

**THE UNIVERSITY OF NOTRE DAME
ACADEMIC COUNCIL
MEETING OF FEBRUARY 21, 2006**

Members Present: Rev. John I. Jenkins, C.S.C., Thomas G. Burish, Jean Ann Linney, Christine Maziar, Dennis Jacobs, Jeffrey Kantor, Rev. Mark Poorman, C.S.C., Panos Antsaklis, Seth Brown, Steven Buechler, Gilberto Cardenas, Austin Collins, Philippe Collon, Olivia Remie Constable, Tom Cosimano, Mary Rose D'Angelo, Kenneth DeBoer, Neil Delaney, Stephen Fredman, Nasir Ghiaseddin, James Grace, Frank Incropera, Jennifer Keegan, Manish Kelkar, Joseph Marino, James McAdams, McRae Miller, Christian Moevs, Robert Nelson, Carolyn Nordstrom, Patricia O'Hara, Hugh Page, Teresa Phelps, Ava Preacher, Vijay Ramanan, John Robinson, Mark Roche, Richard Taylor, Scott Van Jacob, Jennifer Warlick, Jennifer Younger.

Members Absent: Vijay Ramanan

Members Excused: John Affleck-Graves, Katie Crossin, Hope Hollocher, Michael Lykoudis, Collin Meissner, Ram Ramanan, Valerie Sayers, Bill Westfall, Carolyn Woo

Observers Present: Mary Hendriksen, LTC Kelly Jordan, Harold Pace

Observers Absent:

Observers Excused: Kevin Barry, Daniel Saracino, Joy Vann-Hamilton

Guests Present: John Stamper, Assoc. Dean, Architecture; Julie Flory, Asst. Director, News and Information

The Reverend John Jenkins, C.S.C. opened the meeting at 3:05 and a member offered an opening prayer.

1. Minutes of the meetings of August 30, 2005, and September 30, 2006: The minutes of the meetings of August 30, 2005, and September 30, 2006, were approved without change.

2. Annual report of the University Committee on Libraries: The annual report of the University Committee on Libraries (2004-2005) was distributed to Academic Council members as an information item. [The report is available to the University community at http://www.library.nd.edu/ucl/annual_reports/documents/UCL_Annual_Report_2004-056.pdf]

3. Proposed amendment to the *Academic Articles* concerning requirements for the chair of the University Committee on Women Faculty and Students: Currently, the University's *Academic Articles* require that the chair of the University Committee on Women Faculty and Students (UCWFS) be "one of the tenured women serving on the committee." *Academic Articles*, Art. IV, Sec. 3(1). At the meeting of December 9, 2005, members voted unanimously to

propose a change in this provision both as to its gender and faculty classification requirements. See *Notre Dame Report*, vol. 35, no. 11, pp. 321-323 (Feb. 17, 2006). Their vote was to amend the relevant section so that the position of chair is open to “one of the regular faculty members serving on the Committee.” The Executive Committee of the Academic Council supported the proposed change.

Prof. Linney, the Provost’s Office liaison to the UCWFS, explained that there are 17 members on the Committee, of which four are students (two undergraduate and two graduate students). The proposal to amend was based largely on the fact that the pool of candidates for the chair position has been very small every year—typically, slates have only one or two members—and members’ belief that a faculty member of either gender or who belongs to any regular faculty classification—research, library, special professional, or teaching-and-research—could be an effective leader of the Committee.

Prof. Phelps, who identified herself as a past chair of the Committee, acknowledged that there are a very limited number of tenured women available to serve on the Committee and then to serve as its chair. She is somewhat concerned, however, that an untenured chair may be reluctant to press forward on controversial issues.

Prof. Warlick, also a past member of the Committee, said that she shares Prof. Phelps’ concerns. With the proposed change in the requirements of the chair position, a non-tenured chair might fear repercussions and so dodge contentious issues that require bold leadership. She also suggested that the Council consider why so few senior women are available and/or willing to serve on the Committee.

Prof. D’Angelo, who identified herself as well as a past member of the UCWFS, said that for the reasons Profs. Phelps and Warlick have stated, she believes it is important that the Committee chair is a senior faculty member.

