

**Faculty Senate Meeting**  
Wednesday, February 24, 2010  
3:30-5:30 p.m. – Adelbert Hall, Toepfer Room

AGENDA

3:30pm	Approval of Minutes from the January 19, 2010 Faculty Senate meeting, <i>attachment</i>	C. Musil
	President's Announcements	B. Snyder
3:35pm	Provost's Announcements	B. Baeslack
	Chair's Announcements	C. Musil
3:45pm	Consent Calendar 1) University 5-year Academic Calendar <i>attachment</i>	C. Musil
3:50pm	Report from the Executive Committee	C. Beall
3:55pm	Report from Secretary of the Corporation	J. Arden-Ornt
4:00pm	Report from Minority Affairs Committee	F. Gary
4:15pm	University Professor, Faculty Handbook <i>attachment</i>	C. Cano
4:30pm	LL.M in International Criminal Law <i>attachment</i>	G. Wnek
4:45pm	Distance Learning: Master of Science, Master of Engineering <i>attachment</i>	G. Wnek
5:00pm	Report from Enrollment Management	R. Bischoff
	New Business	

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**Members Present**

Bruce Averbook  
W. A. “Bud” Baeslack II  
Timothy Beal  
Cynthia Beall  
Jessica Berg  
Nabil Bissada  
Daniela Calvetti  
Christine Cano  
Susan Case  
Martha Cathcart  
Gary Chottiner  
Mary Davis  
Mark DeGuire  
Faye Gary

Julia Grant  
Susan Hinze  
Christine Hudak  
David Hutter  
Cheryl Killion  
Ken Ledford  
Alan Levine  
Ken Loparo  
Leonard Lynn  
Frank Merat  
Shirley Moore  
Diana Morris  
Carol Musil  
G. Regina Nixon

Daniel Ornt  
Rodney Pratt  
Cassandra Robertson  
Jonathan Sadowsky  
Scott Shane  
Mark Smith  
Barbara Snyder  
Glenn Starkman  
Shengbo Wang  
David Wilson  
Gary Wnek  
Terry Wolpaw  
Liz Woyczynski  
Nicholas Ziats

**Members Absent**

Keith Armitage  
Robert Bonomo  
Mark Chance  
Angela Graves  
Peter Haas  
Elizabeth Kaufman  
Jim Kazura

Kalle Lyytinen  
Kathryn Mercer  
David Miller  
John Orlock  
Joseph Prahll  
Faisal Quereshy  
Roy Ritzmann

Samantha Schartman  
Benjamin Schechter  
Sorin Teich  
Betsy Tracy  
Susan Tullai-McGuinness  
Michelle Walsh  
Georgia Wiesner

**Others Present**

Dan Anker  
Jeanine Arden-Ornt  
Christine Ash  
Richard Bischoff  
John Clochesy

Donald Feke  
Ginny Leitch  
Kathy O’Linn  
Dean Patterson

Chuck Rozek  
Ginger Saha  
Lynn Singer  
Jeff Wolcowitz

### **Call to Order**

Professor Carol Musil, chair, Faculty Senate, called the meeting to order at 3:30 p.m.

### **Approval of minutes**

Upon motion, duly seconded, the minutes of the Faculty Senate meeting of January 19, 2010 were approved as submitted.

### **President's announcements**

President Barbara Snyder thanked the university trustees for their recent gifts. She also thanked Prof. Cynthia Beall, Anthropology, for her presentation to the Board of Trustees about her research in Tibet. President Snyder reported that she met with Mr. Charlie Lawrence, president and CEO, Cleveland Music School Settlement, about a partnership to provide child care services for faculty and staff at Case Western Reserve. The university is strengthening its corporate partnerships; President Snyder hosted a reception at her home for corporate leaders and CWRU alumni from Sherwin-Williams. There will be another reception shortly for Key Bank. President Snyder continues to host Faculty Spotlight events to promote the research and scholarship of faculty members to the outside community. The university received an endowment to offer one full-tuition scholarship per year to a graduate of the Cleveland School of Science and Medicine at John Hay Campus. Each full tuition scholarship covers four years of undergraduate tuition and 4 years of medical school tuition at Case Western Reserve University.

### **Provost's announcements**

Provost Bud Baeslack reported that the committee which is examining the university's budget system and another committee which is considering the university's potential internationalization efforts are making excellent progress. The recent meeting of the Academic Affairs and Student Life Committee of the Board of Trustees was very productive. He expects the last months of the spring 2010 semester to be very busy as many initiatives get underway.

### **Chair's announcements**

Prof. Carol Musil, chair, Faculty Senate, recounted her recent presentation about faculty senate activities to the Board of Trustees. Her report was very well received. The Board of Trustees inquired about the child care initiative and there were some questions about the tenure process. Prof. Musil encouraged senators to take a copy of the new conciliation and mediation brochure. A new online, faculty senate newsletter will be issued before the end of the academic year. The faculty senate newsletters will be featured on the new faculty senate website which will be launched this summer. The Faculty Senate is awaiting the final report of the *ad hoc* Committee on SAGES Review. Prof. Glenn Starkman will chair the new *ad hoc* Committee on Raising the Importance of Faculty-Centric Academic Advising; the committee is charged with considering an amendment to the Faculty Handbook. Prof. Musil reminded senators that they must get an alternate faculty member to serve on the Faculty Senate when they are on sabbatical or taking a leave of absence.

### **Consent Calendar**

Upon motion, duly seconded, the academic calendar, which includes the dates for the 2014-2015 academic year, was approved. There were several requests that the summer session dates should be included on the university's academic calendar. Prof. Musil said that she will discuss this matter further with the Executive Committee.

