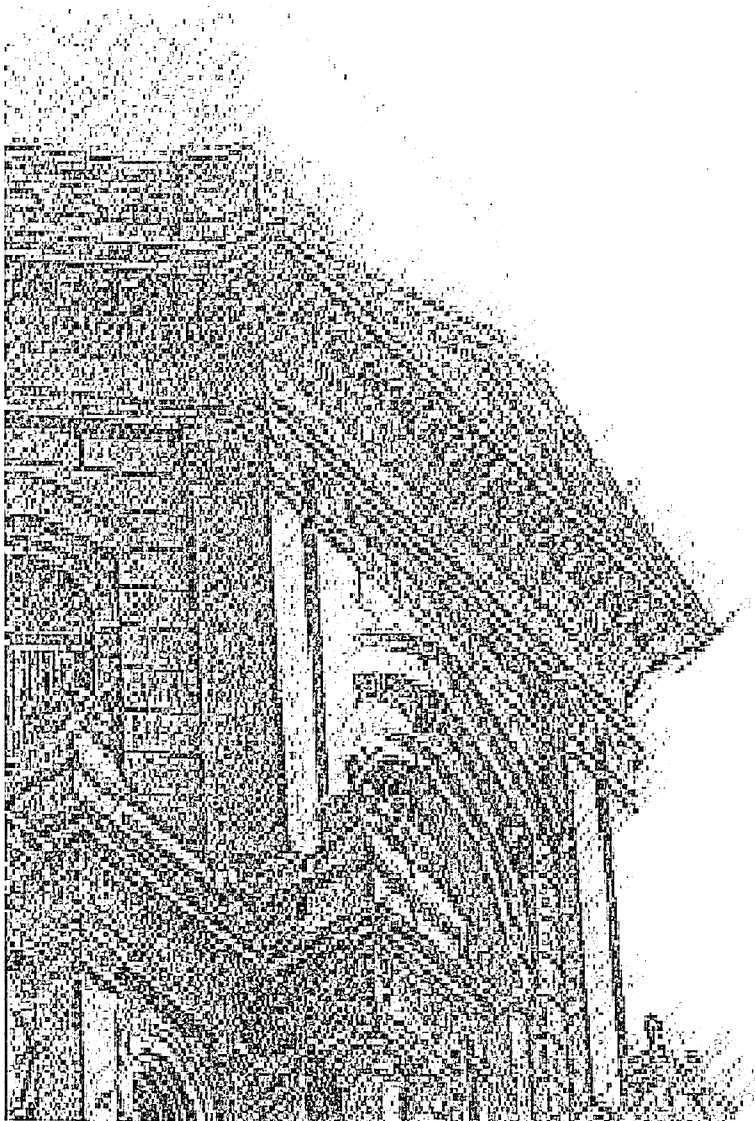


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Faculty Notes

Honors

Klaus Dieter Asmus, professor of chemistry and biochemistry, was awarded the Marie-Sklodowski-Curie Medal by the Polish Radiation Research Society for his work in radiation research.

Yahya C. Kurama, associate professor of civil engineering and geological sciences, has been appointed for a three-year term as an associate editor and book review editor for the American Society of Civil Engineers *Journal of Structural Engineering*.

Maureen Lafferty, staff psychologist and coordinator of internship training at the University Counseling Center, was elected to the board of directors of the Association of Counseling Center Training Agencies in Jacksonville, Fla.

Rueywen Liu, the Freimann Professor Emeritus of Electrical Engineering, was inducted into the Honor Professorships at the Shanghai Jiao Tong Univ. by the Minister of Education, in Shanghai, China, June 1.

Guillermo O'Donnell, the Kellogg Professor of Government, was honored at the Woodrow Wilson Center for International Scholars, Smithsonian Institution, Oct. 1-2, in commemoration of the 25th anniversary of the launching of the project "Transitions from Authoritarian Rule," which he co-directed and from which resulted the four volumes of the same title, The John Hopkins University Press, 1986.

Activities

Anatoli Afanasjevs, research assistant professor of physics, presented the invited talk "Cranked Relativistic Hartree-Bogoliubov Theory: Rotating Nuclei, Proton-Neutron Pairing and Towards Superheavy Nuclei" at the Institute for Nuclear Theory workshop "Relativistic Density Functional Theory for Nuclear Structure," Seattle, Sept. 20-24; the talk "Self-Consistency Effects in Superheavy Nuclei" at the conference on "Nuclei

at the Limits," Argonne National Laboratory, Ill., July 26-30; the seminar "Hunting Superheavy Nuclei," Institute of Solid State Physics, Univ. of Latvia, June 15; and the seminars "Relativistic Hartree-Bogoliubov Theory: From Nobelium Region towards Superheavy Nuclei," and "Isovector ($t=1$) or Isoscalar ($t=0$) Neutron-Proton Pairing in Rotating N-Z Nuclei???" Dept. of Mathematical Physics, Lund Institute of Technology, Sweden, June 17-18.

Asma Afsaruddin, associate professor of Arabic and fellow at the Kroc Institute, gave the invited talk "Taking Faith to Heart: Reconciliation and Fraternal Love in Islamic Thought" at the conference "Bringing Faith, Meaning and Peace to Life in a Multicultural World," sponsored by the Foundation for Science and Culture, Istanbul, Turkey, Oct. 3-5; presented the invited lecture "Making Space for Women Scholars: Challenging the Master Narrative in Islamic Education," and led a seminar discussion on her edited volume, *Hermeneutics and Honor: Negotiating Female Public Space in Islamic/Ite Societies*, at the Dept. of History and Religious Studies, Penn State Univ., College State, Oct. 8.

J. Douglas Archer, librarian, presented "Libraries and the USA PATRIOT Act" at the Indiana Library Federation's District 5 and 7 "Joint Fall Conference" at Saint Mary of the Woods College, Terre Haute, on Oct. 19.

Brian M. Baker, assistant professor of chemistry and biochemistry, presented "T Cell Receptor Ligand Interactions: Multiple Solutions to the Protein-Protein Docking Problem" at the "Gibbs Conference on Biothermodynamics," Carbondale, Ill., Oct. 9-10.

Matthew J. Barrett, professor of law, presented "The SEC and Accounting, In Part Through the Eyes of Pacioli" during a symposium on "The SEC at 70" that the Notre Dame Law School and the Securities and Exchange Commission Historical Society hosted on campus at the DeBartolo Center for the Performing Arts on Sept. 23.

Philip H. Bess, professor of architecture and director of Graduate Studies in the School of Architecture, moderated an interdisciplinary symposium titled "An Intimate Conversation About the Built Environment and the Good Life, with Andres Duany" at the School of Architecture in February; directed a week-long neighborhood design workshop in Wasilla, Alaska, in March for Valley Residential Services, a local nonprofit community development corporation (CDC); lectured on "The POLIS and Natural Law: the Moral Authority of the Urban Transect" at Andrews Univ. in February, at Notre Dame in April, at Calvin College in May, and at Judson College in October; and in September lectured on "New Urbanism, Private Property, and the Public Realm" at Thomas Aquinas College and the Claremont Institute.

John Blacklow, assistant professor of piano, performed in June at *Cite de la Musique* in Paris, in a concert that was recorded live for broadcast on Radio France; performed with the Los Angeles Philharmonic New Music Series, at Walt Disney Concert Hall; and recorded the solo piano soundtrack for a Nike television commercial broadcast worldwide throughout the Summer Olympics in August.

David E. Campbell, assistant professor of political science and Institute for Educational Initiatives fellow, presented "Religious 'Threat' in the 1960 and 2000 Presidential Elections: A New Application for a Venerable Theory" at the annual meeting of the Society for the Scientific Study of Religion, Kansas City, Mo., Oct. 23.

Patricia Clark, the Luce Assistant Professor of Chemistry and Biochemistry, presented the invited seminar talk "Folding Proteins and Structural Scaffolds: Lessons from Biology" at the Univ. of Delaware chemistry/biology interface program, Oct. 5.

Norman Crowe, professor in the School of Architecture, presented a lecture titled "In Search of Fundamentals: Private Prerogatives and Public Responsibilities" at Texas Tech Univ. on Oct. 1.

John Duffy, assistant professor of English and director of the University Writing Center, presented "Letters from the Fair City: A Rhetorical Conception of Literacy," at the Western States Rhetoric and Literacy

Conference, Arizona State Univ., Tempe, Oct. 22.

Richard W. Garnett, associate professor of law, presented "Religion, Division, and the First Amendment" at Wake Forest Univ., Oct. 21; St. Thomas Univ., Oct. 19; and the Univ. of Illinois, Oct. 12.

Teresa Ghilarducci, associate professor of economics, presented the invited talk "Employer Pension Reform and the Future of Secure Retirement" at the Center for Economic Policy Analysis of New School University conference titled "Pension Fund Capitalism and the Crisis of Old-Age Security in the United States," Sept. 10–11; acted as a commentator on two papers at the Levy Economics Institute of Bard College conference on "The Distributional Effects of Government Spending and Taxation," Oct. 15–16; and took part in two radio broadcasts on WBUR, Boston, serving as a guest for the *On Point* segment titled "United, We Fall" on Aug. 5, and for *The Connection* program titled "Pension Crisis" on Oct. 13.

Holly Goodson, assistant professor of chemistry and biochemistry, presented the invited seminar "Application of Phylogenetic Approaches to Biochemistry and Cell Design" at Georgetown Univ., Sept. 24–27.

Jan-Lüder Hagens, assistant professor of German, presented "Forgiveness and Self-Referentiality as Characteristic Properties in the Drama of Reconciliation: An Historical Analysis" at "Text and Presentation: Comparative Drama Conference XXVIII," Ohio State Univ., Columbus, April 29; presented "Tragedy, Christian Influences, and the Drama of Reconciliation" at "Names and the Unnameable: Literary Art and Spiritual Vision: 2004–05 Midwest Regional Meeting of the Conference on Christianity and Literature," Notre Dame, Sept. 18; presented "Using an Online Song Collection to Teach Intermediate Language Courses" at "Dream ... Build ... Learn: Technology in the Classroom—Poster Presentation Sponsored by the Kaneb Center for Teaching and Learning and the Office of Information Technologies," Notre Dame, Sept. 21.

Maureen Lafferty, staff psychologist and coordinator of internship training at the University Counseling Center, participated in two panel presentations on the topics of "Intern Seminar Curriculum" and "Intern

Impairment" at the annual conference for the Association of Counseling Center Training Agencies in Jacksonville, Fla.

Rev. William M. Lies, C.S.C., executive director of the Center for Social Concerns, associate professional specialist in political science, and Kellogg and Kroc Institutes fellow, presented "Caught between Shepherd, Sheep and Wolves: Assessing the Preaching Tenor of Chilean Catholic Clergy" at the "2004 Meeting of the Latin American Studies Association," Las Vegas, Oct. 7; and "The Challenge of Integrating Catholic Social Tradition throughout the Catholic University Curriculum" as part of the Hesburgh Lecture Series, Louisville, Nov. 3.

Xiaobo Liu, associate professor of mathematics, presented the invited talk "Virasoro Conjecture for Gromov-Witten Invariants" in a geometry seminar at Purdue Univ., Oct. 5; and a talk on "Idempotents on the Big Phase Space" in a geometry seminar at Boston Univ., Oct. 20.

Ralph M. McNerny, the Grace Professor of Medieval Studies, director of the Jacques Maritain Center, and professor of philosophy, presented "Why I am Still a Thomist," Campion College, San Francisco, Jan. 25; "Ancient Quarrel Between Philosophy and Poetry," Univ. of San Francisco, Jan. 27; "Are There Any Great Books," Loyola College, Baltimore, Mar. 31; "Literature and the Mystery Novel," Catholic Evidence League, Baltimore, April 2; "Value of Family and Children," St. Helena Parish, Minneapolis, April 22; "Being Irish in America," Irish American Society, Muskegon, Mich., May 11; "Implicit Moral Knowledge," Calvin College, May 14; "St. Thomas and the Natural Law," Thomistic Institute, Univ. of Notre Dame, July 6; "Thomism Under Fire," Univ. of Manitoba, Canadian Maritain Assoc., May 30; a panel discussion of Groarke's *The Good Rebel*, Univ. of Manitoba, Waterloo, June 2; "Being, Relation, Person," Pontifical Academy of St. Thomas Aquinas, June 26; "Implicit Moral Knowledge," Lezione Tomista conference, Univ. of Palermo, July 20; "Physics for Realists," Notre Dame, July 30; "Humor and Waugh: Laugh. It Ought to Rhyme with Waugh," Center for Ethics and Culture English Novelists series, Notre Dame, Oct. 5; "Mystery Writers," Plainfield-Guilford Township Public Library, Oct. 14; "Renewal of Civilization: Towards Justice and Peace,"

American Maritain Association, Atlanta, Oct. 21; "The Scandal of Philosophy," *Pázmány Péter Katolikus Egyetem*, Budapest, Oct. 27; and an interview with Alexander McCall Smith, "Mystery Writers Conference," Ball State Univ., Oct. 23.

Juan Migliore, professor of mathematics, co-organized the "Special Session on Algebraic Geometry and Commutative Algebra" at the 999th meeting of the American Mathematical Society in Nashville, Oct. 16–17.

Karen M. Morris, assistant professional specialist in chemistry and biochemistry, presented the invited talk "Park Interpreter Programs and Inquiry-Based Science: Mix or Match?" at an inservice meeting for the St. Joseph County Parks Dept., Osceola, Sept. 27 and 29.

Rudolph M. Navari, associate dean, College of Science, and director of the Walther Cancer Research Center, presented "New Agents for the Treatment of Chemotherapy Induced Nausea and Vomiting" at the Vanderbilt Ingram Cancer Center Grand Rounds, Vanderbilt Univ., Nashville, on Oct. 20.

Guillermo O'Donnell, the Kellogg Professor of Government, presented an invited lecture "The State and Democracy in Latin America" at the plenary session of the conference on "*La Democracia en America Latina*," Mexico DF, Sept. 10.

Vera B. Profit, professor of German and comparative literature, delivered an invited lecture at the Univ. of Innsbruck, Austria, titled "The Footprints of the Devil: The Case of Dr. Emmenberger in Friedrich Dürrenmatt's *Der Verdacht*" on Mar. 11; and presented "Mephistopheles Revisited" on Mar. 19 at the "Fifth Global Conference: Perspectives on Evil and Human Wickedness," held in Prague.

Mary Prorok, research assistant professor of chemistry and biochemistry, presented the invited talk "Structural, Functional, and Metal Binding Properties of the Neuroactive Conantokin Peptides" to the Dept. of Chemistry, Albert Einstein College of Medicine, Bronx, N.Y., Oct. 19.

Steven T. Ruggiero, professor of physics, presented "Dilute Al-Mn Alloys for Superconductor Tunneling and Other Devices" at the "2004 Applied Superconductivity

Conference," Jacksonville, Fla., Oct. 5; and also served as session chair at this conference.

Mark R. Schurr, associate professor of anthropology, organized the symposium "The Potawatomi During the Removal Period: Diversity in Time and Space" at the "50th Annual Midwest Archaeological Conference," St. Louis, Oct. 21; presented "Untangling Removal Period Sites: The Complexity of Potawatomi Sites," cowritten with T.J. Martin, in the session; presented two invited lectures to local community organizations: "Archaeology at the Collier Lodge Site" at the Jasper County Public Library, DeMotte, Ind., Oct. 11, and "Removal Period Archaeology at the Pokagon Village Site" to the Harbor County Historical Society, Three Oaks, Mich., in October; and presented the invited lecture "Pat's Predictions: When It All Fits Together" at a symposium in honor of Patrick Munson, Bloomington, Oct. 16.

Margaret Shackell, assistant professor of accountancy presented "Understanding Alignment: The First Step in Understanding the Performance Measurement—Performance Relation" at the Univ. of Toronto, Oct. 1.

Denis A. Goulet, the O'Neill Professor Emeritus in Education for Justice, Dept. of Economics, and Kellogg and Kroc Institutes fellow, published "Changing Development Debates under Globalization: The Evolving Nature of Development in the Light of Globalization," *Journal of Law and Social Change* 6, No. 1 (2004): 1–17.

Yang Sun, visiting associate professor of physics, presented "An SU(4) Dynamical Symmetry Model of High-Temperature Superconductors" at the "Workshop on Nuclei and Mesoscopic Physics," Michigan State Univ., East Lansing, Oct. 23–26.

Marta Toth, assistant professional specialist in chemistry and biochemistry, presented "A Novel Approach to Identify Active Matrix Metalloproteinases (MMPs) in Tumor Tissue" at the "Third International Conference on Tumor Microenvironment: Progression, Therapy and Prevention," Prague, Czech Republic, Oct. 11–22.

Publications

Matthew J. Barrett, professor of law, published unabridged and concise versions of the 2004 *Supplement* (with D. Herwitz) for the third editions of *Materials on Accounting for Lawyers* (Foundation Press).

Philip H. Bess, professor of architecture and director of Graduate Studies in the School of Architecture, published a review of James Howard Kunstler's *The City in Mind* in the *Bulletin of Science, Technology and Society* (February): 62–68; and "The Old Urbanism," a review of David Mayernik's *Timeless Cities in First Things* 141 (March): 39–43.

David E. Campbell, assistant professor of political science and Institute for Educational Initiatives fellow, published "The Civic Implications of Canada's Educational System" in *Educating Citizens: International Perspectives on Civic Values and School Choice*, P.J. Wolf and S. Macedo, eds. (Washington, D.C.: Brookings Institution Press, 2004).

Francis J. Castellino, Dean Emeritus of Science and the Kleiderer-Pezold Professor of Chemistry and Biochemistry, published "A Single Amino Acid Replacement Results in the Ca²⁺-Induced Self-Assembly of a Helical Conantokin-Based Peptide" with Q. Dai and **Mary Prorok**, research assistant professor of chemistry and biochemistry, *Biochemistry* 43 (2004): 13225–13232.

Daniel M. Chipman, professional specialist in the Radiation Laboratory, published "Alternative Fermi Contact Operators for EPR and NMR" with V.A. Rossolov, *Calculation of NMR and EPR Parameters. Theory and Applications*, M. Kaupp, M. Bühl, and V.G. Malkin, eds. (Weinheim: Wiley-VCH, 2004): 493–504.

Guillermo J. Ferraudi, professional specialist in the Radiation Laboratory, published "Preparation and Photophysical Properties of Precursors of Inorganic Macromolecules: Mono and Binuclear Complexes of Ru(II) and

Derivatized with Thiophene and 4'-(5-Bromothiophene) Groups" with R. López, D. Villagra, S.A. Moya, and J. Guerrero, *Inorganica Chimica Acta* 357 (2004): 3525–3531.

Agustin Fuentes, associate professor of anthropology, published a review of *Field and laboratory Methods in Primatology*, J.M. Setchell and D.J. Curtis, eds., in *Primates* 45 (2004): 283–284.

Joachim Görres, research professor of physics, published "Complete Structure Determination of the Astrophysically Important Nucleus Na-20 Below the Proton Threshold" with D. Seweryniak, et al., *Physics Letters B* 590, Nos. 3–4 (2004): 170–175.

Denis A. Goulet, the O'Neill Professor Emeritus in Education for Justice, Dept. of Economics, and Kellogg and Kroc Institutes fellow, published "Changing Development Debates under Globalization: The Evolving Nature of Development in the Light of Globalization," *Journal of Law and Social Change* 6, No. 1 (2004): 1–17.

Dirk M. Guldi, associate professional specialist in the Radiation Laboratory, published "Unexpected Change in Charge Transfer Behavior in a Cobalt(II) Porphyrin-Fullerene Conjugate that Stabilizes Radical Ion Pair States" with L.R. Sutton, M. Scheloske, K.S. Pimer, A. Hirsch, and J.-P. Gisselbrecht, *Journal American Chemical Society* 126, No. 33 (2004): 10370–10381; "Tuning the Ground-State and Excited-State Interchromophore Interactions in Porphyrin-Fullerene p-Stacks" with C. Chukharev, N.V. Tkachenko, A. Efimov, A. Hirsch, M. Scheloske, and H. Lemmetyinen, *Journal of Physical Chemistry B* 108, No. 42 (2004): 16377–16385; and "Drastic Changes in the Lifetime and Electron Transfer and Energy Transfer Reactivity of the Triplet Excited State of p-Benzoquinone by Complex Formation with Scandium Ion Salts" with J. Yuasa, K. Ohkubo, and S. Fukuzumi, *Journal of Physical Chemistry A* 108, No. 40 (2004): 8333–8340.

