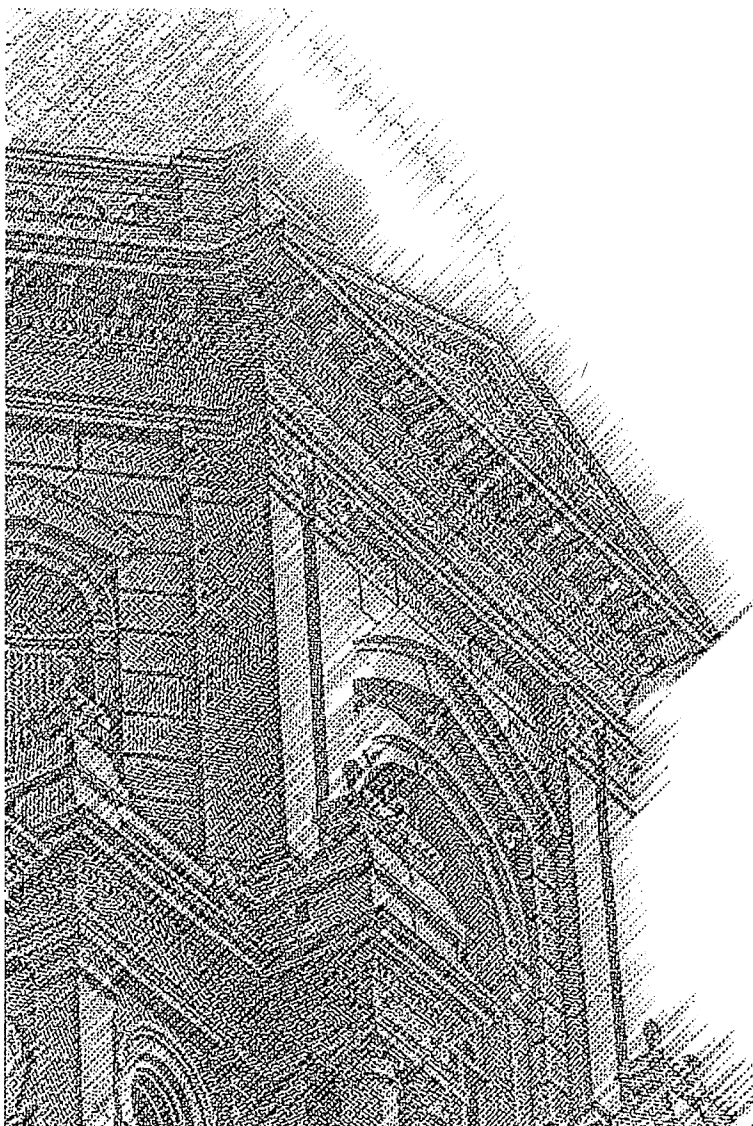


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Faculty Notes

Honors

Alasdair MacIntyre, research professor of philosophy, received an honorary degree of Doctor of Philosophy from St. Patrick's Univ., Maynooth, Ireland, May 19.

Ralph McInerny, professor of philosophy, received an honorary degree of Doctor of Humane Letters from Our Lady of Holy Cross College, New Orleans, May 19.

Guillermo O'Donnell, Helen Kellogg Professor of Government and International Studies, has been appointed fellow and member of the Advisory Committee of the "Club de Madrid," presided by President Fernando H. Cardoso of Brazil and vice-chaired by former prime minister of Canada, Kim Campbell, and former President of the URSS, Mikhail Gorbachev. The purpose of the Club de Madrid is to cooperate in the extension of peace, democracy and security in the world.

Michael Wiescher, Freimann Professor of Physics, was asked to serve on the Science Advisory Committee of the Department of Energy SciDAC Supernova Science Center at the Univ. of California Santa Cruz, the Univ. of Arizona, Lawrence Livermore National Laboratory, and the Los Alamos National Laboratory.

Erhard Winkler, professor emeritus of civil engineering and geological sciences, received the first Daniel W. Kessler Award from ASTM International for contributions to the organization's committee on dimension stone.

Activities

J. Douglas Archer, librarian, presented "Filtering Freedom" with M.P. Hunter and "Serving the Religious Information Needs of Our Communities Without Blowing the Budget" at the Indiana Library Federation annual conference, Indianapolis, April 31; and served as a panelist for "Survivor or Victim: Library Access Following 9/11," the Indiana University Librarians Association and Indiana Networking for Documents

and Information of Government Organizations, at the IUPUI Law School, May 23.

Dinshaw Balsara, assistant professor of physics, presented "Fast and Accurate Discrete Ordinates Methods for Multidimensional Radiative Transfer" and "Powers of Ten: A Multi-Scale, Physics-Rich View of Computational Astrophysics" at the Univ. of Kentucky, Lexington, in October; "Fast and Accurate Discrete Ordinates Methods for Multidimensional Radiative Transfer," an invited talk, at the Univ. of Michigan, Ann Arbor, in February; and "Divergence-free Adaptive Mesh Refinement for Magnetohydrodynamics," a seminar, at the Univ. of Notre Dame, in March.

Joseph P. Bauer, professor of law, presented "The Antitrust Injury Doctrine: Adding Insult to Injury?" at the 50th annual spring meeting of the ABA's Section of Antitrust Law, Washington, D.C., April 24-26; and "A Primer on Antitrust" on May 3 at the "Research Workshop and Conference on Marketing Competitive Conduct and Antitrust Policy" at the Mendoza College of Business.

Gail Bederman, associate professor of history, presented "The Notorious Madame Restell: Abortion in Nineteenth Century New York," at the Univ. of the South, Sewanee, Tenn.; and "Toward a Genealogy of Robert Dale Owen's *Moral Physiology*: Political Theory, Free Love, Neo-Malthusianism, and Fanny Wright's Nashoba Scandal" for the Social History Seminar, Univ. of Chicago, May 16.

Jeffrey Bergstrand, associate professor of finance and business economics, and S. Baier presented "On the Endogeneity of International Trade Flows and Free Trade Agreements" at the Midwest International Economics and Economic Theory conference, Northwestern Univ., Evanston, May 3-5.

Kirsten M. Christensen, assistant professor of German, presented "Netherlandic Women Mystics and their Literature" at the 37th International Congress on Medieval Studies, May 2, Kalamazoo, Mich.

Olivia Remie Constable, associate professor of history, presented "Conquest and Commercial Space: The Case of Iberia" to the Sawyer Seminar on Islam, Franke Institute for the Humanities, at the Univ. of Chicago, on April

30; "Medieval Merchant Enclaves and the Mediterranean Commercial Revolution" to the Economic History Workshop, Dept. of Economics, Univ. of California, Los Angeles, on May 29; and "Importing an Islamic Institution: The *Fondaco* in Europe in the later Middle Ages" to the European History Seminar, Dept. of History, Univ. of California, Los Angeles, May 30.

Jay P. Dolan, professor emeritus of history, presented "Immigration and Religion, Now and Then: Historical Comparisons" at a conference sponsored by the International Center for Migration, Ethnicity and Citizenship at the New School Univ. in New York, May 10.

Julia P. Douthwaite, professor of French and Nanovic fellow, presented the invited lecture "Innovations pédagogiques: Enjeux et possibilités" at a round table discussion, Univ. Catholique de l'Ouest, Angers, France, May 24.

William G. Dwyer, Hank Professor of Mathematics, was an invited speaker at a conference on Modern Homotopy Theory held May 27 through June 1 at the Univ. of Science and Technology in Lille, France, where he presented "Duality in Homotopy Theory"; and he also presented "Duality for Rings and Manifolds" and "Stable Homotopy and the Free Loop Space" on June 6.

Georges Enderle, O'Neil Professor of International Business Ethics, presented "International Business Ethics, Theory and Practice: An Introduction" at the International Faculty Development Workshop on "Ethical Issues in the Global Economy" on May 26-28, co-sponsored by the Shanghai International Studies Univ. and the Carnegie Council on Ethics and International Affairs; and was the co-organizer of the conference and presented "Confidence in the Financial Reporting System: Easier to Lose than to Restore" at the International Conference on "Developing Business Ethics in China" on May 29 through June 1 at the Shanghai Academy of Social Sciences.

Dirk M. Guldi, associate professional specialist in the Radiation Laboratory, presented "C60 in the Box" at the annual meeting of the Electrochemical Society, Philadelphia, May 12-17; and presented a seminar on "Charge Separation

and Organization in Nanostructured Functional Systems" at New York Univ., May 17.

Edward H. Hinchcliffe, assistant professor of biological sciences, was an instructor in the Analytical and Quantitative Light Microscopy course held at the Marine Biological Laboratory, in Woods Hole, Mass., from May 9-17.

Lionel M. Jensen, chair of East Asian Languages and Literatures, presented "China's Domestic Crises and the Burdens of Global Responsibility" at the Global Studies Institute, Culver Academies spring seminar, April 15-17.

Encarnación Juárez, assistant professor of Romance languages and literatures, and fellow, Medieval Institute, presented "Gallantry and Disguises: The Life of Diego Duque de Estrada" at the Renaissance Society of America and Arizona Center for Medieval and Renaissance Studies joint annual meeting, Scottsdale, Ariz., April 11-13.

Prashant V. Kamat, professional specialist in the Radiation Laboratory, copresented "Simultaneous Detection and Degradation of Low Level Organic Contaminants Using ZnO Nanostructures" (coauthor R. Huehn), "Molecular Assembly of Fullerenes as Nanoclusters and Films" (coauthors S. Barazzouk, K.G. Thomas, and **Manapurathu Vergh George**, visiting professor in the Radiation Laboratory), and "Photoconversion Using Molecularly Engineered Semiconductor-Metal Superstructures" (coauthors S. Barazzouk, S. Hotchandani, and K.G. Thomas) at the annual meeting of the Electrochemical Society, Philadelphia, May 12-17; and presented "An Insight into the Mechanism of Indole Dye Formation and Photostability Issues" (coauthored with S. Zeena) at Unilever Research, Edgewater, N.J., June 4-5. He was a coauthor of "Mass Transfer and Kinetic Studies during the Photocatalytic Degradation of an Azo Dye on OTE-Thin Film" (along with **Eduardo E. Wolf**, professor of chemical engineering, and V. Subramanian), which was presented by V. Subramanian at the spring symposium of the Catalysis Club of Chicago, Northwestern Univ., May 20.

Edward J. Maginn, associate professor of chemical engineering, presented an invited lecture "Molecular Simulation of

Fluid-Wall Slip in Nanopores" at the American Chemical Society Great Lakes regional meeting, Minneapolis, June 3.

John T. McGreevy, associate professor of history, presented the Martin Wiener lecture at Brandeis Univ. on "The Eliot School Rebellion, 1859: Education, Slavery and the Nineteenth Century Catholic Revival" on May 2; and the opening address at a Fordham Univ. (Lincoln Center)-sponsored conference on Anti-Catholicism on May 24.

Alasdair MacIntyre, research professor of philosophy, delivered the Aquinas Lecture on "Actions, Agents, and the Ultimate Human End" at the Univ. of St. Thomas, Houston, Feb. 21; presented "Transformation of Enlightenment: Plato, Rosen, and the Postmodern" at the Boston Colloquium for the Philosophy of Science, April 1; spoke to the faculty of Prince George's Community College about Aristotle's *Politics* under the auspices of NEH, May 3; and presented "Human Nature and Human Dependence: What Should a Thomist Learn from Reading Løgstrup?" at a conference organized by the Løgstrup Archive of Aarhus Univ., Sandbjerg, Denmark, May 10.

Dan Meisel, director of the Radiation Laboratory and professor of chemistry and biochemistry, served on the Department of Energy Panel on Nuclear Energy Research Initiative, Washington, D.C., June 5-7.

Anthony N. Michel, Freimann Professor of Engineering, presented "Partial Stability of Discontinuous Dynamical Systems" with Y. Sun at the 2002 American Control Conference, Anchorage, on May 8, and "Qualitative Analysis of Discrete-Time Switched Systems" and "Stabilization of Two-dimensional Single-input Bilinear Systems with a Finite Number of Constant Feedback Controllers" with G. Zhai at the same meeting on May 9; and presented "Analysis of Time-controlled Switched Systems using Stability Preserving Mappings" with G. Zhai at the 2002 IEEE International Symposium on Circuits and Systems, Phoenix, May 27.

Rudolph M. Navari, associate dean, College of Science, preprofessional studies, was a discussant at the "Symptom Control, Palliative and Elderly Care Session" and presented "An Educational

Intervention for Patients with a New Cancer Diagnosis" at the 38th annual meeting of the American Society of Clinical Oncology, Orlando, May 18-21.

Samuel Paolucci, professor of aerospace and mechanical engineering, participated in an ITR Small Grants proposal evaluation panel in the Chemical and Transport Systems Directorate of the National Science Foundation, held in Arlington, Va., May 13-14.

Catherine Perry, associate professor of French and Francophone Studies, organized and chaired the session "Écritures maghrébines" at the annual conference of the CIÉF, "Conseil International d'Études Francophones," in Abidjan, Ivory Coast, May 26 to June 2, and presented "'Témoignage, fiction et méditation philosophique dans *Cette aveuglante absence de lumière*, de Tahar Ben Jelloun" at the conference.

Simon M. Pimblott, professional specialist in the Radiation Laboratory, presented "Role of Low Energy Electrons in Homogeneous and Heterogeneous Mixed-phase Systems" at the Great Lakes Regional Meeting of the American Chemical Society, June 1-5, Minneapolis.

Dean A. Porter, director emeritus, Snite Museum of Art, had a one-man show, "Dean Porter, Recent Work" (33 watercolors, acrylics, and oils) at the Brauer Museum of Art, Valparaiso Univ., opening May 15, closing the end of July; gave painting demonstrations at Valparaiso Univ. for the Friends of the Brauer Museum of Art, June 9, and for the Friends of the Snite Museum of Art, June 15; and two watercolors reproduced in *J. N. Galleries American, Western and Sporting Art*, New York.

Joseph M. Powers, associate professor of aerospace and mechanical engineering, made a presentation along with **Samuel Paolucci**, professor of aerospace and mechanical engineering, titled "WAMR/ILDM Algorithm Development" at the Los Alamos National Laboratory Energetic Materials Review, Los Alamos, N.Mex., June 4.

Alan Seabaugh, professor of electrical engineering, gave an invited talk "Multi-Valued Logic and the Esaki Tunnel Diode" at the 11th International Workshop on Post Binary Ultra Large Scale Integration, Univ. of Massachusetts, Boston, May 15.

Slavi C. Sevov, professor of chemistry and biochemistry, presented "Transition-metal Borophosphates: From Three-dimensional Open Frameworks to Molecular Polyoxometalates" at the Great Lakes ACS regional meeting, Minneapolis, June 2-4.

Nancy K. Stanton, professor of mathematics, presented "Can You Hear the Shape of a Drum?" a colloquium lecture, at Andrews Univ., Berrien Springs, Mich., on April 1.

James I. Taylor, professor of civil engineering and geological sciences, presented a session on human factors in transportation choices and served as principal moderator for the Eno Transportation Foundation Leadership Development Conference, May 20-24, in Washington, D.C.

Richard E. Taylor, associate professor of chemistry and biochemistry, presented "Conformation-activity Relationships in Polyketide Natural Products" at Merck in Rahway, N.J., June 2-4, and at the Stereochemistry Gordon Research Conference, Newport, R.I., June 9-14.

Raimo Väyrynen, professor of political science and senior fellow, Kroc Institute, presented "Reforming the World Order: Multi- and Plurilateral Approaches" in a conference organized by the Swedish Ministry for Foreign Affairs on "Global Governance in the 21st Century," Stockholm, June 5.

Henry Weinfield, associate professor in the Program of Liberal Studies, chaired a session on "Other Religions" and presented "Hesiod's Invocations to the Muses: Poetry and the Sacred" in the Theogony and the Works and Days at the Association for Core Texts and Courses conference, held April 4-7 in Montreal.

Michael Wiescher, Freimann Professor of Physics, presented an invited talk on "Nuclear Masses in Nuclear Astrophysics" at the conference on atom traps at TRIUMF, Vancouver, B.C., in April.

Ursula Williams, associate professional specialist and director of the Language Resource Center, hosted the première Internet broadcast of the Fischhoff Chamber Music Finals on WVFI, on May 12.

Samir Younés, associate professor of architecture and director of Rome Studies, presented "Roman Piazze" to the School of Architecture of Unitec Univ., Auckland, New Zealand, in Rome, June 3.

Publications

Ani Aprahamian, professor of physics, coauthored "Angular Momentum Population in the Fragmentation of ^{208}Pb at 1 GeV/nucleon" with M. Pfützner, et al., *Physical Review C* 65 (2002): 064604, and "Lifetime Measurements of Excited $K\pi = 0^+$ bands in ^{178}Hf " with R.C. deHaan, et al., *ibid.*: 031301(R).

Dinshaw Balsara, assistant professor of physics, coauthored "Turbulent Flows Within Self-Gravitating Magnetized Molecular Clouds" with R. Crutcher and A. Pouquet, *Astrophysical Journal* 557, no. 1 (2001): 451-463; "A Turbulent MHD Model for Molecular Clouds and a New Method of Accretion on to Star-forming Cores" with D. Ward-Thompson and R.M. Crutcher, *Monthly Notices of the Royal Astronomical Society* 327, no. 3 (2001): 715-720; "The Evolution of Adiabatic Supernova Remnants in a Turbulent Magnetized Medium" with R. Benjamin and D. Cox, *Astrophysical Journal* 563, part 1 (2001): 800-805; and wrote "Divergence-Free Adaptive Mesh Refinement for Magnetohydrodynamics," *Journal of Computational Physics* 174, no. 2 (2001): 614-648; and "Adaptive Mesh Refinement in Computational Astrophysics—Methods and Applications," *Journal of the Korean Astronomical Society* 34 (2001): 181-190.

Subhash C. Basu, professor of chemistry and biochemistry, coedited *Methods in Molecular Biology 199: Liposome Methods and Protocols* with M. Basu (Totowa, N.J.: Humana Press Inc., 2002) and contributed "Micelles and Liposomes in Metabolic Enzyme and Glycolipid Glycosyltransferase Assays," coauthored with M. Basu, *ibid.*: 107-130.

Francis J. Castellino, dean emeritus of Science, Kleiderer-Pezold Professor of Chemistry and Biochemistry, and director of the Center for Transgene Research, coauthored "Use of Phospholipid Bilayers and Monolayers in Binding Studies of Vitamin K-Dependent

Blood Coagulation Proteins" with E.H. Ellison, in *Methods in Molecular Biology* 199: *Liposome Methods and Protocols*, **Subhash C. Basu**, professor of chemistry and biochemistry, and M. Basu, eds. (Totowa, N.J.: Humana Press Inc., 2002): 233-243.

E. Jane Doering, professional specialist and concurrent assistant professor in the Core Program, has published in the *Cahiers Simone Weil* a review of the recent study by Robert Chenavier: *Découvrir Simone Weil. La passion de la vérité*.

Richard Economakis, associate professor of architecture, published "Peer Review: Response to the Moule Polyzoides Projects" in *Council Report II: The Santa Fe Council of the CNU* (October 2001); and "Third Year Undergraduate Design Proposals for the New Ara Pacis Museum" in *Ara Pacis Counter-projects*, **Samir Younés**, associate professor of architecture and director of the Rome Studies Program, ed.

Hector Escobar, visiting librarian, **Joni Kanzler**, assistant librarian, **Margaret Porter**, librarian, and **Cheri Smith**, assistant librarian, coauthored "The Value of Campus Partnerships in Redesigning Library Instruction," published in *College and Research Libraries News* 63 (May 2002): 345-348, 358.

Georges Enderle, O'Neil Professor of International Business Ethics, published *Action-Oriented Business Ethics* (including nine recent articles on China and global business ethics) in Chinese by the Shanghai Academy of Social Sciences Publishers.

Leonid Faybusovich, professor of mathematics, authored "Power Control Under Finite Power Constraints" in *Communications in Information and Systems* 1, no. 4 (December): 395-406.

Stephen Fredman, professor of English, published "Lyn Hejinian's Inquiry into the Relationship between Language and the Person" in *West Coast Line* 35.3 (2002): 60-72.

Richard Garnett, assistant professor of law, published "Sectarian Reflections on Lawyers' Ethics and Death Row Volunteers," 77 *Notre Dame Law Review* 795 (March).

Richard Jensen, guest professor of biological sciences and director, Greene-Nieuwland Herbarium, wrote "The Oaks of Land Between the Lakes: Biodiversity and Hybridization in *Land Between The Lakes, Kentucky and Tennessee*, E.W. Chester and J.S. Fralish, eds., *Miscellaneous Publication Number 16 of the Center for Field Biology*, Austin Peay State Univ., Clarksville, Tenn. (2002): 323-334.

James J. Kolata, professor of physics, coauthored "Elastic Scattering and Transfer in the $^8\text{Li} + ^{208}\text{Pb}$ System Near the Coulomb Barrier" with **Vladilen Z. Goldberg**, visiting professor of physics, **Larry O. Lamm**, research associate professor of physics, M.G. Marino, C.J. O'Keeffe, G. Rogachev, and others, *Physical Review C* 65 (5 pp.); and "Cross Section for the Astrophysical $^{14}\text{C}(n, \gamma)^{15}\text{C}$ Reaction via the Inverse Reaction" with A. Horvath, et al., *The Astrophysical Journal* 570 (May 10): 926-933.

Yahya C. Kurama, assistant professor of civil engineering and geological sciences, coauthored with M. Allen "Design of Rectangular Openings in Precast Walls Under Combined Vertical and Lateral Loads," *PCI Journal, Precast/Prestressed Concrete Institute* 47, no. 2 (March-April): 58-83.

Alasdair MacIntyre, research professor of philosophy, published "On Not Having the Last Word: Thoughts on our Debts to Gadamer" in *Gadamer's Century: Essays In Honor of Hans-Georg Gadamer* (Cambridge, Mass.: MIT Press, 2002), "Truth as a Good: A Reflection on *Fides et Ratio*" in *Thomas Aquinas: Approaches to Truth* (Dublin: Four Courts Press, 2002), and, in Chinese, "Once More on Confucian and Aristotelian Conceptions of the Virtues" in *China Scholarship* 3, no. 1 (2002): 245-262.

Anthony N. Michel, Freimann Professor of Engineering, coauthored "Partial Stability of Discontinuous Dynamical Systems" with A.P. Molchanov and Y. Sun, *Proceedings of the 2002 American Control Conference* (May): 74-79; "Stabilization of Two-dimensional Single-input Bilinear Systems with a Finite Number of Constant Feedback Controllers" with B. Hu and G. Zhai, *ibid.*: 1874-1879; "Qualitative Analysis of Discrete-time Switched Systems" with G. Zhai, B. Hu,

and K. Yasuda, *ibid.*: 1880-1885; and "Analysis of Time-controlled Switched Systems using Stability Preserving Mappings" with G. Zhai, B. Hu, and Y. Sun, *Proceedings of the 2002 IEEE International Symposium on Circuits and Systems* (2002): 241-244.

Rudolph M. Navari, M.D., associate dean, College of Science, preprofessional studies, coauthored "Prevention of Cisplatin-Induced Acute and Delayed Emesis by the Selective Neurokinin-1 Antagonists, L-758,298 and MK-869" with S. VanBelle and M. R. Lichinitser, published in *Cancer* 2002 94 (2002): 3032-3041.

Liviu Nicolaescu, associate professor of mathematics, with A. Nemethi, published "Seiberg-Witten Invariants and Surface Singularities" in *Geometry and Topology* 6 (2002): 269-328.

Rev. Thomas F. O'Meara, O.P., Warren Professor Emeritus of Theology, published *Erich Przywara, S.J., His Theology and His World* (May 2002).

Samuel Paolucci, professor of aerospace and mechanical engineering, and S.V. Shepel published "Numerical Simulation of Filling and Solidification of Permanent Mold Castings" in *Applied Thermal Engineering* 22 (2002): 229-248.

Larry K. Patterson, research professor emeritus of chemistry and assistant director of the Radiation Laboratory, coauthored "Mechanisms of Flavonoid Repair with Amino Acid Radicals in Models of Biological Systems: A Pulse Radiolysis Study in Micelles and Human Serum Albumin" with P. Filipe, P. Morlière, **Gordon L. Hug**, associate professional specialist in the Radiation Laboratory, J.-C. Mazière, J.P. Freitas, A. Fernandes, and R. Santus, published in *Biochimica et Biophysica Acta* 1571 (2002): 102-114.

Catherine Perry, associate professor of French, published "Anna de Noailles" in the *Dictionary of Literary Biography* 258 (Farmington Hills, Mich.: The Gale Group, 2002): 297-310.

