**ACADEMIC COUNCIL**
**MEETING of April 17, 2013**
**McKenna Auditorium**
**3:30 p.m. – 5:00 p.m.**

**Members present**: Panos Antsaklis, Doug Archer, Robert Bernhard, Maxwell Brown, Thomas Burish, Laura Carlson, Andrew Cernicky, Greg Crawford, Darren Davis, Jo Ann Della Neva, Dennis Doordan, Kevin Dreyer, Nick Entrikin, Stephen Fallon, Tom Flint, Umesh Garg, John Gaski, Nasir Ghiaseddin, Stuart Greene, Erin Hoffman Harding, Roger Huang, Rev. John F. Jenkins, C. S. C., Jeff Kantor, Peter Kilpatrick, Michael Lykoudis, Chris Maziar, Dan Myers, Nell Newton, William Nichols, Hugh Page, Cathy Pieronek, Donald Pope-Davis, Thomas Pratt, Ava Preacher, Ramachandran Ramanan, Erinn Rigney, John Robinson, Maura Ryan for John McGreevy, Cheri Smith, Ann Tenbrunsel, Zach Terranova, Alain Toumayan, Diane Parr Walker

**Members and Observers excused**: John Affleck-Graves, Don Bishop, Michael Desch, Brendan Dolan, Margaret Doody, William Evans, Marya Lieberman, Michael Masi, Ben Noe, Norton, Robert, John Polhamus, Neal Ravindra, Jeff Schorey, Carter Snead,

**Observers present**: Kevin Barry, Earl Carter, Chuck Hurley
**Guests:** Abigail Palko, Bei Hu, Tricia Bellia, Tracey Thomas--recorder

**1. Welcome and opening prayer:**

Father Jenkins opened the meeting at 3:30 p.m., welcoming members, and invited Captain Earl Carter to give the opening prayer.

> *Gracious, loving, and merciful God –*
>
> *We thank you for the privilege of serving you as leaders and educators at Our Lady's University.*
>
> *We also thank you for the remarkable young men and women – your children – whose lives we touch in the course of fulfilling our daily responsibilities. We ask that you bless these students with insight, good health, strength of character, and stamina through each day of this life-changing and empowering educational opportunity.*
>
> *We further ask your "hedge of protection" around them, not only during their time at Notre Dame, but in the years that follow, as they go forth in your service among those with whom they live, work, and serve; bless their journey.*
>
> *Finally, we pray your blessings upon Father Jenkins, Dr. Burish, and all the leaders of this University. In particular, we ask that you grant each of us gathered in this body wisdom,*

*courage, and patience as we conduct the business of the Academic Council, so as to best serve the sons and daughters of Notre Dame.*

*In your Holy name we pray, Amen.*

**2. Approval of the minutes of the March 25, 2013 meeting**

The minutes of the March 25, 2013 meeting were unanimously approved.

**3. Proposed changes to the Academic articles**

A. Changes in the Associate without tenure probationary process--Dan Myers

Prof. Dan Myers presented the proposal on Associates without tenure probationary process, which refers to the length of time an associate professor can remain without tenure. The current version of the Academic Articles sets a four year limit. Effectively that meant three years and a terminal year, as the evaluation of the tenure application occurred in the third year. Over time, that limit has proved difficult because many faculty have had little time to accumulate teaching experience, with perhaps only several classes taught by the time of the evaluation.

PAC has made the suggestion to extend the time limit, which could be used if necessary but not required. The Faculty Affairs committee met and unanimously recommends the adoption of this change. There is one substantive change to the Articles and several minor changes to accommodate the new language.

Father Jenkins invited the Council to ask questions and make comments. As there was no discussion, a vote was taken on this recommendation. The proposal was unanimously approved.

