

CONCLUDING REPORT OF THE AD HOC COMMITTEE ON FACULTY GOVERNANCE

July 9, 2018

Introduction

The August 2014 Blue Ribbon Committee Report on the Faculty Experience Survey noted that one area of relatively “low satisfaction” at the University of Notre Dame is “faculty inclusion in University decision-making.”¹ Accordingly, and in response to a proposal presented to the Academic Council in May of 2015 by the Council’s Faculty Affairs Committee, the formation of an Ad Hoc Committee on Faculty Governance was announced by the Charles and Jill Fischer Provost of the University, Dr. Thomas G. Burish, in October of 2015. The Council’s charge to the Ad Hoc Committee was

to survey systematically faculty opinion on the state of faculty governance at Notre Dame; outline and clarify current mechanisms of faculty governance; establish criteria to determine those issues that fall under the purview of faculty governance; ascertain whether there are any areas of disagreement between senior administrators and faculty members on the role of the faculty governance; and, based upon all its findings, offer recommendations for enhancing faculty governance. The focus of the committee will be on faculty governance at the central university level rather than at the college or department level.²

This Report concludes the Ad Hoc Committee’s work. Among other things, this Report (1) summarizes the Committee’s investigation and consultations; (2) presents and discusses the recurring themes, concerns, and questions that emerged during our work; (3) proposes general principles and a vision of the faculty’s role that are specific to the University’s distinctive mission and that should guide faculty-governance-related policies and structures at Notre Dame; and (4) offers suggestions for additional study and proposals for consideration. This Report is addressed to the Faculty Affairs Committee of the Academic Council, the Committee for the Decennial Review of the Academic Articles, to those preparing the 2018-19 Faculty Climate Survey, and to the University faculty.

¹ Available at: <https://provost.nd.edu/assets/143498/>. According to the Report, “[r]epresentative comments about the lack of faculty input in decision-making include[d] ‘administrative function too centralized’[,] ‘faculty have no power in directing crucial choices of University policy’[,] ‘centralized and secretive administration’[,] ‘lack of administrative openness’[,] and ‘hierarchical and top-down power structure.’”

² Letter to the Faculty (Sept. 3, 2015), available at: <http://provost.nd.edu/committees/ad-hoc-committee-on-faculty-governance/>. See also Minutes of Academic Council Meeting (May 12, 2015), available at: http://provost.nd.edu/assets/174403/academic_council_minutes_5_12_15.pdf. The Faculty Affairs Committee’s proposal described the charge in substantially the same way.

Our work has been animated and guided by a shared view that the regular faculty's role³ in the governance of the University of Notre Dame should reflect and advance the University's distinctive mission, character, and aspirations as a great Catholic research university. The University's Mission Statement proclaims that Notre Dame is "a place of teaching and research, of scholarship and publication, of service and community."⁴

These components flow from three characteristics of Roman Catholicism that image Jesus Christ, his Gospel, and his Spirit. A sacramental vision encounters God in the whole of creation. In and through the visible world in which we live, we come to know and experience the invisible God. In mediation the Catholic vision perceives God not only present in but working through persons, events, and material things. There is an intelligibility and a coherence to all reality, discoverable through spirit, mind, and imagination. God's grace prompts human activity to assist the world in creating justice grounded in love. God's way to us comes as communion, through the communities in which men and women live. This community includes the many theological traditions, liturgies, and spiritualities that fashion the life of the Church. The emphasis on community in Catholicism explains why Notre Dame historically has fostered familial bonds in its institutional life.

Notre Dame is "a Catholic academic community of higher learning, animated from its origins by the Congregation of Holy Cross" and "dedicated to the pursuit and sharing of truth for its own sake." The University was founded to be "a powerful force for good in the world"; it aims still to "heal, unify, and enlighten," and to do so "boldly." The Mission Statement announces, and its faculty-governance practices and structures should confirm, that "in all dimensions of the University, Notre Dame pursues its objectives through the formation of an authentic human community graced by the Spirit of Christ."

The Committee's charge was confined and specific: To "focus . . . on faculty governance at the central university level rather than at the college or department level."⁵ Of course, "faculty governance" is practiced, and is important, in many other contexts and at several other levels, including individual Departments; various Programs, Centers, and Institutes; College Councils; the Board of Trustees; the Fellows of the University; and so on. And, the issue of faculty governance at the University of Notre Dame is connected to and shaped by the dramatic and ongoing changes, innovations, and disruptions in higher education generally, in the United States and around the world. Still, we focused our investigation primarily on the "central university level" and its primary faculty-governance structures: The Faculty Senate, the Academic Council, and the Provost's Advisory Committee.

Throughout our investigation, we worked to distinguish between the mechanisms, processes, and structures of faculty governance, on the one hand, and the merits of particular

³ The University's "regular faculty" are defined in Article III, Section 1, Subsection (3) of the University's Academic Articles, which are available at:

https://facultyhandbook.nd.edu/assets/252355/academic_articles_effective_october_1_2017.pdf.

⁴ The University's Mission Statement is available at: <https://www.nd.edu/about/mission-statement/>.

⁵ Letter to the Faculty (Sept. 3, 2015), *supra*.

decisions and policies, on the other. This was a challenge. During our conversations and meetings, with faculty and administrators alike, this distinction often blurred, and what was framed as a comment or concern about “faculty governance” turned out to be, in fact, an observation about or objection to a particular decision or policy.

We believe that the subject we were charged to study – that is, “faculty governance” – is more accurately and helpfully described as “the faculty’s role in and contributions to university governance.” The modern research university is not, could not be, and should not be “governed” comprehensively by its faculty. To acknowledge this fact is not to divide the university into an “academic side” and a “business side.” As was noted by our colleague, Dr. Mark W. Roche, in *Realizing the Distinctive University*, “[t]here is no academic side to a university. There is an academic *core* and a support *side*.”⁶ The academic core and distinctive mission of the University of Notre Dame should be supported and strengthened by all of its offices and operations. The appropriate faculty role in the University’s governance will vary and shift, depending on the proximity of the matter in question to that core and mission.

2017 marked the 50th anniversary of the Land O’Lakes Statement, “The Idea of a Catholic University.” The concluding lines of that Statement are particularly relevant here:

Thus will arise within the Catholic university a self-developing and self-deepening society of students and faculty in which the consequences of Christian truth are taken seriously in person-to-person relationships, where the importance of religious commitment is accepted and constantly witnessed to, and where the students can learn by personal experience to consecrate their talent and learning to worthy social purposes. . . .

The total organization should reflect this same Christian spirit. The social organization should be such as to emphasize the university's concern for persons as individuals and for appropriate participation by all members of the community of learners in university decisions. University decisions and administrative actions should be appropriately guided by Christian ideas and ideals and should eminently display the respect and concern for persons.

The evolving nature of the Catholic university will necessitate basic reorganizations of structure in order not only to achieve a greater internal cooperation and participation, but also to share the responsibility of direction more broadly and to enlist wider support. A great deal of study and experimentation will be necessary to carry out these changes, but changes of this kind are essential for the future of the Catholic university.

[T]he Catholic university of the future will be a true modern university but specifically Catholic in profound and creative ways for the service of society and the people of God.⁷

⁶ Mark William Roche, *Realizing the Distinctive University: Vision and Values, Strategy and Culture* (Notre Dame Press, 2017).

⁷ “The Idea of a Catholic University” is available at: <http://archives.nd.edu/episodes/visitors/lol/idea.htm>.

Committee Membership

The members of the Ad Hoc Committee on Faculty Governance are Philip Bess (elected from the School of Architecture), Sunny K. Boyd (elected from the College of Science), Judith Fox (elected from the Special Professional Faculty), Richard W. Garnett (elected from the Law School), Nasir Ghiaseddin (elected from the Mendoza College of Business), Martin Haenggi (elected from the College of Engineering), W. Matthew Leevy (elected from the Research Faculty), Valerie Sayers (elected from the College of Arts & Letters), and Cheri Smith (elected from the Hesburgh Libraries).⁸ Prof. Fox was elected by the Committee to serve as its Chair.

In keeping with the Faculty Affairs Committee's May 2015 proposal to the Academic Council, each member of the Committee has previously served in the Faculty Senate, on the Academic Council, and/or on the Provost's Advisory Committee.

