

**ACADEMIC COUNCIL  
MEETING of January 19, 2010  
McKenna Auditorium  
3:30 p.m. – 5:00 p.m.**

**Members present:** John Affleck-Graves, Panos Antsaklis, Robert Bernhard, Seth Brown, Thomas Burish, Laura Carlson, Rev. John Coughlin, O.F.M., Greg Crawford, Dennis Doordan, Mary Frandsen, Glynnis Garry, Nasir Ghiaseddin, Thomas Gresik, Paul Huber, Dennis Jacobs, Rev. John Jenkins, C.S.C., Lionel Jensen, Peter Kilpatrick, A. Graham Lappin, John LoSecco, Chris Maziar, John McGreevy, Scott Monroe, William Nichols, Susan Ohmer, Hugh Page, Cathy Pieronek, Donald Pope-Davis, Joseph Powers, Ava Preacher, Grant Schmidt, Jim Seida, Greg Sterling, Ann Tenbrunsel

**Members and Observers excused:** A.J. Bellia, Neil Delaney, Mary Frandsen, John Gaski, Michael Lykoudis, Kelly Martin, Nell Newton, Bill Rayball, Cheri Smith, Carolyn Woo, Jennifer Younger

**Members absent:** Ryan Brellenthin, Stephen Fallon, Kathleen McDonald, Rev. Mark Poorman, C.S.C., J. Keith Rigby, Julianne Turner, John Welle

**Observers present:** Kevin Barry, Dale Nees, Harold Pace,

**Observers absent:** Brandon Roach, Daniel Saracino

**Guests:** Chuck Hurley

**1. Welcome and opening prayer:** Father Jenkins opened the meeting at 3:33 p.m., welcoming members, and invited student body President Grant Schmidt to give the opening prayer.

**2. Approval of minutes:** The minutes of the November 11, 2009 meeting were unanimously approved.

**3. Summer Session Academic Calendar Change—Harold Pace**

Harold Pace, Registrar, introduced the change to the Summer Session academic calendar by noting that Chuck Hurley had been appointed interim director of the Summer Session when Terry Akai unexpectedly passed away in 2009. He did an exceptional job and was recently formally appointed as director, in addition to his associate registrar tasks. In his responsibility for planning the summer session, he has identified two calendar issues about which the Council is being asked today to approve changes.

Pace invited Mr. Hurley to explain the changes. Mr. Hurley noted that these changes would make current practice a formal policy. First, summer classes are scheduled to begin on the fourth Tuesday of June each year; classes beginning earlier must receive permission. Currently, about 35-40% of classes begin prior to the official starting date. The fourth Monday had traditionally been used for registration, but since this is no longer needed, Mr. Hurley asked that members approve a change of the starting date to the fourth Monday in June each year.

Second, policy is to hold classes on the 4<sup>th</sup> of July when it falls on a weekday; practice is that many faculty and students request that day off. Mr. Hurley asked members to approve the 4<sup>th</sup> of July as a holiday when it falls on a weekday. Traditionally, the summer session contains 33 class dates. The two changes taken together, a one day advance on the start of classes and a holiday on the 4<sup>th</sup> of July, would maintain the class days at 33. In the years when the 4<sup>th</sup> of July falls on a weekend, the class days will be 34. As the 4<sup>th</sup> of July falls on a weekend in 2010, the first year in which the change of the July holiday would be in effect is Monday July 4, 2011.

Members unanimously approved the changes.

#### **4. Academic Articles: Revised SPF Appeals—Ann Tenbrunsel**

Ann Tenbrunsel briefed members on the history behind the changes being proposed concerning the appeals process for Special Professional Faculty (SPF) who have been denied reappointment. The working group convened a year ago, developing a preliminary proposal which was reviewed and commented on by deans and administrators. After revision, the draft was sent to SPF; a discussion session was convened to field questions and comments. The finalized proposal was presented to the Faculty Affairs committee in Fall, 2009. Because of the number of suggested changes, the proposal was deeply revised and again circulated to deans and administrators, as well as the SPF. Members are asked to approve the finalized proposal today.

