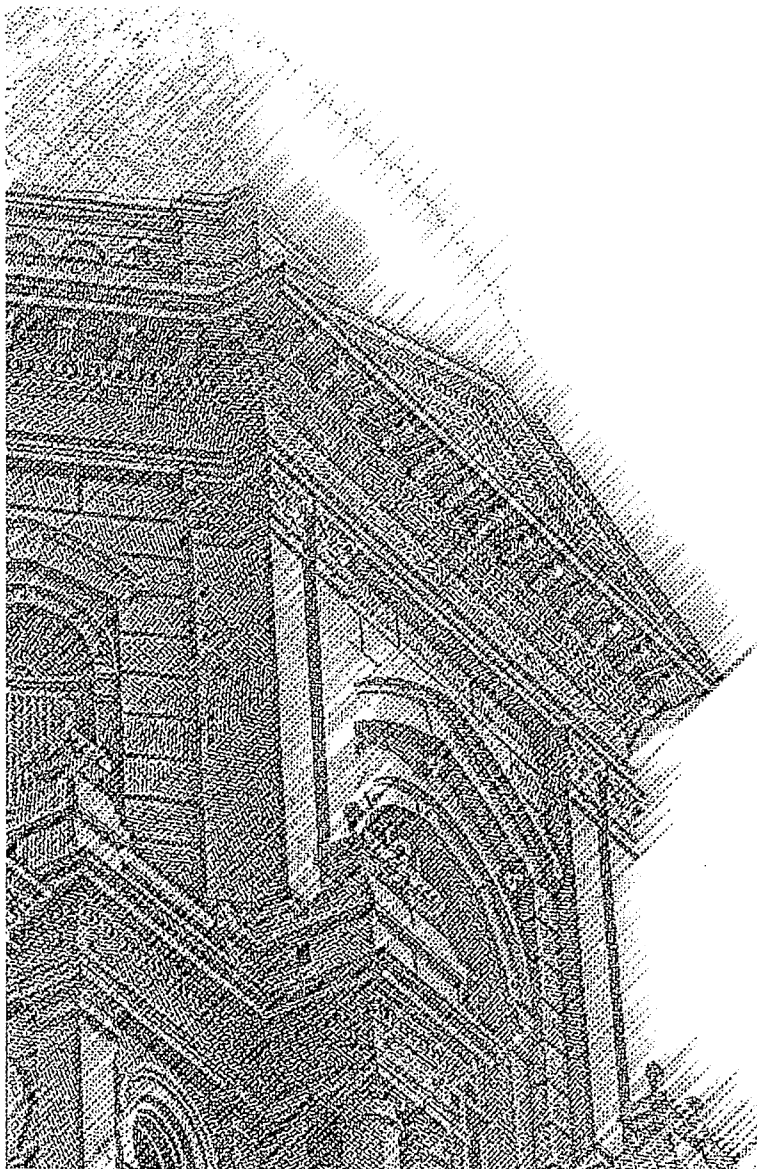


Notre Dame Report



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Billie F. Spencer Jr., professor of civil engineering and geological sciences, gave the lectures "Smart Damping Systems for Seismic Protection of Structures" and "Semiactive Damping of Stay Cable Vibration" as the 1999 Schmidt Distinguished Visiting Professor at Florida Atlantic University in Boca Raton, Florida, March 31–April 2. He delivered the invited paper "Smart Isolation for Seismic Control," co-authored by **Erik A. Johnson**, visiting research assistant professor of civil engineering and geological sciences, and J.C. Ramallo, at the Pioneering International Symposium on Motion and Vibration Control in Mechatronics at Waseda University in Tokyo, Japan, April 6–7.

Arvind Varma, Schmitt professor of chemical engineering, gave the invited talk "Ethylene Epoxidation in a Catalytic Packed-Bed Membrane Reactor" at the national meeting of the American Chemical Society in Anaheim, California, March 23.

Raimo Väyrynen, professor of government and international studies, delivered the paper "Globalization and the Politics of Power in the Nordic Countries" for the conference on International Institutions: Global Processes/Domestic Consequences at Duke University in Durham, North Carolina, April 9–11. He gave the lecture "Globalization and Its Consequences for Finland" in the conference on Globalization and Finland, organized by the National Fund for Research and Development in Helsinki, Finland, April 13. He lectured on "Globalization and Global Governance" at the University of Tampere, Finland, April 14–15.

Kathleen Maas Weigert, professional specialist and associate director of academic affairs and research at the Center for Social Concerns, concurrent associate professor of American studies and fellow in the Kroc Institute for International Peace Studies, co-facilitated two workshops for faculty on service learning with Kathy Royer at DePaul University in Chicago, Illinois, March 11.

John P. Welle, associate professor of Romance languages and literatures, gave the paper "How George Kleine Spent His Summer Vacation in 1909, or, The Film Distributor as Unreliable Film Historian" at the annual conference of the Society for Cinema Studies in West Palm Beach, Florida, April 17.

Kwang-tzu Yang, Hank professor emeritus of aerospace and mechanical engineering, presented the papers "Long-Channel Nonlinear Hydrodynamic Stability of Zero-Mean Oscillatory Flows and Its Effect on Heat Transfer under Quasi-Steady Conditions" with P. Li, and "Reduction of Fire Hazards Downwind of Wind-Driven Fires by Tree Barriers: Part I. A Preliminary Experimental and Numerical-Simulation Study" with K. Satoh, H. Yoshihara and K. Sagae, and chaired the technical session "Convection in Complex Systems" at the 5th ASME/JSME Thermal Engineering Joint Conference in San Diego, California, March 14–19. He delivered the inaugural lecture "Static and Dynamic Thermal System Modeling and Control by Artificial Neural Networks" in the Andrew H. Hines Jr. Lecture Series in Thermophysical Engineering in the Department of Mechanical Engineering at the University of Florida in Gainesville, Florida, April 15.

Randall Zachman, associate professor of theology, gave the response to Thomas Davis' "Preaching and Presence: Calvin's Homiletical Legacy" to the Calvin Studies Society in Richmond, Virginia, April 23. He presented "The Knowledge of God in the Reformed Tradition" to the Adult Education Class at Sunnyside Presbyterian Church in South Bend, Indiana, April 11 and 18, May 2 and 9.

Publications

Douglas E. Bradley, associate professional specialist in the Snite Museum of Art, wrote *Sculptor's Hand, Viewer's Eye: African and Native American Art from the Beatrice Riese Collection*. Notre Dame, Indiana: The Snite Museum of Art, University of Notre Dame, 1998, 48 pages.

Daniel J. Costello Jr., professor of electrical engineering, co-authored "Applications of Error Control Coding" with J. Hagenauer, H. Imai, and S.B. Wicker, published in *IEEE Transactions on Information Theory*, IT-44, October 1998, pp. 2531–2561. He co-authored "A Note on Asymmetric Turbo Codes" with O.Y. Takeshita, O.M. Collins, and P.C. Massey, published in *IEEE Communication Letters*, vol. 3, no. 3, March 1999, pp. 69–71.

Lawrence Cunningham, professor of theology, wrote "Foreword," published in *Contemporary Catholic Theology: A Reader*. New York: Continuum, 1999, p. vii. He wrote "Religion Booknotes," published in *Commonweal*, vol. 126, March 26, 1999, pp. 25–28. He wrote "Religion Booknotes," published in *Commonweal*, vol. 126, April 9, 1999, pp. 43–46. He wrote "On Reading Spiritual Texts," published in *Theology Today*, vol. 56, April 1999, pp. 98–104. He wrote a review of Robert Wuthnow, *After Heaven: Spirituality in America in the 1950s*, published in *Theology Today*, vol. 56, April 1999, pp. 110–112.

Roberto DaMatta, Joyce professor of anthropology, wrote "Um Pierrot nada Burguês: Notas sobre o Carnaval Brasileiro," published in *Rumos: Os Caminhos do Brasil em Debate*, vol. 1, no. 2, March/April 1999, pp. 85–90.

Georges Enderle, O'Neil chair in international business ethics and visiting professor of marketing, edited *International Business Ethics, Challenges and Approaches*. Notre Dame, Indiana: University of Notre Dame Press, 1999.

Patrick J. Fay, assistant professor of electrical engineering, co-authored "Gate Metallization Study for InGaP/InGaAs/GaAs pHEMTs" with K. Stevens, J. Elliot, and N. Pan, published in the *Proceedings of the 1999 International Conference on Gallium Arsenide Manufacturing Technology*. St. Louis, Missouri: GaAs Mantech, Inc., 1999, pp. 147–150.

Gordon L. Hug, associate professional specialist in the Radiation Laboratory, co-authored "Trithianes as Coinitiators in Benzophenone-Induced Photopolymerizations" with Ewa Andrzejewska,

Administrators' Notes

Honors

Patrick F. Leary, D.O., university physician, received his Certification of Added Qualifications in Sports Medicine.

Deaths

Frank J. Pasquerilla, trustee and benefactor of the University of Notre Dame and chairman of the board and chief executive officer of Crown American Realty Trust, April 21. He served as Truee from 1994 to 1997, when he became a Life Trustee. The dormitory buildings, Pasquerilla East and Pasquerilla West, and the University's ROTC building, Pasquerilla Center, were built as a result of his generous donations.

The University

Malloy Receives Honorary Degree

Rev. Edward A. Malloy, C.S.C., president of the University of Notre Dame, received an honorary doctor of humanities degree Saturday, April 10, from King's College in Wilkes Barre, Pennsylvania.

King's College was founded in 1946 by the Congregation of Holy Cross, Notre Dame's founding order. The college enrolls about 1,700 full-time students and 600 part-time and graduate students.

The honorary degree citation makes special mention of Father Malloy's commitment to teaching, reading in part: "Your extensive involvement in national organizations and the obligations of your presidency have not kept you from your first love: undergraduate teaching. Today's Honor's Convocation is held on a Saturday rather than on a Sunday, so that you can get back for the freshman seminar you teach every Sunday night, two semesters per year."

Father Malloy is in his third five-year term as Notre Dame's 16th president. He was elected by the Board of Trustees in 1986 after having served five years as vice president and associate provost. He is a full professor in the Department of Theology and has been a member of the Notre Dame faculty since 1974.

His fourth book, on major issues in higher education today, will be published in the fall by Andrews McMeel Publishing, and he is a coeditor of *Colleges and Universities as Citizens*, published in February by Allyn and Bacon. He also is the author of more than 50 articles and book chapters. An ethicist by training, he is a member of the Catholic Theological Society of America and the Society of Christian Ethics.

