

# NOTRE DAME REPORT

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FEBRUARY 14, 1997 • NUMBER 11

## Andrews Supports Summer Service Projects

The Center for Social Concerns has received a \$1.5 million commitment from Kathleen W. Andrews and her sons, Hugh and James, to support its Summer Service Projects (SSP) program.

Andrews, a member of the Board of Trustees and a Fellow of the University, is vice chairman of Universal Press Syndicate (UPS) and chief executive officer of Andrews and McMeel, the syndicate's publishing arm.

The SSP program was established in 1980 and is underwritten by Notre Dame alumni clubs and a scholarship fund set up by Andrews and John McMeel, her partner in UPS and a 1957 Notre Dame graduate, in memory of her husband, James F. Andrews, a 1961 Notre Dame graduate who died in 1980. The program provides \$1,700 scholarships to undergraduate students who devote eight weeks of their summer to a project serving the poor in a city where there is a Notre Dame alumni club. Staff members from the Center for Social Concerns and representatives of local alumni clubs select the scholarship recipients and design the service projects, and the student volunteers remain in contact with members of the alumni club throughout the eight weeks of the project. In recent years an undergraduate theology course, "Reflections on Service," has become a component of the program. Some 1,400 Notre Dame students have undertaken summer service projects since the program's beginning.

Among the plans for the expansion of the SSP program are the endowment of a directorship; the inclusion of the program's service projects in the learning, teaching and research of other academic disciplines beside theology; and the development of the Center for Social Concerns as a national model for other institutions of higher learning interested in the field of service-learning.

A 1959 graduate of Notre Dame College in Cleveland, Andrews earned a master's degree from the University of Notre Dame in 1962. In addition to her professional activities, she serves as a trustee on the boards of the Center for Management Assistance, Avila College, Spring Hill College and the National Conference of Christians and Jews. Prior to her election to the Board of Trustees in 1993, she served on the advisory council for the Institute for Church Life. She holds honorary doctoral degrees from the University of Portland and Spring Hill College.

## Andrews and McMeel Endow Conferences

The Center for Social Concerns has received a \$500,000 commitment from the Andrews and McMeel Foundation to endow a series of annual conferences on service learning initiatives in higher education.

The newly funded program will enable the Center for Social Concerns to convene annual conferences on the development of summer community service projects and their integration into academic programs. Faculty, administrators and students from other colleges and universities will be invited to Notre Dame for the conferences, which will include presentations by Notre Dame students, alumni and faculty as well as social workers and community service agency representatives who have been involved in Summer Service Projects.

The Summer Service Projects program was established by Notre Dame's Center for Experiential Learning (now the Center for Social Concerns) in 1980 so that undergraduate students nationwide could undertake various forms of community service with the help of local Notre Dame alumni clubs. Many students wishing to take part in the program were unable to do so because meeting the cost of the University's tuition required them to devote their entire summer to wage-earning jobs. When James F. Andrews, a 1961 Notre Dame graduate and co-founder of Universal Press Syndicate (UPS), died that same year, a scholarship fund for the Summer Service Projects was set up in his memory by his widow, Kathleen Andrews, and UPS co-founder John McMeel, a 1957 Notre Dame graduate.

A corporate foundation funded by the Universal Press Syndicate and its companies, the Andrews and McMeel Foundation was established in 1991 to support programs in matters of art, civic improvements and community action, economic development, education, health and welfare, religion, and youth.

## Hallinan to Direct Institute for Educational Initiatives

Notre Dame will establish an Institute for Educational Initiatives to conduct research on schools and the educational process with the aim of devoting its findings to the improvement of American educational policy and practice.

Maureen Hallinan, White professor of arts and letters and one of the world's foremost scholars in the sociology of education, will direct the new institute, which will begin its work in the fall of 1997.

A major focus of the institute's research will be on the education of students from disadvantaged backgrounds. Institute faculty will seek to identify the factors that promote students' cognitive and social development in schools that vary organizationally and that differ in students' backgrounds and in curriculum and instructional techniques.

The institute will integrate its research mission with teaching, offering Notre Dame students both graduate and undergraduate level courses in disciplines such as the sociology, economics and history of education, educational psychology, and education policy. A major initiative of the institute will be a summer master of arts in teaching program that will provide rigorous and innovative training to graduate students from a wide variety of disciplinary backgrounds who are interested in teaching. In this initiative, the institute will cooperate in and expand the work of the Alliance for Catholic Education, which provides dedicated young teachers to understaffed parochial schools throughout the United States.

Hallinan is a member of the Sociological Research Association, which is limited to 60 lifetime members selected for the strength of their scholarship and for the national and international recognition accorded their research. She also recently concluded a much-praised term as president of the prestigious American Sociological Association, whose membership of 13,000 encompasses the academic community as well as researchers in government, business and nonprofit organizations.

Hallinan's research into the consequences of academic tracking of secondary school students has been supported by the U.S. Department of Education and the National Science Foundation. She also has conducted landmark studies of the formation of friendships among school-children.

## Scholarship Aid Increased by \$3 Million

Undergraduate scholarship aid awarded by the University in the current academic year increased almost \$3 million from 1995-96, and has grown more than \$10 million since 1990, according to an annual report from the Office of Financial Aid.

Prepared by Joseph Russo, director of financial aid, the report provides a preliminary summary of all student aid from University, government and private sources for the 1996-97 academic year. The totals are expected to increase further when a final report is issued following the end of the fiscal year, June 30.

University-administered scholarship aid this year totaled \$15.6 million, about \$2.8 million more than the \$12.8 million distributed in 1995-96 and \$10.2 million more than the \$5.4 million awarded just six years ago. The average University-based scholarship for all undergraduate recipients for 1996-97 is in excess of \$5,800, up by more than \$500 from the previous year's average.

