I see.

As a Catholic university, we have retained certain policies in the area of student life and conduct that distinguish us from many of our peer institutions. The closer these policies are to the core of our Catholic identity and value system, the more resistant the Trustees, Fellows and officers of the University will be to their alteration or abandonment. Nevertheless, I am confident that all of the participants in the conversation about these matters of fundamental policy will remain open to good arguments for change and to the need for periodic review and further articulation of the values that are thought to be at stake.

(v) Faculty Service

I am thankful that so many of you have taken seriously the third leg of the tripod — teaching, research and service. This institution is dependent upon the willingness of faculty, staff, administrators and students to participate voluntarily in the numerous committees and representative bodies at the department, college and University

level. With obvious caveats about overburdening junior faculty, I am convinced that each faculty member benefits from some engagement, however limited, in issues of broad significance beyond the specific tasks that flow from her or his formal responsibilities.

Even in the best of circumstances it is difficult for any of us to achieve the proper balance among the conflicting demands placed upon us. When committee work is added to the mix, it is easy to understand why some hesitate to get involved. The result can be that few individuals carry a disproportionate share of the burden. It may be time for us to think about how to correct this situation. Should service opportunities, particularly on college and University groups, be spread more widely among the faculty? Should there be a time limit for service on any entity so that a regular rotation is guaranteed? Finally, how much should descriptive categories be employed to maximize the diversity of elected groups by rank, gender and ethnic identity? I can say from my own experience that when you appoint groups you can take all of these things into account and you can make sure that the same people are not asked to do the same general kinds of committee service year after year. It is much more difficult to do this without entirely gerrymandering the process when it comes to elected groups. I do not believe that a solution to these issues can be mandated but rather that the issues should be discussed openly. I hope our outstanding tradition of faculty service can be enhanced even further.

(vi) Public Relations

The public seems to have an insatiable curiosity about the University — its history, its people and its future goals and purposes. During the past year, several new books about Notre Dame have appeared, along with a movie for popular distribution. In addition, there are materials produced by our office of public relations, the development office, many of the academic units, and the office of sports information. *Notre Dame* magazine is sent free of charge to thousands of alumni and friends of the University.

Much of what appears about Notre Dame is positive in tone and attempts to be objective. At the mythic level we are an icon of American Catholicism, an institutionalization of faith-filled vision in higher education, and a symbol of the best in intercollegiate athletics. Many visitors come to the campus as if on pilgrimage. Visitors spend time at the sacred sites, admire the beauty of the natural environment, and seek stimulation for their minds, hearts and spirits. Alumni return for reunions and special events in order to renew their lives and rekindle friendships and attain a sharper focus on the challenges they face.

All of us who believe that the mythic view of Notre Dame is at least partially true are disturbed when accusations made in the media call into question the fundamental orientation of the institution or of subunits within it. Sometimes this criticism revolves around individuals, but more commonly it draws more sweeping negative conclusions about the institution.

I want to assure all of you that no legitimate concern or complaint goes unheeded. No matter how unpleasant the accusation, efforts are made to ascertain the truth and to respond accordingly. The form of the response will depend on the reliability of the source and on the nature of the factors at work in a given instance. Sometimes it is difficult to remain silent in public. But it is better to be consistent in implementing a thought-out strategy than to succumb to the temptation to render a hearty but protracted defense.

(vii) Related Concerns

Perhaps like myself, you wonder on occasion what contributions we have to make as an academic institution to seeking solutions to some of the persistent problems of our day. Think, for example, of how injured we have become to the pervasive violence of American cities. The annual death toll in major metropolitan areas of the United States approximates the conditions of civil war. Whole neighborhoods are controlled by gangs of armed youths that even the police fear to take on.

Whether the problem be family stability, racial tension, available housing, quality of education, health care or protection of the environment, there seems to be an interdependent aspect to all of these issues. To get your hand around one national issue you have to encompass all the things that have a dependent relationship on it. Yet our universities, like our civil servants and policymakers, seem prepared to look at these issues only in relative isolation from one another. Does our rigidity of disciplinary classification prevent us from truly engaging one another in the human quest for a better and more just society and world?

I have many occasions to brag about the programs initiated and overseen by our various institutes and centers at the University. These are specific loci where faculty converse across disciplines in an organized fashion. What is the future of the telecommunications revolution and what effect will it have on the global village? Can human rights concerns really be at the forefront of foreign policy development? (Remember the very beautiful and inspiring speech delivered by Jimmy and Rosalynn Carter when they received the Notre Dame Award.)

How can the experience and aspirations of women be incorporated into the legal framework of nation states? What tradeoffs are acceptable between economic growth and protection of the ecosystem? Is mapping the human genome the first step to Doctor Frankenstein or a legitimate resource for medical therapy? These and similar questions are debated regularly here and elsewhere within the academy.

Among the many purposes that a modern university like Notre Dame serves, it should always be a resource for the critical reflection on values, for the search for steps of amelioration relative to social, economic and political problems, and for the education of informed citizens who will support policies that seek the common good. Our activity as a University may keep us one step removed from the fray, but we should never allow ourselves to betray the common trust either by indifference to the great issues of the day or by a failure in courage to take on the demons that divide and destroy.

VI. Conclusion

My overall judgment of the state of the University is quite positive. In coming months we will continue to discuss the specific details of our academic plan for the next decade and beyond. I expect that by the end of this academic year we will have a realistic assessment of our dollar goal in the next fund-raising campaign and of the major priorities that are best funded in this manner.

The main challenge for all of us — and one of my themes for the year — will be to keep multiple goals before us simultaneously.

We all have our pet projects, or special interests, things that are closer to our area of the University. It is difficult, even in situations where we have a wide range of evidence before us, to keep a sense of the whole. We must not allow the operative descriptive polarities to be accepted at face value — teaching/research, undergraduate/graduate, people/facilities, budget growth/financial aid, Catholic/university. There is no reason why either side of the pair precludes the other. I believe quite the opposite is true. There is a natural and life-giving tension here. If all things are not possible, at least within a certain time frame, our heritage and tradition give us hope that we can make progress, indeed dramatic progress.

This month we celebrate the 100th anniversary of the death of Father Edward Sorin, C.S.C., our founder. It is a fortuitous occasion to recommit ourselves to the common task. I prize your counsel and I seek your assistance as we take on this daunting challenge together.

Academic Council Minutes September 29, 1993

Members in Attendance: Edward A. Malloy, C.S.C., Timothy O'Meara, E. William Beauchamp, C.S.C., Roger Schmitz, Patricia O'Hara, Nathan Hatch, Harold Attridge, John Keane, Eileen Kolman, David Link, Anthony Michel, Richard Sheehan, Lynn Friedewald, Frank Bonello, David Burrell, C.S.C., Cornelius Delaney, Mark Pilkinton, John Roos, William Shephard, Hafiz Atassi, Arvind Varma, Carolyn Callahan, Edward Conlon, Carol Mooney, Lorry Zeugner, Kenneth DeBoer, Kathleen Maas Weigert, Randall Poole, Maren Schulte and Megan Timmins

Observers in Attendance: Douglass Hemphill, Thomas Moe and Dennis Moore

The meeting was opened at 3:05 p.m. with a prayer by Prof. O'Meara.

1. **Appointment of a panel of reviewers for appeals concerning alleged faculty employment discrimination based upon sex.** Prof. O'Meara announced that, in accord with the Frese settlement, after consultation with the Executive Committee he has appointed the following faculty members to the 1993-94 panel of reviewers for appeals concerning alleged faculty employment discrimination based upon sex: Frank Bonello, Neal Cason, Xavier Creary, Jeanne Day, JoAnn DellaNeva, Barry Keating, Julia Knight, Vera Profit and Arvind Varma. He stated that he has followed his usual practice of reappointing the previous year's panel, except for those individuals who actually reviewed appeals during the previous year or who are not able to serve. There were no appeals during 1992-93, but two members, Yu-Chi Chang and Patrick Murphy, are unable to serve this year. Jeanne Day and Barry Keating are their replacements.

2. **Report by the chairperson of the Faculty Grievance Committee.** Prof. Schmitz pointed out that Academic Article III.9 requires that the chairperson of the Faculty Grievance Committee report annually to the Academic Council. He read the following paragraph from a written report received from Prof. Stephen Batill, last year's chairperson who is away from the campus on leave.

During the 1992-93 academic year two cases were formally submitted to the Faculty Grievance Committee. In both cases no solution to the grievances which would be acceptable to both parties could be achieved by the Grievance Committee panel. In each case a report and recommendations were prepared by the panel and submitted to the Provost for his action.

3. Proposal from the 1992-93 Faculty Affairs Committee for an amendment to Section III, Paragraph 3 of the bylaws of the University. Mr. DeBoer, last year's chair of the Faculty Affairs Committee, presented a proposal to recommend to the Board of Trustees that the second sentence of Section III, Paragraph 3, of the University bylaws be amended. That paragraph pertains to the Academic and Faculty Affairs Committee of the board, and the second sentence presently reads: *Its membership shall also include ex officio members of the faculty.* Concerned that the Academic and Faculty Affairs Committee, so described, might not include faculty representation from the library or from each college and the Law School, Mr. DeBoer stated that the Faculty Affairs Committee proposes that the sentence be changed to read: *Its membership shall also include ex officio members of the faculty representing each College, the Law School, and the Library.* Prof. Schmitz noted that the Executive Committee of the Academic Council unanimously supported the proposed amendment, which must ultimately be approved by the Fellows of the University. Responding to questions from Fr. Beauchamp and Prof. Bonello, Mr. DeBoer stated that under the proposed amendment *ex officio* members would continue to be elected through voting procedures managed by the Faculty Senate, but the procedures would be changed so as to guarantee the desired representation.

The proposal was moved and passed by the council without dissent. Fr. Malloy announced that it will be brought to the Board of Trustees for approval by the Fellows of the University.

4. Proposal from the 1992-93 Graduate Studies Committee regarding graduate student teaching. Prof. Schmitz reminded the council that at the previous meeting Prof. Roos, last year's chair of the Graduate Studies Committee, asked that the following recommendation contained in that committee's 1992-93 report be considered by the Executive Committee for this meeting's agenda.

