

**Faculty Senate  
Executive Committee**  
Thursday, February 11, 2010  
10:00 a.m. – 12:00 p.m. – Toepfer Room

AGENDA

10:00am	Approval of Minutes from the January 13, 2010 Executive Committee meeting, <i>attachment</i>	C. Musil
	Provost's Announcements	B. Baeslack
	University Professor, Faculty Handbook <i>attachments</i>	C. Cano
10:10am	President's Announcements	B. Snyder
10:15am	Chair's Announcements	C. Musil
10:20am	Report from Committee on University Libraries	P. Haas
10:40am	Report from Committee on Undergraduate Education <i>attachments</i>	G. Chottiner
10:45am	Absentee Senators	C. Musil
	New Business	
	Approval of Draft Agenda for the February 24, 2010 Faculty Senate meeting, <i>attachment</i>	C. Musil



Faculty Senate Executive Committee  
Minutes of the February 11, 2010 meeting  
Adelbert Hall, Toepfer Room

**Committee Members in Attendance**

Cynthia Beall	Diana Morris	Glenn Starkman
Ken Loparo	Carol Musil	Liz Woyczynski
Katy Mercer	Roy Ritzmann	

**Committee Members Absent**

Ken Ledford	Barbara Snyder
Alan Levine	Terry Wolpaw

**Others Present**

Mark Chance	Jim Kazura	Gary Wnek
Gary Chottiner	Peter Haas	

**Call to Order and approval of minutes**

Professor Carol Musil, chair, Faculty Senate, called the meeting to order at 10:00 a.m. The minutes of the January 13, 2010 meeting of the Faculty Senate Executive Committee were accepted.

**Provost's announcements**

Provost Bud Baeslack said the university recently announced the tuition increases for 2010-2011. Graduate student tuition will rise at least 4%. The schools and the college each set their own increases for graduate and professional programs. He met with undergraduate students earlier in the month to talk about undergraduate education and student life. He addressed the 3.9% increase in tuition and the 4.5% increase in room and board. He told the Executive Committee that the tuition increase for undergraduates was originally planned at 4.5%, but he didn't want the increase for undergraduates to be more than that for graduate students. It will be easier to justify larger tuition increases in future years as the economy improves and as plans for the new student center, new athletic facilities, improved academic advising programs and expanded international programs materialize. As soon as the Board of Trustees approves the modified tuition increase for undergraduates, a letter will be mailed to parents. Provost Baeslack explained that in addition to rigorous annual reviews, deans will be reviewed for reappointment every five years. Deans who have already served five or more years will participate in the reappointment review process this year. Surveys will be sent to everyone at the school and perhaps some university administrators. One of the criteria for evaluation will be faculty governance. An elected member of the Faculty Senate from a particular school or college will serve on that school or college's dean reappointment committee. The committee will submit a report to the provost and president. Provost Baeslack said that the Budget System Review Committee maintains a university-wide perspective while giving careful consideration to school and college specific issues. A senator inquired about how tuition increases and room and board increases are determined. Case Western Reserve's tuition is generally a little lower than our aspirant group of universities, and higher than our peer group of universities. Room and board increases are for planned expenses for the following year and don't include increases for future capital investments. Although a

lower tuition increase is better for students, this will allow less leeway for increases to faculty salaries in the upcoming year. The two tiered tuition will disappear next year, having been in effect for 7 years until the last students graduated.

### **University Professor, Faculty Handbook**

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 bestowed title of University Professor, the university's highest award for a faculty member. The Committee on By-laws reviewed and edited the documents, and approved the amended guidelines and updates to the Faculty Handbook. Prof. Musil said that the Committee on Faculty Compensation approved the guidelines, although one member commented that the proposed increase in salary for the recipients of the bestowed title would further contribute to the compression and inversion of faculty salaries. Prof. Jim Kazura, chair, Committee on Faculty Personnel said he got no feedback from his committee. It was noted that the composition of the selection committee for the first two years, as detailed in the guidelines, needs to 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 for final consideration by the Faculty Senate.

Provost Baeslack encouraged the Senate to complete the review and approval process in February; he would like to complete the selection process for University Professors by the end of spring semester. He mentioned that there may be additional honorific titles in the future, perhaps a Distinguished Scholar award. It would recognize faculty for distinguished scholarship, teaching and service. A senator inquired whether instructors could be considered for such an award; there would be a number of deserving candidates. Prof. Musil stated that she hoped the Committee on Faculty Personnel could work with the Provost's Office to establish the guidelines for such an award.