### **Report from the Executive Committee**

Prof. Cynthia Beall, a senator on the Faculty Senate Executive Committee, said the Executive Committee considered many of the items on the faculty senate agenda. The Executive Committee also received a report from the Faculty Senate Committee on Undergraduate Education; and the chair of the Faculty Senate announced that she will contact absentee senators as required by the Faculty Senate By-laws.

### **Report from the Secretary of the Corporation**

Jeanine Arden-Ornt, vice president and general counsel and secretary of the corporation, reported on the Board of Trustees meeting which took place the previous week. A new university trustee was appointed. Among the reports heard by the Board of Trustees was a report about the university's recent campus planning efforts which include the new LGBT center, the Uptown development, and new wind turbines. The conflict of interest survey was completed by 100% of administrators and 99% of faculty. Interim Dean Robert Rawson gave a report on the School of Law; and Provost Bud Baeslack reported on the strategic alliances.

### **Report from the Committee on Minority Affairs**

Prof. Faye Gary, chair, Faculty Senate Committee on Minority Affairs, reported that her committee recently convened a meeting with the president, the provost and members other university committees which address issues of diversity: the President's Advisory Committee on Minorities, the President's Advisory Committee on Women, the LGBT Council, the Diversity Leadership Council, and the Faculty Senate Committee on Women Faculty. The discussion centered on ways the committees could partner effectively. The Committee on Minority Affairs is interested in updating its charge as it is stated in the Faculty Senate By-laws. Prof. Gary said her committee considered organizing an initiative to have faculty mentor students in the Cleveland public high schools. President Snyder urged the committee to consider and build on existing partnerships between the university and Cleveland public schools. For instance, new scholarship funding was recently provided to Case Western Reserve in recognition of the university's promising partnership with nearby hospitals to support the Cleveland School for Science and Medicine. President Snyder said that she and Provost Bud Baeslack recently met with the new mayor of neighboring East Cleveland where schools would likely welcome new partnerships with the university.

### **University Professor**

Prof. Christine Cano, chair, Committee on By-laws introduced the draft guidelines and the required updates to the Faculty Handbook, proposed by the Provost's Office, for the honorific title of University Professor, the university's highest award for a faculty member. The Committee on By-laws and the Executive Committee edited and approved the amended guidelines and updates to the Faculty Handbook. It was noted that the guidelines provided for up to eight awards in the first year, and it was proposed that this information should be part of the updates to the Faculty Handbook. Upon motion, duly seconded, the guidelines and the updates to the Faculty Handbook, as amended, were approved.

### **LL.M in International Criminal Law**

Prof. Gary Wnek, chair, Graduate Studies Committee, introduced the proposal to establish the LL.M in International Criminal Law which was reviewed and approved by the Graduate Studies Committee and the Executive Committee. Prof. Michael Scharf, School of Law, provided additional information; the needed classes are already offered at the Law School. The LL.M will attract students with law degrees, including foreign lawyers, who want to supplement their degrees. The program allows student to do an internship at an international tribunal. There are only five similar programs in the world, only one of

them in the US. Upon motion, duly seconded, the Faculty Senate approved the new LL.M in International Criminal Law.

### **Distance Learning/Master of Science/Engineering**

Prof. Gary Wnek, chair, Graduate Studies Committee introduced the proposal from the Case School of Engineering to establish an asynchronous, fully online curriculum for the Master of Science and Master of Engineering. The proposal was approved by the faculty at the School of Engineering, and reviewed by the Graduate Studies Committee and the Executive Committee. Since these are not new degrees, and there is no change in the curriculum - other than offering the classes online – the only additional approval needed is from the Board of Regents. Documentation must also be provided to the Higher Learning Commission. Graduate students still have the option of pursuing these degrees on campus. A senator inquired about the additional time required of faculty to teach classes both on campus and online. As online enrollment grows and the school capitalizes on new fundraising opportunities that the online curriculum may provide, the school will return funding back to the departments.

### **Report from Enrollment Management**

Mr. Rick Bischoff, vice-president, Enrollment Management, reported that the university received about 9500 applications this year, up 18% from last year. Other universities had increases in applications too, but Case Western Reserve seems to have a slightly larger increase than other universities. The increase includes more international student applications than last year. Faculty members expressed concern about the increase in international enrollment for fall 2009. Mr. Bischoff said that the increase in international applications will allow the university to be more selective about which international students to admit for fall 2010. He doesn't expect to enroll any more international students than last year. Mr. Bischoff spoke about the importance of improving the university's acceptance rate and yield rate; universities with similar rankings in *US News and World Report* have much better acceptance and yield rates. Although the university distributes a lot of financial aid, the aid is distributed too broadly to too many students. The university ranks second nationally in student debt load upon graduation; the average debt load is \$51,000. The admission office will improve its collaborations with alumni, faculty, and students who assist with recruiting efforts. The admission office will contact juniors, and an increased number of sophomores, earlier in the recruiting cycle than it did last year. Admission counselors will continue to do more recruitment travel; these efforts are partly responsible for the recent increase in applications. A couple senators commented on the challenge of enrolling liberal arts students. A senator inquired about the recruiting appeal of SAGES; Mr. Bischoff replied that while SAGES may be appealing, the core curriculum is rarely among the most important selling points for any university.

Upon motion, duly seconded, the meeting was adjourned at 5:25pm.