Recommendation for changes in the Faculty Handbook. These changes apply onto to cases in which graduate students are given full control of a course. They would not, at least initially, apply to freshman writing courses. Here full control refers to cases in which the graduate student designs the syllabus, teaches the course, and is solely responsible for grading.

1. Graduate students should not be appointed to such positions unless they have completed their orals and have had their dissertation proposals accepted. Exceptions would require approval by the dean of the college.

2. Appointments in such cases should be made either by the departmental Committee on Appointments and Promotions, or some other committee constituted by the department or program (e.g., Freshman Writing).

3. This committee should take responsibility for appointing persons who have been given sufficient training in teaching to provide for high quality instruction.

4. The committee should ensure regular review of the quality of teaching in such courses, and make re-appointment conditional upon adequate teaching quality. They should also provide on-going feedback and aid to such graduate students to help them improve their teaching.

5. The Office of Institutional Research should begin to provide as a standard part of its TCE reports, a separate report on the quality of TCE evaluations in such courses compared to other courses in the department, college and University. Presently this is done for courses such as 200- versus 300-level. It should be done for these courses as well. It will allow departments and deans to at least attempt to answer the question, "Is there any difference in teaching quality as measured by the TCEs between courses taught by graduate students and those taught by regular faculty?"

Prof. Roos reiterated that the intent of the proposal is to provide a means of training, evaluating and supervising those graduate student teachers who are given full control of a course in order to ensure that their teaching contributes to the quality of undergraduate education. Prof. Schmitz stated that the Executive Committee, while agreeing with the spirit of the proposal, felt that it should be remanded to the committee for restructuring. He referred specifically to Academic Article III.3.e where a restructured recommendation should fit contextually. He stated further that the Executive Committee suggested that those departments most affected by the changes should be consulted, as should the Graduate Council, before the proposal is reconsidered by the Academic Council. Prof. Roos concurred.

Dean Kolman stated that it is important that the redrafting carry over elements of last year's discussion.

Dean Attridge commented that one point raised in the Executive Committee discussion was that the second item of the recommendation, requiring that graduate student teaching appointments be approved by departmental committees rather than by the department chair, is a departure from the Academic Articles as they now stand. He raised the practical question of whether sufficient time is always available to follow the proposed procedure. Prof. Conlon commented that while he was not convinced that departmental Committees on Appointments and Promotions were the best managers of graduate student teaching, another departmental committee with collective responsibility for the process of selecting, training, mentoring, supervising and reviewing might be a solution. Another alternative might be to formalize the role of the graduate studies director within each department

as the person responsible for selection, oversight and review of graduate student teachers. Either alternative would be preferable, he said, to the current process which places all of the pressure on the department chair.

Fr. Malloy wondered if it would be helpful to develop some sort of standard that defines "sufficient training" in teaching. Prof. Hatch said that the question might be whether the council wants to legislate training requirements through the Academic Articles or the Graduate Bulletin, or to encourage departmental initiatives. Within the College of Arts and Letters, where most graduate teaching assistants are found, he noted that departments are taking this issue very seriously. In the Department of Government and International Studies, for example, a course has been designed which must be completed by all graduate students who want to teach.

Dean Michel commented that there should be enough flexibility to allow development of innovative programs for graduate student involvement in teaching. He noted that currently in the College of Engineering no graduate student teachers are given full control of a course. Professors O'Meara and Shephard commented that, with the exception of mathematics, no graduate student teachers have full control of courses within the College of Science. Prof. Conlon said that Business Law courses are taught by third-year law students. Prof. Mooney added that some law students also teach introductory language courses.

Prof. Delaney asked about the impact of requiring completion of oral exams and approval of a dissertation proposal as a prerequisite for graduate student teaching assignments. For all practical purposes, he said, the requirement means that no graduate student would be teaching a course prior to his or her fourth year of graduate study. He questioned the impact of this in terms of manpower on certain departments. Prof. Shephard pointed out that this is another area in which we must be careful with language, since the concern with dissertation proposals would not apply to every college. Dean Attridge commented that all of this underscores the need for the proposal to be reviewed by the Graduate Council and by the departments which are most affected.

Dean Kolman emphasized that although the discussion has focused so far on preparation prior to teaching, mentoring and feedback for those graduate students who have teaching appointments are equally important if we are to ensure quality in undergraduate instruction. Prof. Hatch observed that Harvard University handles this by requiring any graduate student whose teaching evaluation is below a certain level to enroll in a program at the Teaching Center.

Prof. Varma expressed concern with the notion of giving full control of a course to a graduate student who is not a faculty member and does not come under the established procedures for faculty appointment. He argued that, at the least, graduate student teachers should be responsible to an assigned faculty member for mentoring and supervision. Prof. Roos agreed with this concern, but argued that not all departments have the faculty resources to meet such a standard. In departments such as philosophy, he continued, there is established an apprenticeship relationship of sorts which gradually gives the graduate student the teaching experience he or she needs to be effective in the classroom. Unfortunately, in other departments the procedure is more random and is driven by the pressure of enrollment and "last minute" requirements for more teachers. This, he added, is why the proposal to regulate graduate student teaching is important.

Fr. Malloy observed that the council also needs to consider undergraduate student reactions to the idea of having graduate students responsible for courses. Acknowledging that many graduate students are superb teachers, he emphasized the importance of not only developing a solid procedure for their appointment but also making the case to undergraduate students that this is something positive and not an educational setback. Dean Kolman commented that the emphasis on careful selection of graduate instructors for the Freshman Writing Program, worked out by Prof. Hatch and Dean Attridge two years ago, has alleviated much of the undergraduate discontent in that area. As a result of the selection process, current sophomores have had a good experience with graduate instructors and are favorably inclined toward them.

Concluding the discussion of this item, Fr. Malloy stated that there is an obvious need for departmental input. He asked the Graduate Studies Committee to gather this input and reformulate the recommendation for further council discussion.

5. Reports by standing committees. The Faculty Affairs Committee and the Graduate Studies Committee reported that they had not yet had an opportunity to meet this year. Prof. Delaney first informed the council that the Undergraduate Studies Committee has reelected Prof. Bonello and himself to be cochairs for 1993-94, and then he reported the following actions.

(a) Concerning the relationship between the new post-Colloquy committees and the standing committees of the Academic Council, the Undergraduate Studies Committee will forward a proposal to the Executive Committee of the Academic Council that recommendations arising from the University Curriculum Committee be forwarded through the Undergraduate Studies Committee for its comments prior to presentation for full discussion by the Academic Council.

(b) The committee has asked Dean Attridge and Prof. Bonello to prepare a specific proposal for a center for teaching which could be presented to the Academic Council in the near future. This proposal will include recommended positions to be appointed and a suggested budget.

(c) Last year some discussion took place at committee and council meetings regarding the issue of adding depth to the undergraduate curriculum by requiring a research thesis as a condition for graduation with honors. The committee surveyed the deans of the colleges during the summer and found that all were enthusiastic in support of such a requirement. At Dean Attridge's suggestion, the committee will next send a similar request for initial reaction to department chairs within the College of Arts and Letters. Prof. Bonello commented that the committee has also talked with members of the Student Government to get their reflections on this issue.

(d) The committee plans to meet with University Registrar Harold Pace to discuss undergraduate concerns with the DART registration process — specifically to explore ways to address the balance between good fortune and equity in being able to enroll in desired courses. Ms. Friedewald, Ms. Schulte and Ms. Timmins commented that there is a definite need for improvement in this regard.

6. Draft of council's response to the proposed Ordinances regarding implementation of *Ex corde Ecclesiae*. Prof. O'Meara reminded the council that following the discussion at the September 15 meeting, the Executive Committee was asked to draft a response to the proposed Ordinances for council consideration. He explained that the Executive Committee agreed unanimously that the statement of principles in the 1967 document *Idea of the Catholic University* (also known as the "Land O' Lakes" statement, prepared by representatives of Catholic colleges and universities under the auspices of the North American region of the International Federation of Catholic Universities, IFCU) and the 1972 IFCU document *The Catholic University in the Modern World* should form the basis for the council's response to the proposed Ordinances. A draft response, prepared by Dean Attridge and Professors Callahan and Sheehan, was accepted unanimously by the Executive Committee. (A copy of that response is attached to these minutes.) Prof. O'Meara called the attention of the council to the resolution at the end of the response document, and cited the basic principles under Section A — institutional autonomy, academic freedom, the view of theology as an academic discipline, the role of theology and the University in service to the Church and Notre Dame's Catholic commitment. He proceeded to review Sections B and C and emphasized the concluding resolution that the fac-

ulty, administration, trustees and fellows of the University convey to the National Conference of Catholic Bishops the strong recommendation that the Ordinances not be adopted.

Prof. Mooney questioned whether the fact that Canons 812 and 810 themselves threaten the autonomy of universities undercuts the logic of the argument against the proposed Ordinances. Fr. Malloy said that at a recent regional meeting of the Association of Catholic Colleges and Universities, the schools represented were nearly unanimous in support of the argument advanced in the resolution. Furthermore, he added, there exists historically a principle that if an article of the Code of Canon Law has not been enforced within a certain number of years, it ceases to function as law. In modern times, that period is generally considered to be 10 years. This would imply that the stipulations in Canons 812 and 810, which have never been implemented, are no longer operative.

Responding further to Prof. Mooney's question, Prof. O'Meara questioned whether the University of Notre Dame as an institution is subject to Canon Law. Dean Attridge responded that while Notre Dame may not be subject as an institution, a sanction that would declare the University not Catholic would have significant ramifications in such areas as the Master of Divinity program.

Dean Link expressed the concern that if the resolution is simply a rejection of the proposed ordinances, it may inspire a backlash. It might be beneficial, for example, to reinforce the argument that the ordinances will in fact undermine the Catholicity of universities. Also, Notre Dame's response could emphasize that the ordinances effectively contradict the spirit and aspiration of *Ex corde Ecclesiae*, which in fact does recognize university autonomy. Fr. Burrell suggested that the final resolution express a statement of confidence in the ability of appropriate university and ecclesiastical authorities to work out an implementation of *Ex corde Ecclesiae* without infringing upon the autonomy of academic institutions.