This year's large increase in University-administered scholarship aid is due in part to Notre Dame's decision, beginning with this year's freshman class, to provide over the next five years an additional \$5 million in expendable funds for scholarship awards. By the year 2000, some 400 undergraduates will have benefited from the newly committed resources.

Other highlights from the report:

- Total financial aid for this academic year — including scholarships, loans, grants and jobs from all sources — is projected to reach a record of more than \$110 million, up from \$104.1 million last year.
- Loans to students and their parents account for \$39.1 million of the \$43.4 million from federal assistance programs. The remaining \$4.3 million comes in the form of grants and work-study programs, which include University matching funds.
- Nonfederal financial aid — including University-based scholarships as well as those earned from outside the University, alternative loans, grants-in-aid, tuition remission and University student employment — rose \$6.4 million to \$59.5 million.
- ROTC scholarship funds rose by an average of more than \$1,400 per student and totaled \$7.5 million.
- 71 percent of undergraduates and 86 percent of graduate students are receiving aid from one or more programs this year.
- Of the \$110.4 million in aid distributed, about \$71.9 million is going to undergraduates and \$38.5 million to graduate students.

# FACULTY NOTES

## Honors

**Theodore Cachey**, associate professor of Romance languages and literatures, was elected to a five-year term on the executive committee of the division on Medieval and Renaissance Literature of the Modern Languages Association of America.

**Roberto A. DaMatta**, Joyce professor of anthropology, received the Commander Medal of the Order of Scientific Distinction of Brazil at the Brazilian Embassy in Washington, D.C., Jan. 23.

**Philip Gleason**, professor emeritus of history, received the 1997 Theodore M. Hesburgh, C.S.C., award given annually by the Association of Catholic Colleges and Universities for outstanding contribution to Catholic higher education at the association's annual meeting in Washington, D.C., Feb. 4.

**Yih-Fang Huang**, professor of electrical engineering, has been elected vice president, publications, for the Circuits and Systems Society of the Institute of Electrical and Electronic Engineers. The institute is the world's largest professional society with members of over 320,000 in 150 countries. The Circuits and Systems Society is the premier professional society of engineers and researchers in the field of electronic circuits and systems theory.

**James J. Kolata**, professor of physics and director of the Nuclear Structure Laboratory, has been elected a fellow of the American Physical Society for "original contributions to nuclear physics, research, and specifically for his work with radioactive beams."

**Catherine Mowry LaCugna**, Dreux professor of theology, received the Holy Names Academy Alumna of the Year Award in Seattle, Wash., Feb. 22.

**Jean Porter**, professor of theology, was awarded a Luce Fellowship for 1997-98 for a project titled "Natural Law and the Christian Conscience: Medieval Moral Thought and Its Contemporary Significance."

**Rev. James F. White**, professor of theology, received a first place award from the Catholic Press Association in the Liturgy Category for *Roman Catholic Worship*.

## Activities

**John Adams**, assistant professor of biological sciences, was one of three invited U.S. scientists participating in the 31st joint conference of the U.S.-Japan Parasitic Disease Conference in Osaka, Japan, Nov. 11-16. He presented the invited paper "Serologic Activity in Humans to Recombinant *Plasmodium vivax* Duffy Binding Protein" at the "Vivax Malaria" symposium during the international congress on Malaria and Tropical Medicine in Nagasaki, Japan, Nov. 16-22. He gave the invited seminar "Current Knowledge of Malarial Erythrocyte Binding Proteins" at the Department of Parasitology at the School of Medicine at Ehime University in Ehime, Japan, Nov. 23-26.

**Ikaros Bigi**, professor of physics, gave the High Energy Physics Seminar "Heavy Quark Expansions for Inclusive Weak Decays of Heavy-Flavour Hadrons" at the Department of Physics of the Technical University of Munich, Germany, Jan. 9.

**Howard A. Blackstead**, professor of physics, and J.D. Dow presented "Magnetic Pinning by Ba-Site Magnetic Ions in  $R_{1+u}Ba_{2-u}Cu_3O_x$ ," "Chemical Trends with d, the Cuprate Plane — Charge Reservoir Distance," "Evidence That All High Temperature Superconductors are p-type," "The Case Against all Remote-Control Cuprate Plane Models of HTSC" and "Hybridization Models, Cuprate Planes, and the Apparent Lack of Superconductivity in Pr123: *Implications*" at the Gordon Conference on High Temperature Superconductivity in Ventura, Calif., Jan. 12-17.

**Theodore Cachey**, associate professor of Romance languages and literatures, delivered the paper "Giuseppe Baretti and an Italian Literary History of Travel" at the annual meeting of the Modern Languages Association held in Washington, D.C., Dec. 27-30.

**Carolyn M. Callahan**, associate professor of accountancy and KPMG Peat Marwick faculty fellow, gave the Washington University invited accounting research presentation "Market Characteristics and the Benefit of More Accurate Product Cost Information: An Experimental Investigation" co-authored with **E. Ann Gabriel**, assistant professor of accountancy, in St. Louis, Mo., Nov. 21.

**Julia V. Douthwaite**, associate professor of Romance languages and literatures, presented a paper titled "From Curio to Pathology: Human Anomalies on Exhibit" and chaired a panel titled "From Natural Man to Monstrous Progeny: Fiction and the 'Science of Man,' 1726-1818" at the annual convention of the Modern Languages Association held in Washington, D.C., Dec. 28-30.

# FACULTY NOTES

**Rev. Michael S. Driscoll**, assistant professor of theology, gave the paper "The Baptism of Clovis and French Baptismal Consciousness" at the annual meeting of the North American Academy of Liturgy in Chicago, Ill., Jan. 4-7. He presented "Liturgical Education and Enhancement: Retrieving and Reviving Liturgical Symbols" to the Diocese of Lansing in Lansing, Mich., Jan. 11.

