

**ACADEMIC COUNCIL**  
**Meeting of January 25 , 2012**  
**McKenna Hall**  
**3:30p.m. – 5:30 p.m.**

**Members present:** Panos Antsaklis, M. Brian Blake, Thomas Burish, Laura Carlson, Greg Crawford, Darren Davis, Michael Desch, Margaret Doody, Dennis Doordan, Rev. Tom Doyle, C.S.C., Morten Eskildsen, William Evans, Judy Fox, Mary Frandsen, Nasir Ghiaseddin, Jeffrey Kantor, Peter Kilpatrick, A. Graham Lappin, John LoSecco, Alexander Martin, Christine Maziar, John McGreevy, Dan Myers, Nell Newton, William Nichols, Ben Noe, Hugh Page, Catherine Pieronek, Donald Pope-Davis, Ava Preacher, Ramachandran Ramanan, Neal Ravindra, Laura Ritter, John Robinson, Brett Rocheleau, Jeffrey Schorey, Jon Schwarz, Cheri Smith, Greg Sterling, Ann Tenbrunsel, Julianne Turner, Diane Parr Walker

**Observers present:** Kevin Barry, Earl Carter, Chuck Hurley

**Members and Observers excused:** John Affleck-Graves, Robert Bernhard, Don Bishop, Nick Entriakin, John Gaski, Rev. John Jenkins, C.S.C., Michael Lykoudis, Rev. John Coughlin, O.F.M.

**Members absent:** Julia Douthwaite, Jason Lovell, Thomas Pratt.

**Guests:** Brandon Roach, Karen Deak

**1. Welcome and opening prayer:** Provost Tom Burish opened the meeting and invited Father Tom Doyle to deliver the opening prayer. Father Doyle noted the recent deaths of two Notre Dame faculty, J. Keith Rigby and Sister Jean Lenz.

**2. Approval of minutes:**

The minutes of the October 25, 2011 meeting were approved unanimously.

**3. Proposed Master's Program in Patent Law:**

Mr. Burish invited Prof. Panos Antsaklis to report on the proposed master's program in Patent Law. The proposal is for a one year program, aimed at students with science and/engineering undergraduate degrees, to prepare them to become patent agents. The proposal has the approval of the three concerned deans—Science, Engineering and Law. Prof. Antsaklis introduced Karen Deak, who will be the main faculty member of this new program, who is available to answer questions today. Prof. Antsaklis briefly reviewed the process of development for the proposal. It was submitted in early Fall 2012 and received the approval of the Graduate Council on November 15. The Academic Council subcommittee approved it on November 21, and the executive committee of the Academic Council (AC) approved it on December 2, 2011. In the previous week, input was provided by the Faculty Senate in the form of a written response, which was distributed to members of the AC.

Dr. Karen Deak was invited to speak about the program. Patent law is a niche market within the field of law. This program is designed to fully qualify its graduates to practice at the Patent office, as patent agents. She noted that this program is important for two reasons:

1. It will provide the fundamental legal understanding which is necessary in order to work in the field of patent law.
2. It will provide the practical skills that are needed to succeed in the practice of law.

The program is a year long, with two semester long classes which will provide the legal education in legal analysis and the specialized form of legal writing. These classes will have a practical focus on patent law issues specifically. In addition, there will be a capstone project, in which the students will draft a patent law application for an actual pending ND patent.

Each of the college councils in the three supporting colleges has passed this proposal.

Dean Greg Crawford, Science, spoke about the increasing importance of patents to the country, the state, and the university. Invention is supported by the filing of patents. Patents can be tremendously valuable to an organization. He mentioned the large quantity of money made for its company by Lipitor. The number of patents is increasing exponentially in America. Finally, he noted the successful collaboration among Engineering, Science and Law, a first for the university.

