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2015-12-11 Minutes of the Academic Senate

University of Dayton. Academic Senate

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Academic Senate Meeting
Approved Minutes
11 December 2015

Carissa Krane, President of the Academic Senate

Attending:

Senators: Benson (Interim Provost), Biswas, Bobrowski, Daprano, Dingle, Dunne, Eustace, Foust, Gabbe, Goodman, Haus, Hicks, Holcomb, Jacobs, K. Kelly, Mary Kay Kelly, Krane (President), Krug, Lahoud, Mashburn, Merithew, Picca (Vice President), Pierce, Rojas, Santiago, Seielstad, Slade (Secretary), Smith, Spaulding, Valenzano, Watkins, Webb, Whitaker, Wu, Zhang

Guests:

Bruce Beil, Anne Crecelius, Rachel Cain, Liz Diller, Karen McBride, Natalie Hudson, Joel Pruce, Lynne Yengulalp, Judith Huacuja, Carolyn Phelps, Melissa Guadalupe, Mary Fuhs, Jackson Goodnight, Ben Kunz, Tracy Butler, Julie Walsh-Messinger, Keri Brown Kirschman, Chris Agnew, Margie Pinnell, John Luckett, Kim Trick, Jim Farrelly, Daniel Thompson, Sue Wulff, Linda Hartley, Judy Owen, Kelly Johnson, Mary Carlson, Juan Santamarina, Ellen Fleischmann, Bobbi Sutherland, Don Pair, Fred Jenkins, Heidi Gauder, Vincent Miller, Una Cadegan, Susan Brown, Denise Taylor, Fr. James Fitz, S.M., Deb Bickford, Paul Vanderburgh, Jack Reese, Jennifer Creech, Teresa Thompson, Danielle Page, Suki Kwon, Haimanti Roy, Shauna Adams, David J. Wright, Michael Krug, John Leland, Danielle Poe, Sawyer Hunley, Lee Dixon

Prayer: Kevin Kelly

1. Minutes
 - a. Approved by unanimous consent
2. CAPC Presentation
 - a. Guests: Sawyer Hunley, Lee Dixon, Danielle Poe
 - i. Presentation is attached as part of the minutes
 - ii. Questions
 1. Must Daylighting end?
 - a. Daylighting will end as CAP components are put in place which should happen this academic year as has been the plan.
 2. Are there CAP courses shared between different academic units?
 - a. Yes.
 - iii. Comment

1. Space issues seem to limit curricular development
3. Undergraduate Academic Certificates
 - a. Presentation by Joe Valenzano, Chair APC
 - i. Document 2015- 04 Passes unanimously.
4. Resolution on Political Activity
 - a. Myrna Gabbe, Chair SAPC
 - i. Presentation is attached as part of the minutes
 1. SAPC presents three resolutions to the Academic Senate. That,
 - a. the university craft separate policies for students and employees on the grounds that the two groups have different relationships to the University as a nonprofit organization. Revisions to the policy should reflect the distinction between students and employees in regard to the 501c3 tax code.
 - i. Resolution passes 30-0-1
 - b. the legal team and the university's government liaison fully investigate the relevant legal parameters for political activity of students and employees within administrative law.
 - i. Resolution passes 31-0-0
 - c. affirmative guidelines be developed and policies amended in light of these parameters that encourage political activity and expression by students and employees without compromising the University's nonprofit status.
 - i. Resolution passes 31-0-0
5. Statement on Conducting Research and Restrictions on Research Policy
 - a. Paul Benson
 - i. Interim Provost Benson contextualized the conversation on the Statement and the Restrictions on Research Policy
 1. The conversation is happening at the initiation of the Senate and ECAS.
 2. The audience for the Statement is the Board of Trustees Committee on Mission and Identity (on which the Rector and VP for Mission sits) and the Committee on Research. The Board of Trustees has asked for a statement about research as part of its fiduciary duties; it does not make substantive decisions about research and has not indicated that it intends to alter research strategy.
 3. These conversations have happened—fruitfully—at UD in the past. In the 1980s there was a multi-year investigation into strategic defense research and in the

1990s there were shorter investigations regarding stem cell research.