Father Malloy holds a bachelor's and two master's degrees from Notre Dame and a doctorate in Christian ethics from Vanderbilt University, which honored him last year with the establishment of a chaired professorship in Catholic studies in his name. He has received nine other honorary degrees.

Faculty Notes

Appointments

Barbara J. Hanrahan, director of the Ohio State University Press, has been appointed director of the University of Notre Dame Press. She was editor-in-chief and assistant director of the University of North Carolina Press from 1992-1996 and senior acquisitions editor for the University of Wisconsin Press from 1985-1992.

Honors

Olivia Remie Constable, associate professor of history, was awarded membership at the Institute for Advanced Study in Princeton, New Jersey, for 1999-2000.

James J. Mason, assistant professor of aerospace and mechanical engineering, was recently named a 1999 Loctite Summer Engineering Faculty Fellow and will be at the Loctite Corporation in Rocky Hill, Connecticut, June 6-12.

Billie F. Spencer Jr., professor of civil engineering and geological sciences, was a co-recipient of the Norman Medal of the American Society of Civil Engineers (ASCE) for the paper "Structural Control: Past, Present and Future" co-authored with G.W. Housner, L.A. Bergman, T.K. Caughey, A.G. Chassiakos, R.O. Claus, S.F. Masri, R.E. Skelton, T.T. Soong, and J.T.P. Yao.

Kathleen Maas Weigert, professional specialist and associate director of academic affairs and research at the Center for Social Concerns, concurrent associate professor of American studies and fellow in the Kroc Institute for International Peace Studies, was selected as one of the national Campus Compact's ten finalists for the 1999 Thomas Ehrlich Faculty Award for Service-Learning.

Activities

Albert-László Barabási, assistant professor of physics, gave the invited talk "Drag Force in Granular Media" at Argonne SanDay at Argonne National Laboratory in Argonne, Illinois, February 6. He gave the colloquium "Equilibrium Theory of Self-Assembled Quantum Dot Formation" at the Department of Physics at the State University of New York in Buffalo, New York, February 18. He chaired the session "Granular Materials" and gave the talk "Ratchet Effect in Vortex Dynamics: Reducing Vortex Densities in Superconductors" at the American Physical Society centennial meeting in Atlanta, Georgia, March 22-25.

Ikaros I. Bigi, professor of physics, gave the physics colloquium "The Violation of Microscopic Time Reversal Invariance and the Cathedral Builders' Paradigm" at Temple University in Philadelphia, Pennsylvania, March 29. He gave the high energy physics seminar "The Brown Muck of Beauty - The Beauty of the Brown Muck" at the physics department of the University of Pennsylvania in Philadelphia, Pennsylvania, March 30; and at the physics department of Michigan State University in East Lansing, Michigan, April 13.

Jianguo Cao, associate professor of mathematics, delivered the invited lecture "Domains with Least Perimeter for Given Area in Surfaces of Variable Curvature" at the 941st AMS meeting at the University of Illinois in Urbana, Illinois, March 21.

Paolo Carozza, associate professor of law, gave the talk "Transnational Public Law Litigation: Rights vs. Solutions?" at the Chayes Colloquium at Harvard Law School in Cambridge, Massachusetts, April 23.

Daniel M. Chipman, professional specialist in the Radiation Laboratory, gave the invited talk "Reaction Field Theory in Electronic Structure Calculations" at the Emerging Methods in Computational Chemistry and Materials Science workshop, sponsored by the Programming and Environmental Training Initiative in the Department of Defense High Performance Comput-

ing Modernization Program in Aberdeen, Maryland, April 29–30. He gave the invited talk "Incorporation of Solvent Effects into Methods for Electronic Structure Calculation" at the Center for Advanced Research in Biotechnology in Gaithersburg, Maryland, April 28.

Leonard F. Chrobot, adjunct professor of sociology, gave the invited lecture "What Kind of Church Will We Be?: A Sociological Examination of Inculturation and Evangelization" as part of the Dialogues in Sacred Culture series at Saint Lambert Parish in Skokie, Illinois, April 8. He delivered the paper "Typologies of Polish American Parishes: A Preliminary Reconnaissance" to the Polish Apostolate Committee of the National Conference of Catholic Bishops' national convention, "The Identity of Polonia on the Threshold of the Third Millennium," in Washington, D.C., April 10.

Robert R. Coleman, associate professor of art, art history and design, gave the invited lecture "Observations on the Graphic Works of Gaudenzio Ferrari and Bernardino Lanino in North American Collections" at the Georgia Museum of Art at the University of Georgia in Athens, Georgia, April 8.

Olivia Remie Constable, associate professor of history, presented the paper "Pirenne and the Islamic West" at the annual meeting of the Medieval Academy of America in Washington, D.C., April 9.

Edmundo Corona, associate professor of aerospace and mechanical engineering, presented the talk "Collapse of Cracked Flat Plates Under Biaxial Loading" at the 40th AIAA/ASME/ASCE/AHS/ASC Structures, Structural Dynamics and Materials Conference and Exhibit in St. Louis, Missouri, April 12.

Daniel Costello Jr., professor of electrical engineering, presented the paper "Construction and Performance of q-ary Turbo Codes for use with M-ary Modulation Techniques" at the Conference on Information Sciences and Systems in Baltimore, Maryland, March 18. He gave the seminar "Turbo Codes:

Myths and Realities" at the Department of Electrical Engineering at the University of Nebraska in Lincoln, Nebraska, March 25.

Charles Craypo, professor of economics, presented the paper "The Working Poor and the Working of American Labor Markets," co-authored with David Cormier, to the Conference on Social Justice and Economic Efficiency of the faculty of Economics and Politics at Sidney Sussex College at Cambridge University in Cambridge, United Kingdom, April 12.

James T. Cushing, professor of physics, presented the seminar "The Quantum-Mechanical World View: Deterministic or Indeterministic" at Andrews University in Berrien Springs, Michigan, April 16.

Roberto DaMatta, Joyce professor of anthropology, gave the keynote conference "Brazil in a Global World: An Exercise in Millenarian Optimism," commented on several papers on the section "The 500 Years of Brazil," and participated in the round table on "New Approaches to Brazilian Studies" at the 9th congress of the International Federation of Latin American and Caribbean Studies at the University of Tel-Aviv in Tel-Aviv, Israel, April 12–14.

Julia Douthwaite, associate professor of Romance languages and literatures, presented the invited lecture "Experiments in Human Nature: Literature and Popular Science in Eighteenth-Century France and Britain" for the Chicago Area Eighteenth-Century Seminar at Northwestern University in Evanston, Illinois, April 21.

Keith Egan, adjunct professor of theology, presented "The Merciful Father of Luke 15" in the Diocesan Mission at Saint Patrick's Parish in South Bend, Indiana, February 21. He gave the lecture "God, Where Were You When Jesus Hung on the Cross?" in the Lenten Series 1999 at Saint Mary's College in Notre Dame, Indiana, February 25. He presented "God, Why Have You Forsaken Me?" in the Kinget Memorial Lectures on Catholic Thought and Spirituality in Lansing, Michigan, March 22. He gave two lectures on "Therese of Lisieux, Saint and Doctor

of the Church" at the Dominican Center at Marywood in Grand Rapids, Michigan, April 24.

Carlos Jerez-Farrán, associate professor of Romance languages and literatures, chaired a session in "Latin American Narrative and the New Millennium: An International Colloquium" at the University of Notre Dame, April 8. He chaired the session "Modern Spanish Literature I" and presented "La Sublimación Artística en la Obra Juvenil de Lorca y su Función Defensiva" at the Kentucky Foreign Language Conference at the University of Kentucky in Lexington, Kentucky, April 22–23.

Rev. James Flanigan, C.S.C., associate professor of art, art history and design, presented the slide lecture "The Cross Our Only Hope" in the symposium Behold the Wood of the Cross and exhibited five sculptured crucifixes at Georgetown University in Washington, D.C., March 29. His over life-size cast stone sculpture of Bro. André was installed on the Visitor's Center at the Eck Center at the University of Notre Dame, April 22.

James A. Glazier, associate professor of physics, gave the invited presentation "Anomalous Diffusion in Cellular Aggregates" at the International Workshop on Dynamics of Interfaces Patterns and Domains at Los Alamos National Laboratory in Los Alamos, New Mexico, April 22.

Jimmy Gurulé, associate dean of the Law School and professor of law, presented the paper "The House of Lords' Decision on the Extradition of Senator Pinochet: A Gross Misapplication of the Dual Criminality Doctrine" at the international conference on the legality of the extradition of former Chilean President Augusto Pinochet, sponsored by the University of Mendoza Law School in Mendoza, Argentina, April 15–16.

Erik A. Johnson, visiting research assistant professor of civil engineering and geological sciences, gave the seminar "Uncertainty and Control of Civil Engineering Structures" in the Department of Civil and Environmental Engineering at the University of Southern

California in Los Angeles, California, March 30. He presented "Control of Structural Vibration: Multiobjective Control, Experimental Implementation, and Semiactive Control" in the Department of Mechanical Engineering at the University of Delaware in Newark, Delaware, April 12.

Richard P. McBrien, Crowley-O'Brien-Walter professor of theology, presented "Pathways to a Converted Church: From Faith and Hope to Justice" at the sixth annual spring conference of Call to Action New England in Worcester, Massachusetts, April 10.

Ralph McInerny, professor of philosophy, presented "Literature and the Mystery Novel" to the retired of Notre Dame in McKenna Hall at the University of Notre Dame, April 15. He served as the chair of the Metaphysical Society's John Findlay Prize Committee.

Don McNeill, C.S.C., professional specialist and executive director of the Center for Social Concerns and concurrent associate professor of theology, presented the talk "As Learning Becomes Service to Justice: Hopes and Challenges for ND Mission Based Partnerships in the New Millennium" with Caroline Richard at the Notre Dame Alumni/ae luncheon at the Wyndham City Centre Hotel in Washington, D.C., April 15. He presented and facilitated a discussion on the Notre Dame and Center for Social Concerns mission statements in relationship to the Washington, D.C., Alumni Club and current and future possibilities for creative service and social concerns programs with Notre Dame alums at Bishop O'Connell High School in Falls Church, Virginia, April 17.

Rev. John Allyn Melloh, S.M., coordinator of the Marten Program in Homiletics and Liturgics and professional specialist in theology, presented "Sunday Worship: Preparing for Liturgy 2000" at St. Joseph Parish in South Bend, Indiana, April 18.