APPROVED  
by the  
FACULTY SENATE



ELIZABETH H. WOYCZYNSKI  
SECRETARY OF UNIVERSITY FACULTY

### Five Year Academic Calendar (2010 – 2015)

<b>FALL</b>	<b>2010-2011</b>	<b>2011-2012</b>	<b>2012-2013</b>	<b>2013-2014</b>	<b>2014-2015</b>
Registration (and Drop/Add) Begin (UG)	Apr 5	Apr 4	Apr 9	Apr 8	Apr 7
Classes Begin	Aug 23	Aug 29	Aug 27	Aug 26	Aug 25
Late Registration Fee (\$25) Begins	Aug 24	Aug 30	Aug 28	Aug 27	Aug 26
Labor Day Holiday	Sep 6	Sep 5	Sep 3	Sep 2	Sep1
Late Registration and Drop/Add End	Sep 3	Sep 9	Sep 7	Sep 6	Sep 5
Deadline Credit/Audit (UG)	Sep 3	Sep 9	Sep 7	Sep 6	Sep 5
Fall Break	Oct 18/19	Oct 24/25	Oct 22/23	Oct 21/22	Oct 20/21
Mid-Term Grades Due (UG)	Oct 18	Oct 24	Oct 22	Oct 21	Oct 20
Deadline for removal of prev. term "I" grades (UG)	Nov 5	Nov 11	Nov 9	Nov 8	Nov 7
Deadline Credit/Audit (G)	Nov 5	Nov 11	Nov 9	Nov 8	Nov 7
Deadline For Class Withdrawal (UG)	Nov 5	Nov 11	Nov 9	Nov 8	Nov 7
Registration for Spring Begins (UG)	Nov 8	Nov 14	Nov 12	Nov 11	Nov 10
Thanksgiving Holidays	Nov 25/26	Nov 24/25	Nov 22/23	Nov 28/29	Nov 27/28
Deadline for removal of prev. term "I" grades (G)	Dec 3	Dec 9	Dec 7	Dec 6	Dec 5
Last Day of Class	Dec 3	Dec 9	Dec 7	Dec 6	Dec 5
Reading Days	Dec 6, 10	Dec 12, 16	Dec 10, 14	Dec 9, 13	Dec 8, 12
Final Exams Begin	Dec 7	Dec 13	Dec 11	Dec 10	Dec 9
Final Exams End	Dec 15	Dec 21	Dec 19	Dec 18	Dec 17
Final Grades Due by 11:00 am	Dec 17	Dec 23	Dec 21	Dec 20	Dec 19
Fall Awarding of Degrees	Jan 14 (2011)	Jan 20 (2012)	Jan 18 (2013)	Jan 17 (2014)	Jan 16 (2015)
<b>SPRING</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Registration (and Drop/Add) Begin (UG)	Nov 8 (2010)	Nov 14 (2011)	Nov 12 (2012)	Nov 11 (2013)	Nov 10 (2014)
Martin Luther King Jr. Holiday	Jan 17	Jan 16	Jan 21	Jan 20	Jan19
Classes Begin	Jan 10	Jan 17	Jan 14	Jan 13	Jan 12
Late Registration Fee (\$25) Begins	Jan 11	Jan 18	Jan 15	Jan 14	Jan 13
Late Registration and Drop/Add End	Jan 21	Jan 27	Jan 25	Jan 24	Jan 23
Deadline Credit/Audit (UG)	Jan 21	Jan 27	Jan 25	Jan 24	Jan 23
Mid-Term Grades Due (UG)	Mar 7	Mar 12	Mar 11	Mar 10	Mar 9
Spring Break	Mar 7-11	Mar 12-16	Mar 11-15	Mar 10-14	Mar 9-13
Deadline for removal of prev. term "I" grades(UG)	Mar 25	Mar 30	Mar 29	Mar 28	Mar 27
Deadline Credit/Audit (G)	Mar 25	Mar 30	Mar 29	Mar 28	Mar 27
Deadline for Class Withdrawal (UG)	Mar 25	Mar 30	Mar 29	Mar 28	Mar 27
Open registration for Summer Begins (UG)	Mar 28	Apr 2	Apr 1	Mar 31	Mar 30
Open registration for Fall Begins (UG)	Apr 4	Apr 9	Apr 8	Apr 7	Apr 6
Deadline for removal of prev. term "I" grades(G)	Apr 25	Apr 30	Apr 29	Apr 28	Apr 27
Last Day of Class	Apr 25	Apr 30	Apr 29	Apr 28	Apr 27
Reading Days	Apr 26/27	May 1/2	Apr 30/May 1	Apr 29/30	Apr 28/29
Final Exams Begin	Apr 28	May 3	May 2	May 1	Apr 30
Final Exams End	May 5	May 10	May 9	May 8	May 7
Final Grades Due by 11:00 am	May 7	May 12	May 11	May 10	May 9
University Commencement	May 15	May 20	May 19	May 18	May 17
<b>SUMMER</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Classes Begin	Jun 6	Jun 4	Jun 3	Jun 2	Jun 1
Independence Day Holiday	Jul 4	Jul 4	Jul 4	Jul 4	Jul 3
Classes End	Aug 1	Jul 30	Jul 29	Jul 28	Jul 27
Final Grades Due 12:00 noon	Aug 3	Aug 1	Jul 31	Jul 30	Jul 29
Summer Awarding of Degrees	Aug 19	Aug 17	Aug 16	Aug 15	Aug 14

## **Objectives of the Proposed Degree Program**

The primary objective of the proposed program is to provide a means for individuals to complete our previously approved Master of Science and Master of Engineering degrees through an on-line mechanism of course delivery. The proposed change will increase the number of courses that are available via distance mechanisms so that students have a greater course selection and can complete an entire graduate degree via the distance mechanism.

The same academic standards of admission and performance will apply, ensuring that the quality of the degree is maintained. Expanding our on-line delivery mechanism will enable us to extend the Master of Science and Master of Engineering degree programs to a student audience for whom regular travel to campus would be difficult or impossible, in particular practicing engineers who may live some distance from campus, and/or have time schedule limitations.

We have routinely offered courses via distance mechanisms for several decades, initially through our Instructional Television Network, which recorded lectures in real-time, followed by mail delivery of VHS tapes, then mail delivery of DVDs, and now on-line delivery via our MediaVision web site and iTunes.