The Committee's Investigation and Consultation

The Committee convened on October 14, 2015 and met regularly and often throughout the 2015-2016 and 2016-2017 academic years. In keeping with our charge to "systematically survey faculty opinion on the state of faculty governance at the University of Notre Dame," the Committee sought feedback from each of the units or constituencies from which its members were elected; requested invitations – thirteen of which were accepted – to attend, present, and listen at individual Departments' faculty meetings; invited faculty from across the University to attend a series of open listening sessions; and met with many of the University's Deans and senior administrators, including the Executive Vice President, the Provost and Associate Provosts, and a member of the Board of Trustees and of the Fellows of the University. The Committee met with the major University bodies being studied, that is, the Faculty Senate, the Academic Council, and the Provost's Advisory Committee, and also with the Committee for the Decennial Review of the Academic Articles. A vehicle for online feedback was established on the Faculty Senate's web page and all faculty were invited to share confidentially their thoughts and views.⁹

The Committee explored and considered carefully whether to design and administer a campus-wide faculty survey. We concluded, however, that both the nature of our subject and concerns about "survey fatigue" among the faculty called for a more personalized, qualitative approach. In addition, we determined that the Committee could best serve the University and fulfill our charge by identifying matters warranting more detailed study, and recommending

⁸ Prof. Sayers replaced John Sitter, who was originally elected from the College of Arts & Letters but resigned from the Committee due to a research leave.

⁹ Thirty-six members of the faculty commented about faculty governance, sometimes extensively, on the form we provided; an additional eight requested one-on-one confidential meetings with a member of the Committee; more than a dozen faculty attended listening sessions with members of the Committee; and scores of our colleagues offered informal comments.

policy changes for use by the Committee for the Decennial Review of the Academic Articles and those designing the next Faculty Climate Survey, planned for 2018-19.

The Committee also met with two past and present Provost's Fellows, Mark P. McKenna and Mary Ann McDowell, both of whom had engaged or were engaging in projects closely related to our own. In particular, Prof. McKenna examined and discussed with the Committee the difficulties experienced by women faculty and faculty of color who may be asked or even expected to bear disproportionate service obligations in the interest of achieving diversity on committees and in leadership. Prof. McDowell had already engaged in a comprehensive and detailed study of governance structures and practices at Notre Dame and at peer institutions.¹⁰ Her work made it unnecessary for the Committee to undertake a similar benchmarking exercise.

The Committee's members read widely, in keeping with their own interests, on the nature, practice, and challenges of faculty governance, both historically and in the context of the modern research university. Finally, the Office of the Provost made it possible for Prof. Haenggi to attend a special meeting, focused on faculty-governance issues, of the American Association of University Professors (AAUP) in the Fall of 2016, and he reported back to the Committee and shared materials from the meeting.¹¹

The Structures of Faculty Governance at the University of Notre Dame

Again, the Committee was asked to "outline and clarify current mechanisms of faculty governance." Although information about these mechanisms is publicly available – for example, in the "Academic Governance" section of the online Faculty Handbook¹² -- faculty colleagues regularly told us that they were only partially or vaguely aware of them. In addition, colleagues who spoke with us about the University's governance structure and processes were often mistaken about them.

Thanks to Prof. McDowell's efforts, we had the benefit of a thorough presentation of the University's basic governance structure.¹³ What follows summarizes that structure's main features.

The University and its governance have changed dramatically since 1842, when Fr. Edward Sorin, C.S.C., and a small group of his brothers in the Congregation of Holy Cross,

¹⁰ Prof. McDowell's "Shared Governance-Benchmark Analysis" is available at: https://facultysenate.nd.edu/assets/188818/shared_governance_benchmark_analysis.2015.pdf.

¹¹ The Program for this conference is available at: https://www.aaup.org/sites/default/files/2016governance_conference.pdf.

¹² The Faculty Handbook is available at: <http://facultyhandbook.nd.edu/>. The "Academic Governance" section of the Handbook includes, among other things, the Charter of the University, the Statutes of the University, the Bylaws of the University, and the Academic Articles. In addition, the Faculty Senate's "Shared Governance" page is available at: <https://facultysenate.nd.edu/shared-governance/>.

¹³ "University of Notre Dame Governance" is available at: https://facultysenate.nd.edu/assets/188817/shared_governance_structure.pdf. See also the organizational charts that are available at: [//www.nd.edu/assets/docs/orgchart.pdf](https://www.nd.edu/assets/docs/orgchart.pdf).

established a small school near two small lakes in northern Indiana.¹⁴ For present purposes, a key event was the approval, in April of 1967, by the Fellows of the University, of “new Bylaws which, except to the extent of those powers reserved for the Fellows, delegated the general power of governance to a Board of Trustees.”¹⁵ Accordingly, the Fellows – a body that consists of six lay members of the Board of Trustees and six members of the Congregation of Holy Cross – should be seen as the University’s ultimate governing body.¹⁶

The Board of Trustees includes lay men and women and members of the Congregation of Holy Cross, and operates through a variety of committees. The Board of Trustees elects the President of the University, “after consultation with representatives of the faculty, from among the clerical members of the Congregation of Holy Cross,”¹⁷ and also elects the Provost of the University and the Executive Vice President. There are no positions on the Board of Trustees reserved for elected members of the faculty. However, elected faculty representatives do serve, as observers and resources, on the Board’s Academic and Faculty Affairs Committee and the chair of the Faculty Senate serves as an *ex officio* member of that Committee.

The President is a critical member of the University’s governance structure. According to the Academic Articles, he is “the first officer of the University and is vested with full and final authority over all matters pertaining to its government, except as limited by the original charter, and the statutes and bylaws of the University.”¹⁸ Other important members of University leadership include the Provost, the Executive Vice President, other Vice Presidents, the Religious Superior of C.S.C. Priests and Brothers at Notre Dame, and the Deans of the colleges and schools.¹⁹ Speaking generally, the Provost is responsible for the University’s academic “core” while the Executive Vice President’s portfolio includes a wide variety of matters relating to the support or “business side” of the University. In addition, several offices or leaders – including University Engagement, Mission Engagement and Church Affairs, General Counsel, Athletics, and Student Affairs – report directly to the President.²⁰

¹⁴ More information about the history of the University is available at: <https://www.nd.edu/about/history/>. For more about Fr. Sorin, see Marvin R. O’Connell, *Edward Sorin* (Notre Dame Press, 2001).

¹⁵ “Board of Trustees,” available at: <https://www.nd.edu/about/leadership/board-of-trustees/>.

¹⁶ The Fellows’ duties include the following: (1) to “[d]etermine powers to be delegated to the Board of Trustees”; (2) to “[e]lect the Trustees of the University in accordance with the Bylaws”; (3) to “[a]dopt and amend the Bylaws of the University”; (4) to “[a]pprove the sale or transfer of substantial parts of the University’s physical property”; (5) to “[e]nsure that the University maintains its essential character as a Catholic institution of higher learning”; (6) to “[e]nsure that the University’s operations make full use of the skills and dedication of the members of the Priests of Holy Cross, United States Province of Priests and Brothers”; and (7) to “[e]nsure that the University “continues its long-standing policy of admitting students of any race, color, national and ethnic origin.” More information on the Fellows of the University is available at: <https://www.nd.edu/about/leadership/fellows/>.

¹⁷ Academic Articles, Art. I, Sec. 2, available at:

http://facultyhandbook.nd.edu/assets/252355/academic_articles_effective_october_1_2017.pdf.

¹⁸ Academic Articles, Art. I, Sec. 2.

¹⁹ “President’s Leadership Council,” available at: <https://www.nd.edu/about/leadership/council/>.

²⁰ The mechanisms for faculty input and shared governance are not always clear in these cases. The Faculty Board on Athletics, for instance, includes elected and appointed members of the faculty and it appears from our investigation that faculty members are generally aware of its work. However, we heard expressions of concern

Our Committee was charged to investigate specifically the practice of, and opinions about, the role of the faculty in the governance of the University “at the central university level.” While some who serve in various capacities on the President’s Leadership Council or as Deans are also members of the faculty, the primary vehicles for faculty consultation, voice, and governance are elsewhere. As was noted earlier, the faculty exercises its governance responsibilities in a range of ways, at various levels, and through an array of bodies, mechanisms, and processes: Department CAPs; faculty-search and graduate-admissions committees; college councils; University-wide standing committees, working groups, and *ad hoc* committees;²¹ advisory boards of centers, programs, and institutes; and so on. However, the three principal bodies through which the faculty shares in and contributes to the governance of the University as a whole are the Academic Council, the Faculty Senate, and the Provost’s Advisory Committee.

The Academic Council²² is chaired by the President. It consists of 21 elected faculty members, 8 others assigned via appointment or by the Faculty Senate, approximately 20 administrators, and 6 students.²³ The Council has three standing subcommittees: Faculty Affairs, Undergraduate Student Affairs, and Advanced Studies. The work of the Council as a whole pertains primarily to those issues germane to the Academic Articles, including those relating to the establishment and removal of academic programs.²⁴

The principal functions of the council are to determine general academic policies and regulations of the University; to approve major changes in the requirements for admission to and graduation from the Colleges and Schools and in the programs of study offered by Colleges, schools, and departments; to authorize the establishment, modification, or discontinuance of any academic organization or degree program of the University; and to provide for review, amendment, and final interpretation of the academic articles, without prejudice to article V.²⁵

Many of the conversations that Committee members had with faculty colleagues, and much of the feedback we received, had to do with the composition, role, and effectiveness of the Academic Council.

about a perceived lack of avenues for faculty input, consultation, and governance with respect to University Engagement, Mission Engagement and Church Affairs, and Student Affairs.