### **Chair's announcements**

Prof. Carol Musil, chair, Faculty Senate announced that Prof. Glenn Starkman, past chair, Faculty Senate agreed to chair the new *ad hoc* Committee on Raising the Level of Importance of Academic Advising; the committee will review whether an update to the Faculty Handbook would be practical and effective. Prof. Musil and Prof. Mark Smith, chair, Committee on Faculty Compensation, are working with Provost Baeslack to edit the draft of the faculty compensation philosophy. It can't be too prescriptive; it also needs to be a document for all faculty members, not just those whose salaries may be affected by compression and inversion. There was a question about how best to determine fairness in salaries, considering national norms, school reputation, and individual performance, and weighing any of those values against the value of eliminating compression and inversion. Prof. Musil said that she and Prof. Alan Levine, chair-elect, Faculty Senate attended the recent meeting convened by Prof. Faye Gary, chair, Committee on Minority Affairs. Representatives from the President's Advisory Councils on Minorities and Women, the LGBT Council, the Diversity Leadership Council, and the Faculty Senate committees on Minority Affairs and Women Faculty discussed ways the committees might work together. Prof. Gary will present at the February meeting of the Faculty Senate.

### **Report from Committee on University Libraries**

Prof. Peter Haas, chair, Committee on University Libraries gave his committee's mid-year report to the Executive Committee. Tim Robson has made a smooth transition to Interim University Librarian. The search firm is targeting top librarians; it is hoped that the new librarian will start in the fall. The search committee is recommending that the new University Librarian should report directly to the Provost. The library budget has been a perennial concern. There has been much concern about the cost of journal subscriptions, but Ohio Link did an excellent job of negotiating prices for the near term purchases. The purchase of e-books is a new frontier. Ohio Link is now managed by the Ohio Board of Regents and there are many new administrators.

Librarians are anxious about the balance between librarians and IT professionals at Ohio Link. Provost Baeslack commented that Case Western Reserve Vice President Lev Gonick is chairing the search committee for Ohio Link's next Executive Director. The Provost established the Library Task Force as part of the university's strategic planning efforts, the Faculty Senate Committee on University Libraries endorses the recommendations of the Task Force that: money for the strategic alliances should include funds directed to library resources, that the University Libraries should be included in the university's strategic plan and the university's fund raising efforts. Discussion followed about the Faculty Senate's choice of the Espresso Book Machine as the fourth budget priority. There were questions about maintenance expenses on the machine and any plans for upgrades as new technologies become available. There was an inquiry about a strategic plan for the University Libraries; Prof. Haas confirmed that such a plan was completed two years ago and that it would be shared with the candidates for the position of University Librarian.

### **Report from Committee on Undergraduate Education**

Prof. Gary Chottiner, chair, Committee on Undergraduate Education, confirmed that the FSCUE would provide a regular report of its activities to the chair of the Faculty Senate. The wording approved by the FSCUE:

*FSCUE actions should be considered final pending review at the next meeting of the Faculty Senate's Executive Committee, although the FSCUE might itself recommend a vote of the Faculty Senate or Undergraduate Program Faculty.*

Prof. Chottiner confirmed that the FSCUE's approval of the updated policy on forced course withdrawals was final; Prof. Musil confirmed that no further consideration by the Executive Committee or the Faculty Senate was required. Prof. Chottiner inquired about the FSCUE's role in implementing the funding and evaluation of seed proposals for best practices in academic advising. This initiative, proposed by the FSCUE, was voted the Senate's highest budget priority for 2009-2010. Members of the Executive Committee encouraged the FSCUE to take an active role. Prof. Chottiner presented the FSCUE approved changes to the Faculty Handbook. Prof. Chottiner inquired whether the FSCUE could proceed with its plan to issue a report to the Undergraduate Program Faculty. In addition to emailing the report to each of the schools, the FSCUE is interested in presenting the report at faculty meetings at each of the schools and the college. Members of the Executive Committee encouraged the FSCUE to proceed with such plans. Prof. Chottiner mentioned that another possibility would be to ask the chair of the Faculty Senate to have a report to the UPF included on the agenda of the annual fall meeting of the University Faculty. There was an inquiry about the status of the final report by the Faculty Senate/Provost *ad hoc* Committee on SAGES Review. Provost Baeslack said he was hopeful that the committee would finish its report shortly. The Case School of Engineering has submitted proposals to the Undergraduate Studies Office that would amend the SAGES requirements for its students starting in Fall 2010; Provost Baeslack confirmed that no further actions will take place until the *ad hoc* committee's final report is issued.