Dean Peter Kilpatrick said that there is a real demand for this program. He spoke with 14 patent attorneys who have undergraduate ND Engineering degrees; all of them agreed that this program was a good idea and well designed. In addition, a patent agent can expect to earn between \$80,000-120,000 per year. Second, these patent attorneys assessed the curriculum as ‘unique,’ and of significant quality. Third, there is a clear demand for more patent agents and attorneys. Here at ND, there are 50-60 invention disclosures/year. Yet we file only 15-20 provisional patents/year. The master’s students would help by filing more of these yearly, and simultaneously learn the process of filing such an application. The program is interdisciplinary, which is a further plus.

Dean Nell Newton, Law, reiterated that there is a high demand for this niche market skill. This program has been well designed. It comes at a time when there is an increase in law schools being associated with professional masters’ programs. In addition, the program addresses the current complaint that universities do not provide sufficient practical training—this program will definitely provide practical training in a valuable skill. She too stressed that there has been ‘great collaboration’ among the three colleges.

Dean Newton said the program will have a ‘great spillover’ effect for the Law School. The new Intellectual Property clinic is working on technology transfer and patents, so the two groups of students can work together on these topics. In addition, a patent masters’ program is an

innovative program; ND is the first university to offer this, which adds to the institutional reputation. Incidentally, it will aid in development; successful attorneys practicing in IP will appreciate that ND is training professionals to help them in their work.

Members were invited to discuss the proposal.

In response to a question, Dr. Deak noted that the program is a master's of science program because it includes three graduate level science courses, since patent law requires a heavily technical background. The patent office recognizes that technical skills are equally as critical as the legal skills.

Prof. Morten Eskildsen, Physics and Faculty Senate, presented some prepared points in response to the proposal. He noted that overall the idea was deemed a good one, but there were some concerns in the Faculty Senate about execution.

1. In reference to the intention to accept either the LSAT or the GRE test scores as part of the admissions package: Because the students will be in graduate level science classes with other graduate students, it is advised that they should demonstrate by GRE test score that they are qualified to be in those classes. The GRE is the standard test score used by science disciplines to assess candidates for the science programs.

2. In reference to combining professional masters' students in classes with science/engineering graduate students: because the motivations and goals for each of these groups of students is different, it would be problematic to combine them in the same classes; there would be 'unfortunate consequences.' This concern was expressed in reference to several professional masters' programs which have been created recently by the university.

3. In reference to the plan to have one person (Dr. Deak) teach the two required legal courses as well as administer the program: It is critical that this program succeed, and therefore it should be given sufficient resources to be successful. One element of this would be to be properly staffed from the beginning. Stressing that nobody wants this program to fail, he said that it is believed that there is a disadvantage in the current plan for staffing. Prof. Eskildsen noted that there is no question that Dr. Deak is fully qualified to teach in this program.

Dr. Deak addressed the issues raised by Prof. Eskildsen.

1. Both exams have value in this scenario, acceptable alternatively. The LSAT is a well validated test. It would be too high a barrier for the students to require both tests. Dean Newton concurred that the LSAT is well validated and is proven to predict success in legal analysis. She expressed a preference for the LSAT. Prof. Maziar noted that test scores will not be the sole criterion for admittance. Letters, transcripts, and submitted work will figure significantly. One value of standardized test scores is that they help to evaluate the strength of a curriculum of an

institution one is not familiar with; either test, then, could provide that calibration. Dr. Deak noted that students will submit a comprehensive application package, as is standard.

Prof. Eskildsen agreed that the LSAT is validated. But because many of the program's classes will come from the science graduate school's curriculum, the GRE is an important measure of skill level. Mr. Burish, noting that at this point it is merely conjecture to say that the LSAT would not sufficiently assess skill level, suggested that the program begin as planned, and then the data on success can be analyzed after two or three classes of students have completed the program. At that point, based on the empirical data, adjustments can be made if adjustments are required.

Dean Greg Sterling, Graduate School, noted that the faculty typically weighs the whole package for admissions, including but not favoring the GRE score. It is a necessary measure for our students, but it is only one measure.