²¹ The various “Committees of the University” are described in Art. IV, Sec. 3 of the Academic Articles.

²² See Art. IV, Sec. 3(a) of the Academic Articles.

²³ The Council’s roster, minutes, and agendas are available at: <http://provost.nd.edu/committees/academic-council/>.

²⁴ Although there is discussion and input regarding subcommittee issues, mechanisms for actual governance in some cases do not exist. For example, we learned that the Advanced Studies Subcommittee was informed about efforts toward insurance and housing for graduate students but ultimately had no input or authority regarding these matters.

²⁵ Article V sets out the “Procedures for Reviewing and Amending the Academic Articles.”

The Faculty Senate “is conceived as an assembly through which the Faculty can exercise a collective and independent voice in the governance of the University.”²⁶ The Senate’s website elaborates on this description:

The Faculty Senate of the University of Notre Dame is an assembly elected to represent the faculty as a whole in the formulation of policy affecting the entire life of the University. It shall be the responsibility of the Senate to represent faculty opinion on matters affecting the academic process of the University, the welfare of the faculty, and student life.

The University’s Academic Articles also address the Senate and its role.

The Senate’s range of concern extends to matters affecting the faculty as a whole and to matters on which a faculty perspective is appropriate. The Senate seeks to formulate faculty opinion and for this purpose may, at its discretion, conduct faculty meetings and referenda. The Senate also receives from other groups in the University items requiring consideration by the faculty. With respect to matters of academic concern, the recommendations of the Senate are referred to the Executive Committee of the Academic Council, which shall place the recommendations on the agenda of the council. The Faculty Senate has the authority to adopt bylaws that govern its internal operations.²⁷

The Senate is composed entirely of elected faculty representatives; there are no *ex officio* members or appointed University administrators. Every department in the four colleges is entitled to one Senate seat, as are the School of Architecture and the Law School. Three of the four colleges get one additional seat each and the college of science receives two additional seats. The aforementioned allotments are from the tenure-stream faculty only. There are an additional nine seats allotted to other regular-faculty groups, including emeriti faculty, special professional faculty, research and library faculty, and military-science programs. The Senate has five general officers, four standing committees with elected chairs, and an executive committee.

We heard more from faculty colleagues about the membership, role, mission, strengths, and weaknesses of the Faculty Senate than about any other topic.

The Provost’s Advisory Committee is a mechanism for consultation on “academic matters”²⁸ rather than for governance. For example, the Academic Articles provide that the Provost “ordinarily consults with the [PAC] before making a recommendation to the President” regarding reappointment, promotion, and tenure decisions.²⁹ They also state that the Provost “consults with the Provost’s Advisory Committee and reports the complete results of the

²⁶ “Faculty Senate Mission,” available at: <http://facultysenate.nd.edu/>.

²⁷ Art. IV, Sec. 3(b).

²⁸ Art. IV, Sec. 4(l).

²⁹ Art. III, Sec. 4(a). The Academic Articles provide elsewhere for the appointment, reappointment, and promotion of Special Professional Faculty.

consultation to the President” whenever the “appointment of a Vice President and Associate Provost is to be made[.]”³⁰

The composition of the Provost’s Advisory Committee is described in the Academic Articles.³¹ It is chaired by the Provost and composed of the Deans, the Vice President for Research, 12 elected faculty members, and “such other persons as the Provost appoints.” The Articles state that “[a]bout one-half of the membership of the Provost’s Advisory Committee should be composed of elected members.”³² The elected members of the Committee serve staggered terms, may not serve consecutive terms, and must hold the rank of professor with tenure.

It became clear during the course of our consultations that faculty and administrators who have served on the Provost’s Advisory Committee have a generally favorable view of its work and contributions. It is also clear, though, that many faculty are unfamiliar with its processes and concerned about its role and the “secrecy” that is said to surround it. We regularly received feedback relating to the Committee’s composition and, specifically, to the balance between elected faculty members and *ex officio* administrators.

In addition to examining the mechanisms, structures, and practices of faculty governance at the University of Notre Dame, we compared them with those at a number of other peer institutions. We were aided immensely in this effort by the work of our colleague Mary Ann McDowell. As a Provost’s Fellow, Prof. McDowell completed in December of 2015 a benchmark-analysis of forty universities that provides, among other things, a “general synopsis” of their characteristics with respect to faculty or “shared” governance.³³ The universities examined included members of the Colonial Group, the Committee on Institutional Cooperation (*i.e.*, the Big 10 Conference, plus the University of Chicago), and twelve other universities that were recommended to her during her investigation.

Prof. McDowell determined that there are four typical university-governance structures: unicameral, bicameral, multicameral, and distributed. The bicameral structure was, by far, the most common structure for the universities that were investigated. All of the universities investigated also have a board of trustees that provides general guidance and assigns academic decision-making authority to a President, Provost, and Academic Council. Prof. McDowell’s analysis included an investigation of the constitutions of faculty governing bodies. Most of the universities she investigated (72%) had mixed faculty governing bodies, through which both administrators and faculty participate in faculty governance. The remaining 28% used faculty-only governing boards.

³⁰ Art. II, Sec. 2. The Articles also prescribe a role for the Committee in appeals of decisions that are allegedly the product of sex discrimination.

³¹ Art. IV, Sec. 4(l).

³² The current roster of the Provost’s Advisory Committee is available at: <http://committees.nd.edu/committees-a-z/provosts-advisory-committee/>. In addition to the Provost, there are 11 *ex officio* or appointed members and 12 elected members.

³³ “Shared Governance-Benchmark Analysis,” *supra*.

The Committee heard often the claim, usually expressed as a concern, that the University of Notre Dame's faculty-governance structure is unusual. Although this is true of some particular features – for example, the continuing and crucial role of the Fellows of the University and the Congregation of Holy Cross – it does not appear to be the case that the University is anomalous or an outlier with respect to our governance structure taken as a whole.

Faculty Survey: Thoughts, Themes, and Concerns

The Committee did not hear from all, or even most, of our faculty colleagues. Attendance at the open meetings was light; relatively few colleagues submitted online comments; and not all units and departments accepted or responded to our requests for meetings. It is not possible to state definitively that those with whom we met and spoke, or those from whom we heard, are representative of either the entire faculty or of the typical faculty member. That said, there were recurring concerns and claims having to do with the faculty's role in University governance that are consistent with the statements in the Faculty Experience Survey that prompted the Committee's creation. It is clear, as was stated in the Faculty Affairs Committee's proposal, that "some faculty believe that faculty governance is not all that it could be here at Notre Dame."

A consistent, and probably the overriding, theme of the comments we received was that faculty governance at Notre Dame is ineffective, insufficient, or even non-existent ("Faculty governance at Notre Dame exists as a phrase but does not appear to exist in truth"; "Our recommendations are disregarded"; "There really is zero faculty governance here"; *etc.*). Some faculty stated that they had no information about governance. Others expressed frustration that important decisions are made and imposed in a "top down" fashion. Faculty generally focused their comments on our role in academic matters, but many also suggested that faculty input is also needed for administrative, executive, and "business" matters that affect us, such as building plans, investment of retirement funds, campus parking and safety, policies relating to athletics and student-athletes, and community engagement. Some faculty also expressed concern that benefactors' preferences, rather than the research needs and interests of faculty, are driving the University's investment priorities and resource-allocation decisions. In some instances, faculty attributed what they saw as deficiencies in faculty governance to a "centralizing" and "hierarchical" tendency allegedly encouraged by Notre Dame's Catholic character.

We encountered some skepticism, even cynicism, about our Committee's creation and charge. We heard several pleas that our Committee not "settle" for "tweaking" the Faculty Senate and Academic Council but instead address a perceived general lack of commitment to faculty governance and a failure by the University to define clearly and apply consistently its values.

As is discussed in more detail below, among the topics raised most often was the use of appointed, *ad hoc* committees for dealing with important academic and other matters. The related matter of administrative representation on the Academic Council and the Provost's Advisory Committee came up repeatedly. We heard regularly complaints about a lack of

transparency with respect to the work and decision-making of both standing and *ad hoc* committees.