Christian Moevs, assistant professor of Romance languages and literatures, presented the paper "Monastic Timers, Artificial Universes, and Dante's Clocks" at the annual meeting of the

American Association of Teachers of Italian in Chicago, Illinois, November 21. He gave the invited lecture "Five Principles for a Deeper Understanding of Dante's Poetics" at Harvard University in Cambridge, Massachusetts, March 12.

Walter F. Pratt Jr., professor of law, presented the paper "*United States v. Carolene Products* (1938) — A New Vocabulary for a New Constitutional Law" to a plenary session of the annual meeting of the Irish Association of Law Teachers in Killarney, Ireland, April 11. He gave the invited lecture "Constitutional Change in the 1930s" to the Law Department of Trinity College in Dublin, Ireland, April 26.

John E. Renaud, associate professor of aerospace and mechanical engineering, presented the papers "Interactive Multiobjective Optimization Procedure," "Interactive Physical Programming: Tradeoff Analysis and Decision Making in Multicriteria Optimization," and "The Ability of Objective Functions to Generate Non-Convex Pareto Frontiers" at the 40th AIAA/ASME/ASCE/AHS/ASC Structures, Structural Dynamics, and Materials Conference in St. Louis, Missouri, April 12–15.

Peter Schiffer, assistant professor of physics, gave the seminar "Beach Physics: Studies of Wetting and Drag Force in Granular Media" at the Center for Nonlinear and Complex Systems at Duke University in Durham, North Carolina, April 6. He gave the condensed matter seminar "Geometrical Frustration in Magnets: Common Behavior and Unique Ground States" at the University of Missouri in Columbia, Missouri, April 21.

Esther-Mirjam Sent, assistant professor of economics, presented "Bounded Rationality on the Rebound" at the Erasmus Institute for Philosophy and Economics Seminar at Erasmus University in Rotterdam, the Netherlands, November 25. She gave the talk "Symmetry in Feminist Economics" at the University of Amsterdam in Amsterdam, the Netherlands, December 10. She presented "The Need for a New Economics of Science" at the University of Sussex in Brighton, United

Kingdom, January 22. She lectured on "Simon Simulating Science" at Cambridge University in Cambridge, United Kingdom, March 1; and at the London School of Economics in London, United Kingdom, March 10. She served as a discussant during a workshop on Michel Callon's *The Laws of the Markets* at the London School of Economics in London, United Kingdom, March 16.

Slavi C. Sevov, assistant professor of chemistry and biochemistry, gave the invited talk "Transition-Metal Phosphates, Phosphonates and Borophosphates with Open-Framework Structures" at the Rheinisch-Westfälischen Technischen Hochschule in Aachen, Germany, April 8.

Susan Guise Sheridan, assistant professor of anthropology, presented "New Life the Dead Receive: Reconstruction of Life in a Byzantine Jerusalem Monastic Community" to the Milwaukee Biblical Archaeology Association in Milwaukee, Wisconsin, February 9; and to the University of Wisconsin Department of Anthropology in Madison, Wisconsin, February 9. She and **Michael S. Driscoll**, assistant professor of theology, gave the seminar "Every Knee Shall Bend: Biocultural Reconstruction of Prayer Life at Byzantine St. Stephen's, Jerusalem," sponsored by the American Friends of the École Biblique, the Institute for Church Life, and the Medieval Institute, at the University of Notre Dame, March 22. She gave the invited lectures "'Rise Up O' Men of God': Pathological Consequences of an Ascetic Life" and "'New Life the Dead Receive': Daily Activities at a Byzantine Monastery" at the Department of Philosophy and Religion Colloquium Series at West Virginia University in Morgantown, West Virginia, April 13–14.

Michael Signer, Abrams professor of theology, gave the keynote address "Jewish-Christian Relations After the Shoah" at the conference We Remember: Educational Implications of the Vatican Shoa Document, sponsored by the National Council of Catholic Bishops-American Jewish Committee, at St. Mary's Seminary in Baltimore, Maryland, February 17.

Documentation

Faculty Senate Journal

March 16, 1999

The chair, Prof. Michael Detlefsen, called the meeting to order in room 202 of McKenna Hall at 7:05 p.m. and offered an opening prayer. The journal of the business portion of the February meeting having been distributed, Co-secretary Peter Lombardo noted two minor changes. He also reported that the text of the remarks by Provost Nathan Hatch and his dialogue with the Senate would be presented for approval at a later date. Prof. A. Edward Manier moved approval, Prof. Sonja Jordan seconded, and the Senate agreed by voice vote.

The chair's report consisted of two items. It is printed as Appendix A of this journal. First, Prof. Richard McBrien has agreed to serve as chair of the nominating committee for next year's members and officers; a committee will be sought reflecting members from each of the colleges. Professor Detlefsen called for volunteers to serve on it, and called for each member to encourage colleagues to run for the Senate and/or to run for Senate office. Next, he asked each of the standing committees to attempt to finish this year's business at the April 7 meeting, including voting on all resolutions.

Dean Ava Preacher emphasized the need for Senators to encourage colleagues to run for the Senate. It has been difficult in the past to get sufficient numbers of people involved; if current Senators pass on a word of encouragement, perhaps more will consider running. Prof. Ikaros Bigi asked the chair if e-mail voting was still an option for the Senate, and he replied that at this time it is not. Prof. Duncan Stroik requested information on the process of filling a Senator's seat temporarily while that Senator is on leave. Professor Detlefsen said the college or school should hold an election to fill the seat on a temporary (usually one-year) basis. Each college or unit should have this procedure in place.

The Senate then recessed for standing committee meetings. Upon reconvening, the chair asked for reports from each one.

A. Student Affairs – Dean Preacher reported that Prof. Stuart Greene will present a re-written Academic Code of Honor at the next Senate meeting for approval and transmittal. The committee will have several resolutions for action under "New Business."

B. Administration – The committee had distributed copies of a letter to Rev. E. William Beauchamp, C.S.C., executive vice president, and his reply (printed as Appendix B). Professor Bigi characterized his answers as useful, but he was not satisfied with all of them, although this may be the first on-the-record statement Father Beauchamp has made on the issues raised. There will be no further efforts by the committee on this topic. Next, Professor Bigi said the committee had revised and discussed a resolution and a letter to Rev. Edward Malloy, C.S.C., president, on drug testing at Notre Dame. The committee will be presenting these to the Senate in April. Finally the committee will present a resolution on a faculty alcohol policy under "New Business." Professor Bigi reminded the Senate of the long history of this issue, that it was complicated and had consumed many months of the committee's efforts. He also reported that the Michiana Employee Assistance Program has expressed willingness to be involved for faculty as they are already for staff in helping.

C. Academic Affairs – Prof. Gregory Sterling reported on several items. First, with regard to the proposed library renovations, the committee believed more faculty input was needed, and had asked Prof. Theodore Cachey and Professor Sterling to serve as liaisons to the University Committee on Libraries and as members of an ad-hoc library space planning committee. The committee felt also that Director of Libraries Jennifer Younger should be meeting face to face with each of the college councils and with many departments to solicit ideas and interest in this expensive and overdue project. Priorities will be established this Spring.

Next, the committee discussed tenure at Notre Dame. It was a viable force for this institution, and was not under erosion. But there has been a marked increase in the number of non-tenured professors in the classrooms, particularly those placed in the professional specialist category by the University. Was this a result of spousal hiring? But the Teaching and Research faculty has also grown in size. This was an issue the committee wanted to spend time and effort in studying.

Finally, the committee recommended that the Benefits Committee look at the retirement issue. Should there be a formal "retirement package"? How does the lack of a specified age of retirement impact tenure? On both of these questions, the administration did not see any need for action. Perhaps a formal study by a Senate committee will assist the University. Prof. Richard Williams pointed out that without a formal retirement benefits package, each individual lately who retired simply asked for this and that; if one knew what to ask for, one received a better package. He urged something more standardized.

D. Benefits – Prof. Thomas Cosimano reported that the Human Resources Department will now assure that earnings or losses for 403B contributions will be posted to TIAA/CREF on the Notre Dame payroll deduction date, and to Fidelity no more than fifteen days after the payroll deduction (because of their reconciling process, not Notre Dame's). The so-called Hewitt Survey is not available to faculty as yet, although the committee may have access to it for examination purposes. Human Resources had previously made a portion of it, one table, available. Associate Vice President for Human Resources Roger Mullins cannot guarantee the continuation of the Retiree 2000 Plan, but he cannot foresee any circumstances whereby it will be terminated or devalued. If Anthem, the insurance company, were to discontinue it, the University would seek out another carrier. Professor Cosimano and the committee felt this was a welcome statement. Finally Mullins saw no need for a retiree minimum income; the lowest income cur-

rently was still over \$30,000. He and the committee saw no need for concern or action at present.

New Business

Professor Detlefsen recognized Professor Bigi to introduce the Administration Committee's motion to transmit to the Academic Council guidelines for faculty alcohol use at Notre Dame. Professor Bigi reported that other universities like Michigan and Missouri have written guidelines and policies, but not Notre Dame. After years of effort the Senate committee felt it did not have expertise enough to write a policy, but it did want to suggest a framework or guidelines for such a policy to be effective. The committee also felt it would be crucial for the Faculty Senate to stay involved as the policy was drafted and approved, as well as during its implementation. There was no second needed.

In discussion, Prof. Kenneth DeBoer wondered what was being asked of the Academic Council. The resolution did not say. He suggested, assisted by Professor Detlefsen, as a friendly amendment, additional wording: "for adoption and subsequent appropriate action," which Professor Bigi accepted. Professor Sterling asked if the committee foresaw the need for legal counsel review, and the chair responded that he assumed the Academic Council would want to do that. Professor Bigi agreed but hoped the "legal" would not dominate. This was meant to help people, not undermine them. Prof. Paul Conway reminded the Senate of its right of agenda in the Council and urged approval. Prof. Laura Bayard urged approval, saying the committee had wrestled with this for a long time; it will be up to another body to write the actual policy, but the Senate can and should frame the discussion of the policy by these guidelines. Professor Bigi emphasized again a key action: "continuing involvement of the faculty and Faculty Senate." Prof. Gregory Dowd asked if the Senate had earlier approved the guidelines, but the chair said no – passing the resolution before it will signal Senate approval of the guidelines. Prof. John Affleck-Graves thought that grammati-

cally the first clause was unclear, even contradictory, and Professor Detlefsen asked if the addition of the words "the development of" would clarify it. He said it would, and Professor Bigi agreed to the addition.

