

**ACADEMIC COUNCIL**  
**MEETING of November 13, 2012**  
**McKenna Auditorium**  
**3:30 p.m. – 5:00 p.m.**

**Members present:** Panos Antsaklis, Robert Bernhard, Maxwell Brown, Thomas Burish, Laura Carlson, Darren Davis, Jo Ann Della Nova, Michael Desch, Kevin Dreyer, Nick Entrikin, Steve Fallon, John Gaski, Roger Huang, Jeff Kantor, Peter Kilpatrick, Marya Lieberman, Michael Masi, Chris Maziar, John McGreevy, Dan Myers, William Nichols, Ben Noe, Hugh Page, Cathy Pieronek, Thomas Pratt, Ramachandran Ramanan, Neal Ravindra, Erinn Rigney, John Robinson, Jeff Schorey, Cheri Smith, Carter Snead, Zach Terranova, Alain Toumayan, Diane Parr Walker

**Members and Observers excused:** John Affleck-Graves, Doug Archer, Don Bishop, Greg Crawford, Margaret Doody, Dennis Doordan, William Evans, Stephen Fallon, Tom Flint, Umesh Garg, Nasir Ghiaseddin, Stuart Greene, Erin Hoffmann Harding, Rev. John I. Jenkins, C. S. C., Michael Lykoudis, Nell Newton, John Polhamus, Donald Pope-Davis, Ava Preacher, Ann Tenbrunsel.

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

**Guests:** Tracey Thomas--recorder

**1. Welcome and opening prayer:**

Thomas Burish opened the meeting at 3:30 p.m., welcomed members, and invited Carter Snead to give the opening prayer.

Prayer of St. Frances Xavier Cabrini Mother Cabrini, Patroness of Immigrants:

"Fortify me with the grace of your Holy Spirit and give your peace to my soul that I may be free from all needless anxiety, solicitude and worry. Help me to desire always that which is pleasing and acceptable to you so that your will may be my will. Grant that I may rid myself of all unholy desires and that, for your love, I may remain obscure and unknown in this world, to be known only to you. Do not permit me to attribute to myself the good that you perform in me and through me, but rather, referring all honor to your Majesty, may I glory only in my infirmities, so that renouncing sincerely all vainglory which comes from the world, I may aspire to that true and lasting glory which comes from you. Amen."

God our Father, you called Frances Xavier Cabrini from Italy to serve the immigrants of America. By her example teach us concern for the stranger, the sick, and the frustrated. By her prayers help us to see Christ in all the men and women we meet. Grant this through our Lord Jesus Christ, your Son, who lives and reigns with you and the Holy Spirit, one God, forever and ever. Amen.

## **2. Approval of the minutes of the September 19, 2012 meeting**

The minutes of the September 19, 2012 meeting were unanimously approved.

## **3. Equity Report**

A salary equity report is given each year; this year, the report has been moved to the Fall semester so that if there are inequities, there is still time in the academic year to address them. Mr. Burish turned the meeting over to Prof. Chris Maziar who presented the equity report.

Prof. Maziar noted that the nature of the report has not changed in about ten years, since this particular model was instituted. She is pleased to report that once again there is no indication of either gender bias or bias based on race or ethnicity. In the report, analysis was done on the university as a whole, the faculty by rank, the faculty in each division of the university's colleges and schools.

Each year a report is produced, listing the one hundred faculty whose salaries deviate the most negatively from the salaries predicted by the model. That list is shared with the appropriate deans so that they can evaluate whether in fact those salaries are appropriate based on performance. The model does not include a performance measure; instead, it is exclusively objective data.

Analysis of this list of 100 indicates that the percentage of faculty from each of the colleges or divisions roughly represent their existence in the population of tenured and tenure track faculty. This is another supplementary indication of the absence of bias by college. In addition, there were few women faculty and minority faculty on this list, another indication of the absence of bias.

In response to a question, Prof. Maziar said the report included only tenured and tenure track faculty. The population of special professional faculty is too small, once it is separated into types, for meaningful analysis.

Mr. Burish thanked Prof. Maziar for this report.

## **4. Reports of committees**

a. Advanced studies: Chair Laura Carlson

Prof. Carlson noted that she will report on five committees, including the standing committees which report to Advanced Studies.

1. Advanced Studies Committee: Considered and recommended a new degree program, the Master of Science in Patent Law, which was approved by the full Academic Council. It also considered and recommended a new Academic Code for the Graduate School, which was approved by the full Academic Council. The committee discussed relations with educational institutions abroad and also discussed Res Life issues for Advanced Studies students, graduate students and professional program students. The committee made recommendations establishing frameworks in which ND might interact with institutions of higher education abroad in advanced studies. The committee made a recommendation about undertaking a feasibility study about replacing the Married Student Housing and a quality-of-life assessment for graduate students.