### **Response to program standards:**

*1. The program is consistent with the institution's role and mission.*

The Case School of Engineering plays a strong role in providing education for the engineering profession. Included in our mission is the role of providing continuing education opportunities for practicing engineers. The proposed program facilitates our ability to achieve this mission by making it easier for students to overcome the logistical and financial barriers imposed by commuting to campus, and allows students not in the Cleveland area to pursue the Master of Science and Master of Engineering degrees.

*2. The institution's accreditation standards are not appreciably affected by offering the program, especially via alternative delivery mechanisms.*

The proposed distance learning courses and degree programs are identical to our current on-campus and mixed campus-distance based courses and degree programs. Student performance assessments are the same regardless of the delivery mechanism, as required by our university accreditation agency: The Higher Learning Commission.

*3. The institution's budget priorities are sufficient to sustain the program in order for a selected cohort to complete the program in a reasonable amount of time.*

A priority for the Case School of Engineering is to increase our support of industry. Because the infrastructure for providing internet delivery of lectures and course materials is already in place, the resources required for expanding the delivery are incremental and are covered by the university and school budgets. We also expect increased enrollment as a result of this offering.

Furthermore, the courses are all part of our standard curricula, are offered on a regular time schedule, thereby allowing distance students to complete the degree requirements over a predictable and reasonable time period.

*4. The institution has in place sufficient technical infrastructure and staff to support offering the program, especially via alternative delivery mechanisms.*

Technical support is available through our department of Instructional Technology and Academic Computing, ITAC, which provides supports for Blackboard, Adobe Connect, and MediaVision, The MediaVision team is responsible for providing traditional audio-visual services; technology enhanced classrooms as well as a set of “video-centric” technologies that are designed to take advantage of the university’s world-class, gigabit-to-the-desktop network, and is responsible for placing lectures on-line for distance student access, and for maintaining dedicated classrooms with lecture recording facilities. Pedagogical support for faculty is provided through the University Center for Innovation in Teaching and Education, UCITE.

The Case School of Engineering has appointed a Faculty Director for Continuing Education, who oversees the distance education program, including marketing and outreach staff. The Faculty Director also oversees a staff member who is responsible for processing applications, enrollment, and programs of study for students in the Master of Engineering Program. This staff member also acts as a point of contact for students in this program. Students in the Master of Science program apply and are managed through the School of Graduate Studies in the same way as on-campus students. The School of Graduate Studies is devising a way for separately identifying distance education students in the Master of Science program so that their progress can be assessed separately. Acceptance, advising, and programs of study are all executed at the department level, while Marketing/Recruiting/Enrollment are managed in CSE

As enrollment in distance education programs increases, we will expand support to meet the need.

*5. The institution has in place sufficient protocols for ensuring instructional commitments are met, including instructor/staff training, compliance with copyright law, and quality instruction among other variables.*

Because all the courses to be offered via the distance mechanism are part of the standard curriculum, many faculty routinely teach courses that are recorded, and materials are placed on-line via Blackboard, the requirement to comply with copyright laws is well understood and actively promoted, and there is essentially no difference between the on-campus and distance courses in teaching or assessment.

*6. The institution has in place a relevant and tested method of assessing learning outcomes, especially in the case of alternative delivery mechanisms.*

Assessment of our graduate programs is a continual process and is required to maintain our accreditation.

*7. As new delivery mechanisms are brought into course instruction, students and faculty are presented with sufficient training and support to make appropriate use of new approaches.*



The MediaVision distance mechanism is already used by a large number of faculty and requires minimal change in how faculty deliver course material. Some faculty members have taken the initiative to learn and adopt other delivery mechanisms including Adobe Connect, which is site licensed for the entire university. The University Instructional Technology and Academic Computing (ITAC) department also provides technical support and training for Adobe Connect. Students have adapted well to the use of Blackboard, iTunes, and MediaVision web based resources.

*8. The institution assures that the off-site/alternatively delivered program meets the same quality standards for coherence, completeness and academic integrity as for its on-campus programs.*

The courses, and degree programs are the same for both on-campus and distance students, the same standards are applied, and we will perform the same assessments for the distance students as we do for the on-campus students.

A qualified proctor must administer all exams taken by distance students off campus, and written proctor verification is required to ensure the academic integrity and credibility of the programs and to maintain accreditation by the Higher Learning Commission of the North Central Association. Distance students that live near to the Case Western Reserve campus can make arrangements to take exams on campus with the class or at an alternate time if mutually agreed. For distance students that are not able to take exams on the Case Western Reserve campus they are required to submit a proctor information form with their application materials. The proctor is responsible for maintaining the academic integrity of the exam process. If the proctor believes the academic integrity of the exam process has been compromised, he/she has the right to stop the exam. Whether or not the proctor stops the exam, he/she will report the incident to the faculty member in charge of the course, who will decide on the appropriate action, consistent with the University's policy on academic integrity.

<http://www.case.edu/president/facsen/frames/handbook/chapters/ch4-7.html>).

*9. The faculty offering the program maintains the same standards and qualifications as for on-campus programs.*

The course offerings using a distance mechanism are taught by the same faculty who teach our on-campus programs and the same standards and qualifications are applied uniformly to all on-campus and off-campus students enrolled in a course.

*10. The institutions assures that, for all off-site and alternative programs, students will have access to necessary services for registration, appeals, and other functions associated with on-campus programs.*

The Case School of Engineering and the School of Graduate Studies have extensive experience with off-site students and mechanisms are already in place for handling transactions for registration, appeals, etc.

Advising for students in graduate programs that use distance education will be the responsibility of the department or school offering the program. Students pursuing a Master of Science or Master of Engineering degree through the distance education program will have access to faculty through video conferencing, phone, and email.

*11. In those instances where program elements are supplied by consortia partners or outsourced to other organizations, the university accepts responsibility for the overall content and academic integrity of the program.*

Not applicable.