Kevin Hart, professor of English and fellow, Nanovic Institute, published *The Dark Gaze: Maurice Blanchot and the Sacred* (Chicago: Univ. of Chicago Press, 2004).

Ralph M. McInerny, the Grace Professor of Medieval Studies, director of the Jacques Maritain Center and professor of philosophy, published *The Green Thumb: A Mystery Set at the University of Notre Dame* (St. Martin's Press, 2004): 234 pp.

Marvin J. Miller, chair and the Clark Professor of Chemistry and Biochemistry,

published "Therapeutic Uses of Iron(III) Chelators and Their Antimicrobial Conjugates" with V. Girijavallabhan, *Iron Transport in Bacteria* (Washington, D.C.: ASM Press, 2004): 413-4333.

Rudolph M. Navari, associate dean, College of Science, and director of the Walther Cancer Research Center, published "Aprepitant: a Neurokinin-1 Receptor Antagonist for the Treatment of Chemotherapy Induced Nausea and Vomiting" in *Expert Review of Anticancer Therapy* 4 (2004): 715-724.

Guillermo O'Donnell, the Kellogg Professor of Political Science, co-edited *The Quality of Democracy: Theory and Applications* (Univ. of Notre Dame Press, 2004).

Adrian J. Reimers, adjunct associate professor of philosophy, published "Human Suffering and the Theology of the Body" in *Nova et Vetera* 2, No. 2 (fall).

Steven T. Ruggiero, professor of physics, published "Superconducting Transition Edge Sensor Using Dilute AlMn Alloys" with S.W. Deiker, W. Doriese, G.C. Hilton, K.D. Irwin, W.H. Rippard, J.N. Ullom, L.R. Vale, A. Williams, and B.A. Young, *Applied Physics Letters* 85 (2004): 2137.

Slavi C. Sevov, professor of chemistry and biochemistry, published "Heavy-Metal Aromatic Rings: Cyclopentadienyl Anion Analogues Sn_5^{6-} and Pb_5^{6-} in the Zintl Phases Na_8BaPb_6 , Na_8BaSn_6 , and Na_8EuSn_6 " with I. Todorov, *Inorganic Chemistry* 43 (2004): 6490-6494.

Julianne C. Turner, associate professor, Institute for Educational Initiatives, and concurrent associate professor of psychology, published "Motivational Influences on Student Participation in Classroom Learning Activities" with H. Patrick, *Teachers College Record* 106 (2004): 1759-1785; "Supporting

Autonomy in the Classroom: Ways Teachers Encourage Student Decision Making and Ownership" with C.R. Stefanou, K.C. Perencevich, and M. DiCintio, *Educational Psychologist* 39 (2004): 97-110; and "The Importance of Emotion in Theories of Motivation: Empirical, Methodological, and Theoretical Considerations from a Goal Theory Perspective" with D.K. Meyer and A. Schweinle, *International Journal of Educational Research* 39 (2004): 375-393.

John P. Welle, professor of Romance languages and literatures, concurrent professor of film, television and theatre, and Nanovic Institute fellow, published the essay "Early Cinema, Dante's *Inferno* of 1911, and the Origins of Italian Film Culture," in *Dante, Cinema and Television*, A.A. Iannucci, ed. (Toronto: Univ. of Toronto Press, 2004): 21-50.

Administrators' Notes

Activities

Richard F. Klee, tax director, copresented "Four Steps for Managing Corporate Sponsorship Agreements" to the National Association of College and University Business Officers' annual tax forum, Oct. 21.

Douglas J. Kroll, business manager, Mendoza College of Business, presented "University of Notre Dame's Giovanini Commons: Reshaping the Learning Process" with W. Ketcham at the "Society for College and University Planning 2004 North Central Regional Conference," Minneapolis, Oct. 10-12.

Documentation

Faculty Board on Athletics

September 2, 2004

Members Present: Prof. Fernand Dutile (Chair); Prof. Harvey Bender; Prof. Eileen Botting; Mr. Bobby Brown; Dr. Matthew Cullinan; Prof. Stephen Fallon; Prof. Umesh Garg; Mr. Patrick Holmes; Prof. William Kelley; Prof. David Kirkner; (Rev.) Mark Poorman, C.S.C.; Prof. Donald Pope-Davis; Prof. F. Clark Power; Dr. Kevin White.

Members Absent: Prof. John Weber.

Observers Present: Mr. Bernard Muir, Ms. Missy Conboy, Mr. John Heisler III, all of the Department of Athletics; Ms. Kitty Hoye, recorder.

1. **Call to order and prayer:** The Chair called the meeting to order at 5:05 p.m. Dr. Cullinan led the group in prayer.

2. **Minutes of May 13, 2004:** The Chair noted that the Board, through an e-mail vote, had approved these minutes, a hard copy of which accompanied the agenda for today's meeting.

3. **Announcements:** Since this was the first meeting of the new academic year, the Chair invited self-introductions from all present.

The Chair announced his approval, on behalf of the Board, of the following captaincies: David Binz and Megan Wilson (cheerleaders, Gold Unit); Michael Jenista and Christine Williford (cheerleaders, Blue Unit); Tim Moore and Sean O'Donnell (men's cross-country); Meg Henican (volleyball); Sarah Jane Connelly (women's tennis); Jacqueline Batteast, Teresa Borton, and Megan Duffy (women's basketball); Jordan Cornette, Torin Francis, Chris Quinn, and Chris Thomas (men's basketball); K. C. Wiseman, Steve Colnitis, and Scott Gustafson (men's golf); and Katie Brophy and Suzie Hayes (women's golf).

The Chair announced that he had also approved, on behalf of the Board, the following team schedules: volleyball (fall 2004); men's tennis (2004-05); men's and women's

cross-country (fall 2004; although the schedule calls for four missed-class days in the Monday-Wednesday-Friday sequence, no individual student-athlete will miss more than three); hockey (2004-05); cheerleaders (fall 2004); football (fall 2004); and rowing (fall 2004).

The Chair also announced approval of an amendment to the schedule for women's soccer. That amendment added the afternoons of September 16 and October 7 to the list of missed-class days; these additions do not take the schedule outside University guidelines. Due to unanticipated flight changes, however, on September 30 two student-athletes will be excused from their post-2:00 p.m. classes. These excusals do implicate a fourth "MWF."

At this point, the Board ratified these decisions by its Chair.

The Chair noted for the record that the Board had approved through e-mail votes: 1) the schedule for women's soccer (fall 2004); and 2) a fifth year of eligibility for Danielle Davis, a fencer.

The Chair notified the Board that he had sent each of them a copy of the 2004 edition of the *FBA Manual*. He hoped soon to announce the composition of the Board's three subcommittees (academic integrity; student welfare; and communication). Among the matters the Chair hoped the subcommittees would address during this academic year: 1) the academic problems that arise for student-athletes in their ninth and tenth semesters; 2) possible revision of Notre Dame's Statement of Principles for Intercollegiate Athletics; 3) possible adjustment of the current structure and jurisdiction of the Board; 4) possible need for new guidelines with regard to multi-sport athletes at Notre Dame (the Chair noted, in this connection, that the NCAA had recently limited multi-sport athletes to the same number of hours of sports activity per week as single-sport athletes); 5) the current proposal before the NCAA to allow, for football, five years to play five years—as

opposed to the current system allowing five years to play four; and 6) possible amendment of the guidelines relating to the Byron V. Kanaley Award.

The Chair updated the Board on the discussion by the Big East Conference of men's participation in women's athletics practices. At a meeting in June, the conference's faculty athletics representatives showed no significant interest in changing the current approval of such participation. Moreover, the conference Student-Athlete Advisory Council also endorsed the current arrangement.

4. **Football Scheduling:** Dr. White pointed out that on January 28, 2004, the Ad Hoc Committee on Conference Affiliation, having considered all options, decided to "stay the course" in the Big East and continue to "monitor the landscape." That committee also considered the need to rework Notre Dame's football schedule in order to be more competitive and, at the same time, honor budget requirements. Obviously, only cosmetic changes can occur during the near future, for which we are almost totally contracted. We can write on a relatively clean slate from the year 2011 onward. Ultimately, we seek to have seven home games every year, a feat more easily said than done. We would like to move to a seventh home game by the 2009-10 academic year. In some years, depending on the calendar, we have a 12-game schedule rather than an 11-game schedule; in such years we would hold the line at seven games in South Bend so as not to "overload" the campus, but try to be creative with the eighth game. This could, for example, involve a "home" game in a major city.

At this point, Dr. White introduced Mr. John Heisler to elaborate on the scheduling situation. Mr. Heisler stressed that a lot of time has been spent on this issue; the logistics of seven home games changes the dynamics considerably. We do not want to walk away from our established relationships. Moreover, although we are not members of the Big East for football, that conference has asked that we remain engaged with it through scheduling a certain number of Big East football games. Even if we are independent in football, the conference argues, a strong Big East is in our interest. The Big East remains fairly flexible

with regard to whom we play within the conference and where. Mr. Heisler expects to put out next week a memo describing our priorities in these regards.

Dr. White: We have to get one or two "bye" games (i.e., games in which the opponent plays here, but we do not return the visit) to begin the season. As an independent, we are in some senses being held hostage because of scheduling difficulties. We will test the market in this regard. Our game last year with Washington State, for example, came as a one-way deal. There are many ways in which we can continue our relationship with Navy, too. In other words, this is an exciting time in which to reinvent ourselves and be still more successful. Prof. Pope-Davis asked whether this fall's two weekends without a football game, occasioned by the move of the game against Brigham Young University, will become a pattern. Dr. White responded that predicting scheduling patterns was difficult. We do want to create breaks that make sense. We would like to have an open weekend around mid-term examinations, for example. As an independent, we can strategically plan these types of breaks. In any event, it is important to remember that any change made by Notre Dame couldn't be done overnight, anyway; our television contract with NBC, for example, got negotiated based on our current conference situation. The Chair thanked Dr. White and Mr. Heisler for the scheduling update. Prof. Bender asked the Board to specially recognize Mr. Heisler for the "incredible job" done in rescheduling the game against Brigham Young University. The Board enthusiastically endorsed that suggestion. Mr. Heisler thanked the Board, but noted the crucially important role played by ESPN in that process.

5. BCS Update: At this point Dr. White reported on Notre Dame's position with regard to the next contract of the Bowl Championship Series (BCS), now being worked out. We are, he said, excited about the expansion of BCS bowls to five, as opposed to the former four. This change allows ten "access points," rather than eight. (The Rose Bowl, one of those five bowls, has already renewed its contract with ABC; that Bowl negotiates separately from the other bowls.) Our discussion has now turned to the level at which Notre Dame

gets automatic access to a BCS bowl and the level of financial payout. It is likely that Notre Dame will now move to a guaranteed minimum payout each year, with additional funding provided in years in which Notre Dame participates in one of the five bowls. (Previously, Notre Dame received a payout only when selected to play in a BCS bowl—"feast or famine.") Although there remained some significant differences between Notre Dame and the rest of the BCS authorities with regard to both access point and payout, Dr. White had every confidence that a satisfactory agreement would be reached. Dr. White noted that an important BCS meeting, scheduled for September 8, would provide still more answers.

6. Team Schedules: The Chair, authorized to approve only those team schedules that fall within University guidelines, brought to the Board several schedules that raised questions in that regard. Several of these implicated guidelines with regard to the "last week of class." The Chair noted the ambiguity of that phrase. Does it mean the entire week from the final Thursday through the final Wednesday, including the intervening weekend? Does it mean the final five class days only? Or does it mean the last calendar week, and therefore only the Monday, Tuesday, and Wednesday of that week? The Chair stated that to date he had interpreted the phrase to mean the last five class days, excluding the intervening weekend. He sought the guidance of the Board on this question. Mr. Muir noted that head coaches treat the last week as comprising only the Monday, Tuesday, and Wednesday. Prof. Kirkner: That seems intuitively correct. Not to me, said Prof. Fallon; in some cases the last two classes can equal the last week of class. Prof. Garg urged that the calendar determine the last week of class. Prof. Bender worried that considering the full seven days to be the last week of class would dramatically constrict the time available for scheduling competition. Ms. Conboy agreed; that is a key point, especially for spring sports. Defining the last week of classes to include only three days reduces the problem significantly. At this point, the Chair emphasized that even under an expansive interpretation of "last week," reasonable scheduling would not be impossible since conference games are specifically exempted from the provision. Prof. Power urged the Board to look to the spirit

of the law; what do we want to protect? On the last day of class, I discuss the upcoming examination, he added. Ms. Conboy: Take softball, as an example. That team does not practice at all toward the end of the semester. It just plays games. Shouldn't it matter if a game is at home and, therefore, no classes are missed? Prof. Kelley asked whether the intent underlying the provision reflected concern about staying on campus and studying; isn't that the point? Father Poorman thought the provision was designed to discourage travel. The Board, voting on a duly made and seconded motion, adopted the view that the "last week of class," as used in the *FBA Manual*, means the last Monday, Tuesday, and Wednesday of the last calendar week of class.

With this clarification, the Board next considered individual schedule proposals. Mr. Muir introduced that for men's basketball. The proposal called for one class-miss day, for the December 8 game against Indiana, during the last week of class, and a home game against DePaul on December 11, a study day. The schedule also proposed two missed-class Friday afternoons, February 12 and February 19, in anticipation of Saturday games on national television. These Fridays would be in addition to the three class-miss days in the Monday-Wednesday-Friday sequence allowed by University guidelines. In response to a question from Prof. Kirkner, Mr. Muir stated that the team would like to practice on campus at noon on those Fridays, then fly to the site of the game in time to take part in a "walk-through" at the arena. At this point, the Chair noted his concerns. First, the Department of Athletics had provided extensive air chartering for the basketball team precisely with a view to controlling missed classes. Second, added the Chair, how would we square approving such additional class misses with the fact that other Notre Dame teams board busses after class for six-and seven-hour rides to Big East away games? Third, wouldn't every sport like to have a noon practice before departing campus? Mr. Muir responded that different sports have different needs. On the other hand, the Chair added, the study-day game against DePaul seemed at least impliedly approved by the Board last year in approving the parallel away game during study days. Moreover, the December 8

game against Indiana seems well within the "limited nonconference competition" authorized by the guideline. Prof. Fallon: With regard to the Friday afternoon request, we are weighing the desirability of basketball practice against the desirability of class attendance. Prof. Kirkner: How many players would have class during the afternoon—one or two, or the entire team? Mr. Holmes responded that preferential registration for basketball has traditionally allowed team members to avoid having Friday afternoon classes. Prof. Fallon worried about students being counseled against taking certain courses so as to free up their afternoons. Prof. Garg expressed his concern that allowing two extra Friday afternoons of excused classes would mean, essentially, that students would miss twenty-five percent of the course. Ultimately, the Board approved the December 8 game at Indiana; approved the December 11 home game against DePaul; and, for lack of a motion, did not approve Friday afternoon class misses on February 12 and February 19.

At this point the Board considered the request of men's golf for one extra class-miss day in the Monday-Wednesday-Friday sequence. This extra excused-absence day would permit the team to play a much more competitive schedule. Upon a motion duly seconded, the Board approved the request. Also before the Board came the travel schedule for the "junior-varsity" men's golf team. Although historically junior-varsity travel schedules have not come before the Board for class-miss days, Mr. Muir noted that the proposal resembles what has traditionally been done in track, namely, having different student-athletes attend different meets during the season. Under the proposal, more student-athletes will have opportunities to qualify for post-season play. Moreover, Mr. Muir said, no student who participates only in junior-varsity competition will miss more than the allotted three days in each sequence, although the team itself is scheduled to compete on four days in the Monday-Wednesday-Friday sequence. Prof. Garg moved that the schedule be approved; Prof. Kelley seconded. The motion passed.

The Board then considered the spring 2004 schedule for softball. That schedule calls for three nonconference games during the last week of class—a doubleheader at home

on Tuesday and a single game in Chicago on Wednesday. Prof. Garg noted the large number of games played by softball at the end of the semester. Mr. Muir responded that the nature of the playing season for softball created that situation. Our inclement weather also contributes, since games cannot be scheduled too early in the semester. Dr. White noted that softball teams, like baseball teams, tend not to have practices but rather games. Mr. Holmes pointed out that with regard to the games at issue, those during the last week of class, no student-athlete would miss class. Prof. Kelley: Is such a schedule the norm for softball, then? Ms. Conboy: Yes. Indeed, we may come before you again if the weather is bad and too many games get rained out. Upon a motion duly seconded, the Board approved the schedule for softball.

7. Linking the FBA Website to that of the Department of Athletics: The Chair reminded the Board that during the last academic year it had agreed to link its website to that of the Department of Athletics. The Chair asked Prof. Fallon to address that matter, since some concerns have been raised about the breadth of exposure. Prof. Fallon noted that currently the Board website is linked to that of the Department of Athletics through "nd.edu." That link is quickly accessible and in fact may provide more exposure than the Board originally wanted. We did want to provide full access to our colleagues, but not so much to the outside world. As an alternative, we could put ourselves under the faculty-staff index. There we would be much less likely to be accessed by the outside world. Father Poorman: Do we now require a faculty "log-in"? No, Prof. Fallon responded. Prof. Bender asked whether there had been any abuses to date. No, Prof. Fallon answered, although our minutes have made it to the website of "ND Nation." Prof. Garg suggested making the site accessible only through an AFS identification. Prof. Fallon noted that students may access sites that require an AFS identification. Is student access important? Yes, submitted the Chair. Prof. Pope-Davis noted that the Board primarily intended to make the minutes accessible to our community. He voiced his concern about the direction in which the experiment might be taking us. He preferred to remain in a proactive position by maintaining control of the website. He suggested

that we "pull back," and go through some different route. Prof. Garg asked whether students generally have access to Notre Dame Report, in which the Board's minutes have regularly appeared. The Chair responded that students do not receive Notre Dame Report directly, but could have access to it in various ways. Notre Dame Report does get sent to faculty and administrative staff. At this point a motion was made to keep the Board website free of all links. That motion failed, five-four. Prof. Garg then moved that the website be linked, but that a "log-in" be required for access. That motion, duly seconded, passed.

8. Update on Ninth-Semester and Tenth-Semester Issues: Prof. Bender, for the subcommittee on academic integrity, which he chairs, rehearsed for the Board the detailed process through which student-athletes apply for a fifth year of eligibility. Two years ago, he noted, the Board undertook to refine that process still further. After a full year's attention, the new procedure now obtains. The Board's concern that student-athletes make any such fifth year of eligibility academically meaningful has not gone away. Students who complete an undergraduate degree or pursue a graduate degree during that fifth year tend to be unproblematic. Most of the academic problems have arisen from a third group, "unclassified graduate students." It is difficult to provide this group, mostly football players, with an academic incentive for the entire semester, especially during years in which there happens to be no Bowl game. Although non-student-athletes who return after their fourth year may take as few credits as they wish under University rules, the Board has generally required a nine-credit semester for student-athletes during a fifth year. Under NCAA rules, an undergraduate student finishing up the degree may take as few credits as needed to graduate. Although Notre Dame currently allows student-athletes in their eighth semester to do the same, the Board's nine-credit minimum precludes such an arrangement for student-athletes in their fifth year. Alas, the nine-credit requirement has not worked well; too many "unclassified graduate students" have not paid sufficient attention to their academic work and, at the end of the playing season, have totally withdrawn from the courses for which they had enrolled. Prof.

Bender informed the Board that he would put to his subcommittee his recommendation that student-athletes be given the same ability as other students to take as few credits as needed to complete an undergraduate degree during the ninth semester. Such a change would encourage student-athletes expecting to return for a fifth year to defer until their ninth semester some of the credits needed to graduate. The need successfully to complete those requirements would provide a sturdier academic incentive for student-athletes exercising a fifth year of eligibility.

The Chair thanked Prof. Bender for his report. He also noted a parallel problem—that of tenth-semester student-athletes enrolling merely to have access to Notre Dame's training facilities in order to pursue professional athletics careers. The Chair informed the Board that the Department of Athletics, addressing that problem head-on, had decided to offer such athletes an internship during the tenth semester. Under such an arrangement, the athletes would be employees, not students. The Chair thanked the Department for making that change possible.