John A. Poirier, professor emeritus of physics, coauthored "Distributions of Secondary Muons at Sealevel from Cosmic Gamma Rays below 10 TeV" with S. Roesler and A. Fasso, *Astropartical Physics* 17, no. 4 (2002): 441-458.

Terrence W. Rettig, professor of physics, coauthored "Implied Evolutionary Differences of the Irregular Jovian Satellites from a BVR Survey" with K. Walsh and G. Consolmagno, *ICARUS* 154 (2002): 313-320; and "1998 SM165—A Large Kuiper Belt Object with an Irregular Shape" with W. Romanishin, S. Tegler, and B. Botthof, *Proceedings of the National Academy of Science* 21 (2001): 11863-11899.

W. Robert Scheidt, Warren Professor of Chemistry and Biochemistry, coauthored "Solid-State Structures of Metalloporphyrin No_x Compounds" with G.R.A. Wyllie, *Chemical Reviews* 102 (2002): 1067-1089.

Robert H. Schuler, Zahm Professor Emeritus of Radiation Chemistry, coauthored with G. Albarran "The Rate Constants for Reaction of *OH Radicals with Benzene and Toluene" in *Radiation Physics and Chemistry* 64 (2002): 189-195; and wrote "Micellar Electrophoretic Capillary Chromatographic Analysis of the Products Produced in the Radiolytic Oxidation of Toluene and Phenol" in *Radiation Physics and Chemistry* 63 (2002): 661-663.

Slavi C. Sevov, professor of chemistry and biochemistry, coauthored "Niobium-Arsenic Zintl Phases: A₆NbAs₅ (A = K, Rb, Cs), K₆NbTias₄, and K₈NbPbAs₅, with Edge-bridged Niobium-Centered Tetrahedra of Arsenic, [NbAs₄M]ⁿ⁻ Where M = As, Ti, Pb" with F. Gascoin, *Inorganic Chemistry* 41 (2002): 2820-2825.

Bradley D. Smith, professor of chemistry and biochemistry, coauthored "Facilitated Phospholipid Flip-Flop using Synthetic Steroid-Derived Translocases" with T.N. Lambert, J. Middleton Boon, M. Nieves Perez-Payan, and A.P. Davis, *Journal of the American Chemical Society* 124 (2002): 5276-5277.

Raimo Väyrynen, professor of political science and senior fellow, Kroc Institute, published "Reforming the World Order: Multi- and Plurilateral Approaches" in *Global Governance in the 21st Century, Alternative Perspectives on World Order*, B. Hettne and B. Odén, eds. (Stockholm: Almqvist and Wiksell International/Swedish Ministry for Foreign Affairs, 2002): 106-146.

James Walton, professor of English, wrote "A Blackbird's Flight," an essay on the poetry of John Matthias, in *Samizdat* 9 (spring, 2002).

Henry Weinfield, associate professor in the Program of Liberal Studies, published a poem entitled "Threads" in *Smartish Pace* 6 (spring 2002), 36-38.

Administrators' Notes

Activities

William J. Beirne, on behalf of the Morris Inn, accepted an award presented to the Morris Inn in recognition of 50 years of service to the community at the recent National Tourism Breakfast, sponsored by the St. Joseph/Mishawaka Convention and Visitors Bureau.

Peter Diffley, associate dean in the Graduate School, was the program chair for the annual meeting of the Midwest Association of Graduate Schools held in Chicago, April 2-5, and organized and presided over a plenary session on placement.

Robert Foldesi, associate vice president for Human Resources, presented a session titled "Show Me The Money" at the 2002 Midwest Regional Conference of the College and University Professional Association-Human Resources, May 19-22, Kansas City, Mo.

Publications

Alan S. Bigger, director of Building Services, coauthored "Wiping Up With Technology" with L.B. Bigger, *Greening Newsletter* (May/June): 2-4; and "Beyond Flying Fish: Providing Upscale Customer Service" with L.B. Bigger, *Executive Housekeeping Today* 23, no. 6 (June): 7-8, 9-22.

Documentation

Academic Council

August 30, 2001

Members Present: Rev. Edward Malloy, C.S.C., Nathan Hatch, Rev. Timothy Scully, C.S.C., John Affleck-Graves, Rev. John Jenkins, C.S.C., Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Eileen Kolman, Frank Incropera, Patricia O'Hara, Mark Roche, Jacqueline Brogan, Melissa Rauch, Sonia Gernes, J. Robert Wegs, Joan Aldous, Susan Blum, Cornelius Delaney, Vittorio Hösle, Umesh Garg, Mitchell Wayne, Edward Conlon, Robert Bretz, Jay Tidmarsh, Alan Krieger, Kenneth DeBoer, Ava Preacher, Sonja Mapes, Stephanie Arnett

Members Absent: Ikaros Bigi, Dino Marcantonio, Samantha Schmid

Members Excused: Francis Castellino, Carolyn Woo, Jennifer Younger, Patricia Blanchette, Teresa Ghilarducci, Joseph Powers (in London fall semester), Panos Antsaklis

Observers Present: Mary Hendriksen, Col. Mark Gehri, Harold Pace, Dan Saracino, Tom Laughner, Julia Dayton

Observers Excused: Dennis Moore

Guests: James Lyphout, vice president for Business Operations, Douglas Marsh, University architect, and Michael Seamon, executive assistant to Fr. Scully; John Uhran (sitting in for Frank Incropera), and Dennis Brown (sitting in for Dennis Moore)

Prof. Hatch opened the meeting at 3:35 p.m. with a prayer.

Fr. Malloy explained that the main task of today's meeting is to elect the members of the Executive Committee. At the next meeting, he and Prof. Hatch will make their presentations about developments at the University over the summer, plans for the new academic year, and the initiation of the University's new strategic planning process.

1. Remarks of Prof. Hatch. Prof. Hatch reviewed some senior administrative changes that occurred at the University in the spring and summer. Among Academic Council members, John Affleck-Graves joins the Provost's Office as vice president and associate provost, and Jeff Kantor is now vice

president of Graduate Studies and Research and dean of the Graduate School.

In other appointments, Lou Nanni was named the University's first vice president for Public Affairs and Communications, and Matt Cullinan returned to Notre Dame as Fr. Malloy's executive assistant. Gordon Wishon, who came to Notre Dame from Georgia Tech, began this summer as the University's chief information officer. Because of his responsibility for academic and administrative computing operations, Mr. Wishon reports both to the provost and to the executive vice president. The University's new associate vice president for Human Resources, Robert Foldesi, comes from a comparable position at the University of Iowa, and the new assistant vice president for Procurement Services (formerly titled director of Purchasing), Timothy Gibney held a senior position in that area at the University of Arizona.

Prof. Hatch explained the procedure by which the Academic Council elects five of its members to the executive Executive Committee. [The Executive Committee convenes before each Academic Council meeting to establish the agenda for the full council meeting and to discuss issues that have been brought to its attention from other University entities, such as the Faculty Senate. Members of the Executive Committee serve as chairs of the council's three standing committees.] The committee consists of the provost, chair; a vice president and associate provost designated by the provost (Prof. John Affleck-Graves); the chairperson of the Faculty Senate (Prof. Jacqueline Brogan); five members elected annually by the council; and three members appointed from the council by the President. Prof. Hatch said that any *ex officio* regular member of the council is eligible for election and that voting is only by those members, not by observers or visitors.

During the course of the meeting, the council elected five of its members to the Executive Committee: Professors Neil Delaney, Umesh Garg, Teresa Ghilarducci, Mark Roche, and Carolyn Woo. Fr. Malloy named Prof. Panos Antsaklis, Prof. Jay Tidmarsh, and Ms. Melissa Rauch, academic commissioner from Student Government, to fill the three appointed positions.

2. Presentation by Rev. Tim Scully, C.S.C., executive vice president, on major University construction projects. Fr. Scully introduced James Lyphout, the University's vice president for Business Operations, Douglas Marsh, University architect, and Michael Seamon, executive assistant to the executive vice president.

Fr. Scully began his presentation by saying that it is truly an ambitious set of construction projects the provost has put forward. Together, the buildings and projects he will describe today represent a commitment by the University over the next four to five years of nearly \$400 million, with almost \$100 million of that in the sciences.

A. Academic Projects Completed in 2001. Fr. Scully described the newly completed Edward C. Malloy, C.S.C. Hall, into which the departments of Theology and Philosophy moved in August of 2001. At the donor's request, the building was named in honor of Fr. Malloy as testimony to his leadership of the University. The structure is 67,500 square feet and was built at a cost of just under \$14 million. It contains 143 new offices, two seminar rooms, and the Chapel of Holy Wisdom, which will be dedicated October 19, 2001.

Fr. Scully also described the newly renovated Hayes-Healy/Hurley Center, now home to the Mathematics Department and International Studies. A particularly striking part of the building is the lower level featuring skylights for the Mathematics library. The renovated building is 71,000 square feet, completed a little under budget at \$8 million, and contains 49 offices and 11 teaching spaces, most of them full-size classrooms.

A third building completed in 2001 is the Coleman-Morse Center, which, Fr. Scully said, is rapidly becoming the heart of student life on campus. It contains offices for the First Year of Studies, Campus Ministry, and Academic Services for Student-Athletes, as well as a 24-hour study space for students. The Coleman-Morse Center is 67,000 square feet and built at a cost of \$14 million.

B. Academic Projects under Construction. Fr. Scully reported that projects in this category have all been approved although funding for some buildings must still be completed.

Construction is now under way to enlarge the Hesburgh Center for International Studies by 11,600 square feet through the creation of 28 new offices. Fr. Scully said that because the endowments of both the Joan B. Kroc Institute for International Peace Studies and the Helen Kellogg Institute for International Studies have grown so substantially, the institutes themselves are funding mostly the \$2.7 million addition.

A second project under construction, 24 two-bedroom apartments for visiting faculty, is a project that was particularly advocated by Prof. Hatch. The apartments, located near the Fisher-O'Hara Graduate Residences, are for short-term use—generally six months to one year. Fr. Scully stated that in the future the apartments may be converted into housing for graduate students and visiting faculty currently housed in another facility close to campus.

C. Academic Projects in Execution. Fr. Scully explained that these projects—in various stages of planning, funding, and construction—are some of the most ambitious projects the University has ever undertaken.

First among them to celebrate groundbreaking is the Marie P. DeBartolo Center for the Performing Arts. Fr. Scully indicated, when completed, the center will truly be a magnificent facility. The project has been a dream of Fr. Malloy's for the last 15 years and represents the commitment during his presidency to enhance the arts at Notre Dame. Groundbreaking for the center, which will be broadcast live on Regis Philbin's morning television show, is set for Thursday, September 6. (Mr. Philbin, a Notre Dame graduate, has donated \$2.75 million to the Performing Arts Center for the creation of the Regis Philbin Studio Theatre.) The 150,000-square-foot building, for which the total projected cost is more than \$60 million, will have five performance venues: a 900-seat concert hall; a 350-seat main-stage theatre, which will have the fly space of a Broadway theatre to accommodate full-stage drops; a 200-seat cinema, which will be used both by Student Affairs and as a teaching arena; a 100-seat studio theatre, to be used by the Film, Television, and Theatre Department for production workshops; and a 100-seat organ choral hall.

The Chemistry Research Facility, at 15,600 square feet, is the next project slated for groundbreaking. It will provide laboratory and research space, 10 faculty offices, and house multiple NMR magnets. After groundbreaking in November of this year, Fr. Scully said he expects construction to be completed in 18 months to two years. The projected cost of the Chemistry Research Facility is \$6 million.

Fr. Scully continued that, like the Center for the Performing Arts, a third building now in the execution stage—the Science Learning Center—is a very ambitious project. This facility is one that has been at the heart of the University's aspirations academically for some time. It presents Notre Dame with the opportunity to make significant advances in the sciences. The administration has selected the site northeast of the stadium and the architect is attempting to determine the construction management firm. Planning with departments has already begun. Groundbreaking is scheduled for the spring of 2003, with a projected completion date of summer 2005. When completed, the 201,000-square-foot building will contain 40 undergraduate labs for biology, chemistry, and physics, as well as a greenhouse, an herbarium, an observatory, two 250-seat lecture halls, a 150-seat multimedia lecture hall, two classrooms, 22 faculty offices, and the Pre-Professional Studies Office. The cost of the facility is substantial, now projected at \$70 million, but it is being planned as a facility that will still be state-of-the-art for years to come.

A fourth construction project is Phase I of the Hesburgh Library renovation, which will begin in October of this year with removal of asbestos now in the building. Fr. Scully said the administration expects the renovations themselves to begin in May 2002 and to take approximately one year. The renovations involve reconfiguring and opening up the first and basement floors of the Library to make a student life center, as well as making space for the housing of Special Collections, a reading room, and 750,000 volumes of compact shelving. The cost of the renovations is projected at \$8 million.

Another University project, Fr. Scully continued, involves a partnership with

Indiana University to construct the South Bend Center for Medical Education and Transgene Center. To be built at the site of what was the Northern Indiana State Health Facility, just south of campus, this building will house the only public/private cooperative M.D./Ph.D. program. It will be 70,000 square feet and cost \$14 million. While it is anticipated that construction of the Center will begin in the winter of 2002-03, because of the partnership with I.U. the time line for this facility is more difficult to establish.

A sixth construction project involves significant laboratory rehabilitation in the Galvin Life Sciences Building. With a \$2.5 million budget, the University will renovate four labs for parasite research. Two are already completed and the other two will be completed in the next month. In addition, two labs for aquatic research will be completely renovated by January of 2002.

Fr. Scully then discussed the expansion and reconstruction of the Law School—a project that will double the size of the current 100,000-square-foot facility. With a projected budget of \$56 million, the expansion will extend the Law School out to the site currently occupied by the Post Office, which the University will need to relocate. While architectural plans are still in development, the present building essentially will be gutted. Its exterior facade and the reading room will be maintained, but the building will house only the Law School Library. The new south wing will contain classrooms and faculty offices. Because the Law School addition will occupy a well-traveled portion of campus, present architectural plans call for pedestrian and emergency vehicle traffic to flow through large arches supporting the new wing.

Fr. Scully said the final project now approved and in development is the Multidisciplinary Engineering Learning and Research Center. This is a considerable project that will require relocation of the University Club. Prof. Affleck-Graves is chairing a committee to explore the future of the University Club. The building will be 150,000 square feet and have a projected budget of \$56 million. It will house the Undergraduate Teaching Learning Center, as well as several engineering research facilities,

one of which will be the Nanotechnology Center.

D. Academic Projects in the Conceptual Stage. Fr. Scully explained the next set of construction projects are those still in the conceptual stage.

The first is a facility—in development—called the Notre Dame Inn that would replace the Morris Inn as the University's hotel. Fr. Scully said that the Morris Inn, built in the 1950s, has truly been a workhorse for the University and has served it well. While it is structurally sound, the Inn no longer meets the hospitality needs of the University adequately.

The administration's current plans call for the construction of a new inn to be located on the edge of campus in the general area now occupied by the Campus Security Building. That location would allow easy access to the Indiana Toll Road and State Road 933, yet be within easy walking distance of central campus. In addition, it would be near St. Mary's Lake to take advantage of the lake's beauty and character, but set back far enough to preserve the area's bucolic quality. Maintaining the golf course on the other side of the proposed inn, as a nine-hole executive course, also will preserve the green space on this part of campus.

Plans for the Notre Dame Inn call for 220 guest rooms (as compared to 92 at the Morris Inn) as well as 25,000 square feet of conference and meeting space. The conference area would have the technological amenities now required for the kind of conferences the University expects to attract.

Fr. Scully said that plans for the Notre Dame Inn have produced a bit of a domino effect with other buildings, as many of these construction decisions do. The Campus Security Building, constructed in 1945 as a temporary home for ROTC programs, will need to be relocated. The administration is in very preliminary conversations about the construction of a 60,000-square-foot multipurpose facility that would be the new home of Security, the Post Office (the University must locate the Post Office within campus boundaries to preserve its 46556 ZIP Code) and, possibly, some Office of Information Technology functions. The \$10 million budget for

such a multipurpose facility is being built into the cost of the new hotel.

In addition to relocating the Security Building, construction of a new Notre Dame Inn requires a decision on what to do with the Morris Inn. On this, there are three or four different opinions. One is to raze it as the location is prime real estate; however, the many construction projects now under way do not allow the University to create yet another from-scratch capital project. While tentative, the administration's present thinking is to preserve the Morris Inn for the next decade or so, with a \$7 million renovation to create 93 faculty offices and four seminar rooms. Under this plan, the renovated Morris Inn could also house the displaced University Club in the space now occupied by Sorin's Restaurant.

Fr. Scully emphasized that the project for reusing the Morris Inn is still very much in the conceptual stage. Dean Roche, who soon will be receiving an academic space management plan for the College of Arts and Letters, has some thoughts on how to cluster Arts and Letters faculty. While plans for Arts and Letters faculty offices might include the Morris Inn, reuse of the present building is only in preliminary discussions.

Fr. Scully concluded his presentation by presenting two additional aspirations for the University. First, a major gift, to be announced publicly in the near future, will be made to fund new initiatives within the Institute for Educational Initiatives. While it will be several years before this project is completed, it will help meet some of the Psychology Department's need for space, as well as expand dramatically the University's capacity to secure Catholic school needs. Preliminary plans call for the construction of a 50,000-square-foot building with an \$11 million budget.

Second, the Mendoza College of Business has received a gift to construct an area to be called Giovanini Commons in the basement level of its building. This will be a 10,000-square-foot, multidisciplinary and interdepartmental learning space for which construction will begin soon. Projections are for an approximately \$3 million budget and a completion date of 2002.

Fr. Scully thanked Mr. Marsh and his staff for their work on these many construction projects, as well as Dr. William Sexton, vice president of University Relations, who leads the efforts to raise the resources that make the University's construction and renovations possible. He then asked if Academic Council members had any questions about the projects described.

Prof. Brogan expressed concern over parking on campus. In her view, there is not enough parking on campus now, yet she foresees that construction of the facilities described today will reduce even that amount. In addition, present parking configurations often require faculty and students to walk very long distances to classrooms and offices. This is a particular hardship for those struggling with a physical disability and often makes it difficult to arrive for classes on time.

Fr. Scully replied that parking is one of the two or three top concerns of campus planners. He indicated there is a real effort to focus on parking within the major strategic plan he has been working on developing for the campus. The consulting firm of Ayres/Saint/Groves has been hired to take a careful look at the University's current and future parking needs. With its help, his office will be asking all departments for input over the next ten months as the softscape, hardscape, parking, traffic, and vehicular issues of the campus are studied. Members of the Facilities staff will come before the campus community in the spring with a set of proposals that will include student, faculty, and staff parking. In addition, he expects that all the access points to campus will be redesigned, including Notre Dame Avenue.

Fr. Malloy commented that one of the concerns discussed at the officers' level is that eventually the University will run out of land. Parking is one dimension of that problem. Of course, many urban universities have already run out of land and parking space. As these institutions have done, Notre Dame must confront the question of whether parking should be spread out horizontally or stacked vertically. It is very expensive to provide parking in structures, particularly in an environment with harsh winters. Also, because Notre Dame is a

heavily residential university, a unique set of issues exists with regard to parking. All this must be factored into decisions.

In regard to the construction projects generally, Fr. Malloy said that he was very pleased with the hard work that has gone into responding to so many University needs simultaneously. Some in the University community may not see their particular project on the current slate, but he hopes that they will recognize that it is probably next in line. As was said in the last development campaign, people and programs, in the end, count the most. The discussion today has not been about people and programs, but about the places that house them and that provide the equipment and academic resources they need. He invited Academic Council members to bring "big picture" questions and comments to the group's next meeting—the retreat meeting—and to take advantage of today's speaker and guests to ask specific questions regarding construction on campus.

Prof. Delaney asked if any chance existed of closing Juniper Road to automobile traffic.

Fr. Scully replied that he did not know the answer to that question. New campus expansion will be to the east, making the question of closing Juniper Road critical. Last spring, the University did a traffic count on Juniper and conversations with local officials and the community are only in their initial stages. The University is currently working with St. Joseph County officials and the Michiana Area Council of Governments on formulating its proposal. Lou Nanni, vice president of Public Affairs and Communications, is working hard to gain the community's support of a set of proposals regarding traffic patterns at Notre Dame. There will be public hearings, both off and on campus, concerning the proposal. If area governments decide to accept the University's proposal, it will require some reconfiguration of adjoining roads so that neighborhood residents, as well as faculty and staff, are not inconvenienced.

Fr. Scully said his biggest concern over parking is student safety. The new buildings will increase the crossings of Juniper Road by multiples per day. He

worries about numbers of that magnitude crossing a road with heavy traffic.

Prof. Blum asked if a train or shuttle service has been considered for the campus.

Mr. Lyphout answered that the necessity and feasibility of some kind of shuttle is one of the issues being studied by the University's traffic consultant.

Prof. Hatch commented that Emory University, located in a much more urban setting than Notre Dame, had significant parking problems. Administrators there built a very large lot on the edge of campus and initiated a sophisticated shuttle service to central campus.

Fr. Scully said that the University's consultant has implemented five or six very successful parking and transportation plans for campuses much larger than Notre Dame. He is confident that the firm will propose a workable plan for the campus. Members should realize that this is a thorny issue. Different constituencies place different values on proximity of parking. Some in the University community are 20 years old and healthy and do not use their cars every day. Others have different physical characteristics and transportation needs.

Fr. Scully continued that there may need to be some kind of priority setting by way of fees to filter the demand for parking. As it is now, parking at Notre Dame is extremely inexpensive compared to other institutions. As an example, Yale and Stanford, just two institutions faced with parking problems, decided to enhance the paychecks of faculty who do not bring a car to campus.

In connection with the discussion of parking, Fr. Malloy commented that one of the University's faculty members, now retired, was a great advocate of bicycling on campus.

Prof. Aldous asked if the plan showing how the campus will look with all the new construction, with the addition of a listing of some of the problems it raises, could be sent to all faculty members. Some faculty members might very well have good solutions to the problems with which planners are faced.

Fr. Scully thanked her for the suggestion. This fall, the campus planning firm will be dividing the campus into four quadrants and gathering with departmental stakeholders in each of the quadrants to discuss planning issues. Faculty will be included in discussions about how this process will work, giving many an opportunity to meet face to face with the consultants.

Before adjourning the meeting, Fr. Malloy said it has been the practice of the Academic Council to cancel meetings when committees did not have sufficient material to bring forth for discussion and resolution. This year, if there is not enough content from the committee work to occupy a meeting, he would like to use the scheduled time to make presentations such as the one given today. This maximizes the exchange of information and discussion about the multiple dimensions of the University and allows decision makers to take full advantage of the presence and counsel of Academic Council members.

There being no further business, the meeting was adjourned at 4:45 p.m.

Respectfully submitted,

John Affleck-Graves

Secretary

Academic Council

September 17, 2001

Members Present: Rev. Edward Malloy, C.S.C., Nathan Hatch, Rev. Timothy Scully, C.S.C., John Affleck-Graves, Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Frank Incropera, Eileen Kolman, Patricia O'Hara, Mark Roche, Carolyn Woo, Jennifer Younger, Jacqueline Brogan, Melissa Rauch, Sonia Gernes, J. Robert Wegs, Joan Aldous, Patricia Blanchette, Teresa Ghilarducci, Susan Blum, Cornelius Delaney, Vittorio Hösle, Ikaros Bigi, Umesh Garg, Mitchell Wayne, Panos Antsaklis, Edward Conlon, Robert Bretz, Dino Marcantonio, Jay Tidmarsh, Alan Krieger, Ava Preacher, Samantha Schmid, Sonja Mapes, Stephanie Arnett

Members Excused: Rev. John Jenkins, C.S.C., Francis Castellino, Jo-

seph Powers (in London fall semester), Kenneth DeBoer

Observers Present: Mary Hendriksen, Dennis Moore, Col. Mark Gehri, Tom Laughner

Observers Excused: Harold Pace, Dan Saracino, Julia Dayton

Fr. Malloy called the meeting to order at 4:05 p.m. Prof. Hatch offered a prayer.

1. Remarks of Fr. Malloy. Fr. Malloy said that he would devote the first part of the meeting to offering some reflections on the tragic events that occurred on Tuesday, September 11, in New York City, Washington, D.C., and Pennsylvania.

Having listened to many hours of television commentary and having read endless newspaper accounts, there are still few words available to describe the experiences of that day. Just as those who were alive at the beginning of the Second World War remember where they were when news came that Pearl Harbor had been bombed, and members of a certain generation remember where they were when they learned that President Kennedy had been assassinated, surely, September 11 will have the same significance for all alive today.