**William G. Dwyer**, Hank professor of mathematics, gave an invited talk titled "The Undiscovered Cohomology of  $GL(n, \mathbb{Z}[1/2])$ " at the Midwest Topology Conference held at Northwestern University in Evanston, Ill., Jan. 25.

**Keith J. Egan**, adjunct professor of theology, spoke on "The Meals of Jesus" to parents at Little Flower Parish in South Bend, Ind., Nov. 24.

**Stephen A. Fredman**, professor of English, delivered "The Not-So-Pure Pluralism of Horace Kallen" at the Modern Language Association annual convention in Washington, D.C., Dec. 29.

**James A. Glazier**, assistant professor of physics, gave the invited seminar "How Cells Know Where to Go" at the University of Science and Technology of China Department of Physics in Hefei, Anhui Providence, People's Republic of China, Jan. 15.

**Iván Jaksic**, assistant provost for international studies and associate professor of history, served as chair and commentator for a panel on "Misplaced Ideas?: Liberalism and Education in Nineteenth-Century Latin America" at the American Historical Association annual meeting in New York, N.Y., Jan. 2-5.

**Edward A. Kline**, professor of English and O'Malley director of First Year Composition and Literature, served as judge for the C. Henry Smith Peace Oratorical Contest at Goshen College in Goshen, Ind., Jan. 14.

**Catherine Mowry LaCugna**, Dreux professor of theology, gave the slide presentation "Experiencing the Trinity Through Art" for GTU in Notre Dame, Ind., Feb. 7. She presented the weekend lectures "Living the Mystery of God" at the Carmelite Monastery in Indianapolis, Ind., Feb. 21-23.

**Grant Mathews**, professor of physics, gave the talk "Hot Intercluster Medium and Halo Microlensing Events" at the international workshop on the Identification of Dark Matter at the University of Sheffield, U.K., Sept. 8. He gave the Physics Department Colloquium "Hot Stars and Cold Gas: Clues to the Origin and Evolution of Galaxies" at Oakland University in Rochester, Mich., Sept. 19. He gave the Physics Department Colloquium "Instabilities in Close Neutron Star Binaries" at Indiana University/

Purdue University in Indianapolis, Ind., Oct. 24. He gave the invited talk "Instabilities in Close Neutron Star Binaries" at the sixth Midwest Relativity meeting in Bowling Green, Ohio, Nov. 1. He gave the Theoretical Astrophysics Seminar "Instabilities in Close Neutron Star Binaries" at Fermilab in Batavia, Ill., Jan. 14.

**Rev. Jerome H. Neyrey, S.J.**, professor of theology, delivered the paper "Questions, Chreia and Culture: Rhetoric and Culture in Mark's Gospel" at the annual convention of the Society of Biblical Literature in New Orleans, La., Nov. 23-26. His recent book, *Portraits of Paul. An Archaeology of Ancient Personality*, was reviewed at a plenary session at that convention.

**Catherine Perry**, assistant professor of Romance languages and literatures, was selected by ISLA for a summer NEH grant to complete her book manuscript "Persephone Unbound: Dionysian Aesthetics in the Work of Anna De Noailles." She presented the paper "In the Wake of Decadence: Anna De Noailles' Revaluation of the Feminine" given in the panel titled "Race, Gender, and Decadence: The Woman's Story" at the MLA convention in Washington, D.C., Dec. 27-30.

**Joachim J. Rosenthal**, associate professor of mathematics, presented the invited colloquium talk "An Algebraic Theory for Convolutional Codes" in the Department of Mathematics at Texas Tech University in Lubbock, Tex., Jan. 23.

**Uri Sarid**, assistant professor of physics, gave the invited Theory colloquium "Large Tan Beta in Gauge-Mediated Supersymmetry-Breaking Models" at CERN, Geneva, Switzerland, Jan. 15.

**Peter Schiffer**, assistant professor of physics, gave the Solid State seminar "Recent Experimental Results in Geometrically Frustrated Magnets" at the University of Michigan Department of Physics in Ann Arbor, Mich., Nov. 12. He gave the Condensed Matter seminar "The Compositional Phase Diagram of  $La_{1-x}Ca_xMnO_3$ : Colossal Magnetoresistance and More" at the Department of Physics at Michigan State University in East Lansing, Mich., Dec. 2.

**Rev. James F. White**, professor of theology, presented the paper "Terminology for the Study of Protestant Worship" at Yale University in New Haven, Conn., Oct. 2. He gave the paper "Seminary Chapel Buildings as Spiritual Formation" at the North American Academy of Liturgy in Chicago, Ill., Jan. 7.

**Randall Zachman**, assistant professor of theology, presented "The Importance of Martin Luther for Anglicans" and "The Development of the Lutheran Confessional Tradition" to adult education classes at St. Michael and All Angels Episcopal Church in South Bend, Ind., Jan. 12, 19.

# ADMINISTRATORS' NOTES

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## Appointments

**Andrew M. Paluf**, a 1980 Notre Dame alumnus, has been appointed University controller. Paluf succeeds Frederick H. Baumer Jr., who retired in June after 21 years in the position. As controller, Paluf oversees five University units — general accounting, research and sponsored programs accounting, payroll, accounts payable and the cashier's office — and is responsible for financial statement preparation, tax matters, and all accounting activities, including for research and sponsored programs. Paluf had served since 1990 in a variety of finance and development positions with Ferro Corporation, a Cleveland-based manufacturer of specialty materials, including ceramics, chemicals and plastics, for use by industries worldwide. Before joining Ferro, Paluf spent two years as a senior analyst with NACCO Industries and six years in management positions with Ernst & Young. An accountancy major at Notre Dame, Paluf earned a master's of business administration degree from Indiana University in 1984 and has been a Certified Public Accountant since 1982.