*12. In those instances where asynchronous interaction between instructor and student is a necessary part of the course, the design of the course, and the technical support available to both instructor and student are sufficient to enable timely and efficient communication.*

The MediaVision and Blackboard web resources provide excellent communications support between students and instructors/teaching assistants. Further, faculty currently involved in teaching courses via distance mechanisms communicate regularly with on- and off-campus students via email and phone. In those instances when an instructor chooses to use Adobe Connect as the distance mechanism, two-way audio and video are possible if the off-campus student has suitable technology.

*13. Faculty are assured that appropriate workload, compensation, and ownership of resource materials have been determined in advance of offering the off-site or alternatively delivered course.*

Because the courses are taught at the same time as the on-campus courses, the course load for faculty will be the same. We will use the same mechanisms for teaching assignments and compensation as we presently use, and additional resources are made available to faculty teaching off-campus students on an as needed basis. Teaching assignments are made at the department level and department chairs have agreed to offer courses on a regular and predictable basis so that distance students can plan a predictable and timely program of study.

*14. Program development resources are sufficient to create, execute, and assess the quality of the program being offered, irrespective of site and delivery mechanism employed.*

Because this is just an expansion of the delivery mechanism, the same processes are in place as for the on-campus programs.

*15. Procedures are in place to accept qualified students for entry in the program—it is imperative that students accepted be qualified for entry into the on-campus program. In addition, program costs, timeline for completion of the cohort program and other associated information is made clear to prospective students in advance of the program's initiation.*

The same mechanisms and standards will be used as for the existing on-campus programs. All information about program costs, timelines, etc. are made available on the Case Western Reserve University website.

*16. Assessment mechanisms appropriate to the delivery approach are in place to competently compare learning outcomes to learning objectives.*

We will employ the same assessment mechanisms as employed in our on-campus programs.

*17. Overall program effectiveness is clearly assessed, via attention to measures of student satisfaction, retention rates, faculty satisfaction, etc.*

We will make use of all of the current assessment mechanisms that are in place for these same degree programs.

**July 30, 2008**

**TO: Dean Gary Simson**

**FR: Prof. Michael Scharf**

**RE: Establishing an LLM in International Criminal Law**

### **Introduction**

Per your request (email of July 26, 2008), I have prepared the following proposal for the establishment of an LL.M degree program in International Criminal Law at our law school, which would aim to attract American students who hold a degree in Law, and would also be open to English speaking foreign students.

Establishing an LL.M degree in International Criminal Law would build on the law school's existing curricular strengths in this area, its special relationship with the five international war crimes tribunals, and its reputation in this field of international law. It would not require the addition of any new courses nor much in the way of additional administrative resources and would likely bring us around \$150,000 in additional annual revenue (assuming five students per year), while enhancing the law school's prestige. I would agree to serve as Director of the Program, and my Administrative Assistant Dawn Richards would help administer it in the way Adria Sankovic currently does with the Foreign LL.M Program. The one curricular change this would require is that my International Criminal Law course would have to be increased from two to three credit hours, and taught every fall, as that would be the program's core course.

### **Competition**

With the proliferation of war crimes tribunals, and the growing number of major war crimes prosecutions around the world, International Criminal Law has become one of the fastest growing and highest profile areas of international law. In contrast to Human Rights Law, for which there are now several notable LL.M programs, there are at present only a handful of LL.M programs around the world devoted to International Criminal Law (a specialty area that includes international humanitarian law and national security law). LL.M programs in International Criminal Law are currently offered by University of Nottingham in the UK, University of Sussex in the UK, Vrije (Free) University in Amsterdam, and National University of Ireland in Galway. The only American Law School that currently offers an LL.M in "International Criminal Law and Justice" is Franklin Pierce Law Center."

### **The Proposed Program**

Designed and taught by leading experts in the field, the LL.M in International Criminal Law will provide students who hold a degree in Law with an in-depth knowledge of international criminal law and procedure, international humanitarian law, and national security law, and will equip them to practice international criminal law before international tribunals or national courts.

The LL.M in International Criminal Law is a one-year Masters program, but it is also available on a part-time basis over two years. To receive the degree, LL.M students must take a total of 24 credit hours in international criminal law-related courses at Case (see list below). The three-credit “International Criminal Law and Procedure” course, taught each fall by Prof. Michael Scharf, is a required course. In addition, LL.M students must complete a major writing project, either as part of one of the Labs or Seminars or as an Independent Research Project in conjunction with one of the other international criminal law-related courses. LL.M students may also take up to four credits of other courses from the extensive Case Law curriculum in lieu of one or more of the courses listed below.

In addition, LL.M students may participate in the International Tribunal externship at one of five war crimes tribunals in the spring semester in lieu of taking twelve credit hours worth of courses. Part-time LL.M students may undertake the Tribunal externship in the fall or spring of the second year of the program. To take advantage of this unique opportunity, students must apply and be accepted as an intern by a tribunal. The Law school’s Cox Center will award \$3,000 grants to LL.M students undertaking such Tribunal externships to help defray travel and living expenses.

## **Courses:**

### **Required**

International Criminal Law and Procedure (3 credits) (to replace the 2 credit International Law Course)

### **Electives**

Counter-terrorism Law (2 credits)  
Cyber Law (2 credits)  
Global Financial Integrity Lab (3 credits)  
Homeland Security Lab (3 credits)  
International Human Rights Law (2 credits)  
International Humanitarian Law (1 credit)  
International Law (2 credits)  
International Organizations (2 credits)  
International Tribunal Externship (12 credits, second semester)  
International War Crimes Research Lab (3 credits)  
Intervention and Law: Iraq and Vietnam (2 credits)  
National Security Law (2 credits)

International Criminal Law-Related “Case Abroad at Home Courses” (four 1 credit courses offered each August – additional tuition fee required. Past courses have included “Cybercrime,” “Human Rights and International Criminal Law in the EU,” and “Atrocity Law and Policy.”)

