

**ACADEMIC COUNCIL  
MEETING of FEBRUARY 21, 2008  
McKenna Hall Auditorium  
3:30 – 5:00 p.m.**

**Members present:** Rev. John Jenkins, C.S.C., Thomas Burish, Donald Pope-Davis, Dennis Jacobs, Christine Maziar, Anita Allen, Panos Antsaklis, A.J. Bellia, Seth Brown, Steven Buechler, James Collins, Emily Cooperstein, Kenneth DeBoer, Cornelius Delaney, Stephen Fallon, Judith Fox, Umesh Garg, Nicole Garnett, Nasir Ghiaseddin, Peter Holland, Paul Huber, Michael Jenuwine, Colin Jessop, Peter Kilpatrick, Daniel Lapsley, Christine Loza, Joseph Marino, Stephen Molvarec, Scott Monroe, Robert Nelson, William Nichols, Thomas Noble, Patricia O'Hara, Hugh Page, Rev. Mark Poorman, C.S.C., Ram Ramanan, Mark Roche, Ann Tenbrunsel, John Welle, William Westfall, Carolyn Woo, Jennifer Younger

**Members absent:** John Affleck-Graves, Martina Cucchiara, Gaby Montero

**Members excused:** Robert Bernhard, Adam Booher, Laura Carlson, Mary Rose D'Angelo, Michael Lykoudis, Scott Van Jacob, Jennifer Warlick

**Observers present:** Kevin Barry, Kathryn Lam, Dale Nees, Brandon Roach, Don Wycliff

**Observers absent:** Harold L. Pace

**Observers excused:** Daniel Saracino

**Guests:** Carol Kaesebier, Vice President and General Counsel and Jill Bodensteiner, Associate Vice President and Senior Counsel, Office of General Counsel. [Both Ms. Kaesebier and Ms. Bodensteiner are members of the Academic Articles Working Group.]

After calling the meeting to order at 3:34 p.m., Fr. Jenkins asked Ms. Allen to offer the opening prayer.

**1. Approval of minutes:** The minutes of the January 23, 2008, meeting were unanimously approved as presented.

**2. Completion of Academic Articles Review:**

[On January 23, 2008, the Council began voting on changes to the Academic Articles proposed by the Academic Articles Working Group and members of the Council.]

Fr. Jenkins reminded the Council that *Robert's Rules of Order* would be used in the deliberations of the Academic Articles. The Council concluded its last meeting during deliberations of Article III. After an unresolved discussion about special professional faculty (SPF) titles, the matter was deferred back to the Working Group.

[Underlined parts are proposed additions to the language; [bracketed] parts are proposed deletions from it.]

## **Article III, The Faculty**

### **Section 1/Membership**

#### **Subsection (d) Special Professional Faculty**

Since the Council's last meeting, the Working Group reviewed the section and proposed the amendment below. [Text in **bold** was added through discussion by the Council at today's meeting].

Members of the special professional faculty have the ranks of professional specialist, associate professional specialist, and assistant professional specialist. [(The rank of staff professional specialist also exists with the same notice periods as the assistant professional specialist, but no new appointments will be made to this rank after October 9, 1990.) Regardless of their rank, a member of the special professional faculty may additionally be designated as teaching professor, clinical professor, or professor of the practice (with the appropriate rank) if approved as set forth in this subsection (d). Special professional faculty designated as teaching professors are engaged primarily in instruction. Special professional faculty designated as clinical professors are engaged in the instruction and supervision of students in training for professional practice. Special professional faculty designated as professors of the practice are normally engaged in teaching and in research and other creative work.

In cases initiated by an academic department, if the chairperson approves such designation after consultation with the department, the chairperson sends a written recommendation to the Dean. If the Dean approves the designation, he or she sends a written recommendation to the Provost. The Provost or the Provost's designee renders the final decision. In cases initiated by the director of a University Institute or any other academic organization authorized by the Provost to appoint special professional faculty, if the director approves such designation, the director sends a written recommendation to the Provost. The Provost or the Provost's designee renders the final decision after consultation with the appropriate academic department(s) or school(s).