The proposed changes are designed to be consistent with the process in place for Teaching and Research faculty, and expand and further define the grounds for appeal. There would no longer be a prima facie burden on the candidate, and the review committee would have expansive remedial authority. Included in the changes are new deadlines: 30 days to file the appeal, and a final answer to be delivered within 90 days of the appeal.

Also included in the changes is the creation of a university committee (University Committee on Research, Library and Special Professional Faculty) which would serve as a cohort from which a three-member review committee would be chosen for each case. The review committee would include one member chosen by the candidate, one chosen by the committee and one chosen by the Provost. The University committee would consist of 21 members of the regular faculty, with none below the level of associate faculty, each serving staggered three year terms. Based on a review of the appeals cases of the recent past, the committee would be composed of six research faculty, six library faculty, and nine special professional faculty.

Prof. Tenbrunsel noted some of the comments received during the vetting process, and she offered reasons for the choices made by the working group. About concerns that the deadlines are brief, she noted that historically there has been no problem meeting deadlines. About requests from some concerned faculty to elect its own review committee, Prof. Tenbrunsel said the working group was concerned about objectivity in review committee members; she added that as content knowledge is not needed for this appeals process, there is a decreased need for review members to be drawn from related fields. She added that historically the appeals process has not elicited complaints in this area.

Overall, the working group felt the benefits of the recommended changes outweighed any perceived costs.

Chris Maziar briefed members on a minor revision, due to an inadvertent omission, to the wording of the proposal, requesting the change in language to bring the reappointment/promotion process for research and library faculty into parallel with that of SPF. The change permits the Provost to delegate reappointment and promotion of research, library and special professional faculty to a designee.

Dennis Jacobs asked for clarification concerning the suggested University committee. The proposal states that no member will be required to serve on more than one review committee. Prof. Jacobs asked if a member could choose to serve on more than one if so requested; that is, is there an upper limit on review committee service. Prof. Pope-Davis explained that the committee will not meet formally; instead it exists as a cohort or pool from which review committee members can be selected. Names will stay in the pool for the duration of a member's tenure, but faculty do retain the right to refuse to serve after the first service. There is no upper limit, and in the last three to four years there has been an average of one appeal per year.

As there were no further questions, a motion was made to approve the proposal. The proposal was unanimously approved. Father Jenkins thanked Tenbrunsel and all who assisted her in this arduous job.

#### **5. Academic Articles: Amendment to Article III, Section 4 (a) The Role/Responsibility of the Dean— John McGreevy**

Dean McGreevy briefly reviewed the rationale for the proposed changes to the academic articles. The current language in the newly revised Academic Articles requires the Dean of the College or School to personally convey negative promotion and tenure decisions (in January for cases at the College level) and positive and negative promotion and tenure decisions for cases announced in May. The resulting logistical challenge on a single day in May is significant. In 2008-2009 the College of Arts and Letters had thirty-nine promotion decisions announced in May, making it impossible, had the current language actually been in effect, for the Dean to individually convey such decisions. In addition, especially in large Colleges, the department chair may be the more appropriate person, in both January and May, to convey tenure and promotion decisions, with the understanding that all candidates have the right to request a meeting with the Dean to discuss these decisions. McGreevy stressed that the proposed change would be an option for departments, not a requirement.

This change would be better logistically and for the candidate, as the decisions could be conveyed early on the designated day. In response to a question, Prof. Pope-Davis said that it has long been the practice of the University to convey all tenure decisions on the same day in May. Prof. Tom Gresik asked whether large departments, with many candidates, could have the option to deliver the decisions over a number of days. Dean McGreevy expressed concern about the complications that would ensue, as those candidates who did not hear on the first day would automatically assume the worst about their cases. He noted that given the system and traditions now in place, a single day for announcements makes the most sense. He agreed that restructuring the system is a possibility.

