

ACADEMIC COUNCIL
MEETING of February 26, 2015
McKenna Auditorium
3:30 p.m. – 5:30 p.m.

Members present: John Affleck-Graves, Panos Antsaklis, Katie Jo Baumgardner, Christine Becker, Bob Bernhard, Cindy Bergeman, Sunny Boyd, Thomas Burish, Meredith Doellman, Dennis Doordan, Kevin Dreyer, Nick EntriKin, John Gaski, Nasir Ghiaseddin, Erin Hoffmann Harding, Roger Huang, Rev. John Jenkins, C.S.C., Michelle Lacouture, Shuyang Li, Jose Limon, Louis MacKenzie, Chris Maziar, Paul McGinn, John McGreevy, Maria McKenna, Elizabeth Moore, Cathy Pieronek, Laura Sill, Carter Snead, Alain Toumayan, Diane Parr Walker

Members excused: Scott Appleby, Peter Burns, Laura Carlson, Greg Crawford, JoAnn DellaNeva, Michael Desch, Michael Ferdig, Matthew Greene, Peter Kilpatrick, Matthew Leevy, Marya Lieberman, Michael Lykoudis, Paul McDowell, Jim McKenna, Dan Myers, Nell Newton, Robert Norton, Maria Rosa Olivera-Williams, Hugh Page, Ramanan Ramachandran, Jeanne Romero-Severson, Katie Wood

Observers present: Kevin Barry, Mary Hendriksen, Earl Carter, Jim Morrison, Dale Nees, Tracey Thomas

1. Welcome and opening prayer

Fr. Jenkins opened the meeting at 3:30 p.m. and invited Ms. Sill to offer the opening prayer.

2. Approval of the minutes of January 21, 2015

The minutes of the meeting of January 21, 2015 were unanimously approved.

3. Template for the annual reports of University committees

Dr. Burish presented the Executive Committee's proposal for a template for the annual reports of University committees (many of which are required by the *Academic Articles* to submit an annual report to the Academic Council):

- List of topics discussed during the academic year;
- Actions suggested or conclusions reached;
- Recommendations for topics to be carried forward;
- If the committee prepares or publishes minutes, a link to the minutes or inclusion of the minutes through an attachment.

Members indicated their approval of the proposed template. Dr. Burish noted that the template would be available for use this year.

4. Minor amendments to the *Academic Articles* approved by the Executive Committee considered in conjunction with an amendment to the *Academic Articles* concerning the process of amendment

Dr. Burish said that the Executive Committee had also approved several minor amendments to the *Academic Articles*—all of which were included in the agenda for today’s meeting:

- Change all instances of “teaching and research faculty” to “tenured and tenure-track faculty”;
- Clarify that an adjunct faculty member’s position is not limited to teaching responsibilities but that it is “a part-time position of less than three-quarters time within an academic unit” (Art. III, Sec. 1(f));
- Within the definition of tenured and tenure-track faculty, clarify the definition of the terminal contract year for assistant and associate professors (Art. III, Sec. 3);
- Within the descriptions of four University committees, include clarifying language for the titles of certain members and procedures (Art. IV, Sec. 3 (i, k, l, m)).

[An appendix to the minutes includes the full text of the proposed amendments.]

Dr. Burish explained that he thought it best for Council members to first consider another, connected, agenda item: A proposed amendment to the *Academic Articles* articulating the process for minor amendments to the *Articles*—specifically, that the Executive Committee has the authority to make changes deemed “minor” or “administrative” to the *Articles* and then report them to the Academic Council at its next regularly scheduled meeting. The minor amendments are to be reported as well to the Governance and Nominating Committee of the Board of Trustees. [The full text of the proposed amendment is included in the appendix.]

Dr. Burish noted that for the last several years, the Executive Committee has followed the practice of considering and approving minor amendments to the *Academic Articles* and then reporting out the amendments to the full Council. This process has the benefit of saving members’ time for more important matters while still making them aware of all changes. Along with this practice there has been the understanding that if any member believes that an amendment so approved and reported is not minor but substantive, then he or she could ask for consideration of the Executive Committee’s action by the full Council. It has come to his attention, however, that the current *Articles* do not formally delineate this process of approving minor amendments. Thus, along with formally reporting to the Council today several minor amendments approved by the Executive Committee, he is proposing an amendment to Article V that articulates the current practice of Executive Committee approval of minor amendments.