9. Adjournment: Prof. Garg moved that the meeting be adjourned. Prof. Fallon seconded. The motion carried, and the meeting was adjourned at 7:03 p.m.

The Academic Council

October 13, 2003

Members Present: Rev. Edward Malloy, C.S.C., Nathan Hatch, John Affleck-Graves, Carol Ann Mooney, Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Eileen Kolman, Joseph Marino, Patricia O'Hara, Mark Roche, Jennifer Younger, John Robinson, Jay Brandenberger, Seth Brown, Nasir Ghiaseddin, Kate Schlosser, Patricia Maurice, Carol Tanner, Thomas Noble, Susan Blum, Neil Delaney, Vittorio Hösele, Joseph Buttigieg, Cindy Bergeman, Olivia Remie Constable, Christian Moevs, Steven Buechler, Hope Hollocher, Panos Antsaklis, Mihir Sen, Thomas Frecka, Teresa Phelps, J. Douglas Archer, Ava Preacher, Kenneth DeBoer, Willa Qian, Nicole Wykoff

Members Absent: Carolyn Woo, Michael Lykoudis, Paula Higgins, Mitchell Wayne,

Meghan McCabe, Tim Dale, Angela Colmenero

Members Excused: Frank Incropera, Carolyn Nordstrom, Robert Bretz, Dino Marcantonio

Observers Present: Mary Hendriksen, Capt. James Shelton, Harold Pace

Observers Absent: Dennis Moore, Daniel Saracino

The Rev. Edward Malloy, C.S.C., called the meeting to order at 3:05 p.m. Prof. Hatch offered a prayer.

1. Approval of the minutes for the Academic Council meetings of September 8, 2003, and September 18, 2003: After a change was made to the list of those attending the meeting of September 8, 2003, the minutes of the meetings of September 8, 2003, and September 18, 2003, were approved.

2. Proposal of the Undergraduate Studies Committee on classroom management: At its meeting of April 30, 2002, the Academic Council approved a proposal on course scheduling that would have shifted all Monday/Wednesday classes—both 50-minutes classes and 75-minutes classes—to a Wednesday/Friday schedule, as well as all Friday tutorials to Monday. [See *Notre Dame Report*, vol. 32, no. 5, pp. 153-155, (October 25, 2002).] The purpose of the shift was to distribute courses at the University more evenly over the class week as a means of responding to three perceived problems: inefficient use of classroom resources; scheduling conflicts for students; and the "Friday problem," wherein only 15% of classes are scheduled on Friday—a situation that, in addition to underutilization of classroom spaces, has implications for alcohol abuse related to long weekends.

Over the summer, strong faculty and student opposition emerged to the Council's vote. Objectors pointed out various unintended consequences of the change, such as the effect of a shift in Friday tutorials on the Monday schedule, problems with the scheduling of graduate student courses, the effect on travel for athletic teams and the physical education rotations. Thus, at its meeting of November 26, 2002, on the recommendation of the subcommittee on scheduling and classroom management, the Council rescinded its earlier vote. The

subcommittee agreed, however, to study the issue of class scheduling again and to return to the Council with a recommendation. [See *Notre Dame Report*, vol. 32, no. 16, pp. 373-74 (April 25, 2003).]

At today's meeting, Prof. Preacher, chair of the subcommittee on scheduling and classroom management issues, introduced a new proposal on course scheduling. See Attachment A. The statement accompanying the resolution indicates that after reconsidering the issue subcommittee members decided that, while Notre Dame's classroom resources could certainly be distributed more efficiently, the problem was not so severe at this time as to require a mandated distribution system for course scheduling. Rather, subcommittee members concluded that it would be "more appropriate for departmental chairpersons and faculty to consider the scheduling conflicts that are created for students when courses are scheduled only on a Tuesday/Thursday schedule and adjust the course scheduling accordingly at the departmental level."

Explaining that the subcommittee decided to reintroduce the two clauses of the original proposal that would establish a monitoring system for classroom management, Prof. Preacher said that the first part of the resolution presented to the Academic Council today calls for formation of a Committee on Classroom Management, composed of representatives of various University offices and colleges. Undergraduate students are represented on the Committee as well. The Committee's function is to "review course scheduling issues; to help set classroom physical and technical configuration standards; to consider requests to upgrade a classroom, take a classroom out of service, or otherwise alter the current use of a classroom; and to continue efforts to allocate resources in an efficient and equitable manner." The second part of the resolution calls for the registrar to compile data each semester indicating "how the university as a whole as well as each college and school has distributed its courses during the class week and over each class day so as to efficiently use the university classroom resources and provide feasible scheduling options for students . . ." The measures are to take effect for the Spring 2004 semester.

Prof. Roche asked Prof. Preacher to clarify whether all portions of the original proposal had been rescinded. He also asked whether the subcommittee had any confidence that departmental chairpersons and faculty would follow through on their charge to consider the effect of course scheduling on students and their ability to create a schedules.

Prof. Preacher replied that while it was Prof. Roche who questioned at the November 2002 meeting whether the monitoring and reporting provisions of the proposal—as well as its substantive provisions—should be rescinded, the Council did, in fact, vote to rescind the entire proposal. As to his second question, Prof. Preacher said that she did have confidence in departments' willingness to engage in some self monitoring. In fact, she noted, there is evidence that the self-monitoring is already occurring. At least in the College of Arts and Letters, she has seen some shift in course scheduling towards a broader distribution of classes in Monday/Wednesday/ Friday time slots. That shift is directly attributable to the interventions of department chairs.

Prof. Hatch asked Dr. Pace, the University registrar, whether he had any thoughts on the proposal. Dr. Pace replied that he supported it.

After noting that the proposal presented to the Council has the support of the Executive Committee, Fr. Malloy asked for a vote on the resolution that both establishes a Committee on Classroom Management and calls for the registrar to compile and report data each semester on course scheduling. The resolution was approved unanimously.

3. Changes to Article III of the Academic Articles concerning dismissal of a faculty member for cause and providing procedures for the imposition of severe sanctions on a faculty member: Over the past year, a joint committee of the Faculty Affairs Committee of the Academic Council and the Faculty Senate has worked on re-drafting the section of the *Academic Articles* dealing with dismissal of a faculty member for serious cause [*Academic Articles*, Art. III, Sec. 6]. On behalf of the joint committee, Prof. Mooney introduced the proposed amendments (see Attachment B). She

explained that in addition to various proposed procedural changes applicable when the Provost initiates charges to *dismiss* a faculty member, the critical new portions of the proposal deal with the imposition of *severe sanctions* on a faculty member. She highlighted other important aspects of the proposal:

(1) It defines the term "severe sanctions" to include suspension, revocation of tenure, reduction in academic rank, and certain reductions in salary.

(2) It provides a faculty member facing dismissal or the imposition of a severe sanction the option of a formal, closed-door hearing. In that hearing, evidence is presented to a three-member hearing committee—all three of whom are elected, tenured members of the Academic Council—elected by the Executive Committee of the Academic Council. The hearing committee determines whether clear and convincing evidence exists for imposing the proposed sanction. If so, the members convey that conclusion in writing to the Provost. If not, they provide a recommendation as to an appropriate sanction, if any. The Provost then makes a determination of the case and informs the accused faculty member and the members of the hearing committee in writing of his decision and the reasons for it.

(3) It provides procedures for appeal to the President if the faculty member is dissatisfied with the final result of the hearing.

Prof. Mooney said that the Faculty Senate passed a version nearly identical to the proposal presented to the Academic Council today. The shaded language in today's proposal indicates words or phrases added by the Faculty Affairs Committee of the Academic Council, with the consent of the two representatives of the Faculty Senate who were present at the meeting.

Prof. Robinson, a member of the Academic Council and the chair of the Faculty Senate, added that for purposes of this meeting, the shaded provisions should be treated as friendly amendments.

Fr. Malloy asked a question concerning Subsection (c)(5), the confidentiality provision. While saying that he is in favor of its call for the "strictest confidentiality," he noted that one of the challenges with any

case involving dismissal or the imposition of severe sanctions is the civil litigation that may follow it. Thus, he presumes that the section's confidentiality clause relates only to internal confidentiality. In the event of civil litigation, the responsibility of those involved in any disciplinary matters may be different.

Prof. Mooney responded that the issue of confidentiality was discussed briefly in committee. If a person is subpoenaed to give testimony in court, he or she would be free to do so. A subpoena would trump the confidentiality provisions of Subsection (c)(5).

Prof. Roche said that the same issue came up in discussions with the Faculty Affairs Committee. He pointed out that in the letter the University sends to external evaluators in connection with promotion and tenure review, a similar promise of confidentiality is to be made; however, a simple phrase is added: "... except in the unlikely event that litigation requires its disclosure." Prof. Roche said that adding similar language to this clause would indicate to all involved exactly what is at stake.

Prof. Mooney agreed that the phrase he suggests could be added to the last sentence of Subsection (c)(5). Prof. Robinson said that doing so would make explicit what was implicit before.

Prof. Antsaklis asked if the word "unlikely" is necessary. Prof. Mooney said that it was not.

Fr. Malloy said that the word "unlikely" would be struck.

Prof. Mooney clarified that the phrase would read: "... except in the event that litigation would require disclosure of these matters."

Prof. Noble asked Prof. Mooney to explain the consequences associated with a breach of confidentiality. Could a breach of Subsection (c)(5) itself constitute "serious cause" and so lead to dismissal or the imposition of severe sanctions? He wondered if it would be wise to spell out the consequences of a breach of confidentiality or if it would be preferable to avoid doing so.

Prof. Mooney said that Prof. Noble's question was raised at some point in one of the numerous committee discussions of this

proposal. She would be hesitant, however, to classify a breach of confidentiality in any blanket way as "serious cause." The seriousness of a person's breach would depend upon the extent of what was revealed, the reasons for the revelation, and a whole host of contextual issues. Prof. Mooney said that she could envision an instance in which a breach of confidentiality was so serious that it might itself be the cause of sanctions, but she would not be comfortable defining *all* breaches that way.

Prof. Mooney added that she strongly endorses the proposal. Reiterating that it calls for major changes in cases of dismissal and the imposition of severe sanctions, she said that the procedures it sets forth are good both for faculty members who might face serious charges and for the administration. That is particularly true of the measure that provides an opportunity to a faculty member facing sanctions to present his or her case to a hearing committee—which is an option that rests in the hands of the faculty member.

Prof. Frecka asked if the proposal's definition of "serious cause" is clear. He wondered if the definition in the current proposal could still present a bit of a gray area. Would it be a good idea, he asked, to say explicitly that "serious cause may consist of any of the following . . . ?"

Fr. Malloy said that Subsection (a) of the proposal does define "serious cause."

Prof. Mooney responded that she understands Prof. Frecka to mean that perhaps "serious cause" may consist of more than what is listed in Subsection (a). She said that adding any other behaviors to the definition would be potentially controversial and could not be considered a simple, friendly amendment.

Prof. Mooney continued that Subsection (a) is intended to provide an exhaustive list. "Serious cause" can be any of the actions named—"academic dishonesty or plagiarism; professional incompetence or continued neglect of academic duties, regulations, or responsibilities; conviction of a felony; serious and deliberate personal or professional misconduct (including sexual harassment), continual serious disregard for the Catholic character of the University, or causing notorious and public scandal."

It is not, however, other things. She added that in constructing the definition of "serious cause," as well as the section's other provisions, the members of the joint committee looked at policies from a number of other institutions. Their proposal differs from the provisions of peer institutions in its inclusion of the phrase "disregard for the Catholic character of the University," but otherwise is similar to procedures used at other institutions.

Prof. Hösele said that he agrees that the definition of "serious cause" must be exhaustive. If a phrase such as "may consist of" is added, it would be similar to having a criminal code that permits prosecution for unspecified crimes.

Fr. Malloy observed that the role of the Faculty Senate in drafting these provisions has been important because it ensures that all points of view and variables have been considered. The accountability structures of every institution are subject to great scrutiny today. The more permeable such procedures can be and the more consistent the University can be in their application, the greater credibility Notre Dame will enjoy.

Fr. Malloy then called for a vote on the proposal of the joint committee of the Faculty Affairs Committee and the Faculty Senate, as amended, to change Article III of the *Academic Articles*. The vote was unanimously in favor of the proposal.

Fr. Malloy said that he approved of the provisions as well and would forward them to the Board of Trustees for final approval.

4. Committee reports

(a) **Undergraduate Studies Committee:** Prof. Preacher reported that the committee had not met since the September 18 retreat meeting. She explained that she has delayed calling the first meeting because the Executive Committee was deliberating on whether to appoint a committee to handle the subject of publishing Teacher Course Evaluations (TCEs), and this was the item given highest priority by committee members at their initial meeting. In fact, the Executive Committee has decided to appoint a committee to study the issue of TCEs. Prof. Preacher said that the committee will meet in the near future to determine how to proceed with the remainder of its agenda items.

(b) **Graduate Studies Committee:** Prof. Marino explained that this committee, too, has not yet had a chance to meet.

(c) **Faculty Affairs Committee:** Prof. Mooney reported for the chair, Prof. Nordstrom. She said that in addition to the proposal just passed dealing with the imposition of severe sanctions on faculty members, there is a companion draft now at the Faculty Senate on grievance procedures for faculty. Like the proposal passed today, that proposal is the product of a joint committee of the Faculty Affairs Committee and the Faculty Senate. After a vote in the Senate, the draft will come before the members of the Faculty Affairs Committee and then, in the not-too-distant future, before the Council as a whole.

Prof. Mooney also reported that at the Council's November meeting, the committee expects to bring forward for a vote a proposal on a salary equity committee. Discussion on a preliminary proposal for such a committee was held at the Academic Council meeting of April 23, 2003. The draft was subsequently revised and is now being circulated among the members of the committee.

In addition, Prof. Mooney reported, the Faculty Affairs Committee is working on four other issues: (1) a subcommittee is refining the language of the *Academic Articles* concerning elections of faculty committees; (2) members are considering a proposal to change the title of the head of the School of Architecture from "chair" to "dean," (3) as proposed by Gordon Wishon, the University's chief information officer, members are considering a reconfiguration of the University Committee on Computing; and (4) the committee will have representation on the *ad hoc* committee appointed by the Executive Committee to study the issue of publication of TCEs. With respect to the last issue, Prof. Mooney said, that committee will be looking not only at publishing TCEs, but also at other ways to accomplish some of the transparency the students are seeking.

(d) **Committee on Committees:** Prof. Robinson reported that the committee has met and is undertaking a study of seven peer institutions. Members hope to learn how other universities shape their committee structures.

Prof. Robinson also reported that committee members have consulted with Prof. Kantor, Vice President of Graduate Studies and Research, because it is the overlap of the Graduate Studies Committee and the Graduate Council that originally sparked the current examination of the Academic Council's committee structure as a whole. Members plan further meetings with Prof. Kantor.

By the end of the calendar year, Prof. Robinson said, members hope to have a proposal ready for consideration by the full Council. In doing so, they may go beyond the subject of the Council's own committee structure and call the attention of members to certain areas in which the function of the Council in the life of the University could be improved.

Before adjourning the meeting, Fr. Malloy noted that Joan B. Kroc, a generous benefactor of the University, died the previous day. He asked members to keep her in their prayers. In the near future, Fr. Malloy said, the University will honor Mrs. Kroc's memory by some appropriate action.

There being no further business, Fr. Malloy adjourned the meeting at 4:45 p.m. Respectfully submitted,

Carol Ann Mooney

The Academic Council

November 18, 2003

Members Present: Rev. Edward A. Malloy, C.S.C., Nathan Hatch, John Affleck-Graves, Carol Mooney, Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Frank Incropera, Eileen Kolman, Joseph Marino, Mark Roche, Carolyn Woo, Michael Lykoudis, Jennifer Younger, Seth Brown, Nasir Ghiaseddin, Paula Higgins, Kate Schlosser, Patricia Maurice, Carol Tanner, Thomas Noble, Susan Blum, Neil Delaney, Cindy Bergeman, Olivia Remie Constable, Christian Moevs, Carolyn Nordstrom, Mitchell Wayne, Steven Buechler, Mihir Sen, Panos Antsaklis, Thomas Frecka, Teresa Phelps, Dino Marcantonio, J. Douglas Archer, Kenneth DeBoer, Meghan McCabe, Willa Qian, Nicole Wykoff, Tim Dale, Angela Colmenero

Members Absent: Ava Preacher

Members Excused: Frank Incropera, Patricia O'Hara, John Robinson, Jay Brandenberger, Vittorio Hösele, Joseph Buttigieg, Hope Hollocher, Robert Bretz

Observers Present: Mary Hendriksen, Capt. James Shelton, Daniel Saracino, Kevin Barry

Observers Absent: Harold Pace

Observers Excused: Dennis Moore

Invited Guests: Christopher Fox, Director, Keough Institute for Irish Studies; Peter McQuillan, Assistant Professor, Irish Language and Literature; Keith Bradley, Eli J. Shaheen Professor of Classics and Chair

The Reverend Edward Malloy, CSC, called the meeting to order at 4:05 p.m.

Prof. Hatch offered a prayer.

1. Minutes of the Meeting of October 13, 2003. The minutes of the Academic Council meeting of October 13, 2003, were approved without amendment.

2. Proposal to Establish a Department of Irish Language and Literature. Prof. Roche presented a proposal, approved by the Executive Committee, to create a Department of Irish Language and Literature. The department would be housed within the Keough Institute for Irish Studies.

Prof. Roche said that, as explained in the attachment distributed to Council members, the catalyst for the proposal is twofold. First, the current inclusion of Irish Language and Literature within the Classics Department is an anomaly in the landscape of American higher education and could be viewed as detracting from the department's focus on Greek, Latin, and Arabic. Second, with an increase from one to four faculty positions in the last few years, Irish language and literature has reached a new level of maturity at Notre Dame. Now that it has developed into an independent learning community, the faculty of Irish language and literature themselves, as well as the faculty of the Classics Department and the Keough Institute, believe that a connection to scholars in the Keough Institute would be more beneficial to their teaching and scholarship than their present, largely administrative connection to scholars of Greek, Latin, and Arabic.

Prof. Roche then addressed two concerns raised by the proposal: the budget of the new department and the health of an intellectual community of such a small size. Regarding the first, he said that the proposal has no budgetary implications at all. The new department would be housed within the Keough Institute, where the director already receives the same chairperson supplement as does the chair of the Classics Department. The current budget for non-salary items (duplicating, postage, telephone, etc.) can simply be transferred on a per faculty basis from Classics to the new department.

As for concerns about the vigor of an intellectual community comprised of such a small number of scholars, Prof. Roche said that such concerns are not any different than those that can already be raised by the current arrangement. Even though Irish language and literature is housed within Classics, there are no programmatic or curricular points of overlap between the two. Moreover, small departments already exist at the University. One example would be the Department of East Asian Languages and Literatures. While the CAP for the proposed Department of Irish Language and Literature will consist at the outset of only two faculty members, Breandan O'Buachalla and Peter McQuillan, a third member will be appointed who will likely provide greater expertise than can be found among CAP members with a tenure home in Classics.

Prof. Roche concluded by saying that the proposal has worked its way through the appropriate channels. It has been discussed extensively by the classics faculty, the Irish language and literature faculty, and the faculty of the Keough Institute. The Arts and Letters College Council approved the proposal on November 11, 2003.

Prof. Constable asked if the vision is that faculty members of the new Department of Irish Language and Literature will teach mainly undergraduate or graduate students. She noted that the proposed department's mission extends only to Irish literature written in Irish; she assumes that the teaching of literature written in English by Irish writers would remain in the English Department.

Prof. McQuillan said that faculty members envision teaching both graduate and undergraduate students. Currently, there are about 40 undergraduate minors in Irish language and literature. Each of those students has a mandatory three-semester Irish language requirement. Current faculty also teach graduate students in history, English, and the Ph.D. in Literature program. Students in the latter two departments are also expected to study Irish language.

Prof. Brown asked if there is any concern that the chair of the department need not, and generally would not, be a member of the department.

Prof. Roche responded that, while it is true that the current director of the Keough Institute, Prof. Christopher Fox, who will also serve as the chair of the proposed Department of Irish Language and Literature, is a tenured member of the English Department, it is possible that in the future a faculty member whose tenure home is Irish Language and Literature may direct the Keough Institute. Even without that scenario, he said, it makes more sense for Prof. Fox to be mentoring junior faculty of Irish language and literature than Prof. Bradley, whose expertise is far removed from that subject.