Fr. Malloy said he learned that a plane had crashed into the World Trade Center after a telephone call from his secretary. Of course, at that time there was much that was unknown and much that was still unfolding. He had a meeting scheduled at 9:30 that morning with some of the people who report to him, and it was decided to expand the meeting to include members of the officers' group and others who might have some special expertise to offer as the University began to chart its course of action.

The group made the decision to cancel classes at the University and to declare September 11 a Day of Prayer. It was also decided to make the main University event of the day a Mass, to be held on the South Quad. Much hard work and committed spirit went into that event. For him and all those who attended the Mass, Fr. Malloy said it will stand as one of the moments in Notre Dame's history that will always be remembered not simply because so many gathered on the Quad, but because of

the spirit of those present and the cross-section of the community they represented.

Expecting a fairly large loss of life of parents of students, as well as of recent graduates, Fr. Malloy and the Officers Group immediately put into place support systems to help students and others in the University community who might face a personal loss. While nearly everyone was affected by the tragedy in some way, in the mysteries of Divine Providence, there were relatively few students or faculty who experienced losses in their immediate families.

In the days following September 11, Fr. Malloy said he knew that many faculty incorporated in some way or another their reflections about the tragedy and attempted to respond to the needs of individual students. He and his Sunday evening seminar students spent the first half of class talking about the terrorist attacks and their aftermath. Most students said that other classes provided a similar opportunity. There were larger scale academic responses and reflections. Fr. Malloy indicated that he heard very fine reports both about their turnout and the nature of their conversations.

From the beginning, Fr. Malloy said he and the University's officers were concerned that some students on campus might be categorized because of their appearance, background, or names. One of his students, who is of Indian birth, mentioned in class that friends at other schools had been subjected to some unfortunate experiences the week following the attacks. Fr. Malloy indicated that he did not know of any incidents of that nature at Notre Dame. Members of the administration had regular meetings with representatives of the Muslim student group. Although that group's members shared high levels of anxiety, their reports had been positive.

Fr. Malloy said that speakers tried once again to affirm the common identity and the common sense of responsibility of all people during the Sunday evening's prayer vigil and march from the Grotto to the reflecting pool following the Tuesday attacks. Indeed, anyone who had seen photographs of those who died in the Twin Towers, or who had heard reports of their backgrounds,

knew that there were people of every continent, stage of life, and socioeconomic position.

Fr. Malloy recounted that in the days immediately following September 11, another set of decisions needed to be made about athletic and extracurricular events. He was in regular communication with the University's athletic director, Kevin White, who was in contact with his peers nationwide. Officials of the Big East Conference decided to cancel all sporting events through Sunday, September 16. This decision affected several events for Notre Dame teams.

The other looming decision had to do with the Saturday, September 15, Notre Dame-Purdue football game. The game was scheduled to be played at Purdue, which complicated the decision. While air travel was not an issue because this was a game to which players would travel by bus, Notre Dame expressed its desire to postpone the game, even though at that time the Big Ten Conference had decided to proceed with scheduled games. However, Purdue officials agreed and the game was rescheduled for December 1.

Through the University's Counseling Center and Campus Ministry, the administration provided various kinds of support services for those who might be grieving or anxious. The reports Fr. Malloy received were that while there were not large numbers of students experiencing distress because of deaths in their immediate families, there had been many conversations about the events of September 11. Fr. Malloy said that the terrorist attacks and the political situation in general will produce different levels of anxiety in students. Just the Sunday before the tragedy, his seminar class had read and discussed Nevil Shute's novel, *On the Beach*, which was written in the 1950s. The novel's basic theme is the misreading of evidence in a highly armed world, the resulting nuclear war and that war's after ath. One of the students in Fr. Malloy's class who had been a bit reluctant to join the discussion relayed that one of his fears on September 11 was that the events of the novel would be replicated in real life.

While loss of life in the immediate University community was less than initially feared, many connected to Notre

Dame have been profoundly affected. Philip Purcell, a University trustee, heads the firm, Morgan Stanley Dean Witter & Co., in which a number of employees were killed. Patrick Ryan, the husband of Shirley Ryan who is on the Board of Trustees and the father of a current Notre Dame student, heads a firm, AON, that employed the largest number of people in the World Trade Center buildings. Many of that firm's employees were also killed. This is another aspect of events that affects the University community.

Fr. Malloy reported that the terrorist attacks had affected operations at Notre Dame as well. As the University prepared for the home football game against Michigan State on September 22, the administration sought out the very best advice for security preparations aware that travel to and from the campus for academic and sporting events would most likely be affected.

Some at the University were acquainted with a few of those involved in making decisions for the country. Condoleezza Rice, the President's National Security Adviser, is a Notre Dame graduate. Fr. Malloy said he knows many join him in hoping and praying that those entrusted with grave responsibilities discern the right course of action for the country.

In conclusion, Fr. Malloy thanked the many people who worked together during the past very difficult week. It had been extremely troubling to witness the enormous amount of human pain and suffering caused by the terrorist attacks. Fr. Malloy acknowledged an e-mail he received from Prof. Bigi urging the administration do all it can to ensure that every member of the University community was treated well. He assured members of the Academic Council that he will continue to do all he can to create an inclusive environment on campus.

Fr. Malloy asked Fr. Mark Poorman, vice president for Student Affairs, to comment on the student dimension of the tragedy. Fr. Poorman said the goal of his office was to make sure that as news came through on September 11 and the days following, the safety net in place for students, as a matter of course, was strengthened. The University is very fortunate in that its undergraduates, and even its graduate

students, were able to turn to many people on campus for support and guidance. In particular, the rectors and assistant rectors were invaluable the week following the tragedy. Staff members of the Counseling Center were available extra hours, including late-night hours, for students. Campus Ministry also played a key role, not only by providing additional support in its offices in the Coleman-Morse Center, but by helping to plan the Mass of September 11 and the candlelight vigil of September 16.

Prof. Brogan shared with the council one very interesting response she had was from a former student, a senior, who said to her that the tragic events of September 11 had made her change her mind about being at Notre Dame. The student told Prof. Brogan that she had "always hated" it here, saying "I don't know why I came, and do not know why I stayed." Yet, the student said the response of the University to the tragedy and the conversations she has had on campus after it made her realize that she "would not want to be a student anywhere else now."

Prof. Brogan said her students happened to be reading Flannery Connor's *A Good Man is Hard to Find* during the week the terrorist attacks occurred. The thesis of the book is that horrendous and unexplainable violence can sometimes lead to a moment of grace. Before September 11, she had asked the students to write a one-page paper examining their own lives to find a moment that would confirm that thesis. By the time of Thursday's class, a few days after the attacks, the students were able to hold a serious, thoughtful discussion on what possible good could come from the tragedy. The class also discussed the possibilities of prejudiced reactions to those from the Middle East or of Middle Eastern ancestry and the concern that the terrorist attacks could produce a backlash of violence in the United States, in addition to possible feelings of vulnerability by other minority groups as well during this time. Prof. Brogan added that members of other minority groups may feel vulnerable during this time as well.

Prof. Brogan asked two questions: First, while the University has a good support system in place for students seeking

counseling or help in dealing with anxieties, what services are provided for faculty? Second, during the Gulf War the University trained faculty in the process of helping students determine whether they might seek conscientious objector status. Has there been any thought to beginning that training again?

Prof. Hatch answered the first question and said while the Counseling Center is primarily for students, faculty seeking help should do so by following procedures in the health plan to which they subscribe.

Fr. Malloy answered Prof. Brogan's second question by stating that there are many different ways the situation with the military may affect Notre Dame students. Obviously, while the ROTC students would be most immediately affected by a call for military action, the University has always tried to provide support to all of its students.

Prof. Preacher asked if there is a University policy to handle students who are reservists called to active duty. Prof. Hatch said he would look into the matter.

Prof. Bigi clarified the content of his e-mail message to Fr. Malloy. In the message, he asked for a call for continuing tolerance and acceptance of people of different backgrounds and said he was quite impressed by some of the words spoken during the Mass on the Quad on September 11, particularly the statement that the voice of Notre Dame should be a voice for society at large.

Fr. Malloy said he observed that across the nation many of the religious services held the week following September 11 were very deliberately interfaith in nature. Likewise, at Notre Dame, tolerance and acceptance continues to be a theme of activities. At a Mass Fr. Malloy celebrated on the evening of September 16 in Lewis Hall, some of the students passed out small pieces of white cloth with a prose message attached. The message urged not only acceptance, understanding, and tolerance but stated that the differences among people should be savored. That kind of initiative is only one that has flowed out of students grappling with the events of September 11.

Col. Gehri said that he has been impressed by the actions of Notre Dame's Air Force Cadets in the wake of the tragedy. The contracts they signed only a short time ago now mean something very different. He had expected that some students, perhaps drawn to the ROTC program primarily because of the tuition benefits it provides, would find their way to his office and attempt to extricate themselves from the program. That has not occurred. In fact, students have approached him to say that they are happy to belong to the ROTC.

Col. Gehri continued that Fr. Dendinger (Major General, Retired) chief of Air Force Chaplains, spoke to the Notre Dame cadets on September 15 this past Saturday to help them sort through some of the tough questions they now face. The University is doing much in that effort as well. No matter what various members of the University community may think about the presence of the ROTC on campus, Col. Gehri said, he feels it is important to remind everyone that there is no group more aware of the decisions that must be made or who relishes the possibility of the use of force less than those who might be asked to wield that force.

Ms. Schmid asked if the University administration had given any thought to the future of its programs abroad or whether students now studying throughout the world would be called home. Several students have expressed to her their concerns on this matter.

Prof. Hatch replied that he has asked each program in International Studies to have plans in place for sending students home if the political situation becomes more serious. At this point, however, he does not feel that any Notre Dame students are in danger and there are no plans to call them back to campus. Of course, no Notre Dame students are now in Israel but that is due to events there in prior years.

Prof. Brogan asked Fr. Malloy whether he might discuss the events of September 11 or the political situation in general with President Bush or his advisors as they consider the consequences of United States military action. Might there be an opportunity for his voice?

Fr. Malloy replied that he had spoken to Condoleezza Rice on Friday, September

4, who returned a telephone call to him placed before the terrorist attacks, but did not discuss any specifics of the events of September 11 or the present political situation. He did express to her that many in the University community were concerned for her safety and were offering prayers for her in connection with the role she plays in the nation's future. Only time will tell whether, as they plan the nation's course of action, Ms. Rice or others in the President's administration will seek his counsel or that of various members of the University community.

Fr. Malloy then began discussion of the strategic planning process that will be used at the University in preparation for the next institutional accreditation process and the next development campaign. First, the Steering Committee, for which Fr. Malloy serves as chair, has been selected. Members include three members of the faculty elected from the Provost's Advisory Committee: Profs. Robert Bretz, Alex Hahn, and Jay Tidmarsh. In addition, he has appointed four faculty members Profs. Scott Appleby, Joan Brennecke, Fran Hagopian, and Naomi Meara, and six administrators—Prof. Nathan Hatch, Fr. Tim Scully, Fr. Mark Poorman, Prof. John Affleck-Graves, and Mr. Scott Malpass.

The purpose of the Steering Committee is to frame the planning process, provide the context for planning, and identify and charge the various planning units. Committee members will seek input from a variety of sources, including the Provost's Advisory Committee, the Academic Council, and the Faculty Senate. It will try to complete the initial phase of its work by the end of this semester. The most comprehensive and significant planning activities will occur this spring and fall at the level of the various colleges and schools.

For its task of framing the planning process, the Steering Committee has established three subcommittees: finance and fund-raising (chaired by Scott Malpass), research challenges and opportunities (chaired by Prof. Jeff Kantor), and the future of higher education (chaired by Dean Carolyn Woo). These three committees will assist the

Steering Committee by helping to establish the content within which University planning will take place. They will issue preliminary reports by the end of November. Final reports are scheduled to be disseminated by mid-March 2002.

Separate from these three committees is a committee formed to undertake a substantive review of the University's curriculum. The type of careful review with which it is charged takes such a long period of time that the Steering Committee has given the process a head start by constituting it early in the entire strategic planning process. Eventually, the Curriculum Committee, chaired by Fr. John Jenkins, will report back to the Academic Council.

Fr. Malloy explained that once the planning units have completed their work the Steering Committee will prioritize and narrow their recommendations in one final report. His goal is to have the final report ready for presentation to the Board of Trustees by May 2003.

Fr. Malloy reiterated that the strategic planning process will call for a wide cross-section of contribution and that much of the intense labor about particular details will take place at the college level. It will be the responsibility of the deans to oversee that process and to frame it by academic unit. Of course, there will be other entities, academic and nonacademic, that will participate in the strategic planning process as it unfolds.

Prof. Antsaklis asked how the planning process just described compares to that used 10 years ago.

Prof. Hatch said that the major difference is that this plan focuses on the colleges and other strategic units. The last plan had one large committee for academic matters, which then went to the colleges. This plan will be more finely grained at the college level.

Fr. Malloy explained that previously he appointed all the members of the committee and it was divided generally by officer area. The units, intended to represent a cross-section of the University, reported back to an Executive Committee that issued the final report. The important difference between the processes is that now the Steering Committee and its subcommittees have a role in naming the strategic units for

planning and in setting the parameters in which they will work. Thus, connections can be drawn immediately between needs of various units and the cost and complexity of fulfilling those needs.

A good example of why those connections should be made is the goal set during the last strategic planning process to hire 150 new faculty members. When that goal was made, no dollar figures were connected to the new faculty except the cost of their salaries. Benefits, office space, capitalization costs, library costs—none of these additional costs were considered. Thus, the process was better at identifying focused needs throughout the University than at drawing connections between fulfilling the needs and the full array of their cost. With the new strategic planning process, the connections should surface from the very beginning.

Concerning the University's budget and new capital campaign, Fr. Malloy said that there is much sobering news in the economic outlook. Even before the tragedy in New York, the economy was not strong. There is a whole new layer of concerns now. How many people have been laid off who are trying to pay a Notre Dame tuition? How many people in the airline and hotel industries will be entering difficult times financially? These are all questions the Steering Committee must consider as it looks at the goals the University's various units set.

Fr. Malloy concluded his presentation by stating that he believes the strategic planning process will serve the University well. It will take intensive activity, but it should be a good process with a good result.

2. Remarks of Prof. Hatch. The *Academic Articles* require a formal review of the provost every five years. Prof. Hatch thanked the members of the committee that completed his review last spring: Profs. Naomi Meara (chair), Ikaros Bigi, Ed Conlon, Teresa Ghilarducci, and Joe Powers. Prof. Hatch said that while it is always bracing to have one's own performance put under the microscope, he thinks the review was carried out in very good will. The committee's report was substantive, frank, and constructive, and he appreciates the forthright suggestions for

improvement it contained. As a result of the review, he has identified three areas on which to focus:

(1) Enhancing the service and efficiency of the Provost's Office.

The University has grown tremendously in its scale of complexity. It is a complexity that, at times, outstrips the kinds of systems in place. In the coming months, Prof. Hatch's office will examine its financial system, and other systems as well, to see what improvements should be made. The new associate provost, John Affleck-Graves, will head up this effort, and he will most likely hire a new professional to assist in the task.

(2) Communicating with the faculty more effectively and in a timely fashion.

As one way of meeting this goal, he is considering publishing a newsletter out of the Provost's Office that would inform faculty of new directions, policies, and events across the University that often seem to come late to their attention.

(3) Efforts to fulfill this goal can be incorporated into the strategic planning process now in progress.

In addition, this fall, Prof. Hatch is holding a series of nine or 10 dinners with endowed chairs at the University to brainstorm about Notre Dame's future.

Apart from activities undertaken in response to the review, Prof. Hatch said that some of his main priorities this year are:

(1) Completion of two senior searches:

The University must appoint a new dean of the College of Science and a new chair of the School of Architecture. The search for the dean is well underway; he hopes to have that appointment made by Thanksgiving. The search for the chair of the School of Architecture will begin shortly.

(2) The issue of faculty governance:

Given the recommendation of last year's Faculty Senate to dissolve itself, the Provost's Office, working with the Academic Council, will make the issue of faculty governance a priority this year. The Executive Committee of the Academic Council has remanded the issue of faculty governance to the Faculty Affairs Committee.

(3) **The budget:** Even before the events of September 11, Prof. Hatch said the coming academic year would have been a year of limited budget growth. There has been tremendous growth in the budget over the past five years. In the past three years, there has been more new academic money than ever before. In 2000-01, for example, there was \$11 million of new add-ons to the budget at the same time that Notre Dame's tuition increase was the lowest it has been in a decade. The Board of Trustees wants the administration to keep tuition increases less than five percent.

Over the last six years, Prof. Hatch continued, the academic and general budget has increased from \$200 million to \$300 million. A third of that increase had to do with new kinds of sources, such as endowments. Thus, it was not based on tuition. The University has now taken nearly all of this sort of financial income into the budget. With forecasts for markets in the future less than strong and a plan to hold tuition increases to less than five percent, there will be a much more limited context for growth at the University.

Dean Woo commented that, in response to Prof. Hatch's remarks on enhanced service and efficiency in the Provost's Office, she wants to point out many of the issues that concern faculty in this regard are University-wide. The systems in the Office of the Provost merely flow into larger systems. Thus, all the systems at the University—not just those in Prof. Hatch's office—need examination and streamlining. Furthermore, beyond changes to systems, a change of attitude on the part of both faculty and administrators would go a long way to allay concerns here. Faculty members are frustrated at times by what they perceive to be layers and layers of rules and procedures—some of which they can remember, some of which they never knew, and some of which seem to be in place only to make life difficult. Administrators at times feel as if the faculty trying to circumvent the rules they have put in place to avoid chaos. Faculty developing a greater appreciation of why certain procedures must be followed, and administrators showing more clearly that the goal of their work is to support the faculty so they can succeed in *their* work, would do much to resolve this issue.

Prof. Hatch thanked Dean Woo for her comments and agreed that the University's computer systems do need a great deal of work. There are several computing systems at the University in addition to the academic computing system, Human Resources, the financial system, the Development system, and the whole student system. Most likely, all will need to be rebuilt in the next five years. That will be a major cost, but the University is large enough and complex enough that it must have strong underlying platforms.

3. Clarification of the Implementation of the New Dean's Honor List Requirements. Prof. Bigi reported that he had received several calls and e-mails from students objecting to the application to sophomores, juniors, and seniors of the new dean's honor list requirements passed at the Academic Council meeting of February 16, 2001. [A resolution was passed at that meeting to amend Section 21.1 of the Academic Code to restrict dean's honor list awards to students who carry at least 12 graded credit hours and have a grade point average (G.P.A.) set so that the list includes approximately 30 percent of the students in the college or school. The requirement before the amendment was a minimum of 12 graded credit hours and at least a 3.400 grade point average.] The students who contacted him had received a letter from the Registrar's Office informing them of the change. Prof. Bigi asked what he should tell the students. Is there an appeal process they could begin?

Prof. Garg said that he, too, has begun to receive complaints from students. He believed that the amendment to the dean's honor list provisions was meant to apply only to students entering the University in 2001 and subsequent years. The most complaints have from seniors who suddenly find that they must reach a 3.7 G.P.A. in the College of Science and a 3.77 in the College of Arts and Letters before earning a place on the dean's list. Part of the problem is the way the students were informed. It is a question of communication and conversation.

Dean Roche said that the council made two changes in the honors system last year. The first involved Latin honors, Dean Roche clearly recalls that decision

was to go into effect for students entering the University in 2001. Although he does not recall the date the amendment to the dean's list requirements was to be applied, go into effect, the question can be resolved by checking the minutes of the meeting. If the minutes do say that the amendment affects only first-year students, the council should ask Dr. Pace to retract the changes. If the minutes say otherwise, then the students should be sent a copy of the minutes to demonstrate that there was a reflective process in which many issues were raised, students had an opportunity to address certain concerns, and votes were taken.

Dean Kolman said that she was always under the impression that the University would implement the new dean's list requirements on a rolling basis, beginning with the students who entered the University in 2001. She was surprised when Dr. Pace said the amended requirements would apply to all students, but he checked the minutes and they do not say one way or another when the change is to be implemented. It would be much easier if the amendment does apply only to first-year students. The newsletter her office released in August explained that the dean's honor list will include the top 30 percent of first-year students, which should be somewhere between a 3.5 and 3.6 G.P.A.. Dean Kolman said she never recalls the vote being "and we'll put this into effect in the fall for every single student."

Prof. Hatch said he shared Dean Kolman's assumption that the amendment was to apply in this academic year only to first-year students.

Prof. Preacher commented that she, too, was under that impression and if it is otherwise, then she has misinformed students.

Prof. Garg said that the resolution as passed did not specify when it was to go into effect. What is distressing to students is that the change came as a total surprise.

Fr. Malloy indicated that he will consult during the committee meetings and make a recommendation before the end of the meeting. The matter may need to be remanded to the Executive Committee.

Prof. Blanchette asked whether a brief poll should be taken to see how many members here today who were also present at the meeting of February 16 recall clearly that the amendment was meant to be applied this year only to first-year students. If that is the sense of members, then perhaps the thing to do to apply it only to first-year students.

Fr. Malloy said he will review the minutes while the committees meet.

Ms. Rauch who works in student worker who said she worked the Registrar's Office, reported that Dr. Pace told her that the reason it was decided to make the new requirements apply across the board is that students from all years have classes together, and it does not make sense to have a different bar for students according to their class year.

Dean Roche said that as Fr. Malloy researches the matter, the minutes will certainly be one source to consult. When motions are introduced, however, the committee often distributes to members a one-page printout along with its presentation. That document may state the committee's intentions about how the requirements were to be implemented.

4. Committee Structure of the Academic Council. Dean Roche said while the Academic Council's Undergraduate Studies Committee tends to be busy each year, and the Faculty Affairs Committee has already received a few requests for consideration of particular issues including the very complex question of the Faculty Senate and its role in University governance the third committee, the Graduate Studies Committee, has a somewhat unusual status. The council made the decision a few years ago to no longer send items that were approved by the graduate council to the Graduate Studies Committee. Thus, at last year's final Academic Council meeting Prof. Garg, the committee's chair, explained that the Graduate Studies Committee functions primarily as an advisory committee for the vice president for Graduate Studies and Research.

Dean Roche said he thinks it may be the appropriate time to think about the role of the Graduate Studies Committee in relation to the council as a whole. He

does not know whether the current committee structure exists because of provisions in the *Academic Articles* or through convention. If the committee does not have a full agenda this year, he would recommend an examination by the committee itself of its role and the consideration of its replacement by a different committee. It may be a good idea to take a look at other universities to see how their councils subdivide into committees. A change may involve deciding that the council's third committee should deal with issues now considered part of the undergraduate affairs committee, or it may be decided to have it consider issues of residential life, transform itself into a rules committee, or take on some other form altogether. Thus, he would ask that the Graduate Studies Committee help the council think through the relationships between the three committees and the relationship between each committee and the council itself.

Fr. Malloy said that the committee structure of the council is designed to energize it by subdividing responsibility and providing a vehicle to bring matters forward. The council could have five committees if it so chose. He knows that Prof. Kantor has a proposal regarding the relationship among the council's three committees. It may be that discussion of his proposal will lead to a decision either to enhance the role of the Graduate Studies Committee or to reconfigure the committee structure altogether.

Prof. Garg said it is true that the committee's agenda may not have been as full as that of the Undergraduate Studies Committee. There were, however, many issues that were considered and discussed—for example, the application of the Latin honors and dean's list requirements to the Law School and the Mendoza College of Business. In addition, and very importantly, in the dialogue committee members began last year with graduate students, they learned there are many issues the officers of the graduate student union want the committee to address. Members have begun examining some of these issues, with much work occurring over the summer. While it is true that the committee's role has changed since the decision not to have it review every

resolution of the graduate council, the general idea is that the Academic Council will give to the committee any issue involving graduate students it wants examined.

5. Election of an Additional Member of the Executive Committee. Prof. Hatch explained that Prof. Ghilarducci, elected to the Executive Committee at the last meeting, felt she could not serve on the committee this year due to family issues. Thus, the council must elect another member to take her place. A vote was taken and Prof. Gernes was elected to the Executive Committee.

6. Minutes of the Academic Council Meeting of April 23, 2001. The minutes of the Academic Council meeting of April 23, 2001, were approved without amendment.