Since there was no further discussion, the chair called for a vote. The Senate agreed to the resolution unanimously. The guidelines and resolution are printed as Appendix C of the journal.

Next, the Senate took up several resolutions from the Student Affairs Committee (no seconds needed). All of them dealt with the issue of the suspension of the Women's Resource Center by the Office of Student Activities. The Senate committee also presented a report and correspondence on its findings. Dean Preacher asked two members of the committee to summarize these findings.

Professor Greene spoke first. He said the committee had undertaken to do as fair and as thorough an investigation as possible. It found that the word "referral" and its definition remains a problem. The two sides in the dispute used it in diametrically opposed ways, but there was no evidence uncovered that the students who ran the Women's Resource Center recommended abortion to anyone as an option. Further, the committee was not convinced that there were sufficient procedures in place for Student Activities to investigate whether such a recommendation had ever been made. He pointed out that the director of student activities had met only once, although he had exchanged several letters, with the committee, and in the course of his investigation never consulted with the Women's Resource Center faculty advisor, Dean Eileen Kolman, and Student Activities procedures had effectively silenced her.

Prof. Jeremy Fein continued and spoke of the facts of the case. These facts seemed insufficient to justify placing the Women's Resource Center under probation, and said that procedural difficulties in *du Lac* had allowed a mistake like this to happen. These include: the conflicting definitions of "referral" which were never ironed

out; the office questioned only two students who lodged the complaint and not the Women's Resource Center students; the lack of adequate representation for the Women's Resource Center students. The committee members were concerned that, without a *duLac* revision including a student bill of rights, such problems will only recur.

Dean Preacher asked the chair if the Senate would formally receive the report, and Professor Detlefsen, after consulting the parliamentarian, Prof. William Eagan, did so. Each resolution was then taken up in turn.

The first resolution asked the Vice President of Student Affairs to rescind the Women's Resource Center probation, replace confiscated material and provide funding to correct the misperception of the Women's Resource Center work which had resulted from the probation. Prof. Richard Lamanna said making information — any information — available was not non-judgmental. Would members of the committee defend a student organization which provided anti-Semitic or White Supremacist literature? He thought not, and recalled that no Senator defended the anti-Holocaust advertisement in *The Observer* some years ago. Making information such as is admitted by the Women's Resource Center was not value-free. He questioned their underlying assumptions and believed that the University was entitled to object to them. Professor Williams replied, saying the information in question consisted of magazine articles freely available anywhere, a copy of a page of telephone numbers from a phone book and a pamphlet which only one student who complained had ever seen. It was not found by Student Activities, the Women's Resource Center officers said they had never seen it, and the second student who complained also did not see it. He was concerned about Student Affairs' suppression of knowledge, and he would support students who might protest the Women's Resource Center. It was a different matter for the University Administration to suppress knowledge and impose such a stringent sanction, without proper procedures or evidence.

Prof. William Ramsey wondered why open inquiry could exist in classrooms but not within student organizations. Professor Williams said the committee had asked Student Affairs about this, and did not receive a clear answer. He said one representative told them they really did not object to the information which was on file, only to the "counseling" which had been alleged. This representative also pointed out that pro-choice speakers had come to campus and continue to do so. Professor Lamanna returned to Professor Williams' earlier comments and said a file of pro-abortion literature in the office of a student organization was far different from books in the library; the file lent an "aura of endorsement by the University" to the information. Removing it did not have a chilling effect on a student's academic freedom to find pro-abortion literature elsewhere. Prof. Gina Costa thought if Lamanna were a woman he would think differently.

Professor Manier argued that official permission to function does not and could not imply the University's blanket "endorsement" of positions taken by student organizations. Neither the WRC nor its staff were in violation of any provision of Notre Dame's student handbooks. Professor Ramsey thought it would be chilling and bizarre. Why should several places on campus have similar information but one place be barred from having it? A Notre Dame professor can write a pro-choice paper and use it in class, but it could not be placed in a file in the Women's Resource Center. Professor Fein said the Women's Resource Center had lots of information on both sides of the argument, and should have again. The University should encourage free speech and the director of Student Activities should not be in the position of arbiter.

Professor Stroik said this was not a discussion of free speech, and returned to the discovery of a pamphlet for an abortion clinic in Niles which was found in a folder in the Women's Resource Center. If that were true, it was shocking. Can anyone defend the pamphlet? Professor Williams replied that the existence of the pamphlet was in dispute. Only one person seemed to have seen the pamphlet. The Women's

Resource Center was on record as not advocating abortion. Dean Preacher agreed with Williams and reported further: When the Women's Resource Center students were called to the Student Activities Office, they were asked about this, said they had not seen it, went to their office and brought all their files to Student Activities. No such pamphlet was found in these files. After a short discussion, they were told to take out all material relating in any way to abortion, and proceeded to do so. This seemed excessive to the Senate committee, but the Women's Resource Center had already complied.

Professor Greene agreed with this recitation of events, and again said there was insufficient evidence to justify probation. The larger point, he felt, was the lack of procedure, even to the point where the Women's Resource Center was not told — for months after being placed on probation — that they could appeal the ruling. Professor Eagan said the University should encourage discussion, not restrict it. He wondered if we hadn't reverted to the Age of the Index.

Professor Williams said he did not object to the pamphlet in question because making information available was not the equivalent of endorsing. He did object to the use of the pamphlet by a campus publication for its own purpose to make a shocking point. Professor Stroik asked if the committee's investigation revealed that one person was referred to an abortion clinic. Professor Greene clarified the sequence: one person entered the Women's Resource Center, asked for information on abortion, was given a copy of a page from the phone book and claimed she was given the pamphlet from an abortion clinic. This was where the definitional problem came in: was that to be considered a "referral?" A second person came in later and the abortion clinic pamphlet was not there. The Women's Resource Center said no information can be removed from its room in LaFortune. For Professor Greene, the probation was unsubstantiated and unjustified. Dean Preacher agreed with Professor Greene's statement. Professor Stroik

believed that giving a person information on abortion was a referral and should not be done. Dean Preacher said the two students who complained had specifically asked for information on abortion, and were shown what the Women's Resource Center had. They were not encouraged or counseled to take any action. Professor DeBoer concurred. Professor Stroik wondered again how giving phone numbers of abortion clinics was not a referral.

Prof. Philip Quinn asked to speak. He said the word "referral" could mean to encourage to go or give information — an endless and fruitless debate. The Senate should focus elsewhere: people who have the power to impose sanctions should make clear what is prohibited and sanctionable, and exactly what the sanctions might be. None of that had been done here, so basic standards were not met. He did not believe that providing phone numbers contravened Church teaching. He did believe the University had an obligation to make clear what was permitted and what was not. Without this clarity, the Women's Resource Center and anyone else would not know they were violating something. In this matter too there were no due process rights which courts routinely extend even to high school students. He supported the first resolution and mentioned that the second one was equally important. Professor McBrien supported Professor Quinn, but saw no support in the whereas clauses for the "be it further resolved" idea. Dean Preacher explained that the Women's Resource Center's reputation on campus had been tarnished by this controversy and its regular work (especially in addressing eating disorders) had been interrupted. The additional funding was to try to redress this. Professor McBrien moved to strike the second clause, saying if the action in the first one were taken, the Women's Resource Center's reputation would be restored. Dean Preacher accepted this as a friendly amendment and struck the clause. Professor McBrien called the question, and the Senate agreed to vote.

The vote on the first resolution was: 31 in favor, 3 opposed, 0 abstentions

The Senate moved to the second resolution from the Student Affairs Committee on revising the student handbook. There was no discussion. The vote on the second resolution was: 31 in favor, 1 opposed, 1 abstention

The Senate moved to the third resolution on revising the Faculty Handbook to clarify the responsibilities of the Provost and the Vice President for Student Affairs. Williams stated this was the most important of the three resolutions, from an academic standpoint. Professor Affleck-Graves said the University had only talked a lot about the coordination between academics and student life, so it would be no surprise if many students failed to see the connection. Professor Manier believed that those who opposed the previous resolution should see merit in this one. Professor Quinn, though, said this one was problematic. Typically the Academic Council revised the Faculty Handbook. It would be better to present this to the council, via the Senate's right of agenda, for their action and then on up the chain to the president and the Trustees. Professor McBrien suggested wording to accomplish this as a friendly amendment which Dean Preacher accepted. The discussion concluded, and the Senate voted: 32 in favor, 2 opposed

The resolutions and report are printed as Appendix D of this journal.

Also under New Business, Professor Manier announced that the next Senate Forum would take place March 24 in the auditorium of McKenna Hall, 3-5 p.m., and the topic would be the Boyer Report.

The Senate voted to adjourn at 9:25 p.m.

Present: Affleck Graves, Asmus, Bayard, Bigi, Borelli, Chetcuti, Cleveland, Conway, Cosimano, Costa, DeBoer, Detlefsen, Dowd, Eagan, Esch, Fein, Greene, Hill, Jordan, Lamanna, Lombardo, Manier, McBrien, Munzel, O'Brien-O'Keefe, Preacher, Quinn, Ramsey, Rivera, Sheehan, Sterling, Stroik, Thomas, Urbany, Law, Rodriguez

Absent: Cachey, Davis, Edwards, Fraser, Freeh, Paolucci, Renaud, Wayne, Wolbrecht

Excused: Gaffney, Green, Bradley, Porter, Berry

Appendix A

Chair's Report

My report tonight consists of two items.

(1) The first concerns the nomination of officers for next year's Senate. Dick McBrien has kindly agreed to chair a nominating committee. In the next few days, I will be contacting various of you asking you to serve on that committee with Dick. If at all possible, I would like to have a representative from each of the colleges. You will make my task easier, and my outlook brighter, if you volunteer to serve in this important capacity. Please see me tonight to volunteer your services on the nominating committee. Please also consider offering your services to help lead next year's Senate if you are asked by the nominating committee to do so. The culture at Notre Dame is not one that encourages such service. That, however, is something that can, over the course of time, be changed if enough of us make a commitment to doing so. I urge you to strengthen your commitment to faculty governance at Notre Dame by offering to serve on next year's Senate Executive Committee.

(2) My second item is a general call to finish up the business of this year's Senate. If at all possible, I would like to have all remaining new business for the year brought to the Senate for action at the April meeting. Since the date of the April meeting is April 7th, this means that you should try to have all resolutions formulated and passed by your committees within the next two weeks, so that they can be circulated to the full Senate in advance of the April meeting. It is not altogether impossible or undesirable to save new business for the May meeting. However, the complications posed by the need to seat new members and to elect new officers makes it highly desirable to keep new business items to a minimum.