B. Changes related to the Dean of Graduate School and the Graduate School Council

Prof. Laura Carlson presented proposed changes to the Academic Articles concerning the Dean of the Graduate School and the Graduate School Council, on behalf of the Advanced Studies committee, in response to the Ad Hoc committee report. Prof. Mark Roche chaired the Ad Hoc committee but was unable to attend today's meeting. Prof. Carlson briefly reviewed the proposed changes. The committee was convened in May, 2012, to consider issues related to moving the allocation of graduate stipends from the Graduate School to the discretion of each college. In its December, 2012 report, the committee makes two recommendations:

1. Dissolve the Graduate Council
2. Change the title of the Dean of the Graduate School to Associate Provost

In March, 2013, the Graduate Council approved these recommended changes and asked the Advanced Studies committee to propose changes to the Academic Articles to enact these recommendations, which it does today.

Concerning the first, to dissolve the Graduate Council, the recommendation is to dissolve the Graduate Council with three caveats:

- The Advanced Studies committee must play a more robust role in approving new degree programs
- Appropriate procedures for approving graduate minors must be developed
- The Graduate Council's role in electing a decanal search committee

Prof. Chris Maziar, a member of the AS committee, reported that the recommendation was not at all controversial in the committee. The Graduate Council voted unanimously to recommend the dissolution of itself.

Father Jenkins invited members to discuss this proposal; there was no discussion.

Concerning the second, changing the title of the Dean to Associate Provost, the Ad Hoc report recommends that the Dean's title be changed and the position embedded in the Provost's office. As such, the position would be appointed by the Provost and not according to the guidelines for appointing college deans. Prof. Maziar commented that benchmarking of peers indicated that this changes reflects the prevailing practice at peer institutions.

There was no discussion.

Prof. Carlson reviewed the specific changes to be made to the Academic Articles. Besides deleting the section establishing a Graduate Council, there were several minor changes which aligned the language of the Articles to these new changes. The Provost recommends the changes; the Graduate Council has approved them, and the Advanced Studies committee voted to forward the proposal to the full Council today. Prof. Carlson made a motion that the Academic Council vote to approve these changes to the Academic Articles.

Father Jenkins opened the floor to discussion. Prof. John Robinson asked if the Board of Trustees need approve this change. The Trustees do not need to approve changes to the Academic Articles.

Prof. Antsaklis noted that shifting the functions of the Graduate Council to the Advanced Studies committee has implications for members of that committee. At this moment, the Advanced Studies committee 'does not have the numbers' to handle additional responsibility. The committee has discussed this situation and forwarded its concerns to the Provost. The additional tasks may be burdensome. There is no expertise on the committee for benchmarking, for instance. Would the committee be able to use the assistance of the Graduate School staff for some of the tasks which will be added to its responsibilities?

Prof. Carlson commented on Prof. Antsaklis' comment. The Advanced Studies committee did write a response to the Ad Hoc committee, which made the concrete suggestion that staff help will be available. Dr. Burish, Provost, said that the recommendations are valid. There is no specific process to be shared at this time. He is in agreement that a process needs to be developed. The Provost's Office will address this during the next year.

Father Jenkins put the motion to a vote of the Council. The vote was a unanimous approval of the proposal. Father Jenkins thanked the Ad Hoc committee for its hard work.

**4. Proposed Major in Gender Studies—Hugh Page and Abigail Palko**

Dean Hugh Page introduced the proposal to add a major in Gender Studies. The proposal was reviewed by the Undergraduate Studies committee on March 19, 2013. The proposal had been forwarded from the College of Arts and Letters Council. After a vigorous discussion and recommendations for some minor amendments, the committee forwarded the resubmitted proposal to the Executive Committee for approval of the Council. Prof. Abigail Palko was present at the meeting to make a presentation about the proposed major; she appears in lieu of Prof. Pam Wojcik, who was unable to attend the meeting.

Prof. Palko thanked the Council for this opportunity to speak. The Gender Studies program will celebrate its 25th anniversary as a program at ND in 2014. The proposed major offers students greater opportunities for full engagement with the discipline, and it offers more opportunities for students to write a full thesis, which is not feasible in a supplementary major program. The major will better prepare students for graduate school as well.