Responding to a question from Prof. O'Hara, Fr. Malloy said that the challenge which Notre Dame and other members of the Association of Catholic Colleges and Universities face is to present a response that indicates what is wrong with the proposed ordinances and presents positive suggestions. The response approved by the Academic Council, along with the material forwarded by the theology department and information from meetings with other institutions, will be used to inform discussion and to help develop a University response at the coming Board of Trustees meeting.

By voice vote, the council approved without dissent the concluding resolution in the draft response.

7. **Forthcoming agenda items.** Prof. Schmitz announced that forthcoming agenda items include a proposal for autonomy from the School of Architecture, the review of governing statutes for proposed University institutes, and ongoing reports from standing and post-Colloquy committees. He stated that the Executive Committee would like to receive other suggestions. Prof. Sheehan added that there were one or two faculty issues that would be forwarded to the Academic Council from the Faculty Senate. Mr. Poole indicated that the Graduate Student Union might also have business to forward.

There being no further business, the council adjourned at 4:26 p.m.

Respectfully submitted,

Roger A. Schmitz
Secretary of the Academic Council

Attachment

To: Members of the Academic Council:

Following the discussion in the Academic Council of the University of Notre Dame the Executive Committee has reviewed the Ordinances proposed to implement *Ex corde Ecclesiae* and recommends that the Board of Trustees reject them as an intrusion on the life of the University.

The grounds for this recommendation involve a consideration of fundamental principles underlying a Catholic University as well as an assessment of the consequences of the imposition of the Ordinances in their current form.

A. Basic Principles

1. *Institutional Autonomy and Academic Freedom.* In order for a university to function as a true university, its faculty must have the authority to adjudicate who its members will be. In addition, those faculty members must have the freedom to conduct their inquiry and publish the results of that inquiry.

These principles have been articulated on several occasions, most eloquently in the *Idea of the Catholic University* (also known as the "Land O' Lakes" statement) prepared by representatives of Catholic colleges and universities under the auspices of the North American region of the International Federation of Catholic Universities in 1967:

The Catholic university today must be a university in the full modern sense of the word, with a strong commitment to and concern for academic excellence. To perform its teaching and research functions effectively, the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say this is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities (Para. 1).

The University of Notre Dame, chartered by the state of Indiana, and governed since 1967 by a predominantly lay Board of Trustees, is committed to being a Catholic university with true institutional autonomy and academic freedom.

2. *Theology as an Academic Discipline.* Theology, in Anselm's classic definition "faith seeking understanding," is an essential part of a Catholic university. Without the presence of this discipline, the claim of a university to be Catholic is hollow. Without the full participation of those who practice theology in the conditions of inquiry proper to a university, the claim that theology is part of a university is equally hollow. Nor can theology, without those conditions of inquiry, perform its proper critical function for the Church. That critical function involves, as *The Idea of the Catholic University* indicates, "exploring the depths of Christian tradition and the total religious heritage of the world, in order to come to the best intellectual understanding of religion and revelation" (Para. 3). Such an exploration is clearly an academic enterprise. Hence, the principles of institutional autonomy and academic freedom that obtain for the Catholic university as a whole must apply fully to members of departments of theology or anyone in the university engaged in "theological disciplines."

3. *Theology and University in Service to the Church.* A university that claims to be Catholic, as well as its department or school of theology, stands in a relationship of interdependence from but respect toward the pastoral authorities of the Church. Despite the best intentions, it is possible that conflicts may arise between those exercising pastoral and academic roles. If so, they must be resolved in such a way that the essential nature of both the pastoral teaching office and the academic institution are preserved.

The possibility of tension and the appropriate way to resolve it were recognized in the statement of principles, *The Catholic University in the Modern World*, issued in 1972 by the International Federation of Catholic Universities:

The academic freedom which is essential if the science of theology is to be pursued and developed on a truly university level postulates that hierarchical authority intervene only when it judges the truth of the Christian message to be at stake.

Furthermore, the legitimate and necessary autonomy of the university requires that an intervention by ecclesiastical authority should respect the statutes and regulations of the institution as well as accepted academic procedures. The recognition of Church authority in doctrinal matters does not of itself imply the right of the hierarchy to intervene in university government or academic administration.

The form which a possible intervention of ecclesiastical authorities may take will vary in accordance with the type of Catholic institution involved. Where the university has statutory relationships with Church authorities, presumably these will spell out the conditions and modalities to be observed in any hierarchical intervention. If there are no such statutory relationships, Church authorities will deal with the individual involved only as a member of the Church.

While no one will deny to bishops the right to judge and declare whether a teaching that is publicly proposed as Catholic is in fact such, still the judgment concerning the product of a theologian's scholarly research will normally be left to his [or her] peers. The scholarly criticism of a theologian's views by his [or her] colleagues will in many cases constitute a kind of self-regulation of the Catholic academic community, which may well render unnecessary any direct intervention of ecclesiastical authority.

However, when bishops, after due consideration, are convinced that the orthodoxy of the people under their pastoral care is being endangered, they have the right and duty to intervene, by advising the person involved, informing the administration and, in an extreme case, declaring such a teaching incompatible with Catholic doctrine. However, unless statutory relationships permit it, this will not involve a juridical intervention, whether direct or indirect, in the institutional affairs of the university, whose responsibility it is to take the necessary and appropriate means to maintain its Catholic character (Sect. 58-59).

4. *The Catholic Commitment of the University:* As the University has affirmed on numerous occasions throughout its history, it is and intends to remain a Catholic university. The most recent affirmation of this commitment was in the University's *Colloquy for the Year 2000*:

The University of Notre Dame is a Catholic academic community of higher learning, animated from its origins

by the Congregation of Holy Cross. The University is dedicated to the pursuit and sharing of truth for its own sake. As a Catholic university one of its distinctive goals is to provide a forum where through free inquiry and open discussion the various lines of Catholic thought may intersect with all the forms of knowledge found in the arts, sciences, professions, and every other area of human scholarship and creativity (P. 2).

The University of Notre Dame has continually sought to be faithful to these fundamental principles. The current discussions at the level of individual departments and schools, requested both by the *Colloquy* and by the Faculty Senate, about how best to foster the Catholic character of the University is a sure sign that those principles are not taken lightly.

B. The Proposed Ordinances and the Basic Principles of University Autonomy

1. *The proposed Ordinances threaten the autonomy of the University.* Although the mechanism is convoluted (academic authorities are to inform faculty members of their obligation to have a mandate; local bishops are to invite them to make application; bishops are to review credentials and grant the mandate), the basic intent of Ordinance 6 is clear. A bishop is to give to Catholic faculty members of a theology department or school of theology a mandate to teach in the theological disciplines. The full implications of this licensing relationship are not clear from the wording of the Ordinances. The relevant articles of the Code of Canon Law suggest what these implications are:

Canon 812 stipulates:

It is necessary that those who teach theological disciplines in any institute of higher studies have a mandate from the competent ecclesiastical authority.

Canon 810§1 stipulates:

It is the responsibility of the authority who is competent in accord with the statutes to provide for the appointment of teachers to Catholic universities who besides their scientific and pedagogical suitability are also outstanding in their integrity of doctrine and probity of life; when those requisite qualities are lacking, they are to be removed from their positions in accord with the procedure set forth in the statutes.

The mandate, according to Proposed Ordinance 5, constitutes "recognition by the competent ecclesiastical authority of a Catholic professor's suitability to teach theological disciplines." Its withdrawal would apparently constitute *prima facie* evidence that "pedagogical suitability" is

lacking and that the individual so affected would be liable for removal from a position on a faculty of theology.

Thus, enforcement of the mandate necessarily compromises the institutional autonomy of any faculty of theology and of the university of which it is part, because it vests in an authority outside of the university the right to determine who may or may not be a member of the university faculty.

C. Consequences of the Proposed Ordinances

1. *The potential for public discord and scandal:* The imposition of the mandate in any form is likely to lead to even more cases of discord between episcopal pastors and academic theologians than have occurred in recent years when direct hierarchical intervention into the life of Catholic universities has taken place only where statutory relationships exist between the hierarchy and institutions. The cumbersome mechanism envisioned in the proposed Ordinances only increases the likelihood of discord and scandal.

2. *The alienation of potential faculty and graduate students in the theological disciplines:* Adoption of the ordinances would signal to potential faculty members and students that theology at Catholic universities would not have standing as an academic discipline. Many would choose to pursue their study elsewhere, in secular or non-Catholic universities with departments of theology or religious studies. Catholics are already attracted to such institutions in significant numbers. Such a movement of faculty and graduate students to other universities would surely reduce the vitality of departments of theology in Catholic universities.

3. *The alienation of potential faculty members in other disciplines:* What affects one part of a university can, rightly or wrongly, be perceived to affect the university as a whole. Many faculty members in non-theological disciplines would be convinced by the proposed Ordinances that skepticism about the possible coherence of "Catholic" and "university" is valid and they would probably choose to pursue their academic careers elsewhere. The vitality of all departments would suffer.

4. *The creation of gross inequalities within departments of theology:* Since the provisions of Canon Law apply only to Catholics, non-Catholics in the theological disciplines, present in most university departments of theology, would have the full protection of tenure, while their Catholic colleagues would not. The irony is matched only by the gross inequity.

In sum, the adoption of the proposed Ordinances, which would compromise the institutional autonomy and academic freedom of Catholic universities, is likely to have an effect directly opposite to that intended by those who have drafted them: the weakening of Catholic universities and the removal from them of any significant Catholic theological discourse.

The Ordinances, therefore, should not be adopted.

Academic Council Resolution September 28, 1993

The executive committee of the Academic Council, therefore, proposes the following motion for adoption by the Council:

WHEREAS the governance of the University of Notre Dame as an autonomous institution and the maintenance of its Catholic character are the responsibility of its Faculty, Administration, Trustees, and Fellows, and

WHEREAS the proposed Ordinances for the implementation of *Ex corde Ecclesiae*, particularly numbers 5, 6, and 7, constitute an infringement on the legitimate autonomy of the University,

BE IT RESOLVED that the Faculty, Administration, Trustees, and Fellows of the University convey to the National Conference of Catholic Bishops the strong recommendation that the Ordinances not be adopted.