Many of the comments we received, both online and face-to-face, pertained to the Faculty Senate. Some faculty who have been active in the Senate urged more financial and other support for its work, more consultation with the Senate by the Provost and the Executive Vice-President, and more regularity and consistency in terms of meeting times and locations. In addition, some faculty expressed regret that senior colleagues seem unwilling to participate, that the Senate's role – in particular, its relationship to the Academic Council – is unclear, that service on the Senate is seen as a burden or a chore and is generally not valued, that some Departments fail to even provide a representative, that the research and special professional faculty are systematically underrepresented, that the Senate too often falls into an oppositional and narrow “grievance-based” stance and fails to represent the range of faculty views, and that senators communicate irregularly, if at all, with those they represent about the Senate's activities.

Another common theme in our consultations with colleagues was that the appointment, retention, and promotion of faculty – including tenure-track, special professional, research, and library faculty – are matters where effective faculty governance is essential. Some colleagues expressed a concern that departmental and local views and decisions about these matters are given insufficient weight.

Several colleagues insisted that the Board of Trustees should receive more regular and candid input from faculty than they currently do, as should the Fellows of the University, as Notre Dame's ultimate decision-making body charged with maintaining the University's distinctive Catholic mission.

As was noted above, our Committee met and had substantive conversations with a number of deans and senior administrators. Generally speaking, they shared the view that faculty governance at Notre Dame is not what it could and should be. At the same time, they noted that some faculty complaints about governance at the University are not well founded and reflect misunderstandings. They expressed a desire for two-way, candid communication between faculty and the administration and between the academic “core” and the business “side.” Some observed that effective faculty governance requires faculty members to commit and invest their own time and resources, and to not leave governance responsibilities to a few repeat players or to relatively junior colleagues. And some indicated that faculty cynicism about governance at Notre Dame was neither warranted nor constructive.

In sum: A wide range of matters were addressed during our Committee's two-year consultation with faculty and administrators across the University. It is not possible or necessary to mention all of them here. And, while most of the comments we received confirmed the concern that was the reason for our Committee's creation – that is, that many believe that faculty governance at Notre Dame is “not all that it could be” – it must be noted that we also heard from faculty who characterized complaints about governance as misguided, overly negative, and narrowly “political” and who rejected the idea that faculty should have a governing role in University matters outside the academic “core” of curriculum, teaching, hiring, and promotion.

In addition, some expressed a concern that faculty complaints about “corporate” culture, increased standardization, and more formalized processes overlook the important ways in which these developments can help to prevent arbitrariness, discrimination, misplaced reliance on habit, and the formation of “old boys club”-type networks.

The following concerns were expressed often and regularly enough that they should be emphasized: (1) Many faculty at Notre Dame believe that important decisions are not the products of consultation of and collaboration with faculty but are instead made before the fact by University leaders and administrators, who expect faculty to ratify them. (2) Many faculty believe that time-intensive participation in governance-related and service activities is, despite official statements to the contrary, not valued, supported, or rewarded. (3) Relatedly, many faculty believe the burdens of service are distributed in an unbalanced way that disproportionately affect junior faculty, female faculty, and faculty of color, and also that governance responsibilities are too often taken up by repeat players. (4) Many faculty believe that administrators play an out-sized and chilling role on the Academic Council and the Provost’s Advisory Committee. (5) Many faculty believe that *ad hoc* committees are sometimes created and staffed without sufficient faculty input, and without regard for the University’s or Colleges’ existing standing committees, in order to reach particular administratively-preferred outcomes. (6) Many faculty are uninformed about the University’s governance structure and about the work of their own representatives in the Faculty Senate, the Academic Council, and the Provost’s Advisory Committee. (7) Many faculty express a concern that the University’s culture, management, and priorities are too “corporate.” (8) Finally, faculty and administrators alike perceive, and regret, a lack of trust and candor between the University’s administration and its faculty.

Guiding Principles for Moving Forward

Over the course of our investigation and conversations, we were confirmed in our shared view that the “heart” of a research university, and of a distinctive University such as ours, is the teaching, research, service, and engagement of its faculty. The management and administration of all of Notre Dame’s resources and operations should ultimately support and advance its academic “core” in a way consistent with Notre Dame’s distinctive character and aspirations. It is almost certainly not possible for a faculty to “run” a modern research university, let alone to comprehensively “govern” it. Nevertheless, it is essential that the faculty play an appropriate role in the governance of the University, and this role should be more robust the closer a particular matter is to its “heart” and the “core.”

We have therefore concluded it is helpful to think of the faculty’s role in the shared governance of the university by disaggregating it into three dimensions: *governance*, *consultation*, and *voice*; and that in each of these dimensions, interactions and activities should be characterized by appropriate *transparency*, by *candor*, and by *mutual respect and trust*.

Governance. Even in the complex context of the modern research university, there are areas where and issues concerning which the faculty should have the primary governing role.

These will tend to be at or near the academic “core” of the University’s mission and could include decisions relating to curriculum, admissions, the creation of new academic units and schools, faculty hiring and promotion, etc. At the general University level, as well as in the Colleges, Schools, and Departments, there should be bodies, mechanisms, and processes that facilitate, in an efficient and effective way, this governance. Participation in this governance is a shared obligation of all faculty, not just a few select, repeat players. It should neither be reserved for senior faculty nor foisted on junior faculty. Governance should not be a substitute for scholarly productivity or conscientious teaching, and an active research program and rigorous teaching load are not excuses for ignoring or “checking out” of governance.

Consultation. There are a wide range of questions confronting universities that the faculty as a whole lack the experience or competence to decide and that are sensibly, and more efficiently, addressed by administrators and staff with the relevant training, expertise, and focus. At the same time, with respect to most of these questions, it is consistent with the consulting role of the faculty that faculty members be engaged and heard before decisions are made and for those decisions to reflect the faculty’s input, views, and contributions. Even if these questions are not, strictly speaking, “academic,” and not related specifically to teaching and research, they often affect closely what happens at the University’s academic core. Such matters might include health insurance and retirement benefits, large campus building projects, bookstore and parking policies, and space allocation and room-scheduling in University buildings. As has been mentioned, the Committee consistently heard from frustrated faculty that supposed consultation regarding important University decisions or major proposals feels after-the-fact, and more like window-dressing than genuine inquiry. As with governance, there should be regular structures and protocols in place that facilitate real consultation.

Voice. In addition to decision-making authority over matters at the academic core of the University’s mission, and a practice and culture of consultation of faculty by administrators and staff, there should be mechanisms and structures in place for faculty to share views and concerns with each other, to solicit the views and guidance of staff and administrators, to raise issues for discussion and decision, and to shape the broader agenda of the University. If “consultation” can be seen as administration-initiated investigation and dialogue, “voice” is the same, but faculty-initiated. Faculty voice is vital even with respect to matters that, in the end, are outside the sphere of faculty governance. Once again, as with governance and consultation, effective voice requires regular structures and protocols, as well as a shared commitment by all faculty to participate.

All activities in each of these dimensions should be characterized by appropriate *transparency*, by *candor*, and by *mutual respect and trust*. For example, even if it is not a matter of faculty “governance” to set the University’s budget, decision-making about the budget should be (consistent with confidentiality obligations) transparent and communication about it should be candid. And, it would not be consistent with transparency, candor, or respect for an *ad hoc* committee to be formed to provide “consultation” regarding an ostensible proposal that has already been substantially embraced by University administration.

Suggestions and Proposals for Further Study and Consideration

Our Committee was not charged or authorized to revise the University's Academic Articles or the constitutional documents of bodies such as the Faculty Senate, the Academic Council, the college councils, etc. What follows are suggestions that, we believe, should be considered by other bodies, including the Faculty Affairs Committee of the Academic Council, the Committee for the Decennial Review of the Academic Articles, those preparing the 2018-19 Faculty Climate Survey, all deans and department chairs and, more generally, the University community as a whole.

In General:

- All faculty, administrators, and staff should invest the time and care necessary to become familiar with the University's governance structure as well as with those of their own particular school, unit, and / or departments. Information about the University's structure and processes is already conveniently available online. We recommend that the Faculty Affairs Committee review the current presentation of this information and take any steps necessary to make this information as complete, current, and easily accessible as possible.
- All faculty, administrators, and staff should embrace and commit themselves to the vision set out in the University's Mission Statement of Notre Dame as the world's great Catholic research university, the governance, administration, and stewardship of which is our shared responsibility and privilege.
- All regular faculty should commit themselves to participating responsibly, in collaboration with our colleagues and with the University's administrators and staff, in a variety of ways, in the shared governance of the University.
- University administrators, deans, and department chairs should work to make sure that governance and service opportunities and obligations are shared equitably among faculty, that women and minorities are fully included but not disproportionately burdened, that all faculty – not only regular volunteers or repeat players – are included in the enterprise of shared governance, that service and governance expectations are clearly communicated and consistently applied, that decision-making regarding budgets and administration is appropriately transparent, and that leadership and extraordinary engagement by faculty in the tasks of shared governance are appropriately and transparently incentivized and rewarded.