- b. Andrew Slade collected responses to the Statement on Research and the Restrictions on Research Policy on behalf of the Senate.
 - i. Presentation attached
 - c. Statement from the Department of Religious Studies is attached
 - d. Statement from the Department of History is attached
 - e. Letter from signatories of the faculty attached
 - f. Discussion questions and comments
 - i. Where does the statement reside?
 - 1. It will be in the Board of Trustee documentation; it goes to the Committee on Mission and Identity and the Committee on Research
 - ii. Are there other statements such as this one in the Board of Trustees documentation or other materials?
 - iii. Comment: Artistic creation is scholarship and should not be distinguished from other forms of scholarship.
 - iv. Do other universities have similar documents?
 - v. What is the actual impact of the statement on current practice?
 - 1. None
 - vi. The policy on research restrictions speaks mostly to sponsored research while the statement speaks about all research.
 - vii. Have students been part of the conversation to this point about the statement on research? Given that students actively conduct research on campus it might be worthwhile to involve them as well.
 - viii. The Statement on research is the beginning of a discussion on the role of different kinds of research on campus and is not a final statement.
6. Committee Reports
- a. APC (Valenzano, Chair):
 - b. SAPC (Gabbe, Chair):
Meetings typically held alternate Wednesdays, 9:05-5:55, HM 472.

Since our last Senate Meeting in November, SAPC has met twice. On November 18th, we discussed the retake policy in light of the perceived challenges. On December 2nd, guest Joe Valenzano (APC chair) presented APCs proposed revisions. Members of SAPC made minor suggestions.

We have yet to schedule our next meeting.

- c. FAC (Merithew, Chair):
Since the last Senate meeting, the FAC met on Dec. 3 for two hours. We continued work on the handbook title descriptions that are part of the ECAS charge.

We defined the term "Courtesy Appointment to the Faculty" (to replace the current Clinical Faculty section) -- Under ECAS Charge #1

The committee discussed for 1/2 the meeting the Policy and Procedure concerns (based in experiences of current practices at the University across campus in re: non tenure line faculty) to better address ECAS Charge #4 which asks that we anticipate issues of rank non tenure line Clinical Faculty and the need for policy revision in re: promotion.

Committee members brought completed research on peer institutions' practices in re: Clinical Faculty (ECAS Charge #5a) which we began to discuss.

Two subcommittees were appointed to formulate rough draft language for Courtesy and Clinical Faculty Titles (Ranked in latter case)

Ann Biswas sat in on the meeting as a visitor and offered vital information -- given her expertise and position as lecturer in the ENG Dept (and Senate Representative of Non Tenure Line Full Time Faculty).

Finally, meeting schedule has to be changed -- and chair is in process of doing this -- for next semester given the new people assigned to committee in fall semester and other scheduling conflicts.

Attachments:

We, the undersigned faculty members, wish to register our objections to the draft document, “A Statement on Conducting Research at the University of Dayton in Light of Our Catholic and Marianist Values.” We recognize the need to justify the research conducted by the University of Dayton Research Institute (UDRI) as it pertains to the University’s mission, and broader notions of law and morality. However, we cannot support this policy statement for its failure to comply with widely accepted norms of international law and human rights.

As the text engages with just war doctrine, we must consider that there are two facets to a “just war”: *jus ad bellum* (resort to war) and *jus in bello* (conduct during war). Both of these crucial concepts are addressed in an insufficient manner in the draft document.

The resort to war is passingly referred to in the statement by reaffirming the right to self-defense, which assumes that all future uses of UDRI technology would inherently fall under this claim. Here we see the dangerous blurring of the line between actual self-defense and preemptive war, the latter of which is morally prohibited and legally unsubstantiated. That the critical complexities of *jus ad bellum* are barely addressed in the statement signals an open-ended support for war that has become increasingly and problematically common in the post-9/11 era.

Furthermore, the statement makes reference to research undertaken “for the defense of our nation and protection of our military personnel.” This is an unusual course for a university to take as it issues blanket support for the government and its military, seemingly without exception. Relying by faith on the prudence of American leadership is unadvisable because it places the University in a compromised position, particularly as U.S. leaders continue to navigate the shifting nature of security threats in the context of access to untested technologies.