Faculty Senate Journal September 9, 1993

The first meeting of the Faculty Senate for the academic year 1993-94 was called to order at 7:03 p.m. in room 202 of the Center for Continuing Education by its chair Professor Richard Sheehan, who asked Professor Jeffrey Kantor to offer the opening prayer. The roster of senators was circulated to be sure all addresses and phone numbers were correct. Professor Donald Sporleder (seconded by Professor Jean Porter) moved the adoption of the journal from May 3, 1993, as written, and the senate concurred.

In the chair's report, Sheehan brought senators up to date on activities since our last meeting. He asked all senators to be sure they had signed up for a committee, as specified in the by-laws. The chair wrote to the provost to ask for action on several senate issues: The Academic Council will take up our resolution on elected faculty serving on committees; he also asked that regular faculty be used in appointive committee positions and that these be drawn from those who had volunteered for such assignment. In regard to the women's resource center, the president of the University reported that the officers will take up this question and will issue a statement shortly, he wondered if the senate's suggestions were the most effective vehicles for proceeding, and worried especially about the financial impact. The chair had asked about the perception of delays in hiring non-Catholics to certain faculty positions. The provost will discuss the issue with each department, especially concentrating on the "departmental plan" asked for in the Colloquy report for hiring Catholics to the faculty. The chair reported the provost's agreement with the senate's letter on Catholic identity, as drafted by senator David Burrell, C.S.C., calling "bottom-up" action far more effective than the imposition of judgment from the administration. The senate also raised concern over the lateness of the announcement of the tenure/promotion decisions; the provost had wanted to do this by April of 1993 but could not because of the volume and complexity of some decisions; he will attempt this again for 1994. The financial summary for the University, an annual letter of the provost to the faculty, came out over the summer, as agreed. The senate's request for salary information by rank and college remains unfilled; the provost will take it to the expanded provost's advisory committee for discussion, and will report to the faculty on this shortly. The chair suggested that, failing to receive the information from the administration, the senate may be forced to survey the faculty for this information on its own.

The chair reported on the May meeting of the Trustees and a follow-up breakfast he had recently with the chair of their Academic and Faculty Affairs Committee. The

Trustees believe that the president is entitled to his vision of the University, but they are listening to faculty concerns and are committed to academic quality. They did receive the Colloquy report and are discussing it as the senate had requested. But the relationship with the Trustees is positive, even though faculty contact is limited. On this point, over the years our opportunity for contact has gradually been diminished. This is something the Trustees themselves want to re-dress to improve and further our interaction.

The president circulated a letter to the faculty, dated September 13, 1993, reporting on several initiatives but speaking at some length on Notre Dame's Catholic identity and the proposed Ordinances to the Apostolic Constitution. These present concerns to the whole University community, especially to our theologians. On another point, the four committees announced in the Colloquy Report will include members elected by the constituencies they represent, including faculty; the election procedures for faculty will be determined within their colleges. There will also be appointed members on these committees.

The Academic Council schedule for the year has been set, including a retreat-like meeting to begin. The emphasis will be on committee follow-up to the Colloquy recommendations. Some of these recommendations will also be taken up by PAC, college councils and other bodies around the University.

The chair then reflected on the work he saw for the year ahead in the senate. It should be a pro-active body, especially in relation to the direction of the Colloquy and its various committees. Our committees have work to do also:

1. **Academic Affairs** — monitor responses to the Catholic identity issue, department by department; pay special attention to Colloquy recommendations 4 and 9 to see to their implementation.
2. **Administrative Affairs** — monitor recommendations 7, 22 and 31; work to revise senate bylaws to recognize the new governance structures and atmosphere; follow up on the response to the women's resource center; examine procedures for promotion.
3. **Benefits** — examine the preferred provider option (p.p.o.); update the compensation report to include salary information by rank and college, with or without the help of the administration.
4. **Student Affairs** — monitor the response to the recent student-initiated teaching reports, especially to provide adequate faculty input; follow up on recommendation

29, the gays/lesbian issue and safety in the approaches to campus.

The chair made the announcement of two ad-hoc committees, and asked for volunteers, either senators or non-senators.

1. a self-study committee (chaired by Professors James Collins and Paul Conway) to examine where the senate "fits" in the new governance structure and what our interaction should be with other groups.
2. a committee on women's concerns to evaluate the effectiveness of the Faculty/Student Committee on Women and in light of the expanded PAC, to see why there is such an imbalance in full professors who are women (7 percent vs. 20 percent of faculty).

Standing Committee Reports

1. **Academic Affairs**, chaired by Burrell, is seeking people from all colleges and segments, especially to speak with department heads in regard to issues like Catholic identity and faculty hiring.
2. **Administrative Affairs**, chaired by Professor Paula Higgins, will focus on the women's resource center and look into the way the college councils have implemented the reforms of the April Accords.
3. **Benefits**, chaired by Professor John Affleck-Graves, will look into the issues enumerated earlier by the senate chair and others which senators may bring up.
4. **Student Affairs**, co-chaired by Kantor and Collins, seems to have acted as a "court of last resort" in recent years, and will seek to be more positive and pro-active this year, especially in opening lines of communication to student groups.

Old Business

The chair wished to know if senators believed the senate's new meeting schedule has been effective (especially with committee meetings in the middle of the evening and a 7 p.m. start time). Professor Thomas Cashore felt it was ineffective and counterproductive, while Burrell thought it was good to break up what often is a long evening. Affleck-Graves concurred with Burrell as did professor Regina Coll. Professor Louise Litzinger also agreed, but emphasized that the committees need still more time and more meetings to do their work. Professor Phillip Quinn wanted to continue with the current schedule, and so moved. Burrell seconded. The senate agreed, with one negative vote.

The senate then discussed the question of inviting outsiders to meet with the senate. Aside from the president and provost, the senate seemed to feel that others were unnecessary. Affleck-Graves believed that if outsiders were invited, they should be given a short time for a statement and greater time for questions and discussions. Quinn felt that we should prepare questions in advance for the initial speaker. Sporleder pointed out that the speakers who come also learn from us; it works two ways; perhaps more should be directed to speak to our committees rather than the full senate. Cashore agreed with the latter suggestion. Porter wanted to leave the issue to the chair and executive committee, which should take into account the feelings expressed in this meeting.

The senate at 7:55 p.m. recessed for committee meetings, and reconvened at 8:45 p.m. The senate again went into recess to hear its guest, director of human resources Roger Mullins, speak on the preferred provider option, or the establishment of networks of providers (hospitals, physicians, pharmacies). This new health care option is to be offered for 1994, and was designed with input from the senate and other segments of the University. There are to be in-network and out-of-network providers, with discounts for in-network ones and incentives to use them. More choice, though, means less cost control. Incidentally Partners Health Maintenance Organization will remain an option; Health Plus and Accordia will not.

The in-network hospitals for us will be St. Joseph Medical Center, Pawating, St. Joseph of Mishawaka, Michiana Community Hospital and Parkview of Plymouth. The in-network pharmacies are to be Hook's, Walgreen's, Osco's, Walmart and a mail-order option. In-network payments (co-payments) are to be 85-15 percent; out-of-network 70-30 percent. The out-of-pocket limits will be lowered (in-network). Also in-network: Memorial Hospital neo-natal unit, traveling life-threatening emergencies; physician co-pays; certain University travel abroad. Participating physicians will be announced with all other information for the November open enrollment period. The lifetime maximum and mental health maximum remain the same.

CIGNA will administer the plan and is a national network; all of their hospitals are in-network, including the Cleveland Clinic for example. The mental health provider will be Madison Center, and there may be others added. Services from out-of-network providers, including mental health, could mean greater personal expenses to the individual. The existing Employee Assistance Program (EAP) will continue and will be expanded. The EAP, although designed for staff, is open to faculty use also. The main exclusions remain birth control and infertility. Covered procedures (in-network) include physicals every other year, pap smears and mammograms.

DOCUMENTATION

An extensive discussion ensued over the reasoning behind the choice of St. Joseph Medical Center over Memorial Hospital. Collins thought the Women's Pavilion (Memorial) was originally in-network but was eliminated. Mullins disagreed and said the Women's Pavilion was not part of Memorial Hospital; it was out-of-network because of its abortion stance. Collins, joined by Higgins, continued to press the issue of quality of care, saying Memorial Hospital's OB/Gyn unit was far superior to St. Joseph's; they believed this would be a major problem with the new plan. Mullins, while not disagreeing, argued that St. Joseph's quality of care is high. Affleck-Graves pointed to the evidence that seemed to indicate on many standards that Memorial was higher, and believed the University should try to include Memorial as in-network. Mullins agreed to pursue this, but stated that many of the expert physicians at Memorial also practice at St. Joseph's of Mishawaka.

Professor Angela Borelli asked if the fact that St. Joseph Medical Center did not perform certain procedures had any bearing on the decision. According to Mullins, the answer was no, because certain controversial procedures would not be covered by the plan anyway. Professor Michael Detlefsen remembered that the committee which advised Mullins on the design of the plan had suggested including certain obstetric and gynecological procedures at the Women's Pavilion — but specifically not abortion — be covered as in-network. Why was that suggestion refused? Mullins responded that the plan was evolving and will evolve; he will continue to pursue this with Memorial. Collins asked how fee schedules for gynecological services compare between Memorial and St. Joseph Medical. Fee schedules apply to physicians, and the in-network schedules average 18 percent less than out-of-network. The attempt is to stabilize costs, and the physician must agree to the schedule before he or she is included. Kantor asked who would monitor quality. The administrator CIGNA is to provide that. Detlefsen added that they contract with an external agency that specializes in this. Porter wondered if people with pre-existing conditions would be covered. Yes, anybody in an existing group plan would be eligible.