Mr. Barry agreed that the reported and proposed amendments are interrelated. Specifically, he questioned whether the amendment approved by the Executive Committee regarding the definition of adjunct faculty is, in fact, substantive. He believes that it could represent a significant policy change related to the labor policy of the University. He asked about the impact on special professional faculty (SPF) of this new definition—with his concern that an SPF member could be replaced by a number of adjunct faculty. He also believes that the language of “less than three quarter time” is ambiguous.

Dr. Burish said that the proposed definition would not affect special professional faculty. It is directed to adjunct faculty.

At Dr. Burish's request, Prof. Maziar provided the rationale for the amendment. It is, she explained, intended to align the *Articles* with current University practice and to clarify that an adjunct appointment is a part-time appointment. The change arises from regulations surrounding the Affordable Care Act. The amended definition also clarifies that a part-time faculty position at the University can extend to responsibilities other than teaching.

Mr. Barry explained that his question regarding the amendment's impact on special professional faculty stems from the concern that a department could replace a special professional faculty member with part-time adjunct faculty members.

Prof. Maziar reiterated that the point of the new language is to clarify that part-time status can extend to faculty in roles other than teaching. She also explained that the hours of effort for teaching faculty at the University are determined by a rubric that is consistent with an approach recommended by the Association of American University Professors—for example, an hour of effort for every formal contact hour and two hours for every credit hour, which allows for consideration of the different types of instruction common at a university...for example, studio, laboratory and lecture. This rubric provides reasonable systematization and standardization of administrative practices across departments and institutes at the University.

Mr. Barry proposed that the definition of an adjunct faculty member explicitly cap responsibilities at 30 hours to eliminate any ambiguity about interpretation.

Prof. Maziar explained that because of the way research appointments are made, the concept of "professional effort" used by federal funding agencies does not lend itself to a definition of three-quarters time in terms of number of hours worked.

Dr. Burish noted that discussion of employment status terminology can be revisited by the Council. Prof. Dreyer agreed that the issue might need to be revisited.

Fr. Jenkins then suggested that, given the discussion around this particular reported amendment, members should vote explicitly on whether to accept it. The vote was 25 in favor, 2 no's, 4 abstentions.

Dr. Burish then returned to the proposed amendment articulating the process for making minor changes to the *Articles*. He summarized the two options available to the Council: (1) accept the current practice of according the Executive Committee the authority to make minor amendments to the *Articles*, which are then reported to the Council and the Governance and Nominating Committee of the Board of Trustees; or (2) decide that the Council should retain the right to vote on each amendment, both minor and substantive, to the *Articles*.

Prof. Antsaklis asked what might occur if a report from the Executive Committee on an amendment to the *Articles* were to be met with objections at the full Council meeting. Dr.

Burish confirmed that any amendment approved by the Executive Committee could be challenged, pulled from the reporting process, debated, and altered if any Council member would wish to do so. He noted that today's discussion concerning the reported amendment on the definition of an adjunct faculty member was an example of how that process would work.

With no further discussion, Fr. Jenkins invited members to vote on the proposed amendment to the *Academic Articles* concerning the process of amending the *Articles*. The vote was 25 in favor, 2 no's, 4 abstentions. Fr. Jenkins noted that this amendment will be presented to the Board of Trustees for approval.

Finally, Dr. Burish asked if there were comments or questions on any of the other minor amendments approved by the Executive Committee and reported to the full Council. There were none.

The Council meeting was adjourned, with all three committees taking the opportunity to meet.

Proposal to the Academic Council regarding minor changes to the Academic Articles Meeting of February 26, 2015

Note: All page references are to the Academic Articles (Effective date of January 30, 2015), posted on the Provost's Office website ("Information for Faculty")

1. **Change all instances of "teaching and research faculty" to "tenured and tenure-track faculty" to bring language in line with standard practice in higher education and to eliminate confusion between research faculty and teaching-and-research faculty designations.**

Throughout

2. **Clarification that an adjunct faculty position is not limited to teaching responsibilities: Article III, Sec. 1(f) The Faculty/Membership/Other Faculty [pp. 10-11]**
Adjunct: An adjunct faculty appointment is a part-time position of less than three-quarter time within an academic department unit; ~~the appointment carries assigned teaching responsibilities that normally do not exceed two courses per semester.~~ An adjunct appointment is for a fixed term up to one academic year and may be renewed. An individual may hold adjunct appointments in more than one department, but the total appointment must be less than three-quarter time. An individual holding a full-time faculty or staff position in another unit at the University normally would receive a concurrent appointment rather than an adjunct appointment.
3. **Within the definition of tenured and tenure-track faculty, clarification of the definition of the terminal contract year for assistant and associate professors [pp. 12-13]**