Prof. Linney noted that her review of archived files of the Committee revealed that this very issue of Committee leadership had been discussed several years earlier by the Academic Council. [See *Notre Dame Report*, March 21, 1996, pp. 499-501] At that time, the issue was whether the provost should appoint the chair of the committee or whether members should elect the chair themselves. And, at that time as well, discussion centered on the requirements for the chair position—whether the chair must be a “senior” woman faculty member or simply a “tenured” woman faculty member, and whether either requirement would give the chair “the clout” necessary for effective leadership while not constricting the pool of candidates too heavily.

Prof. Brown, chair of the Faculty Senate, observed that like the Faculty Senate, the UCWFS has both tenured and untenured members. Although the Senate does not require that the chair be tenured, in practice it is almost always the case that only tenured faculty stand for election. In both bodies, perhaps one advantage of requiring that the chair have tenure is that it

allows a certain amount of arm twisting of tenured professors—necessary at time to encourage them to step up to the chair position.

Prof. Constable added that she, too, fears that a regular faculty member, as opposed to a tenured faculty member, will not have the requisite credibility with other faculty members and the administration. She moved to amend the proposal to eliminate the gender requirement for chair but to maintain the requirement of tenure. Under her proposed amendment, the *Articles* would require that the chair of the UCWFS be “one of the tenured faculty members serving on the committee.”

After Prof. Constable’s proposed amendment was seconded, Fr. Jenkins called for a vote. It passed 25 to 5.

Fr. Jenkins then called for a vote on the motion, as amended, to change the requirements of the position of chair of the UCWFS from “one of the tenured women serving on the committee” to “one of the tenured faculty members serving on the committee.” [Thus, while the chair can be either male or female, he or she must be a tenured member of the teaching-and-research faculty.] Members approved the change 30 to 1.

4. Discussion of issues related to Fr. Jenkins’ addresses to the University on the subject of the intersection of academic freedom and Catholic character: Fr. Jenkins said that in the past week or so, he has had very good conversations with a number of people, some of them in this room, about his address to the faculty on January 23, 2006, about the intersection at Notre Dame of academic freedom and Catholic character. [See <http://president.nd.edu/academic-freedom/>] He has received many written responses as well to his comments and proposal. These, too, have been helpful.

The address generated strong views from many quarters on many different facets of the topic of academic freedom. While he knows that some of the conversations are difficult, the fact that the University community is holding these conversations is a positive development. Today, he will highlight just a few points germane to the discussion and attempt to clarify a few others.

Fr. Jenkins emphasized that the real issue at the center of the debate is not censorship but sponsorship—specifically, the criteria the University as a whole, or its departments and other units, use for sponsorship of events and speakers. He has had positive discussions with faculty chairs about this topic and knows that those conversations will continue.

With the issue at the heart of his address clearly in mind, Fr. Jenkins continued, today, he will underscore a few points from the address. The first is that the right of any faculty member or student to speak his or her mind on any issue is absolutely sacrosanct. It is important to emphasize that this right was never at issue for him. It is also important to emphasize that all of us at Notre Dame are seeking a diversity of views, a wide spectrum of views—vigorously

presented and vigorously debated. Some of these viewpoints will challenge the Catholic Church's position; indeed, some of them will make members of our university community uncomfortable. Yet, he has not spoken with any one who does *not* want that kind of debate. The question at issue is how best to achieve it. Again, from his vantage point, discussions of this issue have been positive.

Second, and just as unequivocally, Fr. Jenkins said, it is critical that we have vibrant discussions at Notre Dame about issues concerning women and of interest to women. In this regard, he thought that various panels connected with the production of the *Vagina Monologues* this year were quite good. Outside of those panels as well, he has had numerous discussions with many members of the University community about the play and its annual production at Notre Dame. He will at the appropriate time in the near future make an announcement about that.

Finally, Fr. Jenkins, said, in connection with the address, some faculty members have written to him about what they considered insensitivity towards gays and lesbians on campus and in our community. He regrets if he gave any offense to anyone. Gays and lesbians are valued members of this community. They should receive, and will receive from him, all of the respect and consideration to which any member of our community is entitled. If there were any misunderstandings that arose from his address, he regrets that deeply.

Fr. Jenkins concluded by reiterating that, as a whole, the entire conversation on the intersection of academic freedom and Catholic character has been very positive. Discussion will continue on campus overall, but in terms of this particular body, if any individual committees or the Council as a body wishes to address the topic, he would welcome their insights and remarks. He then opened the floor for discussion.