Professor Harvey Bender asked if any other bids were solicited for the new p.p.o. Mullins said three were considered:

1. Accordia
2. Notre Dame to contract directly for the arrangements and hire a third-party administrator
3. CIGNA

CIGNA was chosen because it was a national network, already established, with a better fee schedule than others had, and its reputation was good, especially for quality

review. Sheehan asked how much Notre Dame was contributing. Its medical costs would be \$10 million, 88 percent of the entire community's expense. Returning to the issue of Memorial vs. St. Joseph's Medical Center, he asked how many births took place annually at each. While Mullins did not know that, he did know Memorial's unit was older and better established. Bender provided the numbers: 3,000 at Memorial, 500 at St. Joe. Sheehan pointed out that the relative costs to Memorial of adding this unit to our plan should be minimal. For the short-term, Mullins agreed, but was unsure for the long term. Still, he would work to add Memorial. In response to a question from Sporleder, Mullins believed quality concerns were a high priority for CIGNA, and they would be aggressive on this. For the future, the medical community will face rate-capping and cost intrusion on rates and services. Also in response to Sporleder, Notre Dame retirees will have Accordia for their plan, not CIGNA.

Kantor asked if Partners HMO would remain. Yes, but the employer has little control on an HMO's charges; they do not share information with us. Most physicians who will be in-network are in Partner's, as is Memorial Hospital. The HMO rates are not set yet, but we would expect some increase for 1994, probably 11 to 12 percent, and we don't know their co-pay. We are not trying to eliminate the HMO option, nor is the University trying to penalize people for choosing the HMO.

Professor John Borkowski thought the faculty would applaud this new option, with its savings for the University and the individual, but many will be upset over the failure to include Memorial, which is clearly superior in experience, personnel and competence. The financial incentive to go to St. Joseph Medical over Memorial is going to cause great discomfort and unease for many, especially younger faculty. Affleck-Graves added facilities as superior too. Mullins promised to pursue this. Borkowski pointed out that looking at "normal conditions" should not apply here; we are talking about children, and St. Joseph Medical Center does not have the facilities and back-up treatment for problem births. Mullins would pursue it, but Partners HMO uses Memorial. Also if we carve out one service, this may lead to others. We will look at quality issues, but we will look at all of them.

The senate thanked Mullins for his explanation and openness and work on this new option, and returned to its meeting.

The chair asked for new business. Detlefsen moved to discuss the Colloquy report, in these resolutions (printed as appendix A). Porter seconded all three, and the floor was open for debate. Professor Wilson Miscamble, C.S.C., asked if it were reasonable to open this subject at so late an hour.

DOCUMENTATION

Quinn pointed out that such motions are in order under new business, and having been made and seconded the senate must take them up; however there are ways to handle them in a proper, orderly way. The senate agreed to have these motions discussed as one, but voted upon separately. Detlefsen asked for discussion and action before the Board of Trustees meets in October when they might take up the Colloquy report. Lombardo moved to hold a special meeting of the senate to consider those motions; Sporleder seconded. Affleck-Graves agreed and asked that the meeting be held soon. Miscamble disagreed, opposing a special meeting and these motions as destabilizing to the spirit of harmony that is developing as the various new governance structures begin their work. Porter pointed out that a motion to call a special meeting was unnecessary; the chair can do it at any time. The motion was withdrawn. Porter moved to table the three motions until the chair calls a special meeting within two weeks. It was seconded and approved.

There being no further business, Porter moved to adjourn. It was seconded, and the senate adjourned at 10:05 p.m.

Present: Affleck-Graves, Atassi, Bender, Borelli, A., Borkowski, Bottei, Brownstein, Burrell, Callahan, Cashore, Coll, Collins, Conway, Detlefsen, Esch, Goetz, Hayes, Higgins, Kantor, Litzinger, Lombardo, Lopez, Miscamble, Miller, Moe, Porter, Quinn, Sheehan, Simon, Sporleder, Stevenson, Tomasch, Wei, Weithman, Weinfield

Absent: Connolly, F., Eagan, Garg, Hamburg, Jenkins, Jordan, M., Jordan, S., Meyerson, Parnell, Sauer

Excused: Borelli, M., Brennecke, Bruns, Ruccio, Serianni, Vasta

Respectfully submitted,

Peter J. Lombardo Jr.
Secretary

Appendix A

I. That the senate ask the Board not to endorse the final report of the President's Colloquy 2000 until the apparently deep disagreement separating the faculty and administration over its disputed elements (in the main, the mission statement and recommendation 1) have been resolved.

II. That the senate request the Board and the Administration to declare a moratorium on attempts to implement the recommendations of the Colloquy until such time as the disagreements mentioned above have been resolved.

III. That the senate form a task force for the purpose of preparing a written response to the final report of the President's Colloquy 2000 that reflects prevailing faculty sentiment regarding the issues of faculty concern dealt with therein.

Proposed by Detlefsen

September 9, 1993

Action: tabled to special meeting September 28, 1993

Faculty Senate Journal October 13, 1993

The chair Professor Richard Sheehan called the meeting to order in room 100-104 of the Center for Continuing Education at 7:07 p.m., and asked Professor Angela Borelli to lead us in prayer.

Sheehan reported on a long and positive meeting with the Academic and Faculty Affairs Committee of the Board of Trustees. Our opportunities for this are limited to only a few hours twice a year. He would like to see these expanded and expressed this desire to the committee. The senate should see to it that a library faculty member is on our delegation to these meetings. The October meeting saw discussion of the proposed Ordinances, the new governance structures, and especially the Colloquy report. Faculty members raised issues, made known displeasure with recommendation 1, and discussed our survey and the administration's disregard of it. Professor Paul Conway remarked that they probably didn't want to vote on the Colloquy, but disliked the senate's suggestion that they not do so, to which Sheehan agreed.

Committee Reports

1. **Academic Affairs** — Professor David Burrell, C.S.C., reported that several departments have already replied to our request for information on their plans for hiring Catholic faculty.
2. **Administrative Affairs** — Professor Paula Higgins reported no formal meeting but informal conversation on the proposed ordinances.
3. **Benefits** — Professor John Affleck-Graves said the committee was at work on the faculty compensation report, and had formally requested the University to include the maternity unit at Memorial Hospital as an in-network provider in the new health option. The committee was still having difficulty receiving salary information by rank and college from the University. Sheehan thought PAC had recently discussed this request and we may have an answer soon. Otherwise the senate may try other avenues to secure this.
4. **Student Affairs** — Professor Jeffrey Kantor reported no formal meeting, but good progress on the woman's resource center. The committee wants to take up the issue of faculty advising and mentoring responsibilities next.

There being no old business, the chair turned to new business. Professor Phillip Quinn introduced a resolution (printed as appendix A of this journal), seconded by Professor Michael Detlefsen, on the proposed Ordinances for

the implementation of *Ex Corde Ecclesiae*. His resolution used the language adopted by the Academic Council on this issue. In the discussion he posed it as an urgent matter of our autonomy and a defense of our academic freedom. The bishops are to decide this soon and our support to the University president was very important to deflect this threat to the integrity of our theologians and all of us, since academic freedom is indivisible.

Professor Donald Sporleder asked who would receive the resolution. The senate decided, if approved, it should go directly to the president to strengthen his hand. Professor Anthony Serianni called the question, which Conway seconded. The senate voted unanimously to pass Quinn's resolution and to endorse the language of the Academic Council on this issue.

The majority of this meeting was spent in conversation with the president of Notre Dame, Edward A. Malloy, C.S.C. The senate had sent him a list of eight questions as a start for the discussion (printed as appendix B of this journal). The senate technically stood in recess for this discussion/conversation.

Fr. Malloy spoke first about the setting of priorities. The four new committees stemming from the Colloquy will be important and will have concrete things to propose. The Trustees will be involved in setting the priorities in a consistent and regular fashion; they will look forward to the reports of the new committees, but also to the work of the Academic Council and the expanded Provost's Advisory Committee (PAC). He talked about the performing arts center and the bookstore study in his October 12 faculty address, and referred people to those remarks.

The next question asked about the Office of Student Affairs which, he said, has a difficult responsibility here in view of the deep-seated traditions of the place. Often residence life goes against the grain of contemporary life, but it is an important factor in the loyalty our alumni have for Notre Dame, especially as residence life relates to growth and development. Dorm life is difficult, the subject of constant discussion and disagreement. It is what is different about us, and our expectations. We do a good job of helping students grow and develop, especially as he hears and sees what goes on elsewhere.

Concerning off-campus living, Notre Dame has tried to take decisive steps to help this situation, especially on Notre Dame Avenue and in the Northeast Neighborhood area. Housing stock has deteriorated, and South Bend is being asked to carry a disproportionate burden of basic social services. He would like to see a governmental summit of local units in the county to look at this problem in relation to others; so much is connected that we can't do only one thing. In spite of the relatively inexpensive

DOCUMENTATION

standard of living in this area there are major concerns that need to be addressed and we are involved in this discussion.

The president declined, as not proper for him, to say to the senate what its role ought to be. That has evolved and will continue to do so.

In relation to the Colloquy's recommendation #1, on hiring faculty, the president made it clear that the faculty's role was critical in embracing and extending the ethos of the place and in making adaptations as time goes on to our sense of our self. He wanted faculty who are attracted to Notre Dame by many things, especially including those special qualities that make Notre Dame different from other universities and give us a distinctiveness. If faculty don't buy into that, it would make more precarious the preservation of this distinctiveness. It was his judgment that having a predominant number of Catholics on the faculty across the disciplines would contribute in a significant and central way to ensuring that we will maintain our distinctiveness. He hoped those who participated in hiring faculty would be open to and would help in meeting this goal, and there is no way to guarantee it except through the good will of those who participate in the hiring process. Faculty make judgments about colleagues, and he wanted to see a serious effort in embracing this goal shared across the University, not just in a few disciplines, and he wanted to see if there was a new generation of scholars coming along for whom Catholic identity was important and serious. If it is difficult in some area and a sincere effort had been made, that was what he was looking for.

He ended his opening reflections by saying he tries to listen, to arrive at consensus through consultation and discussion. As president, after this process, he felt he must make some final determination, but that would not lessen the value of consultation, advice and discussion.