Article III, Sec. 3/ Faculty Qualifications and Periods of Service

Subsection (a) Teaching and Research Faculty

The requirements for the rank of instructor are the same as those for assistant professor except that the instructor may not yet possess the terminal degree. The appointment is ordinarily for a one-year period, and may be renewed twice. If the University chooses to terminate the services of an instructor at the end of a contract period, the University will give three months' notice of such termination. If the instructor elects to terminate services, the University should be given three months' notice of such termination. Time spent at this rank does not count toward tenure.

The assistant professor should ordinarily possess the doctoral degree or its equivalent, or, in certain fields, the appropriate professional degree or license. The assistant professor should have demonstrated teaching ability, promise as a scholar, interest in students, and that genuine spirit of study necessary to keep courses current and to assure growth in knowledge and maturity. The initial appointment is ordinarily for a three-year period, but salary is reviewed each year. If the University chooses to terminate the services of an assistant professor at the end of a contract period, the University will give 12 months' notice of such termination. Such 12-month notice period shall commence at the end of the existing contract period **and will be considered the terminal contract year**. If an assistant professor elects to terminate services, the University should be given three months' notice of such termination, and the end of the notice period should coincide with the end of an academic year. An appointment as assistant professor may be made for a period of one academic year. Except when a one-year contract is an extension of a three-year contract, if the University chooses to terminate the services of the assistant professor at the end of a one-year contract period, the University will give three months' notice of such termination.

The associate professor should possess the doctoral degree or its equivalent or, in certain fields, the appropriate professional degree or license. The associate professor should have demonstrated excellence in teaching ability, growth in knowledge and maturity, salutary influence on students, and standing among colleagues. Notable achievement in scholarship, as shown by significant publication or its equivalent or, where appropriate, by meaningful contributions to public service, is ordinarily required for this rank. The salary of an associate professor is reviewed each year. If the initial appointment of an associate professor is made without tenure, then that initial appointment is ordinarily for a three-year period. If the University chooses to terminate the services of an associate professor without tenure at the end of a contract period, the University will give 12 months' notice of such termination. Such 12-month notice period shall commence at the end of the existing contract period **and will be considered the terminal contract year**. If an associate professor elects to terminate services, the University should be given three months' notice of this termination, and the end of the notice period should coincide with the end of an academic year.

The professor should possess the qualifications required for appointment as associate professor, should have maintained excellence in teaching, and should have gained widespread recognition as a scholar. Holders of endowed chairs at the rank of full professor are normally expected to exhibit a level of distinction in research above that expected of full professors and excellence in teaching and service. Principles regarding review of salary and notice periods are the same as for associate professor.

4. Four changes regarding the structure and membership of committees:

Article IV, Sec. 3(i): University Committee on Admissions, Scholarship, and Financial Aid [pp. 34-35]

The University Committee on Admissions, Scholarships, and Financial Aid consists of the Vice President and Associate Provost designated by the Provost, the Vice President for Student Affairs, the Deans of the Colleges, the Dean of the School of Architecture, the Dean of the School of Global Affairs, the Dean of the First Year of Studies, the University registrar, a teaching and research faculty member from each College elected by the College Council, two faculty members appointed by the Provost, the Associate Vice President for Undergraduate Enrollment, who chairs the committee, and the ~~director of Student Financial Services~~ Executive Director of Student Financial Strategies, who serves as Executive secretary. Elected and appointed members serve staggered three-year terms. The committee considers policies and procedures relating to admissions and to the award of scholarships and financial aid to undergraduate students, and makes appropriate recommendations to the Academic Council through the Associate Vice President for Undergraduate Enrollment. The committee provides an annual report of its activities to the Academic Council.