7. Announcement by Dean Kolman of Richard Light's Visit to the University. Kolman announced that Richard Light, a professor at Harvard in both the School of Education and the School of Government and the author of a book released last spring *Making the Most of College: Students Speak Their Minds* will be on campus October 29 to give a major address and to meet with smaller groups of faculty and students. Prof. Light has spent the last ten years talking to students to find out what makes the difference between a good undergraduate experience and one that is not as fulfilling. At orientation this year, each of the first-year students received a reprint of a review of the book that highlighted the author's 10 main points. In connection with its sponsorship of Prof. Light's visit, the Provost's Office is making his book available to faculty. Dean Kolman offered copies of the book and review to all members of the Academic Council. She said the book contains many good, simple strategies for making teaching more effective and students' experiences more rewarding. She also said that each of the colleges has been represented on the Steering Committee that is working to get discussions going among faculty to implement Prof. Light's ideas on campus.

8. Status of the Faculty Senate. Prof. Brogan reported that despite the confusion produced by a vote last year to dissolve the Faculty Senate in a very complicated discussion and vote, the newly

elected senators voted by a majority to maintain the senate. This summer, faculty formed an *ad hoc* committee to discuss organizational reform in the senate. Members met with Fr. Malloy, Prof. Hatch, deans, and other faculty, and a great deal of energy was generated with commitment from both sides. The *ad hoc* committee will meet on September 18 and present its recommendations to the Academic Council's Executive Committee.

9. Committee Reports. Members of the Academic Council divided into the three standing committees of the council to determine their agendas for the year. When the groups returned to give their reports, Fr. Malloy announced that he would remand the issue of the timing of implementation of the new Dean's Honors List requirements to the Executive Committee, which will discuss the matter with Dr. Pace. Executive Committee members will decide whether they want to decide the issue themselves or bring it back to the full council.

(a) **Graduate Studies:** Prof. Garg said the committee would take up some issues of organization, but members feel that the committee has an important role to play in issues before the council. The Law School and other professional schools are represented on the Graduate Studies Committee. Also, it serves as a voice for graduate students. If the committee is disbanded, members feel that it would send the wrong signal to graduate students. The committee will study a proposal by Prof. Kantor to examine how the committee can work with the Graduate Council.

(b) **Faculty Affairs:** Prof. Delaney reported that the committee had agreed on seven agenda items, including the status of the Faculty Senate.

(c) **Undergraduate Studies:** Dean Roche stated that the committee has established three subcommittees. The issues they will take up include scheduling, the honor Code, whether to establish a mechanism to require students enrolled at the University for five to six years to graduate, increased opportunities for experiential learning, academic advising, equity in tutoring practices (some colleges have more extensive tutoring programs than others) and study abroad.

There being no further business, Fr. Malloy adjourned the meeting at 8:15 p.m.

Respectfully submitted,

John Affleck-Graves
Secretary

Academic Council

October 16, 2001

Members Present: Rev. Edward Malloy, C.S.C., Nathan Hatch, Rev. Timothy Scully, C.S.C., John Affleck-Graves, Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Eileen Kolman, Patricia O'Hara, Mark Roche, Carolyn Woo, Melissa Gernes, J. Robert Wegs, Joan Aldous, Sonia Rauch, Patricia Blanchette, Susan Blum, Cornelius Delaney, Vittorio Hösle, Ikaros Bigi, Mitchell Wayne, Robert Tidmarsh, Alan Krieger, Ava Preacher, Samantha Schmid

Members Excused: Rev. John Jenkins, C.S.C., Francis Castellino, Frank Incropera, Jennifer Younger, Jacqueline Brogan, Teresa Ghilarducci, Joseph Powers (in London fall semester), Panos Antsaklis, Edward Conlon, Dino Marcantonio, Stephanie Arnett

Observers Present: Mary Hendriksen, Dennis Moore, Col. Mark Gehri, Lora Spaulding (for Harold Pace), Dan Saracino, Tom Laughner, Julia Dayton

Observers Excused: Harold Pace

Guests: Scott Malpass, vice president for Finance and chief investment officer; Joseph Russo, director of Financial Aid; John Sejdinaj, assistant vice president, Finance and director, Budgeting and Planning; Gordon Wishon, chief information officer

Fr. Malloy called the meeting to order at 3:05 p.m. Prof. Hatch offered a prayer.

1. Approval of the minutes of the Academic Council meeting of August 30, 2001. The minutes of the meeting of August 30, 2001, were approved without amendment.

2. Information Technologies at the University. Fr. Malloy said that today's meeting will feature presentations on two subjects—information technologies

and financial aid—that have a profound impact on the present and future of the University and its faculty, staff, and students.

Prof. Hatch introduced Gordon Wishon, the University's new chief information officer. Mr. Wishon comes to Notre Dame from Georgia Tech where he held a comparable position. At Georgia Tech he was responsible for reworking that institution's computing systems and developing what is widely recognized as a superb computing environment. During his tenure at Georgia Tech, Mr. Wishon was also involved in setting up the technology infrastructure for the Summer Olympics of 1996, during which the Georgia Tech campus served as the Olympic Village. Mr. Wishon joined the University in August of this year and has been asked today to present his preliminary assessment of computing systems at Notre Dame.

Mr. Wishon said that he first wanted to thank the University community for the warm welcome he has received. In the few weeks he has been at Notre Dame, he has had an opportunity to meet with all of the deans and some of the faculty. He looks forward to meeting more faculty members and receiving their input on strategic uses of information technologies to support the teaching and learning objectives of each department and to solve the many computing support problems that exist on campus.

Mr. Wishon began his presentation by stating that he believes the university's computing environment is the most challenging Information Technology (IT) environment in existence. The complexity, range, and diversity of requirements in a university IT environments present a set of challenges not commonly found in those of corporations or other not-for-profit settings.

Wishon said that there are some wonderful things happening at Notre Dame in the IT field. He particularly applauds the initiatives taken to establish a set of resources and a funding pool that is applied to capital refreshment of hardware and software in the campus computing environment. This is an issue with which many institutions continue to struggle. The campus workstation program is a second area he finds to be carefully considered and established.

The foresight of University administrators in this area will be rewarded in avoiding a number of problems often associated with managing technology at the desktop in both academic and administrative areas.

There are, however, a number of areas that have not received sufficient attention in the past. Many of these relate to issues of the infrastructure in place within the Computing Center/Math Building, now the Information Technology Center, particularly the legacy Hewlett Packard (HP) platform:

Business Continuity Planning. Business continuity planning is insufficient in many regards. There has been insufficient attention paid to disaster preparedness and disaster recovery capabilities—both in terms of computer architecture and Notre Dame's staff. This is an area identified in previous audits as containing many deficiencies and it needs attention so that the campus will have a more reliable, supportable, and survivable underlying infrastructure.

Security. A second area pointed out for attention in previous audits is security. The proliferation of recent viruses is a reflection of the fact that, again, the campus has many vulnerabilities in its underlying infrastructure. Vulnerabilities are particularly acute in the area of virus protection. Mr. Wishon emphasized that the campus is also at substantial risk from other kinds of technological intrusions. Researchers, faculty, administrators—all in the campus community—are now at risk of loss, theft, or corruption of data and sensitive financial information. The University is at risk as well from the possibility of its computing resources being used as a launching pad for attacks on the Internet. Those kinds of attacks present a substantial financial risk to the University if it does not take appropriate and prudent preventative measures.

Aging Legacy Platform. Most of the University's administrative computing applications reside on an outdated legacy platform that will reach the end of its useful life within the next two to five years. Thus, very soon the University must begin to develop an approach or strategy for replacing or rehosting its core administrative and academic support functions.

Problematic Centralized File System Architecture. The University has problematic, centralized file system architecture. The system and the NT@ND solutions were really efforts to solve something that may no longer be a problem with some of today's current architectures. Mr. Wishon has asked his staff to take a very close look at this area.

Staff Qualifications and Salaries. Mr. Wishon continued that another area of concern for him is the qualifications of OIT staff members, particularly, whether the current staff has a range of skill sets to support a more complex system architecture than exists at the University today. In some cases, because of budgetary constraints, training of staff members—even in some critical technical disciplines—has been withheld. Thus, by the time of the start of the next budget cycle, some of those staff members will not have received training for a period of 18 months. In an environment that is so dynamic that changes in the field can be measured in hours, 18 months is a very long time to elapse without training.

Classroom Infrastructure, Application Software, Database, and Web Architecture Standards. Mr. Wishon said he believes that application software standards are being ineffectively applied at the University. While Notre Dame's centralized approach to technology support offers some opportunity for lowering costs through controlling the number of applications, the standards that are in place are applied ineffectively across the institution. Furthermore, there are no comprehensive database standards or common database platforms on which to build administrative and academic applications. While OIT is beginning to take advantage of the emergence of the Web as an effective mechanism for delivering services and support, this is an area in which Notre Dame can do better. The Office of Web Administration has done much for both administrative and academic units in beginning a dialogue about how best to utilize Web technologies. Again, it is Mr. Wishon's sense that the University can improve, particularly through the application of a set of content management tools that would allow the OIT to

develop a consistent methodology using the Web to create content and then to place it on line.

Inadequate Network Capacity. Mr. Wishon said it will come as no surprise to those who have experienced the periodic loss of access to the Internet that he believes Notre Dame's network capacity is inadequate. There is now a plan in place to deal more effectively with the potential loss or temporary outage of the University's primary Internet service provider. In fact, OIT is pursuing a redundant Internet connection for the campus that should be in place very soon. However, in addition to inadequate Internet connectivity, there are areas on campus in which network capacity is insufficient. It is inadequate as well to sustain the kinds of bandwidth demands necessary to support such technology as streaming video and desktop videoconferencing. In addition, OIT has yet to put together an effective, consistent, and comprehensive approach to utilizing wireless technologies on campus to support a more mobile population of students and faculty.

Restructuring OIT. Finally, Mr. Wishon said that he believes a complete restructuring of OIT is necessary. The current structure presents certain barriers to effective performance and communication. He believes a realignment of functions and a refocus on customer service is necessary for improvement.

Mr. Wishon then presented several issues important for further study and discussion:

Student Computer Ownership. This is an issue that has been discussed several times at Notre Dame. Many campuses that have implemented student computer ownership policies have experienced very profound changes. Mr. Wishon said that in his experience effective student computer ownership requirements must be viewed as a single element of a multidimensional educational technology strategy for a campus. He is anxious to engage the faculty and the academic leadership in a conversation about this issue.

Wireless Networking/Mobile Computing and Associated Issues. Wireless networking is an area many faculty members have already begun to explore.

This does not extend only to laptops; it also includes issues associated with the use of Personal Digital Assistants (PDAs) and other wireless technologies just now beginning to emerge. For instance, Mr. Wishon read today that as early as 2002, Handspring Corporation will offer a device that offers voice transmission (cell phone service) access, paging, and e-mail all on a single device. One of the conversations the faculty must have is the extent to which those devices will be permitted in the classroom and, if so, under what conditions. There should also be a conversation about how best to take advantage of the capabilities such a device presents.

Other questions to explore are as follows: To what extent should Notre Dame be pursuing a comprehensive wireless strategy for the campus? To what extent will the campus workstation and cluster environment be influenced by a laptop mandate, potentially with a wireless component? Is it possible, for example, that a laptop mandate would reduce the number of general-purpose clusters and enable the University to direct resources now earmarked for them to specialized computing needs of individual departments?

Curriculum-Driven Software Acquisition. Mr. Wishon said he believes that the decisions regarding the acquisition of software should be driven by core curriculum decisions. He would like to develop a process for identifying a set of software applications that are more specialized and can meet the needs of the various departments and then develop an acquisition strategy for the software.

The Use of Television as an Educational Adjunct. Mr. Wishon continued that he would like to examine more closely the use of television as an adjunct to the University's educational program. Many campuses have made an effective use of cable or closed circuit television in residence halls to deliver and augment instruction for students. This is also an effective way of distributing current information about campus activities and events. He thinks it is important to have a conversation on this issue.

Convergence of Library and OIT Support Services. Another topic for further study is the convergence of Library and OIT support services. Mr. Wishon said

that he has been begun working with Jennifer Younger, director of University Libraries, and her staff to address ways in which the University can leverage the skills of both its reference librarians and technologists to better support faculty in accessing information and research materials. They plan to continue the collaboration to develop the program and alignment that is most beneficial to the University community.

Technology Planning Standards/Process for New Construction and Renovations. The final area Mr. Wishon said he has identified as requiring further study is developing a set of technology planning standards and a methodology for ensuring that those standards are applied during the course of new construction and renovations, particularly in the campus classrooms.

Mr. Wishon said that combining his initial assessment of the University computing environment with issues he has identified for further study, he has established several priorities for the coming year:

Rebuilding Capacity. First Mr. Wishon stated he will focus on rebuilding the capacity of our technology infrastructure, including the support staff, or building capacity where none existed. This effort includes several elements:

(1) Addressing issues associated with the University's Maintenance, Upgrade, and Replacement (MUR) Fund, which provides for the periodic refreshment of the campus computing infrastructure, including desktop platforms. While he approves of the general outlines of that initiative, there are certain issues with it that need to be addressed. The fund was not created with a capacity to accommodate increases in the asset base that have occurred since it was established in 1992. There must be an effort to think about how the University is addressing the growth of technology assets through the use of the MUR fund.

(2) Security and Disaster Preparedness: Security and disaster preparedness will be addressed very early, even within the next few weeks.

(3) Underlying Infrastructure Foundations: A third element is close attention to the underlying foundations of the computing infrastructure. This

means addressing the networking infrastructure and the server platforms that exist both in the central OIT facility and those distributed across campus.

(4) Reorganizing of OIT. Mr. Wishon continued that another element of the initial strategy will be reorganizing and restructuring OIT to make it more effective in supporting the needs of the University community. He has heard criticism from faculty members about difficulties in communicating with OIT staff. The reorganization he proposes is intended to deal with that criticism.

(5) Increasing the Quantity and Quality of Distributed Support. Wishon said that he will be examining ways to increase the quantity and quality of the University's distributed support efforts, particularly across the academic departments. He believes OIT can and must do a much better job in this area. The first step will be engaging many of the faculty in a conversation about how OIT can improve its performance.

Crafting a Long-Term Strategy for Core Administrative and Academic Support Systems. While engaged in the effort to rebuild the capacity of the infrastructure, Mr. Wishon said he will also focus on crafting a long-term strategy for core administrative and academic support systems on campus. He will work with academic departments to address some of the current, high-priority issues they have in the computing area. He believes that some effort in this area holds a high probability for quick payback.

Mr. Wishon then asked members for their comments or questions.

Prof. Bigi asked Mr. Wishon's thinking about the future of infrastructure platforms. Is he planning on increasing the homogeneity by limiting the number of platforms allowed or supported?

Mr. Wishon replied that there is a fine balance to be struck between cost effectiveness and utility. He is not in the best position to know the computing requirements of each academic discipline. While there must be a provision in the campus computing strategy for diversity, he must also look very closely at the costs associated with supporting a

high level of diversity. In connection with Prof. Bigi's question, he would like to say that he does not anticipate trying to impose any arbitrary standards for hardware or software across campus departments.

Dean Woo offered a comment on the critical importance of communication between the academic departments and OIT.

First, Dean Woo said that the colleges and departments need to have a very clear sense of the outcomes they can expect from the various initiatives Mr. Wishon has outlined today. Some problems are so multifaceted that parts of them will be addressed by one or another of the initiatives but others will not. Many times, technologists will talk to her and tell her what they will do; however, they do not say exactly of her problems will be solved. Thus, the very first thing to communicate with the campus community about the proposed initiatives is their expected outcomes one year from now—or whatever the time frame may be. Is it increased network capacity? Is it reliability of systems? Whatever Mr. Wishon chooses as priorities, clear communication of the expected outcomes allows the academic units both to track progress and to decide what problems not yet on OIT's priority list they may need to address in the short term themselves.

Secondly, said Dean Woo, there should be a system of logging in complaints and problems. When technology fails, users are not in good humor. The technologists may feel defensive because they feel blamed. A log of complaints will enable priorities to be set.

Dean Woo continued that the third area of communication that needs to be addressed by Mr. Wishon is that between the central OIT group and IT support personnel in the various colleges and departments. This relates to the issue of determining how decentralized IT will be on campus. She knows she speaks for all the deans when she says there is no desire to spend money on technology unnecessarily. Money must be spent, however, when there are pressing needs where the rubber meets the road. Thus, when faculty in the College of Business experience technology failures—with data, e-mail, or with equip-

ment in the classroom—she must respond with her own IT personnel and solutions.

Dean Woo said that it would be helpful to the academic units if they knew what they could count on in terms of the role he wants OIT to play. Does Mr. Wishon want to be in charge of the plumbing? Capacity? Regarding standards, what dimensions does he want to specify? She and the other deans need this information so they can choose how to invest their IT money most appropriately. There also is a need to know in order to maintain coherence in systems. If different people are solving different problems, there is the danger of incoherence.

Mr. Wishon replied that he appreciated Dean Woo's comments but assured her that he, too, understands the critical importance of communication and finding the right balance between centralization and decentralization of IT on campus. When he said a priority is increasing the quantity and quality of distributed support, he means to indicate that he knows OIT can do a much better job here than it is currently doing in providing effective support to the academic units. He believes the deans and department chairs should have more control over decisions made involving their computing environments, as well as some responsibility there. It will be a continuing conversation how the balance will be struck.

Prof. Bretz asked, given Mr. Wishon's concerns about security, what is some practical, short-term advice on whether confidential or highly sensitive data should be stored locally or on the network?

Mr. Wishon replied that confidential data should never be stored on a network. Doing so subjects it to a wide range of vulnerabilities that may not be apparent even to the system administrator of network platforms. He emphasized that security of campus computing systems is one of his highest priorities. Assuming that budgetary issues can be addressed, he expects to be announcing very soon the establishment of a dedicated security officer with a support staff, to bring security up to a higher level. His staff is also pursuing a range of technical solutions he hopes

will mitigate some of the security risks to the computing environment, particularly with respect to viruses. There are technologies OIT can place at the border gateway of the campus network to allow it to detect viruses before they reach individual users and infect the machines of other users. While this does not offer a complete level of protection, they can reduce security risks.

Regarding Mr. Wishon's comments on some extent of convergence of OIT and library staff, Mr. Krieger asked whether he was speaking more of increased communication between the two units or some basic redefinition of the role of each.

Mr. Wishon replied that redefinition of roles is an area still under exploration. Certainly, closer coordination can be an effective way to address convergence, and he is now pursuing some initiatives in that area. With regard to reference librarians in particular, it is very clear that they will need to gain a set of skills for accessing resources on the Web and in a variety of databases that often overlap with those of instructional technologists and, to some degree, with those referred to as "help desk" specialists.

Fr. Malloy thanked Mr. Wishon for presenting his judgments about the strengths and weaknesses of Notre Dame's computing environment and the personnel and resources needed to bring it up to the next level. He said he looked forward to working with him during that process.

Prof. Hatch then introduced four speakers who have been invited to address the Academic Council on the topic of financial aid for students: Scott Malpass, president for Finance and chief investment officer; John Sejdinaj, assistant vice president, Finance and director, Budgeting and Planning; Joseph Russo, director of Financial Aid; and Daniel Saracino, assistant provost for Enrollment.

Mr. Malpass said that Notre Dame has made tremendous progress in the last decade in its financial aid program for students. For many years, the University was not able to meet the full need of its students. In fact, it has only begun doing so in the last four years—primarily because of the tremendous growth experienced in its endowment funds.

The growth of the endowment, both through market returns and the creation of new endowments through fund-raising efforts, has enabled Notre Dame to dramatically improve the financial aid packages it offers, giving parents and students a much wider array of tools to employ in paying for the cost of a college education. In fact, Mr. Malpass said, the interest rates of some Notre Dame loan programs rival those of the federal government.

Mr. Malpass explained that students pay only a portion of the cost of their education. Typically, at a private four-year institution, students pay about two-thirds of the cost. At Notre Dame, tuition is approximately 55 percent of the total operating budget. Thus, students pay, in effect, 55 percent of the cost of their education. If costs were stripped away so that only the cost of core teaching—classroom instruction and costs related to that—were considered, it might be possible to say that students pay as much as 75 percent of their education. Still, he said, the University gives a major subsidy to students. The difference between tuition receipts and actual costs is made up by other campus revenues—principally, revenues from endowment funds, but also bookstore revenues, other unrestricted revenues, and fund-raising revenues.

Mr. Malpass then discussed the topic of “discounting,” which is a common practice at most universities. With it, students who do not qualify for financial aid “subsidize” those who do qualify. Discounts may be as high as 40 or 50 percent, although the average is probably closer to 30 percent.

At most institutions, Mr. Malpass continued, the category of faculty and staff salaries is the largest expense item and financial aid costs are the second. Because Notre Dame has been fortunate both in raising and growing its endowment funds, including the scholarship portion of the endowment, its financial aid program is almost exclusively endowment-based. This puts the University in a good competitive position vis-à-vis its peers.

Notre Dame's endowment is nearly \$3 billion, which makes it the 18th largest endowment in higher education and the largest Catholic university endowment.

The scholarship piece of the endowment is its largest component. At the end of the last fiscal year, June 30, 2001, the scholarship endowment alone was \$776 million, making it one of the largest in the country. The value of Princeton's scholarship endowment is probably equivalent, but many of the Ivy League schools use operating revenues for financial aid and their endowments for other purposes. At Notre Dame, however, a portion of the endowment is used for scholarship purposes because providing full financial aid for students has been a very high priority for over a decade. The other large components of the endowment funds pool are endowed chairs, library and academic program endowments, some athletic endowment, and the unrestricted part (about 10 percent of the total). Still, the scholarship piece of the endowment is the largest.

Mr. Malpass explained that, actually, there are about 3,000 endowment funds. While it is often implied that there is just one “endowment,” that is not the case. While the 3,000 funds are pooled for investment purposes, the Controller's Office tracks every individual endowment with unit accounting very precisely. Units are bought at the prevailing net asset value and each fund participates in its earnings on a pro rata basis.

Prof. Hatch asked if the value of \$776 million is only the undergraduate scholarship endowment

Mr. Malpass said that was true. The Graduate School has its own scholarship endowment of approximately \$100 million and, combined, the University's professional schools have an additional \$100 million.

Mr. Malpass gave specific data on the dramatic increase in University-funded undergraduate scholarship aid over the past 10 years. In 1992-93, earnings from the endowment provided \$5.3 million of the \$9.4 million in scholarship aid distributed to a little more than 1,700 students. An average package was \$5,400. In the 2001-02 academic year, \$30 million in endowment-based scholarship aid out of a total of \$41.5 million was distributed to 3,150 students and an average package was over \$13,000.

Mr. Malpass explained that the non-endowment funds used for scholarship aid include such “expendable funds” as the Sorin Giving Society, which provided \$2.2 million in scholarship funding in 2001-02 and the New Scholars Program (of which the principal component is the University's contract with NBC), which provided \$5 million in scholarship aid in 2001-02.

Prof. Bretz asked the meaning of the term “meeting full need.”

Mr. Russo explained that a student's financial need is the difference between the estimated cost of attendance for a school year and the estimated family contribution. [The *Undergraduate Financial Aid Fact Sheet* for 2001-02 estimates the average cost of attendance at Notre Dame as \$33,100: \$24,500 for tuition and fees, \$6,350 for room and board, \$850 for books and supplies, \$900 for personal expenses, and \$500 for transportation. The fact sheet explains that the estimated family contribution is determined by formulas that consider such factors as income, assets, liabilities, family size, number of dependent siblings in college, age of parents, and private school costs for other children.]

Mr. Malpass said that colleges and universities have been deviating from some, of the standard formulas quite dramatically in recent years and, in bidding for top students, some have offered scholarship aid that is not always based on need. The financial aid community has tried to “get everybody back in line” by agreeing on new guidelines for determining who is eligible for financial aid.

Prof. Garg asked whether the financial aid numbers Mr. Malpass has provided include the tuition subsidy the University gives to the children of its faculty and staff.

Mr. Sejdinaj replied that 400 faculty and staff children are receiving a tuition subsidy in this academic year, which represents an additional \$5 million not included in the figures provided by Mr. Malpass. The 400 students attend Notre Dame and other schools.

Mr. Malpass continued that looking only at financial aid for first-year students over the past 10 years, scholarship aid has risen from \$2.5 million to over \$13 million. The increase from last

year to this year was very dramatic—30 percent (\$10 million to \$13 million). He said that this was a direct result of tremendous market returns for the past decade, particularly over the past five years, and of several hundred new scholarship endowments provided by the Generations fund-raising campaign. Mr. Malpass noted that, as Mr. Saracino will discuss, over the same 10-year period there has been a very high correlation between the quality of first-year students (as measured by SAT scores and rank in class) enrolled at the University and the increase in the amount of financial aid they receive in the aggregate. For example, in 1992-93, the average SAT score was 1210; it was 1351 in 2001-02.