The first question from the floor came from Professor Michael Detlefsen, who asked for specific information for people who serve on CAPs. Must a faculty member who serves on a CAP believe in the language of recommendation #1 to so serve? The implications of that language concerned him. Malloy hoped that participants in the CAP would respect his exhortation to embrace what the University is trying to do and to see its implications in hiring, and would make sincere efforts to achieve those goals. While he saw service on a CAP as faculty prerogative, he would be disappointed if election to one resulted in people who were unwilling to embrace the mission of Notre Dame. But by the nature of the University, he would not prevent such election. He would like this kind of evaluation to be part of the entire evaluation process. When further pressed for a more specific answer, he said

the more correct question would be, "Would it be a proper expectation of the administration that the faculty would share their responsibility, say in the hiring process, that would seek to achieve this goal?" He would leave it to the faculty to make a judgment about service on a CAP. He asserted that it would be feasible that someone who didn't think that "predominant" was the critical question could still embrace trying to hire Catholics as part of their involvement in the committee. In good will people will continue to debate the question of predominance. The judgment about service on a CAP is a faculty prerogative made by faculty about each other. He hoped people with enthusiasm and a willingness to embrace this goal would be elected to serve, but he could not control that. If that goal was not embraced, then he believed the Catholic nature of the University would be in trouble.

Affleck-Graves continued the questioning on the same subject, wondered if a particular department, having made an effort to hire Catholics, might be penalized if that effort resulted in failure. Given the provost's statement that once a person is hired this issue doesn't even count, how should one measure or evaluate a candidate's beliefs in this area? Is "checking the box" all there is to it? For Malloy, checking the box was not enough. But we all make judgments in the hiring process about a candidate in many ways, and this is another we would make in a very serious way. People do change, so these judgments would not be hard and fast. But these efforts tie into the bigger conversation here, of vibrant Catholic intellectual life where across departments people can come up against the grain of being a person of faith and practice. This would not be a conversation in which only Catholics participate. The specific problem of how this can be achieved at the departmental level is extremely complicated. If the spirit of it is not taken hold of, then it is not going to work. It is not a mechanical formula. It is a combination of things, including the presence of sufficient numbers of individuals to whom this is a life commitment, for whom Notre Dame holds a special affinity, and making sure that we take seriously the job of seeking out Catholic faculty of talent, ability and fit. The questions have to be asked in a very human way to see if someone would be comfortable in this environment. There will be no punitive measures taken, but there will be some encouragement and support for departments that take this essential element of Notre Dame's future seriously. That will play out differently in different departments.

Also in relation to recommendation #1, Professor Paul Weithman asked if the University had made any effort to find out how many Catholics are actually studying for their Ph.D.s and in which schools. Even if #1 is hortatory, it would be best to know just what kind of pool exists. Further, he thought it would be important

DOCUMENTATION

for the future to try to identify our own students who might be going on for advanced degrees. The president mentioned in response the effort of Tom Landy, S.J., to fill out our knowledge on this issue. We do need to make greater efforts to help departments identify candidates. It's important to see if anyone is out there. We have to be more creative on this. Our own students on paper are better today than they were years ago; many of his classmates went into higher education, and with changing cultural factors that may occur again. The job now is to find out who and where they are, and do we want them here. Weithman suggested that the new curriculum committee might be encouraged to take up this question in revising the curriculum.

Professor Donald Sporleder agreed with Weithman's point; within his area, he would like to see what's available in the pipeline. He would certainly expect everyone to participate in the ethos of the place and would not shortchange others not of the Catholic faith who may want to contribute. We know that non-Catholics on the faculty now have a great commitment to the University and he would not want to eliminate or belittle them. The president agreed with that, and wanted it to be the case always. Perhaps the academy is blind or parochial, but it doesn't seem to see that religion is prominent in the lives of so many. At Notre Dame we want to encourage "faith seeking understanding" individuals, Catholic or not, who might make a contribution to our conversation. We are going against the tide of history and our culture in trying to find cooperation and the mechanisms to answer the question, "How can Catholic faculty be present here in sufficient numbers to make a difference for the future of the place and to contribute to the ethos of the institution?" If we don't even ask the question, then we will be different. Now, even granting that people of good will, faith seeking understanding, and a sense of professional responsibility are present, the very topic is a strained one. That is a sign to him that the topic must be addressed forthrightly. The solution is very complicated, but we have to make a sincere effort, in his view.

Burrell supported Weithman's idea of seeking out the people we may want to consider for hiring, perhaps through the network of Newman clubs around the country. But every department would not be able to write every Newman club to seek candidates. He believed the office of the president or provost could help with this. Fr. Malloy agreed to explore such an idea, as well as others. Professor Sonja Jordan thought Malloy's remarks at this meeting had been quite helpful, especially his re-phrasing the question to say, a sufficient number to preserve the ethos of the place. What evidence was convincing to the president that there was a lack of enthusiasm for hiring Catholics of such strength that he felt compelled to issue a declaration like recommendation #1? He answered that

at one point each year he drew a line in the packets of approved hires to look for clues to see if a department made any effort to address the hiring of Catholics as the University does for categories of affirmative action. Often there is no effort, and people report that no effort was made. Conversations with people in these various departments often confirm that this goal hasn't been high in anybody's framework. There just don't seem to be any positive signs of effort, and that has disturbed the president. On the other hand some departments, including ones headed by non-Catholics, have made serious and sincere efforts in this regard, and that's been gratifying. Finally some have made these efforts and been frustrated by the results, but they have tried.

Professor Edward Vasta remarked that he felt closer to the president's views on this subject than to the senate's expression of it. The senate's position seemed subtly harmful and insidious, abstract and theoretical, something of a passing fancy and especially had the potential to be harmful to academic freedom. The president's position, on the other hand, was more healthy and secure for the University, that we accept who are Catholic and leave them free to go on from that point in the larger conversation. His question was, how do we determine whether a person is truly a dedicated and committed Catholic, without being intrusive to that person's private life? Just what are mechanics at work here? Malloy answered that we have to make hard judgments in this regard as we do in matters of scholarly potential and teaching ability. He supported the preservation of academic freedom in this University as in others, but felt we should hold each other to a higher expectation, especially for mentoring and modeling. Perhaps there are some who feel that a Catholic university cannot or will not respect academic freedom, but we know better: The Catholic academic community has flourished because of the mix of academic freedom, of process in adjudicating problems as they arise, and of a deep-seated value system. We all have to give some leeway for what we may think of as sheer stupidity, but that's the nature of the academy. We have to work out the mechanics.

Professor Charles Parnell asked if the International Federation of Catholic Universities had ever discussed this subject. Perhaps we could learn from their experiences. Fr. Malloy, as a member of their board for six years, has learned a lot about how free we are in the United States compared to most of the rest of the world, where governments run education. Even Catholic colleges and universities elsewhere get their money from the state. The institutional church can provide some protection from a tyrannical regime. Our situation is unique: 230 schools free of state control with varying degrees of academic prestige and achievement. Will they all or some number exist in a recognizable form 20 years from now?

For Professor John Borkowski there was both tension and optimism among the faculty about this current debate. While heated and difficult to engage, still out of it will come a clearer recognition of how to fulfill the mission statement which most faculty have bought into. But most faculty do not buy into recommendation #1 because of the single word "predominate." He acknowledged that Malloy was probably right about the last 20 years of faculty hiring, in part because the administration was never clear in communicating its feeling that Catholic identity was so crucial to the departments; also he felt that Notre Dame is better today than we were 25 years ago, in terms of scholarship certainly but also in terms of our Catholicism, even though the percentage of Catholic faculty may be lower. Further, the future may mean even fewer Catholics because we have become a national university, and we can draw the very best persons to our faculty; the need for diversity will also contribute to this. This is not something to fear if we all are following in the spirit of the mission statement. This is where "predominate" becomes so troubling.

Fr. Malloy reported that he spends 98 percent of his life telling people we are a better university now than we ever were. But recommendation #1 is important; it comes out of our history and tradition and is vital for our future. The predictions about the future depend on all those in the departments as much as they depend on the administration. He wanted the conversation to go on, to be taken seriously, and that the entire University participate. Borkowski contended again that "predominate" could impede progress: younger, Catholic scholars will not want to come if they are seen simply as Catholics and not necessarily top scholars. Malloy answered that "the best" was a precarious term to use, and that individuals have their own definitions of it.

Professor Henry Weinfield pointed out several dangers: Quality, for one, might be relegated to a lower place. In addition he feared the danger of politicizing the process for the sake of some affirmative action goal. In response, Malloy said that the academy was a difficult arena in which to function, in part because of the variety of judgments people have about priorities and goals. Affirmative action is a realistic and desirable method to enhance diversity in the faculty, and he wants to encourage discussion and debate within the departments about these goals, about what is missing in the present situation on the faculty. He was advocating organic change across time. The last decade has seen a significant change in the faculty; we have hired many people, while other schools were not doing this. The hiring process has had a profound influence. For the future, we will be replacing those who retire and will be adding numerous positions. Notre Dame will be even more significantly changed, and that is the reason he wants to see these goals talked about in all the departments.

Professor Richard McBrien agreed especially with one point Borkowski made: Communication is essential. There are anxieties and concerns, fear, annoyance and resentment right now on campus. Perhaps the president isn't responsible for all of it, but it exists. Senators have seen it at this meeting in the questions posed. This is a Catholic university, where we should be able to show every one else that we are also a first-rate academic institution. The job the president has should be to reassure everyone on the faculty, of all denominations and none, that there are no second-class citizens here, that no one will be kept from promotions or advancements because of religious affiliation or lack of it, that people will be judged on an equal basis. All of that may be obvious, but it has to be communicated. Something else that is obvious has to be stated too: We will never hire anyone less qualified simply because he or she is Catholic. We will look for people who are intellectually qualified, who've got their lives together, who have a maturity, sense of humor, and so forth. We can't worry about the percentages; we have to worry about hiring people who will be real models for our students and splendid and nurturing colleagues. McBrien believed Malloy agreed with all of this and more, that our reassurance has to extend to the kind of Catholicism we are trying to maintain, in its full, most pluralistic sense. The concern of so many on campus goes to the heart of who we are as a University. The emphasis on the Catholic character cannot prejudice or compromise our academic quality, or the fundamental dignity and equality of every member of the faculty. Communication is vital.

Malloy moved to the next question, from Professor Frank Connolly, who wanted to know if there was any new information on the recognition of Gays and Lesbians at Notre Dame and Saint Mary's College. Malloy replied he knew of none. Connolly recounted some of the senate's past involvement on this issue, including the assertion that some organization might be allowed through affiliation with Campus Ministry. Malloy knew only that conversations had been held, but he did not know the details. Connolly did not feel we had served these people well.