The Academic Council:

- The Academic Council should be charged and constituted to be the primary vehicle for faculty “governance” at the University level.
- The membership of the Academic Council should be reviewed in light of the concern, expressed by many faculty members, that its effectiveness and credibility are undermined by the number of *ex officio* and appointed members who serve on it. The Academic Articles should be revised as necessary to ensure that elected faculty constitute a majority of its voting membership.
- In order to facilitate governance, consultation, and voice, both the Academic Council and the Faculty Senate should consider re-structuring their respective committees so that they are clearly aligned. The chairs of the Senate’s committees should serve, *ex officio*, on the relevant committee of the Academic Council.
- A formal mechanism for governance, consultation, and voice should be established between the Academic Council, on the one hand, and the Office of the Executive Vice President and the University’s “business side,” on the other. We heard from both the Executive Vice President and members of the Academic Council that such a mechanism would be useful.

The Provost’s Advisory Committee:

- The membership of the PAC should be reviewed and re-evaluated, and the Academic Articles revised to reflect any warranted changes. Specifically, the Office of the Provost should determine whether the number of *ex officio* and appointed administrators is appropriate and, relatedly, whether an *ex officio* position on PAC is warranted for all administrative offices that currently have one.
- Presuming a greater preponderance of elected faculty on the PAC, the policy change of several years ago that precludes elected faculty members from serving consecutive terms on the PAC is a sound one. It is clear to us that the faculty’s understanding of the role and work of PAC is enhanced if a wider array of faculty have the opportunity to serve and participate.
- Deans and faculty representatives on the PAC should, consistent with confidentiality obligations, take affirmative steps to inform their

colleagues about how the PAC does its work. Many faculty members are unsure – and, therefore, sometime uneasy – about the PAC’s portfolio and processes. Responding to this uncertainty will enhance the PAC’s effectiveness and credibility.

- Some faculty suggested that deans should not cast advisory votes in the PAC on cases coming out of their own schools.
- The PAC should design, in collaboration with schools and departments, a template for evaluating the service and governance activities of candidates for reappointment, tenure, and promotion. Such a template would complement the standardized instruments in place for evaluating teaching and would alleviate faculty concerns that service and governance activities are not, in fact, valued and rewarded.
- The Office of the Provost should review, and inform the faculty about, those activities of the PAC that go beyond advisory votes on reappointment, tenure, and promotion cases. The Committee heard about, but was not able to gain clarity regarding, other PAC activities, including consultation on expedited cases and on decisions regarding special professional, library, and research faculty. In addition, there appears to be some confusion about the PAC’s role in appeals and in the appointments of associate provosts and vice-presidents.

The Faculty Senate:

- The Committee believes the Faculty Senate should be retained, and its role clarified, enhanced, and supported.
- The Senate should be charged and constituted to be the primary vehicle for faculty “voice” at the University level, and a regular partner in and resource for “consultation.” This role should be clearly stated and described in the University’s Academic Articles and in the Faculty Senate’s own constitutional documents. We believe that if the Senate’s role and portfolio are clarified, focused, and publicized, this will go a long way toward removing any perception that service on the Senate is “a waste of time.”
- As was suggested above, the committees of the Faculty Senate should be reviewed and aligned with those of the Academic Council. The chair of each Senate committee should serve *ex officio* on the relevant committee of the Academic council.

- A formal mechanism for consultation and voice should be established between the Faculty Senate, on the one hand, and the Office of the Executive Vice President and the University’s “business side”, on the other. Again, we heard from both the Executive Vice President and members of the Faculty Senate that such a mechanism would be helpful.
- We heard reports that some departments and units that are eligible to send a faculty member to the Senate fail or decline to do so. The Committee regrets and disapproves this practice. All departments and units that are eligible to send a faculty member to the Senate should do so, and it is the responsibility of leaders in the various departments and units to encourage, incentivize, and appropriately reward service in the Senate.
- The membership criteria and numbers in the Senate should be reviewed and revised periodically to take account of the changing composition of the regular faculty and the changing relative sizes of the faculties of the different colleges and schools.
- Relatedly, clarity is needed – in the Academic Articles and in the Faculty Senate’s own constitutional documents – about the eligibility of research and special professional faculty to serve as departmental representatives (as opposed to representatives of their particular broad category of faculty).
- Additional administrative and other support is needed to make the Faculty Senate an effective means of faculty participation in the shared governance of the University. The Senate, as a body, should have dedicated administrative assistants, office space, and meeting rooms. We heard repeatedly that the Senate’s effectiveness and credibility is undermined by inconsistent meeting times, scheduling difficulties, frequent room changes, etc. To the extent possible, the Senate’s meetings and those of its committees should not take place “after hours” or at times that are difficult for faculty members with family obligations to accommodate.

Other Matters / University Committees

In addition to the Provost’s Advisory Committee, the Academic Council, and the Faculty Senate, the faculty share governance of the University through a number of standing committees described in and constituted by the Academic Articles and, from time to time, through various *ad hoc* committees convened to study particular matters or decide particular questions. An example

of the former is the Faculty Board on Athletics; an example of the latter is the Decennial Core Curriculum Review Committee. Although we were not charged directly with studying these standing and *ad hoc* committees, three matters came up often enough during our work that they should be noted here.

First, it is apparent to us that many faculty feel “stretched thin” by the combination of service and governance activities in their units and departments, institutes and centers, schools and colleges, and in the broader University. We believe that the current array of standing committees provided for in the Academic Articles should be reviewed with an eye toward eliminating those that, as one faculty member put it, “exist primarily to exist.” If there are standing committees that are redundant or unnecessary, eliminating them could enhance faculty participation and engagement in core mechanisms of governance, consultation, and voice. Relatedly, their elimination might respond to the regularly mentioned problem that an abundance of faculty “seats” to fill on committees can result in disproportionate burdens and “invisible labor” being placed on female faculty, faculty of color, and faculty on the tenure track.

Second, many faculty expressed a concern that *ad hoc* committees are created to address matters that seem to be within the charge of existing standing committees, or of the Faculty Senate and/or Academic Council and its committees. The creation of *ad hoc* committees in such circumstances can create, fairly or not, the impression that administrators are trying to “manage” their work and conclusion. We believe *ad hoc* committees staffed and structured so as to take advantage of relevant skills and expertise are often appropriate. However, if there are some matters best dealt with by an *ad hoc* committee specially convened and constituted for the purpose, there does not seem to be any need for standing committees purportedly dedicated to doing the same thing.

Third, it was suggested that the University consider a mechanism that, we have learned, is employed at a number of peer schools, namely, a “committee on committees.” Such a committee would be tasked with assisting the Office of the Provost or others in identifying diverse faculty with appropriate expertise and experience to serve on *ad hoc* committees. Such a committee could be created as a University-level standing committee or it could be created as a committee within the Faculty Senate or Academic Council. It could be an effective vehicle for governance, voice, and consultation and would respond to the reservations expressed by many faculty about an alleged lack of transparency relating to the selection and independence of important *ad hoc* committees.

Conclusion

We are grateful to the Faculty Affairs Committee of the Academic Council for responding to the concerns expressed about faculty governance in the Blue Ribbon Committee Report on the Faculty Experience Survey. And, we appreciate deeply the fact that many faculty colleagues took the time over the past three years to meet and share their views and experiences with us. Our hope is that what we learned from and through our conversations, and the suggestions we offer, will be helpful, going forward, to the shared enterprise and community of

Our Lady's University. Higher education is changing dramatically, and it is not uncommon to encounter uncertainty, cynicism, and even fear regarding the future of institutions like the University of Notre Dame. Our view is that this University can, and should, continue to be "a powerful force for good" and that the faculty does and should carry the primary responsibility for making sure that it does.

**ADDENDUM:
A CONCURRENCE WITH THE *CONCLUDING REPORT* OF THE
AD HOC COMMITTEE ON FACULTY GOVERNANCE**

What follows is a concurrence with the main findings of the *Concluding Report (CR)*, especially its general recommendations with respect to faculty *governance, consultation, and voice* in the larger framework of University governance. It happily acknowledges the great intellectual, spiritual and moral goods of which Notre Dame is both means and agent. Notre Dame is a place of intellectual accomplishment in teaching and research, where the Church's sacraments are offered frequently and the liturgy attended to carefully, whose graduates go into the world admonished and often prepared to live lives of excellence, sacrifice, justice and generosity. The University facilitates a growing body of faculty research and provides generous faculty and staff benefits, and the generally high degree of faculty satisfaction at Notre Dame is warranted. Nevertheless, the faculty discontent summarized in the *Concluding Report* [pp.11-12] is both genuine and widespread, and the *CR*'s general recommendations appropriate and carefully considered.