Seth Brown offered some comments in his role as Chair of the Administrative Affairs committee of the Faculty Senate. He noted the senate had not had a chance to meet as a whole to discuss this proposal. Members had mentioned two main concerns. First, given the chain of communications in place for negative decisions, typically only the dean is present at the PAC meeting where the negative decision is made. Thus, the dean would be in the best position to give a substantive account of the procedures to a candidate seeking an explanation of the decision and to insure no misinformation be propagated. Second, the proposed change makes it possible that candidates receiving a positive decision will be differently treated than those receiving a negative decision. In fact, there might be a pre-communication of the decision if it is established that negative decisions are presented by 'the dreaded call to talk to the dean.'

Prof. Brown then spoke as a member of the working group which assisted in drafting the original language of the Academic Articles. He noted that these issues raised by some of the Faculty Senate were addressed in working group sessions; the working group was aware of the particular need for good paths of communication. He asked, had the working group underestimated the administrative drain of time involved. Given the substantive competing concerns, Prof. Brown said he thought the proposed changes would be best addressed in committee and he would suggest moving the proposal to committee.

Dean McGreevy agreed that the dean can give the best account of the procedures which resulted in a negative decision, but he noted that the proposal still explicitly permits the candidate to schedule an appointment with the dean. He added that the communication of both positive and negative decision by the departmental chair is a good decision for the candidates. This has been the practice in Arts and Letters for ten years and has worked quite well. Chairs are directed not to discuss the decision in detail with candidates but to direct the candidate to the dean for further discussion, as a full discussion of the decision is typically not best conveyed in this first announcement. This procedure permits reflection on the part of the candidate. It has been his experience, McGreevy said, that candidates make an appointment with the dean within a week.

McGreevy also noted that having the chair convey both positive and negative decisions early on the designated date should eliminate the 'dreaded call' scenario. He stated that while he would be comfortable referring the proposal to committee, he was concerned that a decision would not be made before May, 2010, when again there will be over 30 candidates to be informed of tenure decisions. He noted that the rushed ten minute interview with the dean which is the result of the current guidelines does not convey the professionalism which ought to be a part of this process.

In response to a question, Dean McGreevy clarified that the option to choose the departmental chair was not an option being extended to the candidates but rather an option for the colleges. Mr. Burish suggested modifying the language to read "the dean, or at the dean's discretion, the departmental chair" which Dean McGreevy supported.

Graham Lappin offered his support of the proposed change, noting that his experience in delivering both positive and negative decisions has taught him that sometimes a quick delivery of news is the best for all concerned. It is conceivable that a candidate receiving negative news may need an extended time period to reach composure, which cannot be easily accommodated with 30+ other candidates to meet. In addition, Lappin agreed that the departmental chair represents a friendly, supportive figure under these circumstances. He expressed full support of the proposed change.

Susan Ohmer asked whether it would be useful to separate the two calendar events, assigning the task to the dean for the January announcements and assigning the task to the Chair for the May announcements. Dean McGreevy noted that because there is such a differential in size among departments, he would advocate giving flexibility to departments. The variability in department size and number of candidates in any one year warrant maintaining the option.

After the discussion, Dean McGreevy proposed the changes as described in the circulated memo. Prof. Seth Brown moved to remand the proposal to committee; this motion was seconded. Father Jenkins asked for a vote on the motion at issue, remanding the proposal to the Faculty Affairs committee. The motion was denied by a majority of nays.

Next Father Jenkins said the Council was prepared to vote on the original proposal. Prof. Brown moved to amend the proposal, striking the associate dean from the list of officials to whom could be delegated the function of informing candidates of the results of their tenure review. Prof. Brown noted that while he appreciated the suitability of a department chair to perform this task, given the presumed close relationship between chair and faculty candidate, he would argue that an associate dean would combine 'the worst of both worlds' in having neither a close relationship with the candidate nor the authority of the deanship. The motion was seconded by Prof. Powers, and members voted unanimously to accept the proposed change to the original proposal.

A motion was made and seconded to approve the original proposal as so amended; the proposal was approved with three nay votes.

## **6. New Business**

No new business

As there was no new business, the meeting was adjourned for committee meetings.