Professor Wilson Miscamble, C.S.C., believed that beneficial things happen when conversation takes place. Clarification is always good, and he welcomed the senate's initiative in contacting departments about the hiring process. He asked for assistance to the departments in their struggles to clarify the Catholic identity issue and seeing who out there wants to be part of this Catholic university.

Professor Edward Vasta turned to the matter of salary equity. The Provost's Advisory Committee, in a recent report, would not recommend publication of salaries, which lends credence to the feeling of salary inequity.

DOCUMENTATION

Vasta asked Malloy if he thought there was salary inequity here. Malloy said there were discrepancies between fields and disciplines. In individual cases, he rarely is involved; these are handled by departments, the colleges and the provost's office. There are reviews for cases where inequity is alleged. Vasta said there are discrepancies even within departments and that there are deals made. The senate can't even get salary averages by college. Malloy responded that there were wide ranges, but would not enter into a discussion of whether these were inequities. The PAC is dealing with this, and the matter should be taken there. Affleck-Graves asked how we can make any judgment on these matters when the University refuses to release even raw averages. The knowledge to judge fairness and equity is not there. Malloy thought PAC was the place to discuss this.

Detlefsen returned to the hiring process and the role of the CAP. Does recommendation #1 make those who disagree with it ineligible to sit on a CAP? Clarity in the University's official communication is essential, but we don't seem to have it here, at least from the remarks tonight. Miscamble asked if a candidate had approached him and wondered about the recommendation. As yet because it was new, this had not happened to Detlefsen, but in a prior year in a case less clear than we will see over this issue, a candidate was very concerned. He would foresee that future candidates will use recommendation #1 and the confusion to turn down Notre Dame's offer.

Professor William Eagan asked the president to answer more clearly question #8 that had been presented to him. Malloy responded that we were trying to improve the process of consultation and advice, and he had described some of the vehicles in his faculty address of October 12. Sporleder spoke of some environmental and safety concerns that are involved in the question on bicycle paths. Many students, faculty and staff are anxious about the non-vehicular access routes to campus. Can Notre Dame be more pro-active in developing safe bike routes and walking paths to and from campus? The president asked Sporleder to put his thoughts and ideas on paper and he would pass it along to the appropriate agents.

Professor Jean Porter returned to the subject of Catholic identity. Many faculty are here because of the Catholic nature of the University; we choose to be part of it. But still polls show that many are uneasy with recommendation #1. Its substance has been mixed in with the issue of faculty governance, because it is seen as being imposed from above. In view of this anxiety, is it wise to go forward on this without further discussion and consensus to achieve what we all seem to want? For Malloy, the discussion was continuing and the conversation would be on-going. The language came from the documents of the University, from the Trustees, etc. How do we make what

we want a reality? That's why the conversation should continue, so it becomes reality. Porter wondered how the "personal vision" nature of the Colloquy report squared with the provost going to department meetings and asking on the spot, how are you planning to implement recommendation #1. Vasta asked the president to comment on a recent *Scholastic* editorial which claimed the administration was suppressing dissent within its group. Malloy did not know what the editorial referred to, but stated that he would not have his administration characterized that way.

The senate thanked the president for coming to the meeting and answering questions, and returned to its agenda.

Conway moved to adjourn, Burrell seconded, and the senate agreed at 9:25 p.m.

Present: Affleck-Graves, Bender, Borelli, A., Borelli, M., Borkowski, Brennecke, Brownstein, Burrell, Callahan, Coll, Collins, Connolly, Conway, Dailey, Detlefsen, Esch, Garg, Goetz, Hayes, Higgins, Jordan, S., Kantor, Litzinger, Mayerson, McBrien, Miscamble, Parnell, Porter, Quinn, Sauer, Serianni, Sheehan, Simon, Sporleder, Stevenson, Vasta, Wei, Weinfield, Weithman

Absent: Atassi, Bottei, Bradley, Hamburg, Jenkins, Miller, Moe, Ruccio, Tomasch

Excused: Cashore, Lopez

Respectfully submitted,

Peter J. Lombardo Jr.
Secretary

Appendix A

WHEREAS the governance of the University of Notre Dame as an autonomous institution and the maintenance of its Catholic character are the responsibility of its Faculty, Administration, Trustees, and Fellows, and

WHEREAS the proposed Ordinances for the implementation of *Ex corde Ecclesiae*, particularly numbers 5, 6, and 7, constitute an infringement on the legitimate autonomy of the University.

BE IT RESOLVED that the Faculty, Administration, Trustees, and Fellows of the University convey to the National Conference of Catholic Bishops the strong recommendation that the Ordinances not be adopted.

Proposed by Quinn
October 13, 1993
Passed unanimously

Appendix B

Questions for Malloy

(1) How are priorities established? For example, there is the perception among many of the faculty that funding for infrastructure or administrative positions is more readily available than for funding for faculty positions or the library, for example. Related to this point, while the Colloquy suggests some priorities, there again is the sentiment among the faculty that at least some administrators look more favorably on initiatives closer to their perspective, e.g., more administrative positions, than other priorities.

(2) Can you provide any additional information on the status of the performing arts center and the progress on the bookstore study? How do these items fit into the overall priorities of the University?

(3) How should the Office of Student Affairs relate to students as well as to faculty? How is the role of this office related to the academic mission of the University? There is the perception that Student Affairs is run autocratically and does not respond either to student or faculty concerns. Reinforcing this perception — Patty O'Hara is the only administrator that has declined to speak to the full senate.

(4) On student concerns, what commitments can and have been made to students, off-campus students in particular, in terms of safety and the deteriorating condition of some housing? One safety category of particular concern: Can the University use its influence to improve access to the campus for those who commute by bicycle?

(5) Given the changes in governance structures — the subcommittees of the Academic Council and the change in the council's climate, the addition of elected faculty to PAC and its broadening agenda, and the creation of four additional committees as a result of the Colloquy — what role do you see for the Faculty Senate? How does the senate fit in the overall governance structure of the University?

(6) In your personal vision for the University set out in the final report of the Colloquy, there is a clause in recommendation 1 that reads "All who participate in hiring faculty must be cognizant of and responsive to the need for dedicated and committed Catholics to predominate in number among the faculty." Was (is) it your intention that this should be interpreted in such a way as to bar those who do not believe that there is a need for dedicated and committed Catholics to predominate in number among the faculty from taking part in discussions leading to hiring decisions, voting on those decisions or serving on CAPs? Was (is) it your intention that recommendation 1 be interpreted as authorizing the hiring of less well qualified candidates who are Catholic over better qualified candidates who are not Catholic? Is it your view that a department might legitimately respond to the provost's request for strategies for implementing recommendation 1 by saying that it does not seem possible to do so without damaging the quality of the department?

(7) Do you believe that all departments, regardless of collegiate affiliation, should be under the same obligation to try to form a faculty in which dedicated and committed Catholics predominate in number? Or do you think that the task of producing an overall University faculty where dedicated and committed Catholics predominated in number should allow certain departments to fall short of the prescribed norm and require others to surpass it?

(8) When are you going to recognize the faculty as co-equal partners in the governance of the University? As long as all committees and councils are advisory, does it make any difference how many faculty are on them or how they are selected? What do you believe is the faculty's role in governance given Notre Dame's status as a national Catholic research university?

DOCUMENTATION

University Libraries' Hours During Christmas/New Year's Holiday December 24, 1993-January 3, 1994

HESBURGH LIBRARY		
	BUILDING	PUBLIC SERVICES
Friday, December 24	closed	closed
Saturday, December 25	closed	closed
Sunday, December 26	closed	closed
Monday, December 27	9 a.m.-10 p.m.	10 a.m.-4 p.m.
Tuesday, December 28	9 a.m.-10 p.m.	10 a.m.-4 p.m.
Wednesday, December 29	9 a.m.-10 p.m.	10 a.m.-4 p.m.
Thursday, December 30	9 a.m.-10 p.m.	10 a.m.-4 p.m.
Friday, December 31	9 a.m.-5 p.m.	closed
Saturday, January 1	closed	closed
Sunday, January 2	closed	closed
Monday, January 3	begin intersession hours	

Branch libraries' hours vary, please call for specific hours:

Architecture	631-6654
Chemistry Physics	631-7203
Engineering	631-6665
Life Science	631-7209
Mathematics	631-7278

Check unloc (especially hours) for additional changes and updates.

University Libraries' Hours During Intersession January 3-12, 1994

HESBURGH LIBRARY		
	BUILDING	PUBLIC SERVICES
Saturday	9 a.m.-midnight	9 a.m.-5 p.m.*
Sunday	1 p.m.-midnight	Closed
Monday through Friday	8 a.m.-midnight	8 a.m.-5 p.m.**

*The following public services will be open:

Circulation
Current Periodicals/Microtext
Reference

**Current Periodicals/Microtext will be open until 10 p.m. Monday through Thursday.

Branch libraries' hours vary, please call for specific hours:

Architecture	631-6654
Chemistry Physics	631-7203
Engineering	631-6665
Life Science	631-7209
Mathematics	631-7278

Check unloc (especially hours) for additional changes and updates.

THE GRADUATE SCHOOL OFFICE OF RESEARCH

Current Publications and Other Scholarly Works

Current publications should be mailed to the Office of
Research of the Graduate School, Room 312, Main Building.

COLLEGE OF ARTS AND LETTERS

Economics

Ghilarducci, Teresa

- T. Ghilarducci. 1993. How Pensions Can Build
America's Future. *Spectrum: The Journal of State
Government* 66(4):6-20.

English

Fredman, Stephen A.

- S.A. Fredman. 1993. Review of The Senses of Non-
sense, by A. Reike. *American Literature* 65(3):589-590.
Gernes, Sonia G.
S.G. Gernes. 1993. Angela's Brain. *New Letters* 59(4):43-56.