To those recommendations this concurrence adds: 1) **observations** about matters pertinent to faculty participation in University governance either elided or under-elaborated in the *CR*; and 2) specific **recommendations** primarily concerning the Fellows of the University not necessarily endorsed by the Ad Hoc Committee as a whole. The substance of these observations is drawn from the same body of evidence cited in the *CR* regarding the "low satisfaction" of Notre Dame faculty attributed to "[the absence of] faculty inclusion in University decision-making." Observed on the one hand is faculty confusion (perhaps disagreement) about the nature of Notre Dame's mission, and on the other hand faculty frustration about the gap between Notre Dame's professed Catholic character and the policies and day-to-day operations of the University. The confusion manifests primarily as doubts about the compatibility of faith and reason; the frustration manifests primarily as objections to University behavior with respect to *how administrative power is exercised, institutional accountability, life issues, money, and status envy*. These issues all relate in one way or another to Notre Dame's Catholic character, a primary *de jure* responsibility of the Fellows of the University. But this responsibility in its day-to-day enactment is shared with a wide variety of other parties throughout the University, and ultimately belongs to the Notre Dame community as a whole. Accordingly, the observations and recommendations that follow.¹

¹ What the *Concluding Report* refers to as the academic "core" of the University's mission is summarized succinctly in these excerpts from the University's Mission Statement:

The University [of Notre Dame] is dedicated to the pursuit and sharing of truth for its own sake...[and to providing] a forum where, through free inquiry and open discussion, the various lines of Catholic thought may intersect with all the forms of knowledge found in the arts, sciences, professions, and every other area of human scholarship and creativity.... What the University asks of all its scholars and students...is not a particular creedal affiliation, but a respect for the objectives of Notre Dame...[presupposing] that no genuine search for...truth in...human or...cosmic order is alien to the life of faith [cited in *CR* footnote 4, emphases added].

In turn, the aspirational relationship between Notre Dame's Catholic character and the mundane operations of the University is one in which

the consequences of Christian truth are taken seriously in person-to-person relationships...[and] University decisions and administrative actions [are] guided by Christian ideas and ideals [from "The Idea of the Catholic University" (aka "The Land O' Lakes Statement"), cited in *CR* footnote 7, emphases added].

On the duty of the Fellows of the University to "[ensure] that the University maintains its essential character as a Catholic institution of higher learning," see *CR*, footnote 15].

THREE OBSERVATIONS

Observation #1: Confusion and/or Disagreement about Faith and Reason

The presumption of the broad Catholic intellectual tradition, explicit in the University Mission Statement, is that there neither is nor can be any inherent conflict between faith and reason. Nevertheless, confusion at Notre Dame about the academic core of the University's mission occasionally manifests itself in the assertion of conflicts between the life of faith and the life of the mind. This alleged conflict was *not* a subject that arose in any of our Ad Hoc Committee meetings with faculty, deans, or administrators, but that is not to say it is not a pervasive concern at Notre Dame related to both the University mission and University governance. The most significant public assertion of this alleged incompatibility was the April 2008 Faculty Senate position paper, "Faculty Response to University's Initiative on Hiring Catholic Faculty." That document, drawing upon a Faculty Senate survey of 500 Notre Dame faculty, asserted then that "[if] Catholic identity is seen...to be the primary driving factor in the hiring process, then the University will fall back rather than advance further upon its goal of academic greatness;" and its very first recommendation was that "The University should not compromise its academic aspirations in its efforts to maintain its Catholic identity."

There is no reason to presume ill will on the part of the 2007-2008 Faculty Senate, or to think that 2008 document was not a legitimate exercise of what the *CR* characterizes as faculty *voice*, or that the concerns it voiced do not persist among some significant portion of the University faculty and administration. Nevertheless, what these concerns evince is either *confusion* or *disagreement* about what it means to be a Catholic university.

If we imagine the University of Notre Dame as a *brilliant gemstone*, consider two views of Notre Dame's relationship to Catholic Christianity. One view of Catholicism at Notre Dame would regard it as what jewelers call the *table* (or primary) *facet* – a most important facet of the stone, but only a facet: the crucifixes in our classrooms, the Masses we offer, the spiritual and corporal works of mercy we sponsor, etc. The second is a worldview, in which Catholicism is *the jewel box* – except that the content of the jewel box is not just Notre Dame but all of creation. That there is neither clarity nor agreement among the Notre Dame faculty about whether Catholicism in relationship to Notre Dame is more like the table facet or the jewel box suggests a leadership agenda item for the Fellows of the University.

Observation #2: Faculty Misgivings about Authority in Catholic Institutions

Related to the foregoing observation are faculty misgivings about authority in Catholic institutions. The *Concluding Report* includes this point:

In some instances, faculty attributed what they saw as deficiencies in faculty governance to a "centralizing" and "hierarchical" tendency allegedly encouraged by Notre Dame's Catholic character [CR, p.10].

This is a true attribution, in two senses. In the first instance, governance at Notre Dame *is* in fact hierarchical *by design*, and widely perceived to be a centralizing and "top-down" operation. Notre Dame's *de jure* organization is such that even the University structures most instrumental to faculty *governance* – primarily the Academic Council and the PAC; to a lesser extent the Faculty Senate-- are ultimately advisory or hortatory, with final authority for curricular adoption, hiring, promotion, tenure, and actions urged by Faculty Senate resolutions technically residing in the office of The President. In the second

instance, such hierarchical organization –albeit not *necessarily* centralizing and “top-down” governance-- is characteristic of Catholic institutions.

By the measure of the modern world and the modern research university the Catholic Church is at best strange, because in the context of American democratic culture it has a hierarchical and *supernatural* structure of institutional authority. Viewed abstractly, the Catholic Church in its hierarchical structure is not unlike the United States military, with this difference: the United States military is properly subject to democratically determined civil authority. But in the Catholic Church this can never be, because the Church (for what one might call the “Hebrew National Franks” reason) is subject to a Higher Authority, and no Catholic institution can coherently deny that all Catholic institutions are properly subject to this particular Authority. Thus, *even in the many Catholic institutions emanating from the “bottom-up”* (as in the history of Catholic religious orders), a hierarchical form of organization is characteristic of Catholic institutions from the Vatican, to the diocese, to religious orders, to Catholic hospitals, to Catholic schools (up to and including Catholic universities).

In this hierarchical structure of Catholic institutions, when authority is exercised well (that is, with courage, temperance, justice, prudence, humility, generosity, charity, and so on), it is affirmed as *good leadership*. But when hierarchical Catholic institutional authority is exercised badly (that is, when habitually deficient in such virtues), it is commonly called, with due opprobrium, *authoritarian / weak / hypocritical*. Anyone knowledgeable about both church history and fallen human nature knows there are recurring episodes of arguably warranted anti-clericalism within past and present Catholic nations, cultures, and institutions – some of which in spite of such anti-clericalism nevertheless remain, at least for a while, culturally Catholic. (One can even imagine habits of Catholic clerical authoritarianism carried over into post-clerical Catholic institutions.) Nevertheless, for *Catholic* institutions to flourish, Catholic clergy and laity alike need to be more virtuous in pursuit of their (our) shared mission.²

Observation #3: Faculty Frustration with Deficiencies in Notre Dame’s Catholic Character

If the foregoing observations concern some broad historic characteristics of both Catholic metaphysics and Catholic institutions that may not be well understood among both faculty and administration, there is paradoxically widespread frustration *among Catholic and non-Catholic faculty alike* that takes the following form:

If Notre Dame was a genuinely Catholic university, Notre Dame would / would not be doing X.

In addition to the general frustration with institutional governance that is the larger focus of the *Concluding Report* the most common frustrations expressed by faculty concern University policies and behaviors related to *life issues*,³ *money*,⁴ and *status envy*.⁵

² Governance in Catholic institutions is inherently paradoxical, in that Catholic structures of authority are on the one hand hierarchical, but on the other hand guided by an ideal of “top-down” **servanthood** *patterned after Christ Himself*, who came among us “not to be served but to serve;” taught that whoever among his followers would be great must be a servant to all; and gave his own life to save sinners. Ultimately, no Catholic can be cynical about this servanthood ideal (and that, in cooperation with divine grace, it can to some extent be achieved) and still be regarded as faithfully Catholic.

³ The bedrock principle of modern Catholic social teaching is anthropological: the dignity of the human person; and this first principle is what is at stake in Catholic teaching about what are here called *life issues*. These concern most prominently the aforementioned status of the human person, especially with respect to the beginning and end of human life, the nature and purpose of human sexuality generally (and marriage in particular), and most fundamentally whether a person ultimately

It is sometimes said that Notre Dame is a place where the Catholic Church does its thinking. This is true, in part. Equally true however is that Notre Dame is a place where Catholicism is publicly *contested*, both internally regarding the substance and implications of Catholicism itself, and externally as Catholicism engages with modernity to determine how Catholics in good faith might cooperate with or resist the paradigms of modern life within which Catholic Christianity seems increasingly alien.