This concludes my report.

Respectfully,
Mic Detlefsen, Chair

Appendix B

November 1, 1998

Fr. W. Beauchamp
Executive Vice President
University of Notre Dame

RE: Invitation

Dear Father Beauchamp,

As chair of the Faculty Senate's Committee on the Administration of the University, I have been designated by my committee and the Faculty Senate as a whole to invite you to a meeting of our committee at some mutually convenient time. We would like to discuss with you the events leading up to the recent jury trial in the Joe Moore case as well as its ramifications for the University and its decision making procedure. You are undoubtedly as pained by the highly embarrassing publicity this case has generated in the national media as are many members of the faculty.

Our focus is not on which concrete steps the Athletic Department has undertaken to avoid a recurrence of such events as came out during the suit. We are concerned particularly to understand

- the reasons for the University's going forward with the trial, and
- in which way and to which degree the expertise was utilized that is available at the University.

We view it as important that the faculty learns about such grave matters not primarily from media reports and quotes from various lawyers involved, but from you who was actually involved in the University's decision making. We also think you will welcome the opportunity to present to the faculty a reliable account of the University's rationale behind certain decisions and to clear up misinformation that might have been reported in the media.

We realize how crowded your own schedule is. For that reason, we would like to make it as convenient as possible for you to meet with the Committee on Administration. Could you perhaps suggest a few dates and times be-

tween the middle of November and early December when you might be able to join us for this discussion? Later afternoons and early evenings would be best for us, but we are open to consider whatever options you might offer us. I would expect the meeting to last between an hour and an hour and a half at most. Prior to the meeting we would send you a few questions to provide a basis for our discussion.

Thank you for your attention to this request. We look forward to hearing from you and to meeting with you soon. Since I will be in Japan Nov. 2-11, it would be most practical for me if you could send me your reply by e-mail to bigi@undhep.hep.nd.edu; I can read such a message from Japan. Otherwise you can direct your reply to me at: Dept. of Physics, NSH, Notre Dame.

In the meantime, be assured of our appreciation for all that you do for Notre Dame.

Sincerely yours,
Ikaros Bigi
Chair of the Committee on the Administration of the University

November 4, 1998

Professor Ikaros Bigi
Department of Physics, NSH
University of Notre Dame

Dear Professor Bigi:

I am in receipt of your invitation to attend a meeting of the Faculty Senate's Committee on the Administration of the University to discuss the Joe Moore lawsuit and trial. Specifically, you have indicated the interest of the Committee in information related to the decision of the University to go forward with the trial, and the various expertise and information that was used in arriving at this decision. While I understand the interest of the Committee in this matter, especially in light of the manner in which the trial has been treated by the television and print media, I respectfully decline your invitation.

There are a number of reasons for my not appearing to discuss this issue with the Committee. First of all, the case has not yet been fully resolved. The attorneys for Joe Moore have indicated their intention to appeal some of the decisions made by the judge in this case, particularly the amount of attorney's fees that were awarded. In addition, to fully respond to your inquiry about the reasons that University went forward with the trial would require my making available confidential and proprietary information that would be inappropriate to divulge in the forum you have suggested.

Finally, decisions regarding legal matters at the University, including determinations as how to proceed or not proceed in individual cases, are ultimately the responsibility of the University's officers and board of trustees. The Joe Moore case and relevant issues associated with it have already been fully reviewed by the appropriate individuals and bodies of the University.

I hope that you receive this letter in the manner in which it has been sent. While I appreciate the interest of the Faculty Senate in matters of importance to the University, its programs and reputation, as well as the dedicated service of the members of that body in promoting the best interests of Notre Dame, it is important that the necessary confidences and lines of responsibility be preserved.

With all best wishes.

Sincerely,
(Rev.) E. William Beauchamp, C.S.C.
Executive Vice President

Appendix C

Guidelines for Notre Dame Faculty Concerning the Use of Alcohol

Introduction

The goal of this statement is to describe a responsible, consistent and healthful approach to alcohol usage by faculty members at the University of Notre Dame. This brief document describes a "healthy society" in relation to the use of alcohol.

We envision that this healthy society can be well described in three areas: (1) the manner in which faculty approach the use of alcohol in their relationships with students; (2) the manner in which faculty approach the use of alcohol at their own gatherings and social events; and, (3) the manner in which faculty relate to one another when they perceive that one of their members is involved in an abusive use of alcohol.

1. Use of alcohol by faculty in their relationships with students

The guiding principle is that faculty should model to students how responsible, mature members of society can use alcohol in ways that contribute to the quality of their lives without falling into the trap of excess or addiction. Some examples of how responsible faculty should carry out this modeling behavior are the following:

A. When inviting students to their homes, faculty should avoid offering alcoholic beverages to underage students. They may indeed serve students who are of age, but will see to it that these students drink moderately, just as they observe their faculty host(ess) doing.

B. Faculty should not join groups of students at restaurants, bars, lounges, etc. where underage drinking is taking place. Faculty advisors of student organizations will be especially careful to encourage their student groups to be faithful to University policy and civil law concerning the use of alcohol, and will never join them in breaking the law. Also, they should try to find appropriate ways to discourage students, especially those whom they have come to know in the classroom, from such illegal and irresponsible behavior. Rather, they should encourage students to respect civil law concerning the use of alcohol and help them to understand how to use alcohol in a responsible manner.

C. Just as University policy invites students who are of age to come to the Senior Club for a social use of alcohol, faculty on occasion might invite students who are of age to attend depart-

mental (or other) gatherings where alcohol is being served – and invite them to participate in the same responsible and mature way that faculty members are participating.

2. Use of alcohol by faculty at their own gatherings and social events

The guiding principle here is that everything about such gatherings should evoke a spirit of moderation and social enjoyment rather than the immature atmosphere of "wild partying." Some of the conditions that should characterize faculty gatherings are the following:

A. Non-alcoholic drinks should always be available, so that no one will feel any pressure to partake of alcohol.

B. Some food should ordinarily be available at such gatherings because it is always healthier to have something to eat when drinking alcohol.

C. Faculty should take care to create an atmosphere in which that bravado kind of conversation that makes a joke out of drunkenness will seem out of place in mature company.

D. At off-campus gatherings, the sponsors of faculty events should make an effort to create an awareness that all members present are representing the University and its ideals, and will therefore conduct themselves according to those ideals.

3. Responsibility to one another in the event of an abusive use of alcohol

The guiding principle in this third area is that faculty members who are committed to the ideals of a Catholic University should accept some responsibility for supporting and aiding one another in times of real need. They do not avoid responsibility by saying that "it's none of my business," or, "I don't want to get involved." They should recognize that alcoholism is a disease, and should encourage colleagues to recognize that getting help is a sign of strength, not weakness. Some of the ways in which they can express their concern for one another (always respecting the confidentiality of every-one involved) are the following:

A. One valuable way to carry out one's responsibility to a colleague would be to gather a few friends who are aware of his or her apparent problem with alcohol, and go to the University counseling center to learn how to make an intervention under the guidance of a professional.

B. Another way to help a colleague with an apparent drinking problem would be to seek advice from a local Alcoholics Anonymous (A.A.) Group, such as the one that meets at St. Joseph's House on campus.

C. Individual faculty members, or perhaps a few colleagues together might approach a colleague with an apparent alcohol problem to encourage and/or actively to assist the colleague in making the contact with the Michiana Employee Assistance Program (South Bend) or a similar program.

D. As a last effort, faculty might consider bringing concerns about a colleague with an apparent alcohol problem to the relevant administrator.

Resolution

Whereas, the development of a responsible, consistent and healthful approach to alcohol usage by faculty members at the University of Notre Dame has to be a serious concern; Whereas, this concern has to be exercised in the spirit of supporting and aiding one another in times of real need as it is appropriate for a Catholic institution; and

Whereas, a continuing involvement of the Faculty and the Faculty Senate in this implementation is essential, Be it resolved that the Faculty Senate transmits to the Academic Council the "Guidelines for Notre Dame Faculty Concerning the Use of Alcohol" for adoption and subsequent appropriate action.

Passed unanimously
March 16, 1999

Appendix D

Report of the Faculty Senate Student Affairs Committee concerning Probationary Status of the Women's Resource Center

At the end of the spring semester 1998, the Office of Student Activities responded to two student complaints that the student club, the Women's Resource Center, was "referring" for abortion. After an investigation (outlined in detail below), the Office of Student Activities placed the WRC on probation for two years. As a condition of probation the WRC was required to purge its library of all information on abortion. The WRC placed all books, pamphlets, and files with information regarding abortion in the hands of Joe Cassidy, the Director of Student Activities. These events raised a number of issues of interest to the members of the faculty: the question of academic freedom for students and the issue of censorship, the proper role of a Women's Resource Center on a university campus, the distinction between providing a library of information and professional counseling, the need for proper procedures in the Office of Student Affairs.

At the request of numerous faculty members, the Student Affairs Committee of the Faculty Senate has investigated the process leading the Office of Student Activities to place the Women's Resource Center on probation (*Cassidy to Bowen et al*, 5/14/98). Grave issues are involved, including the consistency of the University's policies for regulating student organizations with the academic mission of the University, as well as issues of procedural fairness in the implementation of these policies. The Committee's inquiries included extensive interviews with

a. Joe Cassidy, Director of Student Activities; Ann Firth, Assistant to the Vice President of Student Affairs; Sylvia Dillon, Assistant Director of Campus Ministries. These three people constituted the hearing panel investigating a student-initiated complaint against the Women's Resource Center.

b. Current officers of the WRC,

c. Eileen Kolman, the Faculty Advisor of the WRC

d. Catriona Wilkie and Christine Gabany, the two students who complained to Student Activities about materials in the Women's Resource Center

e. Marnie Bowen and Ann Goodwin, the two women staffing the WRC when the complainants, independently and on two separate occasions, visited the WRC

The committee has also analyzed relevant sections of applicable handbooks of student conduct, *du Lac* and *The Source*.

The following report is divided into four sections: a summary and analysis of the investigation of the WRC with an emphasis on questions of academic freedom; a summary and analysis of procedural issues raised by the investigation of the WRC; a list of findings of the committee; and a list of resolutions.

Summary and Analysis of the Investigation of the WRC by the Director of Student Activities

On or around April 15, 1998, Ms. Catriona Wilkie, President of Notre Dame Right to Life, approached a Women's Resource Center staffer, Marnie Bowen, in the LaFortune Center office of the WRC. Ms. Wilkie went to the WRC because she had heard rumors on campus that the WRC was referring students for abortion. Ms. Wilkie asked for information concerning abortion. Ms. Bowen pointed out brochures from the Women's Care Center and Planned Parenthood and books that were on public display.