Mr. Van Jacob said that the library faculty is looking at this issue in relation to the intellectual freedom statement they adopted in 2001: "The University Libraries collect, exhibit, and circulate materials and information on all subjects relevant to their mission as defined in their collection development policies without regard to the creators' origins, backgrounds or views and provide unrestricted access to these materials and information."

http://www.library.nd.edu/about/intellectual_freedom_statement.shtml

Prof. Linney then explained the purpose of today's discussion a bit further: Is it appropriate for the standing committees of the Academic Council to examine and discuss points raised in Fr. Jenkins' address as they relate to their various constituencies on campus—undergraduate students, graduate students, and faculty? Or, perhaps, members believe that the process of corresponding directly with Fr. Jenkins is the more appropriate way to move the conversation on this topic forward.

Prof. D'Angelo said that she believes it is very important to engage the standing committees in the ongoing conversation. The topic of academic freedom is absolutely central to the business of the Academic Council.

Prof. Nordstrom concurred. Even before Fr. Jenkins raised the issue directly, she said, the faculty affairs committee had decided at the beginning of the year to adopt threats to academic freedom as one of its major agenda items. The issue was raised in committee at that time in an entirely different context—specifically, what should occur when a faculty member chooses to teach something that is fairly regular in his or her field but is confronted by student reaction or even opposition? How should the University handle such a situation? What kinds of structures would be good to have in place to deal with this problem? While the committee’s starting point is a very different question than that raised by Fr. Jenkins, certainly, the issues could be woven together in her committee as well as in the two other Council committees.

In addition, Prof. Nordstrom said, her students asked her to present to the Council an idea that has emerged from their own discussions on the topic of academic freedom and Catholic character. They have proposed that Notre Dame develop an institute to deal with questions of academic freedom. All of us, Prof. Nordstrom explained, have read about controversies on other campuses—Harvard and Yale, in particular, have been much in the news—related to this issue. It is apparent to her that questions regarding academic freedom are shaping the landscape of higher education both in America and abroad. An institute dedicated to the topic of academic freedom could hold conferences, publish, and sponsor research on a variety of topics—whether related to fairly standard aspects of the issue or to some issues the discussion of academic freedom has raised at Notre Dame—for example, date rape, sexual violence against women, or the campus hook-up culture.

Prof. Brown made what he characterized as a more modest proposal. He said that in looking at the text of the *Academic Articles* dealing with “academic freedom and associated responsibilities” [Art. III, Sec. 2], one of the things that is most striking is the lack of specific discussion on artistic expression as a category of academic freedom. Yet, he pointed out, it is obvious that there are unique problems associated with artistic expression and academic freedom. In fact, that is the issue central to much of the current debate at Notre Dame’s campus. Thus, perhaps one issue for the Council’s standing committees to consider is whether the Academic Council should add some language to the *Academic Articles* explicitly addressing artistic expression.

Prof. Robinson, chair of the Council’s faculty affairs committee, said that he was a bit confused by the issue today. While it is certainly healthy that discussions on academic freedom are occurring throughout the campus—there have been programs in Arts and Letters and the Faculty Senate, for instance—usually, the committees of this body work best when there is a particular provision of the *Academic Articles* at stake. It is not clear to him what is at issue here for any particular committee.

Prof. Roche said that, first, he does want to convey to Fr. Jenkins that he has heard from many faculty members that they appreciate the fact that a great dialogue is occurring on campus on the topic of academic freedom and Notre Dame’s Catholic character. Not all of the voices in

the debate are measured or cerebral, but there are many interesting perspectives being shared as the campus community discusses a topic that it might not otherwise have explored in this way. What might be beneficial at this point, though, is a public dialogue in which Fr. Jenkins can share with the community some of his thoughts as the debate has moved forward. Prof. Roche then acknowledged that the topic may be so sensitive, perhaps Fr. Jenkins would respond that he prefers to keep gathering information until he sorts things out and then hold a discussion at a later point.

Second, Prof. Roche continued, he shares Prof. Robinson's view that the Council's committees work best when they have a particular task. He would support committee discussion of this topic along the lines that Prof. Brown suggested—for example, exploring the relation of artistic expression to academic freedom. That is a very specific task, he said, but it would provide the Council with an opportunity to engage in a discussion of the critical issue of academic freedom.