Let it be stipulated that Notre Dame is a proper setting for these debates about Catholicism in the modern world, and that such debates are a legitimate part of its mission to be a great Catholic research university. ***What cannot coherently be disputed is the necessity for these debates to occur in an institutional context in which the nature of Notre Dame's self-understanding as a Catholic university is clear.*** The Fellows of the University are constitutionally mandated to provide that clarity. Given the institutional confusion and disagreement about Notre Dame's mission, faculty misgivings about authority in Catholic institutions, and faculty frustration with institutional behavior at odds with Catholic ideas and ideals, it would be helpful to receive authoritative guidance from the Fellows about the following items:

belongs to God or ultimately belongs simply to oneself. To some faculty, two of the most frustrating University actions in regard to these matters have been 1) the *honoring of* (as distinct from *engagement with*) politicians and public figures who publicly repudiate (and promote policies opposing) Catholic beliefs about the sanctity of human life and its protection; and 2) the University's recent decision to *simultaneously* a) provide employee and graduate student contraception through its insurance plans, *and* b) distribute to all who sign up for University health care benefits a statement about the Catholic Church's opposition to artificial contraception. Other examples could be cited, but these two especially exhibit the incoherence of current University policy with respect to this bedrock principle of Catholic anthropology.

⁴ If frustration with the University administration about life issues is given loudest voice, there is perhaps even more pervasive faculty frustration about the effects of money on Notre Dame's institutional vocation. While there is general (and appropriate) faculty amazement at the generosity of Notre Dame donors, admiration for the skills of the University's investment counselors, and appreciation for Notre Dame's generous personnel policies and benefits, there is also widespread faculty concern that in a historical moment of extreme economic inequality, Notre Dame's wealth *and its display in secular things* is superseding in prominence Notre Dame's mission. There is alarm that University academic and building programs appear determined more by fund-raising and development than vice versa; resentment about the lack of both faculty consultation and transparency about how Notre Dame spends its money; repeated expressions of concern about both the environmental stewardship implications and the symbolic content of prominent Notre Dame building projects; and regret that with respect to its mission objectives Notre Dame's use of its wealth is distressingly unimaginative. That "Notre Dame, Inc." is run "more like a for-profit corporation than a University" (or as "a hedge fund with a university attached to it") is a recurring refrain; and there is the sense among much of the faculty that Notre Dame's position among the wealthiest 1% of American universities (and as the wealthiest Catholic university) affords us great opportunities and imposes upon us special obligations the University has yet to realize.

⁵ Faculty frustration about how Notre Dame uses its ample financial resources is related to faculty frustration about how many University decisions appear to be driven by status envy. Since at least the beginning of the 20th century Notre Dame has been a place for upwardly mobile strivers, largely poor urban immigrant European Catholics --prototypically, "the first in their family to go to college"-- seeking to become *as Catholics* full participants in American culture and civic life. (For evidence of said sensibility *to this day*, simply pay attention to the opening ceremonies of every Notre Dame home football game.) Notre Dame's mainstreaming of Catholic immigrants of European descent into American culture has been both fabulously successful and a worthy cultural and Catholic aspiration -- indeed, one that in our current historic moment warrants increased recruitment of and financial support for talented poor and working class Catholic applicants of Latino, African, Asian and Anglo descent to matriculate at what has become America's elite Catholic university. Insofar as Notre Dame's present ambition to become a great Catholic research university --and to be *recognized* as such by secular research universities-- is a continued striving for excellence, it can be understood as the next logical step in a long and proud Notre Dame tradition. The frustration that many faculty feel about this ambition is *not* with Notre Dame's desire to be a great research university, but rather that Notre Dame is attempting to emulate the modern secular research university --*very* successful in promoting (and profiting from) research-- at the historic moment when both the narrowly focused intellectual substance and the hyper-individualist moral core of the modern research university are revealing their problematic consequences. It should not be Notre Dame's ambition to outperform secular research universities on *their* terms, but rather to outperform secular research universities on (our Catholic understanding of) *God's* terms -- which include the Catholic suppositions both that truth is knowable and to be pursued, and that money and status are genuine external goods but nevertheless *means* subordinate to the internal goods of truth, excellence, and charity at the core of Notre Dame's mission.

- the nature of the University’s Catholic and academic vocation as a *single* mission entailing multiple specific and indivisible ends;
- the structures of authority that define Notre Dame as a *Catholic* institution; and relatedly,
- the shared substance of Catholic moral teaching by which the entire University community can be held *internally* accountable *up and down* those structures of authority.⁶

From the summary and conclusion above come the following additional recommendations beyond those of the *Concluding Report*. The first and most important recommendation is addressed to the Decennial Review Committee and the Academic Council, for a new University governance entity (with standing in the Academic Articles) that includes strong faculty consultation and voice. The remaining three sets of recommendations are ideas for consideration by that proposed new entity and by the Fellows of The University; and ultimately by the entire faculty and administration.

RECOMMENDATIONS

Recommendation #1: Create a Fellows Advisory Committee on the University Mission

The Fellows Advisory Committee [FAC] here proposed would be a standing University committee intended to: a) afford Notre Dame faculty substantive *consultation* and *voice* in matters concerning the University’s singular mission in all its professed aspects (Catholic character, undergraduate education, research and scholarship, financial and environmental stewardship, and external

⁶ Institutional and intellectual confusion about Notre Dame’s Catholic character arguably goes back more than fifty years, to the 1967 document “The Idea of the Catholic University” (aka “The Land O’ Lakes Statement”). An admirable document in many ways, the issue of Catholic institutional accountability is arguably its Achilles heel, exposed in the first paragraph of its first and subsequently unqualified article:

To perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself.

From the time of its publication more than fifty years ago, this particular assertion has received both the greatest scrutiny and arguably not enough. With respect to the proper vocation of the university to freely pursue truth by means of reason, it is unobjectionable. *By Catholic standards*, bishops generally should not be butting into properly academic matters; and generally, bishops don’t. (Indeed, in recent decades Notre Dame has provoked its bishop far more often than its bishop has provoked Notre Dame.) With respect to Notre Dame however, there are two other arguably more pertinent issues. The first concerns the ways in which since 1967 Notre Dame in fact routinely and willingly subjects herself to myriad secular forces “external to the academic community itself” -- federal regulations, research funding conditions, corporate sponsorships, NCAA guidelines, etc. But the larger question raised by the Land O’Lakes declaration of autonomy is not how the Catholic Church relates itself to the Catholic university, but rather how the Catholic university understands itself in relation to the Church, a question which can be posed most simply as: What makes a Catholic university Catholic? One occasionally hears --sometimes as a lament, sometimes as a boast, sometimes as an evidence-based conclusion-- that Notre Dame is not accountable to anyone or anything except herself. But no Christian institution can be accountable only to itself. Ya gotta serve somebody, and Catholic institutions serve Somebody in distinctively Catholic and sacramentally mediated ways. Ordinarily, one might expect a self-proclaimed Catholic university to claim authority over academic matters, and defer to the authority of its local bishop in matters of Catholic faith and morals (or even to Rome, if those are disputed). However, that is not Notre Dame’s current public posture. It would be helpful therefore for the Fellows of the University to articulate more clearly the nature of Notre Dame’s relationship to the Catholic Church, and in what way and to whom Notre Dame is accountable for being authentically Catholic.

engagement); and b) allow ongoing consideration of issues and concerns raised in the *Concluding Report* and/or this concurrence, and similar issues and concerns as they arise.

The FAC would be an advisory body to the Fellows and a liaison to the faculty, and consist of the twelve Fellows of the University, the Provost, the Executive Vice President, and all of the (willing) permanent tenured Notre Dame faculty who meet a single eligibility requirement: that ***he or she left a tenured faculty position at an AAU or Carnegie Classification R:1 Research University to come to Notre Dame.***⁷ The FAC should meet once each semester, to consider an agenda established primarily by its faculty members; and in turn, one or more representative/s of the faculty members of the FAC should report on their meetings to the Faculty Senate at least annually, which can also be a regular occasion for the Senate to give additional faculty *voice* to the FAC.

Presuming that the faculty members eligible to be members of the FAC have come to Notre Dame either because they are Catholic or because they support Notre Dame's institutional mission (and not discounting financial incentives); and in any case demonstrating that Notre Dame supports scholarship and research of the highest quality, the mission-related purpose of the FAC would be twofold: 1) to demonstrate to the Fellows of the University and the University administration, *by the standards of excellence of the secular university* (as demonstrated by the pre-Notre Dame tenured status of its faculty members), that there is *no* conflict between Catholic Christianity and academic excellence; and 2) to demonstrate the same to the Faculty Senate and, *eo ipso*, the entire University community.