Music

Blachly, Alexander

- Pomerium (Musical Group), A. Blachly, Director. 1993.
For the Queens of Heaven and Earth: Music by O. de
Lassus and W. Byrd. Music Before 1800 Corpus
Christi Church, New York, New York.
Pomerium (Musical Group), A. Blachly, Director. 1993.
Commercial Compact Disc. Antoine Busnoys: In
Hydraulis and Other Works. Dorian, Troy, New York.

Theology

Cunningham, Lawrence S.

- L.S. Cunningham. 1993. Comments on *Veritatis
Splendor*. *Commonweal* 120(October 22):11-12.
L.S. Cunningham. 1993. Religious Booknotes: Creeds,
Prayers and Theories. *Commonweal* 120(October
8):28-31.
Sterling, Gregory E.
G.E. Sterling. 1993. Platonizing Moses: Philo and Middle
Platonism. *The Studia Philonica Annual* 5:96-111.
G.E. Sterling. 1993. Review of Gentiles/Jews/Christians:
Polemics and Apologetics in the Greco-Roman Era, by
H. Conzelmann. *The Studia Philonica Annual* 5:238-242.
G.E. Sterling. 1993. Review of The Essenes According
to the Classical Sources, G. Vermes and M.D. Good-
man, eds. *The Studia Philonica Annual* 5:227-229.
G.E. Sterling. 1993. Review of The Spurious Texts of
Philo of Alexandria: A Study of Textual Transmission
and Corruption with Indexes to the Major
Collections of Greek Fragments, by J.R. Royse.
ALGHJ 22. Leiden: E.J. Brill, 1991. *Religious Studies
Review* 19:274.

- G.E. Sterling. 1993. Women in the Hellenistic and
Roman Worlds (323 BCE-138 CE). Pages 41-92 in,
C.D. Osburn, ed., *Essays on Women in Earliest Chris-
tianity*, Volume 1. College Press, Joplin, Missouri.

Yoder, John H.

- J.H. Yoder. 1993. Review of Menno Simons: A
Reappraisal, G.R. Brunk, ed. *Church History*
62(September 3):400-401.

COLLEGE OF SCIENCE

Biological Sciences

Rai, Karamjit S.

- A. Kumar and K.S. Rai. 1993. MINI REVIEW:
Molecular Organization and Evolution of Mosquito
Genomes. *Comparative Biochemistry Physiology*
106B(3):495-504.

Chemistry and Biochemistry

Castellino, Francis J.

- G.J. Hoover, N. Menhart, A. Martin, S. Warder and F.J.
Castellino. 1993. Amino Acids of the Recombinant
Kringle 1 Domain of Human Plasminogen that
Stabilize Its Interactions with ω -Amino Acids.
Biochemistry 32:10937-10943.

Physics

Aprahamian, Ani

- X. Wu, A. Aprahamian, J. Castro-Ceron and C. Baktash.
1993. Identical Bands and Multi-Phonon Vibrations.
Physics Letters B 316:235-239.
A. Aprahamian, X. Wu, S. Fischer, W. Reviol and J.X.
Saladin. 1993. Vibrational Degrees of Freedom in
Deformed Nuclei. *Revista Mexicana de Fisica*
39(2):1-6.

COLLEGE OF ENGINEERING

Aerospace and Mechanical Engineering

Atassi, Hafiz M.

- J. Fang and H.M. Atassi. 1993. Numerical Solutions for
Unsteady Subsonic Vortical Flows around Loaded
Cascades. *Journal of Turbomachinery* 115(4):810-816.

Chemical Engineering

Brennecke, Joan F.

- C.B. Roberts, J. Zhang, J.E. Chateaufneuf and J.F.
Brennecke. 1993. Diffusion - Controlled Reactions
in Supercritical CHF₃ and CO₂/Acetonitrile Mixtures.
Journal of the American Chemical Society 115:9576-9582.
See under RADIATION LABORATORY; Chateaufneuf,
John E. 1993. *Journal of the American Chemical Society*
115(21):9576-9582.

THE GRADUATE SCHOOL OFFICE OF RESEARCH

Civil Engineering and Geological Sciences

Makris, Nicos

- N. Makris, M.C. Constantinou and G.F. Dargush. 1993. Analytical Model of Viscoelastic Fluid Dampers. *Journal of Structural Engineering* 119(11):3310-3325.

Computer Science and Engineering

Akai, Terrence J.

- T.J. Akai. 1993. Applied Numerical Methods for Engineers. John Wiley and Sons, Inc., New York, New York. xix + 410 pp.

Electrical Engineering

McGinn, Paul J.

- C. Varanasi and P.J. McGinn. 1993. Y₂BaCuO₅ Particle Coarsening during Melt Processing of YBa₂Cu₃O_{7-x}. *Journal of Electronic Materials* 22(10):1251-1257.

COLLEGE OF BUSINESS ADMINISTRATION

Finance and Business Economics

Cosimano, Thomas F.

- T.F. Cosimano. 1993. Review of Money and Financial Markets, M.P. Taylor, ed. *Journal of Money, Credit and Banking* 25(4):864-867.

Keating, Barry P.

- B.P. Keating and J. Grace. 1993. The Walrasian Simulator. *Simulation & Gaming* 24(December 3):491-499.

CENTER FOR PASTORAL LITURGY

Bernstein, Eleanor, CSJ

- E. Bernstein, CSJ. 1993. Children in the Assembly of the Church, E. Bernstein and J. Brooks-Leonard, eds. Liturgy Training Publications.
E. Bernstein, CSJ. 1993. Disciples at the Crossroads, E. Bernstein, ed. The Liturgical Press, Collegeville, Minnesota.
E. Bernstein, CSJ. 1993. Guidelines: The Presider as Proclaimer. *Liturgy: We Proclaim* 11(1):78-81.

LAW SCHOOL

Kmiec, Douglas W.

- D.W. Kmiec. 1993. Clinton Health Plan Goes Too Far. *Chicago Tribune* (October 26).
D.W. Kmiec. 1993. Clinton Plan is Contrary to Catholic Social Teaching and Bad Economics. *Today's Catholic* (October 10).
D.W. Kmiec. 1993. Ginsburg's Conflict on Abortion. *The Philadelphia Enquirer* (August 4).
D.W. Kmiec. 1993. Is State's Anti-Voucher Rule Constitutional? *The Detroit News* (September 19).
D.W. Kmiec. 1993. Murky Waters of Religious Freedom. *Chicago Tribune* (June 28).

- D.W. Kmiec. 1993. OLC's Opinion Writing Function: The Legal Adhesive for a Unitary Executive. *Cardozo Law Review* 15:337-374.

Shaffer, Thomas L.

- T.L. Shaffer. 1993. Erastian and Sectarian Arguments in Religiously Affiliated American Law Schools. *Stanford Law Review* 45(6):1859-1879.

RADIATION LABORATORY

Chateauneuf, John E.

- C.B. Roberts, J. Zhang, J.E. Chateauneuf and J.F. Brennecke. 1993. Diffusion-Controlled Reactions in Supercritical CHF₃ and CO₂/Acetonitrile Mixtures. *Journal of the American Chemical Society* 115(21):9576-9582.

Ferraudi, Guillermo J.

- S.K. Weit, G.J. Ferraudi, P.A. Grutsch and C. Kutal. 1993. Charge-Transfer Spectroscopy and Photochemistry of Alkylamine Cobalt(III) Complexes. *Coordination Chemistry Reviews* 128:225-243.

Kamat, Prashant V.

- D. Liu and P.V. Kamat. 1993. Photoelectrochemical Behavior of Thin CdSe and Semiconductor Films. *Journal of Physical Chemistry* 97(41):10769-10773.

- I. Bedja, S. Hotchandani and P.V. Kamat. 1993. Photoelectrochemistry of Quantized WO₃ Colloids. Electron Storage, Electrochromic and Photoelectrochromic Effects. *Journal of Physical Chemistry* 97(42):11064-11070.

LaVerne, Jay A.

- J.A. LaVerne and S.M. Pimblott. 1993. Diffusion-Kinetic Modelling of the Cooperative Effect of Scavengers on the Scavenged Yield of the Hydroxyl Radical. *Journal of Chemical Society, Faraday Transactions* 89(19):3527-3532.

- J.A. LaVerne and H. Yoshida. 1993. Production of the Hydrated Electron in the Radiolysis of Water with Helium Ions. *Journal of Physical Chemistry* 97(41):10720-10724.

Pimblott, Simon M.

- See under LaVerne, Jay A. 1993. *Journal of Chemical Society, Faraday Transactions* 89(19):3527-3532.
S.M. Pimblott. 1993. Stochastic Modelling of the Influence of an Applied Electric Field on the Ion Recombination Kinetics of Multiple-Ion-Pair Spurs in Low-Permittivity Liquids. *Journal of Chemical Society, Faraday Transactions* 89(19):3533-3539.

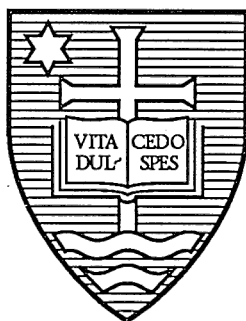
SCHOOL OF ARCHITECTURE

Alhasani, Nadia M.

- N.M. Alhasani. 1993. Notre Dame's Golden Dome: Explorations into its Meaning(s) and Symbolism. Pages 23-28 in, *Architecture on Campus*. University of Maryland, School of Architecture, College Park, Maryland.

Younes, Samir

- S. Younes. 1993. Critical History and Architectural Education. *Architecture on Campus, The Association of Collegiate Schools of Architecture* 110-116.



NOTRE DAME REPORT

Volume 23, Number 7

December 3, 1993

Notre Dame Report (USPS 7070-8000) is an official publication published fortnightly during the school year, monthly in the summer, by the University of Notre Dame, Office of the Provost. Second-class postage paid at Notre Dame, Indiana. *Postmaster:* Please send address corrections to: Records Clerk, Department of Human Resources, Security Building, University of Notre Dame, Notre Dame, IN 46556.

Linda M. Diltz, Editor
Marten Schalm, Designer
Willa Murphy, Gerard Jacobitz, Layout
Publications and Graphic Services
415 Main Building
Notre Dame, IN 46556
(219) 631-5337

© 1993 by the University of Notre Dame, Notre Dame, IN 46556. All rights reserved.