2. Research and Sponsored Programs: The committee convened seven times throughout the year. The committee reviewed and participated in topics such as external and internal research communications, suggested priorities for the Provost and Innovation Park and regional economic development, technology, commercialization, federal relations, multi-disciplinary research planning, research lab safety, and the Vice President for Research faculty review and future planning.

3. Graduate Council: The council met four times in the past year, during which the major item of business was the Academic Code for graduate students, which covered topics such as residency, academic integrity, time limits for completion of doctoral requirements. Once approved by the Council, this resulted in the first time for a separation of academic codes for graduate and undergraduate students. Members approved the Master's Program in Patent Law, and a graduate minor in Irish Studies. They discussed the intricacies of dual degree programs in conjunction with the announcement of some international agreements. They heard a report from Dean Newton on the state of the Law School and its challenges. They convened a committee, headed by Prof. Ed Maginn, to assess the university on its current offerings in professional masters programs and make recommendations about their adoption and oversight.

4. University Committee on Libraries: the committee met seven times and held several smaller committee meetings in 2011-2012. The committee began the year by welcoming Diane Parr Walker, the new Edward H. Arnold University Librarian and discussing her collaborative vision for the library, which includes building collections in print and electronic formats, improving delivery systems, enhancing overall services, including technical and subject expertise, and redeploying space within the library. The major issues taken on by the committee included immediate and eventual plans for physical renovation, exploring issues including off-site storage, and the shortage of carrels for graduate students. Library hours were extended, and the new Eck Hall Wing significantly enlarged the Law School library. Within the University's retirement incentive program, there were considerable staff reductions over the year, including 18 staff retirements in Hesburgh and three in the Law Library. Finally, the committee discussed the idea of electronically archiving conference papers presented by scholars at ND, and it was

briefed on the Hathi Trust digital library. The committee discussed library security, with the consensus to remain in favor of free access to the library.

5. University Committee on Academic Technology: during the past year, significant progress was made in the acquisition and installation of a new Course Management System, technology support for teaching and learning, improved network connectivity and software acquisition processes. The committee identified seven items for possible consideration for the 2012-2013 academic year: mobile technologies support services, wireless infrastructure, improved or increased file storage backup, full implementation of a new Course Management System, teaching and learning resources and support, working with faculty to establish academic support priorities, and cloud services.

Mr. Burish thanked Prof. Carlson for her report.

b. Undergraduate Studies: Chair, Dean Hugh Page

Dean Page asked that his committee's report be tabled until a later meeting.

c. Faculty Affairs: Chair, Prof. Jeff Kantor

The committee addressed two major issues in the academic year 2011/2012. The first was a revision to the Academic Articles on the topic of severe sanctions for serious cause, and the second was the external activities and conflict of commitment policy.

On the first issue, the committee, with the assistance of general counsel and in particular Brandon Roach, developed the good work of the committee from the previous year, and presented an in-depth revision of Academic Article III, Section 8 on severe sanctions for serious cause. The revisions presented contained several sections and pertained to the definition of serious cause, serious sanctions, procedures for imposing serious sanctions, possible resolutions, right to a hearing, hearing process, right to an appeal, confidentiality, dismissal, indemnification, and extensions. The proposed revisions were presented to the Council in January, 2012 and approved by the Council. Two potential friendly amendments were also proposed at that time; these related to the composition of the appeals committee and to possible extensions of deadlines in the appeals procedure. The revisions thus proposed passed unanimously. The two friendly amendments were considered by the committee in subsequent meetings. It was decided that the faculty composition of the appeals committee would stand as is in the proposal reviewed at the January meeting. The articles related to extensions was prepared by Brandon Roach and presented at the February 20, 2012 Council meeting; they were approved unanimously.

On the issue of the policy of external activities and conflict of commitment, a good working draft was produced, thanks especially to John Robinson and Jim Seida, in Spring and early Fall 2011. The committee considered and revised the draft through early Spring 2012. A substantial

revision was vetted for comment through the Provost's website and through the college councils. As of early May, 2012, more than 40 separate comments had been received. The faculty has expressed a variety of concerns, and these concerns have been largely addressed through a number of additional minor revisions. The committee will continue to work on the revision of this policy. The next revision will be vetted with some of the faculty who have expressed these concerns. The proposed policy will then be brought before the Council for comment and approval.

University Committee of Women Faculty and Students: they were active in their usual liaison work, and in addition addressed two primary issues. The first was establishing a 40th anniversary of coed education at ND, which is already underway this year, 2013. The committee also addressed issues relating to FMLA leave and maternity-related teaching releases.

On behalf of the Faculty Grievance Committee, Prof. Kantor reported that there was no activity last year.

Mr. Burish thanked Prof. Kantor for this report.

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