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

Prof. Gary Wnek, chair, Graduate Studies Committee, presented the new LL.M in International Criminal Law. He said that the LL.M is already a very strong program at the School of Law. The new LL.M is an opportunity to be an early entrant among peer institutions. The Graduate Studies Committee had no further discussion about the proposal. A senator inquired about a letter of support from the dean. Upon motion, duly seconded the Executive Committee approved the LL.M in International Criminal Law, pending the addition of the dean's letter of support, for subsequent approval by the Faculty Senate and the Board of Trustees.

### **Distance Learning: Master of Science, Master of Engineering**

Prof. Gary Wnek, chair, Committee on Graduate Studies, presented the School of Engineer's plan to offer the Master of Science and the Master of Engineering degree through distance learning. The School of Engineering has offered distance learning programs for many years. Every department in the School of Engineering has a course-only Master of Science degree. In 1995 the school introduced the Master of Engineering, a practice-oriented program for 30 credit hours, with 18 hours in core business classes and 12 hours in technical studies which are completed out in the field. Plan B of the Master of Engineering does not have a required technical project. There is no residency requirement for either the Master of Science or the Master of Engineering. Advising and mentoring will continue to be provided by faculty. Distance learning programs require Board of Regents requires approval. Dean Chuck Rozek, Graduate Studies, confirmed that because there is no change in the curriculum a faculty senate vote is not required. But the report will be presented to the Faculty Senate for information purposes. The Executive Committee endorsed the proposal for distance learning as submitted.

**Absentee Senators**

Prof. Carol Musil confirmed that she would contact, as directed by the Faculty Senate By-laws, the five senators who have missed most of the faculty senate meetings this academic year. She will encourage them to attend regularly or consider stepping down to be replaced by another faculty member from the same school or college.

**Approval of the Monday, February 24, 2010 Faculty Senate meeting agenda**

The agenda for the February 24 faculty senate meeting was approved. The meeting was adjourned at 11:45 a.m.

APPROVED  
by the  
FACULTY SENATE EXECUTIVE COMMITTEE



ELIZABETH H. WOYCZYNSKI  
SECRETARY OF UNIVERSITY FACULTY

TO: Carol Musil, Chair of the Faculty Senate

FROM: Gary Chottiner, Chair of the Faculty Senate Committee on Undergraduate Education

Following up on our phone conversation yesterday, I am reporting on actions taken at yesterday's FSCUE meeting that I think should be called to your attention. The complete agenda for the meeting is available on Blackboard; the draft minutes should be available some time later this month.

1. Approval of FSCUE business by the Faculty Senate

We were asked by the Faculty Senate and by the Provost to recommend a method to determine what actions taken by the FSCUE should require approval at the FS and/or ExComm level. The FSCUE was told of concerns that the volume of business conducted at the committee's level could cause problems elsewhere if everything had to be taken to the ExComm and the FS for final approval.

After considerable discussion, the FSCUE approved the following statement.

**FSCUE actions should be considered final pending review at the next meeting of the Faculty Senate's Executive Committee, although the FSCUE might itself recommend a vote of the Faculty Senate or Undergraduate Program Faculty.**

This statement does require clarification, particularly since the word 'final' could be interpreted by some in a negative light. The FSCUE is certainly aware that it only has the authority to *review and recommend* to the Faculty Senate on issues of policy. We suggest that, since the FS has delegated the authority to set its agenda to its Executive Committee, and the agenda of Executive Committee meetings is set by a planning group that includes the chair and vice chair of the Senate plus the President, Provost and Secretary of the FS, that no FSCUE actions be implemented until this planning group has had an opportunity to review those actions. The FSCUE will keep this group fully informed about all of our actions and will point out any that might conceivably be of concern to the full Senate. The planning group would make the decision about which FSCUE actions should be taken to the ExComm and the ExComm would make the decision about which of these actions should be reviewed by the full Senate. Such a process would satisfy the dictates of the Handbook/Constitution while minimizing the work required of the ExComm and FS. The number of issues that will start down this path will begin to fall as the FSCUE reaches steady state operating conditions this spring. In fact, there is only one other item discussed at the FSCUE's January meeting which requires consideration at the ExComm planning group level.