Continuing to look at only at first-year students, Mr. Malpass said that special or preferential packaging of financial aid has increased dramatically. He explained that a special package is a one-loan package given to students identified by Admissions as highly desirable based on their credentials and/or their promise as future Catholic leaders. Just four years ago, in 1997-98, there were 152 applicants who were eligible to be considered for such special packages; in 2001-02, there were 1,525. In 1997-98 only 26 of the students offered a special package enrolled at Notre Dame. That was only 4 percent of the 610 students enrolled with scholarship money. In 2001-02, 581 of the admitted students offered special packages actually enrolled. Those 581 students represent 65 percent of the students enrolled with scholarship money. Mr. Malpass added that the University would like to offer its admitted students eligible for financial aid a one-loan package.

Prof. Blanchette asked why a one-loan package is so desirable.

Mr. Russo explained that, essentially, one loan is less loan. There are two major loan programs available through the federal government. One is called a Stafford Loan, and is secured through a bank; the other, formerly called a National Defense Loan, is now named a Perkins Loan. In an effort to meet need, his office begins with the family's estimated contribution, including loans and work. The less loan put in before going to scholarship, the more attractive and

competitive the University's aid. A one-loan package usually means a bank loan, as contrasted with a package including a bank loan and Perkins loan. That is what makes it preferential.

Prof. Hatch asked: How much debt does the average Notre Dame student incur in four years?

Mr. Russo replied that students who have one loan could be borrowing as much as \$17,000 over four years. Those who have borrowed from two loans could be as high as \$25,000.

Mr. Malpass returned to the number of first-year students receiving special one-loan packages. The 581 receiving special one-loan packages who enrolled at the University in the 2001-02 academic year is more than the number who enrolled in the previous four years combined [26 in 1997-98, 64 in 1998-99, 101 in 1999-2000 and 320 in 2000-01]. He said that the number of preferential packages may decrease somewhat given the current market environment, but Mr. and his staff monitor the University's scholarship endowment very carefully.

In response to a question by Prof. Delaney, Mr. Malpass explained that out of the 1,525 students admitted for the 2001-02 academic year *eligible* for the special package, 581 out of the 837 who enrolled actually *received* one. That is due to the fact that an applicant is deemed eligible for a one-loan package on the basis of qualifications other than financial aid. The 1,525 eligible admitted applicants are identified by Admissions as the most highly desirable students. *If* they apply for financial aid and demonstrate financial need, they will receive preferential consideration.

Ms. Schmid asked how packaging differs from year to year for students. In many cases it seems that the work-study component increases and the money the University provides decreases.

Mr. Russo replied that while there are some cases in which the portion of aid the University provides decreases over a student's four years, that is not typical. The University reviews financial aid decisions annually for at least three reasons: costs change (they usually increase), family circumstances can change for either better or worse, and

the programs Financial Aid administers may change. Typically, as costs rise over a year's time and a student's family circumstances stay relatively the same, "all the ships rise" and the University awards more aid, self-help increases, and the family contribution increases proportionately as well.

Dean Woo asked how the amount of debt an average student incurs at graduation is changing.

Mr. Malpass replied that the average need-based debt for students (as opposed to money students borrow by choice) has been decreasing over the last five years. As the number of students receiving one loan instead of two increases, the average need-based debt is decreasing. Currently, the average total need-based, *student-borrowed* debt for all undergraduate borrowers is about \$17,000.

Dean Woo asked what the average debt at graduation is if there is no distinction made between need-based and discretionary debt.

Mr. Russo explained that discretionary debt includes debt families choose to have their student incur rather than themselves—for instance, because a family would prefer not to break up an investment earning a good return; possibly they would want the student to take advantage of a lower interest rate; or possibly because the student has expenses that may not fit the traditional profile—for example, a car. If these categories of debt are added to need-based debt, the average student loan debt for graduating seniors would be about \$19,000.

Dean Woo said that there is an ongoing debate in the academic community on the subject of merit-based financial aid. She asked: As the competition increases between the nation's colleges and universities for the very best students, is financial aid at Notre Dame becoming increasingly merit-based?

Mr. Malpass answered that while Notre Dame offers some merit scholarships, the University's philosophy has been that until the full need of its student body is met, merit scholarships should remain a lower priority. Thus, it is only recently that merit scholarships could even be discussed. Some benefactors have come forward to offer money for

merit scholarships that have been very productive. In fact, the University's last Marshall Fellow was a recipient of one of the University's merit scholarships.

Mr. Russo replied to Dean Woo's question as well. He said that as Mr. Malpass has pointed out, the University has been improving the quality and diversity of its student body while dramatically increasing its need-based financial aid over the past five years. Thus, working only within a *need* framework, the quality of students at Notre *has* increased. The tension that might continue to exist when faced with the choice of enhancing aid based on need or aid based on merit is that, still, many students leave the University with heavy debt loads. That is a factor the institution must weigh among all other factors when it considers whether to proceed with further enhancement of merit-only scholarships. Nevertheless, Mr. Russo indicated there has been some success with merit-based scholarships, and his staff is looking at innovative ways to further enhance the University's offerings.

Again, Mr. Russo reiterated, need does not exclude merit. The qualifications of students identified as Notre Dame Scholars, and thus eligible for one-loan packaging, are very high. These students have SAT averages approaching 1500 and are in the top 1 percent of their high school graduating class. There is no need to apologize for their caliber.

Mr. Saracino commented that the information given today on financial aid does not even include those loans that bypass the Financial Aid office altogether. For example, some families might consider it more favorable financially to pay for a child's college education by refinancing their house. This kind of loan never enters the records of the Financial Aid Office.

Mr. Malpass agreed. Debt that parents incur in financing a child's education is not included in the numbers he gave on average student debt.

Returning to the subject of merit-based aid, Fr. Scully commented that because the University can now meet every student's full need, it can afford to explore ways of becoming even more aggressive in competing for the very best

students. It may choose to do so through enhancing merit-based scholarships, but there are other means as well to attract the very top students to Notre Dame. He knows that Mr. Saracino has some proposals on this subject.

Mr. Saracino said yes. Before discussing them, though, he will show how the University's financial aid policies have impacted its ability to attract a higher caliber of student than ever before. With the University now able to meet the full need of applicants, the Admissions Office can go out aggressively with its recruiting materials, tell the Notre Dame story, and then make it become a reality. There is no question that the field is very, very level now—which was not the case for the University five or six years ago. Since Notre Dame has been meeting need and offering very competitive aid packages, Admissions has seen the following:

(1) A higher academic profile: The academic profile (SAT scores, grade point averages, rank in class) of the *applicant pool* (10,000 students) now has the academic profile of the enrolling students in 1994. This is a dramatic change.

(2) Better "won/lost" averages: With the ability to meet the full financial need of all students, Notre Dame "won/lost" averages have changed dramatically as well. For example, eight years ago, 67 percent of students admitted both to Notre Dame and Boston College chose Notre Dame. Now, Mr. Saracino said, he no longer considers Boston College a competitor. In this year's enrolling class, 95 percent of the students admitted to both schools chose Notre Dame. That statistic demonstrates the existence of a level playing field.

Another legitimate competitor is Northwestern University. Eight years ago, 52 percent of students admitted both to Notre Dame and Northwestern chose Notre Dame. This year, 83 percent of students admitted to both chose Notre Dame.

A third example is students admitted both to Notre Dame and Georgetown. Only seven years ago, less than half chose—41 percent—chose Notre Dame. That average has risen in 2001-2002 to 66 percent.

(3) More Advanced Placement credit:

The number of Advanced Placement (AP) credits enrolled students bring to the University has changed dramatically. Since 1983, the number of AP exams with a grade of 3 or better has risen over 300 percent. In the class that entered the University this year, two-thirds of the students have over 11 AP credits.

(4) Higher SAT scores: Since 1996, the average SAT score of enrolled students has risen to 1351, an increase of 50 points. In this year's entering class, 27 percent of the students received a score of more than 700 on the verbal portion of the SAT; 35 percent received a score of more than 700 in math. Five of this year's first-year students had perfect scores on the SAT or ACT. All five applied for financial aid. Four of them received need-based aid on the average, \$18,000. The one student who was not eligible for need-based aid received the Reilly Scholarship, a merit-based award. Mr. Saracino said that of these five students, two are first-generation college-goers, as are 8 percent of this year's entering class. Enrolling that many first-generation college students would not be possible without the current policy of meeting applicants' full need.

Looking at class rank, 43 percent of this year's enrolled students were one of the top five students in their high school class; 85 percent were in the top 10 percent of their high school class.

(5) Increases in international and minority students: Since Notre Dame has been able to meet full need, there have been increases in international students (2 percent in 1996; 4.5 percent in 2001) and more modest increases in minority students (14 percent in 1996; 17 percent in 2001). Mr. Saracino said that increasing the number of minority students is an area on which Admissions will continue to focus.

Mr. Saracino continued that while he is grateful he and his staff can now go out and tell the story of Notre Dame and back it up with financial aid, he does have concerns. One is whether Notre Dame is sufficiently challenging its students intellectually. With a rising academic profile—higher SATs, more AP credits, higher class rank—what can the University do beyond the small honors

program for students in the Colleges of Arts and Letters and Science to attract more students to Notre Dame and then challenge them when they are here?

Mr. Saracino said that he thinks Stanford's initiatives in this area are worth studying. That institution has experienced dramatic success with its program to attract top applicants. The program is one of utmost integrity. Stanford is not buying students at all. Seven years ago, Stanford began identifying its top 250 admitted students, flying them in, and then matching each student with a mentor—a faculty member in the field in which the student has declared his or her interest. Thus, the student experiences an immediate academic connection. In addition to the first weekend visit, Stanford tells the students they can visit any time and it will pay their expenses—until May 1, when they must commit to a college. If a student chooses Stanford and demonstrates financial need, his or her full need is met with the very best package: no loan and a job.

Mr. Saracino explained that as part of its initiative to enroll the top 250 admitted students, Stanford also guarantees these candidates admission to a program called Educational Exploration, which gives them \$3,000 to use in their first two years of study for academic enrichment. Many students use their grant in the summer to study a culture or a language either within their own academic discipline or in another. A student's only obligation on the completion of the enrichment project is to make a presentation to the faculty mentor and other members of the academic community. The Educational Exploration grants, along with several special functions throughout the year (for example, lectures, a dinner for the faculty mentor and the student), strengthen the connection between the student and the faculty mentor and have the virtue of showing a student considering Stanford that real opportunities exist there to grow intellectually. Mr. Saracino said Stanford's program is an example of what Notre Dame must be thinking about so that it can continue to attract top students and then challenge them sufficiently when they enroll.

Mr. Saracino concluded his remarks by saying he is not advocating any radical

change in programs, for Notre Dame's yield—the percentage of students who accept admission when offered—is the fifth-highest in the country. With a yield of 62 percent, Notre Dame is ranked behind only Harvard (82 percent), Yale (73 percent), Princeton (71 percent), and Stanford (65 percent). He does advocate staying the course with financial aid but initiating programs that encourage the nation's very top students to enroll here.

Prof. Delaney asked if Notre Dame has any financial aid in place—even for the top 100 or 200 students—similar to the no-loan, only grants-in-aid financial aid Princeton offers to all its students with demonstrated need.

Mr. Russo replied no. Students at Notre Dame do not receive no-loan packages up front. If an outside scholarship—for example, National Merit, Alumni Club, or Rotary Scholarship—comes in, which it very often does for top students, the scholarship goes first to reduce the loan portion of the student's financial aid package. The net for the student may be a no-loan situation, but Notre Dame does not offer this at the start.

Prof. Delaney said, in that case, it could be as much as \$17,000 less for students to go to Princeton, Harvard or Stanford.

Mr. Russo pointed out that Princeton is the only school in the country that offers exclusively no-loan packages. Harvard has some no-loan packages, but it has not eliminated loans altogether.

Mr. Saracino said that in the last few years a number of schools, such as Princeton, Harvard, Stanford, and Penn, have defined financial need in a nontraditional way by adjusting out home equity and other factors when looking at a family's financial situation. Most institutions still expect that if a student's parents have accrued equity in their home it puts them in a stronger position to finance a college education. Notre Dame could consider looking more aggressively at financial need using such adjustments and currently does exercise such judgments.

Mr. Russo said such measures would be the second step. The first would be, like Princeton, instituting a reduced-loan policy. Such a policy costs money, but the rewards would be great.

Prof. Garg asked if Mr. Russo is aiming for a no-loan policy.

Mr. Russo replied affirmatively and said that Notre Dame is currently producing one of the country's most competitive freshman financial aid policies among the nation's top 20 institutions.

Prof. Garg asked how far away Notre Dame is from realizing the goal for a no-loan policy.

Prof. Hatch replied that it is fair to say, given the University's endowments and the fact that our undergraduate student numbers are stable, prospects are extremely bright that a no-loan policy could be put into place in the next 10 years.

Mr. Malpass added that even with modest endowment growth, given the existing base, the University should still do quite well in the markets over the next 10 years.

Prof. Hösle explained that in Germany a proposal much discussed for financing higher education is one in which a student takes out a loan relative to what he or she will earn after graduation.

Mr. Russo said that Great Britain has just proposed the same program. There have been experiments with that kind of program in the United States but with very limited success. Related to that, one route he would like the University to take, if resources allow, is to help students entering certain careers on a permanent basis with loan repayment. This would have the added benefit of encouraging students to consider those careers.

Mr. Russo added that although the average need-based debt at graduation is \$17,000 for those Notre Dame students qualifying for financial aid, the University's default rate is one of the lowest in the country. Notre Dame students graduate in four years, become successful, and feel responsible for their obligation to repay the loans they incurred during their time here. Some would argue that having a little bit of debt—having to invest at a modest level in one's own education—is a good idea.

Mr. Russo commented that an income-contingent loan had been tried in the United States in the last 40 years with very limited success and much difficulty.

Prof. Preacher addressed Mr. Saracino's concerns about offering Notre Dame's top students a sufficiently challenging educational experience. She believes the University does challenge its students; however, she does not think that it mentors them enough, and mentoring seems to be an important part of the programs Mr. Saracino has described. There are many students, though, whose development into outstanding students comes when they begin their college studies. They may not be considered the most highly desirable students during the admissions process, but these are the students who develop tremendously once they arrive and they become some of the University's finest graduates. Prof. Preacher is concerned that there are not enough programs in place to assist these students who also need funding to enhance their educational experiences in a variety of ways, such as exploring research topics in depth, attending conferences, and competing for national fellowships.

Mr. Russo replied that an easy spin-off of the program at Stanford that Mr. Saracino outlined is to provide stipends for students who demonstrate intellectual curiosity, including students who prove themselves as "outstanding" during their time at Notre Dame. Mr. believes they, too, should be nurtured, mentored, and assisted in applying for fellowships; however, additional resources and some organizational effort would be required. The Colleges of Arts and Letters and Science have honors programs that fulfill that function but they are fairly restricted. It was noted that Prof. Bradley Gibson in the Psychology Department has been assigned by the provost to help develop a program for students eager for intellectual challenges beyond those offered by the standard curriculum.

Prof. Hatch commented that a recent initiative, Endowments for Excellence, provides discretionary funds for departments to use in a variety of ways, including enrichment of the undergraduate experience. Approximately 50 of these endowments have been distributed to date.

Returning to the subject of financial aid, Prof. Aldous asked if legacy students, the offspring of Notre Dame graduates,

receive any special packages or consideration in the financial aid process.

Mr. Russo answered that legacy students do receive special consideration in the admissions process. Then, depending where they fall in the Admissions Office's ranking, they compete equally with all other admitted students for financial aid. If a legacy student is identified as a Notre Dame Scholar, one of the top students eligible for a one-loan package, he or she will be offered one. Mr. added that in the admissions process the target number for alumni children is approximately one-quarter of the class.

Mr. Saracino added that while Notre Dame admits legacy students at almost twice the rate as non-alumni children, they are not weak students. Children of alumni admitted to the University are very competitive students, as witnessed by this year's entering class which had an average high school rank in the top 7 percent and average composite SAT scores of 1329 (the overall composite SAT average was 1351).

Mr. Russo reiterated that legacy students are treated equally with all other students for financial aid consideration.

Dean Roche said he welcomed Mr. Saracino's comments on attracting the nation's top students to Notre Dame and challenging them when they are here. Given Mr. Saracino's description of Stanford's Educational Exploration program and Prof. Preacher's comments on the importance of challenging students who mature into outstanding students while at the University, he would like to highlight two programs currently existing at Notre Dame. The first is a program of summer language grants, funded partly by the College of Arts and Letters and partly by International Studies. It sends a good number of students abroad during the summers to study lesser-taught languages. The second program is the Undergraduate Research Opportunities Program in the College of Arts and Letters and is administered by the Institute of Scholarship in the Liberal Arts. In recent years, the number of students participating in this program has risen dramatically, partly because of faculty members initiating the contact with students. Dean Roche believes that perhaps there is a need for

more programs like these, but he has told the college council on two occasions that the fund for the Undergraduate Research Opportunities Program is basically inexhaustible. Donors would replenish its funding if necessary because they feel it is a high priority for the college to engage undergraduates in research projects and intellectual enrichment that challenge them in ways not available during the regular course of study. Thus, programs to challenge students outside of the classroom are available at Notre Dame; perhaps they must be marketed more aggressively.

Mr. Saracino said it is important that the University's enrichment programs develop a cross-disciplinary character and not be open solely for students in the College of Arts and Letters. Stanford's program, and those of other institutions with high success rates, are operated out of a provost's office, thus giving all students at the institution the opportunity to participate.

Prof. Garg asked how many students participate in the Honors Program.

Dean Roche answered that about 60 students are admitted every year. The number was 40 for many years, but the yield has been so favorable recently that it has risen to 60.

Prof. Garg asked if the number of Honors Program students could be even higher—60 seems rather small.

Prof. Delaney said that the Honors Program is very expensive to operate, primarily because of its small classes. The burden of the program rests on the Dean of the College of Arts and Letters because a great number of his faculty are teaching the small seminars that the program features.

Dean said that expanding the program has been discussed but it would involve a serious investment in faculty resources. Size *does* affect intellectual environment. Discussions have occurred as well about moving the program to a different space with more room for expansion, perhaps Crowley Hall.

Dean Roche continued that it may be that further expansion of the Honors Program should be a goal of the next strategic plan. Some students are turning down Harvard and Yale to attend Notre Dame. They would not be doing

so if Notre Dame did not have its Honors Program.

Prof. Delaney said that with Princeton's no-loan policy, though it will cost students up to \$17,000 in need-based student loans to turn down Princeton. Previously, Notre Dame and Princeton were on a more even financial aid playing field.

Dean Kolman said it concerns her that so many resources are spent on financial aid and special programs for students who score well on the SAT and perform well in high school when the benefits to these students cause fewer resources to be spent on other Notre Dame students. It costs the University a fortune to give every first-year student just one seminar; yet, Honors Program students receive four seminars a year. How should doing great things for a relatively small number of students be balanced against doing better things for a larger number? Once a certain level is reached in the various predictors, like the SAT or rank in high school class, the predictors become less useful. There will be many students who will graduate from Notre Dame with honors but who will never turn into superstars because the predictors have only a certain value. It is definitely a policy question how the University chooses to value what students do before they arrive on campus versus how it values what they do when they are here.

Ms. Rauch asked for more explanation of the Honors Program. Why must it be limited to students enrolled only in the Colleges of Arts and Letters and Science? The seminars are separate from students' majors, so many students may have an interest in them.

Prof. Delaney explained that the four seminars Honors Program participants take in the first year are all in courses that are University requirements. Most of the Honors Program students complete one major in the College of Science and one major in the College of Arts and Letters, but these majors are totally independent of the Honors Program. In their senior year, Honors Program students write a thesis if they are in the College of Arts and Letters or write up a culminating research project if they are in the College of Science.

Ms. Rauch asked if seniors in other colleges might be eligible to participate.

Prof. Delaney replied that the College of Engineering has such a tightly scripted program that students do not have the flexibility to take Honors Program seminars. Engineering has been discussing initiating its own honors program. Prof. Affleck-Graves worked on developing an honors program for the College of Business. There is no reason why the different colleges could not have their own honors programs.

Dean Woo offered two comments. First, it is important to recognize that when students choose to come to Notre Dame it is not only a matter of curriculum or sorting out rankings and ratios. They must, of course, perceive the University as a very good institution academically, but the final choice has to do with something more—character development, whole-person development, and Notre Dame's Catholic heritage. Thus, she does not want the discussion about what Notre Dame can do to attract gifted students to focus only on curriculum.

Second, while it is wonderful to increase the academic profile of Notre Dame's students, Dean Woo said that she does not believe it is good to focus to a high degree on the superstar students, who essentially occupy the top of the highest half a percentile. Life is easier for that group. Many institutions are bidding for them and there are many packages available to them. In the end, she is not convinced at all that people in this category are the ones who make the world work. Many times it is the person in the 80th to 85th range percentile who really gets the work done.

Fr. Malloy asked if there were any more specific questions for the presenters.

Dean O'Hara asked what was the University's won/lost average with Duke. She likes to use Duke as a benchmark because it seems to attract a high percentage of Catholic students.

Mr. Saracino replied that this year 68 percent of applicants admitted both to Notre Dame and Duke chose Notre Dame. That is a very big change from four years ago. Over the past four years Notre Dame's won/lost average with

Duke has been 35 percent, 45 percent, 50 percent, and now 68 percent. With a 57 percent return on the survey, he thinks the numbers are statistically valid.

Prof. Blum asked that given the financial realities of the world this fall, does Mr. Malpass anticipate any kind of reduction in aid to students?

Mr. Malpass replied that Notre Dame has the luxury of having its financial aid primarily endowment-based thereby giving the University the flexibility to continue to be competitive in awarding financial aid packages. The endowment spending rate is still well within the range that the University has set, and there remains the flexibility to increase that even another double-digit rate. His staff is in the process of analyzing that now. Knowing the volatility of the markets, when the endowment realized a 59 percent gain in one year, it was not all spent that year. Of course, the other piece of the endowment fund is unrestricted giving. The levels of unrestricted giving have remained fairly constant over the years. Thus, he does not foresee any problems there.

Mr. Saracino said that as the endowment piece grows, even if its returns are more modest, that will allow the University to take some of the unrestricted pieces away and use them over time for other kinds of activities. The University wants to spend the restricted endowments first.

Mr. Saracino added that the economy is undergoing a very interesting period. Notre Dame is sound financially, but he could not say that of all institutions. Georgetown, for instance, has been offering one loan to every one of their admitted students with need for years and has not funded those financial aid packages through its endowment. Thus, given the economy, he has a strong feeling that over the next few years it and other schools will need to reduce their financial aid to students. Like Notre Dame, some schools Mr. Saracino would consider very safe Princeton, Yale, Stanford, to name a few. Others, however, have been living beyond their means in terms of financial aid, and given the present economy, he suspects that there will be some kind of change to the financial aid packages they can

offer students.

Fr. Malloy said that one of the secrets of many schools' "funding" of financial aid packages is the 30 percent to 50 percent discounting they employ. Basically, without the discounts, these institutions do not have the money to offer financial aid packages to students who need them. And to remain competitive some of the schools continue to increase the percentage of those discounted dollars. Fr. Malloy believes that practice will haunt them in the years to come, as the whole process has an exponential effect. They must raise tuition every year to continue to offer the same level of institutionally-based scholarships.

Fr. Malloy continued that it is uncertain how long the current recessionary economy will last. He senses not only a mood of fear but one of pessimism about the future development of the economy in this country and around the world. Just in the newspaper today was an article about India and Pakistan assuming a more aggressive relationship on disputed territories. That type of development has a large impact potentially on the sense of stability in the international order. Thus, even though what has been stated about the future of financial aid at the University is accurate within the bounds of present financial realities, the unknown and the sense of confidence—or absence of it—in the overall state of the economy will be the challenge for the University in the coming year or years.

Fr. Malloy continued that families make an investment in private education because they feel it will result in benefits, both personal and long-range career benefits. The University must recognize that. As families face unemployment or lose large investments, they may become more wary about financing a private education. There has been tremendous progress with the growth of the endowment for which Mr. Malpass and his staff deserve a huge amount of credit. The amount of the endowment gives the University a flexibility and a control over its future not possible before. Nevertheless, there is much looming on the horizon that none at the University can control. There may very well begin to be indicators in the second semester that the economy is affecting the University at such points as

admission rates for next year and we must be alert to what those signals are suggesting.