Ms. Bowen, on request for additional information from Ms. Wilkie, located an office file marked "Pregnancy," and another marked "Abortion." Both files contained articles clipped from various sources, such as newspapers and magazines, as well as brochures from local agencies. The articles and brochures in the two folders represented a

range of information on both pregnancy and abortion, including healthcare during pregnancy, adoption, and both anti-choice and pro-choice information. This "Abortion" file also included, Ms. Wilkie asserts, a flyer providing full information concerning services and costs at the Michiana Abortion Clinic PC, Niles, Michigan. Ms. Wilkie took no printed material from the WRC's pregnancy file. Ms. Wilkie asserts that Ms. Bowen offered to get additional relevant contact information if Ms. Wilkie would leave her name and telephone number, an offer Ms. Wilkie declined.

Ms. Wilkie and Ms. Bowen do not disagree on this account of events. However, Ms. Bowen did not leaf through the file before she gave it to Ms. Wilkie, and was unaware that a Michiana Abortion Clinic brochure may have been in it. Neither Ms. Bowen nor the other WRC officers recall ever seeing such a brochure. It was not in the files they willingly gave to Mr. Cassidy's ad hoc committee immediately upon request.

Approximately one and a half weeks later, Ms. Christine Gabany, a co-president of Notre Dame Right to Life went to the Women's Resource Center at the behest of the *Right Reason* editorial staff, which was "investigating" the WRC. She had also spoken with Ms. Wilkie. Ms. Gabany stated she wanted to see if the Michiana Abortion Clinic pamphlet was indeed contained in a folder in the WRC. She approached staffer Ann Goodwin and asked if she had any information on abortion, specifically the Niles clinic. Ms. Goodwin produced a bound volume, the *WRC Resource Book*, which had several sections. The section marked "Abortion" has a list of phone numbers and addresses copied from the phone book of abortion providers in the Michiana area. Ms. Goodwin wrote down the information from the Resource Book, and offered to call for more information. Ms. Goodwin then mentioned that Ms. Gabany could speak confidentially with a counselor at the University Counseling Center. Again, Ms. Goodwin and Ms. Gabany do not disagree on this account of the events.

The WRC staffers keep records of all visits to the Center. The WRC log indicates that the Center received no requests for information on abortion in the past two years other than those made by the complainants. WRC staffers suggest (and records confirm) that most requests for information concern eating disorders.

Ms. Wilkie went to the Director of Student Activities shortly after her visit to the WRC to complain that the Center was providing referrals for abortion services to students. The Director of Student Activities also received a complaint concerning the WRC from a parent of a prospective student. As a result of a letter she wrote to *The Observer* about her visit to the WRC, Mr. Cassidy also questioned Ms. Gabany. He then provided the officers of the WRC the opportunity to rebut the complaints. This opportunity took the form of a hearing with Mr. Cassidy, Ms. Firth, and Ms. Dillon.

The then-current officers of the WRC were interviewed individually. Mr. Cassidy denied their request to be interviewed as a group. The Faculty Advisor of the WRC was at first denied access to the hearing, then permitted to accompany each student interviewed on condition that she remain silent throughout the interview. Students were not permitted additional counsel or peer advocacy. WRC officers were not given the opportunity to confront or cross-examine the complainant(s). No transcript or other record of the proceedings was created. The above-named panel dispensed the decision concerning sanctions against the WRC (probation for two years, see letter, appendix A):

Mr. Cassidy's letter to the officers explaining the probation is quite explicit that "providing information about abortion services" constituted a violation. A condition of the probation is that "the WRC must remove from its files all materials which relate to the availability of abortion services or which promote or encourage abortion." The only violation which merited probation according to Mr. Cassidy's letter was the presence of a full spectrum of abortion related materials in the WRC library. The letter does not mention counseling or referral.

However, after lengthy questioning of Cassidy, Firth and Dillon by the Student Affairs Committee, Ms. Firth stated that she supported the WRC's interest in promoting discussion and inquiry on the subject of abortion. She insisted that she had no objection to the WRC sponsoring lectures on the topic and that she had no objection to the mere inclusion of materials on the topic of abortion in the library of the WRC. Ms. Firth explicitly and tacitly conceded that the provision of information was not a violation of *du Lac*. Her concern was that the staffers "urged" or "counseled" students to consider abortion or "referred" them for abortion.

The investigation by Mr. Cassidy's ad hoc hearing panel did not directly address the issue of proactive affirmative referral to an abortion provider. Neither Ms. Bowen nor Ms. Goodwin were interviewed by the hearing panel.

The Student Affairs Committee subsequently met and talked with both the complainants and the staffers at the WRC to determine whether the accusations of "urging," "counseling," or "referral" were indeed justified.

The Senate Committee has found no evidence whatsoever that WRC staffers proactively referred or affirmatively recommended abortion as an option to any of the complainants. The complainants made no such allegation before the Senate Committee. However, both Ms. Wilkie and Ms. Gabany used the word "referral" in describing the staffers' compliance in producing and offering to copy information explicitly and specifically requested by the complainants.

The definition of "referral" became a matter of concern to both the complainants and the Committee. The complainants would not distinguish "referral" in a colloquial sense of providing requested information ("She referred me to the abortion center by giving me the phone number") from a more narrow use of the word to describe medical or counseling "referrals" (i.e., "I recommend that you contact the Niles Abortion Clinic and will call and arrange for your visit."). Nevertheless, they have not alleged that the latter offer was made at any time.

The complainants' descriptions of putative fact were judgments holding the WRC staffer accountable to norms not relevant to the context created by the questions asked by the complainants. Each broached her quest in terms equivalent to "Do you have any information about abortion?" Neither complainant asked the more general question, "Do you have any information about problems associated with pregnancy?"

Each complainant was adamant that the presence of any material on abortion in the counseling center encouraged abortion.

Both Ms. Bowen and Ms. Goodwin were conciliatory in their responses to Mr. Cassidy's ad hoc committee's charges of giving information on abortion. Both "admitted" that they had done so. Both seemed puzzled at questions about "referring" or "urging" abortion. Ms. Bowen stated that the philosophy of the officers is "to leave your urges to help people at the door." Both stated that the staffers were not trained to be counselors and Ms. Goodwin stressed that she pointedly had directed Ms. Gabany to the University Counseling Center, insisting that it maintained confidentiality (a matter of concern to students given the sanctions against sexual activity in *du Lac*). Neither Ms. Bowen nor Ms. Goodwin think probation was related to proactive urging of abortion. Neither thought of the WRC as a counseling center, insisting that it was a Resource Center and stressing that most of their energies were directed to giving presentations on issues like eating disorders.

The officers of the WRC pointed out that since the probation was meted out, they have spent most of their time trying to determine what materials can or cannot be held in the library. The faculty is most concerned about the chilling effects acts of censorship have on student intellectual life. Ms. Firth expressed surprise when told that the members of the WRC are continually engaged in acts of self-censorship to avoid violating their conditions of probation. The educational activities on eating disorders the Center sponsors are largely on hold.

Graduate Council

March 3, 1999

Members present: James L. Merz (chair), Terrence J. Akai, Sunny K. Boyd, Peter Diffley, William G. Dwyer, Lloyd H. Ketchum, Jr., David A. Fowle, Sharon Hammes-Schiffer, Gerald J. Iafrate, Peter M. Kogge, Richard A. Lamanna, Gary A. Lamberti, James H. Powell, Mark W. Roche, Mihir Sen, Kristin Shrader-Frechette, Gregory E. Sterling, Barbara M. Turpin, Chris R. Vanden Bossche, Jennifer A. Younger.

Members absent but excused: Gail Bederman, Joseph A. Buttigieg, Francis J. Castellino (represented by Steven A. Buechler), Edward J. Conlon, Marybeth A. Graham, Anthony K. Hyder, Frank P. Incropera, Donald P. Kommers, Carolyn Y. Woo.

Observers: Janice M. Poorman, Diane R. Wilson.

Guests: John C. Cavadini, Brian E. Daley, Daniel J. Sheerin, Gerald L. Jones.

Prof. James Merz, Vice President for Graduate Studies and Research, called the meeting to order at 3:35 p.m. and asked Prof. Peter Diffley to begin the session with a prayer.

I. Minutes of the 274th Graduate Council Meeting

The minutes of the 274th Graduate Council Meeting were approved by voice vote.

II. Proposal for a Master's Degree in Early Christian Studies

Professor Merz introduced Prof. John Cavadini and Prof. Brian Daley of Theology, and Prof. Daniel Sheerin of Classics, who were invited to present and respond to questions about a proposal for an interdisciplinary Master's degree program in the field of Early Christian Studies.

Professor Cavadini summarized major points of the written proposal. He be-

gan by describing ECS as an area covering the first eight centuries, excluding the New Testament, and as one that is claimed by many departmental disciplines. There is no need for a doctoral program in this area, since we already have a Ph.D. program in patristics. Nevertheless, there is a lot of expertise within the University in terms of the number of people who study the relevant period. Given this circumstance and given that the area is central to the concept of Catholic identity, it is appropriate to make the area available as a two-year Master's degree program that could serve as preparation for those intending to pursue doctoral studies in a variety of related disciplines.

Professor Cavadini noted that the program requires no new faculty and only a few new courses. He expected three students a year to be enrolled in the program (for a population of six at any one time), and that these students would populate courses that already exist. An example of a new course that might be offered is one in Syriac patristics, for which the faculty is already in place.

The Master's level is the best place for an interdisciplinary program of this type, according to Professor Cavadini. Most doctoral programs deal with specialties that fall under the rubric of ECS. It is difficult to train people into specialties in an interdisciplinary Ph.D. program, and it is also difficult to find jobs for them when they graduate. The Master's level is an ideal place for those intending to enter well-defined doctoral disciplines after obtaining an M.A. degree.

Finally, Professor Cavadini drew attention to the administrative structure; namely, that the program would be administered by a board drawn from Classics and Theology faculty. Such a structure is proposed because the program does not fit into any current departmental templates.

Discussion of the proposal began with a question about the source of the applicants. Professor Cavadini stated that some of the Ph.D. applicants to Theology were lacking either language or theology preparation and would fit

well in the ECS program. Professor Daley added that there is growing interest in the area and reiterated that the program would be an excellent preparatory ground for later doctoral work. Professor Sheerin also surmised that a new market might be created for those who teach only undergraduates. In responding to another question about job prospects for those who do not go on to doctoral work after the M.A., Professor Cavadini acknowledged that they would probably be teaching at or just above the high-school level.