## Honors

**Dale Getz**, athletic facilities manager, has been selected to serve on a National Certification Committee for the Sports Turf Managers Association. The committee will develop criteria and testing for certification of sports turf managers. He has been elected to serve a two-year term on the board of directors of the Midwest Regional Turf Foundation. The foundation provides scholarships, information dissemination and turfgrass research throughout Indiana and is administered through Purdue University.

## Activities

**Dale Getz**, athletic facilities manager, presented a talk titled "Renovation of Notre Dame Stadium Football Field" at the 67th annual Michigan Turfgrass Conference in Lansing, Mich., Jan. 23.

**Mike McCauslin**, assistant director of Risk Management and Safety, and **Lisa Bognar**, chemical safety specialist for Risk Management and Safety, presented the talk "Safety Resources on the Internet" to the Michiana chapter of the American Society of Safety Engineers in South Bend, Ind., Jan. 9.

## Publications

**Alan S. Bigger**, director of building services, and **Linda B. Bigger**, assistant director of purchasing, wrote "The Lean, Green Housekeeping Machine" published in the February 1997 issue of *Executive Housekeeping Today*. They wrote "More Shine in Less Time" published in the January 1997 issue of *Maintenance Solutions*. They wrote "The Great Outdoors" published in the January/February issue of *Contracting Profits*.

## Faculty Senate Journal December 3, 1996

The chair Professor Richard McBrien called the meeting to order at 7 p.m. in room 202 of the Center for Continuing Education and asked the senate to pause for a moment of silent prayer. Next, he turned to the October journal and asked for corrections, changes, etc. There were no changes offered, and the senate approved the October journal. The November journal was also presented for approval, and McBrien asked for corrections, changes, etc. Professor Patrick Sullivan, C.S.C., moved to strike in the appendix the resume of the faculty member whose appointment by the president of the University had been the subject of debate in that meeting; Professor Daniel Sheerin seconded. Professor G. Robert Blakey, in whose dissenting report the resume had been included, spoke against the resolution, calling such action a personal affront and a violation of his free speech; if suppression of free speech and the right to support it with evidence were to be the norm of the senate, then there would be no such thing as open debate. He further pointed out that for propriety the candidate's name had not been used anywhere in his dissenting report. Sullivan said the senate had already agreed to strike all references to the candidate by name. The chair told the senate that he struck the candidate's name from his November chair's report to reflect this action by the senate. Professor Jean Porter asked Sullivan as a friendly amendment to strike also the letter submitted by the candidate; both Sullivan and Sheerin agreed. Porter continued, saying that while she agreed free speech was important, so was the right to privacy; the senate had no way to determine if the candidate had agreed to have these documents made public and this would be unfair to him. She recalled that it has not been senate practice to incorporate into the journal such items pertaining to an individual faculty member. Blakey interjected by saying, "Why not ask?" but the chair recognized Professor Sonja Jordan, who supported the motion; her committee had decided by majority vote that the issue of qualification was not its proper focus, only the procedure; to include the letter and the resume would not be germane to the issue.

Professor Michael Detlefsen spoke against the motion, agreeing with Blakey that this would be suppression of evidence. Also against the motion was Professor William Eagan, who argued for the integrity of the discussion and the record, which was not so much a record of wisdom as it was of exactly what happened. Professor Phillip Quinn assumed that the candidate had given permission to use the documents in question and saw the issue as one of a senator's right to support his argument; he was against the motion. Professor Dennis Doordan, a member of the committee who investigated the issue, also opposed the

resolution; the qualification of the candidate was at least a part of the discussion.

Professor Jill Godmilow asked if the candidate had given approval for use of the documents. Blakey replied in the affirmative; otherwise he wouldn't have used them. Sheerin asked if the candidate had approved suppressing his name, and Blakey responded that the candidate had not seen his report beforehand. The chair asked Blakey if he had any further remarks to make. In response, he said if the senate agreed to this motion, at some later time he would take the opportunity to read the documents into the record from the floor; it was out of consideration for the time of the senate that he had only put them into his written report. It would be utterly unprecedented to restrict his debate or shut him off when he was speaking. The integrity of open debate with decorum was at stake. He had not called anyone's motives into question, his report was within Robert's Rules, and the senate should not approve suppression of evidence.

The senate agreed to vote on the amended Sullivan resolution. It was not approved: 10 in favor, 25 opposed, two abstentions. A number of typographical errors were pointed out, and the senate accepted the November journal.

Next, McBrien gave the chair's report. It is printed as appendix A of this journal. Then the senate recessed for committee meetings.

Upon resumption of the meeting, the chair asked for committee reports.

**1. Academic Affairs** — the chair Jordan said the resolution on the faculty appointment in theology will be taken up later in the meeting.

**2. Benefits** — in the absence of the chair, Professor Michael Hemler reported on two items which the committee was looking into: a) the director of human resources, Roger Mullins, has asked to brief the senate on insurance and health questions; b) the new option on health insurance, Family Health Plan, may be a kind of trial balloon to replace CIGNA, which may be dropped for 1998. The senate may want to survey faculty or join Human Resources in surveying all faculty and staff on this matter. Professor Jeffrey Bergstrand asked if the CIGNA dental plan were a separate item from CIGNA health, and if it would be dropped for 1998. Hemler did not know for sure, but would try to find out. Professor Richard Sheehan asked if CIGNA were being dropped because of cost, performance or other reasons. Hemler said all these factors, as pointed out in the senate's survey last year, were unsatisfactory and would play into the decision. Because Notre Dame has little clout on CIGNA,

# DOCUMENTATION

compared at least to Allied Signal (which is CIGNA's big national client), the University was looking for a change unless CIGNA improved dramatically. Professor Ralph Chami urged that the senate push to retain a PPO and not leave all faculty and staff with only HMO choices; a PPO is not interchangeable with an HMO. Hemler said if Mullins spoke to the senate, this point could be made directly. Professor Ikaros Bigi supported asking Mullins to speak to the senate, precisely so such a point could be made. Professor Peter Cholak reported on a conversation with a Human Resources representative who said a PPO would remain; the University was very committed to that.