Finally, *jus in bello*, or conduct during war, is mentioned with an outdated reference to the prohibition on the “development of chemical, biological, nuclear or indiscriminate weapons of mass destruction.” The constraints of just war theory far exceed the burden not to produce nuclear or biological weapons. The “indiscriminateness” of weapons deployed from the sky, for instance, demands clearer stipulation given the tragically high rates of civilian casualties; the recent prohibition on the use of antipersonnel landmines provides a useful example. Rapid advances in military technology such as those UDRI is presumably working on are unsettled as matters of international law and the morality of their usage is highly controversial.

This policy statement is transparently inadequate and doesn’t represent the University well—particularly when we espouse to have such an intimate dedication to human rights. On more than one occasion, we have hosted guest speakers on campus with international notoriety who have publically commented about the shameful of UD’s development of weapons of war. This statement does nothing to defend or validate the legality or morality of UDRI’s research and, worse, undermines our core values by weakly attending to these critical issues.

Sincerely,

We, the undersigned

This list contains the names, departments, and ranks of individual signatories to the letter. It must be noted that junior, untenured, or contingent faculty may have chosen not to participate out of fear of reprisals and concern for job insecurity.

Name	Department	Rank	Email Address
Joel R. Pruce	Political Science	Assistant Professor	jpruce1@uayton.edu
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Kristy Belton	Political Science	Post-Doctoral Fellow	kbelton1@uayton.edu
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University of Dayton

Department of Religious Studies

“A Statement on Conducting Research at the University of Dayton in Light of Our Catholic and Marianist Values.”

Responses from the Faculty of the Department of Religious Studies

The faculty of the Department of Religious Studies has reviewed and discussed during several departmental meetings the University’s current policy on restrictions on research and the draft “A Statement on Conducting Research at the University of Dayton in Light of Our Catholic and Marianist Values.” On the basis of these discussions, the Department’s faculty would like to offer the following comments and recommendations:

- 1) The faculty in Religious Studies welcomes a statement that connects the University’s deep commitment to research in all fields with its Marianist and Catholic mission.
- 2) However, the Religious Studies faculty also recognizes that both the policy status and ultimate purpose of the proposed draft are unclear. For these reasons, the faculty also judges that the genre, so to speak, of the statement is itself unclear, a problem that could lead to misplaced emphases and incomplete or inaccurate arguments.
- 3) More specifically, the faculty expressed a concern that the document’s emphasis on the difficult cases of biomedical and weapons research could be construed (particularly with regard to the latter) as both a *defense* of certain kinds of controversial research as well as an assertion about the *centrality* of these kinds of research to the carrying out of the University’s mission.
- 4) The Department’s faculty recognizes the complexity involved in both issues of biomedical and defense research. Hence, the faculty recommends that these subjects be treated more fully in a revised version of the current formal University policy, not in a statement with the unclear scope and purpose of this one. Moreover, in the faculty’s judgment, the treatment of both of these topics in this statement is partial and subject to criticism on several points, including:
 - a. The language of the draft statement seems to represent a notable loosening and lowering of standards for restricting research in comparison with the 1993 document (e.g., the shift in language from the 1993 prohibitions on research on “indiscriminate” weapons to prohibitions on research on “indiscriminate weapons of mass destruction”);
 - b. The draft uses vague language that seems to absolve the University as a corporate body or individual researchers from responsibility for the effects of their research (e.g., the prohibition on research that “knowingly” contributes to the development of indiscriminate weapons of mass destruction);

- c. The treatment of the “just war” tradition in Catholic Social Teaching needs to be corrected, expanded and nuanced. For example:
 - i. Even “discriminate” use of weapons is not moral in an unjust war.
 - ii. “Just war” tradition does not mean that building weapons is a positive much less a necessary part of a Catholic institution’s mission.
 - iii. The statement’s discussion of the Catechism’s teaching on just war needs to be corrected and made more substantial.
 - iv. The statement’s use of the “just war” tradition seems disconnected from other objectives of the University’s mission (also drawn from Catholic Social Teaching), including diversity, dialogue, and preparation for living in a global environment.
- 5) For these reasons, the Department of Religious Studies recommends the following:
- a. that the proposers of the statement clarify its purpose, particularly its intended legislative status and authority;
 - b. that the statement be tabled until its purpose, legislative status and authority are clarified;
 - c. that, to avoid misunderstandings both about the Statement’s overall intention and its particular interpretation of Catholic Social Teaching, the subjects of biomedical and defense research in relation to CST and the University’s mission would be best treated in a revised and expanded version of the current formal University policy, and not in this document.