Dean Roche asked Mr. Saracino if he could speak to the potential for merit scholarships in the fine arts. In the coming years the University's new performing arts center will be filled with activity. He knows that the Music Department has listed merit scholarships for undergraduates as its number one development priority. Does the competition offer merit scholarships in the arts? Is Notre Dame behind in this? Will it be ahead if it begins to do so?

Mr. Saracino replied that if the Music Department targets merit scholarships as a high priority, surely, the University can recognize prospective students in a generous way. It is not his decision to make whether students should be offered, for example, an \$18,000 scholarship with no demonstrated financial need.

Mr. Russo added that in the same way the University would recognize a top academic prospect, a top cellist would be considered for preferential treatment by the Financial Aid Office.

Mr. Saracino pointed out that a problem with targeted scholarships based purely on merit is the status of the scholarship when, after completing a year at the University, the student decides to enter a different field. Should the University then take away the student's package?

Mr. Saracino responded that the Music Department is considering work/study opportunities for scholarship recipients. That provides a mechanism for accountability.

Prof. Aldous asked what of a student who enters the University and muddles along for a few years and then, through developing a mentor relationship or finding a course tremendously interesting, experiences an intellectual flowering? What are the rewards for this student in the realm of financial aid? It is important to offer him or her *some* reward, for a spirit that is not nurtured may very well go back to sleep.

Fr. Scully replied that one of the many attractions of the University's various institutes and centers is the opportunity they offer for internships, summer programs, and research grants and activi-

ties—and that decisions for these opportunities are made by departments. Prof. Hatch has also highlighted (and previously referred to) the existence at the University of the departmental funds for excellence named Endowments for Excellence. These are the kinds of programs at the University in which both late-blooming and early-blooming students can participate to take their interests and scholarship to a very high level.

Prof. Hatch said that perhaps there should be an effort to more effectively communicate what kinds of opportunities outside of the University's standard curriculum are available for students. Over the last decade immense opportunities have arisen. The Nanovic Institute's summer programs for undergraduates interested in European Studies are particularly noteworthy in this regard. Perhaps a listing of all these opportunities needs to be gathered in one place.

Fr. Malloy thanked the presenters at the meeting today for their hard work on behalf of the University. Fr. Malloy adjourned the meeting at 4:55 p.m.

Respectfully submitted,

John Affleck-Graves
Secretary

Academic Council

January 17, 2002

Members Present: Rev. Edward Malloy, C.S.C., Nathan Hatch, Rev. Timothy Scully, C.S.C., John Affleck-Graves, Rev. John Jenkins, C.S.C., Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Frank Incropera, Eileen Kolman, Patricia O'Hara, Mark Roche, Carolyn Woo, Jennifer Younger, Jacqueline Brogan, Sonia Gernes, J. Robert Wegs, Joan Aldous, Patricia Blanchette, Susan Blum, Cornelius Delaney, Vittorio Hösle, Umesh Garg, Mitchell Wayne, Joseph Powers, Panos Antsaklis, Edward Conlon, Robert Bretz, Jay Tidmarsh, Dino Marcantonio, Alan Krieger, Kenneth DeBoer, Ava Preacher, Samantha Schmid, Rev. Edward Malloy, C.S.C., Nathan Hatch, Rev. Timothy Scully, C.S.C., John

Affleck-Graves, Rev. John Jenkins, C.S.C., Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Frank Incropera, Eileen Kolman, Patricia O'Hara, Mark Roche, Jacqueline Brogan, Melissa Rauch, Sonia Gernes, J. Robert Wegs, Joan Aldous, Patricia Blanchette, Susan Blum, Cornelius Delaney, Vittorio Hösle, Umesh Garg, Mitchell Wayne, Edward Conlon, Robert Bretz, Jay Tidmarsh, Dino Marcantonio, Alan Krieger, Kenneth DeBoer, Ava Preacher, Samantha Schmid

Members Excused: Francis Castellino, Melissa Rauch, Teresa Ghilarducci, Ikaros Bigi, Sonja Mapes, Stephanie Arnett

Observers Present: Mary Hendriksen, Dennis K. Moore, Col. Mark Gehri, Harold Pace, Tom Laughner, Julia Dayton

Observers Excused: Dan Saracino

Guests: Prof. Michael Zuckert, acting chair, Department of Government and International Studies

Fr. Malloy called the meeting to order at 3:05 p.m.

Rev. Jenkins offered a prayer.

1. Minutes of the Meetings of September 17, 2001, and October 16, 2001. The minutes of the meetings of September 17, 2001, and October 16, 2001, were approved without amendment.

2. Name change: Department of Government and International Studies to Department of Political Science. Prof. Hatch introduced the proposal advanced by the Faculty Affairs Committee to change the name of the Department of Government and International Studies to the Department of Political Science.

Prof. Michael Zuckert, acting chair of the department, was invited to the meeting to provide the department's reasons for initiating the proposed change. Prof. Zuckert began by referring to his letter of October 26, 2001, to Dean Roche (Attachment A), which states that in voting to recommend the name change, department members recognized that political science most accurately captures the way the discipline is defined at the majority of American colleges and universities and

in the relevant professional associations. Prof. Zuckert said a more substantive reason for the change is that government is actually only one piece of politics or political science.

Prof. Roche, dean of the College of Arts and Letters, endorsed the name change. He said that other options were proposed, but "Department of Political Science received the most support. Prof. Roche said the main objection to the change—that it might signify the adoption of a heavily scientific approach—is addressed in Prof. Zuckert's letter. As stated there, political science includes vibrant nonscientific fields such as political philosophy, politics and literature, historical and institutional approaches to politics, and the department has made clear that, whatever its name, an emphasis on the inclusion of normative, historical and institutional considerations will remain central to it.

Fr. Malloy asked for a vote on the proposal to change the name of the Department of Government and International Studies to the Department of Political Science. It was approved unanimously.

3. Change to Constitutions of Institutes and Centers. Prof. Hatch read a proposal advanced by unanimous consent of the Executive Committee. "Any constitution of an institute or center that stipulates approval of the Academic Council for changes to the constitution will henceforth be directed to the provost or appropriate supervisor." He explained that the proposal arose when, while revising its constitution, members of the Kellogg Institute of International Studies learned that any amendments to it must be sent to the provost for approval by the Academic Council. Asking for the council's approval is not typical, Prof. Hatch said; thus, the Executive Committee wrote this proposal to handle any similar provisions in the constitutions of other centers and institutes.

Prof. Garg commented that it is not clear what the constitutions of the University's many centers and institutes provide for approval of amendments. He is concerned that some changes to the constitutions might be for the worse, as he believes is the case with one proposed change in the Kellogg Institute's constitution. Prof. Garg said he hopes that the Provost's

Office will take a good look at any proposed amendments before approving them.

A motion was made to accept the proposal to refer changes in institutes' and centers' constitutions to the provost or appropriate supervisor. Council members voted unanimously to approve it.

4. Change to the College Councils' Section of the Faculty Handbook.

Roche introduced the recommendation of the Faculty Affairs Committee to delete the following sentence from the 2001-2002 *Faculty Handbook* (Article IV, Section 4, page 37):

The College Council of each undergraduate College consists of the Dean of the College, Associate and Assistant Deans, the Chairpersons of all Departments under the jurisdiction of the College, and elected representatives of the College faculty in a number equal to the number of *ex officio* members.

It would be replaced by the following two sentences:

The College Council of each undergraduate College consists of an equal number of *ex officio* and elected members. The *ex officio* members of each undergraduate College consist of the Dean of the College, Associate and Assistant Deans, the Chairpersons of all departments under the jurisdiction of the College, and any other administrators designated by the respective College Council.

Prof. Roche explained that the amendment originated in a committee he chaired on the interrelation of the departments and centers and institutes in the College of Arts and Letters. As part of the committee's deliberations, members weighed whether institute and center directors should be part of the college council, whether they should be—as is the status quo—only members if they are elected, whether they should be invited guests, or whether changes should be sought in the *Academic Articles* to allow them to be voting members. While the committee chose the middle path—to allow the directors to be invited guests—in the process of their deliberations members realized that other administrators exist who, while neither associate or assistant

deans nor chairpersons, are very central to the goals of the College. The director of the Core Course is a good example. Thus, the college council for Arts and Letters passed a resolution to amend the *Academic Articles* by allowing it to appoint as *ex officio* members administrators other than deans and chairpersons. (The council must match any additional *ex officio* members with elected members.) Anticipating that its counterparts in other colleges might wish to do the same, the council constructed the proposed amendment in general language so that it would apply to all the University's undergraduate college councils.

Fr. Malloy asked for a vote on the proposed amendment to the *Faculty Handbook* to allow the appointment to college councils, as *ex officio* members, administrators other than deans and departmental chairpersons. It was approved unanimously.

Fr. Malloy noted that, as with any amendments to the *Academic Articles* amendment must be submitted to the Board of Trustees for approval.

5. Joint Committee of the Academic Council and the Faculty Senate (Information Item). Prof. Affleck-Graves reported that the Executive Committee of the Faculty Senate asked the Executive Committee of the Academic Council to join with it in forming a nine-member committee to examine the possible restructuring of the Faculty Senate. The Executive Committee agreed to the request and elected four of its members to the committee: Profs. John Affleck-Graves, Panos Antsaklis, Neil Delaney, and Sonia Gernes. All four also serve on the faculty affairs Subcommittee. The Faculty Senate has appointed four members to the committee as well: Prof. Jacque Brogan, chair of the Faculty Senate, will serve as chair of the joint committee.

6. Health Benefits for Graduate Students. Prof. Tidmarsh, a member of the Graduate Studies Committee, provided background on the committee's recommendation that the University provide serious consideration to providing improved health insurance for graduate students. (Attachment B).

Prof. Tidmarsh explained that last year Prof. Umesh Garg, chair of the Graduate

Studies Committee, met with members of the graduate student union to discuss various concerns. Prof. Merz, then dean of the Graduate School, attended the meeting as well. While a number of issues were raised, the graduate students said that their most pressing concern was the lack of adequate health care insurance. In adopting the issue this fall as an agenda item and investigating it further, members of the Graduate Studies Committee determined that the health insurance presently made available to graduate and professional students is inadequate. The current healthcare package provides only limited benefits and often fails to cover expensive medical procedures. Health insurance is unavailable to spouses and children.

Prof. Tidmarsh said that committee members became convinced that improving the health insurance benefits of graduate students is not only a matter of justice for the students, it is an academic issue as well. In the quality of the health insurance it offers, Notre Dame is not competitive with highly regarded graduate programs at other institutions. Thus, it is at something of a disadvantage in attracting the kinds of graduate students it would like to attract. Furthermore, as Prof. Kantor, now dean of the Graduate School and a member of the Graduate Studies Committee, has pointed out in the committee's discussions, there has been some difficulty with graduate students completing programs in a timely fashion because of various health care issues that arise. For example, some students must find extra employment to cover health care expenses that are not covered by the present plan.

Prof. Tidmarsh said that the Graduate Studies Committee drafted a resolution stronger than the resolution presented for council members' consideration today. It called for action by the University within the next few years to bring its insurance program for graduate students up to the level of those offered by comparable universities. Then, it called on the administration over the next four or five-year period to try to achieve a leadership position with regard to health insurance. The committee's resolution was amended by the Executive Committee to read:

The Academic Council recognizes the need to provide graduate student health care benefits and strongly recommends that as future budget decisions are made, this issue receive serious consideration both for academic and social justice reasons. We further expect that either when this is realized, or after two years (whichever comes first), a report be made to the Academic Council by the dean of the Graduate School.

Prof. Tidmarsh said that throughout consideration of the health insurance issue, the committee has worked with Prof. Kantor and Jim Powell, associate dean of the Graduate School. Both have been very supportive of the proposal and of the idea of moving first towards a competitive position and then a leadership position with graduate students' health benefits. Given the present financial situation, however, the major issue for the University is the amount of funds it would take to achieve that level of benefits.

Prof. Kantor said he very much welcomes the conversation on graduate student health benefits and the present resolution. They will help to move forward for action a long-standing issue at the University. Prof. Kantor pointed out that graduate students are a unique population. They are neither undergraduates—who are usually covered through their families' health care policies—nor staff, for whom health insurance is understood to be a matter of compensation.

Prof. Kantor said that in coming to a resolution of the issue, there are two matters to consider: the amount of funding needed to provide the desired health insurance coverage and the extent of the coverage. The programs in place now do not appear to meet the needs of the students. The University has worked very hard to moderate the cost of the current health insurance package, but that may have come at some compromise in the quality of the programs offered. When considering the issue of improved health care benefits, the University must also determine which graduate students are eligible for them. There are many graduate students with fellowships in programs in the Colleges of Arts and Letters, Science, and Engineering, but

there are also self-paying students in those programs and in the Law School who give the question of subsidizing health care a different character. These questions will be explored in some depth this spring so that the full implications of the committee's proposal can be studied. To date, the committee has worked with Student Affairs, Student Health Services, and Human Resources, all of which bring a good deal of expertise to the issue.

Prof. Kantor continued that when Notre Dame looks at other highly ranked graduate schools, approximately 75 percent offer some sort of subsidization of health benefits. Of those offering the benefits, the standard level of contribution by the institution is an amount equal to about 75 percent of its cost.

Prof. Kantor concluded by reiterating that the issue of improved health benefits for graduate students is a cash issue and, thus, one the University must take on over time. This year is a tight budget year. Among its other goals, administrators of the graduate program must strive to keep expenses competitive. It cannot backtrack on that. Another goal of the Graduate School is ensuring that graduate students' stipends are about 75 percent of those at peer institutions. In addition, the Graduate School has commitments to existing programs. Thus, the issue of improved health insurance for graduate students must compete with the school's other goals.

Ms. Dayton, the Academic Council's graduate observer, said that it is the opinion of most graduate students that present health insurance coverage is less than satisfactory. The resolution put forward today demonstrates to this segment of the University that administrators are paying attention to their concerns.

Prof. Ryan said that the last sentence of the resolution is unclear. What did the committee intend by it?

Prof. Garg responded by saying that the committee expects the issue of improved health benefits for graduate students to be resolved within the next two years; however, if for some reason it is not, the Academic Council is to hear from the dean of the Graduate School where the University stands on the issue.

Prof. Kantor said he would be happy to report on whatever outcome there is in two years, no matter where the issue stands.

Prof. Aldous said that health care for graduate students is an old issue. It came up at least five years ago in the Graduate Studies Committee. Graduate students, particularly those with families, feel very strongly about the lack of good benefits. Providing adequate health care coverage to these students and their families is a statement of what the institution is about. If Notre Dame is about taking care of families, then it should act accordingly. The council should move ahead and act on the issue itself, not merely vote to have a report on the status of the issue if it is not resolved.

Prof. Garg agreed that the issue has been discussed for many years. The problem, he said, is that the Academic Council is not authorized to make budgetary decisions. Thus, the resolution was given its present wording to indicate that the council recognizes the importance of better health care coverage—both for the benefit of graduate students and the University—and is willing to put its weight behind advocating it. If the council chooses, it could reduce the expected action time to one year.

Prof. Roche said he was one of the members of the Executive Committee who argued for different language than that presented by the committee, primarily because the Executive Committee was being asked to make a decision in a vacuum. There were no figures provided on what improved health care coverage for graduate students would cost, and he is not in favor of approving resolutions without knowing what costs they would require the University to incur. Second, the Executive Committee was not given figures allowing it to see where the University stands in relation to its peers. Third, and most importantly, he is absolutely opposed to making *ad hoc* budgetary decisions. Competing demands for funds should all be examined at the appropriate time, ranked, and assigned priorities. While improved health care benefits for graduate students is an item that should be high on the charts, decision makers need to know what they are choosing

not to fund if they do choose to expand health care benefits for graduate students. Thus, the wording of the present resolution is more a decision about process than a decision on the subject itself.

Prof. Aldous said she would be surprised if the necessary data are not available. The committee had the data five years ago; surely, only updating is necessary now.

Prof. Kantor said while relevant data exist, unfortunately, specific costs figures were not communicated as part of the resolution.

Prof. Garg said while what is a "reasonable" policy is a matter of opinion, a single insurance policy would most likely cost about \$750 a year per student. If the University chooses the benchmark figure of funding 75 percent of the cost, that would mean a \$500 subsidy per student per year. Given that there are about 1,400 graduate students nearly 1,600 if professional students are included, the total amount the University would incur for the target health insurance benefits is \$800,000 or less a year. To look at it another way, the amount would represent about 50 stipends a year.

Prof. Kantor said that for a variety of reasons he does not want to go too far with the budget discussion. To speak to Prof. Roche's point about relative priorities, as he has said, the Graduate School already has a number of goals in place—for example, to remain competitive, it is absolutely vital for it to maintain the level of its stipends. The issue of health care benefits is one more piece of the whole budget package. It would be a mistake to look at any one of these items without the others. It is a question of how the University can put resources together to build the most effective graduate program it can and of how the Graduate School can continue to make progress on many fronts.

Prof. Gernes suggested that the council amend the resolution to read: "We further expect that either when action is taken or after two years, whichever comes first, a report be made." That would clear up the ambiguity Prof. Ryan pointed out, as well as adding a little more push to the proposal by making clear that the council expects

administrators to take action on the issue rather than only give it serious consideration.

Prof. Tidmarsh offered what he said was a different version of the same idea: "We further expect that either when a competitive health insurance package is realized, or after two years, whichever comes first, a report will come forth."

Prof. Gernes agreed to accept Prof. Tidmarsh's version, which Fr. Malloy said could be accepted as a friendly amendment.

Prof. Antsaklis asked if any support existed for reducing the timetable to one year.

Prof. Kantor replied that the budget for next year has already been completed. As a budget item, the earliest that the health care coverage issue can be considered is fall 2002, which would mean implementation in fall 2003.

Fr. Malloy asked for a vote on the motion, as amended, to recommend that the issue of health care benefits for graduate students receive serious consideration and that the council receive a report on the subject either when a competitive health insurance package is realized or after two years, whichever comes first. It passed unanimously.

7. Excused Absences for Undergraduate Opportunities. Prof. Roche said that the Undergraduate Studies Committee received a resolution from the Student Senate Academic Affairs Committee that it discussed in committee and eventually wrote into the proposal included in the minutes as Attachment C. He explained that the origin of the request is that graduating seniors often must travel away from campus for interviews, whether for a fellowship opportunity or employment, and some have had extraordinarily different experiences with faculty members because of those absences. Some faculty ask for verification of the interviews and allow a reasonable number of absences. Others do not require any documentation and are willing to excuse a number of absences for this purpose. Still others, even with documentation, will not approve absences related to interviews and exercise their right to adjust grades if students miss above the number of allowed absences.

Prof. Roche said the committee discussed a number of strategies to address the issue. One was to give a particular number of excused "interview absences" to students, which was what the original resolution proposed. The committee decided, however, that prescribing a set number of excused absences was too difficult a task. Members also discussed requiring students to provide the faculty member with a certain amount of advance notice of the absence, but they decided this was problematical as well, because callbacks for interviews frequently occur in a very short time-frame. In the end, the committee decided simply to ask for: (1) good judgment on the part of students to plan for interviews as appropriately as possible; (2) faculty members to outline their absence policies, and (3) establishment of a mediator, the dean of each college, to handle those situations students and professors could not resolve on their own. Prof. Roche added that committee members considered proposing that Student Affairs, which deals with other excused absences, fill the role of mediator; however, because absence from class for interviews is an academic matter, members decided that role would be filled more appropriately by the deans' offices. The proposal received unanimous support in committee.

Prof. O'Hara, dean of the Law School, asked that the council insert the word "undergraduate" into lines 1 and 4 of the resolution, so that it reads: The University recognizes the importance of preparing *undergraduate* students for life beyond the University. . . ." and ". . . faculty members take into account the crucial importance of interviews for *undergraduate* students . . ." She wants it to be clear that the Law School would not be bound by the proposed policy.

Prof. Roche agreed to accept Prof. O'Hara's amendment.

Prof. Incropera, dean of the School of Engineering, said he was surprised that the issue has come as far as a resolution. In Engineering, students are often away from class for two or three days for interviews, yet he has never encountered a situation in which the faculty member and the student could not resolve issues surrounding the absence themselves. Is a resolution actually necessary?

Prof. Roche said he believes that it is. In submitting their proposal, the students said that "a number of students" have suffered grade reductions for absences in connection with interviews.

Prof. Affleck-Graves agreed that issues exist surrounding students' absences from class for interviews. When he was department chair, a student asked him to intervene after being penalized half-a-letter grade for missing class to attend an interview. Although Prof. Affleck-Graves spoke to the instructor, he indicated that he would not change the grade—and the student was left without a mechanism for appeal.

Prof. Preacher said she knows of Arts and Letters students who suffered a grade reduction to attend medical school interviews.

Prof. Incropera said, given his colleagues' assessment of the matter, he would ask for only one change. Rather than designating the dean to act as mediator, could the council assign that role to the chair of the student's department?

Prof. Roche said, in practice, the matter would most likely fall to the assistant deans, who have experience in such matters and more knowledge of students' records. The use of the word "dean" is merely to conform to language that is standard in the *Academic Articles*. He does not expect deans to personally mediate any conflicts.

Prof. Incropera responded that he does not have an assistant dean—only a very overloaded associate dean responsible for academic programs. Yet, because the issue does not seem to arise in the College of Engineering, he will not object.

Prof. Powers said he has expressed to Prof. Roche his concerns with the ambiguous wording of the resolution. A faculty member may very well have one idea of what is a "reasonable number" of absences and a student another. While the resolution establishes the dean as a mediator, his or her intervention may come too late in the process. Thus, he would urge more clarification and quantification.

Prof. Preacher answered that such an approach was discussed in committee,

but because of the nearly infinite variety of individual standards and situations, members were reluctant to specify an exact number of absences. The point of the resolution is that the deans' offices can now help when there is intractability. The resolution is not intended to adjudicate the entire matter by specifying a certain number of excused absences for interviews.

Fr. Jenkins said he disagrees with Prof. Powers that the resolution fails to help either students or faculty. If it is adopted, when there is a standoff between an instructor and a student because of an absence related to an interview, the college's dean can resolve the matter. While the resolution does not tell the deans what precise standard to apply, it is presumed that conflicts will be resolved by application of common sense.

Ms. Schmid commented that the students who will ask their dean to intervene will be conscientious students who have incurred their absences legitimately—not students who have piled up absences for various unexcused reasons, such as sleeping in.

Prof. Powers said he is still curious as to what a dean might deem a reasonable number of absences.

Prof. Preacher said that question was considered in committee, primarily because members discussed whether a student's absences for interviews should be combined with absences for other reasons when considering a particular instructor's allotted number of excused absences. Generally, members seemed to consider that three absences is a reasonable number. Beyond that, there are likely to be differences of opinion.

Prof. Incropera asked whether it is the norm to take attendance in class.

Prof. Garg answered that many high-level courses seniors take do have attendance requirements.

Fr. Malloy said it is a University standard for each faculty member to announce his or her expectations of attendance at the first class. Anecdotal, he hears that some professors have no standards of attendance; thus, in a large class that may mean only half the students might attend a given class. While

he does not particularly like that situation, it conforms to the standard.

Prof. Brogan said in the English Department, faculty members are discussing changing the capstone course to a junior-level seminar. Many graduating seniors are, mentally at least, already gone—besides the fact that they may be physically absent for interviews. Nonetheless, as it stands now, many of the senior-level seminars are quite small and attendance is critical. She is stunned, however, to hear that missing class for interviews has been a problem for students. Whenever a senior has informed her of an upcoming absence due to an interview, she has extended her best wishes and has never experienced any abuse of her attendance requirement. The potential for abuse seems to be in the University's larger classes, where attendance is already more iffy. She agrees that it is a good idea to establish the deans' office as a place to resolve conflicts between students and instructors.

Fr. Malloy called for a vote on the Undergraduate Studies Committee's resolution concerning excused absences for postgraduate opportunities. It was approved by a voice vote, in which there were two "nays."

8. Academic Code of Honor Handbook

I. Introduction

II. Pledge to Abide by the Honor Code

III. The University Committee on the Academic Code of Honor

IV. Student and Faculty Responsibilities Under the Academic Code of Honor

V. Honesty Committees

VI. Procedures.

Fr. Jenkins said that as all who have served on the Academic Council for more than a few years know, revising the University's Honor Code has been a lengthy process. The present attempt began last year, when he was asked to head up the subcommittee of the Undergraduate Studies Committee charged with making the revisions. Profs. Woo and Blantz provided much assistance to him at that early stage. When this year's Undergraduate Studies Committee inherited the task, members examined problems with the current Honor Code,

drafted revisions, and took the revisions to various bodies—including Student Government, Honor Code chairs, deans, members of the Provost's Office, and University counsel—for their reactions, which were then incorporated into the revisions. That long process has culminated in the document revisions presented to the council today (Attachment C).