International Criminal Law-Related “Summer Institute for Global Justice” (six 2 credit courses offered each summer as part of the Case Summer Abroad program in Utrecht – additional tuition fee required).

Attached are the Course Descriptions of the courses listed above.

## Tab A

### International Criminal Law LLM-Related Course Descriptions

#### **International Criminal Law**

This course surveys selected issues and current problems involving the criminal aspects of international law and the international aspects of criminal law. The course begins with an introduction to the origins and purposes of international criminal law. We will then explore the contours of the duty to prosecute those who commit international crimes. Next, we will focus on application of domestic and international law to the question of jurisdiction over international criminal activities. This is followed by three units examining substantive international criminal law as contained in multilateral treaties concerning terrorism, war crimes and crimes against humanity. Next, we will explore the procedural aspects of international cooperation in criminal matters, with particular attention to extradition and problems associated with obtaining evidence from abroad. We will also analyze the reach of U.S. constitutional protections to U.S. investigative and law enforcement activities overseas. Finally, we will study the new Yugoslavia and Rwanda War Crimes Tribunals and the permanent International Criminal Court. The class will be seminar-format, with short writing assignments, weekly simulations, and role-play exercises designed to bring the materials to life. There will be no final exam.

#### **Counter-terrorism Law**

This course will take an in-depth look at counter-terrorism in the United States, Israel, and other countries. The course will examine the competing conceptions and definitions of terrorism at the national and international level and the institutions and processes designed to execute the "war on terrorism." This will include study of the balance between security and liberty policies in the U.S. Patriot Act, the use of military tribunals or civil courts, the use of assassination or targeted killings, and the emerging law on enemy combatants and their detention, and the arguable need for new self-defense doctrines at the global level.

#### **Cyberlaw**

This subject deals with how the law regulates and otherwise applies to activities taking place in 'cyberspace.' It considers how existing legal principles are being modified and extended in the digital information age to meet the needs of society, particularly in relation to electronic commerce. As the nature of dealings in cyberspace develops and new legal problems emerge over time, the focus of the subject may change to reflect current legal issues. However, topics for discussion will be drawn from the following: the nature of the internet, legal regulation of cyberspace vs. self-regulation, the relevance of international law/international regulation, e-commerce contracting, 'property' in cyberspace with particular reference to intellectual property, trademarks and domain names, defamation on the Internet, online crime (e.g., fraud, pornography, etc.), information privacy and security, online dispute resolution and associated conflicts of law issues.

#### **Global Financial Integrity Lab**

In this course, which is offered alternately as either a lab or a seminar, students study and research key aspects of the international financial system integrity rules, with a focus on the anti-money laundering and terrorism financing standards of the Financial Action Task Force (FATF) and the Basel Core Principles

on Banking Supervision of the Basel Committee (as well as similar standards promulgated for other financial institutions). When offered as a lab, the course engages students in projects for a variety of organizations involved in improving the integrity of financial institutions, including the FATF (as well as FATF-style regional bodies), the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime, and locally based governmental and non-governmental organizations. Students satisfactorily completing this course will be eligible to apply for a fully paid summer internship with a local bank that will involve work in the bank's legal, anti-money laundering and financial intelligence units.

### **Homeland Security Lab**

The DHS/USCG Lab will provide students with the opportunity to conduct research and prepare legal memoranda addressing issues submitted by the US Department of Homeland Security and the United States Coast Guard. Students will meet for lecture sessions that provide a background into the issues presented, including border security, Great Lakes laws, immigration, administrative law, and the environment. The student's work product will be submitted to, and utilized by, DHS/USCG.

International Human Rights

### **International Humanitarian Law**

This course is designed to prepare the student members of the Jean Pictet Competition team, but is open to all students with an interest in international humanitarian law. The course will be taught in two all-day Friday-Saturday sessions in January and February by international humanitarian law expert Gregory Noone, who is currently a fellow at the U.S. Institute of Peace and was previously Head of the Foreign Military Rights Affairs Branch of the Office of the Judge Advocate General at the Pentagon. Using case studies as well as simulations and role-playing exercises, the course will address the field of international humanitarian law as a whole, including the law of armed conflict, international criminal law, international human rights law, and the role of international organizations such as the ICRC and U.N. The objective of the course is to convey the reality of international law. Like humanitarian law itself, the course will not deal solely with legal disputes or judicial matters, but with practice and real life situations. The course grade will be based on a paper that will not satisfy the Writing Requirement.

### **International Law**

An introduction to basic comparative, transnational, and international law disciplines. Using areas of substantive and procedural law familiar to first-year students, the course examines issues arising from cross-national activity. Students are exposed to choice of law, comparative law, international law, and international institutions.

### **International Organizations**

Deals with legal issues surrounding some common characteristics of intergovernmental organizations having wide membership, with an emphasis on the United Nations systems. Many of the issues are constitutional or procedural; that is, they have to do with the powers of, and restrictions upon, the organizations or their members as set forth in the constituent instruments of the organizations or as developed in practice. Issues such as eligibility for membership and termination thereof, rights and obligations of members, dispute resolution, and legislative procedures will be addressed comparatively. The growth of international law through intergovernmental organizations is also addressed.

### **International Tribunal Externship**

This program provides opportunity for students to participate in a semester long program with a tribunal program arranged through the Cox International Law Center.

### **International War Crimes Research Lab**

Students in this unique course undertake legal research projects for various international criminal tribunals (including the International Criminal Court and the tribunals in Cambodia and Sierra Leone, among others). They prepare memoranda on selected issues related to current tribunal cases. The course sessions explore the development of international criminal law and the establishment of the tribunals, as well as their jurisprudence and their Rules of Procedure and Evidence. Grades are based on the quality of student papers and in-class presentations. Completed research projects along with their accompanying source notebooks become part of the tribunal libraries.