Article IV, Sec. 3(k): University Committee on Women Faculty and Students [p. 36-37]

The University Committee on Women Faculty and Students consists of thirteen representatives from the faculty, four student representatives and three non-voting members. Nine faculty members of the committee are elected and four appointed by the President. Seven of the faculty members are elected from the teaching and research faculty of the Colleges and Schools: two from Arts and Letters, one from Business, one from Engineering, one from Science, one from Law, and one from Architecture. One faculty member is elected from the library faculty and one from the special professional faculty. The remaining faculty members on the committee, one of whom is a Vice President and Associate Provost or his/her designee, are appointed by the President. Four students—two undergraduates and two graduates—are appointed by the appropriate elected representatives of the Student Government and the Graduate Student Union. Elected committee members serve staggered three-year terms. Appointed members serve one-year terms. No voting member ~~one~~ serves for more than six consecutive years. The Director of the Office of Institutional Equity, the Director of the Gender Relations Center, and the University's Title IX designee as designated by the chair of the

committee, serve as non-voting members of the committee. The committee annually elects as chair one of its tenured faculty members.

Article IV, Sec. 3(l): Provost's Advisory Committee [p. 37]

The Provost's Advisory Committee is chaired by the Provost and composed of the Deans of the Colleges, the Dean of the Law School, the Dean of the School of Architecture, the Dean of the School of Global Affairs, the Dean of the First Year of Studies, the Vice President for Research, 12 elected faculty members, and such other persons as the Provost appoints. The elected members are elected by simple majority vote and are elected by and from the Colleges and Schools: four from the College of Arts and Letters, two each from the Colleges of Business, Engineering, and Science, and one each from the Law School and the School of Architecture. The elected faculty members must be from the teaching and research faculty and hold the rank of professor with tenure. The elected members serve staggered three-year terms. A faculty member who is elected to a three-year term may not stand for election to another three-year term until five years have elapsed from the end of the preceding term. About one-half of the membership of the Provost's Advisory Committee should be composed of elected members. The Provost's Advisory Committee advises the Provost about academic matters, including especially the reappointment, promotion, and tenure of members of the teaching and research faculty.

Article IV, Sec. 6(a) University Committee on Elections [pp. 39-40]

Each of the Colleges and Schools and the library annually elects an Elections Committee. This committee solicits interest from all eligible faculty in standing for election to committees. The election slate consists of all eligible faculty members showing such interest, as well as others nominated and willing to serve.

The University Committee on Elections conducts elections for University-at-large positions. The committee comprises one member from each of the College, school, and library Elections committees, and one member of the special professional faculty appointed by the Provost's office. The Provost's Office appoints a chair from among the elected members of the committee.

In College or University elections, each ballot contains appropriate biographical information. A faculty member on leave may vote in College or University elections, but it is the faculty member's responsibility to keep informed about elections and to find a means to participate in a timely manner. Except when otherwise provided by these articles, in College or University elections a candidate who receives the highest number of votes is elected if that number equals at least one-third of the total votes cast for the position. All elections are conducted in a timely fashion and should ordinarily be conducted during the academic year. In the School of Architecture and the Law School, elections that would be departmental elections if conducted in

the other Colleges are treated as departmental elections and are subject to departmental procedures.

Academic Council: Meeting of February 26, 2015

Proposed changes articulating the process for minor amendments to the Academic Articles

Article V, Procedures for Reviewing and Amending the Academic Articles

The academic articles are reviewed periodically, but at least every 10 years, in a manner prescribed by the Academic Council.

Amendments of the academic articles may be proposed to the Academic Council at any time by the Provost, by the Faculty Senate, or by a two-thirds vote of the regular faculty in any College, school, or the library, or by 30 regular faculty members representing at least five departments of the University.

Amendments to these articles must **generally** be approved by the President and the Board of Trustees. **However, the Executive Committee has the authority to make changes deemed “minor” or “administrative.” When such changes are made by the Executive Committee, they must be reported to the Academic Council at its next regularly scheduled meeting and approved by the President. These changes must also be reported to the Governance and Nominating Committee of the Board of Trustees at its next regularly scheduled meeting.** Amendments to these articles become effective at the beginning of the academic semester that follows ~~such~~ **their adoption by the Executive Committee or their approval by the Board of Trustees, as applicable**, except that the President has discretion to establish an earlier or later date of effect for any approved amendment.

Violations of the provisions of the academic articles (other than those covered by the appeals and grievance procedures described in these academic articles) may be reported to the general counsel who shall review the allegations and recommend to the Provost or the President appropriate action. If there is a genuine ambiguity in the relevant provisions of the academic articles, the general counsel shall solicit the Academic Council’s interpretation of the provisions in question, as provided in Article IV, Section 3, Subsection (a).