Prof. Eskildsen also brought up the point that the admissions committees in the various departments have expressed a natural concern to be involved in the selection process, to insure that the students who will be taking classes in those departments have been considered and chosen in part according to the standards of the departments. He stated that the overriding concern is 'how do we admit, and which test do we rely on.' Dr. Deak reiterated the proposal designers' agreement to accept a mechanism which allows the departments to have 'a non-admit override' on students. This might be considered an appropriate 'first point of quality control.' Subsequently, there can be an empirical assessment as to whether the admissions criteria are working, per Mr. Burish's suggestion.

Mr. Burish summarized the discussion: the program plans to continue to offer applicants the opportunity to take either test as part of the application package.

2. Dr. Deak, noting that the previous discussion relates to this second point, stressed that she hopes it has been clearly stated that the departments will have an opportunity to override the admissions decisions that she initially makes, and that there will be an assessment of the outcome of the admissions procedures. The outcome should be the composition of an appropriate student class in the curricular classes for each discipline associated with this program.

Prof. Eskildsen asked if there has been data compiled from some of the other masters' programs in which students attend 'regular' graduate classes. This data might be helpful. Dean Crawford said the students in the ESTEEM program do quite well; the students have a high rate of graduation. In addition, Ph.D. students cross over from science to engineering all the time and do well.

Prof. Antsaklis noted that there is a committee which is currently looking into the long term plan for graduate professional degrees at ND.

Dean Sterling stated that the program will be monitored under the same terms as any other program. These include tracking the quality of the accepted students, their records here, and their placement records. It will be important to chart what percentage of students pass the patent bar. The aspiration for the program is to meet the level of success of the Law school students in passing the bar, which is 90%. That high standard will be established for the masters' program.

3. Dr. Deak addressed the question of the workload for the program administrator, which is her. The teaching load is 2/2, which Dr. Deak described as doable. The administrative aspects of the position are equivalent to the research program which most Science and Engineering faculty manage in addition to their teaching functions. She noted that she will have student graders to assist her. In addition, since the plan is to 'grow the program,' it is expected that the faculty will also expand as needed. Dean Newton added that ND is fortunate to have found a teacher/administrator as 'extraordinarily talented' as Dr. Deak is.

4. Concerns about the consequences of failure: The Faculty Senate had expressed concerns about the potential for the program to succeed; this concern was linked to the number of staff and the appropriateness of the organization of the program. Dr. Deak stressed that the program has been designed using as a model other masters' programs at ND. While it is a 'best guess' for success, it is also well founded on experience. The program is committed to 'constantly improving.'

Prof. Margaret Doody expressed some concern about the impact on the program if contingencies of life should make it impossible for the only faculty member allocated to the program to fulfill her functions. It was suggested that there be someone available to do the work under these circumstances. Dean Newton stated that if a succession plan were needed, she believed the program and the concerned colleges could rise to the occasion.

Prof. Eskildsen said that he is not entirely convinced by the arguments offered that the workload is not overly heavy for one person.

Prof. Eskildsen offered to table the larger question about the creation of masters' programs at ND until a later date.

Prof. Chris Maziar asked if the program would be separately accredited under ABED or ABA accreditation, or is it simply accredited under ND's regional accreditation? Dean Sterling stated that it would be under the general accreditation. In response to another question, Dr. Deak defined the terms patent agent, patent examiner and paralegal.

As there were no other questions or comments, Mr. Burish asked for a voice vote in favor of the proposal as so presented. The program was approved, not unanimously. Mr. Burish thanked the presenters of the proposal.

#### **4. Revision of severe sanctions policy**

Mr. Burish explained that Ann Tensbrunsel, past chair of the Faculty Affairs subcommittee, has agreed to present these revisions to the policy, as the present chair is on leave.

