

**ACADEMIC COUNCIL**  
**MEETING of February 25, 2010**  
**McKenna Auditorium**  
**3:30 p.m. – 5:00 p.m.**

**Members present:** John Affleck-Graves, Panos Antsaklis, Kevin Barry, A.J. Bellia, Robert Bernhard, Ryan Brellenthin, Seth Brown, Thomas Burish, Laura Carlson, Rev. John Coughlin, O.F.M., Greg Crawford, Neil Delaney, Dennis Doordan, Stephen Fallon, 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, Michael Lykoudis, Kelly Martin, Chris Maziar, Kathleen McDonald, John McGreevy, Nell Newton, William Nichols, Susan Ohmer, Hugh Page, Cathy Pieronek, Rev. Mark Poorman, C.S.C., Donald Pope-Davis, Joseph Powers, Ava Preacher, Bill Rayball, J. Keith Rigby, Grant Schmidt, Cheri Smith, Greg Sterling, Ann Tenbrunsel, Julianne Turner, John Welle, Jennifer Younger

**Members and Observers excused:** John Gaski, Scott Monroe, Jim Seida, Carolyn Woo

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

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

**Guests:** Marianne Corr—General Counsel, Dan Myers—Associate Dean, College of Arts and Letters

**1. Welcome and opening prayer:** Father Jenkins opened the meeting at 3:30 p.m., welcoming members, and invited Captain Dale Nees to give the opening prayer.

**2. Approval of minutes:** Two factual corrections were offered to the January 19, 2010 minutes. The minutes so amended were unanimously approved.

**3. Proposal to Dissolve the Department of Economics & Policy Studies (attached)—John McGreevy**

Father Jenkins introduced the discussion of the proposal to dissolve the department of Economics and Policy Studies; the proposal has been put forward by the College of Arts and Letters. Father Jenkins turned over the discussion to Dean John McGreevy.

Dean McGreevy said the proposal has two dimensions: the first is to dissolve the Department of Economics and Policy Studies (ECOP) and the second is to rename the Department of Economics and Econometrics (ECOE) to the Department of Economics (ECON). He provided a brief history of the creation of two Economics departments. In an unsettled environment, the then ECON received three blistering external reviews, in the 1980s and 1990s. In 2003, the department was split into two departments, per the suggestion of the Blue Ribbon Committee. The two departments were connected by the common undergraduate major but with separate faculties and administrative structures. Dean McGreevy complimented the chairs of each department, Prof. Jennifer Warlick and Prof. Richard Jensen, for their elegant handling of a difficult situation. In the ensuing years

since the split, the number of majors has almost tripled to 400; the ECOE has recruited outstanding new faculty; and there has been a notable decrease in internal conflict.

Dean McGreevy described the problems which have arisen since the split into two departments. First, undergraduate students experience confusion about the function of the separate departments. They are uncertain of their relationship with faculty in each department; graduate students also experience confusion about appropriate contacts with the separate faculty. This confusing arrangement negatively impacts graduate student recruitment. Outsiders ask why we are the only major university in the country with this odd, anomalous arrangement. It definitely impacts external reviews and will affect our standings.

It had been hoped that the 2003 split would enrich the economic discussion on campus; regrettably, this did not happen. The two departments collaborate only minimally; their relationship has ossified into two unrelated camps. Dean McGreevy noted that no blame attaches to this observation.

Additionally, a sense of stigma attaches to the faculty of ECOP. Dean McGreevy reported that as the new Dean of Arts and Letters, he came to discussions with the two departments with an open mind. He talked closely and extensively with members over an 18 month study period. Since 2003, there have been no faculty additions to ECOP; the only changes involve one faculty member who left the university and several who retired.

The former Arts and Letters Dean, Mark Roach, determined to curtail investment in ECOP; Dean McGreevy has also determined that for reasons of intellectual and academic coherence, there is no reason to invest in ECOP. Given the finality of this decision, and in conjunction with the problems noted earlier, the logical next step is to dissolve ECOP.

Dean McGreevy next addressed the concerns that might arise from the proposed dissolution. The first concern is that it will weaken the intellectual conversation and deep pluralism at Notre Dame. The Dean said he is convinced that a fully creditable and mainstream economics department which is also diverse can be built at Notre Dame. In the national intellectual discussion, the Notre Dame ECON will shed the peculiar and unique arrangement under which it has been laboring, and follow the model set by institutions such as Harvard which has a genuinely diverse economics faculty who are involved in a wide array of economic pursuits.

A second concern is that ECOP has evinced more concern with topics connected to Catholic social thought than has ECOE. Will the dissolution of ECOP mean a loss of focus on this important area of study? Dean McGreevy asserted that ECOE has impressed him with the seriousness and gravity of its efforts to think through the connection between Catholic social thought and the curriculum offerings. The importance of this area of study is also reflected in workshops attended by ECOE faculty.

