The Academic Council

November 18, 2003


Members Absent: Ava Preacher

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

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

Observers Absent: Harold Pace

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

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

Prof. Hatch offered a prayer.

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

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

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

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

As for concerns about the vigor of an intellectual community comprised of such a small number of scholars, Prof. Roche said that such concerns are not any different than those that can already be raised by the current arrangement. Even though Irish language and literature is housed within Classics, there are no programmatic or curricular points of overlap between the two. Moreover, small departments already exist at the University. One example would be the Department of East Asian Languages and Literatures. While the CAP for the proposed Department of Irish Language and Literature will consist at the outset of only two faculty members, Brendan O’Brien and Peter McQuillan, a third member will be appointed who will likely provide greater expertise than can be found among CAP members with a tenure home in Classics.
Prof. Roche concluded by saying that the proposal has worked its way through the appropriate channels. It has been discussed extensively by the classics faculty, the Irish language and literature faculty, and the faculty of the Keough Institute. The Arts and Letters College Council approved the proposal on November 11, 2003.

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

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

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

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

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

Prof. Bradley said that he would like to echo Prof. Roche’s point that the intellectual fit that would exist under the proposed arrangement is far better than what currently exists. There is no intellectual or curricular closeness between Classics and Irish language and literature. In fact, some of the works his colleagues in Irish language and literature study are quite modern. The proposal makes sense from the standpoint of the Classics Department. As expressed in its 2002 strategic plan, the department wishes to develop over the next decade as a bona fide classics unit with its primary focus being the study of Greco-Roman antiquity and related Mediterranean societies.

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

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

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

The situation at hand is very different, Prof. Roche said. The faculty of Irish language and literature do not now have an appropriate home in Classics. When the University’s Irish scholars were part of a department that also included East Asian languages and literatures, the fit may have been more appropriate. At that point, there was at least a diverse array of entities. Now that Classics is beginning to flourish, Irish language and literature no longer belongs within that department. Prof. Roche said that he is opposed to splitting departments unless the argument to do so is compelling. The elegant piece to the current proposal is that it has no budgetary implications.

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

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

At the Academic Council meeting of April 23, 2003, members discussed an earlier version of the proposal. At that meeting, Prof. Frecka, a member of the subcommittee that drafted the proposal, led a discussion of the proposal and the methods currently used at the University to analyze salary equity. He explained that in addition to normal review procedures by department chairs, deans, and the Provost’s Office, the University periodically uses a regression analysis to determine if a particular subset of faculty—for example, women or minorities—are, on the average, paid above or below the norm. The role of the proposed salary equity review committee was said to be to “assess” the administration’s methods of analysis and correction, not to conduct its own survey or to examine individual faculty members’ salaries. Last April’s proposal called for “a majority” of the committee’s members to be members of the Provost’s Advisory Committee (PAC), but no other representatives or membership affiliations were named. After discussion, the proposal was referred back to the Faculty Affairs Committee.

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

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

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

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

Prof. Hatch added that the Executive Committee has suggested that even if the proposal to establish a review committee is approved, the existence and charge of the committee should not yet be formally incorporated into the Academic Articles. Executive Committee members thought it best to evaluate how the review procedure works over the course of three cycles and then, perhaps with some appropriate refinements, the committee can be included with the other faculty committees in the Academic Articles.

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

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

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

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

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

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

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

Prof. Mooney responded that the rationale for the majority of the faculty members of the salary review committee being members of PAC is that, because of their close involvement with the tenure and
promotion processes, they have a familiarity with the entire University. They are, by reason of their membership in PAC, full professors. It is not necessary, however, for the UCWFS member of the salary equity review committee to be a tenured member of the faculty. The issues the salary equity review committee takes up are not directly related to promotions. It may be that the person designated to serve on the review committee by the UCWFS has expertise in statistics or some other area that will be helpful to the committees.

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

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

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

Prof. Kolman added to Prof. Mooney’s response to Prof. Roche’s question. Some subcommittees, she said, have been appointed out of PAC for tasks similar to that proposed for the salary equity review committee. One of the problems that emerged, however, was that those committees were perceived as very insular groups. Thus, other groups, such as the UCWFS, who had an interest in the same matters but no representation on the committees, were not satisfied by their work. It is extremely important to have the UCWFS represented on the salary equity review committee. It is not the rank of a full professor that is relevant for the UCWFS member; rather, it is the possibility that he or she may bring a different perspective to the review committee’s work.

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

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

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

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

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

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

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

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

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

Form a broadly representative body responsible for assessment;
Ensure more effective use of student evaluations;
Focus on departmental assessment;
Tie evaluation of teaching more closely to student learning;
Strengthen assessment of student learning in the core curriculum.

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

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

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

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

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

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

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

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

4. Committee Reports

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

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

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

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

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

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

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

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

(d) Committee on Committees. Prof. Mooney gave a report on behalf of Prof. Robinson, who will be resigning his positions as chair of the Faculty Senate and as a member of the Academic Council. Prof. Phelps will now serve as chair of the committee. She will update Academic Council members on the committee’s work at the next meeting.

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

Respectfully submitted,

Carol Ann Mooney