Prof. Brown collaborated with the Working Group on the amendment and explained that there were three basic issues that the Working Group addressed: 1) titles, 2) chain of approval for title of SPF affiliated with an academic department, 3) chain of approval for title of SPF *not* affiliated with an academic department. He said that the Working Group felt that the use of the term 'professor' needed to be regulated in the Academic Articles. The use of titles such as curator or practicing artist, which are more of "job description-type titles," can be a matter discussed by the SPF and his/her supervisor and does not need to be included in the Academic Articles. While there was little controversy in the use of the titles 'clinical professor' and 'professor of the practice,' there was a lot of discussion about whether 'teaching professor' or 'lecturer' was preferred. In the end, the majority felt that 'teaching professor' was preferable. The second issue was intended to help clarify that the chain of approval for titles of SPF affiliated with an academic

department is parallel to that of hiring process approvals (i.e., approved first by the chair of the department in consultation with the department, then by the appropriate dean, and then by the Provost or the Provost's designee). The third issue addressed SPF who are not affiliated with an academic department (e.g., hired by an institute). Prof. Brown said that in the original draft of the revision for subsection (d), it required that SPF be members of a department. The amendment currently proposed addresses SPF who are not affiliated with an academic department and makes the chain of approval of their titles parallel to that of the chain of approval in the hiring process.

A robust discussion ensued and clarified the following points:

- It was the intention of the Working Groups that the titles also carry a rank with them. For example, someone might be designated as an assistant teaching professor if their appointment rank was assistant professional specialist. (Brown/Maziar)
- It is the expectation that not all SPF will carry an additional title. (Brown)
- Many special professional faculty members' primary responsibilities and roles at the University are pedagogical ones and their current titles, as special professional faculty do not reflect these roles. The new titles are an attempt to provide an additional title that would be understood outside of the University to enable their contributions at the University to be recognized. It is not a separate kind of tenure track. (Maziar/Fox/Woo/DeBoer)
- Although there was not unanimous agreement, the proposal was supported by the majority of SPF. (Fox)
- Representative from both art and architecture felt the amendment should make mention of 'creative work.' (Collins/Westfall)
- There was some concern that the new SPF titles and ranks create a new parallel faculty line in departments. Having one tier of faculty that is primarily directed toward teaching undergraduates and others that are teaching and research faculty would be a very significant change from Notre Dame tradition. (Delaney/Garg)
- The decision to use (or not use) the titles is at the discretion of the department. (Fox)

By voice vote, the amendment was approved.

## **Article IV, Organization of the Faculty**

### **Section 3/Committees of the University**

#### **Subsection (a) The Academic Council**

Prof. Brown, a standing committee chair from Faculty Senate, proposed adding the following language to the end of the first paragraph:

For purposes of eligibility to serve on committees, the five representatives of the Faculty Senate are considered elected faculty members of the Council.

Prof. Brown's rationale was that this language would help clarify the eligibility of representatives from the Faculty Senate to serve on committees. The issue is whether or not representatives from the Faculty Senate are considered "elected" faculty members,

unlike the substantial number of representatives on the Academic Council who are not elected, but are on the Council by virtue of the positions they hold (e.g., deans, vice presidents, etc.). He said that faculty senators are elected by the faculty to serve on the Faculty Senate so the amendment is in keeping with the original spirit of that distinction. It has the “side bonus” of slightly increasing the pool of possible representatives eligible to serve on committees.

Prof. O’Hara explained that she opposed the amendment because she believes that when the Academic Council was restructured that there was a deliberate attempt at symmetry in the number of ex officio members and the number of elected faculty members. She said that while it is true that members of the Faculty Senate have been elected by the faculty, they are not then directly elected by the faculty to their positions as chairs of the standing subcommittees. She shared concern about how the amendment would disrupt the proportionality of representation among the colleges on the committees.

Prof. Brown responded by saying that the amendment does not affect who votes for the membership of the committee and thus does not affect the composition of the Academic Council. He said that everyone may vote whether or not they are eligible to be elected.

Prof. O’Hara said that she thinks the Council is the one committee that is really important to the selection and review of the Provost. Therefore, the faculty who are directly elected to the Academic Council are the people who should stand in the pool as opposed to those who would be indirectly elected by virtue of their position as chairs of standing committees of the Faculty Senate.

Prof. Roche concurred with Prof. O’Hara’s argument and explained that he had additional reservations because, in some cases, faculty members serving on the Faculty Senate are either the only persons willing to serve or were asked to serve by the department chairs. Because that process is less rigorous than a formal election, Prof. Roche opposes the amendment.

The above proposal amending subsection (a) failed by a vote of 16 to 23.