Prof. Tensbrunsel explained that she would not follow the typical pattern of showing the red-line version of the Articles, since it would involve a lot of red lines but not adequately indicate the degree of change. Instead, she presented a summary of the big changes. First, she briefly summarized the process of revision. In Feb., 2011, a working group of the subcommittee began work on Article 3, section 8, then titled 'Severe sanctions and dismissal for serious cause.' Having completed a draft by the end of the Spring 2011 semester, the group held the draft until Fall, 2011, to get feedback. In Oct, 2011, the draft was submitted to the Faculty Senate and the faculty in general. The comments received were minimal. The committee then voted unanimously to bring the revisions to the Academic Council today.

The changes can be summarized into 5 categories:

1. Consistent procedures for dismissals and other sanctions. In the current version, severe sanctions had been treated separately from dismissal; the committee felt they should be combined.
2. Introduction of additional deadlines and clarifications so that the process would be more expeditious.
3. Revisions to the informal resolution and appeals process to enhance efficiency.
4. Provide the hearing committee with the ability to request that the university provide independent experts to help with hearing committee functions and other functions.
5. Numerous small revisions for clarity and consistency.

Prof. Tensbrunsel detailed these categories of changes. She also invited committee members and Brandon Roach, guest, to speak about these changes.

1. In the current version, a faculty member who is subject to severe sanctions that is not a dismissal has a choice to submit a written statement or to elect to have a hearing. Faculty subject to a dismissal must go through a hearing procedure. The revision affirms that dismissal is a subset of severe sanction; therefore, it was determined to give faculty members the option to choose to submit a written statement in the situation of facing dismissal rather than undergo a hearing process. As part of that change, the deadline for submitting a written statement is now the same as for the hearing.

2. More deadlines were introduced to be both expeditious and fairer to both sides. In addition, the deadlines are included for clarity.

3. There are several revisions to the informal resolution process and to the appeals process. Currently, there is a two stage informal resolution process, which begins with the Provost. If need be, the Provost then appoints two mediators from elected Academic Council members. It was decided that this two stage process causes unreasonable and unnecessary delays. If the first attempt at an informal resolution, between the Provost and the faculty member was not successful, it was unlikely that the second stage of the process would be successful. It was decided that it would be better to move forward in the process. Therefore, it is proposed that the Provost determine if the situation is amenable to the informal process of resolution; if so, it occurs between the Provost and the faculty member. In that circumstance, the Provost has the authority to commit the university to any agreed upon resolution.

In terms of the appeals process, currently there is a two stage appeals process, in which there is a mandated election of two members, from among the elected members of the Academic Council, who were required to review the written record and present a non-binding recommendation to the president. That encompasses the totality of their permitted tasks. It is simply a review of the written record; there is not a reopening of the investigation. It was felt that this process creates an unnecessary delay. In addition, the president is deemed amply qualified to review the written record. Since s/he will make the final decision, it was determined to leave that task—reviewing the written record and making a recommendation—in the hands of the president.

Members were invited to ask questions.

Father Tom Doyle, referring to his experience in the Office of Student Affairs, of revising processes, noted that a challenge is that sometimes there is a concurrent, legal process ongoing at the same time the university procedures are being enacted. That can cause delays and present challenges to the established procedures. Given this potential situation, Father Doyle asked if there is flexibility in the processes to respond to such a situation.

Brandon Roach, General Counsel's office, said that in terms of a criminal matter, there are provisions in the grounds for serious cause of conviction of a felony. Thus, such a criminal matter, resolving itself expeditiously, would make a quick process for the intra-university processes. In terms of the imposition of a severe sanction, this situation has been vetted in the General Counsel's Office and the process as detailed here was approved. All the procedures listed must occur before a severe sanction is imposed on a faculty member. Thus, there is no real adverse action that might occur until the process is fulfilled. There is a provision that allows the president discretion to remove a faculty member from his/her duties if the president judges that a dire situation warrants that sort of action. At this time, the General Counsel's Office is comfortable with the processes as they are laid out; any parallel process can be worked through as needed.