Fr. Jenkins responded that he is continuing to hold conversations with many people on the points raised in his address. Because his thinking is in development, he is not prepared to make a statement at this time. He agrees that there are many issues surrounding the main issue—with artistic expression certainly a prime example; yet, he does not expect to come out of this discussion having clarified every issue around this very important topic. He would suggest that if the Council's committees feel that an issue has arisen that needs attention, they should address it.

Prof. Constable said that she was the member of the Executive Committee who suggested that the committees discuss aspects of the academic freedom issue. While she does not have a clear idea of what the outcome would be, she thinks the idea of bringing the topic to committees does make sense. The Council is a University body able to communicate directly with Fr. Jenkins. Given that he invited discussion, dialogue, and general conversation about the topic of academic freedom and Catholic character, and that the Council's committee structure ties in very well with the different constituencies of the University—undergraduates, graduate students, and faculty, at least giving the committees the *option* of discussing the topic among members seems a very good way of keeping communication open.

Prof. Constable added that she can very well see a discussion of various facets of the issue of academic freedom arising in Graduate Council. She knows that the Graduate Student Union is discussing the topic, and the Graduate Council includes a representative of that student group. Given the communication that is designed to occur from the Graduate Council to the Academic Council, even though there may not be a particular question or provision of the *Academic Articles* at stake, the issue as a whole is so important that it could be discussed in that way.

Fr. Jenkins said that he could make himself available to the various committees as they might request.

Prof. Delaney said that while the idea of mandating the various committees to take up the issue of academic freedom does seem a bit of a stretch, he agrees with Fr. Jenkins' that if the topic arises naturally in the conduct of the business of the various committees, particularly in relation to some specific issue, members should address it. If the various committees choose not to take it up, however, there are plenty of other venues and opportunities for discussion.

Seeing consensus on that point, Fr. Jenkins then called for committee reports.

5. Committee reports:

(a) Undergraduate Studies Committee: Prof. Preacher, chair, reported that the Undergraduate Studies Committee has three sub-committees at work right now. The first, the subcommittee on Advanced Placement credit, now has a draft proposal that members hope will be refined enough to bring to the full Council at the April meeting. The second subcommittee's work deals with faculty feedback to the Notre Dame admissions office. Its members are looking at the kinds of students now being admitted to Notre Dame and how they are selected, as well as faculty assessment of their performance once here. Members have met with Mr. Saracino and formulated a set of recommendations. That subcommittee as well hopes to bring its proposals forward to the Council at the next meeting.

The third subcommittee, headed by Prof. Jacobs, deals with grade validity. Its members are examining data from Institutional Research that seem to indicate a steady and unsustainable rise in the average grade assigned across all undergraduate courses and in the proportion of undergraduate courses in which more than half the students receive a grade of A or A-. The subcommittee has completed a study of the courses of action other major universities have pursued to combat grade inflation. They are preparing to conduct a survey of Notre Dame faculty to learn about the rationales at work on our own campus in assigning grades and various pressures faculty members might experience that could lead to grade inflation or deflation. This subcommittee hopes to bring a series of recommendations to the Council in the fall of 2006.

(b) Faculty Affairs: Prof. Robinson, chair, said that committee members will meet next week to take up issues related to academic freedom—both in regards to Fr. Jenkins' address on the subject and, as Prof. Nordstrom explained earlier, issues related to threats to academic freedom in the classroom. Prof. Robinson also noted that the Faculty Senate's Academic Affairs Committee, meant to be aligned with the work of this Academic Council committee, has produced drafts of changes to the *Academic Articles* pertaining to the selection of the president and other major officers of the University. That committee should have a report ready for the Senate soon.

(c) Graduate Studies Committee: Prof. Constable, chair, said that the committee continues to work on ironing out precisely what its relations are with the Graduate Council. Last year, members had worked on a change of process to create an executive committee for the Graduate Council by which Academic Council committee agenda items would come to the full Graduate

Council. The need for this mechanism is made clear by the fact that although her committee generated a number of agenda items in September, they were not actually able to bring those items to the Council until the executive committee was formed and met for the first time in the middle of January.

Prof. Constable noted that some of the Graduate Studies Committee's agenda items have already been implemented. One was to have a discussion in the Graduate Council with both a representative of the Notre Dame public relations office and the development office about ways to better present or "sell" our graduate school as a first-rate place. That process was initiated at the last Graduate Council meeting.

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

Respectfully submitted,

Jean Ann Linney
Vice President and Associate Provost