Fr. Jenkins asked for the comments of Academic Council members on the proposed revisions.

Prof. Hösele said that he was a bit surprised by the draft's enumeration of the duties of a student who believes that another student has breached the Honor Code. Section IV(A)(4) provides that a student who witnesses a violation or has reason to believe that a violation occurred "may use discretion to choose among several possible courses of action. These possible actions include . . ." The draft then lists several possibilities—for example, urging the student who violated the Code to report himself or herself, or speaking to the instructor of the course, or submitting a written report of the allegation to a member of the appropriate Honesty Committee. Because the proposed revision says that "possible actions include . . ." does that mean that there are other options for the student who witnesses or suspects a violation, including the option of doing nothing?

Fr. Jenkins responded that under this Code, the answer is "no." The ideal of the proposed revisions is the same as the many versions of the Honor Code that have preceded it: Students are to take responsibility for their fellow students living up to the Code's principles of integrity. That is the hope. It may not be true in practice because there are not many students who report fellow students, but it is the ideal.

Prof. Hösele then asked that as a professor, if he discovers dishonesty by one student and knowledge of the dishonesty by another student—who chose *not* to take one of the courses of action set forth in Section IV(A)(4)—is he obliged to take action against *both* students?

Fr. Jenkins said, of necessity, there are ambiguities in the Code. He does not want to put faculty members in the position of taking action against students

who witness a violation by a fellow student or believe that one has been committed but fail to report it. He does not know of a case in which a student has been brought before an Honesty Committee for failing to report another student's violation, and he doubts that anyone at the University wants that to occur. Yet, the ideal is that any student who witnesses a violation of the Code by another student or believes that one has occurred would take appropriate action.

After noting that he has been involved in discussions of the Honor Code for more than 19 years, Fr. Malloy said an integral expectation of the codes of ethics adopted by the various professions is not only that each member of the group personally pledges to live by the principles of integrity the Code articulates, but he or she pledges to hold others accountable to them as well. Each member has a vested interest and a moral responsibility in how *others* act, not merely in his or her own actions. The question then is how one exercises that responsibility. The history of behavior under professional Codes reveals that many alternatives have emerged over time. The most obvious is for the witness to confront the perpetrator individually. Another is to join with others in confronting him—a course of action for which there are Biblical examples. A third alternative is to make provision for others to discover the misconduct, especially when it has been persistent.

The reason honor codes have emerged in higher education, Fr. Malloy continued, is that students are preparing themselves during these years for participation in various social frameworks, such as the professions, in which they will be responsible for their own conduct and the conduct of others. Student honor codes are not intended to create a kind of fascist state or an atmosphere of suspicion. The intent of an honor code is to set forth possible responses to significant misdeeds or a lack of responsibility on the part of a member of the community who has agreed to abide by certain principles. He realizes that all evidence points to the fact that people are reluctant to speak out about someone else. That is true even in the most rarefied professional circles. But, in the absence of that expectation of responsibility,

there is not an honor code.

Prof. Hösle said another question regarding responsibilities under the Code arises when a professor receives a student paper he or she suspects to have been plagiarized, undertakes some work on the Internet to find the possible source, yet finds nothing. Still, suspicions remain. Is there any office or person at the University faculty members could call on for help in such a situation?

Fr. Jenkins replied that there are services to which the University can subscribe—and it most likely will—that perform searches on the Internet for the sources of papers believed to be plagiarized. The problem is that a student will most likely change the paper enough to make the search extremely difficult.

Prof. Brogan said in English classes it is very easy for a student to plagiarize by taking parts of various articles or books and weaving them together. Perhaps once every three years, a student has turned in a paper she knows to be plagiarized, but she is unable to track down the source or sources. When this has occurred, she has gone into the classroom and announced that, "The papers are graded, but I'm not giving them back because one of you has plagiarized. I can't imagine the amount of stress you're feeling"—so much so that you have plagiarized "but you have exactly one hour to get to my office to explain the extenuating circumstances that provoked this behavior." In every instance, the student has come to her office and confessed.

Prof. Hösle asked Prof. Brogan if she then reported the incident to the Honesty Committee.

Prof. Brogan said she has not. She has worked with the student and had a serious talk with him or her about how plagiarism can lead to dismissal from the University. She has tried not to "simply squish them as bugs." In every case, she said, the students have known their guilt and have been remorseful.

Returning to Prof. Hösle's question about the option of a fellow student "doing nothing" when he or she suspects or witnesses another student's dishonesty, Fr. Malloy reiterated that the option of doing nothing undermines the credibility of the system, even though it may

be a choice that some, even the majority of people, make.

Prof. Marcantonio said the word "may" in Section IV(A)(4) is a bit ambiguous. The language is "... the student *may* use discretion to choose among several possible courses of action." That seems to suggest that doing nothing is a possibility.

Prof. DeBoer said the word "must" in the first paragraph of Section IV(4) takes precedence—"If aware of a likely academic Code of Honor violation, a student *must* take responsible action ..."

Prof. Delaney said that if the council wants to make clear the ideal Fr. Malloy has articulated, the words "They are" could be substituted for the phrase, "These possible actions include ..." followed by the listing of subsections (a) through (d).

Fr. Jenkins discouraged the amendment. The Honor Code, he said, does two things. First, it is a statement of ideals and moral suasion, evidenced by Section II, the Pledge to Abide by the Honor Code:

The undergraduate students of the University of Notre Dame, united in a spirit of mutual trust and fellowship, mindful of the values of a true education and the challenge posed by the world, agree to accept the responsibilities for honorable conduct in all academic activities, to assist one another in maintaining and promoting personal integrity, and to abide by the principles and procedures in the Academic Code of Honor.

At the same time, however, the Code is a document that sets forth the procedures to follow when an instance of dishonesty is suspected or discovered. He does not want to put the University in a situation in which it must prosecute every student who may have known about a case of cheating. If the council removes the ambiguity, it would do so. On the other hand, Fr. Jenkins said, he does not want to add a subsection saying, essentially, that students who witness cheating can do nothing. That undermines the principles of the Code.

Ms. Schmid said the present wording does make clear that a student who witnesses or suspects dishonesty must take some sort of action. Students should be

able to determine what constitutes a responsible action. The subsections in IV(A)(4) list several possible options, but there are others. For instance, the action Prof. Brogan took when she suspected dishonesty by a student was a responsible course of action, although it is not one listed in the Code. Likewise, options that do not need to be listed exist for students who witness another student's dishonesty; however, the Code is clear that some sort of action *must* be taken.

Col. Gehri pointed out that the Code of Honor for the Air Force Academy contains a phrase that cadets will not "tolerate anyone amongst us" who does engage in dishonesty. The Academy has spent 30 years working to make that phrase more ambiguous because it does not always allow for decisions made from the heart. Based on that experience, he supports this wording. It allows for some ambiguity, but as Fr. Malloy has pointed out, without something similar to a no-tolerance clause, there is no honor code.

Prof. Garg said just as with students who witness dishonesty, the Code *requires* faculty members who know of a student's dishonesty to report it to the departmental honesty/Honesty Committee. There is no option to accept whatever extenuating circumstances the student offers and to excuse him or her. As he understands the Code, the actions Prof. Brogan described are not an option for faculty.

Fr. Jenkins said the situation Prof. Brogan described led to a great pedagogical moment. The student who confessed to her probably learned a good deal from their talk. Her response was a reasonable one for which the Code must leave room. On the other hand, the University does not want faculty members to ignore the Honor Code. As he has said, it is impossible for the Code to outline and account for all circumstances. Provision for the use of discretion on the part of students and faculty must be a part of the Code.

Prof. Marcantonio asked whether it is true that faculty are bound to report students' dishonesty.

Fr. Jenkins said that it is. He pointed to Section IV(B)(4)(c).

Returning to the subject of students' responsibilities under the Code, Prof. Preacher spoke in favor of Prof. Delaney's suggestion to replace the phrase "These possible actions include . . ." with "They are," followed by a listing. The option to do nothing always exists, regardless of what the document says and whether or not administrators and faculty approve. If a student decides not to come forward, no one will ever know; however, it is important to tell students the possibilities for action when they are considering coming forward. In her experience, when a student picks up a copy of the Code, it is generally because they *do* want to come forward. They are seeking guidance on their options.

Prof. Preacher continued that a problem she has experienced that can occur in situations such as Prof. Brogan described is that a student will come to her and say: "My teacher just accused me of plagiarism. I can't go back to that classroom. I want to drop that class right now." This situation presents the deans' offices with a real problem. If a professor has accused a student of plagiarism, the matter should go to an Honesty Committee for adjudication because if a student has violated the Code, he or she cannot drop the course. They must take an "F." While the approach Prof. Brogan described is very humane, it leaves administrators with real problems—ones that walk through her door every single day.

Prof. Brogan asked to clarify her description of the instances in which she has not reported plagiarism to an Honesty Committee. These are not cases in which she has *accused* a student of plagiarism. Instead, she has made a general statement to the class that she knows plagiarism has occurred and the perpetrator has one hour to come forward. A student does, in fact, confess and they have a very serious talk. In the situation she has described, the student has never tried to drop the class. In most cases, it has been a first-year student who always made straight "As" in high school but is now taking calculus, physics, and other demanding courses and suddenly receiving "Cs." The student is experiencing extreme anxiety and distress.

Prof. Brogan said she would never *accuse* a student of plagiarism without proof. That is an entirely different matter. While she has initiated Honesty Code proceedings against students in the past, this situation is different. She is describing a case in which she strongly suspects dishonesty but cannot produce direct evidence of it. Thus, she appeals to the class for the guilty student to come forward, and they do. That is not an accusation.

Fr. Malloy said that the question of proof is the distinguishing factor between the two cases.

Prof. Gernes spoke in favor of retaining in the Code some ambiguity for what constitutes a possible response on the part of faculty to a student's dishonesty. In her experience, students who plagiarize are in a precarious emotional state, even going so far as threatening or attempting suicide. Prof. Gernes said she has not reported these students. Instead, as has Prof. Brogan, she has worked with them by calling them into her office for a serious discussion, insisting that they seek psychological help and requiring that they provide her with verification that they are doing so. She wants some ambiguity to remain in the Code so that such a response is possible. There are dangers in moving too far in the other direction and requiring certain prescribed responses.

Prof. Garg responded that, according to the Code, faculty members do not have the option of talking to a student and requiring him or her to seek psychological help. The Code says that faculty members *must* take one of the actions described in Section IV(B)(4)(c).

Prof. Woo, dean of the Mendoza College of Business, said the issue of faculty having a choice of reporting students' dishonesty is of great concern to her. Faculty members do not have a choice in reporting known dishonesty. It is very critical that faculty members follow the procedures for reporting dishonesty outlined in the Code. The discretion and flexibility of faculty members lies in the recommendations they might make to the Honesty Committee about the severity of a penalty.

Prof. Woo continued that the Code involves a whole training and communication process across colleges. Now,

there are too many inconsistencies. The reason for having a department and a college-level committee is to impose some consistency in action.

Returning to the subject of students reporting fellow students' violations, Prof. O'Hara said that the language of the draft does accomplish what the committee intended. Changing "These possible actions include. . ." to "They are . . ." would defeat the purpose. The key sentence is in the first paragraph of Section 4: "If aware of a likely academic Code of Honor violation, a student must take responsible action." Then, the purpose of the third paragraph is to provide an instruction manual for students of various actions they could take. The correct word to use is "include," for students' actions should not be limited to subsections (a) through (d). These subsections list the actions one would normally expect a student to take. However, for example, if a student went to a professor other than the instructor of the course to discuss what he or she witnessed, one would not want the charged student to be able to claim that because the witness did not go to the instructor of the course, no case could be brought against him. By being inclusive, the existing language does exactly what the committee intends.

As to the possible actions of faculty, Prof. O'Hara said that there are multiple levels of discretion available for instructors. The faculty member can first have a conversation with the student to determine whether dishonesty occurred. If there is still a reason to suspect dishonesty, the faculty member has an obligation to bring it forward. This Code establishes a new procedure, however, by which the chair of the Honesty Committee can make a preliminary determination not to take the case forward. Thus, there are many opportunities to exercise discretion. In this, it seems far superior to the existing code.

Furthermore, Prof. O'Hara continued, as Fr. Jenkins and his committee realized, the more and more technical a Code becomes, the more possibility created for procedural defects because someone did not "dot the i or cross the t." The proposed language is quite balanced in according fairness to the charged student but providing sufficient

flexibility to make the Code work.

Prof. Blanchette said she does not see in the Code the ambiguity that would allow the kind of sympathetic counseling approach Profs. Brogan and Gernes have described. Section IV(B)(4) of the Code says very clearly that a faculty member aware of a situation in which dishonest behavior may have occurred "must" take one of the following actions—submit a formal report to the Honesty Committee, or discuss the situation with the student suspected of violating the Code and, if the suspicion remains, report it to the Honesty Committee. That means that faculty members who think the Code has been violated cannot take matters into their own hands, even if they strongly believe that is the right thing to do. If council members believe that the kind of sympathetic counseling approach described can, at times, be the proper course of action, they should rewrite the Code.

Prof. Brogan agreed. Reporting a student who is experiencing an emotional breakdown to an Honesty Committee might represent the fission point for the student and not what is best for him or her. The situations she has described are entirely different than cases of flagrant cheating—that is, cases in which the student knows exactly what he or she is doing. Prof. Brogan said she is willing for anyone to take her up on charges for not reporting plagiarism in all instances. She will continue to treat students she feels are at an emotional breaking point in the way she has described. These students do *not* cheat again. Exercising her prerogative to deal with instances of plagiarism in the way she feels is best for the student is an important part of being a professor. If that means the council must rewrite the Code, then it should do so.

Prof. Wegs said there are people on the Honesty Committee of the History Department who have an amazing facility for finding sources and papers on the Internet. At times, he has known when reading a paper that it is not written by the student, but he is unable to pinpoint the source. The best course of action in that case and one he will continue to follow is to turn the matter over to the Honesty Committee.

Fr. Malloy commented that every legal Code ever written must be interpreted in concrete and specific ways. Those who have responsibility to oversee the whole activity do not need to make judgments about whether people are doing their job or not. The debate between following the letter of the law or the spirit of the law has endured throughout the ages. The goal of the Honor Code is to have a policy that is reasonable, has widespread support, sets forth a certain level of expectations, and is adjudicated fairly. All this is difficult to achieve which is why the draft before the council today is Draft 17 of the revisions.

Prof. Marcantonio asked if the Code allows the various Honesty Committees to perform "acts of mercy."

Several members said that it did.

Prof. Marcantonio then said he presumes that can be done in total privacy so that a student in severe emotional distress would not be pushed over the edge.

Fr. Malloy commented that there is a huge concern today about record keeping and privacy matters associated with it. Whenever a student is caught plagiarizing, the parents—often even before the student—envision the derailment of their child's entire future career track, which heightens the emotions involved. The dishonesty is no longer just one incident; it is rather a whole life is ruined. The injection of that heightened emotionality into Honor Code proceedings makes it very difficult for the Honesty Committees to function consistently; yet, consistency from college to college and department to department is extremely important.

Returning to the issue of faculty discretion in dealing with a student's dishonesty, Prof. Affleck-Graves said that, at first, he believed it would be most appropriate to give faculty members the same "out" given to students by adding a sentence to the Code that a faculty member aware of dishonesty must act responsibly and doing so "includes" various actions. However, the reason he has changed his mind is the argument advanced by Prof. Preacher that it is important to protect students in Honesty Code matters. When an instructor takes an arbitrary action, even though

he or she might think it fair, the student has no recourse. As the proposed Code is written, the instructor can make a recommendation to the Honesty Committee on how to deal with the infraction or ask if he or she can handle the matter in a certain way. While council members could continue to discuss precise wording of specific provisions, the point of the document is to convey the spirit of how the University community should act when confronting instances of dishonesty. The Code should convey the expectation that faculty will report a violation or a suspicion of one.

Prof. Incropera asked about Article VI(C)(9), which states that after hearing evidence and deliberating, the Honesty Committee should decide by majority vote whether the evidence supports a finding of an Honesty Code violation. Given the seriousness of a finding of dishonesty, he would much prefer to see a unanimous vote. If the ruling is only a majority decision, that suggests that the evidence has not been completely conclusive.

Prof. O'Hara said her experience in the Law School has been that, even in the most flagrant cases of cheating, it is very difficult for an Honesty Committee to achieve unanimity.

Prof. Incropera said the three issues he has adjudicated since coming to Notre Dame have all had unanimous votes on the part of the Honesty Committee. In one case, however, he questioned the final judgment of the committee.

Prof. Powers agreed with Prof. O'Hara that there is often a great reluctance on the part of one or two Honesty Committee members to follow through with a finding of dishonesty. He, too, has found this to be true even in the most flagrant of cases.

Fr. Jenkins said subcommittee members discussed the question of requiring a unanimous Honesty Committee decision. He pointed out that the deans have wide discretion in overruling the finding of an Honesty Committee or in imposing a different penalty. The deans' offices are very much a backstop in a case in which a conviction appears questionable.

Prof. Blanchette commented that Section VI(D)(2), dealing with penalties, provides that a student who is found to

have committed a "major offense" will receive an "F" in the course. Yet, if a student is already in danger of failing a course, he or she may decide that the odds of getting caught are less than those of receiving the "F" and go ahead and cheat.

Fr. Jenkins agreed that a rational actor may decide that the odds of getting caught are less than those of receiving a failing grade; however, a student who cheats twice may be suspended or dismissed from the University. Thus, any student calculating the odds would also need to factor in the possibility of a more severe penalty in the future if there is a second violation.

Prof. Blanchette remarked that if the student had not cheated before and was facing a failing grade, he or she may very well decide that cheating is more advantageous. Why should there not be a more serious penalty for major, premeditated cheating?

Prof. Woo said even if it would appear more "rational" to risk cheating rather than the certainty of a failing grade, the penalty for committing an Honor Code violation is not just about the "F." The "F" on the transcript is accompanied by a record of dishonesty the student will carry with him or her.

Ms. Schmid commented that a student who calculated the odds in the way Prof. Blanchette has described would most likely be determined to have engaged in a "flagrant" offense. Under Section VI(D)(3), one offense characterized as "flagrant" may lead to suspension or dismissal.

Fr. Scully said he supports the draft of the Honor Code presented for approval today. He worked very hard with Prof. Stuart Greene on the draft the Academic Council considered in 1999. That draft was a joint endeavor of the Faculty Senate and the Academic Council. The document their committee produced failed to gain approval of the Academic Council, which was probably the correct decision. This is a far superior document, and he encourages council members to approve it. If the proposed Code is adopted, experience with it undoubtedly will indicate that certain refinements are necessary. At that point, the Undergraduate Studies Committee can take up suggestions for further study.

Prof. Hösle asked if the proposed revisions contain any sanctions for faculty who do not report known dishonesty by students but who follow, for example, the sympathetic counseling approach described by Profs. Brogan and Gernes.

Fr. Jenkins said that the Code does not contain any specific sanctions. It is up to honesty committees to decide this.

Prof. DeBoer pointed out a small change in Section VI(C)(11), "Honesty Committee Hearing Procedures," the line "... and it should include information such as the general nature of the suspected offense..." should read "such as the general nature of the suspected offense."

Prof. Incropera raised a question about Section VI(E)(8)(d), which provides: "The dean or Architecture chair may agree with the decision but not with the penalty imposed by the Honesty Committee, and may decrease the severity of the penalty..." He asked Fr. Jenkins if the committee meant to preclude the possibility that a dean or the Architecture chair could *increase* the penalty. Perhaps the dean may have some information about the student the Honesty Committee did not.

Fr. Jenkins answered that the committee did intend to preclude the possibility that a dean or the Architecture chair could increase the penalty imposed by the Honesty Committee. The rationale is to protect the rights of the student. One person should not be able to inflict a greater penalty than the committee itself.

Prof. Garg pointed out that, earlier, in Section VI(E)(2), the Code provides three reasons for a student to appeal a decision: (1) new evidence, (2) the presence of a procedural defect in the preliminary investigation or hearing, or (3) evidence of personal bias on the part of members of the Honesty Committee that likely influenced the committee's decision. He asked where the Code indicates that another option for appeal is a petition for mercy on the part of the dean.

Fr. Jenkins replied that it is not one of the grounds for appealing to the dean. The committee wanted to limit the number of appeals and to prevent every case from being taken to the next level.

Ms. Dayton asked where, specifically, the Code requires faculty members to explain to their students what constitutes plagiarism.

Fr. Jenkins said that it is Section IV(B)(2), "Communicating Standards to Students."

Returning to the question of sanctions against a faculty member who does not report suspected Honor Code violations to an Honesty Committee but chooses his or her own course of action, Prof. Preacher commented that in the past, when students have reported that a faculty member has unjustly accused him or her of plagiarism and imposed a sanction, her office has advised the students to take the issue to the Honesty Committee themselves. That hearing is not a sanction for the faculty member; rather, it simply means that the student will have a different hearing. This course of action has worked out well in the past, with the students feeling satisfied that they have received a fair hearing.

Prof. Preacher asked for clarification of Section VI(D)(3), concerning offenses deemed "flagrant" by the Honesty Committee. In those cases, the committee may recommend "suspension or dismissal" of the student. Prof. Preacher said that the current Code does not offer the option of suspension. While there are suspensions for disciplinary reasons, there is now no such thing as an academic suspension. Is the new Code creating one?

Fr. Jenkins responded that what Prof. Preacher is calling "dismissal," the committee has called "suspension."

Prof. Powers inquired that in referring to Prof. Incropera's question about giving deans the option of increasing the severity of a penalty, when a committee assigns penalties, can it look at the student's past record? Will it know, for example, that the student has a prior violation?

Fr. Jenkins replied that the committee will not know of a student's prior violations. If there is a prior violation, the associate provost assigns a further penalty for the repeated offense. The standard penalty for a repeated offense is suspension or dismissal from the University. Section VI(G)(2).

Fr. Malloy asked Fr. Jenkins if he was prepared to call for a vote on the proposed revisions to the Honor Code.

Fr. Jenkins said he was and moved for the council to approve it. Fr. Scully seconded the motion.

Fr. Malloy called for a vote on the proposed revisions to the Honor Code. It was unanimous in favor of their acceptance.

Fr. Malloy thanked Fr. Jenkins and the committee as a whole for their hard work, painstaking attention to detail, and their inclusion in the revision process of many constituents. He said that revising the Honor Code had been an enormous task, but the process was marked throughout by a tremendous amount of collegiality.

9. Committee Reports.

(a) Faculty Affairs Committee. Prof. Delaney said that his committee had brought several items forward at today's meeting for resolution.

(b) Graduate Studies Committee. Prof. Garg said that committee members continue to discuss quality-of-life issues for graduate students, including the possibility of designating certain facilities on campus exclusively for their use.

(c) Undergraduate Studies Committee. Prof. Roche said now that the revised Honor Code has been approved, other business for undergraduate studies subcommittees include: (1) formulating a concrete proposal to maximize the University's use of classroom space, and (2) examination of broad curricular issues, including the unevenness of tutoring opportunities across colleges and integrating some of the major requirements from study abroad into the curriculum.

10. New Business—Library Expenditures. Prof. Aldous distributed a handout she compiled from statistics on file at the Geostat Center of the Alderman Library at the University of Virginia. It provided figures on total expenditures of various university and college libraries showing that from 1995-2000, Notre Dame had the third highest percent increase in total library expenditures, but was ranked ninth in the amount of total library expenditures in 2000. (Princeton was first with \$29,434,902; Notre Dame's expenditures

were reported as \$17,225,138.) Prof. Aldous said she was concerned about the amount of expenditures for libraries at Notre Dame. Libraries are absolutely central to the work of the University. She asked why large donors are not encouraged to fund this very important part of University life.

Fr. Malloy said that a good topic for a future meeting featuring a presentation both by Jennifer Younger, director of University Libraries, and others is the library, its funding, and future priorities.

Prof. Affleck-Graves agreed. He suggested a future meeting devoted to the whole funding trajectory of Notre Dame's library and of comparable libraries, as well as development efforts with respect to the library. Several interesting initiatives have occurred in the library, he said, and a comprehensive report would be very enlightening.

Fr. Malloy added that there is a great story to tell in terms of how the University has been able to attract support for the library in its last two development campaigns, as well as the progress that has been made in many areas under Jennifer Younger's leadership.

Prof. Aldous asked that the presentation be scheduled for the next meeting. If that is not possible, it should occur at some meeting this semester.