Prof. Fox commented that members of the Keough Institute have no desire to transform it into a department. The proposed Department of Irish Language and Literature would exist alongside the Keough Institute. In the discussions between the faculty of the Keough Institute and the faculty of Irish language and literature, the latter made it very clear that they did not want to see their presence as in any way limiting what the Keough Institute faculty and fellows could do. Institutes support faculty and students after they have received the requisite support from their departments or programs. We need to be careful that this move does not weaken the Keough's Institute support for its students and faculty.

Prof. Bradley said that he would like to echo Prof. Roche's point that the intellectual fit that would exist under the proposed arrangement is far better than what currently exists. There is no intellectual or curricular closeness between Classics and Irish language and literature. In fact, some of the works his colleagues in Irish language and

literature study are quite modern. The proposal makes sense from the standpoint of the Classics Department. As expressed in its 2002 strategic plan, the department wishes to develop over the next decade as a bona fide classics unit with its primary focus being the study of Greco-Roman antiquity and related Mediterranean societies.

Prof. Blum said that while she understands it is anomalous to have Irish language and literature in a classics department, that would also seem to be true of Arabic scholars' placement in Classics. Is the University on a trajectory to create many very small departments bound by common interests with the sense that larger departments housing many different kinds of people don't really belong together.

Prof. Bradley said that it is not completely anomalous to have Near Eastern languages and literatures and the cultures of Near Eastern societies included in a classics department. Some departments that see themselves as principally based in the area of Mediterranean studies might very well choose that arrangement. At Notre Dame, there is some interplay and interrelationship between the Greek and Latin side and the Arabic side of the department, particularly through the Program in Early Christian Studies, which is Mediterranean-based in a broad sense. Classics is not anticipating any further process of devolution. The current arrangement between scholars of Arabic, Greek, and Latin is working well.

Prof. Roche said that in answer to Prof. Blum's question about the trajectory of department size at Notre Dame, there are at least three other departments in the College of Arts and Letters that have made formal requests of one kind or another to split apart; yet, he has not allowed them to do so. The reasons for denying those requests have involved questions of leadership (for if a department is split, two chairpersons are needed); budget (space and staff need to be increased when two departments are created); and the size of the relevant intellectual community.

The situation at hand is very different, Prof. Roche said. The faculty of Irish language and literature do not now have an appropriate home in Classics. When the University's Irish scholars were part of a department that also included East Asian

languages and literatures, the fit may have been more appropriate. At that point, there was at least a diverse array of entities. Now that Classics is beginning to flourish, Irish language and literature no longer belongs within that department. Prof. Roche said that he is opposed in principle to splitting departments unless the argument to do so is compelling. The elegant piece to the current proposal is that it has no budgetary implications.

Fr. Malloy called for a vote to create a new department of Irish Language and Literature, to be housed within the Keough Institute. Because the proposal comes from the Executive Committee, he said, no second is necessary. The vote was unanimously in favor of the proposal.

3. Proposal to Create a Salary Equity Committee. Prof. Nordstrom, chair of the Faculty Affairs Committee, presented a proposal to create a University salary equity review committee (see Attachment A). The proposed committee's role is to "oversee[s]" an "annual quantitative analysis of the salaries of the Teaching-and-Research Faculty with identifying name information removed." The committee then "reviews the results of this analysis to determine whether there is a pattern of inequity based on gender or minority status . . . [and] also studies the results of the quantitative analysis to identify salaries that seem anomalously low and that suggest the need for further review by the Provost's Office. . . ." The committee is to consist of seven members: four members of the Provost's Advisory Council, one from the University Committee on Women Faculty and Students, an associate provost, and the director of the Office of Institutional Equity.

[At the Academic Council meeting of April 23, 2003, members discussed an earlier version of the proposal. At that meeting, Prof. Frecka, a member of the subcommittee that drafted the proposal, led a discussion of the proposal and the methods currently used at the University to analyze salary equity. He explained that in addition to normal review procedures by department chairs, deans, and the Provost's Office, the University periodically uses a regression analysis to determine if a particular subset of faculty—for example, women or minorities—are, on the average, paid above or below the norm. The role of the proposed sal-

ary equity review committee was said to be to "assess" the administration's methods of analysis and correction, not to conduct its own survey or to examine individual faculty members' salaries. Last April's proposal called for "a majority" of the committee's members to be members of the Provost's Advisory Committee (PAC), but no other representatives or membership affiliations were named. After discussion, the proposal was referred back to the Faculty Affairs Committee.]

Prof. Nordstrom began by saying that the proposal presented to members today is the result of a tremendous amount of serious thought, discussion, and work. It is the culmination of numerous drafts and is important for several reasons.

First, in a broad way, the proposal for a salary equity review committee deals with both realities and perceptions. By calling for faculty participation in review of the administration's methods of ensuring fairness in salaries, the reality of whether inequities in the salaries of Notre Dame faculty members exist will be addressed directly. Simultaneously, formation of the committee will address perceptions among the faculty that such inequities exist.

Second, while not evident from the language of the proposal, the work of the committee is to be based on a series of institutional practices that are already in place at the University—namely, a quantitative methodology based on the well-recognized practice of regression analysis. Prof. Nordstrom noted that the University's regression analyses are conducted with aggregate data and do not reveal individual faculty members' names.

Finally, Prof. Nordstrom said, the proposal asks the committee to try to identify individual anomalously low salaries which are to be reviewed by the Provost and the relevant Dean. Upon completion of that review, the Provost must give an account to the committee of any adjustments that have been made.

Prof. Hatch added that the Executive Committee has suggested that even if the proposal to establish a review committee is approved, the existence and charge of the committee should not yet be formally incorporated into the *Academic Articles*. Executive Committee members thought it

best to evaluate how the review procedure works over the course of three cycles and then, perhaps with some appropriate refinements, the committee can be included with the other faculty committees in the *Academic Articles*.

Prof. Roche noted that the word "summaries" in the last sentence should be "summarizes."

Prof. Frecka said that he and the other members of the subcommittee who worked on the salary equity proposal last year fully support this version of it. First, the proposal recognizes in a significant way that the administration is already engaged in attempting to search for and correct possible biases in faculty salaries. Recognizing that fact is important. Second, it provides faculty input into the already-established salary equity process and, thus, deals straightforwardly with perceptions held by some faculty members that inequities exist.

Yet, Prof. Frecka said, it is important to recognize some limitations of the methodology. For example, while regression analyses may be useful in identifying individual salary deviations from the average for a given unit of analysis—for example, the Mendoza College of Business—to the extent there are average salary differences based on market considerations between departments within a college, some potentially low salaries for a given department may not be identified using this methodology. The only way to provide that kind of data is full disclosure of salaries, which is not part of this proposal. The next best way to identify low departmental or individual salaries is to encourage department chairs and deans to provide market data on salaries at other institutions. He would recommend that they do so. It would allow faculty to compare themselves to their counterparts elsewhere.

Given those concerns and parameters, Prof. Frecka said, the regression analyses currently performed at the University to evaluate equity in salaries are very good. One weakness in terms of procedure at Notre Dame is the absence of a faculty salary grievance procedure, but that is due primarily to respect for the concern about disclosure of identifiable salary information.

Prof. Phelps, the chair of the University Committee on Women Faculty and Students (UCWFS) as well as the Law School's

representative to the Academic Council, said that salary equity has been an ongoing concern of the UCWFS for several years. Three years ago, that committee informally polled Notre Dame's women faculty on what they believed to be the most significant issues women confront at the University. Pay equity was far and above the most frequent response. Many women faculty share a perception that there is not fairness in salaries at the University with respect to gender.

As a result, Prof. Phelps continued, the UCWFS constructed its own proposal on a salary equity review committee. That proposal is very similar to the one presented today. It was sent to the Provost's Office on February 12, 2003; yet, because the Committee on Women Faculty and Students does not have the same right of agenda as the Faculty Affairs Committee, its proposal has never been brought to a vote. Nevertheless, she said, the UCWFS is very pleased with the current proposal. It will address many of the problems of hiring, retention, and general morale that can arise from a perception of unfairness, even if the reality is otherwise. It is the hope of the UCWFS that the proposal will be adopted and, when carried out, contribute to a flourishing of women faculty at Notre Dame.

Prof. Roche asked if the proposal should be amended so that all members of the review committee are full professors. As originally conceived, the review committee was to have been a subcommittee of the Provost's Advisory Committee (PAC), which consists only of full professors. The current proposal provides that four of the seven members will be members of PAC; yet, nothing in it requires that the member elected by the UCWFS even be a tenured faculty member. He wonders if that should be a concern.

Prof. Mooney responded that the rationale for the majority of the faculty members of the salary review committee being members of PAC is that, because of their close involvement with the tenure and promotion processes, they have a familiarity with the entire University. They are, by reason of their membership in PAC, full professors. It is not necessary, however, for the UCWFS member of the salary equity review committee to be a tenured member of the faculty. The issues the salary equity review committee takes up are not directly related

to promotions. It may be that the person designated to serve on the review committee by the UCWFS has expertise in statistics or some other area that will be helpful to the committees.

Mr. Archer said that he hopes some day, once the review committee is working efficiently and effectively, members of Notre Dame's other faculties—research, librarian, and special professional—might be considered for inclusion in its analyses.

Prof. DeBoer asked for comment by a member of the subcommittee on the decision to confine the review committee's work to the teaching-and-research faculty.

Prof. Affleck-Graves responded that it is an important issue, for the University has several classes of "regular" faculty, all of whom play an important part in life on campus. He examined the issue last year, however, and determined that the methodology used to analyze teaching-and-research faculty salaries is not valid when applied to Notre Dame's other groups of faculty. The research faculty, for example, is such a small group that one can gain nothing from statistical analysis of its members' salaries. In the case of the special professional faculty, the problem is that the members of that faculty comprise such a diverse group. Some are only teaching faculty; some engage in research; others are administrators. Given that diversity, Prof. Affleck-Graves said that once he attempted to insert controls for the distinguishing factors, the regression lost all its power. While he will continue to explore how best to analyze salaries of the other three classes of regular faculty, he does not, at this stage, have a methodology that would be accurate or adequate for doing so.

Prof. Kolman added to Prof. Mooney's response to Prof. Roche's question. Some subcommittees, she said, have been appointed out of PAC for tasks similar to that proposed for the salary equity review committee. One of the problems that emerged, however, was that those committees were perceived as very insular groups. Thus, other groups, such as the UCWFS, who had an interest in the same matters but no representation on the committees, were not satisfied by their work. It is extremely important to have the UCWFS represented on the salary equity review committee. It is not

the rank of a full professor that is relevant for the UCWFS member; rather, it is the possibility that he or she may bring a different perspective to the review committee's work.

Fr. Malloy called for a vote to establish a salary equity review committee as proposed by the Faculty Affairs Committee. The vote was unanimously in favor.

4. Abolition of the University Committee on Computing and Information Services and Proposal for a University Committee on Academic Technologies. Prof. Mooney explained that Gordon Wishon, the University's chief information officer, believes that the current University Committee on Computing and Information Services, established by *Academic Articles* [Art. III, Sec. 3(g)], is not serving the University well. For one thing, it has too broad a charge. He has proposed abolishing that committee and forming a new one, to be called the University Committee on Academic Technologies. (See Attachment B)

Prof. Mooney said that she has worked with Mr. Wishon and some OIT staff members on the proposal. The proposed committee's charge is to look only at teaching and research needs for computing at the University rather than needs of the University as a whole—for the University's systems include many administrative systems. Thus, the committee is to be composed of faculty and administrators with concerns and expertise in the technology needs for research and teaching. She added that the proposal before members today comes with the approval of the Office of Information Technology, the Faculty Affairs Committee, and the Executive Committee.

Seeing that no members had questions or comments on the proposal, Fr. Malloy called for a vote on the proposal to abolish the University Committee on Computing and Information Services and to establish a University Committee on Academic Technologies. It was approved unanimously.

5. Self Study for North Central Association Accreditation Visit. Prof. Ryan spoke about the self study Prof. Barbara Walvoord has prepared on behalf of the University for the upcoming accreditation visit of the North Central Association (NCA). Copies of the current draft were distributed to all Council members before today's meeting.

Prof. Ryan explained that the NCA accredits on a ten-year cycle. The team from the NCA will visit campus March 22 through March 24, 2004, and will meet with many campus constituents. Three things can happen as a result of that visit. The NCA can grant full accreditation free and clear for the next ten years. That, of course, is Notre Dame's goal. The NCA can also require a one-to-three year follow-up visit or a follow-up report dealing with one or more deficiencies. She noted that about one-third of all onsite visits require a follow-up report. Finally, the NCA can withdraw accreditation.

Prof. Ryan continued that in preparation for the 2004 accreditation visit, Prof. Walvoord has prepared a self study that is organized around the five criteria the NCA uses to evaluate institutions. They are whether an institution has a clear statement of mission and purpose; organizes its human, financial, and physical resources to accomplish its purposes; is accomplishing its educational and other purposes, engaging in assessment of student academic achievement in all of its programs, and using the information gained through assessment for improvement; can continue to accomplish its purpose and strengthen its educational effectiveness; and, again, whether it is using structured assessment processes that are continuous and allow the institution to continue to improve; conducts itself with integrity in its practices and relationships.

Prof. Ryan noted that as has been true in the past, the overlay for the content of the self-study is the University's strategic plan.

Prof. Ryan continued that the administration expects the issue of assessment to be particularly important to the NCA; both in team members' reading of the self-study and in their visit to campus. Assessment is becoming a national concern; thus, the NCA is increasingly asking institutions to take responsibility for assessing learning outcomes. At the time of the last review, in 1994, the University's assessment report was accepted only provisionally, pending this review. As a consequence, the University was asked to do five things:

- Form a broadly representative body responsible for assessment;
- Ensure more effective use of student evaluations;

Focus on departmental assessment;

Tie evaluation of teaching more closely to student learning;

Strengthen assessment of student learning in the core curriculum.

Prof. Ryan said that the assessment chapter, as well as the discussion of assessment throughout the self-study, attempts to address the University's progress in those five specific areas.

Prof. Ryan then asked for members' comments on the draft of the self-study.

Fr. Malloy asked if Prof. Ryan now knows the identities of the NCA team members who will visit the University.

Prof. Ryan said that she does not. The University was given the names of a proposed slate of visitors this summer and has had some conversations with the NCA about the composition of the accrediting team. There was some concern on the University's part about whether the team would include representatives from religiously affiliated institutions—for the University is presuming, she said, that such representatives would have a good understanding of Notre Dame's mission as a religious institution. Another concern was whether the team will include representatives from institutions Notre Dame considers its peers. There have been ongoing conversations with the NCA on both topics.

Prof. Constable asked Prof. Ryan why the Academic Council members were asked to review the self-study. Is the goal to receive a definitive "yes" or "no," or to receive input?

Prof. Ryan answered that Academic Council members' review serves three purposes. First, while particular sections are already the product of extensive input by designated academic units or offices, some points may have been missed. Members are free to contact Prof. Walvoord to provide information on any area included in the self-study. The second purpose is to solicit feedback about some of the recommendations, particularly in the chapter on assessment. The University is making some important recommendations about how assessments are to be an institutional priority. Those recommendations have implications for everyone at the University, but particularly for campus leaders. Third, members' review of the draft will help prepare the campus

for the upcoming accreditation visit. As campus leaders, Academic Council members can help the University be articulate about what is that the NCA should know about Notre Dame.

Fr. Malloy responded that review by Council members is part of the process of making the self-study, a very important document, available to various individuals and bodies on campus. As a result of reviews, if there is a collective opinion that some particular part of the self-study should be changed, that can be discussed.

Fr. Malloy added that the very existence of an accreditation requirement is not without controversy. Yet, in order to be eligible for federal dollars, an institution must be accredited. As it turns out, Notre Dame's accreditation by the National Collegiate Athletic Association (NCAA), which takes place on a seven-year cycle, is also occurring in 2004, and individual academic units also have other accreditation responsibilities that occur on a variety of time cycles. Fr. Malloy said he realizes that there has been some concern about the multiplicity of accrediting processes—all of which are very expensive and time consuming, especially when it comes to personnel. In fact, there was somewhat of a revolt a few years ago by some colleges and universities because of what they believed to be the heavy handedness of some of the regional accrediting agencies. As a result, an organization was formed to make sure that the groups that participate in accreditation processes are serving a useful purpose and that the users are satisfied with the fairness of the process. Despite possible feelings on the utility and fairness of the accreditation process, Fr. Malloy added, the NCA review is the most important of the University's many accrediting reviews. And, he said, it is important not to be excessively self-confident and arrogant when the accrediting group visits campus. The team wants to ask hard questions and to try to help the University improve. With that in mind, Fr. Malloy said, members who have comments about any part of the self-study and how to improve it should pass them on to Prof. Walvoord in the next few days.

4. Committee Reports

(a) **Graduate Studies Committee.** Prof. Marino, chair, reported that he has met

with Prof. Kantor, vice president for graduate studies and research, to clarify the different functions of the Graduate Studies Committee and the Graduate Council. Last year, he said, concerns were expressed that the work of the committee overlapped too much with that of the Graduate Council. His own feeling is that while the committee and the council have responsibilities in some of the same areas, both are necessary.

Prof. Marino said that this belief is bolstered by research Prof. Kantor has done on the responsibilities and roles of the two entities. The *Academic Articles* state that the principal functions of the Academic Council are said to determine general academic policies and regulations of the University and consider recommendations of the Graduate Council. The charge of the Graduate Council is to review the policies, practices, and procedures of the Graduate School. Thus, in his view, there are clear lines of demarcation between the two bodies. Rather than duplication, Prof. Marino said, the intent is to have two arenas for bringing up certain issues involving graduate students.

Prof. Marino continued that another subject the committee members took up last year was health insurance for graduate students. It continues to be addressed this year. Prof. Kantor has a committee working on a proposal and, when its report is complete, Prof. Marino presumes it will be sent to the Graduate Studies Committee so that members can discuss it and, possibly, make further recommendations before a proposal is presented to the Academic Council.

The issue of graduate students' health insurance, Prof. Marino added, is a good example of why both the council and the committee are necessary. He recalls much interest on the part of Academic Council members when the issue of graduate students' health insurance was discussed.

Another item discussed in committee, Prof. Marino noted, is the graduate student handbook. Last year, the University published a handbook for graduate students. [See <http://www.nd.edu/~orlh/handbook/contents.htm>] His committee will see if members have any suggestions for improving it.

Prof. Marino concluded by saying that committee members will need to prioritize

other agenda items. They include stipends for graduate students, review of the accreditation report to see if any graduate study issues need to be addressed, input as to approach on gender and ethnic diversity in the graduate student population, and how computing affects research in the graduate student population.

(b) Faculty Affairs Committee. Prof. Nordstrom, chair, reported that committee members are working on new faculty grievance procedures as a companion piece to the proposal passed at the last Academic Council meeting on the imposition of severe sanctions for faculty members. Once the Faculty Senate approves a proposal, a subcommittee of the Faculty Affairs Committee will review it and offer its own recommendations. She said that other subcommittees worked on the proposals for review of salary equity and the new computing committee—both passed today. Other work includes proposals to clarify faculty election procedures and redefine the position of the chair of the School of Architecture to that of dean. And, perhaps the item with the most impact on faculty members is the proposal the committee is considering to make Teacher Course Evaluations (TCEs) public. While the Faculty Affairs Committee is the home for that topic, representatives from the Undergraduate Studies and Graduate Studies Committees are serving on a joint committee. Finally, Prof. Nordstrom said, an item of new business for the committee is the suggestion that the University consider providing health insurance to adjunct faculty.

(c) Undergraduate Studies Committee. Prof. DeBoer, a member of the committee, reported that his committee hopes to offer assistance to the Faculty Affairs Committee on the subject of TCEs. Other topics under consideration by the committee are the impact of the growing number of Advanced Placement credits with which students enter the University; departmental honors programs; and distance learning, although committee members have decided that the other three items will be higher priorities this year.

(d) Committee on Committees. Prof. Mooney gave a report on behalf of Prof. Robinson, who will be resigning his positions as chair of the Faculty Senate and as a member of the Academic Council. Prof.

Phelps will now serve as chair of the committee. She will update Academic Council members on the committee's work at the next meeting.