Approved unanimously by the Faculty of the Department of Religious Studies, December 9th, 2015.



December 10, 2015

TO: Academic Senate
FROM: Department of History

RE: Academic Senate – Meeting of December 11, 2015
Response from the Department of History, University of Dayton
regarding “Statement on Conducting Research” and “Restrictions
on Research Policy”

These documents (“Restrictions on Conducting Research Policy” and “A Statement on Conducting Research at the University of Dayton in Light of Our Catholic and Marianist Values”) raise significant questions in two different areas.¹

First, to whom and to what research they apply is unclear. “Restrictions on Conducting Research” would seem to apply to sponsored research, but the “Statement on Conducting Research” seems intended to apply more broadly to all research conducted at the University, whether externally sponsored or not.

If the policies apply only to sponsored research, that limitation should be made much clearer.

Even if the policies apply only to sponsored research, a statement with the goal of serving “as a guide for research and scholarship endeavors at the University of Dayton” should be generated primarily by the University’s academic leadership and only after wide consultation with faculty.

If the intended application of these statements is to all research conducted by faculty, whether sponsored or not, the previous point applies *a fortiori*.

As it currently reads, the “Statement on Conducting Research” seems to aim to be a general statement on research at UD,² and as such has serious limitations. Its

¹ The “Statement on Conducting Research” refers to a document titled “Restrictions on the Acceptance of Sponsored Research,” but it is not clear whether this is a different title for “Restrictions on Conducting Research Policy” or a third document.

unstated purpose, though, may be more limited and might be stated forthrightly: At times, the commitment of the University to the search for truth generates conflicts between certain aspects of Catholic teaching and the values and beliefs of many others in US society. This need not come as a surprise: the specifics of Catholic teaching are not coterminous with the mission and values of the university. We can acknowledge that the University's interest in maintaining itself in good standing as a Catholic university occasionally requires limitations that might be viewed as unacceptable at other universities. Honesty, transparency, and frank acknowledgment of these conflicts and the necessity of navigating them is more in keeping with the purposes of a university than euphemism and generality.

Our second area of concern has to do with the question of research conducted at the University for the Department of Defense, and the argument made to justify it based on Catholic teaching on war and peace. There are serious historical and ethical questions as to whether "lawful self-defense" is what is being undertaken by a nation whose military budget is nearly that of all other countries in the world combined. There are serious questions as to whether the doctrine of just war is a useful instrument for discernment in the current age of low-grade, undeclared but unending involvement of the US in wars outside its borders.

Further, the distinction between "indiscriminate" and "discriminate" weapons (even if it is granted that it is ever morally acceptable to participate in weapons development) is likely not sustainable, given recent history. The record is clear at least from the first Gulf War to the present that "smart bombs" and targeted drones are much more destructive than commonly depicted. They cause more civilian than military casualties in most instances. As the US bishops noted in their 1983 pastoral letter *The Challenge of Peace*, "The lives of innocent persons may never be taken directly, regardless of the purpose alleged for doing so" (Par. 104). At the very least, it is difficult to defend any participation in contributing to the stockpile of the world's weapons as transformative.

The Department of History appreciates the opportunity afforded to the Academic Senate for consultation on this issue that is at the heart of the faculty's role at the university. If policies of this scope and implication are going to be created, revised, or elaborated, we urge that it be in wide consultation and meaningful collaboration with the university's faculty and academic leadership, and that they reflect more fully the university's obligation to contribute to a peaceful world.

Respectfully submitted,

Juan C. Santamarina, Chair

² Senate President Carissa Krane notes in her Memorandum of October 29, 2015 that, "it is meant to answer a question from a Board committee about the underlying values concerning research as seen from a Catholic and Marianist perspective."