Fr. Malloy said he would direct consideration of such a presentation and discussion to the Executive Committee, the group that sets the agenda for Academic Council meetings.

There being no further business, Fr. Malloy adjourned the meeting at 4:55 p.m.

Respectfully submitted,

John Affleck-Graves
Secretary

Academic Council

February 26, 2002

Members Present: Rev. Edward Malloy, C.S.C., Nathan Hatch, Rev. Timothy Scully, C.S.C., John Affleck-Graves, Rev. John Jenkins, C.S.C., Maura Ryan,

Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Eileen Kolman, Patricia O'Hara, Mark Roche, Carolyn Woo, Jacque Brogan, Melissa Rauch, Sonia Gernes, J. Robert Wegs, Joan Aldous, Patricia Blanchette, Susan N. Blum, Cornelius Delaney, Mitchell Wayne, Joseph Powers, Panos Antsaklis, Edward Conlon, Robert Bretz, Jay Tidmarsh, Dino Marcantonio, Alan Krieger, Kenneth DeBoer, Samantha Schmid, Stephanie Arnett

Members Absent: Francis Castellino, Frank Incropera, Teresa Ghilarducci, Vittorio Hösle, Ikaros Bigi, Umesh Garg, Ava Preacher, Sonja Mapes

Members Excused: Jennifer Younger, Vittorio Hösle

Observers Present: Mary Hendriksen, Dennis Brown (for Dennis K. Moore), Col. Mark Gehri, Harold Pace, Tom Laughner, Julia Dayton

Observers Absent: Dan Saracino

Observers Excused: Dennis K. Moore

Guests: Prof. John Robinson, Law School

Fr. Malloy called the meeting to order at 3:05 p.m. Prof. Hatch offered a prayer.

1. Proposal to Amend the Academic Articles concerning the Faculty Senate and the Academic Council. Prof. Hatch said that the two, linked proposals before the council today—one to amend the section of the *Academic Articles* related to the Faculty Senate, the other to amend the section of the *Academic Articles* setting forth the composition of the Academic Council—are the result of much work on the part of a joint committee of the Faculty Affairs Committee of the Academic Council and the Faculty Senate. Both proposals come to the full council with the approval of the Executive Committee.

Prof. Affleck-Graves gave a brief history of the evolution of the proposals. At its final meeting of the 2000-01 academic year, the retiring Faculty Senate passed a resolution to dissolve itself. As with many resolutions from the senate, it was forwarded as a motion to the Academic Council. In September 2001, the Executive Committee of the new Faculty Senate asked that the Academic Council delay taking up the motion to

disband. Its members wanted an opportunity to discuss the issue of faculty governance and, possibly, to formulate an alternative proposal for restructuring itself.

In November 2001, the Executive Committee of the Faculty Senate asked the Executive Committee of the Academic Council to join with it in forming a nine-member committee to explore ways of restructuring the Faculty Senate and the Academic Council. The Executive Committee of the Academic Council approved the request and appointed the following four members of the Faculty Affairs Committee to the committee: John Affleck-Graves, Panos Antsaklis, Neil Delaney, and Sonia Gernes. The Senate elected Stephen Hayes, Kathleen Peterson, John Robinson, and Michael Zuckert to the joint committee, which was chaired by Jacque Brogan, chair of the Faculty Senate. The two motions before the council today are not only the product of the work of this joint committee but also of the Faculty Senate on its own.

Prof. Affleck-Graves continued that the first motion is a proposal to restructure the senate and to create a stronger relationship between it and the Academic Council. The second proposal makes the necessary, related changes to the composition of the Academic Council. In approving both proposals, members of the Executive Committee of the Academic Council stated their belief that the restructuring will strengthen and streamline in many ways the work of both the senate and the council. For example, the proposals call for the Executive Committees of both bodies to hold a joint meeting each semester. Also, where possible and appropriate, members will be appointed to joint committees of the senate and the council to explore issues of mutual interest.

Prof. Affleck-Graves said that the Executive Committee believed it reasonable that the Notre Dame faculty continue to have a faculty-only forum—the senate—in which faculty members can debate and discuss issues of particular concern to them. He noted that the proposals also provide the Faculty Senate with a broader voice on the Academic Council, while recognizing that there are important differences in the mandates of the two bodies.

Saying that he would speak later on the second proposal, which sets forth the changes to the Academic Council, Prof. Affleck-Graves asked Prof. Brogan to summarize the changes the first proposal makes in regard to the Faculty Senate.

(a) Proposal to change Academic Article IV, Section 3 (b): The Faculty Senate. Prof. Brogan referred members to Attachment A, "Proposal to Change *Academic Articles*: Faculty Senate." She explained that currently senators have been elected at-large within their respective colleges. Thus, the College of Arts and Letters has 18 slots in the senate and those 18 representatives are elected by all members of the College. Committee members felt that one problem with this structure is that it contains no inherent reporting mechanism. It would seem unwieldy for all 18 representatives to send their own version of the minutes to all members of the college. Thus, in practice, no one reported. The recommended change is that each department in the University's various colleges elect one member to the senate—a change committee members believe will go far in making the senate more effective.

Prof. Brogan explained that the proposal contains some modifications to the one department/one representative structure. The College of Science does not have as many departments, proportionately, for its faculty as does the College of Arts and Letters; thus, it has been given two additional seats. The same is true of the Mendoza College of Business and the College of Engineering. As is the case now, the three programs of military science together elect one senator. The remaining seats in the senate are distributed on an at-large basis as follows: the *emeritus* faculty has two seats, the special professional faculty has three seats—an increase of one, and the library faculty has two seats.

Prof. Brogan continued that the proposed restructuring retains the current rotating three-year appointment structure, as well as the current structure of officers: chair, vice-chair, treasurer, and two co-secretaries. The four standing committees also remain the same; however, the proposal states that the chairs of the standing committees will

serve as *ex officio* members of the Academic Council—giving them more direct access to the Academic Council. This will also eliminate some of the committee routing and rerouting necessitated by the present structure. For example, it will no longer be necessary for a subcommittee in the senate dealing with academic affairs to bring its proposal to the senate's Executive Committee, then to the floor of the senate, then to the Academic Council, and then have it routed through the council's subcommittees and reporting structure. This particular restructuring provision will provide a more direct conduit for the flow of information—a change that members of both the administration and the senate feel will speed up discussion and action on matters needing their attention.

Prof. Brogan said, as Prof. Affleck-Graves noted, the proposal provides for a meeting of the senate and the council once a semester to discuss issues of common concern and, when appropriate, that the two bodies form joint committees to explore issues of common interest or concern. She said that the joint committee structure should prove to be an important innovation. A case in point is the good work done by the joint committee that developed the restructuring proposal now on the floor.

In concluding her remarks, Prof. Brogan thanked Profs. Michael Zuckert, David Klein, and John Robinson for their work in drafting the proposal to restructure the Faculty Senate.

Prof. Robinson, a guest at the meeting, explained that the idea behind the restructuring is to make the senate a bit smaller, to coordinate its work with that of the Academic Council, and to have senators responsive to identifiable constituencies. He said that the scope of the proposed changes is rather modest. Its greatest single failing could be its failure to achieve what must be achieved—the revitalization of the senate.

Prof. DeBoer offered a friendly amendment to the proposal—changing the proposed amendment's reference in line 8 to “the professional specialists” to “the special professional faculty.”

Prof. Affleck-Graves accepted the amendment, as well as other minor

amendments regarding grammar and punctuation.

Prof. Hatch pointed out for members' information that the overall wording in the proposal concerning the senate's mission and operations is drawn from the current *Academic Articles*.

Prof. Robinson added that the proposal set forth in Attachment A includes the sentence: “The Senate's range of concerns extends to matters affecting the faculty and to matters on which a faculty perspective is appropriate.” He said that this language is a change from the current *Academic Articles*, which state: “The range of concern of the Faculty Senate extends to matters affecting the faculty as a whole.” Prof. Robinson said that the new language is intentionally open-textured. It does, in fact, conform with the prior practice of the senate with respect to the matters it considered within its scope.

Fr. Scully moved for adoption of the proposal; Prof. Delaney seconded the motion.

Fr. Malloy called for a vote to amend that section of the *Academic Articles* concerning the structure of the Faculty Senate as set forth in Attachment A. The vote was unanimous in favor of its adoption.

(b) Proposal to Amend Academic Article IV, Section 3(a): The Academic Council.

Prof. Affleck-Graves explained that the second proposal results from the first one, although it has several additional aspects as well. (Attachment B) A major change is that, as provided in the first proposal, the chairpersons of the four standing committees of the Faculty Senate become *ex officio* members of the Academic Council.

Prof. Affleck-Graves said that other changes to the structure of the Academic Council are not related to the previously approved changes to the Faculty Senate. They are:

(1) Three additional faculty-at-large members are appointed by the Chair of the Academic Council. Prof. Affleck-Graves said that the spirit of this provision is in keeping with the way in which the Chair currently appoints additional members to the Executive Committee—that is, to ensure balance and representation of different groups on campus;

(2) The number of voting student members is increased from four to five—one graduate and four undergraduate students. This is a change from the current *Academic Articles*, which provide for one graduate and three undergraduate students as voting members. Prof. Affleck-Graves said students currently make up 10 percent of the council. Because the proposal increases the number of faculty representatives on the council, the drafters made a corresponding change in the number of student members, but still maintaining the membership ratio of 10 percent students;

(3) The chair of Architecture will be an *ex officio* member of the Academic Council. This remedies the long-standing concern of the School of Architecture that it does not have adequate representation on the council.

Prof. Affleck-Graves explained that if the second proposal passes, a few more steps are necessary to put it into effect. First, Student Government must establish the precise mechanism by which the student representation increases from three to four. Currently, one student representative is the Academic Commissioner and two are elected. The current Articles state that student members are selected according to procedures approved by the Academic Council; thus, all that is necessary is that the students come to the council with a proposal for electing the additional student. Prof. Affleck-Graves noted that Student Government does have a proposal on how that election should occur. Second, because now the elections to the Faculty Senate will be run through departments rather than colleges, the senate will need to amend its bylaws, particularly with respect to the election term, the times of those elections, and procedures for them. Finally, the senate will need to approve a proposal for the postponement of certain elections—for instance, the election for emeriti faculty—which are normally concluded by March 1 or April 1. Given the date of this meeting and, if the proposals pass, the necessity of seeking approval of the Board of Trustees, the senate will not be able to hold those elections in time this year.

Prof. Kantor offered a friendly amendment to the proposal with respect to the

representation of graduate and professional students. Currently, the Academic Council has one student member from the Graduate School and one from the University's other programs of advanced studies. The first sentence in the current article identifies one representative as "from the other programs of advanced studies." Later in the paragraph, the student is identified as from the Law or Business Schools. On an annual basis, the two representatives alternate voting and observer status. Prof. Kantor proposed that both the Graduate School and the "other advanced studies" representatives be accorded a vote.

Prof. Affleck-Graves clarified that the proposal, as amended, would read: "In addition, there are six student members, one the Academic Commissioner of the Student Government, another a student from the Graduate School, and one from the other programs of advanced studies," which he identified as the Law School and the Business School.

Prof. Kantor's amendment was seconded and accepted by the drafting committee.

Prof. Hatch asked for clarification. Does the amendment increase the number of student representatives from five to six?

Prof. Affleck-Graves answered that the number of student representatives will increase to six. Two student representatives would be from the University's graduate and professional schools and four would be undergraduates.

Prof. Hatch said that the amendment would not actually *increase* the number of graduate students. Rather, it gives a vote to the graduate student who, under the current *Articles*, serves as an observer.

Prof. Bretz noted that accepting the amendment requires deletion of the last sentence of the proposal.

Prof. Affleck-Graves agreed.

Prof. Brogan said that as a member of both the Faculty Senate and the Academic Council, she believes that the total package of changes the proposals put into effect will be beneficial for each group and for the University as a whole. In the past, there has been an unfortunate polarization or a gap in communication that is not healthy for

the University. With the elected chairs of the Faculty Senate's standing committees now part of the Academic Council, overall community concerns will have a much more effective voice in the council, which should be helpful to that body itself. As a member of the council, she has been disappointed this year at the lack of agenda and the cancellation of meetings. With the changes that will go into effect with these two proposals, she is optimistic that there will be a better and more inclusive conversation at the University, as well as better policy-making.

Prof. Aldous asked why there are appointed members at all on the Academic Council. She has taught at several different colleges and universities but it has never been her experience that administrators serve as *ex officio* members on an Academic Council or that elected members are not very heavily in the majority. In fact, the governing bodies with which she is most familiar and those that are most efficient are those in which members choose or not choose to call in the president or provost or whoever is in similar administrative positions.

Prof. Affleck-Graves responded that the joint committee examined the governance structures of eight peer institutions. Each has its own unique structure. Some have two bodies, as does Notre Dame, while others have only one. With only one exception, the schools that have a single body have a mix of faculty, administrators, students and, in some cases, other constituents—for example, alumni. And, those single bodies are a mix of *ex officio* and elected members. In those that have two bodies, they tend to be, although not always, one body that is composed of faculty only—very similar to Notre Dame's Faculty Senate—and another that is a mixture of faculty and members from other constituencies.

Prof. Delaney said he strongly endorsed the proposal to restructure the Academic Council. In the history of the University, the Faculty Senate has done much good work, but it has always been a rather free-floating body. This proposal integrates it very constructively into the Academic Council. He also applauds the proposal's provisions for

increased faculty and student representation. Given the many concerns of various constituencies at the University, the proposal seems to respond to each in a reasonable way.

Fr. Scully moved for the adoption of the proposal to restructure the Academic Council. After a second by Prof. Delaney, Fr. Malloy called for a vote. It was unanimously approved.

Fr. Malloy thanked all those who worked so hard developing the proposals. He said he would approve them and recommend approval by the Board of Trustees.

2. Committee Reports.

(a) Faculty Affairs Committee. Prof. Delaney said that the proposals approved today were at the top of the committee's agenda. The next agenda item concerns issues with the Library, for which members have a meeting with Library Director Jennifer Younger on March 18.

(b) Graduate Studies Committee. Prof. Tidmarsh reported that committee members have met with Jennifer Younger to discuss issues concerning the Library raised by Prof. Aldous at the last Academic Council meeting. They plan to meet with her again.

(c) Undergraduate Studies Committee. Prof. Woo said that the committee was looking at advising and tutoring, as well as curriculum review. Fr. Jenkins added that with reference to the curriculum review, members have met with the College Council of Arts and Letters, the Mendoza College of Business faculty as a whole, and the Undergraduate Studies Committee of the College of Science. At this point, they are trying to solicit comments and suggestions before beginning to formulate a set of recommendations.

3. Report on the University's Strategic Planning Process. Prof. Hatch reported that the coordinating committee for the strategic plan, appointed by Fr. Malloy in fall 2001, has come forward with a statement of aspirations and a charge, which has been sent to each of the collegiate deans. The strategic planning process will thus begin at the collegiate and departmental levels this term, with a report due from them by mid-fall 2002. The overall timetable calls for

completion of the plan one year from now—spring 2003. There are various other strategic planning units; for example, institutes and centers with which Fr. Malloy or others from the Provost's Office will meet in the next month.

Fr. Malloy added that a press release will go out in the next week or so to the broader community describing the process and the timing of the strategic plan, but the faculty is already aware of both.

4. Clarification Regarding the Faculty Senate and Academic Council Restructuring Proposals. Ms. Rauch said that Student Government has a proposal for the election of student representatives to the Academic Council. Should that be presented to the council at its next meeting?

Fr. Malloy answered that the proposal should go to the Executive Committee first, then brought to the full council.

Prof. Hatch said that he and Fr. Malloy have agreed that the two proposals passed today would be taken to the Executive Committee of the Board of Trustees so that they need not wait for approval until the board's May meeting.

Fr. Malloy said that the vote can be taken by phone, but formal approval is needed by the Board of Trustees for any change to the *Academic Articles*.

There being no further business, Fr. Malloy adjourned the meeting at 3:45 p.m.

Sincerely,

John Affleck-Graves

Secretary

Faculty Board on Athletics

April 16, 2002

Members present: Prof. Fernand Dutille (chair); Prof. Matthew Barrett; Prof. Harvey Bender; Prof. John Borkowski; Dr. Matthew Cullinan; Prof. Joseph Guiltinan; Dr. Kate Halischak; Prof. Blake Leyerle; Prof. Layna Mosley; Ms. Laura Patterson; (Rev.) Mark

Poorman, C.S.C.; and Prof. Clark Power.

Members absent: Prof. William Berry; Prof. Kerry Thomas; and Dr. Kevin White.

Observers Present: Ms. Missy Conboy and Mr. Bernard Muir (both of the Department of Athletics); Mr. Patrick Holmes (of the Office of Academic Services for Student-Athletes); and Ms. Mary Hendriksen (recorder).

1. Call to order and prayer: The chair called the meeting to order at 4:20 P.M. At the chair's request, Prof. Borkowski offered a prayer.

2. Minutes of previous meeting: Dr. Cullinan moved that the minutes for the meeting of March 26, 2002, be approved. Prof. Guiltinan seconded the motion, which was approved unanimously.

3. Announcements: On behalf of the board, the chair thanked Dr. Halischak for hosting the board's meeting in the Coleman-Morse Center.

The chair asked that his e-mail of April 11, 2002, regarding the alleged sexual assault on a Notre Dame female student by one former and three current football players, be added to the minutes of this meeting. (See Appendix).

The chair announced that he had approved, pursuant to the board's authorization, the spring 2002 schedule for men's soccer; the fall 2002 schedule for volleyball; and an amendment to the 2002-03 schedule for hockey. Under that amendment, both games against Bowling Green State University on December 7 and 8 will be played at home; both games against Bowling Green State University on February 14 and 15 will be played away. All three schedules remain within University guidelines.

The chair announced that he had approved the following captains for men's soccer (2002-03): Erich Braun; Greg Martin; and Justin Ratcliffe. The chair also informed the board that he had approved the following captains for hockey (2002-03): Evan Nielsen; Connor Dunlop; and Aaron Gill.

4. Petitions for a fifth year of eligibility [To protect student privacy, the extensive discussion of the individual petitions before the board has been omitted from these public minutes.]:

Before the board came several petitions for a fifth year of eligibility, all from current members of the football team. Prof. Guiltinan moved that the petitions of the following student-athletes for a fifth year of eligibility be approved: Bernard Akatu; Arnaz Battle; Brian Black; John Crowther; Chad DeBolt; Thomas Lopienski; Michael McNair; Timothy O'Neill; Carlos Pierre-Antoine; Ryan Roberts; Matthew Sarb; Ryan Scarola; and Shane Walton. Prof. Borkowski seconded that motion, which passed unanimously.

5. Proposed drug-testing policy: Prof. Barrett introduced the discussion of a proposed drug testing policy, currently under consideration by the University's Committee on Drug Testing (of Student-Athletes), on which Prof. Barrett represents the Faculty Board on Athletics. The board's discussion addressed a wide variety of issues, including membership of the proposed committee; reporting lines for that committee; the definition of proscribed substances; the frequency of testing, as compared with the current situation; the means of ensuring the presence of the appropriate student-athletes for any scheduled testing; the testing procedures themselves; notification of any positive test result to persons other than the student-athlete; sanctions; the need for review of the policy by the Office of General Counsel; drug education at the University generally; and the incidence of drug use at Notre Dame. Prof. Barrett added that much remains to be done with regard to the proposed drug-testing policy. The chair thanked Prof. Barrett for his good work in this connection.

6. Ex-Officio Reports: Dr. Halischak introduced to the board Mr. Patrick Holmes, senior counselor in the Office of Academic Services for Student-Athletes. Pending the arrival of Ms. Frances Shavers, who will succeed Dr. Halischak as director of that office, Mr. Holmes will serve as its interim director.

7. Reports of Sub-Committee Chairs: Prof. Barrett reported to the group that he had met with the student-athlete advisory council to discuss the proposed changes in the rules governing the scheduling of play and competition during Holy Week. The student-athletes expressed no support for any change in

the current policy. Important to them remained the opportunity to schedule competitions with enough flexibility to qualify for NCAA championships. Student-athletes reported that coaches provide team members, when traveling on Good Friday, ample opportunity for worship. In some cases, local alumni clubs arrange such worship. Coupling this lack of support with that expressed by the coaches at an earlier meeting, Prof. Barrett foresaw no significant change in the University's current policy with regard to competition during Holy Week. Perhaps an amendment allowing practice at home on the morning and evening of Good Friday, but with a longer blackout time—for example from noon until 6 p.m.—might be desirable. We might, Prof. Barrett added, require that a chaplain accompany teams traveling during that weekend or at least that an opportunity to worship be provided. The chair indicated one concern with regard to the current rule. The language alluding to the availability of exceptions for sports requiring weekend tournaments clearly had in mind situations like those faced by track, golf, and rowing. Nonetheless, providing for such situations through the use of such wording might cause the board to view such exceptions as undesirable concessions. Perhaps new language could recognize that these sports will regularly compete on spring weekends, including during Holy Week. Prof. Barrett agreed that such competition should no longer be viewed as an exception and that, therefore, such teams should not be required to come back repeatedly for such "concessions." Nonetheless, there should be no competition on campus on Good Friday or on Easter Sunday; competition on Holy Saturday should be permitted. Of course, since our regulation will not prohibit all competition on Good Friday, we will not qualify for the NCAA-tournament exemption available to universities barring games on particular religious holidays.

8. New Business: Prof. Borkowski asked whether petitions for a fifth year of eligibility should go to a subcommittee prior to coming to the board. The chair responded that, despite his affinity for the subcommittee process, the short time span in which such applications must be considered makes that

process difficult, if not impossible. Prof. Leyerle added that consideration of such petitions by the whole board yields much better analysis. For example, participation of the whole board in the discussion of the petitions considered today provided some very important information. Agreeing, Father Poorman called the current system "remarkably efficient."

Prof. Borkowski noted that many faculty members have expressed concerns regarding recent allegations that Notre Dame football players had been involved in the rape of another University student. What is the University doing to prevent sexual aggression? Does it have a policy? Are certain student-athletes candidates for counseling? Are our prevention programs adequate? Mr. Muir responded that the Department of Athletics does present seminars on the topic—to the football team during the summer and to other programs during the fall. We do try to identify student-athletes at risk. Mr. Muir offered to report on this program at the next board meeting. Ms. Conboy added that the department tries to bring in different speakers in different years. Prof. Borkowski saw a problem with regard to outside speakers; we should have one person who students know on a day-in, day-out basis. He would like to see a chart of the prevention programs conducted throughout the year. His assumption: These programs are not working. Ms. Conboy emphasized that we should not judge the whole program by one incident. Prof. Borkowski: "Many incidents have been reported, not just one. Indeed, the problem we are discussing—the confluence of aggression and alcohol—affects the entire student body." The chair invited Mr. Muir to report to the board on this subject at the next meeting.

The chair adjourned the meeting at 6:00 p.m.

APPENDIX

E-Mail to Faculty Board on Athletics from its Chair—April 11, 2002

Dear Board Members[:]

As you know, the press is reporting a Notre Dame female student's allegations that three current members of the University's football team and one former member raped her on March 28. I have been in touch with both the Office of Student Affairs and with the Department of Athletics regarding this situation and have been briefed on its general parameters.

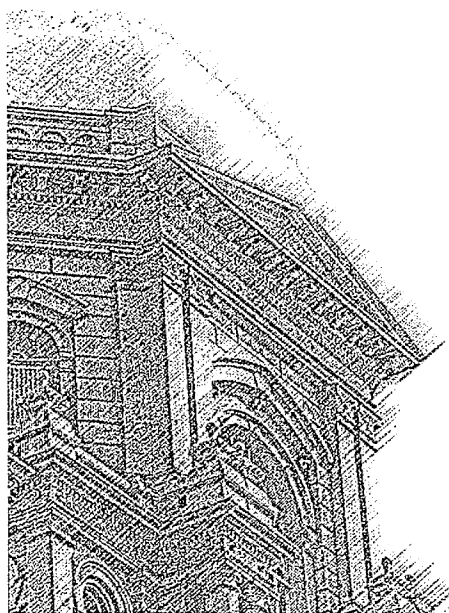
Both St. Joseph County officials and Notre Dame have the authority to pursue, and indeed are pursuing, the allegations in accordance with criminal and University procedures, respectively. Under federal law, of course, the University is not free to disclose matters relating to any individuals who might become involved in its disciplinary proceedings.

At this point, at least, no action by the Board seems called for. Should this change or should further disclosable information develop, I will let you know.

Regards,

Tex [Dutile]

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