**3. Administration** — Professor Clive Neal reported that the committee had met with four people on the issue of affirmative action and would likely have resolutions for the senate in the new year. Their guests had been Vice President and Associate Provost Carol Ann Mooney, and Professors Jimmy Gurule, Barbara Fick and Joan Brennecke.

**4. Student Affairs** — Sullivan reported that the committee had met with the president of the student body and the head of the judicial council. They were invited to return to continue the discussion of student judicial rights, disciplinary procedures and alcohol issues. The committee has a resolution to present later in the meeting.

The chair reminded senators that the next senate meeting (January 16) would be the annual meeting with the University provost, and the first with Professor Nathan Hatch as provost. There will be no committee meetings that evening. He then recognized Jordan to introduce the Academic Affairs Committee resolution. Before she spoke, Blakey raised a point of order, asking McBrien to vacate the chair because the upcoming resolution at least indirectly called into question his own actions as a member of the Department of Theology, and vacating the chair would give him an opportunity to speak on the issue, removing any question of illegitimacy of the senate's actions. McBrien declined to vacate the chair, saying he took no part in committee votes or discussions of the candidate in his department; he was not the department chair nor did he serve on the ATP committee. He overruled the point of order and offered Blakey the opportunity to appeal. He did so and was seconded. Blakey then called the question and was seconded. There was discussion on whether the maker of the motion could call the question, and Eagan as parliamentarian ruled he could. The senate voted to call the question (29 in favor, four opposed, four abstentions) and then voted against the Blakey appeal from the ruling of the chair (three in favor, 33 opposed).

Jordan re-introduced the committee resolution, which had been presented originally at the November meeting. At that time, the senate decided to await the outcome of a theology department meeting and vote on a resolution. The committee voted not to change the original resolution substantially (eight in favor, none opposed, one abstention, one absent), but they did vote to change some wording in the preamble and also in the resolution itself. Debate on the resolution with regard to the presidential appointment commenced.

Sheehan asked for the floor to speak in favor of the resolution. He first expressed displeasure at Blakey's inappropriate behavior in making a motion and then immediately calling the question to stifle discussion. Turning to the resolution, he addressed two areas. First, the dissenting report said four points raised in President Malloy's letter of July 24, 1996, were never addressed in the committee's investigation. On point one, the president said he was offering a compromise, but it was a unilateral compromise, never sent through regular department channels, and, in spite of the department's ATP vote not to offer a visiting professorship, the actions were inconsistent with the word "compromise." The president's second point referred to Colloquy recommendation #2. Sheehan, having served on the Colloquy committee, recalled a lengthy discussion of affirmative action for C.S.C.s, where many viewed affirmative action as intended for disadvantaged groups not advantaged groups like C.S.C.s, but the language was retained because everyone knew what was meant. But what did it imply? It was explicitly stated by the president and provost that no inferior candidates would be hired, and neither could imagine overturning a department's rejection of a C.S.C. candidate. To Sheehan, the president's use of a Colloquy justification was offensive and inconsistent with what he had said at the time. The president's third point, an allegation of bias within the department, was contradicted by the report of the dean of the college. For the president to continue to state this without evidence was inconsistent with standards the senate is trying to apply to the president's actions. The president's fourth point, applying his professional judgment in the field of theological ethics, troubled Sheehan, who recalled that 15 years ago he was proficient in the economics of crime but is not now because he has turned to other areas. The president has been an administrator for 15 years and likely has not kept up with his field much as Sheehan has not kept up with the economics of crime. For the president to put himself into this in this way was an improper role for him.

Sheehan continued with his second area of concern: the president's unnecessary second-guessing of the department's professional judgment. Referring to page eight of the Blakey report, Sheehan called it self-referential and



without balance. Finally, he urged the senate, in opposition to Blakey, to see the issue as one of process not of personality. The president should have admitted his mistake; instead, he seems to be circling the wagons and criticizing those who challenge him as not understanding and/or respecting the "special relationship" between Notre Dame and the congregation. He believed several C.S.C.s were also upset with the process, not necessarily at the candidate, and he urged the senate to pass the resolution.

Blakey, as a point of personal privilege, said, in reference to his calling the question earlier, that he did not want to waste the senate's time. He knew how to count votes. McBrien reminded senators that each person is limited to 10 minutes of speaking time.

Quinn spoke next, saying from the beginning he had considered this a very important issue, deserving of careful attention. He had gone to as many of the committee meetings as he could, even though he is not a member of the Academic Affairs Committee, and thought they had done a fine job — careful and thoughtful, with high-quality discussion. But some information vital to a complete investigation was simply made unavailable to them, termed "confidential" and "regarding a personnel matter." That was predictable, but given the limits, the committee made a responsible inquiry. He was persuaded sufficiently to vote for the resolution and urged others to do so also.

Blakey, in response to several, said the senate was faced with both a text and a subtext. The text was the process and the candidate's qualifications, while the subtext was the legitimacy of the University's president, the legitimacy of the special relationship between the University and the congregation, and, ultimately, the Catholic character of the University. As he would not vote "no confidence" on the subtext on this record, he opposed the motion, believing it was internal to the theology department and its politics and personalities. It was not the business of the senate to take up such issues, and doing so would be far more deleterious to this body than to the president. It has no power to involve itself and should not have; this matter belongs only to theology.