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

Respectfully submitted,

Carol Ann Mooney

The Academic Council

March 30, 2004

Members Present: Rev. Edward Malloy, C.S.C., Nathan Hatch, Dr. John Affleck-Graves, Carol Ann Mooney, Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Frank Incropera, Eileen Kolman, Joseph Marino, Greg Sterling (in place of Mark Roche), Patricia O'Hara, Carolyn Woo, Michael Lykoudis, Jennifer Younger, Seth Brown, Jay Brandenberger, Nasir Ghiaseddin, Paula Higgins, Patricia Maurice, Carol Tanner, Thomas Noble, Susan Blum, Neil Delaney, Joseph Buttigieg, Cindy Bergeman, Olivia Remie Constable, Carolyn Nordstrom, Mitchell Wayne, Steven Buechler, Mihir Sen, Robert Bretz, Thomas Frecka, Teresa Phelps, Dino Marcantonio, J. Douglas Archer, Ava Preacher, Kenneth DeBoer, Meghan McCabe, Nicole Wykoff, Angela Colmenero

Members Absent: Mark Roche, Kate Schlosser, Vittorio Hösle, Willa Qian

Members Excused: Jacque Brogan, Joseph Buttigieg, Christian Moevs, Hope Hollocher, Panos Antsaklis, Tim Dale, Angela Colmenero

Observers Present: Mary Hendriksen, Capt. James Shelton, Lora Spaulding (in place of Harold Pace), Kevin Barry

Observers Absent: Daniel Saracino

Observers Excused: None

Invited Guests: Carol Kaesebier, Vice President and General Counsel, Timothy Flanagan, Assistant Vice President and Counsel

The Reverend Edward Malloy, CSC, called the meeting to order at 3:05 p.m. Prof. Hatch offered a prayer.

1. Minutes of the Meeting of November 18, 2003. The minutes of the Academic Council meeting of November 18, 2003, were approved without amendment.

2. University Policy for Reproducing Copyrighted Material. Prof. Mooney said that the Provost's Office and the General Counsel's office have developed a University policy governing the reproduction of copyrighted material. (See Attachment A) The policy has been under consideration for some time. An earlier draft came before the Provost Advisory Committee for discussion a few years ago. Since that time, the policy has undergone updating and revision. The policy is intended to be included in the "University Policies" section of the *Faculty Handbook* and is presented to the Academic Council for discussion prior to taking that step.

Prof. Mooney then introduced Carol Kaesebier, vice president and general counsel, and Timothy Flanagan, assistant vice president and counsel, who were invited to this Academic Council meeting to provide an overview of the policy and to answer questions members may have concerning it.

Ms. Kaesebier said that the policy is fairly simple. It deals with use of copyrighted material by all University employees, including faculty members. Generally, she said, the document sets forth that it is the policy of the University to comply with United States copyright law and to avoid exceeding the bounds of permissible copying under the "fair use" doctrine.

Ms. Kaesebier continued by saying that compliance with copyright law generally requires that if a faculty member plans to use multiple copies of copyrighted material in the classroom, he or she must obtain permission from the copyright holder. An exception is when copying is deemed to constitute a "fair use" of the material. Determining fair use entails consideration of the type of work to be copied and the extent of the copying. Simple and quantitative guidelines for determining fair use are included in Notre Dame's policy as Appendix A.

Ms. Kaesebier said that because fair use can be broader than the guidelines indicate, a faculty member who believes that a contemplated use may be fair use but seems to fall outside the guidelines should consult

her office. If counsel agrees that the proposed use is "fair use," the faculty member can proceed. If he or she is then sued, the University will represent him or her in any legal action.

In another instance, Ms. Kaesebier explained, counsel may decide after review that the use is not fair use. Then, before copying the material, the faculty member must seek permission from the copyright holder. If the request is never made—or made and denied—and the faculty member goes ahead with the use and is sued, the University would not undertake a defense in that case.

Ms. Kaesebier noted that Appendix B to the policy explains how to obtain permission from copyright owners—both in writing and by telephone.

Ms. Kaesebier concluded by saying that the General Counsel's office welcomes questions on use of copyrighted material. They receive them frequently, she noted. The purpose of the policy is to ensure that all people at the University know that copyright law must be followed.

Prof. Higgins asked how the policy differs from current University practice. Is there anything new here?

Ms. Kaesebier replied that it simply puts the current policy into writing. Having a written policy guides faculty and also protects the University. It should be a help to faculty. At times, faculty members may take materials to one of the University's copy centers and then be informed that the copying cannot be done because of copyright law. She wants faculty to know that they can discuss any questions on what constitutes fair use, as well as how to obtain permission from copyright owners, with the General Counsel's Office.

Prof. Sterling suggested that the General Counsel Office require all University copy centers to post the policy. He knows that Mr. Flanagan has had conversations with faculty even while they are standing at those centers. While the Arts and Letters copy centers have guidelines, it would be a good idea to make sure that all places on campus where course packets are reproduced have copies of the policy.

Ms. Kaesebier said that would occur. Also, her office intends to hold training sessions for employees of the copy centers.

Dr. Younger asked whether copying for library "reserve" material falls within the policy.

Mr. Flanagan responded that the policy does not deal with every aspect of copying at the University. One area it specifically does not address is library copying. That is covered by Section 108 of the Copyright Act, which pertains to library and archival use. Neither does the policy apply to classroom instructional use. Almost anything can be copied for display—that is, if it is one copy and is displayed in a classroom for discussion or comment. The policy presented today deals with creating multiple copies of materials.

Prof. DeBoer asked Mr. Flanagan to comment on the spontaneity rule described in the policy. [See Appendix A, Guidelines for Classroom Copying of Books and Periodicals, Sec. II.A.2: Multiple copies may be made if (a) The copying is at the instance and inspiration of the individual faculty member, and (b) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission."] It seems, he said, that the policy offers a defense to a person as long as he or she waits until the last moment to make the copying.

Mr. Flanagan said that every case is fact specific. Thus, if the course a faculty member is teaching takes place three years after the material in question was copyrighted—or 50 years after the copyright date—it would be difficult to make an argument for spontaneity. In contrast, if an article is published one week before a class meeting, spontaneity becomes much more defensible. And, if a faculty member has used an article for four consecutive years, he said, spontaneity ceases to be an argument. Again, every case is fact specific—which is why he is available for consultation.

Prof. Maurice asked how use by teaching assistants is treated in the proposed guidelines.

Ms. Kaesebier replied that the same rules apply. The use would occur in an educational setting.

Seeing no further questions, Fr. Malloy thanked Ms. Kaesebier and Mr. Flanagan for attending today's Academic Council meeting. The policy, he said, is not for action at this meeting. It was presented today for clarification only.

3. Proposal to Amend Article III of the Academic Articles Concerning Faculty Grievances. Fr. Malloy asked Prof. Nordstrom, chair of the faculty affairs committee, to outline the changes that committee, along with the Faculty Senate, has proposed to Article III, Section 9 of the *Academic Articles* concerning faculty grievances. (See Attachment B) The proposal has the unanimous approval of the Executive Committee.

Prof. Nordstrom explained that the proposal on grievances originated with the Faculty Senate. It was refined over the course of a year by a joint Faculty Senate/Academic Council committee. It then came to the Faculty Affairs Committee, which refined it a bit more. She noted that Prof. Higgins, a member of the Academic Council, was the chair of the committee that finalized the amendments in the Faculty Senate.

Essentially, Prof. Nordstrom said, the amended section defines a grievance and outlines the process both the grievant and the University take when one is asserted. She explained that the proposal is the companion piece to the amendments approved earlier this academic year on severe sanctions or dismissal of a faculty member [see minutes of Academic Council meeting of October 13, 2003]. Prof. Nordstrom noted that the sections of the proposal dealing with the composition and responsibilities of the Faculty Grievance Committee passed the Faculty Affairs Committee unanimously.

No members raised any questions on the proposed amendments.

Prof. Nordstrom said that perhaps it is true that the proposal has been through so many hands at this point that it does not provoke much controversy. She believes it to be an improvement over the current language in that it formalizes some procedures, gives examples of grievable actions, and, in general, provides clarity on the entire subject.

Fr. Malloy called for a vote on the proposal to amend Article III, Section 9 of the *Academic Articles* concerning faculty grievance procedures. It passed unanimously. Fr. Malloy said that he approves the amendments as well, but a final step will be approval by the Board of Trustees.

4. Proposal to Change the Title of the "Chair" of the School of Architecture to the "Dean" of the School of Architecture. A second proposal from the Faculty Affairs Committee is to change the title of the "chair" of the School of Architecture to the "dean" of that school and then to make associated changes in the *Academic Articles*.

Prof. Nordstrom said that the proposal is intended to address two issues: improving the School of Architecture's standing on a national level and improving its representation within the University. She then asked Prof. Mooney, who crafted the proposal in response to the committee's request, to outline the changes more specifically.

Prof. Mooney explained that the School of Architecture has been an autonomous unit at the University since 1993, when the Academic Council voted to separate it from the College of Engineering. The proposal to change the title of the school's head from "chair" to "dean," she said, is rooted in consideration of both external and internal factors.

Externally, the change would elevate the school in the perception of the outside world. Almost without exception, leaders of peer schools of architecture hold the title of dean. All of the graduate architecture programs consistently ranked in the top ten are administered by a dean. At Notre Dame, the title of "chair" makes it unclear what the position of the head of the school actually is.

The proposed change has internal implications as well, Prof. Mooney said. While the School of Architecture is a freestanding school, it is anomalous within Notre Dame in possessing that status yet not being headed by a dean.

Prof. Mooney said that while the Executive Committee unanimously approved the proposal, there was some disagreement concerning it at the committee level. She expects there to be discussion on it.

Prof. Frecka spoke in opposition to the proposal. He noted, though, that he feels as if he has an entirely different perspective on this issue than do many at the University. The proposal has been approved by the Faculty Affairs Committee of the Academic Council and the Executive Committee. Yet, for several reasons, he simply does not understand its purpose.

First, one of the rationales provided in the documentation is to elevate the status of the School of Architecture. Prof. Frecka has looked at some national polls of architecture programs, however, and in one poll, Notre Dame was ranked 14th; in another it was ranked as high as 9th. Given those high rankings, he does not see how the status of the school in the outside world has any relation to whether or not it is headed by a dean rather than a chair. The argument made by proponents of the change that it would elevate the status of the school seems to elevate form over substance. The title of the head of the school appears to have nothing to do with issues that actually affect others' perception of the quality of the program.

Second, Prof. Frecka said, it is argued that many architecture programs of similar size have deans as their heads. That is true, but at the same time, it should be noted that Notre Dame's School of Architecture is quite small. During the 1990s, its average graduation numbers were 37 baccalaureate students and 5 graduate students. Beginning in 2001, those numbers began to increase. Now, the average is 45 baccalaureate students and 7 graduate students.

Related to this point is the fact that while many small architecture programs are headed by deans, the prevalent model—particularly common among architectural programs that are highly rated—is that the dean is responsible for multiple departments in a college—not only architecture. For example, at Cornell University, which is ranked first in one national poll, the dean oversees the College of Architecture, Art and Planning. Architecture and the individual departments are each headed by a "chair." Another example is Harvard University. There, architecture is included within the Design School, which is headed by a dean; yet there are three departments—one of them architecture—that are each headed by a "chair." At the University

of Illinois, the dean heads the College of Fine and Applied Arts; however that college includes seven departments, one of which is the School of Architecture, headed by a "director." Thus, Prof. Frecka concluded, it appears that at other institutions, the title of "dean" is accorded to administrators who have multi-disciplinary responsibilities. Elevating Notre Dame's chair to the position of "dean" would be entirely different and would give its dean a status unlike that given to Notre Dame's five college deans and the dean of the First Year of Studies.

Third, it is argued that Architecture is a bigger part of the University than is indicated by quantitative measures, such as the number of students that graduate or the number of faculty, and it is essential that the school have a dean to allow it to be involved directly with the deans of the colleges, and with the central administration of the University. This issue relates directly to governance. But, as the proposal stands, even if the title of "chair" is changed to that of "dean," the provost could still delegate the reporting function of the head of the school to another person, as is the case now. [Currently, the *Academic Articles* provide that the School of Architecture report to the provost through the vice president and associate provost.] And, the School of Architecture is already represented on the Academic Council. While it is proposed that the dean of the school serve on the Provost's Advisory Committee (PAC), one could easily make the case that even if the head of the school continues to hold the title of "chair," he or she could serve on PAC.

For these reasons, Prof. Frecka concluded, he has many reservations about the proposal. Finally, he suggested that if Notre Dame wants to add a new dean for the purpose of elevating the status of its architecture program, a far better way of doing so would be to set up a new College of Fine Arts that would include Architecture; the Department of Art, Art History, and Design; the Department of Film, Television, and Theatre; and the Department of Music. That is the model at many other universities. Doing so here would strengthen the remaining Arts and Letters departments, make Arts and Letters a more manageable college, and also give the opportunity for other fine arts units to increase their visibility and to improve their governance.

Prof. Hatch said that he is a pragmatist on this issue. Since he has served as provost, the University has held two searches for the position of chair of the School of Architecture. In the course of both of those searches, he learned that a number of people would not come to Notre Dame unless the head of the school was renamed "dean." That offers some indication of the significance the title "dean" holds in the profession. Even though Notre Dame's School of Architecture may be small, schools of comparable size, like Rice and Princeton, have deans. Thus, given that Notre Dame has an architecture school of long standing and we want it to prosper, there is a marginal advantage in according its head the title of "dean."

Prof. Hatch said that as to the issue of the title "dean" being associated with a multidisciplinary unit, that argument could go either way. Notre Dame has a college of law, and it does not have departments.

Also, Prof. Hatch observed, there is the issue of representation. It is critical that the School of Architecture have a voice in certain fora—for example, on the Provost's Advisory Committee. In fact, he has asked the chair of architecture to be present at PAC meetings the last two years because of his strong feeling on this point.

Prof. Hatch concluded by saying that he understood the arguments against the proposal. There is already tremendous disparity in size between entities such as the Law School and the College of Arts and Letters. Nevertheless, if Notre Dame is to have an independent School of Architecture, we want it to advance. We want it to develop its graduate programs. To do so, it is advantageous to accord its head the title of "dean."

Prof. Sterling, substituting at this Academic Council meeting for Prof. Roche, Dean of the College of Arts and Letters, said that he and Prof. Roche have discussed the issue and have one concern. It relates to the disparity in size between the College of Arts and Letters and the School of Architecture. The college has 10 departments that are larger in size than the entire School of Architecture. At times, it is appropriate to have uniform representation among units; at other times, however, there needs to be more attention to proportional representation.

Prof. Sterling noted that one example of disproportional representation occurs when the various colleges nominate faculty for awards. Often, Arts and Letters is allowed to nominate the same number of faculty as every other college. That procedure seems unjust when it has over 460 faculty, as compared to the 17 who are in Architecture. Thus, Prof. Sterling said, the point he and Prof. Roche would like to make is that when certain administrative issues at the University are considered, the disparity in size between the colleges should be weighed—or at least given more attention in the future than has occurred in the past. Again, consideration to proportionality has occurred in some instances, and PAC is a good example. Arts and Letters has twice the representation there than that of Science, Business or Engineering.

With those points as background, Prof. Sterling, said, he and Prof. Roche nevertheless support the proposal to change the title of the head of the School of Architecture to "dean." First, it would remove the current anomaly in the administrative structure of the University. Second, the change would seem to bring Notre Dame into line with peer practice. To see the School of Architecture flourish, a change of title for its head is necessary.

Prof. Hatch noted that at the beginning of the last strategic planning process, he had a conversation with Prof. Roche about whether Notre Dame should consider forming a College of Fine Arts. The issue was discussed quite intensively, he believes, within the college, but the ultimate decision was not to go forward with that idea. Nevertheless, he thinks the idea interesting. In terms of management, that kind of structure would have certain advantages. While the University should keep the option of a future college of fine arts open, Prof. Hatch said, at least at the present, the college chose not to move in that direction.

Prof. Phelps asked if approving the proposal at hand would in any way foreclose the possibility of establishing a college of fine arts at Notre Dame or make it more difficult to form one.

Prof. Hatch said that approving the current proposal would not foreclose the possibility of establishing a college of fine arts. In some ways, because the School of Architecture is independent now, he does not think

the proposed title change would complicate to any great degree a future reorganization of the College of Arts and Letters.

Prof. Woo said that when the School of Architecture was spun off from the College of Engineering, the University already went down the path of establishing it as an independent academic entity with its own scope of activity. The title of "chair" has the feel of probationary status—as in the beginning, when Architecture was first made independent and there was uncertainty about its position. Now, Architecture is a central part of the academic enterprise at Notre Dame. Its success is part of the success of Notre Dame. If she were the chair, she would want the connotation of probationary status to be removed.

Prof. Higgins suggested that an intermediate position between "chair" and "dean" might be "director." That title would not foreclose the possibility of future restructuring of Architecture and other departments into a new college of fine arts. Nor would there already be a dean in the School of Architecture whose status might trump that of the other department heads brought into the college.

Prof. Higgins also asked Prof. Frecka whether his point is that the stature of the School of Architecture has nothing to do with whether its head holds the position of chair or dean because the school's stature is already high.

Prof. Frecka said that was correct.

Then, Prof. Higgins asked Prof. Frecka what specifically he wants.

Prof. Frecka responded that he does not understand the logic of the proposal and would like it to disappear.

Prof. Mooney asked Prof. Lykoudis, chair of the School of Architecture, to provide members with data on small, freestanding architecture schools with deans.

Prof. Lykoudis said that there are 118 accredited schools of architecture or programs of architecture. Of that number, 27 are stand-alone schools. In terms of the number of faculty and students, five of the 27 schools are significantly larger than Notre Dame's, four are significantly smaller, and 18 are similar in size. All of those 27 stand-alone schools are headed by deans except two—one of which is Notre Dame.

In the stand alone schools, the only administrative structure is dean, associate dean, assistant dean, and so forth; there are no departments. There are some program coordinators, but Notre Dame has a director of undergraduate studies, a director of graduate studies, a director of the Rome Program, etc. Thus, there are some subdisciplines within Notre Dame that are very similar to the subdisciplines of other schools of architecture. Essentially, the point is that approximately one-third or one-quarter of all the schools of architecture are similar to Notre Dame in size and structure and are headed by deans. Those include some of the top schools—Princeton, Yale, and Rice.

Ms. Wykoff asked if there is a general definition in academia for the title "dean," or whether the definition is unique to each institution.

Fr. Malloy responded that the word "dean" is conventionally used for the head of a distinct academic unit of a college or school.

Prof. Mooney noted that many institutions have a "dean of students." Thus, the connection of a "dean" to a certain college or school is not always present.

Fr. Malloy added that the use of the term has much to do with peer institutions. When Notre Dame introduced the title "provost" for the University's chief academic officer, it replaced that of "vice president of academic affairs." At the time, there was a change occurring in a certain kind of institution in the academy. The concept of "provost" is based on the British model of higher education. It presumes a high level of responsibility. As for the difference between a "dean," and a "director," Fr. Malloy said, there is likely to be controversy on that point. He associates the word "director" with a less complicated organizational structure and a smaller set of responsibilities—although both deans and directors are important in their own right.

Prof. Higgins said that she shared some of Prof. Frecka's concerns about the proposal. Her department, Music, has 17 fulltime faculty and is, in many ways, as much of a "school" as architecture. Within the department of music, there are many subdisciplines that could easily be their own departments. Prof. Higgins said that she, too, favors the concept of a college of fine arts.

That preference, combined with her worry that according the title of "dean" to the head of architecture will foreclose options for a college dedicated to the fine arts at Notre Dame, makes her more comfortable with the title "director." Yet, Prof. Higgins concluded, she does appreciate the issues of prestige that have been raised.

Fr. Malloy asked for a vote on the proposal to change the head of the School of Architecture from "chair" to "dean." There was one vote of "no" and two abstentions. All other members voted in favor of the proposal. Fr. Malloy said that he approved the proposal as well, but as with the proposal on faculty grievances, final approval is needed by the Board of Trustees.

Prof. Mooney said that she assumes the approval extends to the amendments to the *Academic Articles*.

Fr. Malloy said that it does.