Prof. Don Pope-Davis asked about the possible necessity to provide, via a footnote, recognition that the articulated deadlines function as guidelines rather than black lines. This kind of notification would acknowledge that complications can arise in any situation. The 15 day deadline represents the desired time for the process; in some cases, the time elapsed may be either longer or shorter. Prof. Pope-Davis noted that in his experience, it is true that deadlines as a whole can be subject to adjustment. A statement noting the possibility of deadline adjustment would add affirmation that the processes are valid; a deadline change should not be interpreted as a procedural error.

Discussion ensued. Mr. Roach suggested that some language could be added to indicate the possibility of change; e.g. 'may be extended under circumstances;' 'if parties mutually agree....' Such language would hold the process to the timelines if there was not mutual agreement.

It was suggested that adding language to this provision of the Articles raises the question of whether other deadlines in the Articles are not fixed, and if not, why not. If the principle should impact all deadlines in the Articles or specified deadlines, it would need to be presented as an amendment.

Mr. Roach stated that such an amendment would need to indicate who has the authority to make a decision about a deadline change.

Prof. John Robinson said he was part of the revision committee for this document. He directed members to subsection C, paragraph 1, second paragraph, end of page 1 where the document specifies language to accommodate flexibility for a specified deadline when both sides are in agreement. However, there are other instances in this section of the Articles where there may not be agreement as to a deadline extension. It may be the case that the document needs another look to isolate the number of instances in which there is the situation of one side only desiring more time, and then to determine how to negotiate that situation. In the situations where both sides are agreeable to an extension of time, either a general provision attached to the Articles could suffice, or reviewers find particular instances where both sides will agree and add a specified provision there. He reported that in committee negotiations, the overriding aim was to create a time table that would meet the ordinary course of things.

Mr. Burish, noting the complexity of the issue under discussion, suggested that the Council vote on the revisions as they have been presented today. Then, Mr. Roach and a group of committee members can review the deadlines for clarity. It would be presumptuous to extend the deadlines for everything in the Academic Articles without a review. If the group wants to amend the document, that step could be broached at that time. A vote today would allow the revision of this section to proceed and prevent a repetition of the discussion at length in the future.

Prof. Pope-Davis suggested that the group reviewing the deadlines bring its recommendation to the Executive committee, which be given the authority to act on behalf of the council, as has

been done in the past. Prof. Judy Fox stated that if the review group makes a recommendation to apply the amendment to the Articles as a whole, then she would prefer that recommendation be brought to the full Council.

Mr. Burish summarized the point: Should the committee come back and only want to extend deadlines on this section's deadlines, then the proposal is that the Executive committee of the Academic Council be given authority to make that decision. If the proposal which is brought back has a footnote or some wording which impacts all of the deadlines, across all of the Academic Articles, to be treated in some new way, then it should come back to the full Council. He asked if there was any objection to that two part proposal. Prof. Eskildsen asked to require the Executive committee to be unanimous in its decision; Mr. Burish noted that that would change the rules of the Executive committee. Prof. Robinson informed the Council that the Executive committee works on a 'de minimis' rule, that something 'trivial' is not brought to the full Council, while any subject which could be defined as 'serious' would be brought to the full Council; he has no recall of there ever being a dispute on what would be defined as serious. He also noted that the Executive committee generally operates by a consensus.

Mr. Burish restated this version of the proposal: Should the committee bring back an amendment that is 'major' in some way, it will be brought back to the council. If the proposal is 'along the lines of this discussion,' someplace within these guidelines, the Executive committee will be authorized to make the decision and simply inform the Council of the decision.

The proposal is as follows: If they come back with a recommendation that only applies to this proposal and it is not viewed by the Executive committee as a major change, the Executive committee will act on it. If they come back with a proposal that affects deadlines throughout the Academic Articles, or, beyond 'this,' or, it is viewed as 'major' even if applied to this section alone, then it will be brought back to the Academic Council. Mr. Burish asked for a consensus on that proposal. There were no objections.