In addition to this primary substantive recommendation to create a Fellows Advisory Committee, the FAC itself should be an ongoing opportunity for faculty consultation and voice in the governance of the University in accordance with its mission, and a means for the faculty and administration to hold one another accountable in pursuit of that end. Therefore, as suggestions for consideration by faculty and administration, the following recommendations are offered as examples of prospective University policies that might be appropriate topics for discussion by the FAC: the University's Catholic character; how best to pursue the University's academic agenda; and stewardship of the University's wealth.

Recommendation #2: Articulate Notre Dame's Self-understanding as a Catholic University

The academic mission of Notre Dame is pursued under accepted canons of academic excellence established by the practices of multiple academic disciplines, and the institutional norms of the modern university. The Catholic identity of Notre Dame likewise entails normative Catholic practices, with this difference: there are Church teachings on faith and morals definitively Catholic, and an authoritative teaching office to interpret them. *De jure*, that office is the local bishop, and sometimes the Bishop of Rome; but no Catholic institution --however properly autonomous the inner workings of its specific vocation-- can be unaccountable with respect to its self-understanding as *Catholic*. Yet the impression the University often gives is that with respect to its Catholic identity, Notre Dame is accountable to no one beyond Notre Dame. The FAC should take the lead in clarifying to who or what Notre Dame is responsible with respect to its Catholic character.

The simplest way to do that is to acknowledge the authority of our local bishop *not in matters of academics* but in matters of Catholic faith and morals. But short of (or in addition to) that, this concurrence recommends the Fellows explicitly and formally confirm principles that Notre Dame already evokes and teaches episodically: the fullness of Catholic social teaching as our shared standard for University governance. These principles include the dignity of every human person, the sanctity of human life from conception to natural death, an understanding of persons as social animals and moral agents with

⁷ A quick informal tally yielded more than forty names of faculty members thus qualified. There are almost certainly more.

both rights and responsibilities, the human stewardship of creation (including both the natural order and human institutions), the dignity of work and the rights of workers, the affirmation of social and communal solidarity, civil society understood as a realm of multiple authoritative institutions and agencies operating in accordance with the principle of subsidiarity, the common good as the purpose of both civil government and the market economy, public policy with a bias for benefits to the involuntarily poor, and religious freedom as a fundamental human right.

For the Fellows to explicitly endorse the principles of Catholic social teaching as normative for University governance would likely upset many, in different ways; but the credibility of Catholic social teaching is undermined by the failure of Catholic institutions themselves to attempt to live up to it. Were Notre Dame to more clearly profess and adhere to Catholic teaching on marriage and life issues; act less like a for-profit global corporation; and govern ourselves in greater accord with the canons of justice and generosity we commend to others, we would surely achieve neither faculty consensus nor an end to institutional debates about the details of such issues. But Catholic social teaching principles taken together and professed as the unified standard to which the University aspires might make all of us at Notre Dame both better and (paradoxically) less presumptuous about our own virtues; and at the very least, an endorsement by the Fellows of the norms of Catholic social teaching would provide institutional clarity. Whatever our ongoing disagreements, all Notre Dame faculty of good will, Catholic and not, are likely to respect good faith efforts to make University governance more coherently, conscientiously, and accountably Catholic.

Recommendation #3: Three Fiscal and Fund-raising Priorities for Greater Academic Excellence

Notre Dame's foremost institutional purpose is to teach, pursue, discover, and serve truth from within a Catholic understanding of reality. To better do this, we need to be better teachers, researchers, and students. Under the current administration, special attention is being given to improving Notre Dame's research programs and facilities. To further that end, this concurrence offers three suggestions for consideration by both the proposed FAC and the existing Academic Council for University fiscal and fund-raising priorities:

- **Endow a Faculty Research Fund**, toward the end of the University's research being fully self-funded. In our increasingly atomistic culture, it is not unimaginable that excellent scholars (Catholic or not), from multiple disciplines, will find Notre Dame's communal academic culture more conducive to their research, *if Notre Dame has in place the financial means for her faculty to pursue that research*. As part of our effort to expand the quality and quantity of our academic research, Notre Dame should make the permanent provision of such means a priority.
- **Endow full-tuition scholarships for all professional degree students** in Architecture, Business, and Law. This proposal runs counter to current University policy, but current University policy hurts Notre Dame's mission in two ways. First, the cost of a Notre Dame professional education often deprives the University of very good students who are unable to pay. Second, the cost often discourages or postpones family-formation, with consequent personal and social costs. If we want excellence in our professional degree programs, we need excellent professional degree students; and if we want those students to flourish over the course of a lifetime, we should endeavor to make it possible for them to complete their formal education with zero or minimal debt.
- **Endow self-funded, need-based, low-interest-loan and scholarship programs for undergraduates**, with diversity priorities governed by recruitment and admission of a predominantly Catholic undergraduate male and female student body across the racial, ethnic, and

class lines of national and international Catholic demographics. This policy should be directed toward the ends of extending Notre Dame's legacy of providing life (and faith) opportunities for qualified student applicants irrespective of family income, and making Notre Dame tuition-free.

There is no presumption here that these large fiscal goals can be achieved either quickly or all at once. But in light of Notre Dame's current fund-raising abilities, and the potential wider appeal of Notre Dame as a place where research—particularly in the STEM disciplines—is pursued subject to moral constraints and a clear view of human flourishing, the urgency to pursue financial self-sufficiency is great. Much current research funding comes from the federal government. When the higher-education “bubble” bursts; or, alternatively, when a political regime makes research funding and federally insured loans contingent upon the affirmation of beliefs contrary to Catholic moral teaching, Notre Dame will find itself having to make a wholly undesirable choice between a major source of institutional revenue and its religious convictions. Better for Notre Dame to have the foresight and means to avoid that choice.

Recommendation #4: Two Communal Policies Suited to a Wealthy Catholic University

Finally, two policies suited to communal life within the University, particularly important because of the privileges and duties that accompany Notre Dame's great wealth:

- **Make Notre Dame the most family-friendly R:1 University in the country for married graduate students and their children**, particularly through housing and medical benefits. There is no field of scholarly or professional endeavor that will not be made more humane by being peopled with persons who understand the responsibilities, challenges, and pleasures of living in families. The modern research university in effect functions as a massive disincentive to the formation of families (especially for women of child-bearing age): peak biological fertility meets peak economic vulnerability, in a high stress institutional environment. Of course there are persons whose religious or academic or professional vocation precludes marriage and family. But for every such person there are many aspiring academics and professionals who want (or have) marriage and a family. For her graduate students in particular, Notre Dame should use its financial resources to make being in a family easier rather than more difficult.
- **Tithe Notre Dame's annual endowment interest dividend earnings**: that is, give 10% of the endowment's earnings to Catholic charitable and K-12 educational institutions *not otherwise affiliated with Notre Dame*. And do so *sotto voce*, in the spirit of Matthew 6: 1-4, 19-21, 24; and 7:24-25. Responding to this idea, more than one faculty colleague suggested that a tithe of our endowment earnings might discourage future donations to the University; and perhaps that is correct. Nevertheless, it is objectively true that Notre Dame is rich. And even apart from the intrinsic obligations of wealthy Christians—what is clearer in the gospel than that wealth is to be given away?—the federal government is already coming after the endowment earnings of the nation's wealthiest private universities, Notre Dame's among them. So why not beat them to the punch (cf. Luke 16: 1-13)? At the same time, we should not discount the practical benefits that might follow an annual Notre Dame tithe. The recently departed Tim O'Meara—Notre Dame's first lay provost; world-class mathematician; fellow of the American Academy of Arts and Sciences-- noted of his own tenure in office:

Some Catholic schools, in adapting to what they thought would be the best way to obtain resources from public agencies, have tried to neutralize or camouflage their heritage. We have not. Interestingly enough, the very fact that we have maintained our self-confidence

in what we are has [proven] a positive factor in enabling us to find the resources we need.

CONCLUSION

Along with the *Concluding Report*, this concurrence thanks all our faculty and administrator colleagues who took the time to share with us their views and experiences regarding the faculty role in the governance of Notre Dame. Regarding this concurrence, all the recommendations herein –*faculty voice*, in the language of the *CR*-- are offered in support of the integral character of the Catholic, academic, and communal elements of the University's mission, in the hope their adoption would focus and sharpen the distinctive character of Notre Dame. In addition, however unlikely it is that our wealthy university peers would follow Notre Dame's lead in any of these matters, were they to do so, Notre Dame will have led. The University annually awards its highest honor, the Laetare Medal, to Catholic individuals "whose genius has ennobled the arts and sciences, illustrated the ideals of the Church and enriched the heritage of humanity." Just as Catholic individuals can be excellent in these ways, so too can Catholic universities. There is no reason why we ourselves, with divine aid, should not aspire to the faith-begotten greatness for which we rightly honor others; and be ever more boldly the University of Notre Dame.

Respectfully submitted,

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