5. Update on the North Central Association Accreditation Visit. Prof. Ryan said that the March 22–24 visit by the accrediting team of the North Central Association went very well. Notre Dame will not have the final report for some time—probably not until the fall—but all early indications are positive. The University received good feedback on certain areas of strength, as well as feedback on some areas that will be flagged for improvement. Much effort went into preparing for the visit, and that did not go unnoticed by the team. Prof. Ryan thanked all who were involved in preparations for the accreditation visit. She gave particular thanks to the many faculty and staff who worked long hours during the three-day visit.

Prof. Hatch said that he, too, thought the visit went well. The NCA appointed a good review team to Notre Dame, and they gave much substantive and useful advice. While not final, the team's preliminary recommendation is that Notre Dame be fully accredited for ten years free and clear. That is, there need not be one- or three-year follow-up visits nor follow-up reports for deficiencies. Nevertheless, he said, Notre Dame will be asked to address certain issues. Most of them, fortunately, are known to him.

Prof. Hatch thanked Prof. Ryan and Fr. John Jenkins, CSC, who both directed the

accreditation effort. He also thanked Prof. Walvoord for her outstanding work on the self-study. It is on the basis of her work on issues of assessment that the University is further along than it was ten years ago. While Notre Dame will not receive marks at the highest level in the area of assessment, its marks will be good. As an institution, Notre Dame has been thinking more carefully in the last several years about learning goals and how to assess them.

Fr. Malloy, too, thanked all who were involved in efforts leading up the visit and during the days it occurred. The institutions represented on the team are a fine collection of schools, he said, and Notre Dame holds all of them in high regard. The accreditation team's chair, the dean of the college of letters and science at the University of Wisconsin-Madison, was very complimentary of the work that had gone into the self-study and the visit itself. He was complimentary as well about the enthusiasm displayed by many here for Notre Dame's mission.

On the first day of the visit, Fr. Malloy said, the chair asked for an hour of discussion about the issue of Catholic character and identity. That request resulted in very fine presentations on the issue by three deans and others. It appeared that the presentations were well received by the visitors.

Fr. Malloy observed that this last visit marked the third time he has participated in an accreditation review. He chaired one effort—and that is an extremely demanding task, one filled with anxiety. This visit went very smoothly and was probably the most positive of the three he has experienced. It is nice to hear good things from one's peers as well as to receive good advice from them.

6. Committee Reports

(a) **Faculty Affairs Committee.** Prof. Nordstrom said that after the approval today of two items on the committee's agenda, there are only a few matters left for the committee to complete. One is a request by the University Committee for Academic Technologies to revise the academic charter for that committee. Another is work to clarify and bring consistency to the *Academic Articles* governing faculty elections. A third item is the proposal to make Teacher

Course Evaluations public. Work is just beginning on the TCE issue. Prof. Nordstrom said that committee members are investigating the possible impact of disclosure.

(b) **Graduate Studies Committee.** Prof. Marino reported that the Graduate School has begun publicizing its program for graduate student insurance subsidies. The committee has been interested in this topic for a year and a half. Basically, he said, the program is a subsidy for three years of insurance premiums for graduate students. While all involved wished that the subsidy could be larger and that it might extend to family plans, neither was possible at this time. Nevertheless, the current subsidy is a start.

Also, Prof. Marino said, there has been some discussion over the last year about whether the Graduate Studies Committee should be abolished. Thus, it is difficult to know whether the members should go forward or wait to see the outcome of that discussion. He assumes that there will be discussion of possible reconfiguration of Academic Council committees in the near future.

(c) **Undergraduate Studies Committee.** Prof. Preacher reported that the committee has two items remaining on its agenda: the use of Advanced Placement credits for students and the question of departmental honors. Members plan to have a report or recommendation on both items for the April meeting.

7. Prof. Mooney's Departure from Notre Dame to Assume the Presidency of Saint Mary's College. Fr. Malloy congratulated Prof. Mooney on her new position: president of Saint Mary's College. She will assume office on June 1. He thanked Prof. Mooney for all that she has accomplished at Notre Dame—and said that he knows she will do an extraordinary job at Saint Mary's as well.

Prof. Mooney thanked Fr. Malloy and said that as excited as she is “to move back across the road,” she knows that her last day at Notre Dame will be a sad one. She has been at the University for 24 years. To say that the time has been “a good run” would be a gross understatement. She has had wonderful opportunities at Notre Dame and made many great friends here.

Fr. Malloy noted that Prof. Mooney is already “wearing two hats” and asked faculty to be appreciative of all that she continues to do at Notre Dame even while she is carrying a large load at Saint Mary's during the transition.

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

Respectfully submitted,

Carol Ann Mooney

The Academic Council

April 21, 2004

The Reverend Edward Malloy, C.S.C. called the meeting to order at 3:05 p.m.

Prof. Hatch offered a prayer.

1. Minutes of the Meeting of March 30, 2004.

The minutes of the meeting of March 30, 2004, were approved without amendment.

2. Proposal to abolish the Graduate Studies Committee of the Academic Council and to add Academic Council members to the Graduate Council.

Prof. Phelps, chair of the *ad hoc* Committee on Committees, introduced the proposal. She explained that her committee was created specifically to look at the Graduate Studies Committee of the Academic Council and its overlap with the University's Graduate Council. Committee members worked this year with Prof. Kantor, chair of the Graduate Council, and constructed the proposal presented for approval today. [See Attachment A]

That proposal, she said, essentially does away with the Academic Council's Graduate Studies Committee but puts a significant number of Academic Council members—six—on the Graduate Council for one-year terms. Committee members decided that six representatives would strike the best balance between the Academic Council's need and desire to be well represented on the Graduate Council with two other interests that must be considered when apportioning seats on that council: (1) allowing fair and representative elections to it; and (2) giving the chair of the

Graduate Council the ability to appoint members to represent various University interests.

Prof. Phelps further explained that the proposal provides that five of the six Academic Council representatives to the Graduate Council must be elected members of the Academic Council (i.e., only one of the six may be an *ex officio* member of Academic Council). The six Academic Council representatives, along with the *ex officio* members of the Graduate Council who are also members of the Academic Council (e.g., the college deans)—termed “the larger group” in the documentation accompanying the proposal—would have the right of agenda on the Graduate Council. The proposal also provides that the members of this larger group would elect one of their number to be a liaison to the Executive Committee of the Academic Council.

Prof. O'Hara said that she has no objection to dissolving the Graduate Studies Committee or to the new composition of the Graduate Council. She believes, however, that she and Prof. Kantor had an exchange of correspondence on the question of whether the dean of the Law School belongs on the Graduate Council.

Prof. Kantor agreed that correspondence on that issue had occurred; yet, he said he thought the issue had been resolved by including both the deans of the Law School and the Mendoza College of Business as members of the Graduate Council. In the correspondence, Prof. O'Hara questioned what issues might come to the Graduate Council that would pertain to the colleges of law or business. He believes that those issues would be ones that have a social character or that affect the community of graduate and professional students.

Prof. O'Hara asked for clarification on the record that nothing in the proposal should be construed to bring the Law School underneath the aegis of the Graduate School.

Prof. Kantor said that there was no attempt in the proposal to bring the Law School under the Graduate School.

Prof. Hatch said that the understanding seems to be that when an issue before the Graduate Council pertains to professional as well as graduate students, it would help to have the deans of law and business present.

Prof. Kantor said that an example would be the issue of health insurance discussed this past year. That topic involved both graduate and professional school students.

Prof. O'Hara asked for another clarification: The proposal would not mean that the Graduate Council sets policy for law students, even as it relates to issues which have a social character or affect community.

Prof. Kantor agreed.

Mr. Dale asked whether dissolving the Graduate Studies Committee would affect whether a graduate student serves on the Academic Council.

Prof. Phelps said that it would not.

Mr. Dale asked whether the graduate student representative, who has always been assigned to the Graduate Studies Committee, would then serve on another committee.

Prof. Phelps said it remains possible, of course, that the graduate student would be one of the six appointed to sit with the Graduate Council.

Prof. DeBoer said that neither Part 1B of the documentation accompanying the proposal nor the language of the current draft of the amendment to the *Academic Articles* specify how the appointments from the Academic Council to the Graduate Council will be made. He thinks that some language should be added to outline that procedure.

Prof. Phelps said that the appointments would be made in the same way that the standing committee appointments on the Academic Council are made—by the Provost's Office. Certainly, language could be added articulating that if members felt it necessary.

Prof. Kolman said that while she understood five of the six appointed representatives must be elected members of the Academic Council, she is not clear who the sixth representative might be. If it is to be an ex officio member, is the intent that the position will be filled by one of the deans—all of whom are already on the Graduate Council?

Prof. Hatch said that he believed the idea was to have a representative of the Faculty Senate serve as the sixth representative.

Prof. Phelps agreed.

Prof. Hatch said that an associate provost would be eligible to be the sixth representative as well.

Prof. Phelps agreed.

Prof. Constable said that it is very important to achieve a balance of fields on the Graduate Council. She wondered if specific language should be added to ensure that the six Academic Council representatives are neither all scientists nor all humanists.

Prof. Phelps responded that her committee discussed that issue and decided it best to leave that particular balancing task to the Provost's Office. It must make similar decisions when establishing the membership of all the Academic Council's standing committees.

Regarding balance on the Graduate Council, Prof. Kantor said he assumes that elections would be held in the spring for the "at large" positions of the Graduate Council, that the six appointments from the Academic Council to the Graduate Council would occur by the first meeting of the Academic Council or very soon afterwards, and that—with an eye to balance—he would make the remaining four appointments very soon thereafter. In making appointments to the Graduate Council in the past, he has tried to balance disciplines as well as to draw people who may have a special interest in the University's graduate programs.

Prof. Mooney said that as she has made appointments to the Academic Council's standing committees for the past several years, she has tried to achieve balance among the colleges. No one college should dominate a committee. While under the current proposal, the Provost's Office will make appointments to the Graduate Council rather than to the Graduate Studies Committee—and a fewer number of appointments than have been made under the former committee structure—balance among the colleges will still be a goal. Thus, in addition to consulting Fr. Malloy and Prof. Hatch, the person who makes the committee assignments and appointments should consult Prof. Kantor as well so that there will be a good distribution of people and interests across committees.

Prof. Maurice said that under the Academic Council's current committee structure, all

members are able to hear about the work of the various committees at the committee-report phase of Council meetings. If the proposal passes, she asked, will there still be some kind of reporting mechanism to allow all Academic Council members to stay knowledgeable about Graduate Council business?

Prof. Phelps said that the ability to keep the members of the Academic Council informed of Graduate Council agenda items was one of the reasons the proposal was structured as it is. It provides that those faculty members who are members of both the Academic Council and the Graduate Council will choose one of their number to be a liaison to the Executive Committee. That liaison will take Graduate Council matters to the Executive Council and also report to the Academic Council as a whole, as do the chairs of the Council's standing committees.

Prof. Antsaklis asked how the appointment of six Academic Council members to the Graduate Council would affect the composition of the Undergraduate Studies and Faculty Affairs committees.

Prof. Phelps answered that the *ad hoc* committee members discussed this issue as well. One possibility is that not every member of the Academic Council would be an active committee member every year. In a given year, some members with particularly busy schedules might be able to "opt out" of assignment to the Council's standing committees.

Prof. Blum asked whether there might be some issues the Graduate Council might consider that the Academic Council will consider as well. She asked whether in such a case the Academic Council would be above the Graduate Council or parallel to it.

Prof. Mooney answered that if a decision of the Graduate Council requires amendment of the *Academic Articles*, the Academic Council must consider the matter as well. As she understands it, the Academic Council is the only body with the power to approve amendments to the *Academic Articles*. Of course, even approval of a particular amendment by the Academic Council requires subsequent approval by the President of the University and by the Board of Trustees.

Prof. Hatch said that nothing in the proposal implies that material normally discussed or decided by the Graduate Council must always come before the Academic Council.

Prof. Kantor said that the mission of the Graduate Council is set forth in the attachment distributed to members today: "The Graduate Council reviews the policies, practices and procedures of the Graduate School." Not all Graduate Council matters will become an agenda item for the Academic Council; however, the right of agenda included in the proposal guarantees that Academic Council matters can be presented to the Graduate Council if necessary. There will be other routine matters that come from the Graduate Council to the Academic Council. The proposal does not imply any changes to the *Academic Articles* other than to the charter for the Graduate Council.

Prof. Roche pointed out that in addition to changes in the *Academic Articles*, new academic programs approved by the Graduate School must also be approved by the Academic Council. The approval at the last Graduate Council meeting of a master's program in sacred music is an example.

Prof. Kantor agreed. Procedures are already in place, he said, for forwarding the work of the Graduate Council to the Academic Council for further action when that is necessary. Under those procedures, the advanced degree in sacred music approved by the Graduate Council will be taken up by the Academic Council next fall.

Prof. Phelps said that the procedure in the past has been for issues to go from the Graduate Council to the Graduate Studies Committee of the Academic Council, then to the Executive Committee of the Academic Council, and finally, to the Academic Council as a whole. By proposing to dissolve the Graduate Studies Committee, her committee would remove the one step that seems redundant in that process.

Fr. Malloy said that perhaps "integrating" two committees rather than removing one of them would be a better way to understand the proposal.

Prof. Mooney suggested a change to the language of the current proposal, which, she said, was drafted rather quickly and

has not been reviewed by the committee or the Executive Council. The current language omits mention of the "larger group" included in Part 1 of the explanatory attachment to the amendment. The members of that "larger group," she said, are the six members of the Academic Council who are appointed to the Graduate Council plus certain overlap members—mainly, the deans—who will have right of agenda on the Graduate Council. She suggested that in the concluding paragraph to the amendment, the third sentence should read: "Those members of the Graduate Council who are also members of the Academic Council have right of agenda on the Graduate Council." Yet, a difficulty with that language, she noted, is that it should not be understood to mean that it is individual members of the larger group who have right of agenda. It must be clear that that it is the group that has right of agenda.

A member suggested using the words "collective membership."

Prof. Constable said she wonders why the proposal must involve dissolution of the Academic Council's Graduate Studies Committee. It seems that the "larger group" to which Prof. Mooney refers is, in fact, that committee. If the Graduate Studies Committee remains a committee, the members could then decide to meet separately when they deem it necessary. Also, by keeping those Academic Council members together as a committee, the word "committee" could be used in the proposal rather than the more unwieldy "the six members who are appointed from the Academic Council to serve on the Graduate Council plus the overlap members." Thus, rather than dissolving the committee, she suggested that it merely meet in a different way.

Prof. Phelps responded that the *ad hoc* committee was created because of the sense that the Graduate Studies Committee did not have enough work to do and that what it did do could be achieved by a much smaller body in conjunction with the Graduate Council. Rather than maintaining a kind of institutional fiction of two bodies, the committee's recommendation was to have one body—the Graduate Council—with significant representation from the Academic Council.

Fr. Malloy asked for a vote on the proposal to dissolve the Graduate Studies Committee of the Academic Council and to add six Academic Council members to the Graduate Council. He said that in voting, members should bear in mind that the language now before them may be clarified slightly to take account of the "larger group" issue.

The vote was unanimously in favor of the proposal.

3. Proposal from the Faculty Senate to add a research faculty member to its membership.

Prof. Brown, chair of the Faculty Senate, explained that the proposal was relatively simple. When the Faculty Senate was reconstituted two years ago, the research faculty were inadvertently omitted from representation on it. There are about two dozen research faculty members—certainly, he said, enough to merit representation by one of their number. [See Attachment B]

Prof. Mooney said that as with the proposal to dissolve the Graduate Studies Committee, this proposal has the unanimous approval of the Executive Committee.

Fr. Malloy remarked that including a representative of the research faculty on the Faculty Senate seems to him to be a prerogative of the Senate. While he said that he doubted the proposal will be opposed, he opened the floor for discussion.

Prof. DeBoer said that he did not object to the proposal but did question one phrase in it: "the programs of military science shall have one Senate seat, with that senator representing all of those programs." As he understands it, the program of "military science" is the Army branch of the University's programs, and there are branches of Naval Science and Air Science as well. He asked Captain Shelton if he approves of the reference to those branches collectively as "military science."

Captain Shelton said that Prof. DeBoer is correct, but many people do consider all three together the "military science programs."

Fr. Malloy asked for approval of the proposal to add one representative of the research faculty to the Faculty Senate, which was approved unanimously. Fr. Malloy said that he approves the proposal as well, but final approval must come from the Board of Trustees.

4. Committee reports

Before calling for the committee reports, Fr. Malloy remarked that in the 2002–2003 academic year, the Academic Council held several very intense meetings. This year the Council's business has been considerably more low key. The format of the Council is for committees to come forward when they are ready for approval of a proposal. At times, those proposals are controversial; at other times, they are not. He does not want the fact that there has not been a "meaty" item on the agenda this year to give the impression that the Council is shying away from controversial items. When those matters are presented to it, the Council meets its responsibility to consider them.

(a) **Graduate Studies Committee:** Prof. Marino said that after passage of the proposal today, the committee had no further business.

Prof. Kantor noted that there is one item coming out of the Graduate Council that will be presented to the Academic Council at its first meeting of the next academic year: the proposal for a master's program in sacred music.

(b) **Faculty Affairs Committee.** Prof. Mooney gave the committee's report for Prof. Nordstrom, who was at a conference. She said that the committee had brought forth many items to the Council as a whole over the past year. Those that remain are: (1) an amendment to the charter of the University Committee on Academic Technologies, which will be presented in the fall; (2) cleaning up the *Academic Articles* in regard to election procedures for various University committees and councils—an item for which a first draft is complete; and (3) the proposal to make Teacher Course Evaluations (TCEs) public, which is being considered by a committee composed of members from all three of the Council's standing committees.

Prof. Incropera said that the TCE subcommittee will begin working on a draft proposal next week, but he does not expect members to emerge from their upcoming meetings with a definitive recommendation. While members have had a very productive year, their plan is to expand the issue beyond publication of TCEs and consider other aspects of evaluating teaching and learning at the University. The sub-

committee expects to bring the matter of evaluation to the entire Academic Council in the fall.

(c) **Undergraduate Studies Committee.** Prof. Preacher said that the committee has two unresolved agenda items: examining the University's use of Advanced Placement credit and departmental honors programs. In both cases, the magnitude of the task of gathering information from all parts of the campus prevented the committee from bringing a proposal forward this year. Having worked on the controversial issue of classroom scheduling in the past, committee members wanted to make sure—particularly with the Advanced Placement issue—that all constituencies affected by a change will understand its possible consequences. The committee now has a recommendation on the Advanced Placement issue for next year's committee to bring forward and a report on departmental honors for it to consider as well.

Prof. Mooney asked all committee chairs to send her a short report of their committee's accomplishments, attaching any items in progress. She will pass them on to her successor.

Prof. Hatch thanked all Academic Council members for their work this academic year on a variety of projects. Fortunately, he said, the Council was not faced with a controversial issue similar to that of last year's reorganization of Economics; yet, a lack of controversy at meetings should not be taken as a sign of inactivity. Much has been accomplished this year. Prof. Hatch attributed those accomplishments both to the Council's new relationship with the Senate—for when complicated issues arise, joint committees are created to devise solutions—and the design of the Council—which provides for committees to do the substantive work on issues and then bring them forward to the Council as a whole. Prof. Hatch thanked Prof. Brown, in particular, for stepping in to chair the Senate.

Fr. Malloy thanked Council members for their service as well. He noted how demanding the strategic planning and accreditation processes has been for many at the University this year and last, although the positive comments of the accrediting team have provided some reward for much of that hard work. While the team had

many compliments about the University as a whole, one aspect it gave particular mention to was the mechanisms and procedures in place at Notre Dame for the consideration of important issues. As for the strategic plan, Fr. Malloy said, efforts at the University are now directed to presenting the priorities of the plan to those who could help fund them.

Fr. Malloy thanked the student members of the Council in particular for their service this year. He hopes, he said, they have learned that the representative participation of students, faculty, and administrators in the life of the University is a complicated business but one that exists to fulfill the University's mission of educating students.

In closing, Fr. Malloy and Prof. Hatch expressed their gratitude to Vice President and Associate Provost Carol Ann Mooney, who is leaving Notre Dame next month to become the president of Saint Mary's College. Prof. Hatch said that Prof. Mooney has done superb work over the years for the Academic Council, the faculty, and the University as a whole. She has been outstanding as a representative of the faculty—going the second and third mile to strive for fairness on their behalf and the good of the institution as a whole. He gave special praise to Prof. Mooney's support of women at the University and her efforts to make Notre Dame a more diverse environment and said that he is deeply grateful to her for all that she has accomplished during her 24 years at the University.