Four years ago a full review of the Gender Studies program was undertaken. The strength of Gender Studies was identified as its great inter-disciplinarity. The program cross lists courses every semester from 10-12 different disciplines. Even though a program, not a discipline, Gender Studies has the support of a number of faculty members, across the College of Arts and Letters in particular. There are 26 teaching faculty, including 11 senior fellows and nine faculty on the Steering committee. In addition, a number of research faculty are affiliated with the program. Gender Studies is a small program, but it serves an important role in supporting the academic mission of the university, as it strives to educate ND students as full human beings. The student population, which is supportive of this proposal, is a passionate and engaged group. They speak often of the great impact that the program has had on their lives, personally and academically. A survey taken in the winter of 2012 indicated a great interest among current students for the full major; at the moment, there are 13 majors, 29 minors and 5 verbal commitments from students who will switch from a supplementary major to a full major should the proposed change be approved.

Members were invited to discuss this proposal. Ava Preacher stated that the structure of the proposed major concerns her. This will be the first time a supplementary major is approved with no affiliated department. It means that supplementary majors can be developed and then go

through the process of becoming majors without having departmental support. She expressed concern that faculty will have allegiances to the departments which are the tenure granting departments. Ms. Preacher expressed concern about possible repercussions should the experiment not work.

Prof Palko, noting that this question has been addressed in previous meetings, mentioned that the Medieval Institute has a similar structure, in that it is not a department but an institute and yet does grant a full major. Further, Dean McGreevy has discussed with the chair, Prof. Wojcik, the possibility of developing formal joint appointments, should the full major be approved. Currently the program has memorandums of understanding with the senior fellows signed by their department chairs, committing them to teach at least one course a year for Gender Studies.

Prof. Maziar offered the observation that philosophically, ND has crossed this bridge with graduate degrees, where there are a number of professional degree programs that lay outside of the departmental structure.

Prof. Maura Ryan noted that the Gender Studies program is 25 years old, and is very vibrant, very alive. The faculty, of which she is one, who are cross listed or who teach in the program, are extremely committed to the program and to its flourishing, as are the students. She expressed an assurance that a precedent of failure will not be established. Prof. Ryan, giving her evaluation of the proposal as an administrator, noted that while one might worry about a small-sized major and its ability to sustain upper level classes, in this case, there is no concern because the classes are cross listed and enrollments are robust. However, as Dean Page has pointed out, even if the major does end up very small, sometimes it is important to have a major because of the statement that it makes, even if it is always going to be a small major.

Prof. Ann Tenbrunsel asked if the student commitments come from a specific department. Two are from FYS, and the other three are junior/rising seniors who will add a dual major if the proposal is approved. Of the verbal commitments, they are drawn from four of the five colleges at ND, so commitment comes from across the university.

The proposal was voted upon, and it was unanimously approved.

**5. Proposed changes to the Undergraduate Academic Code--Hugh Page and Don Pope-Davis**

Dean Page reviewed the recent history of changes to the Undergraduate Academic Code, which has been a long and at times complex process. The first set of sweeping changes came as a result of more than two years of work; in the 2010-2011 the revisions were approved, and the Academic Code became a separate Undergraduate Academic Code with marching orders for the Graduate School to develop a Graduate School Academic Code. In 2011-2012 a second round of revisions was implemented to tighten up the new code; this had been anticipated as part of the process of revision. These minor changes were approved at the final meeting of the

AC in 2011-2012. At this time, it became clear to Dean Page, in his capacity as chair of the Undergraduate Studies committee, that the episodic meetings of the committee did not produce ongoing and sustained review of the Code. Therefore, Dean Page recommended the Provost's office appoint a committee or a task force to undertake the task of continuing to examine and revise the Undergraduate Academic Code. The Provost's office formed the Academic Code and Policy (ACP) committee in 2012-2013, with Prof. Don Pope-Davis as chair. Each of the degree granting colleges and First Year of Studies sent designees to represent the deans of the colleges and serve on this committee. The committee has met some 17 times in this academic year, reviewing the code and proposing changes. In January, 2013, a proposed set of revisions was brought to the Undergraduate Studies committee for review. After a very vigorous discussion, the ACP task force did additional revision work. There was 'general agreement' that the ACP would bring the next set of proposed changes directly to the full Council for approval, and that is what is presented today for en masse adoption by the Council.