He turned to the candidate himself, to whom he had talked, whose letters of recommendation he had read, and who he believed was fully qualified to be on the theology faculty, even apart from his C.S.C. status. Their refusal to appoint him was unjust and would have denied Notre Dame the services of a very able priest. He believed his judgment of the candidate would be vindicated. What about the idea that the president was substituting his views for that of the department? That is exactly what he should do when a department sought to clone

itself, to impose narrow sectarian parameters on its members. Departments that were open to new views should not fear action by the president. The president had opened up the closed character of theology and this strengthened the University. Other departments need not fear this precedent. He urged the defeat of the resolution.

Jordan disputed Blakey's view of the theology department as cloning itself. The department had approved all C.S.C. candidates brought before it until this one, for many, many years, and the department chair has confirmed this. She also disputed Blakey's view of the senate's role in this. Faculty appointments are matters of interest and concern to the academy, and the Academic Articles empower the senate to look into them.

Porter, a member of the Theology ATP Committee and a specialist in the candidate's field (moral theology), would not speak on ethical grounds to the candidate's qualifications, but she wanted to make a couple of points. First, the candidate's recommendations came from one person in his field (his advisor) and six from others outside the field, as defined by the Council of Societies for the Study of Religion. Second, no one had produced any evidence of impropriety except in the most indirect way. Absent any malfeasance, the appropriate judge was the department. However, she acknowledged the president's legal right to make the appointment, but what he did was a serious violation of the spirit of collegiality, and it compromised the integrity of the department. On the special relationship, she said important voices even in the congregation have questioned publicly whether the president's action was appropriate.

For Professor Gregory Sterling, also of theology, the senate should not sit in judgment of the candidate. There were many who might be qualified candidates because of schooling or recommendations, but the department had to decide which one was best suited to its needs. This was the only proper group to judge. The issue was the forfeiture or retention of a department's academic integrity. Detlefsen said he had heard for years about "rot" in the theology department. He talked to a lot of people and found no evidence of any cloning there, except in one corner inhabited by several C.S.C.s doing some ideological cloning to defend the C.S.C.s or to raise this or that point. He did not say this actually existed, but if any existed, that is where it would be. Blakey should not be perpetuating such rumors in the senate, especially about a department which the National Research Council had placed in the upper third of all nationwide. Not many at Notre Dame can make that statement.

# DOCUMENTATION

Professor John Borkowski commented on the change in language which the committee made in the resolution. He was uncomfortable with its original wording, but to say "erodes the confidence" was better and closer to his sense of the verbal sanctions for what may be termed a mistake the president made. His office was difficult, and with a new campaign looming, our language should be carefully measured. While he was not totally comfortable with the resolution, he was more comfortable than before. But his problem was that the resolution offered nothing constructive. He would vote for it, but more is needed — a way out. The special relationship does in fact exist but it has not been handled well by this administration or the departments. The senate should take up this issue, discuss it and propose two things: Take it out of the affirmative action category where it does not belong and probably does an injustice to those who do belong there, and help the congregation as part of our obligation as a faculty of this particular University, given its history, to fill its ranks and ours with men who can fill important faculty and administrative positions. The situation was difficult, and this resolution does not help. A mechanism is needed for prior consultation about men in training before the time comes for their application, guidance to be given on whether that person is moving toward tenure at Notre Dame or elsewhere, maybe advice on postdoctoral studies (which would have been very helpful in the instance under consideration here, and where the president may have erred), and communication well in advance. The University needs new guidelines in this area, and the senate can be helpful and productive in this effort at collaboration.

Jordan, following up on Borkowski's comments, said the special relationship issue was discussed and the committee will be asking the president for his views and will have a resolution later in the year on it. They did not want to mingle the two resolutions at this point.

Professor Richard Williams commended Blakey for the time and effort he put into defending the president's actions, but found his arguments unconvincing. The president, in his July letter and October senate appearance, had opportunities to explain and defend his appointment, but he did not do so. The senate did not have the power to change University policy or documents unilaterally, although Blakey seemed to think it could have. This had been a disagreement over procedures not legitimacy; parties can disagree and dialogue with one another. Even granting that the president could not talk specifics, he still would not or did not delineate general principles on this issue. Blakey tried to defend this, but ultimately he was unconvincing. Williams supported the resolution. Professor Gordon Berry supported Borkowski's call for an analysis of the special relationship. The president referred to that often. Berry did not feel himself qualified to judge the candidate's qualifications. He felt the issue

was between theology and the president — the resolution was too general, there was no perceived danger to other departments, and he was not sure the president had been given due process. The senate had the power to criticize, but he would vote against the present resolution. Eagan spoke about confusion between the qualifications of the candidate and the procedure followed. The documents indicate both. Godmilow pointed out that theology records could well comment on qualifications, but senate action should focus on procedure.

Sullivan, as the only C.S.C. on the senate, mentioned how he was struck by the contrast in governance at Notre Dame and other institutions. At a recent conference, he heard major university figures urge full participation by faculty, even in some trustee/regent deliberations. But Notre Dame has a far more limited view. His experience in the congregation as personnel director for six years indicated that negotiation and dialogue were the ways people used to place C.S.C.s on the faculty and to promote them, especially to tenure — all based on ability and competence, as judged by the department and not imposed on it. There were exceptions and disagreements, but these were defended and worked out through dialogue and diplomacy. The issue was beyond just theology; it involved collegiality and subsidiarity. The mechanism which Borkowski had outlined was proper and should be the norm. He urged reconciliation, a mutual respect and a willingness to change, and expressed disappointment in some of his C.S.C. brothers. He would vote for the resolution.