There being no further business, Fr. Malloy adjourned the meeting at 3:35 p.m.

Respectfully submitted,

Carol Ann Mooney

The Academic Council

September 1, 2004

Members Present: Rev. Edward A. Malloy, C.S.C., Nathan Hatch, John Affleck-Graves, Dennis Jacobs, Jean Ann Linney, Christine Maziar, Rev. Mark Poorman, C.S.C., Eileen Kolman, Michael Lykoudis, Patricia O'Hara, Mark Roche, Carolyn Woo, Jennifer Younger, Seth Brown, Jay Brandenberger, John Robinson, Nasir Ghiaseddin, Sunny Boyd, Hope Hollocher, Richard Taylor, Panos Antsaklis, Teresa Phelps, J. Douglas Archer, Kenneth DeBoer, Ava Preacher, Christian Moevs, Neil Delaney, Brad Gregory, Stephen Fredman, Valerie Sayers

Members Absent: Jeff Kantor, Joseph Marino, Patricia Maurice, Carol Tanner, Tom Noble, Joseph Buttigieg, Don Crafton, Olivia Remie Constable, Mihir Sen, Thomas Frecka, Bill McDonald, Crystal Salcido

Members Excused: Frank Incropera, Jeremy Staley

Observers Present: Mary Hendriksen, Matt Storin, Col. Michael Zenk, Kevin Barry

Observers Absent: Harold Pace, Dan Saracino

Observers Excused: None

Invited Guests: John A. Haynes, Executive Director, Performing Arts Center and Professor Scott Appleby, John M. Regan R. Directorship of IIPS, Joan B. Kroc Institute for International Peace Studies

Fr. Malloy called the meeting to order at 3:05 p.m. He offered a prayer in remembrance of Fr. John Jenkins' father.

1. Election of the Executive Committee and naming of appointed members: After several rounds of voting, the following members of the Academic Council were elected to the Executive Committee: Neil Delaney, Frank Incropera, Ava Preacher, John Robinson, and Carolyn Woo. At the conclusion of the voting, Fr. Malloy appointed Sunny Boyd, Eileen Kolman, and Jeremy Staley, academic delegate for student government, to the Committee.

2. Remarks of John Haynes, Judd and Mary Lou Leighton Director of Performing Arts, and Executive Director, Marie P. DeBartolo Performing Arts Center: Prof. Hatch introduced John Haynes, the

Judd and Mary Lou Leighton Director of Performing Arts, and the executive director of the Marie P. DeBartolo Performing Arts Center, which has scheduled its grand opening for the University and the larger community September 17 and 19, 2004, respectively.

Mr. Haynes remarked that he last spoke to the Academic Council in September of 2002, barely one month after he had arrived at Notre Dame and when the Performing Arts Center (PAC) was still a pile of steel and concrete. In his comments that day, he set out some ambitious goals. Reviewing his two-year-old notes early this morning, he was pleased to see that, first, the goals he articulated at that time have not really changed, and, second, there already appears to be movement in the right direction—and the Performing Arts Center is just now opening. Mr. Haynes said that he will begin his remarks today by revisiting those goals, for they still function as his roadmap:

- That we eventually achieve a state where the arts are universally understood to be a vital element of Notre Dame's culture, in the way that academics and athletics already are;
- That no student will graduate without having first engaged the world through the arts as well as through intellectual, athletic, community service, and spiritual endeavors;
- That the Notre Dame experience begin a lifelong love affair with music, dance, theater, fine arts, film, and literature;
- That our students develop the capacity for critical aesthetic judgment;
- That we all develop a sense of pride and ownership in the creations and the performances of Notre Dame's own artists;
- That every member of the faculty discover ways in which the arts can enhance their teaching, their research, and their own lives;
- That we create cultural ties to the individuals and families of our entire community;
- That the arts become one of the primary means by which we engage ethical, cultural, and spiritual matters;
- That the arts at Notre Dame become one of our most effective tools for academic enhancement; and

•That Notre Dame's reputation as a great university be further elevated by virtue of the pervasiveness of the arts as an element in academics, student life, public events, and faculty accomplishments.

Mr. Haynes said that the Performing Arts Center itself is one of the principal tools for accomplishing these goals, although it is inert without the work of the artists, scholars, technicians, staff, and students who are now beginning to breathe life into it.

Mr. Haynes said that he moved into the building on May 5, 2004, with his staff—which numbered four at the time. At that point, he was finally able to go on a hiring binge and bring that total up to 11. In July, PAC staff members were joined by the Department of Film, Television, and Theatre and by three intrepid members of the music faculty who make their homes in the building.

Mr. Haynes said that throughout the summer, the PAC staff balanced a very hectic schedule of punch-lists and the selection and installation of furniture, fixtures, and equipment against the desire of people to see the almost-finished and wondrous building. Hundreds of faculty and staff, sometimes entire departments, toured the building. There were tours almost every day; at times, several a day. While it has been rare for him to see uniformity of opinion very often at the University, without fail, visitors to the building this summer appeared to be delighted by what they saw. He even witnessed people leave the Organ and Recital Hall with tears streaming down their faces—not from any performance but just from the experience of being in that space.

Mr. Haynes continued that although it is still a few weeks away from the PAC's grand opening, the building is already full of students every day. The cinema theatre held its first screening last Thursday night; the PAC ticketing system is up and running, but Web sales and the ticket kiosk planned for La Fortune are not ready yet. The facilities scheduling system is installed and working, but it will take at least three uninterrupted days to enter all of the relevant information into it—and uninterrupted days are a scarce commodity now. A few engineering problems remain to be solved, the PAC Web site is not yet functional, there aren't

any trash cans in the lobby, and the front doors occasionally lock unexpectedly; but, the Performing Arts Center is basically finished. It is on time and on budget.

Mr. Haynes said that in addition to the film screening last week, PAC has hosted first-year-student orientation activities for student-athletes and multi-cultural students, a faculty convocation, and a few small receptions. Both showings of the film, a documentary about Al-Jazeera, were sold out. Sixty-five percent of audience members were students, and 100 people had to be turned away. Not counting classes and rehearsals, of which there are hundreds—he already shows 390 events on the PAC master calendar between now and the May 2005 commencement. The PAC will most definitely be a lively place.

Mr. Haynes then summarized events at the upcoming open houses—one for the University community and one for the larger South Bend community, which will take place Friday, September 17 and Sunday, September 19, respectively. The open houses will feature small, “bite-size” performances from University groups such as the Glee Club and Summer Shakespeare, and performances by Film, Television, and Theatre (FTT) students, and community arts organizations as well. The September 19th open house will be topped off by a concert by the Lincoln Center Jazz Orchestra and Wynton Marsalis, for which tickets are selling very well.

The open houses will precede the formal dedication of the building, to be held Wednesday, September 29.

Mr. Haynes elaborated on his comments on ND Cinema, which has, for many years, been held on Thursday night in the Carey Auditorium of the Hesburgh Library. With construction of the PAC, he said, ND Cinema can expand from one to three nights a week—Thursday, Friday and Saturday—with two screenings each night, one at 7:00 p.m. and the other at 10:00 p.m. Moreover, rather than purchasing tickets at the door, which was risky at best for certain films, the entire week of films will go on sale every Monday.

Mr. Haynes said that the PAC’s cinema theatre will be the finest art screening house in northern Indiana—perhaps in all of Indiana—and present the best of independent,

foreign, classic, and documentary films. He was fortunate to persuade Jon Vickers of the Vickers Theatre in Three Oaks, Michigan, to be the cinema manager. Mr. Haynes said that Mr. Vickers, who will continue to maintain his business in Three Oaks, is uniquely suited for the position at the PAC, both in the technical sense—running the very complicated equipment the new cinema houses—and in the programming of films, for which he will partner with FTT, the Nanovic Center, and any other University entities interested in showing or screening films.

Mr. Haynes next described the two arts festivals to be held at the PAC this winter. The first, scheduled for November 3–7, 2004, has as its theme “Shakespeare in Performance.” Through a variety of events, that theme will be explored in theatre, film, and music. In conjunction with the festival, Peter Holland, chair of FTT, is hosting a very high-level academic symposium of 12 of the world’s most eminent Shakespearian scholars. The festival will include a presentation by Actors from the London Stage, the noted repertory theatre based at Notre Dame, and a performance in the PAC studio theatre of *Fortinbras*, a contemporary and very clever play by Lee Blessing that takes up where *Hamlet* left off. In addition, an *a capella* group from King’s College Cambridge will perform music of Shakespeare’s time, and the Notre Dame Orchestra will give a concert based on Shakespearian themes.

A second arts fest, to be held February 22–28, 2005, will take up the themes of tolerance and reconciliation. It will consist of two plays, a film festival, and related music events as well. One of the plays will be FTT’s production of *The Laramie Project*. It deals with the 1998 murder in Laramie, Wyoming, of Matthew Shepard, a gay 21-year-old student. Also at that festival, Notre Dame will be one of ten Catholic universities in the United States premiering the stage adaptation of Tim Robbin’s screenplay, *Dead Man Walking*.

Mr. Haynes then previewed the upcoming season at the Performing Arts Center, with some of the highlights being performances by Wynton Marsalis and the Lincoln Center Jazz Orchestra (September 19), the Marcus Roberts Trio (September 24), Second City Comedy (October 22), and

the New York Philharmonic (February 3). A complete schedule and ticket information will be available on the Web at <http://performingarts.nd.edu>.

Mr. Haynes next addressed the PAC’s ticketing philosophy and system. First, all tickets to events at the PAC are sold individually. There are no series packages. The reason is that series packaging works, essentially, to restrict access to students. Tickets for each event will go on sale about 40 days before the event—first to Notre Dame students, faculty, and staff for three days and then to the general public. There is a 20 percent discount for faculty and staff. Student prices are currently underwritten by the budget of the Performing Arts Center, although he is seeking to replace that with benefaction as soon as possible.

Mr. Haynes said that the average price for all events in the Guest Artist Series, excluding the New York Philharmonic, is \$35. He thinks this is a very good price for artists of the caliber being brought in. The highest priced ticket for any student to any event, including the New York Philharmonic, during the year is \$25.00. Furthermore, because there is not a bad seat in the house and because he does not want to sequester students from other audience members, when a student buys a student-priced ticket, he or she can pick the best available seat in the house.

As for cinema tickets, Mr. Haynes explained, they will be general admission. There will be limited numbers of advance group sales that the PAC staff will approve for selected academic units, centers, and institutes when the film involved very directly supports a program that they are running—for instance, if the film is being shown in conjunction with a Nanovic project or is required on the part of FTT students for a particular class.

For all tickets, Mr. Haynes said, he hopes to have on-line purchasing through the Notre Dame Web portal in place by late fall. There should be a kiosk in place in La Fortune by late fall as well, where patrons can walk up, swipe their credit card, choose a seat, print a ticket, and walk away. Also by late fall, as a service to the community, tickets to events at the Morris Performing Arts Center can be purchased at the PAC box office.

Mr. Haynes concluded his remarks by saying that he would like to have volunteer ushers at the PAC who are not all students. It would be preferable to have a diversity of ages in the usher corps. Already, some members of the community and some retired people have expressed their interest in volunteering. He encourages any faculty and staff who are interested in serving as ushers to call Jacqueline Schmidt at 631-2995.

3. Remarks of Scott Appleby, professor of history and the John M. Regan, Jr. Director of the Joan B. Kroc Institute for International Peace Studies: Prof. Hatch introduced Scott Appleby, professor of history and the John M. Regan, Jr. Director of the Joan B. Kroc Institute for International Peace Studies.

Prof. Appleby said that in his short presentation he would first give a brief overview of the Kroc Institute's degree programs and research activities. He will then discuss events surrounding the Institute's hiring of Swiss scholar Tariq Ramadan and the United States government's recent revocation of his work visa.

Prof. Appleby explained that the Kroc Institute has offered a master of arts in peace studies program for 19 years. As of June 2004, there were 388 graduates of the program. Last year, 24 students from 17 countries were in the class. Forty percent of Kroc graduates will go on to doctoral work in international relations, peace studies, or some related field. The other 60 percent plan to enter local politics or the diplomatic field, or go to work for non-governmental organizations concerned with arms control, conflict resolution, or similar areas.

This year, Prof. Appleby explained, the Kroc launched a new two-year masters program. [See <http://www.nd.edu/~krocinst/programs/masters/ma2yr.htm>] It will be run on a regular academic schedule—unlike the previous one-year program, which students entered on August 1 and then proceeded through classes quickly for three semesters. Kroc Institute faculty found that the pace of the previous M.A. program was too intense for students—many of whom were using English for the first time in an academic setting while simultaneously making other huge cultural adjustments.

Plus, he said, by January or February, students were already worrying about what they would do after graduation.

With the new program, Prof. Appleby explained, students will be on a regular academic year schedule doing coursework in five areas:

- global politics and international norms
- religion and the ethics of conflict
- political economy of war, peace, and sustainable development
- culture, war, and peace
- conflict analysis and transformation

Classes are held with the Kroc's own faculty, as well as with the 40 or more faculty fellows at the University in related disciplines.

Under the newly designed master's program, after students have completed one academic year, they will enter a key component of the master's program: the field semester. Prof. Appleby said that this is an opportunity for them to integrate theories of peace-building with practical field research in institutions, communities, and field settings in which peace, economic development, human rights, or justice is at issue. Spreading out to seven or eight international sites, students will work with non-governmental organizations, research centers, and think tanks. They will then return to campus for a final semester in which they will synthesize their academic work in the classroom, theoretical training, and field research by completing a thesis or other master's project.

Prof. Appleby continued that in addition to the master's program, vital components of the Kroc Institute are several externally-funded, collaborative research projects. They are:

- The Program in Religion, Conflict and Peacebuilding—an interdisciplinary, inter-religious initiative which explores the complex roles of religious communities and movements in contemporary conflicts.
- The Research Initiative on the Resolution of Ethnic Conflict—which examines how to create a sustainable, just peace after a period of protracted ethnic conflict, particularly focusing on issues of violence, youth, and transitional justice.
- The Sanctions Project—a joint project of the Kroc Institute and the Fourth Freedom

Forum, it examines multiple aspects of the use of economic sanctions and incentives and advises international policymakers.

[For further information, see <http://www.nd.edu/~krocinst/research/index.html>]

Prof. Appleby said that faculty involved in the collaborative programs, as well as those engaged in individual research or projects around similar themes, are becoming ever more prominent and gaining a wider audience for their research.

Prof. Appleby then turned to the subject of Tariq Ramadan, a Swiss scholar who accepted an appointment to be the Kroc Institute's Luce Professor of Religion, Conflict and Peacebuilding in the first of the externally-funded, collaborative research projects described above: The Program in Religion, Conflict and Peacebuilding. [Dr. Ramadan is the author of several books, including *Western Muslims and the Future of Islam* (Oxford University Press, 2003), as well as many articles on contemporary Islam in dialogue with the West. Earlier this year, Dr. Ramadan applied for, and received, a work/residence visa from the United States Department of State. He was to begin work on August 24, his first day of teaching a course in Islamic ethics. In late July, he was informed that his visa had been revoked at the request of the Department of Homeland Security. Neither he nor the University was given a reason for the denial. See <http://www.nd.edu/~krocinst/research/luce.html> and <http://www.nd.edu/~krocinst/applebyramadan.htm>]

Prof. Appleby said that, first, the controversy surrounding Dr. Ramadan's appointment has been draining for all involved. No one anticipated that the Department of Homeland Security would revoke a visa that had been issued after due scrutiny—particularly since Dr. Ramadan has been a very public and internationally known figure for a number of years. His writings and views were well known when the visa was processed in May.

Second, Prof. Appleby said, neither he nor others at the Kroc Institute have yet to find any credible evidence of what they believe to be wholly spurious charges against Dr. Ramadan. Some of those charges were already investigated by the Swiss government—for instance, that he met with

Ayman al-Zawahiri in 1991 in a Geneva hotel—and proved to be unfounded.

Prof. Appleby said that, of course, the Kroc Institute and the University knew that Dr. Ramadan's appointment would be controversial. In light of the intense scrutiny of Dr. Ramadan by both the academic community and several governments, the judgment was made that the University would not be governed by unsubstantiated charges during the appointment process. The Op-ed piece that appeared in the New York Times today, Prof. Appleby said, is a clear statement of Dr. Ramadan's positions on a variety of issues.

Prof. Appleby then said that what distresses him most about the current controversy surrounding Dr. Ramadan is the allegation or implication that Notre Dame was not careful in making the appointment. On the contrary, all involved with the appointment were extremely careful in their deliberations precisely because of Dr. Ramadan's identity. Thus, there were 10 people on the committee that made the appointment. Moreover, because Dr. Ramadan's writings are published in French originally, and then translated into Arabic and English, some committee members read his works in French, others in Arabic, and still others in English.

Prof. Appleby said that in the final analysis, one reason that led the committee to have confidence in the appointment was interaction with Dr. Ramadan over time. Part of his appeal is his methodological approach to intra-religious and inter-religious dialogue—which is a quality that does not emerge in press accounts of the controversy. That approach grows out of his knowledge of Islamic sources, Islamic religious practices and spirituality, and a deep commitment to his own religious identity. It is, Prof. Appleby believes, a strong religious identity that is very much at the base of what Dr. Ramadan does.

Obviously, Prof. Appleby continued, the committee does not believe that Dr. Ramadan is either a terrorist or a terrorist sympathizer. His intellectual project is inherently risky. Prof. Appleby said he believes that a peace institute should take the risk of bringing contending parties into dialogue. He would describe Dr. Ramadan's message

to Muslim groups as: "You need not abandon Islam; you need not fail to practice your faith with integrity; you must embrace democracies, pluralism, and human rights as your own and understand them within Islamic idioms and the Islamic world view."

Prof. Appleby said that Dr. Ramadan holds views on subjects such as democracy, pluralism, and Islamic feminism that are controversial within some sectors of the Muslim world. None of us in this room today, though, would subscribe to every opinion held by any other person present. Thus, Prof. Appleby said, while he personally may not agree with Dr. Ramadan on certain subjects, that is not the point. The point is that his views fall well within the range of reputable, reasonable discourse. In fact, he is putting forth an agenda that, to more conservative audiences in the Muslim world, is, to some degree, challenging—if not threatening. He is calling upon them, in a sense, to trust the West, and to become full-fledged citizens in Europe and the United States while remaining Islamic in a deep and resonant way. To the West, he voices criticisms within the Islamic world that many of us may not want to hear. Again, while any of us may feel that some of those criticisms are wrong or exaggerated, that is precisely the reason to enter into a dialogue with him and to discuss where the differences lie.

Prof. Appleby said that one of the reasons to bring Dr. Ramadan, an experienced teacher, to Notre Dame and to have him teach at an undergraduate level is the opportunity that would offer our students to interact not just with a scholar of Islam, for there are excellent scholars of Islam already at the University, but with someone who shapes opinion at the popular level and who also wants to enter into dialogue with the West.

Prof. Appleby concluded his remarks by saying that if Dr. Ramadan were allowed to come to the United States, he would be under such a spotlight that all those who would call his views and actions into question could observe him quite easily.

Fr. Malloy then commented that Prof. Appleby kept him apprised all along of Dr. Ramadan's appointment and subsequent events. He has read Dr. Ramadan's most recent book and met with him when he visited campus.

It should not come as a surprise, Fr. Malloy said, that there are people in the University community, the community at large, or the nation who disagree with much of what Dr. Ramadan says or advocates. Others, of course, are very sympathetic to his views. The critical issue, however, is that the reasons why his visa was revoked have never been articulated; therefore, neither he nor the University can respond to them. This lack of due process is precisely the kind of thing the Academic Council might take up—not just in regard to Dr. Ramadan but for the sake of any potential faculty member who has been given a thorough review in connection with hiring. Through its legal counsel, the University is trying to query the government about the revocation of Dr. Ramadan's visa in a respectful and appropriate way. To date, however, no satisfactory answers have been forthcoming.