Prof. Pope-Davis reported to the Council. Members of the committee appeared with him to present a brief explanation of the proposed changes: Prof. Tricia Bellia, Law; Prof. Jo Ann DellaNeva, Arts and Letters; Prof. Bei Hu, Science; Prof. Cathy Pieronek, Engineering; Mr. Chuck Hurley, Registrar; Prof. Dale Nees, Business; Father Richard Bullene, C.S.C, Architecture; Captain Earl Carter, ROTC; Claire Aigotti, General Counsel; and Dean Hugh Page, FYS.

The committee took its work seriously to consider the code in terms of the aspirations of the university as it continues to grow and is enhanced. Does the Code put the student in the situation to maximize the educational experience provided at Notre Dame? The revisions were made with the interest of the student as the point of view; the committee's mantra was 'no policy for policy's sake.' Through this year-long process, the committee provided opportunities to the university community to comment. An email was sent to all faculty and selected staff. In addition, the undergraduate senate was invited to discuss the proposed changes. Thus, there was broad participation in the process.

The presentation has been divided among members, who will report on each of the six sections of the Code.

Prof. Bellia presented Section 1, Procedures Governing Admissions and Readmissions. She reviewed the changes to parts of section 1, as presented in the document before each member. In 1.22, centralization in the Admissions Office of the review of the applications process; this is a codification of a process already begun by Admissions during the 2012 summer. Deans of each college are given authority to determine which credits are applicable; each college will produce its own transfer policy. Credits will be determined based on the course of study.

In 1.3, the provision clarifies the process and requirements for readmission, which requires action by the office of undergraduate admissions and approval of the dean and the Office of Student Affairs. Revision was made to the policy on voluntary withdrawal and re-admittance, with the goal of insuring that returning students are well prepared to resume academic study.

The floor was opened to discussion. Ms. Preacher asked for clarification about who makes the decision on admission for transfers and re-admissions. The Office of Admissions makes the decision in concord with the Dean. Ms. Preacher noted that since the practice has been in place since the summer, 2012, it appears that the Council's role is negated. She said that this is a 'massive' change which it is likely many members do not fully understand. To make changes in a policy that has already been implemented seems difficult. Prof. Pope-Davis welcomed suggested changes; the committee is prepared to 'wordsmith' the revisions. He added that this policy has been agreed to by the deans and deans' designees. Implementation of the policy is at the discretion of the deans.

Ms. Preacher noted that with different standards for each college, a student who transfers into Notre Dame and then changes colleges might be disadvantaged. Prof. Pope-Davis said in such a case there would be consultation between the Office of Admissions and the deans of the two colleges. Ms. Preacher expressed further concern that the policy has not been adequately explained; she noted that the powerpoint showed to the colleges in December, 2012 was a 'radically changed' document. This new document has not been reviewed by the committee or the colleges. She expressed her discomfort on voting on a policy that has not been more fully presented.

Prof. Ryan noted that the consultation feature of section 1.22 clearly indicates that deans will review decisions. The new policy sets a more efficient procedure, as the Office of Admissions can move more expeditiously than can the colleges.

Dean Page addressed the question of no review since the December, 2012 presentation. The general consensus was that the committee entrusted the job of continuing to revise the code to the task force, and that there would be no further reading until before the full Council. The task force did undertake to solicit a broad based feedback across the campus. The deans' offices circulated the updated proposal, with a context-providing letter, with a two week window for feedback. The task force has honored the spirit of the process which was established; Dean Page expressed his confidence in the process.

Ms. Preacher expressed 'deep concern' about the effect of the revised policy on the life of the College of Arts and Letters, since it does not know the content of this document. Because the changes are massive, she advocated that the document should have been presented more widely to the colleges with more extensive explanation, prior to this reading.