Kevin Barry asked for clarification: does this section, on severe sanctions, apply to all regular faculty? The answer is Yes. Mr. Barry asked a follow up question: why is there a separate process for SPFs and library faculty on appeals for non-promotion, tenure, and reappointment and not a similar parallel process in this section on severe sanctions?

Mr. Roach said that a short explanation would be that the working group worked from the current version of the Articles, in which there was not a separate process for the named group. There was not an extensive discussion in the working group of that topic. The proposed revisions dealt only with what was already there. He added that he was 'hard pressed to think why there would need to be two different processes on this issue of severe sanctions, although he agreed that two different processes for the other issue (non-promotion, tenure and reappointment) was appropriate. Given the lack of a compelling reason for two processes, he stated the belief that it is better to have one process when possible. Prof. Dan Myers noted that

the issue is that the hearing committee is composed only of tenured members of the Academic Council, and therefore SPFs who are members of the Academic Council cannot participate in the process by rule. He offered the following potential friendly amendment: anyone who is on Academic Council be permitted to participate in the hearing committee, not limiting that participation to only tenured faculty.

Mr. Barry concurred that that kind of change would be more parallel. He stressed that he merely wanted to raise the point.

Mr. Roach presented another option of language for consideration: if the faculty member in question is a member of the library faculty or a SPF, then those members of the Academic Council would also be eligible for election to the hearing committee. However, when the Executive committee is prompted to elect members for the hearing committee, the name of the faculty member is not disclosed to the Executive committee (only the nature of the severe sanctions is disclosed). Therefore the Executive committee would not have the information needed to determine which body of the faculty to include in the election process.

Dean Sterling said that the category of the faculty person could be disclosed.

Mr. Burish asked Prof. Tensbrunsel if these are friendly amendments, or if the committee would like to reconvene to discuss them. He reiterated the two issues under consideration: should the faculty category be disclosed, sufficient to know if the faculty member falls into the category of SPF and library faculty? Should the eligibility of those who can be elected to the hearing committee be changed?

In response to a question from Prof. Tensbrunsel, Mr. Roach said that there might be concerns to the faculty member involved to disclose the faculty category, because the sub group SPF and library faculty is a relatively small group within the faculty as a whole. Mr. Roach added that it is most likely that a faculty member who is SPF or library faculty would experience a severe sanction in the form of reduction of salary rather than in a dismissal from position. While that is possible, it is less likely.

Prof. Maziar said that the wording appears to apply to all faculty, including regular, non-regular, visiting, adjunct.

Prof. Tensbrunsel reported that the committee talked quite a bit about the individual's right to recuse him/herself if there was any connection at all to the faculty member involved. The relationship desired is really more of a distant one, where the hearing committee is meant to be unbiased and independent, to review the materials at hand, and to make an independent decision. She said that this 'great question' never came up in the committee's discussions. The focus was on the 'best process' independent of type.

Mr. Burish said “I look to the committee for guidance. There are three options: 1. Accept ‘something’ as a friendly amendment, whatever that would be, amended on the floor right now. 2. Decide that the original proposal is the right one to vote on, and we will proceed and people will vote their conscience. 3. Suggest that you take it back and restudy this issue and come back with recommendations.” If the later is chosen, the Council could vote on everything else, so as to move forward on those aspects which have been sufficiently discussed already.

Prof. Tensbrunsel said that the discussion of the deadline was offered as a friendly amendment; it would be straightforward to find language to respond to the issue about deadlines, that goes in front of the Executive committee. Further, she said, “my personal opinion is that this process applies to everybody, and it is a fairly fair representation of what would occur, providing an unbiased process. I can’t see a separate process for different types.”

Mr. Burish summarized: the suggestion is to leave it the way it is.