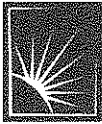
### **Intervention and Law: Iraq and Vietnam**

Using the examples of American intervention in Vietnam and Iraq, this course examines some of the international and domestic legal issues raised by war and military intervention. Among the topics covered will be the legal justifications for intervention and the arguments for the illegality of the two wars; constitutional limits on executive war making powers; the justiciability of issues of war and peace under U.S. law; the draft, the volunteer army, and conscientious objection; GI rights and GI dissent; the law of war and international humanitarian law and the recurring problems of massacre, murder, and torture.

### **National Security Law**

Provides a study of the separation of powers in national security matters, presidential war powers, congressional and presidential emergency powers, the domestic effect of international law, the use of military force in international relations, investigating national security threats, the Freedom of Information and Privacy Acts, access to national security information in the federal courts, and restraints on disclosing and publishing national security information. The course builds upon a strong foundation of constitutional law and addresses the fundamental tension that exists in our foreign and domestic affairs by virtue of the constitutional separation of powers between the respective branches of government. Several classroom hours will be spent dealing with constitutional war powers and how the executive and legislative branches have tried to define their respective measures of expressed and implied power with regard to the Vietnam War, the War Powers Resolution of 1973, and more recent US incursions such as the first Persian Gulf War and the most recent invasion of Iraq.





CASE WESTERN RESERVE  
UNIVERSITY

SCHOOL OF LAW

Robert H. Rawson, Jr.  
Interim Dean

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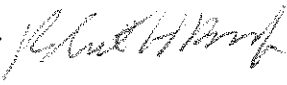
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**DATE:** February 17, 2010

**TO:** Liz Woyczynski  
Secretary of the University Faculty

**FROM:** Robert H. Rawson, Jr.   
Interim Dean

**RE:** International Criminal Law LLM Degree Program

Dear Ms. Woyczynski and members of the Faculty Senate:

I am writing to express my strong endorsement of the proposal to establish an International Criminal Law LL.M. Degree program at our Law School. The Law School faculty unanimously approved the proposal without condition at our December 10, 2009 Faculty Meeting, and I think it will be a great program for our School of Law.

Please let me know if you have any questions, or if I can provide any additional information.

Thank you.

**CASE WESTERN RESERVE UNIVERSITY  
SCHOOL OF LAW**

**MINUTES OF THE FACULTY MEETING OF DECEMBER 10, 2009**

**Faculty Members Present:**

Carrick, Chisolm, Dent, Entin, Gabinet, Giannelli, Gordon (Jonathan), Hoffman, Jensen, Katz, Kenny, Leatherberry, Lipton (Jacqueline), Lipton (Judith), Manta, Margolis, McKinney, McNally, Mehlman, Nance, Robertson, Rossman, Simson (Rosalind).

**Proxies:** Katz (for Nard), Leatherberry (for Sharpe & Strassfeld), Lipton (Jacqueline) (for Adler, & Scharf), Nance (for Kostritsky)

**Administrators Present:**

Alber  
Garabrant  
Greaves  
Pelaia

Dean Rawson convened the meeting at 12:10 p.m.

Minutes of November 12, 2009 were approved by voice vote.

**Dean Rawson's Announcements:**

Hosea Harvey is here. Dean Rawson gave him another week to decide on our offer.

He had good conversations with Anita Krug and Christina Ho when he presented our offers. Ho will be here again next week.

An Admissions Committee proposal with respect to G.P.A. requirements for retention of scholarship grants was tabled after discussion at the meeting on November 12, 2009. Dean Entin moved to take the proposal from the table and resume consideration. Professor Hoffman seconded the motion. The motion passed by voice vote. Professor Leatherberry presented the proposal and responded to questions and comments from faculty members. There was extensive discussion about the benefits and risks of the proposal and of the mechanics of its operation.

Dean Entin then moved, with a second from Professor Hoffman, that the proposal be amended to incorporate the lowest of the three G.P.A. standards shown in the illustration of the effects of various standards that was circulated by Professor Strassfeld before this meeting. Under that revised standard, students who have grants in the first tier (one-third tuition or more) who earn a G.P.A. under 2.80 would lose all scholarship grant assistance for the second year. Students in that tier who earn a G.P.A. above 2.80 but below 3.15

would lose half of the grant for the second year. Students with “second-tier” (less than one-third tuition) scholarship grants who earn a G.P.A. under 2.6 would lose all scholarship grant assistance for the second year. Student in that tier who earn a G.P.A. above 2.6 but under 2.8 would lose half of the grant for the second year.

On a vote by show of hands the motion passed by a vote of 18 in favor; 16 opposed. The question was then on passage of the scholarship retention policy as amended. On a vote by show of hands, the policy was adopted by a vote of 19 in favor; 13 opposed.

### **Curriculum Committee Report:**

The Committee’s report and recommendations were circulated before the meeting.

Professor Nance presented the recommendation of the Committee to approve the offering of an LL.M. in International Criminal Law. After discussion, the program was approved by unanimous voice vote.

Professor Nance presented the Committee’s proposal with respect to grading in 1L “perspectives” courses. The classes now mix some 2L and 3L students in with the 1Ls. The Committee recommended grading all students on the same curve and applying the same curve (with a 3.1 mean) in all perspectives classes, regardless of size.

After discussion the proposal was adopted by voice vote.

Professor Kenny presented the Federal Defender Externship proposal. The externship s to be offered in the summer term for 4 credits (the same number as other summer externships).

The proposal was adopted by unanimous voice vote.

Professor Kenny presented Professor Mehlman’s proposal for Hospital Law Externships. Professor Mehlman said that the proposal now includes externships at the Cleveland Clinic which have been worked out since the proposal was considered by the Committee.