A third concern, which has been raised by the undergraduate students, is that the decision to dissolve ECOP has been reached through a non-transparent procedure. Dean McGreevy concurred that is a fair criticism. He noted, however, that he has met with groups of undergraduate economic students four times over the year, to discuss their experiences with the two departments. Noting

that the major is not going to change in any way, he asserted that because this proposal represents an administrative personnel matter, it is a delicate issue that did not seem appropriate to discuss with a large group of undergraduate students. Dean McGreevy said that if a decision is reached today, he would be happy to work with student representatives to develop fora through which discussions of the way forward can be conducted with students.

The fourth concern has been raised by the Faculty Senate. Briefly put, will the dissolution of ECOP be damaging to the tenure system, in violation of principles of academic freedom which are fundamental to the University? Dean McGreevy said he is firmly convinced that it will not. He noted that when the departments were split in 2003, Carol Mooney, of the Provost's office, in conjunction with the General Counsel, delivered a letter—to which Mark Roach signed off—to each member of the new departments, establishing that if one of the two departments is ever dissolved, a good faith effort would be made to place those faculty members in some other academic unit on campus. If this is not possible, then those faculty will have a place at large in the College of Arts and Letters. Marianne Corr, the current General Counsel, has confirmed that this is in keeping with the Academic articles.

The final concern is the impact on the autonomy of the ECON department if a condition of approval of this proposal is that the faculty of ECOP must be offered an opportunity to join the renamed ECON. Dean McGreevy said this concern is of sufficient significance that he would withdraw the proposal rather than put at risk the dynamic and energized environment of ECOE which has been carefully nurtured and developed over the past seven years.

In conclusion, Dean McGreevy moved that the Department of Economics and Policy Studies be dissolved and the Department of Economics and Econometrics be renamed the Department of Economics. Father Jenkins opened the floor to discussion.

Prof. Tom Gresik, Chair of the Faculty Senate, provided context for the Faculty Senate resolution, which the Senate passed on February 7, 2010 and which members received in an email attachment prior to this meeting. Prof. Gresik said that because he is a member of one of the affected departments, ECOE, he took measures to make sure that the Faculty Senate could proceed without any conflict of interest or perceived conflict of interest. He recused himself in favor of the chairman of the Administrative Affairs committee, Prof. Seth Brown, who prepared and brought the resolution to the senate floor. Then, he recused himself from officiating over deliberations on the resolution, and he took his seat as a department member with full voice and vote. Finally, today, Prof. Brown has conveyed to members the text of the resolution and will present the Senate's views. All statements made by Prof. Gresik today will be personal views, not those of the President of the Faculty Senate.

Prof. Brown next provided a brief summary of the Faculty Senate's concerns over the proposal under consideration; these are concerns for the integrity of the protection of the tenure system.

In the appointment of a tenured faculty member, the department plays an important role. The academic articles indicate that teaching and research faculty hold appointment in the relevant college. This is the established practice of this institution, and it affects how faculty teach, publish, get grants, attend conferences, etc. Faculty cannot be barred from a continuing department

without severe effects. Such action would severely diminish the protection function of tenure, which exists to allow faculty to pursue risky academic strategies; this protection is a noncontroversial principal embodied in this institution's practice.

The Faculty Senate recognizes that occasionally a department is discontinued, and Article 3, section 7a clearly establishes that the university may be obliged to terminate the services of a faculty member on such a dissolution. If the good faith attempt to find the faculty member another position in the university fails, then the member may be dismissed, twelve months after the dissolution. This process emphasizes the importance of the departmental affiliation in the institution of tenure, again a relatively noncontroversial principal.

The current situation complicates the application of this policy. Prof. Brown reminded members of the history of discontinuing the Department of Material Science. In that case, the university had decided not to pursue a concerted effort in that field. In the current situation, that is not so; rather, the university has strong interests in the pursuit of the field of economics. Here, in 2003, seven to eight faculty members who were tenured in a department and were affected by the split of the department; today, these same faculty members are still tenured faculty but are being involuntarily excluded from the planned ECON. The effect of this action is to accomplish something that normally could not be done. It makes little difference that the exclusion is taking place in slow motion, Prof. Brown noted.

Prof. Brown said the Faculty Senate resolution does not judge the decision to form a single department. However, it is possible to imagine a situation in which there is one department, but one that fuses the two faculty groups. Alternatively, the members of the dissolving department could all be persuaded to see that there are better institutional homes for each. The Senate makes no judgment on this aspect of the proposal. But the affront of not permitting faculty to join the newly renamed ECON outweighs the modest and incremental but not dramatic gains of going to a unified department. The disadvantages are more substantial, involving the abridgement of the protection of tenure.