Prof. Fox, a member of the committee, noted that there were no SPFs on the committee when this was discussed; she represents the SPF faculty. She suggested further discussion, noting that the topic ‘didn’t occur’ to her or other committee members. She stated, “I think the SPF faculty would be disturbed by the fact that SPF elected members of Academic Council are excluded from a committee that might look at their situation. So, if we could agree to a friendly amendment that we could have the option of throwing everyone back into the pool, or of having everyone in the pool for everyone, then that would be an option. But the idea that only the SPF/library faculty members are excluded will likely disturb a lot of those 300-400 faculty members. “

Prof. Dan Myers, also on the committee, concurred with Prof. Fox. A friendly, easy amendment would be to strike the word ‘tenured’ out of the sentence in item 3 that says “the Executive committee shall then elect a three person hearing committee from among the tenured faculty who are elected members of the Academic Council.” Having struck out the word ‘tenured,’ everyone on the Academic Council would be eligible for election to a hearing committee.

Mr. Roach added that it might be a good idea to ensure that one or perhaps two tenured faculty members be among those three elected to the hearing committee. This would ensure representation for the tenured faculty.

Prof. Graham Lappin added his position to the discussion: one of the ideas of the committee is that it is impartial but distant from the case; if you have any association or even know the person, it’s potentially a conflict. Prof. Lappin stated that he is very, very uncomfortable with the idea that there might be non-tenured faculty on these hearing committees. “It’s simply a question of how much sway people might have.”

Mr. Burish made the suggestion that the issue of SPF/library faculty process be remanded back to the committee, noting that there is disagreement among committee members as to the

resolution, and that this forum is not the best for conducting this kind of discussion. The committee is asked to consider this issue and bring it back to the Council

As there were no further suggestions or comments on the other elements of the revision, Mr. Burish suggested that the Council vote on everything except the two carve outs, one might go to the Executive committee and one might come back to the Council as a whole.

The Council voted by voice on the proposal in front of us, on the revision of the severe sanctions process in the Academic Articles, recognizing that there may be some amendments. The proposal was unanimously approved.

Mr. Burish thanked the committee for its past and continuing work.

### **5. Discussion of the Academic Council committee structure**

Mr. Burish stated that Prof. Don Pope-Davis has proposed to the Executive committee of the Council that there be a discussion of the committee structure. The three standing committees are not required by the Articles; however, they have existed for a long time in their present form. It is the suggestion of Prof. Pope-Davis that the Council have a discussion about whether this is the best or only structure for committees; he is not presenting a proposal to the Council for a vote.

Prof. Pope-Davis briefly addressed this topic. He mentioned that he has spoken with Father Ted Hesburgh about the committee structure; Father Hesburgh said that he had created the committee structure himself. Given the current development of the university, Prof. Pope-Davis suggested that it would be a good time to evaluate the committees; all input is welcome. As an example, he noted that the university has developed an investment in international education. Would it be useful to add a committee devoted to these kinds of issues? Alternatively, should any of the current committees be retired? Prof. Pope-Davis noted that he is currently involved in some benchmarking of peer institutions, to document what are common practices, for a point of reference. He would propose the question: what kinds of committees would aid in appropriately addressing the issues of the university?

It was agreed to put this topic on the agenda for a future meeting, to discuss in full.

### **6. New Business**

Mr. Burish invited Prof. Eskildsen to present the Faculty Senate's broader concern about the process of creating professional masters' programs. Prof. Eskildsen said that the Senate would like the Council to review this process, including the collection of data, and then formulate some guidelines so that future programs are developed through established procedures.

Dean Sterling mentioned that the Graduate Council has formed a committee, from the four divisions of the graduate school, to evaluate the professional masters' degree programs and to make a set of recommendations that can help with assessment. He offered to share that report

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with the Council and the Faculty Senate. Mr. Burish asked if Prof. Eskildsen's topic could be tabled until that report has been made. Prof. Eskildsen agreed, and asked if there could be Faculty Senate representation on the committee named by Dean Sterling. Mr. Burish summarized the discussion: the Council will wait for the committee report, and Dean Sterling will decide on the membership of the committee.

Mr. Burish thanked members for their time and input.

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