Prof. Taylor commented that the situation with Dr. Ramadan is just an example, and perhaps a particularly egregious one, of a much larger problem with the U.S. Patriot Act. He has seen potential graduate students at the University turned away because of concerns with the provisions of that legislation. Also, the Act raises concerns for all in higher education regarding government-funded research projects—particularly the composition of faculty and graduate student teams that work on such projects. He wonders if the University is prepared to make a general statement to the country on how the Patriot Act is affecting education across the nation. That topic does not now seem to be part of the political discussion.

Fr. Malloy responded that all the national higher education associations have been lobbying heavily on that very issue. When he was in Washington, D.C. a short time ago, he met with Senators Lugar and Bayh as well as several other people and discussed the implications of the Patriot Act for universities and colleges. He knows that every U.S. senator and representative is being bombarded by higher education entities in their constituency as well as by the national associations on this subject. None of the elected officials, however, want to take on the issue at this particular moment.

Fr. Malloy said that whether their reluctance will continue after the election he has no idea—but the current absence of action is not due to any lack of opposition. Those

in higher education speaking out against the Patriot Act are arguing that it puts graduate education at risk in a number of fields and that it is having a deleterious effect on American higher education as compared to our peers in Europe, Australia, New Zealand, and Canada—all places that have been much more open to the admission of talented graduate students from other parts of the world. He expects that the issue will continue to be hotly debated.

There being no further business, Fr. Malloy adjourned the meeting at 4:30 p.m.

Respectfully submitted,

Jean Ann Linney

The Academic Council

September 23, 2004

Members Present: Rev. Edward Malloy, C.S.C., John Affleck-Graves, Nathan Hatch, Jean Ann Linney, Christine Maziar, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Panos Antsaklis, Douglas Archer, Jay Brandenberger, Seth Brown, Olivia Remie Constable, Tom Cosimano, Katie Crossin, Tim Dale, Kenneth DeBoer, Neil Delaney, Thomas Frecka, Stephen Fredman, Nasir Ghiaseddin, Brad Gregory, Hope Hollocher, Frank Incopera, Eileen Kolman, Michael Lykoudis, Patricia Maurice, Christian Moevs, Tom Noble, Patricia O'Hara, Ava Preacher, Meghan Rhatigan, John Robinson, Crystal Salcido, Valerie Sayers, Jeremy Staley, Carol Tanner, Richard Taylor, Bill Westfall, Carolyn Woo

Members Absent: Joseph Marino, Teresa Phelps, Mihir Sen

Members Excused: Rev. John I. Jenkins, C.S.C., Dennis Jacobs, Kevin Barry, Sunny Boyd, Joseph Buttigieg, Don Crafton, Mark Roche, Jennifer Younger

Observers Present: Mary Hendriksen, Col. Michael Zenk

Observers Absent: Harold Pace

Observers Excused: Matt Storin, Dan Saracino, Kevin Barry

The Reverend Edward Malloy, C.S.C., called the meeting to order at 4:35 p.m.

Professor Maurice offered a prayer.

1. Minutes of the meeting of April 21 and September 1, 2004: After members made some corrections to the attendance list for the April meeting, both sets of minutes were approved.

2. New procedure for noting attendance: Prof. Linney said that given the size of the Academic Council and the fact that, occasionally, teaching commitments cause some members to arrive late to the meetings, rather than she and the reporter taking attendance at each meeting, she will now ask each member to note his or her attendance on a roster circulated at the meeting. A person substituting for an elected or appointed member should sign next to the name of the actual member.

3. Retirement of First Year of Studies Dean Eileen Kolman and election of a search committee for her successor: Prof. Hatch said that as members may have seen this week on the Notre Dame Website [See <http://newsinfo.nd.edu/content.cfm?topicId=7061>] or in print, Eileen Kolman, dean of the First Year of Studies since 1990, has announced that she will retire in 2005.

Prof. Hatch said that in her three terms as dean, Prof. Kolman has done a magnificent job supporting first-year students. She has led what is universally regarded as one of the flagship programs for first-year students in higher education—a program that is largely responsible for Notre Dame's 98 percent student retention rate from the first to the second years, and that contributes to the University's 95 percent graduation rate, a standard exceeded only by Harvard, Princeton, and Yale Universities.

Prof. Hatch said that Prof. Kolman worked very hard to establish the University's Kaneb Center for Teaching and Learning, and played a key role in the search for its first director. Other major contributions have been the establishment of the University Seminars, the improvement of the first-year composition program, and the development of collaborative learning groups to supplement the teaching of mathematics and the sciences.

Prof. Hatch continued that he knows from experience, however, some of Prof. Kolman's most important contributions are not always visible to the larger community. She has worked throughout her 14 years

as dean to ensure that first-year students are taught in the best way possible, which takes a tremendous amount of negotiation with colleagues, departments, and colleges. As an advocate for exemplary teaching at Notre Dame, he said, she leaves a very long shadow.

While there will be other occasions to honor Prof. Kolman for her many accomplishments, Prof. Hatch noted, he did want to express the University's deep gratitude to her at this time.

Prof. Hatch then explained that the search for Prof. Kolman's successor will begin immediately, so that a new dean will be in place by late spring. It would be his preference to find an outstanding person internally, he said, but to find the best person for this important position, the search will extend beyond the University as well.

As for the composition of the search committee, Prof. Hatch explained, the *Academic Articles* provide that its five members should be drawn from the elected members of the Academic Council, with the provost to serve as chair. [See *Academic Articles*, Art. II, Sec. 6.] Given the importance of the search, as well as the importance of diversity on the committee, he will ask Council members to use the same procedure to elect its members as is used for the election of executive committee members: multiple rounds of balloting until nominees receive a majority vote. One of the five members elected to the committee must be a student.

Balloting proceeded as outlined, with election of Professors Panos Antsaklis, Olivia Remie Constable, Neil Delaney, Ava Preacher, and Richard Taylor to the search committee. By acclamation, Council members elected the Student Government academic commissioner, Jeremy Staley, as the student member of the committee.

4. Comments by Fr. Malloy, Part 1: Fr. Malloy then said that as is traditional at this September Academic Council meeting, he will offer some comments on events and upcoming initiatives important to the University community.

First, he noted, the opening of the Marie P. DeBartolo Performing Arts Center this fall has gone extremely well. There have been many favorable comments on both the quality of the inaugural performances

and the beauty of the building itself. *The Chicago Tribune's* art critic gave the PAC and its programming philosophy a very favorable review [See <http://newsinfo.nd.edu/content.cfm?topicid=6823>], and a critic from the *New York Times* is coming soon to campus to write an article about the PAC and the commitment it represents to the arts at Notre Dame. [That article was published on October 12, 2004. See <http://newsinfo.nd.edu/content.cfm?topicid=7424>.]

Second, Fr. Malloy observed, in his rounds of informal discussions with students in the University's residence halls this fall, he has come away with a sense that the mood of students is very upbeat and proud. These informal discussions afford him an opportunity to get the pulse of students and to understand the kinds of issues that concern them. Additionally, his conversations this year have affirmed that the residence-hall tradition continues to be a huge factor in the quality of the education Notre Dame provides to young people. Whatever limitations the residence hall system may have, it provides a community experience that is a key reason for Notre Dame's very loyal alumni base.

Third, Fr. Malloy noted, Sandy Barbour, a senior associate athletic director who has done a tremendous job at the University, was just appointed athletic director of the University of California at Berkeley. This summer, Jim Phillips, another senior associate athletic director, was appointed athletic director at Northern Illinois University, while Bubba Cunningham was appointed athletic director at Ball State in August 2002. With those appointments, Notre Dame's athletic director Kevin White has produced a total of 17 athletic directors during his various leadership roles at several campuses—a great tribute to him and to the quality of his programs and the associates within them, Fr. Malloy said.

4. Comments of Prof. Hatch:

(a) **Lilly Endowment grant:** Prof. Hatch announced that the University has just received word of a \$3 million grant from the Lilly Endowment to increase intellectual capital in Indiana. In its grant application, Notre Dame proposed to use half of the grant money to support University fellowships in the graduate school. These awards,

to be called Lilly Endowment Presidential Fellowships, will be available in all four divisions of doctoral programs: the humanities, social sciences, the sciences, and engineering. The influx of funds will allow Notre Dame to ramp up funding for graduate fellowships for each of the five years of funding. The other half of the funds is designated for faculty recruitment—both junior and senior hires. Funds here, Prof. Hatch said, are somewhat flexible. While the Lilly funds cannot substitute for capitalization, they may be used at the discretion of a dean or department chair for such enhancements as laboratory equipment or library acquisitions for new faculty members. The goal is for Notre Dame to have a way to enhance offers to some of the nation's most promising or highly regarded teachers and scholars.

(b) **Upcoming comprehensive campaign:** Prof. Hatch next spoke of the University's upcoming comprehensive campaign, which is under the direction of Lou Nanni, Notre Dame's vice president for university relations. Development prefers to call the campaign "comprehensive" rather than "capital," Prof. Hatch noted, because funds it brings in will be used for a wide range of needs—graduate education, undergraduate scholarships, and new professorships, as well as facilities. The campaign will be a major focus of the October trustees meeting, at which the administration will be asking for approval of a campaign target in the range of 1.5 billion dollars.

Prof. Hatch said that, like the recently completed strategic plan, the distinctiveness of the campaign rests on its focus on Notre Dame's individual colleges. Colleges, in turn, have defined their strategic opportunities through input by their departments. Throughout the campaign, Development will have a senior person as a liaison with each of the colleges. Development plans to chart the success of the campaign by charting the success of each academic unit.

(c) **Facilities:** As to facilities, Prof. Hatch said, Notre Dame's chief priorities now are new buildings for the Law School and the College of Engineering. Both are very high priorities for which nearly half the required funds have been raised. Also in the next wave of facilities funding, Prof. Hatch said, the University will need to refurbish space being vacated as the College of Science

moves to the facility now under construction. Additionally, there is need for a social science building as well as additions to Hagggar Hall and Crowley Hall.

(d) **Search for an associate vice president and director of human resources:** Prof. Hatch then asked Prof. Affleck-Graves, the University's executive vice president, to comment on the search for a new associate vice president and director of human resources.

Prof. Affleck-Graves first spoke of the importance of this position at the University. There are many pressures in the human resources area, he said, both with regard to benefits and health care costs. Last year, nationwide, health care costs increased by over 12 percent. The implications of that rise are enormous—both for the University and for its faculty and staff. Because the University pays 89 percent of health care costs and individuals the remaining 11 percent, the most dramatic implications of rising costs, Prof. Affleck-Graves noted, are for people at the University on the lower end of the wage scale.

Prof. Affleck-Graves said that he and others at the University have spent the last two months exploring the general landscape of the human resources area and interviewing a number of search firms to select one that will conduct a national search. Yesterday, the committee selected the search firm. Thus, the process of naming the new director could take as little as two or three months, or it could take much longer. While there is certainly a desire to have the position filled as quickly as possible, Prof. Affleck-Graves said, the department is in very capable hands at present. Thus, he has urged the search committee and the search firm to find the very best candidate, even though that might extend the search's timeline. It is more important to bring the right qualified, experienced person to Notre Dame than to complete the search quickly.

(e) **Provost's Office priorities for the 2003–2004 academic year:** Prof. Hatch then outlined some key priorities of his office this year. First, he said, there has been discussion in the Provost's Office and with the deans about the issue of grade inflation. Grade inflation is a broad cultural problem—it is certainly not a problem isolated to Notre Dame. Nevertheless, he would like

the members of the Undergraduate Studies Committee to consider taking up the issue and, he would recommend, establishing a subcommittee to examine the problem at Notre Dame. He believes grade inflation to differ by college; whether the University as a whole should take up the issue is the question.

Turning to budgetary issues, Prof. Hatch named the three areas he believes need concerted attention: libraries, graduate education, and faculty salaries. Given the pressures on the budget in the last few years, he said, there has necessarily been minimal investment in these areas. In fact, funding for the library and for graduate education have been relatively flat of late. This has led to quite severe repercussions in both areas. Task forces are now at work—demonstrating that the University is considering these issues with great seriousness and that he has made them his highest priority.

In the specific area of faculty salaries, Prof. Hatch said, Notre Dame is still within the range of established goals vis-à-vis the American Association of University Professors: the top 20%. Still, the University has slipped a bit, making faculty salaries a necessary priority. They will remain a priority even though the budget will be pressed overall.

5. Comments of Fr. Malloy, Part II: Fr. Malloy said that he wanted to echo Prof. Hatch's comments about Prof. Kolman's extraordinary leadership of First Year of Studies. Finding her successor will be a difficult task. Notre Dame's high retention rate from the first to the second year is a visible marker of Prof. Kolman's success with first-year students.

Fr. Malloy also updated Council members on the status of Tariq Ramadan, the Swiss scholar who accepted an appointment to be the Kroc Institute's Luce Professor of Religion, Conflict and Peacebuilding but whose visa was revoked, without explanation, in late July at the request of the Department of Homeland Security. [See minutes of the Academic Council meeting of September 1, 2004] Fr. Malloy said that Dr. Ramadan has reapplied for a visa, and he believes that his application will receive a fair evaluation. He has no idea, however, when the review will be completed.

Fr. Malloy then said that he and Prof. Hatch would take any questions from Council members.

6. Questions on endowment spending: Concerning the budget discussion, Prof. Woo asked Prof. Affleck-Graves if he anticipated any real increase in spending from the endowment in the upcoming year.

Prof. Affleck-Graves replied that the endowment spending rate must be approved by the investment committee of the board of trustees as well as by the board as a whole. The current recommendation is something in the region of a seven percent increase in the endowment spending rate. He explained that an increase in the spending rate does not translate into an equivalent increase in dollars because there is erosion in the units needed to buy the necessary capital. Thus, the effect of the proposed seven percent increase in the spending rate will be, he hopes, at least three-and-a-half percent to four percent increase in actual spending, with the aim, long-term, to make the endowment payout—actual payout—at least match a proposed salary increase for faculty. Because there has been no decision yet on what the faculty salary increase will be, these two decisions are hinged together. He expects, however, that there will be some real increase in the endowment payout.

Prof. Affleck-Graves said that part of the reason that increased endowment spending is a possibility is that the University's investment team, led by Scott Malpass, vice president and chief investment officer, had a spectacular year in fiscal year 2004. The University earned 20 percent versus its benchmark of 15 or 16 percent. To date, out of top-rated educational institutions, Harvard alone did better at 21 percent endowment earnings.

A member asked about return on the endowment. It seems that Notre Dame does well when the market is up, he said, but he is not sure about rates of return when the market is flat or going down. Certainly, the last few months have been problematic.

Prof. Affleck-Graves replied that the University's stance on endowment returns is that it is a long-term investor. The advantage to that posture is that if an institution can invest its money for the long term, on average, it can realize much higher rates

of return. Short term investors must take market fluctuations. Long-term investors, on the other hand, are rewarded for bearing market risks. Thus, most managers of endowment funds have been much more aggressive in their investments over the last 10 to 15 years.

As evidence of the change in the philosophy of managing endowment funds, Prof. Affleck-Graves said, thirty years ago, long-term investors bought bonds. Bonds, of course, were very secure, but they gave earnings of only four to five percent a year—in contrast to the stock market, where investors earn, on average, 11 or 12 percent a year. That number is an average, Prof. Affleck-Graves cautioned. Some years an investor might lose 30 percent; other years, gain might be as high as 50 percent. An institutional investor must have a policy that allows it to ride out those kinds of fluctuations, which is why the payout from the endowment has been a single digit percentage.

Prof. Affleck-Graves continued that the University was somewhat aggressive in endowment spending in the late 1990s, when the markets were very strong. Simultaneously, there were many important initiatives on campus—such as increasing the number of endowed chairs and directing more funds to financial aid. Many chairs tapped excess funds generated from the endowments, and so the University split chairs, which allowed it to get two endowed professorships out of one endowed chair fund. Then, however, the downturn of 2001 and 2002 hit. Because the University had been so aggressive in splitting the spending in good years, there was not much of a cushion.

Now, Prof. Affleck-Graves said, even though the market was up 16 percent last year, the University is keeping back a little bit because even when markets are strong, investments in them are fairly risky.

In the long run, Prof. Affleck-Graves said, he expects the University to do quite well with its investments. It has a very well-balanced portfolio—one that has reduced its exposure substantially in U.S. equities—with a number of investments that should offer protection in any downturn.

Prof. Hatch asked whether it is true that in the last twelve months, Notre Dame's en-

dowment has done very well as compared with those of its peers.

Prof. Affleck-Graves replied that historically, Notre Dame has been in the upper one percent of endowment funds. Among institutions of higher education, there are 30 endowments over a billion dollars. Notre Dame has consistently been in the top third of performers—whether examined in one-year, five-year, ten-year, or fifteen-year increments. Even in its worst year, Notre Dame's endowment was down only about eight percent.

Prof. Affleck-Graves continued that he believes Notre Dame has weathered the storm of the last few years. In particular, both 2001 and 2002 were difficult years for the economy. Unless the economy takes an extreme downturn, he said, his hope is that the University will not need to return to a situation of a decrease in endowment payout.

Returning to the discussion of endowment spending rate, Prof. Woo asked Prof. Affleck-Graves why erosion occurs in the investment units even when the market is quite strong.

Prof. Affleck-Graves explained: If an investor takes \$100 and puts it in a bank account that earns 10 percent, at the end of the year, he or she has \$110 to spend in addition to the original \$100 base. That situation should be thought of as 100 units of one dollar each. Now, contrast that with an investment situation: If an investor takes \$100 to buy 100 shares at \$1 each, and the stock market goes up so that each share is worth \$1.10, the investor still has \$110, but no pay out. To realize a pay-out, the investor must sell one-eleventh of the shares, which means that if the starting point was 100 shares worth \$1 each, nine shares must be sold to gain a \$9.99 pay-out. That leaves 91 shares in the investment, although each share is worth \$1.10 (\$100 total). The share units of 100 have been reduced to only 91, meaning that rather than being worth one unit, each share is worth nine-tenths of a unit. That, he said, is what is called the erosion factor. In other words, when money is not invested in income-producing assets but in assets that appreciate in value, some of the assets must be sold each year to realize income.

7. Committee work: Before today's meeting, Prof. Linney assigned Council members to serve on either the Undergraduate Studies or Faculty Affairs committee, with six members serving on the Graduate Council [see Academic Council meeting of April 21, 2004]. Committee members met to elect the chairs of each committee and to set their agendas for the year.

(a) **Undergraduate Studies:** Prof. Preacher, elected chair of the committee, reported on the committee's deliberations and agenda of items for consideration in the coming year. The items include further review of the plan drafted last year regarding Advanced Placement credit, review of last years work by the curriculum committee, examination of grade inflation, consideration of recommended modifications to the Honor Code, discussion of issues in international programs and programming, and discussion of the deliberation of a committee on academic and intellectual life in the College of Arts and Letters.

(b). **Faculty Affairs:** Prof. Robinson, chair of this committee, reported that the committee plans to consider two major areas this year: 1) assessment of teaching effectiveness - recognizing that this is intertwined with issues of grade inflation, use of the TCE, and availability of TCE data; and 2) review of the *Academic Articles* with regard to procedure and policy for dissolution and creation of academic programs.

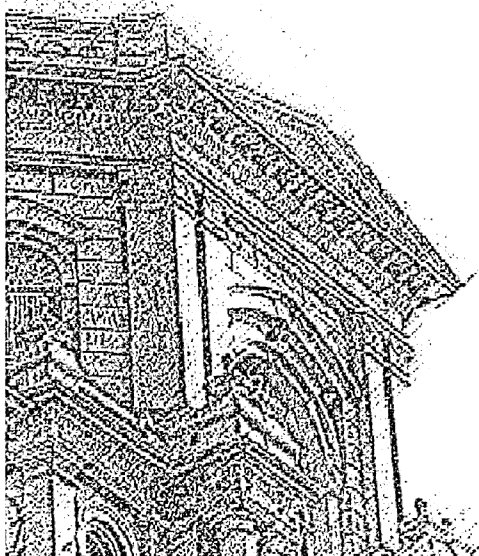
(c) **Graduate Studies:** Prof. Kantor reviewed the restructuring of this committee and the relationship with Graduate Council. The major issues for attention this year include the report of the Graduate Studies Task Force, health insurance for graduate students, and approval of graduate programs. Fr. Malloy thanked the members for their work and noted the importance of the committees in generating items for the Council's consideration.

There being no further business, Fr. Malloy adjourned the meeting at 8:05pm.

Respectfully submitted,

Jean Ann Linney

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