Prof. Gregory Sterling, Director of Graduate Studies for the Ph.D. program in Theology, responded to a question about the program's role as a possible feeder to Notre Dame's own Ph.D. program. He said that it is an ideal vehicle for us to become familiar with potential applicants to the Ph.D. program, and that it would serve as a screening process for some. For those who choose to pursue a Ph.D. elsewhere, he expected the training provided by the ECS program to serve us well in advertising what we do at Notre Dame.

In response to an objection that new Master's programs often detract from Ph.D. efforts, Professor Daley noted that the new program produces no significant new stresses; most of the elements are already in place. A related question was on sources of funding. Professor Cavadini noted that the proposal contains a request for six tuition scholarships. Professor Merz cautioned that these would have to be requested as new funds, and that a favorable ruling was not guaranteed because there is some pressure not to accelerate numbers of tuition scholarships too rapidly. Professor Sheerin said that this program is not duplicated at other universities and that it is of the type that Notre Dame ought to provide; that in itself should justify the program.

Professor Cavadini added that a flourishing mid-level program was essential to doctoral programs in theology. Such programs help to remedy imperfect doctoral preparation; without them, the quality of the Ph.D. is actually diminished.

On how the program differs from established tracks in the M.T.S. degree program, Professor Sterling explained that they have different professional societies and different journals. He further explained that the CJA doctoral track had little overlap in either period or content with the ECS area. He also stated that there are clear disciplinary lines in the larger community, and that adherence to such lines is important to accreditation.

An observation that there was no Byzantinist expert at Notre Dame raised the question about whether we were actively seeking one. Prof. Mark Roche, Dean of Arts and Letters, said that there was no current active search; but, the Medieval Institute expected to bring in a series of scholars. He expressed the opinion that the presence of the Anastos Collection would in the long term call for the hiring of such a scholar.

As to whether six administrative faculty for six students is excessive, Professor Cavadini and Professor Daley stated that the faculty effort was not expected to be a heavy burden. The basic tasks would be to admit each year's cohort, coordinate interdepartmental activities, and to supervise the examination structure.

In closing comments, Professor Roche endorsed the concept of the program and stated that a program like this would serve both the University and the departments well; in the case of Classics, it would be of benefit in attracting faculty. He posed a final question as to whether two languages were sufficient. Professor Daley explained that this was appropriate for a two-year program, and that those pursuing Ph.D.'s later would have to pick up extra languages in that phase of their work; even so, the program provides a tremendous head start.

Professor Merz asked the Council to express its advice by voting on the proposal; the votes cast were 16 in favor, 2 opposed, and 2 abstentions.

III. Report on the Review of the Department of Physics

Professor Merz called on Professor Gerald Jones to give his comments on the review of the Department of Physics. Professor Jones chaired the department at the time of the review.

Professor Jones felt that the reviewers worked well as a team and that the review itself was very well received by the department. He stated that nothing in the review should have been unexpected, and that the department was already dealing with several of the issues that were raised. He did acknowledge that reviews tend to give different perspectives, and that such differences can cause priorities to be shifted.

As an example, he noted that a prior review had recommended that the department do more in nominating its faculty for national awards and recognition. The department did just that and was fairly successful with its junior faculty. The omission of the senior faculty in that endeavor was obvious when pointed out.

Professor Jones thought that the review emphasized research funding too much and did not sufficiently emphasize graduate and faculty productivity. Some specifics about the distribution of research funding were, in Professor Jones's opinion, simply the result of normal fluctuations. In commenting further about funding, Professor Jones said that his hiring policy was to get the best faculty and let them acquire funding, rather than to have project monies dictate hires.

Most of the review's recommendations, particularly those on the undergraduate curriculum, recruitment of undergraduates, promoting recognition of senior faculty, and alumni outreach were already being implemented or were under serious consideration.

In response to a question about the review's recommendation for the department to update its strategic development plan, Professor Jones said that the department agreed. It would be natural for faculty to cross disciplinary

boundaries; but the joint faculty appointments that the review encourages could be tricky in terms of promotions, salary determinations, etc. The concurrent appointment option is a way to avoid some problems. Prof. Steven Buechler suggested that senior level hires would also alleviate some of those problems.

Regarding the suggestion about mentoring of junior faculty, Professor Jones questioned the need for it. He felt that his junior faculty were very talented from the beginning. Perhaps some formal mechanisms for teacher training might be warranted. A more important issue is how to recognize those faculty for their activity.

Dr. Jennifer Younger noted that informational support was not mentioned and asked if this was an issue. Professor Jones surmised that the template for the review may have focused attention away from that area. In the past when cutbacks were made on journals, there was considerable discussion; the faculty did not raise the issue during the review and have presumably found ways to deal with whatever problems they had encountered.

Various members of the Council complimented Professor Jones on the positive comments he received from the reviewers on his decade-long leadership of the Department of Physics, and especially lauded him for the faculty hiring practices he introduced to his department. Professor Jones replied that the positive tone of the review could not have occurred without a strong and cooperative faculty.

The meeting ended at 5:10 p.m.

The Committee believes the availability of information of the sort requested by Ms. Wilkie and Ms. Gabany can be readily defended as essential for the opportunity to make a personally responsible choice at one of life's critical junctures. The availability of such information through appropriate student organizations is an indispensable corollary of Notre Dame's interests in moving to "inquiry based" and "research based" learning. Such opportunities for learning and for mature moral deliberation do not contravene the moral teaching of the Catholic Church. To participate fully in the intellectual life of the campus, students must be provided full access to information in an atmosphere of critical debate and dialogue.

Summary and Analysis of Procedural Concerns

Du Lac nowhere describes hearing procedures for organizations accused of misconduct. *DuLac*, under Establishment of Student Organizations, states:

"All organizations must abide by all campus regulations, community, state and federal laws, including responsible use of funds. Failure to comply with the above guidelines may cause an organization to be placed on probation or suspended from operation. This decision will be made by the Director of Student Activities and LaFortune Student Center. All decisions by the Director regarding recognition may be appealed to the Vice President for Student Affairs." (*The Source*, p. 16b)

This is the extent of the information provided for student organizations and their faculty advisors on this matter. It is sufficiently opaque that the WRC officers and their advisor, Eileen Kolman, were unaware that an appeal on the probation of the WRC could be made until it was offhandedly mentioned by the Vice President for Student Affairs in an unrelated context late in the Fall of 1998. The officers then requested in writing from Joe Cassidy the information on how to proceed with appeal. To date, they have received no response.

No written rule or procedure distinguishes the WRC from ND students and ND student organizations in general. These documents suggest, to the contrary, that the Psychology Club, the Baptist Student Union and the WRC are bound by the same rules and subject to the same procedures. References for rules applicable to *Cassidy*, 5/14/98 are found at

1. *The Source*, p. 16b "No organization, or member of any organization on behalf of the organization, may encourage or participate in any activity which contravenes the mission of the University, or the moral teachings of the Catholic Church." (Emphasis added). The term 'contravenes' is neither defined nor otherwise clarified or exemplified. This leaves a broad range of questions unanswered, e.g.:

1.1. How is the "moral teaching of the Catholic Church" "contravened" by non-judgmental presentation of information concerning abortion procedures, their biological substrata and medical or psychiatric sequelae?

1.2. Thorough consideration of arguments for and opposed to the moral teachings of the Catholic Church is permissible and requisite in the service of the academic mission of the University. How can related behavior contravene the "mission of the University, or the moral teachings of the Catholic Church" when it falls under the jurisdiction of Office of Student Affairs?

2. *Source* 16b can only be interpreted in the light of *Source* 18b, i.e., as if the prohibited act, "contravenes," meant either "proselytize" or "disrespectfully antagonize."

The Source, p.18b ("Religious groups at Notre Dame") "...any group which seeks to proselytize Catholic students or which in any way is disrespectful of or antagonistic to the doctrine and tradition of the Catholic Church will not be approved."

The language of *du Lac* and *The Source* ignores the obvious circumstance that judgments of "antagonism" and "disrespect" are complicated by the standing (medieval) tradition of vigorous dispu-

tation in the service of the academic mission of the University. That such language is interpreted by mid-level officers of the University, not accountable to the Provost, the officer charged with the integrity of the academic mission of the University, divides the University against itself.

Implications and assertions that students providing information about abortion (pro, con, or neutral) are thereby engaging in advocacy, counseling or referral are fatuous.

3. 'Proselytize', 'antagonistic' and 'disrespectful', as they are used in *The Source*, 18b, appear to require foreknowledge or at least intent. No evidence of such foreknowledge or intent was introduced at any point in the relevant proceedings.

4. Neither *du Lac* nor *The Source* describes the burden of proof required for adverse decisions against students or organizations brought before a duly constituted Hearing Board.

5. Neither *du Lac* nor *The Source* provide for the concurrent preparation of a transcript of probationary hearings. Thus, there is no comprehensive record of the evidence considered by the hearing board. The absence of such transcripts and records raises doubt that minimal conditions for orderly and fair appeal of hearing board decisions are met.

Findings

1. The Director of Student Activities failed to give advance notice, e.g., at the time of the approval of the constitution of the WRC, of any specific library material or activity that would place the WRC out of compliance with its constitution, *du Lac* or *The Source*

2. It is unreasonable to interpret 16b (*The Source*) as if it prohibited student clubs from the academic function of providing information and promoting responsible deliberation and debate on issues consistent with the club's mission statement. Such interpretation would impute to the Director of Student Activities power to determine what is or is not consistent with the academic mission of the University.

3. Evidence discussed at the hearing and mentioned in *Cassidy to Bowen, et al*, 5/14/98, included materials ("pamphlet from a Niles abortion clinic") for which no appropriate "chain of custody" was established, and whose presence in the WRC is supported by the testimony of a single witness.

4. *Cassidy to Bowen, et al*, 5/14/98, offered a dictum unsupported by analysis or argument:

"In light of our requirements that student organizations act in a manner consistent with the mission of the University and the moral teachings of the Catholic Church, it is, therefore, impermissible for a student organization to provide information about abortion services or to distribute material which directly promotes abortion or presents abortion in a value-neutral context as a viable alternative."

This dictum reserves sole authority to decide whether any activity of the WRC "contravenes" the mission of the University or the moral teaching of the Catholic Church to its author. Cassidy has required the WRC submit all abortion related materials for his approval prior to its being made publicly available in the WRC.