Professor Joel Urbany had been struggling with the resolution. While he agreed with many points, he thought one portion went too far. Although on the faculty for only a few years, he sensed the difficulty many have with the president's decision-making. He moved to strike the first "Be it further resolved" clause, and Blakey seconded. Urbany felt the wording pushed the resolution too far without advancing the issue. Borkowski asked him to strike the final clause too, which he did.

Detlefsen spoke against such a change. These clauses were the most important parts of the resolution. It was "chillingly clear" to know that if the president wanted someone appointed to the faculty, that person will be appointed. The president's action was an affront to the academy. Our University was at stake; the principle can be generalized and it can happen anywhere. Specifically, this kind of pressure has existed in the philosophy department for a number of years. Colleagues don't throw colleagues to the wolves. It would be disgraceful to take out those clauses. Blakey moved to ask Detlefsen to modify his final remarks as personal and out of order. The chair asked if the remarks were directed to anyone in particular, and Detlefsen said yes, they were directed to all senators. The chair ordered them stricken.

Because a faculty member's business is words and faculty members care about words and language, Blakey said everyone should use care about them, especially a word like "confidence" to which individuals apply various meanings. But its use was the first step in calling into question the legitimacy of the president in this community. Even the campus newspaper had picked up on the use of the word. There was no evidence on the currently-available record for the use of the word "confidence" anywhere in this resolution. To make the case stronger, vote to remove the final two clauses. Jordan spoke against the motion; to her the confidence which does exist will erode if such decisions continue. The president made his decision without consultation and without explanation. Urbany did not believe his motion reduced the force of the resolution; it was designed to address the rhetoric. He agreed in principle with the issue, but the resolution must be credible. Professor Joseph Blenkinsopp called the question and Eagan seconded. The senate voted 34 in favor, two against to call the question. In voting on the amendment, there were seven in favor, 28 against, one abstention. Debate continued on the resolution.

Detlefsen called the question, and Eagan seconded. The senate voted 36 in favor, one against to call the question. The vote on the Academic Affairs Committee resolution was 29 in favor, five against, three abstentions. The resolution is printed as appendix B.

The next item of business was a resolution from the Student Affairs Committee. Sullivan introduced it, explaining that it resulted from an action taken by the Office of Student Affairs (specifically referring to Assistant Vice President William Kirk) that has been perceived by several campus groups as a denial of student rights and student procedures outlined in the *du Lac* handbook. The committee heard from the group denied permission for a demonstration (the College Democrats of Notre Dame) and voted to support their case by deploring the action taken by Residence Life. One minor change in the resolution, requested by Derwent, was taken as a friendly amendment. The senate voted to approve the resolution. (35 in favor, none opposed), and it is printed along with supporting documentation as appendix C of this journal.

There was no further business, and the senate adjourned at 9:27 p.m.

**Present:** Bayard, Bergstrand, Berry, Biddick, Bigi, Blakey, Blenkinsopp, Borkowski, Chami, Cholak, Coll, Collins, Davis, Delaney, Derwent, Detlefsen, Doordan, Eagan, Godmilow, Hemler, Huang, Jordan, Kirkner, Lamanna, Lombardo, McBrien, Neal, Porter, Preacher, Quinn, Ramsey, Runge, Sheehan, Sheerin, Sterling, Sullivan, Urbany, Williams, Zachman, Carroll, James

**Absent:** Borelli, Broderick, Garg, Gundlach, Hill, Mason, Mathews, Schmid, McShane

**Excused:** Buttigieg, DeLanghe, Hyde, Rai, Sayers

Respectfully submitted,

Peter J. Lombardo Jr.

## Appendix A

Chair's Report  
December 3, 1996

1. Regarding the matter of representation for adjunct faculty in the governing structure of the University, originally raised in a Faculty Senate resolution during the previous academic year and to which I referred in my Chair's Report for October 14, item #5: The issue was referred by the Academic Council's Executive Committee on November 25 to the Council's Faculty Affairs Committee, chaired by John Van Engen, professor of History and director of the Medieval Institute. The committee will meet on December 12 to consider the matter with a view to making a recommendation to the Executive Committee and to the full Academic Council. The next meeting of the Executive Committee is January 15, and the next meeting of the Academic Council is January 22.

2. Regarding the matter of faculty grievances and appeals, originally raised by a Faculty Senate resolution passed in May, 1995, and to which I also referred in my Chair's Report of October 14, item #6: The report and recommendations of the special PAC subcommittee on tenure and promotion, chaired by Carol Mooney, professor of Law and vice president and associate provost, was approved by the full membership of the Provost's Advisory Committee on November 20 and sent to the Executive Committee of the Academic Council for action. The Executive Committee, on November 25, referred the issue to the Academic Council's Faculty Affairs Committee which, as noted above, next meets on December 12.

3. Regarding the status of the Faculty Senate resolution of last May proposing an amendment to the non-discrimination clause in the Manager's Guidebook to include "sexual orientation": The Chair has been advised today by Human Resources director Roger Mullins that there is still no word from the General Counsel's office regarding action on the matter. Accordingly, I shall write a letter to Mr. Mullins formally asking for a prompt review of this matter by the General Counsel's office, with a view to a decision by the end of January, 1997.

4. Regarding the matter of job reclassification: A status report is included in the current *Staff Newsletter*, an advance copy of which has been faxed to me this afternoon by Mr. Mullins' office. The new position classification system will go into effect on March 1, 1997, payable on March 15, and retroactive to July 1, 1996.