The externship proposal, including the addition of placement at the Cleveland Clinic which was accepted as a friendly amendment by the Committee, was adopted by unanimous voice vote.

### **Dean Lipton’s Report:**

She is seeking ideas for the teaching interest group—need ideas and group leaders

Rachel Pelaia had brochure done advertising our publications. It can be used as a cover folder for reprints we send out. Pelaia distributed copies of the brochure that went out to all alumni, deans, and judges.

Dean Lipton asked for comments about the school's policy with respect to purchase and distribution of reprints of publications. Dean Rawson and the administration will consider and announce a policy on that.

Dean Lipton requested that faculty check their bios on the web page.

Faculty news on the home page is being streamlined. Dean Lipton requested advice about how that should be used, *i.e.*, what we should put up on the page.

### **Dean Entin's Report:**

Grades are due by 1st week in January. We have students on probation and have mid-year graduates and the Registrar needs those grades early.

He presented a list of candidates for graduation at mid-year and moved that the faculty vote to recommend those students to the University for graduation subject to completion of all requirements. Dean Entin's motion, seconded by Professor Hoffman, was approved by unanimous voice vote.

Staff members and faculty members not permitted to vote on the hiring decision with respect to appointment of Wendy Bach as a tenure track Assistant Professor who would teach in the Clinic were excused.

### **Appointments Committee:**

The Committee's report and recommendation were circulated before the meeting.

Dean Lipton reported for the Committee. The Committee is recommending only Wendy Bach for appointment in the Clinic at this time. Professors Hill & Entin reviewed the draft article that was the subject of Wendy Bach's job talk. Both reviewed the article favorably and support the appointment.

Laura McNally reported on a reference from the Dean at Cardozo. He saw Bach present at a conference at Wisconsin and was very favorable. References from the clinic at CUNY where Bach is teaching now were very positive. Dean at CUNY was also very positive.

After discussion, the question was on the Committee recommendation to offer an appointment as an Assistant Professor on the tenure track to Wendy Bach who would teach in the Clinic. On a secret ballot vote, the recommendation was adopted by a vote of 23 in favor; 5 opposed.

The meeting adjourned at 1:25

## Framework for University Professor Guidelines

- Title:** University Professor  
A permanent, honorific title awarded on a highly competitive basis  
The highest honor that can be accorded a member of the University professoriate  
Granted to no more than 3% of the University's tenured faculty
- Benefits:** A special University Professor Medallion would be awarded at Convocation.  
A one-time grant of \$25K would be provided by the Office of the Provost to support academic work and a \$5K permanent increase in annual compensation would be provided by the School or the College  
Membership on President's University Professor Advisory Council (or equivalent level advisory council)  
Special consideration for leaves of absence  
Emeriti faculty will retain the title, but relinquish their membership on the President's University Professor Advisory Council (or equivalent level advisory council)
- Required Attributes:** A stellar academic record that demonstrates excellence and impact of their academic contributions and accomplishments in teaching, research/scholarship and service within their respective academic discipline and unit;
- A continual, uniform and coherent record of outstanding accomplishment and the obligation of continued outstanding contributions;
- Held in high esteem, with a high level of personal and collegial respect both within the University and within the individual's larger professional community;
- Outstanding national and international stature and distinction within their discipline as recognized by internal recognition but especially by external recognition through major awards, prizes, medals, shows, exhibits, membership in National Academies, etc.;
- Significant intellectual and academic contributions impacting and advancing the broader University community (i.e., outside of their discipline and department) through interdisciplinary research and scholarship, collaborative teaching and service that transcend traditional academic fields and disciplinary lines, distinguished service within and for the University.
- Eligibility:** Full time, tenured faculty member, at the rank of professor
- Nomination Process:** Deans will establish a candidate nomination process and a candidate screening process to review nominations within their Schools/College. Each

Schools/College may submit one new or updated nomination each year. Schools/College with over 100 tenured and tenure-track faculty members may submit an additional nomination for each additional 100 tenured and tenure-track faculty members. Approximately 2 or 3 appointments will be made annually. In the first year of this award process, between 5 and 8 appointments are expected to be named.

The nomination and selection process will occur during the Spring Semester.

Nomination dossiers should include a curriculum vitae and a comprehensive letter of justification from the relevant Dean that clearly describes the candidate's record of achievement, its impact, and the reasons and justification for the recognition. This should include an explanation of the distinction and significance of the honors and awards received by the candidate.

External letters of support should not be provided in the nomination dossier.

**Selection**

**Process:**

A five-member ad hoc committee of distinguished faculty will review all nominations and make recommendations to the Provost and President. During the first two selection years, this committee will be comprised of current University Professor(s) and distinguished emeritus faculty selected by the Provost in consultation with the deans. Beginning in selection year three, the committee will be comprised entirely of University Professors selected by the Provost in consultation with the deans. Final award and appointment will be made by the President with the approval of the Board of Trustees.

## **Faculty Handbook**

### **Chapter 3, Part Two, Article XII**

#### **XII. University Professor**

The permanent title of University Professor is the highest honor awarded to the Case Western Reserve's full-time, tenured faculty, at the rank of professor. Up to three appointments may be awarded annually. Honorees each receive a University Professor Medallion, a one-time grant to support academic work, a permanent increase in annual salary, and membership on the President's University Professor Advisory Council.

During the first two selection years, this committee will be comprised of current University Professor(s) and distinguished emeritus faculty selected by the Provost in consultation with the deans. Beginning in the third selection year, a committee of University Professors, appointed by the Provost in consultation with the deans, will review the nominations submitted by the deans and make recommendations to the Provost and the President. Final awards are made by the President with approval by the Board of Trustees.

Qualified nominees will demonstrate: exceptional research/scholarship, teaching, and service, with international recognition for significant contributions to an academic discipline; and significant interdisciplinary contributions that advance the broader university community and transcend traditional academic disciplines.