Next, Ryan Brellenthin, the chief of staff of the Student Government, presented the resolution which the Student Government voted on the previous evening; he noted that this document was emailed to members yesterday, and copies are available today. Mr. Brellenthin stressed that the resolution does not address the decision to dissolve ECOP; rather, it addresses the process by which the decision was made. He listed three concerns leading to the students' resolution: 1. At least 400 undergraduate economics majors are directly affected; 2. Students feel strongly that undergraduates should be included in discussions which determine the academic life of the university; 3. Students identified a general lack of information and a general lack of cooperation with students in the process of making this decision. On this point, Mr. Brellenthin noted that Dean McGreevy has met with students, particularly economics majors, but not in a systematic, objective interaction.

Mr. Brellenthin reviewed the content of the resolution. The students ask that the process stop before a decision is taken, and that a step back be taken in order to reevaluate the way the students have been incorporated in the process. He noted that the students are clamoring to be involved. Thereafter, a constructive, objective education process of the students can be enacted.

The students offer to host a forum for education. And, finally, the students exhort the university not to allow the procedure undertaken thus far to become a precedent going forward for the way decisions are made regarding undergraduate student academic life. Students ask to be taken seriously as capable of understanding the complexities of such decisions.

Dean McGreevy responded to the two resolutions. He said that it is common at leading universities to have economists scattered throughout the university, giving economic expertise to other academic units. Furthermore, the College has worked hard and closely with each faculty member, and feels it has a good place for each of these faculty members to go; for several, there are positive new steps to be taken. He applauded the Student Government representatives for having a dedication to their academic lives. He explained that the lack of transparency on this decision arose because of the delicate personnel issues at hand.

Prof. John Welle, noting that the College Council of the College of Arts and Letters discussed this proposal earlier in the week, asked about the tenor of that conversation. Dean McGreevy said it was a question and answer session focusing on topics such as what will happen to the faculty, the advantages of the decision, and the effect on the major. The Dean stressed that there will be no changes in the major. Prof. Joseph Power asked if the Council took a vote; the Dean said, no, it was simply a robust discussion. He reported that his sense of the room was that of general support of the proposal.

Grant Schmidt, Student Government president, speaking as advocate for the student body, responded to the Dean's reasons for making this proposal. He said that rather than seeing the current split structure of the Economics department as confusing, students find it intriguing and like its uniqueness. Further, he wondered if the increase in majors could not be accounted to the existence of this intriguing structure. Finally, he said the implementation of the proposal is not firmly established, so the outcome is unclear. And since economic majors were never directly consulted about this issue until after an article appeared in *The Observer*, students are eager to make sure that this procedure does not establish a precedent. While it is understandable that the decision be made at the administrative level, it should be affirmed that student consultation is important to university success.

Prof. Neil Delaney spoke about the motivation of the original split: the external reviews twice pointed to the department as unsuccessful. Dean McGreevy agreed that in 2003 there were grave concerns about the quality of the department and its intellectual orientation. Noting that he was not Dean at the time, he said the two departments have ossified in an unhealthy way. ECOP, broadly put, does not have intellectual coherence, not of the sort that can be built around.

Provost Burish offered his thoughts. He agreed that it is a complex situation for the reasons which have been delineated here today. If there were perceived to weaken academic freedom, then the long term benefits would not be worthwhile. However, he said there are two unusual features to this situation. First, this day was anticipated in 2003 at the time of the split. The method of handling the dissolution was set down in writing then, and all the issues were discussed. It is not a new discussion; in fact, it is an old discussion. Second, forcing a department to take faculty who are not wanted or forcing faculty to move into a department they do not want to enter would be problematic, and, to Mr. Burish's knowledge, not something which has ever been done. It was

suggested that the two departments could be kept separate; this is not scalable forever in a downward sense. Is it still a viable department with three faculty? With two? With one?

Dr. Burish said that the dissolution is an inevitable outcome of the original split; it is now simply a matter of when the decision is made. There is little value and potential harm to keep ECOP. This is the appropriate time for the decision. Some members of the Faculty Senate have raised serious issues which should be discussed. But in this situation, looking at the history of the two departments and the continuing dysfunction, Dr. Burish said that it seems to be the right time and the right decision despite the complexities raised in discussion. Dr. Burish said he believes academic freedom is not threatened. In fact, he said that forcing the department to accept faculty presents a greater threat to academic freedom. He added that it is certainly not rare to have economists in various departments throughout the university.

Mr. Brellenthin noted that this perspective on academic freedom is enlightening. Further, he asked why systematic student input was not sought, if this day has been anticipated since 2003. The Student government is asking not for a No vote but for more time to be given, for students to be informed and for their input to be heard. The decision to dissolve ECOP would have more weight with the student body if it were clear that their concerns had been given consideration.