A discussion ensued regarding the number of student members of the Academic Council. For the record, Fr. Jenkins confirmed that currently, there are six student members of the Council. The professional schools have alternated representation each year between the law and business students. Through the discussion, the following amendments were proposed:

In addition, there are six student members: the academic commissioner of the student government, a student from the Graduate School, one[two] student alternating between[from] the law school and the business graduate programs [of professional studies,] and three undergraduates from the three Colleges not represented by the academic commissioner of the student government (with the School of Architecture considered jointly with the College of Engineering for purposes of this allocation).

By voice vote, the amendment was approved.

#### **Subsection (d) The Graduate Council**

Prof. Holland initiated a conversation to help clarify to whom the final sentences of subsection (d) referred. After some discussion, the amendment below was proposed.

The committee on advanced studies[group] comprising the members of the Graduate Council who are also members of the Academic Council (the six described above and any other overlap members) has the right to include items on the agenda of the Graduate Council. Decisions of the council are by majority vote and are subject to the approval of the Dean of the Graduate School. The committee on advanced studies provides an annual report of its activities to the Academic Council.

By voice vote, the amendment was approved.

Article IV was unanimously approved, as amended.

#### **Article V, Procedures for Reviewing and Amending the Academic Articles**

Ms. Kaesebier said that the Faculty Senate proposed adding the amendment below as the final paragraph in Article V.

Violations of the provisions of the Academic Articles (other than those covered by the appeals and grievance procedures described here) 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).

Article V, including the amendment above, was unanimously approved.

#### **Academic Articles**

A motion for the Academic Articles Working Group to address consistency of syntax, elegance and clarity of language in the Articles was passed.

**3. Centers and Institutes Guidelines Amendment:** Prof. Pope-Davis reminded the Council that at its December meeting, new guidelines for Centers and Institutes were adopted, and a discussion regarding how the document would be amended took place. He proposed amending the document by adding the following language:

The Provost may propose amendments to these Guidelines by submitting such amendments to the Executive Committee of the Academic Council. The Executive Committee may either adopt the proposed amendments by majority vote or submit the proposed amendments to the full Academic Council for consideration and adoption.

By voice vote, the amendment was unanimously approved.

**4. Implementation of policy changes:** Prof. Pope-Davis discussed the timing of implementing policies developed or modified by the Council. He said that, historically, common practice has been that changes in policy approved by the Academic Council have gone into effect at the start of the following academic year. However, sometimes there are matters that may need to be implemented immediately. He recommended that when the Council agrees on a policy or procedure that affects the academic community that it be implemented during the subsequent semester. Prof. Pope-Davis agreed with Prof. Roche's clarification that, if there was a special reason not to implement a policy in the subsequent semester, the Council could explicitly say that the policy would take effect at a later date. The Council approved this recommendation.

## **5. Committee Updates**

**Undergraduate Studies:** Prof. Page said that the Undergraduate Studies committee is in the process of preparing a set of guidelines for grade criteria that it hopes to present to the Council before the end of the academic year. The committee is also working on a white paper that discusses the issue of grade validity. The committee hopes to share the white paper with the undergraduate colleges and commend it to department chairs and deans for further reflection.

**Faculty Affairs:** Prof. Garnett reported that the Faculty Affairs committee met with Prof. Burish to discuss the report of the ad hoc committee on recruiting outstanding Catholic faculty. She said that the meeting was helpful and led the Faculty Affairs committee to identify two tasks that they plan to address: 1) identifying common perceptions and misperceptions about the University's hiring practices and 2) using the disciplinary expertise of committee members to evaluate the strategies recommended in the report and potentially identify other promising recruitment techniques. The hope is to use the information gathered as a brainstorming session and bring the discussion back to the Council by the end of the year.

**Advanced Studies:** Prof. Antsaklis informed members that the Advanced Studies committee has been working on two initiatives: 1) recommendations about the Graduate School commencement and 2) best practices on graduate admissions and other kinds of operations at the Graduate School. At the request of Prof. Antsaklis, Prof. Holland updated members on the Graduate Council's approval of a minor in gender studies. Prof. Holland added that the executive committee of the Academic Council ruled that such a decision could be made by the Graduate Council and would not need to come to the Academic Council for further approval.

## **6. Closing Comments**

Fr. Jenkins expressed great appreciation to the Working Group for their superb and hard work on the review of the Academic Articles.

With no further business to discuss, Fr. Jenkins adjourned the meeting at 4:50 p.m.