5. The first session of the 1996-97 Faculty Senate-sponsored Notre Dame Forum on Academic Life was held on November 13. Katherine O'Brien O'Keeffe, professor of English, gave a paper on "Investing in Centers of Excellence," and Charles Kulpa, professor of Biological Sciences, spoke on the topic, "Keeping Science and Engineering on the Cutting Edge." The papers and discussion were of a high order. The entire record of the evening's proceedings — papers and discussion alike — are available on the Faculty Senate's home page. The next session of the Forum is scheduled for February 13. The first paper, "Going the Second Mile to Recruit Faculty and Students," will be given by Edward Conlon, chair of the Department of Management, and the second paper, "Revitalizing Undergraduate Education," will be given by Sonia Gernes, professor of English and College Fellow in the College of Arts and Letters.

6. The Faculty Senate's Executive Committee will meet with the academic officers of the University on Friday, December 20, to discuss matters of mutual interest. Your suggestions are welcome.

## Appendix B

### Academic Affairs Committee Preamble and Resolution November 6, 1996

#### PREAMBLE

Prompted by President Malloy's recent decision to appoint a member of the Congregation of Holy Cross as a Visiting Assistant Professor for a term of three years in the Theology Department: despite a negative recommendation by the department's committee on appointments, tenure, and promotions (ATP); despite the further negative recommendation by the department chair regarding the President's original intent to appoint the candidate to the position of Assistant Professor; and despite the subsequent negative recommendations by the department's ATP committee and the department chair regarding the appointment as a Visiting Assistant Professor, the Faculty Senate notes the following:

The Mission Statement of the University of Notre Dame, the Final Report of the Colloquy for the Year 2000 (Colloquy), and the Report of the Committee on Academic Life repeatedly invoke the concept of community to describe

the University of Notre Dame. The Faculty Senate concurs with this description of Notre Dame as a community and believes that collegiality, cooperation, and mutual respect are essential for maintaining the spirit of community and of public trust in higher education at the University of Notre Dame.

These same documents describe a "special relationship" between the University of Notre Dame and the Congregation of Holy Cross. Recommendation 2 of the Colloquy reaffirms the C.S.C.'s commitment to emphasize academic careers, and calls upon the University to give "special consideration in personnel decisions consistent with the prevailing standards of excellence, to the Congregation's unique role at Notre Dame" (p. 5).

The Faculty Senate further recognizes that the Indiana Province of the Congregation of Holy Cross in 1967 established and put into place a policy for C.S.C.s obtaining faculty appointments. This process was "designed to promote and to protect the collaborative nature of the lay-C.S.C. stewardship of this public trust in higher education at the University of Notre Dame." The process was also designed to avoid "the use of brute power by the C.S.C.s which is both theologically and morally wrong and practically ineffective.

#### RESOLUTION

Whereas the Faculty Senate can find no evidence that the Theology Department failed to observe its responsibility to give "special consideration" to a C.S.C. candidate either in its past or present personnel decisions; and

Whereas the Faculty Senate can find no justification either for President Malloy's unilateral decision to appoint or for the manner in which he appointed a C.S.C. candidate to a faculty position over the objections of the department's ATP committee and the negative recommendation of the department chair; and

Whereas the Faculty Senate is concerned that the exercise of that right over the carefully considered recommendation of a department's ATP committee and in apparent contradiction to past practices and procedures regarding the "special relationship" between the University and the C.S.C., creates an embarrassing and difficult situation for the C.S.C. candidate who elects to fill a position in that department; and

Whereas the President's decision harms the Theology Department by making it less attractive to the many prospective faculty and graduate students who desire to work in a department of excellence and national rank; and

# DOCUMENTATION

Whereas the President does harm to a Department when he (i) acts against the counsel of a department, (ii) does so in such serious matters as those concerning faculty appointments, and (iii) does so without having made adequate attempts to resolve disagreements that separate his position from those of the department's faculty; and

Whereas the President's decision similarly harms other departments in the university by setting a precedent for hiring and other personnel decisions that allows the judgment of a single scholar in a discipline — be he/she the President himself/herself or merely an advisor in whose judgment the President places a trust similar to that which he places in his own — to override the considered judgment of the faculty of an internationally respected and distinguished department; and

Whereas the President's decision harms the Theology Department and the University generally by taking action in such a way and of such a sort as bears clear potential for lowering the academic qualifications of their faculties; and

Whereas the President's action harms the Theology Department and the University as a whole by undermining the well-established and beneficial model of rational collaboration that exists between a departmental faculty and the university's administration with regard to hiring decisions;

Be It Resolved that the Faculty Senate wishes to express its strong disapproval of President Malloy's handling of the "special relationship" and its strong disapproval of his decision to appoint a Visiting Professor for a term of three years to the Theology Department against the unanimous negative vote by the department's ATP committee and the negative recommendations of the department chair; and

Be It Further Resolved that a President who makes such decisions seriously erodes the confidence that a faculty ought to have in a President; and

Be It Further Resolved that the Faculty Senate sends a copy of this resolution to President Malloy as an expression of its strong disapproval.

## Appendix C

January 2, 1997

The resolution packet pertaining to the College Democrats (Appendix C) was distributed with the previous information packet. Each member should already have a copy. There was one change in the resolution. The first paragraph should read, "William" Kirk instead of "Bill" Kirk. If you need another copy, please call me at 1-7612 and I will deliver the information to you.

Thank you,

Barbie Rekos  
Faculty Senate Secretary

# THE GRADUATE SCHOOL OFFICE OF RESEARCH

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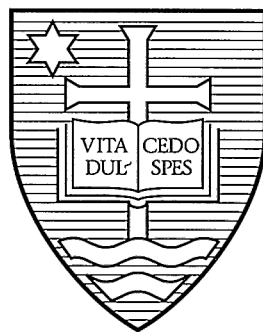
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# NOTRE DAME REPORT

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Volume 26, Number 11

February 14, 1997

**Notre Dame Report (USPS 707-080)** is an official publication published fortnightly during the school year, monthly in the summer, by the University of Notre Dame, Office of the Provost. Periodical 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.

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