As there was no further discussion, the presentation moved to the next section.

Prof. Bei Hu presented the revisions to the section 2 on degree requirements. There were a couple of changes and minor revisions and one major revision to this section. The rule proposed says that when the student seeks a degree outside of the college, and it concerns more than one college, then both colleges will have to approve.

Father Jenkins invited discussion. In response to a question, Prof. Pope-Davis said that the task force is today just documenting the *status quo*. Prof. Laura Carlson asked for the definition of 'academic credential.' Prof. DellaNeva clarified that this would include either major or minor, anything that would be an official credential from a department for a program. Prof. Hu added that it would include anything that can be put on a transcript, including a concentration.

As there was no further discussion, Prof. DellaNeva presented the revisions to section 3, Evaluations of Student Work. She reported that the task force received comments on this section from faculty which took the revision back to the task force for further adjustments.

A major change occurs in 3.1.2, Class Attendance and Conduct, which presents a clarification to protect students who are adding a course within the period that this is acceptable. It had been the experience that some professors were counting absences before a student was officially enrolled in the class; to protect the students from this circumstance, the language has been modified.

In section 3.2, Assessment and Grading, the task force addressed the question of whether the final exam is the most appropriate summative assessment at the end of the semester. The change enlargens the possibilities of the final assessment to include written exams, term papers, oral exams, projects and take-home exams. 3.2.2 clarifies that while the final exam schedule cannot be changed for the class, the instructor and student can agree to a change for individual students. This protects students from a concentration of exams in an inordinately short time space.

In section 3.2.2.4.2, when a decision is being made to adjust an individual student's exam schedule due to conflicting exam times, the nature of the exam shall be considered as part of the data informing the decision. Section 3.2.3 clarifies the reading days, permitting these days to be used for final assessment purposes, particularly for oral exams which necessitate a large block of time. However, a mandatory class wide final exam cannot be rescheduled to the reading days.

In section 3.3, Assignment of grades, the list of students for whom mid-semester grades need to be reported is clarified. The grade at which a report must be submitted to the Registrar for upperclassmen was changed from D to C-. This was done to flag the potential for academic trouble and provide the assistant deans opportunity to be more proactive.

In minor changes, clarification was made to which courses could be taken pass/fail, to encourage students to explore. Clarification was also made to insure that grades from Study Abroad programs count in the GPA. Finally, if a student gets a 'better than failing grade' in a course and chooses to repeat that course, then both grades count in the GPA.

About this last revision, Prof. Stephen Fallon asked if both courses count toward graduation; No, and a friendly amendment from Prof. John Robinson was accepted to clarify the language of

this section 3.3.1.4 to clearly indicate that credit is earned only for the second taking of the course.

Prof. Draper asked for a point of clarification: it is now the case that if an instructor chooses *not* to give a final written exam, the instructor does not have to seek permission to make this choice.

Prof. Cathy Pieronek presented the revisions to section 4, Progress to Degree. 4.1 allows the determination of a student's class level by the number of semesters and degree of progress, with the dean's discretion. 4.2 drops the requirement that the science requirement be completed by the end of the sophomore year. In 4.3.3, a student transferring from one college to another must have the mutual approval of both deans. In considering this decision, deans consider academic standing. Under the new provision, students can be accepted for transfer even if they are not in good academic standing. 4.5 clarifies the activities which are prohibited to students who are in academic probation. 4.6 makes clear that students can remedy a standing of academic probation by attending ND's Summer Session; this is the third revision of this provision.

Mr. Hurley reported on section 5, Registration, Enrollment, Scheduling, Course Credit, Class Load, and Latin Honors. The definition of credit hour was adjusted to the Carnegie and the DOE definitions of credit hour; this definition is closely tied to the accreditation process and Title I financial aid rules. The maximum summer credits was established at 8 for undergraduates; this has never been included in the Code. The section detailing maximum credit hours was presented to give deans leeway in extraordinary circumstances to waive this limit.