5. The probation of the WRC is unwarranted. There is no allegation, let alone evidence, that WRC staffers recommended or proactively counseled either complainant to seek an abortion. The division of contradictory judgments within Cassidy's ad hoc committee reflects a confusion in shades of meaning of "refer." The word has an innocuous bureaucratic use, as in "the clerk referred him to the Bureau of Motor Vehicles." Within the health care system, the word carries connotations of authoritative recommendation of a specific course of action, "Dr. X referred her to Dr. S, a specialist." Such referrals as took place by staffers of the WRC were of the first type. Staffers are explicitly trained to eschew the role of "counselor" and even "to leave the urge to help at the door." The complainants acknowledge they were treated completely within these guidelines. They complain that when they requested information about abortion, it was given to them.

6. *Du Lac* and *The Source* are interpreted by the staff of the Office of the Director of Student Activities to legitimate regulation of student organizations as if each of their activities or actions implied the official endorsement of that action or activity by the University.

7. The Office of the Director of Student Activities has unilaterally extended its authority and encroached upon the proper role of the Provost and the Faculty of the University in articulating procedures defining the academic mission of the University.

8. No evidence of foreknowledge or intent to violate *Source* 16b was presented at the WRC hearing. In fact, neither the Officers of the WRC nor the Faculty Adviser of the WRC could have formed a specific intent to violate any provision of *du Lac* or *The Source* since the Director of Student Activities made no prior effort to provide them with an applicable interpretation of the language of those documents.

9. Student officers of WRC were not adequately represented at the hearing. Their faculty advisor was silenced. They were given no reasonable opportunity to prepare a defense against a charge of seriousness sufficient to result in their probationary status.

10. Relevant rules and procedures of *du Lac* and *The Source* are vague, incoherent and provide no vestige of the guarantees of procedural fairness requisite for any complex organization to achieve its goals. Such guarantees are essential in a university.

12. The current officers of the WRC have been led to believe they bear the burden of establishing that none of their activities could be construed as contravening the moral teaching of the Catholic Church. The burden is excessive. It effectively silences the WRC.

13. The right of appeal has, in this case, effectively been denied. Since *du Lac* and *The Source* make no provision for the preparation of a transcript of disciplinary hearings any putative right of appeal under those documents provides no real protection for the accused.

14. *Du Lac*, and, presumably, *The Source*, may be revised by actions taken at designated meetings of the Campus Life Council (*du Lac*, p. 4), in conformity with "standards formulated as appropriate by the Academic Council, the Campus Life Council and the respective administrative officers of the University." (*Ibid.*)

Recommendations

The Faculty Senate Student Affairs Committee (FSSAC) recommends

1. That the full Senate move expeditiously to recommend prompt action by the Office of the Director of Student Activities and/or the Vice President of Student Affairs to rescind the probationary status of the WRC and replace the confiscated materials.

2. That the Office of Student Activities direct the Club Coordination Council to provide funding for the Women's Resource to correct the misperception of the WRC's function resulting from the probation. Adequate funding and support should be made available to allow the Center to sponsor events that exhibit the actual work and philosophy of the WRC.

3. That the full Senate place the following motion on the agenda of the earliest possible meeting of the Academic Council:

The Office of Student Affairs is directed to undertake expeditious revision of *du Lac* and *The Source* to clarify the import of and the supporting rationale for *The Source*, p. 16b "No organization, or member of any organization on behalf of the organization, may encourage or participate in any activity which contravenes the mission of the University, or the moral teachings of the Catholic Church."

The language of this rule should be modified to preclude interpretations suggesting the protections of academic freedom extended to faculty and students in the classroom are denied students participating in student organizations.

The Office of Student Affairs is further directed to revise those passages of *du Lac* and *The Source* which deprive students implicated in disciplinary hearings of the guarantees of procedural fairness, including

- the right to a clear statement of the charges and evidence against them,
- the right to prepare a defense,
- the right to confront and cross-examine opposing or complaining witnesses,
- the right to judgment by a board including appropriate numbers of faculty and student representatives,
- the right to full access to an accurate transcript of proceedings,
- the right to appeal adverse decisions to an independent authority accountable to the Academic Council.

The procedures of such revision should be transparent to the Academic Council and the Faculty Senate and all members of the Campus Life Council and all administrators responsible for this revision should be accountable to the Academic Council and the Faculty Senate.

4. That the full Senate place the following motion on the agenda of the earliest possible meeting of the Academic Council:

Probation of the WRC, and the procedures employed in the imposition of that probation, have a chilling effect on the climate of vigorous, competent, fully informed and responsible disputation by the students of this University. This intrusion upon the pursuit of the academic mission of the University can only be avoided if the Vice President for Student Affairs and the Provost of the University cooperate more closely in the future.

The Faculty Manual of the University must be revised to clarify the formal responsibilities of the Vice President of Student Affairs in reporting to the Provost of the University on such matters.

Resolution 1 WRC

Whereas the student organization known as the Women's Resource Center (WRC) states in its Constitution that its purpose, in part, is "to maintain a library as a means of disseminating information. . . and to promote and encourage research related to gender issues," as well as providing a "space for women and concerned others to find support and understanding," and

Whereas the Office of Student Activities approved this Constitution without stipulating exceptions or exclusions to the material that could be held, or specifying conditions for maintenance of a library, and

Whereas the stated violation resulting in probation for the WRC was providing "information about abortion services" and/or distributing "material which directly promotes abortion or presents abortion in a value-neutral context," thus breaching the *du Lac* policy that "No organization, or member of any organization may encourage or participate in any activity which contravenes the mission of the University or the moral teachings of the Catholic church," and

Whereas a condition of probation for the WRC was to "remove from its files all materials which relate to the availability of abortion services or which promote or encourage abortion," and that the WRC "may not possess or distribute materials which directly promotes or is value neutral on the issue of abortion," and

Whereas the Student Affairs Committee found no evidence that the WRC had participated in any activity which contravened the mission of the University or the moral teaching of the Catholic church in gathering materials for the library, or in distributing such materials upon request,

Be it therefore resolved that the vice president for Student Affairs rescind the probation of the WRC and replace the confiscated materials.

31 in favor
3 opposed
March 16, 1999

Resolution 2 WRC

Whereas *DuLac* and *The Source* nowhere provide procedural guidelines for probationary hearings of student organizations, and

Whereas *DuLac* and *The Source* are interpreted by the staff of the Office of the Director of Student Activities to regulate student organizations as if each of their activities or actions implied the official endorsement of that action or activity by the University, and

Whereas the Office of the Director of Student Activities has unilaterally extended its authority and encroached upon the proper role of the Provost and the Faculty of the University in articulating procedures defining the academic mission of the University, and

Whereas the current officers of the WRC have been led to believe they bear an affirmative burden of assuring none of their activities contravene the moral teaching of the Catholic Church, an excessive burden that effectively silences the WRC, and

Whereas relevant rules and procedures of *DuLac* and *The Source* are vague, incoherent and provide no vestige of the guarantees of procedural fairness requisite for a university to achieve its goals, and

Whereas *DuLac* and *The Source* make no provision for the preparation of a transcript of disciplinary hearings, which effectively denies a guarantee of an opportunity to appeal, and

Whereas *DuLac* and *The Source* make no provision by which Offices or Officers or Directors imposing sanctions can be held accountable for their conduct in office, and

Whereas *DuLac*, and, presumably, *The Source*, may be revised in conformity with "standards formulated as appropriate by the Academic Council, the Campus Life Council and the respective administrative officers of the University,"

Be it therefore resolved that the Office of Student Affairs is directed to undertake expeditious revision of *DuLac* and *The Source* to clarify the import of and the supporting rationale for *DuLac*, p. 92, and *The Source*, p. 16b, "No organization, or member of any organization on behalf of the organization, may encourage or participate in any activity which contravenes the mission of the University, or the moral teachings of the Catholic Church." The language of this rule should be modified to preclude interpretations suggesting the protections of academic freedom extended to faculty and students in the classroom are denied students participating in student organizations.

Be it further resolved that the Office of Student Affairs is further directed to revise those passages of *DuLac* and *The Source* which deprive students implicated in probationary and disciplinary hearings of the guarantees of procedural fairness, including

- the right to a clear statement of the charges and evidence against them,
- the right to prepare a defense
- the right to confront and cross-examine opposing or complaining witnesses,
- the right to judgment by a board including appropriate numbers of faculty and student representatives,
- the right to full access to an accurate transcript of proceedings,
- the right to appeal adverse decisions to an independent authority accountable to the Academic Council.

The procedures of such revision should be transparent to the Academic Council and the Faculty Senate; all members of the Office of Student Affairs and all administrators responsible for this revision should be accountable to the Academic Council and the Faculty Senate.

31 in favor
1 opposed
1 abstention
March 16, 1999

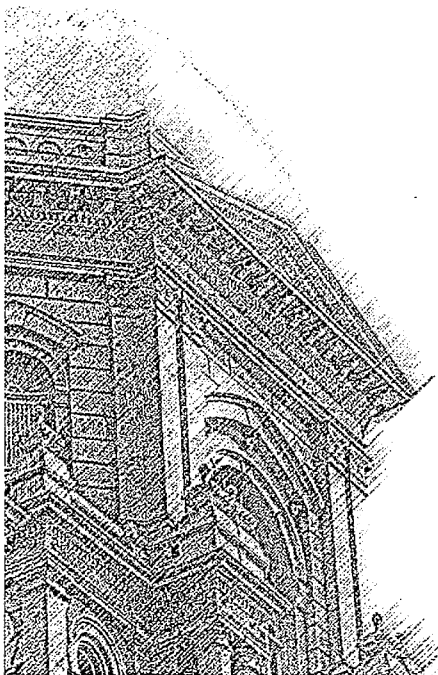
Resolution 3 WRC

Whereas the official probation of the WRC, and the procedures employed in the imposition of that probation, have, and have had, a continuing and pervasively chilling effect on vigorous, competent, fully informed and responsible disputation by the students of this University. This intrusion upon the pursuit of the academic mission of the University can only be avoided if the Vice President for Student Affairs and the Provost of the University cooperate more closely in the future.

Be it therefore resolved that the Academic Council revise the Faculty Manual of the University to clarify the formal responsibilities of the Vice President of Student Affairs in reporting to the Provost of the University on procedures regulating student organizations whose officially approved goals and procedures involve a significant academic or political component.

32 in favor
2 opposed
March 16, 1999

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