Ms. Ava Preacher asked if the faculty is willingly moving to the various units which have been selected; in addition, are these units willingly accepting the new faculty. Prof. Dan Myers spoke on this point, saying that it was a commitment from the very start to have mutual agreement between faculty member and the unit into which s/he would move. That commitment has been maintained throughout the process. While it is certainly true that ECOP faculty would not dissolve their department by choice, still they are 'willingly' moving. For each an improved situation has been identified, and for some the improvement is more than slight. Dean McGreevy said that genuine enthusiasm has been privately expressed, and he emphasized that these are colleagues whose welfare is of concern to all in the Dean's Office. He noted how difficult it must be to work in a department where no one is ever hired.

Prof. Greg Sterling, Dean of the Graduate School, spoke about the original decision to split the department, which was made while he was an associate dean in the College of Arts and Letters. He made two points: 1. ECOP has not been able to form its own strong identity with coherence, as they were asked to do beginning in 2003. 2. The performance of individual faculty members, up through 2008, had not changed. The department is dying a slow death with no practical future. Today's proposal offers an opportunity for a graceful and meaningful way to find places where the faculty, who are people of good will, can continue to do meaningful work.

Prof. Stephen Fallon described the proposal as a way to make the best of a bad situation. While the dispersed faculty will not be in tenure granting units, the lack of input mirrors the present situation. He spoke about the perception among many that this dissolution will mean the end of a distinctive Notre Dame voice, a Catholic social teachings voice. To counter that perception, he asked about ways of insuring the stated commitment that the new ECON will continue to focus on labor economics issues. Prof. Gresik said that there is a persistent campus impression that there exists a distinct division of areas of study in the two departments. Noting that ECOE would be doing its students and faculty a grave disservice if it focused exclusively on abstract math models, Prof.

Gresik listed more than half a dozen faculty whose work and research are concerned with socially conscious topics. He reported that ECOE has actively recruited to these kinds of concerns because the faculty believe they are critical and important issues. There need be no worry that that investment will be maintained.

On a second point, Prof. Gresik concurred with Dr. Burish that the evidence of forethought in the preparation, in 2003, of the manner of dissolving ECOP indicates that this dissolution is not a ruse to undermine tenure protection, and indicates that the reassignments would be done with mutual consent.

Prof. Brown addressed Provost Burish's points about faculty consent and departmental consent. First, he stressed that the Senate resolution does not support forcing faculty onto any unit. The issue of departmental consent is problematic because no professor can shift departments without the consent of the new department. However, Prof. Brown stated, in a continuing department, no matter how much a colleague annoys others, short of a limited set of 'serious' violations, that colleague cannot be ejected from the department. The resolution under consideration has exactly the effect of removing faculty members from a department, an anomalous act at the university. Concern arises because it is a rare but not a unique issue, which gives rise to the concern for the effectiveness of the protections of tenure. Prof. Brown said his reading is that if the new department wishes to accept new members, then 'coin of the realm' becomes mutual consent, which is a decrease in the protection. In the present case, the faculty is the dissolving department appears to have a weakened protection.

Prof. John LoSecco asked about titles for the shifting faculty. Dean McGreevy said this topic had been discussed and all agreed that faculty members who desired to continue using the title of 'professor of economics' were welcome to do so. At other institutions and at Notre Dame, faculty may well have several titles with links to several departments.

Prof. Keith Rigby asked about the demographic profile of the concerned faculty, wondering what would happen to the position lines upon the retirement of each. Dean McGreevy said it would not be appropriate for him to speculate on retirement plans or speak about faculty ages. He stated that all lines go back to the relevant College; there is never a guarantee that an open slot will be replaced in any given department. Each replacement hire is carefully rethought because the College must assess priorities at any given moment. Addressing concerns about the caliber of economics education for undergraduates, the Dean assured members that the College is committed to providing a superb economics education to both undergraduates and graduate students.

Prof. Lionel Jensen spoke briefly about the concerns which have been raised by the student government representatives. He stressed that the apparent lack of transparency for today's proposal has been a function of the situation which occurred in previous years in the Economics departments. He recalled the difficulty and general sense of disappointment shared by faculty members at the time of the decision to split the departments. The improvements in the spirit of economics in the ensuing seven years have been significant and heartening. With that new spirit in mind and the privacy of those concerned, all have chosen to act with a great deal of discretion to reach this final decision which, in fact, all parties knew would be reached at some point. He stressed that for the College there has been ample opportunity for reflection and careful planning,

while it may appear to be a sudden decision to current undergraduate students. Prof. Jensen said ‘I am quite convinced that if we are cautious and concerned, we can avoid future developments like this,’ so that a pattern of response is not being established.

Father Jenkins called for a vote. The motion to pass the resolution was approved by a majority of votes.

#### **4. New Business**

As there was no new business, Father Jenkins thanked members for the level of today’s discussion. The meeting was adjourned for committee meetings.