Dr. Kevin Barry asked about 5.4.2 which defines course time to include a 'minimum of two hours out of class work.' He noted that the only measures of out of class time come from self-reporting students, which lends some skepticism to the data. He asserted that time out of class varies with courses and students. He was concerned with a metric for which there is no possible measurement. Mr. Hurley replied that the 2 hour requirement is part of the DOE definition, another accreditation rule. He is in conversation with Institutional Research to devise a more useful metric for tracking this information.

Prof. Maziar noted that this definition of out of class time is applicable to assessing independent study applications; students must demonstrate they have completed a typical quantity of work as part of the application. Applications which describe a full semester of work in a non-standard calendar package, such as an intense weekend's completion of a three credit course, can be assessed against this measure.

Prof. Dale Nees reported on section six, Leave of Absence and Separation from the University. The goal with this revision was to insure consistency and transparency in the policies. 6.1.2 explicitly states the requirements for filing an application for Leave of Absence, and it indicates the student's responsibility to demonstrate that the leave is for the student's development. The dean will consult with the Office of Student Affairs to insure the leave is for the student's development before determining the status of the application. 6.5 creates a new opportunity for

students to earn credits while on a leave of absence. 6.2.1 adds specificity to the exceptional circumstances that would permit a withdrawal from the university in the last ten class days of a semester. 6.2.4 makes clear the sequence of events for the notification of the timing of an appeal to a dismissal. 6.2.5 is a new provision that provides a structure for the appeals process to a dismissal. This revision was made for consistency and transparency.

Ms. Preacher noted that there are no grounds for appeal stipulated. She asked if the appeal process is at the discretion of individual deans. Prof. Pope-Davis took this observation as a friendly amendment to create some general criteria stating the grounds for overturning a dismissal.

Ms. Preacher expressed concern about the implementation of the Code changes at the end of this semester. Further, she asked about the policy on St. Mary's College co-exchanges. Mr. Hurley said the St. Mary's policy has been renewed several times; former Associate Provost Dennis Jacobs added language to it. The policy is officially housed in the General Counsel's office. In response to Ms. Preacher's request for broad access to the policy, Mr. Hurley said that is a fair question. It is his belief that there were both code questions and policy outside the code. He offered the Registrar's Office to house those policies, and to build an online repository. Many of the policies date from the 1950s through the 1980s and have not been updated. It would be best to create a repository with updated policies.

Prof. Nees addressed the question about appeals. The task force found it difficult to quantify appeals. This was addressed with the General Counsel (GC). Claire Aigotti, General Counsel's office, reported that the Undergraduate Studies committee engaged in a lengthy discussion with the GC on this topic. Appeals did not group in easily categorized bundles. As a result, the GC is comfortable leaving the parameters silent and letting the student make the case individually. That does leave room for deans' discretion; the GC is comfortable students are being treated fairly.

Ms. Preacher expressed concern about conditions for arbitrariness in the appeal process, where there are specific standards clearly stating the causes for dismissal. She noted that this is not a pastoral situation, but is based on academic expectations. Students in this situation, in her experience, always want to appeal. She noted that for some students, a temporary separation from the university provides beneficial growth. Ms. Aigotti noted that in the revision a right to appeal was not newly created; it was already in the Code. The task force sought to put meat on the bones to shape the appeals right more clearly. In addition, the final decision point was added to make the process less cursory. Ms. Preacher noted that the right to an appeal was added in the most recent revision; it had not been part of the Code prior to this extended revision period. Prof. Nees acknowledged this revision seeks to clarify what had been passed by the Council last year.

Father Jenkins invited Dean Page to move the proposal. In light of the presentation by the Task Force, Dean Page recommended the Council vote to approve the revisions en masse with two friendly amendments. There was one Nay vote; the proposed changes are approved.

Prof. Pope-Davis, speaking for the Task Force, made a special note to thank Prof. Tricia Bellia for her contributions to the Task Force; she was the wordsmith for the document and spent a great deal of time over the past 10 months on this revision process.

Father Jenkins thanked everyone involved in this revision for their work.

As there was no further business, the meeting was adjourned.