

**ACADEMIC COUNCIL
THE UNIVERSITY OF NOTRE DAME
MEETING OF FEBRUARY 26, 2002**

Members Present: Rev. Edward Malloy, C.S.C., Nathan Hatch, Rev. Timothy Scully, C.S.C., John Affleck-Graves, Rev. John Jenkins, C.S.C., Maura Ryan, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Eileen Kolman, Patricia O'Hara, Mark Roche, Carolyn Woo, Jacque Brogan, Melissa Rauch, Sonia Gernes, J. Robert Wegs, Joan Aldous, Patricia Blanchette, Susan Nblum, Cornelius Delaney, Mitchell Wayne, Joseph Powers, Panos Antsaklis, Edward Conlon, Robert Bretz, Jay Tidmarsh, Dino Marcantonio, Alan Krieger, Kenneth DeBoer, Samantha Schmid, Stephanie Arnett

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

Members Excused: Jennifer Younger, Vittorio Hosle

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

Observers Absent: Dan Saracino

Observers Excused: Dennis K. Moore

Guests: Prof. John Robinson, Law School

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

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

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

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

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

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

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

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

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

in the University's various colleges elect one member to the Senate – a change committee members believe will go far in making the Senate more effective.

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

Prof. Brogan continued that the proposed restructuring retains the current rotating three-year appointment structure, as well as the current structure of officers: chair, vice-chair, treasurer, and two co-secretaries. The four standing committees also remain the same; however, the proposal states that the chairs of the standing committees will serve as *ex officio* members of the Academic Council – giving them more direct access to the Academic Council. This will also eliminate some of the committee routing and re-routing necessitated by the present structure. For example, it will no longer be necessary for a subcommittee in the Senate dealing with academic affairs to bring its proposal to the Senate's Executive Committee, then to the floor of the Senate, then to the Academic Council, and then have it routed through the Council's subcommittees and reporting structure. This particular restructuring provision will provide a more direct conduit for the flow of information – a change which members of both the administration and the Senate feel will speed up discussion and action on matters needing their attention.

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

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

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

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

Prof. Affleck-Graves accepted the amendment, as well as other minor amendments regarding grammar and punctuation.

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

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

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

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

(b) Proposal to Amend Academic Article IV, Section 3(a): The Academic Council. Prof. Affleck-Graves explained that the second proposal results from the first one, although it has several additional aspects as well. (Attachment B) A major change is that, as provided in the first proposal, the chairpersons of the four standing committees of the Faculty Senate become *ex officio* members of the Academic Council.

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

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

(2) The number of voting student members is increased from four to five – one

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

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

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

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

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

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

committee.

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

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

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

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

Prof. Affleck-Graves agreed.

Prof. Brogan said that as a member of both the Faculty Senate and the Academic Council, she believes that the total package of changes the proposals put into effect will be beneficial for each group and for the University as a whole. In the past, there has been an unfortunate polarization or a gap in communication that is not healthy for the University. With the elected chairs of the Faculty Senate's standing committees now part of the Academic Council, overall community concerns will have a much more effective voice in the Council, which should be helpful to that body itself. As a member of the Council, she has been disappointed this year at the lack of agenda and the cancellation of meetings. With the changes that will go into effect with these two proposals, she is optimistic that there will be a better and more inclusive conversation at the University, as well as better policy-making.

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

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

faculty only – very similar to Notre Dame’s Faculty Senate – and another that is a mixture of faculty and members from other constituencies.

Prof. Delaney said he strongly endorsed the proposal to restructure the Academic Council. In the history of the University, the Faculty Senate has done much good work, but it has always been a rather free-floating body. This proposal integrates it very constructively into the Academic Council. He also applauds the proposal’s provisions for increased faculty and student representation. Given the many concerns of various constituencies at the University, the proposal seems to respond to each in a reasonable way.

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

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

2. Committee Reports.

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

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

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

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

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

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

4. Clarification Regarding the Faculty Senate and Academic Council

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

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

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

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

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

Sincerely,

John Affleck-Graves
Secretary