2. Forced Course Withdrawals

There is currently no formal process for a faculty member to have a student removed from a class against a student's will unless the student's presence poses a physical danger and, even then, this requires a hearing of the Academic Integrity Board, which is not a quick process.

There are a variety of circumstances under which a forced course withdrawal might be appropriate; most such situations are (*fortunately*) rare but certainly require careful handling. The FSCUE has asked its Academic Standing Subcommittee to draft a proposal to deal with the various concerns of faculty, students and staff.

The FSCUE did, however, decide to approve a policy to address a situation that arises quite frequently and for which the appropriate response seems comparatively clear. Students normally register for the next semester's courses several weeks before finishing the current semester. Some of these students will fail or receive incompletes in courses that are required (*enforced*) prerequisites for a course they've registered to take. These students are currently allowed to remain in that course; the Registrar will not remove a student from a course in the absence of a process approved by the faculty to take such action.

At its January 12 meeting, the FSCUE (*with Don Hunt joining us as a guest to represent the Office of the Registrar*) approved the following policy.

**After the completion of each semester, when final grades have been submitted, the Office of Undergraduate Studies will determine whether enforced prerequisites are met for courses in which undergraduate students are enrolled for the following semester. If a prerequisite is not met, a warning will be sent to the student that he or she will be dropped from the course unless the instructor or department issues a permit to override that prerequisite.**

Jeff Wolcowitz told us that there were about 40 students who might have felt the effect of such a policy this semester. We also discussed the timing involved in this process; when the warning would be delivered compared to the start of classes and the drop/add date, and this does not seem to pose a problem. Rather than refer to this as a *forced course withdrawal*, it is more properly described as *dropping* a student from a course.

We also discussed how such a policy might relate to graduate students and graduate courses but this is beyond our mandate. The planning group and perhaps the ExComm might determine that this FSCUE policy requires broader discussion and further review. However, this could also be interpreted as a simple, common sense policy that should be implemented immediately (*for the fall 2010 semester*) and which the Graduate Studies Committee could consider independently. If it is determined that this should be taken to the full Senate, we will need to format it as a formal resolution.

TO: Carol Musil, Chair of the Faculty Senate

FROM: Gary Chottiner, Chair of the Faculty Senate Committee on Undergraduate Education

The FSCUE met on Tuesday, February 9, 2010. The following elements of that meeting might be of interest to the Faculty Senate Executive Committee.

1. Funds for Undergraduate Advising Programs

We have heard that the FSCUE request for funds for undergraduate advising has been approved. It's unclear, however, what the next step will be and how these funds will be used and managed. The FSCUE has scheduled a discussion of this issue and may be able to make recommendations but perhaps the FS or Provost has a process in mind.

2. Changes in the Faculty Handbook and Faculty By-Laws

The FSCUE confirmed its requests for the two changes shown below. There was, however, a suggestion that the FS Committee on By-laws should draft better language for the change described in item 3, the added phrase is out of place in its current location.

(b) The Undergraduate Program Faculty is responsible for the administration of all undergraduate programs at the University. ~~All proposals for undergraduate courses and programs must be submitted for appropriate review through at least one of the four UPF Constituent Faculties.~~ All proposals for undergraduate courses and programs must be submitted for appropriate review through the school(s) offering the course or program. The Faculty Senate Committee on Undergraduate Education (or its designated subcommittee) shall act as the undergraduate curriculum committee for courses generated by departments or schools that are not part of the UPF Constituent Faculties.

3) Any standing committee of the Faculty Senate may establish subcommittees and appoint members of such subcommittees, provided, however, that the establishment of any standing subcommittee shall be subject to approval by the Faculty Senate, except for the Faculty Senate Committee on Undergraduate Education. The membership of any subcommittee need not be confined to members of the parent committee.

3. Keeping the Undergraduate Program Faculty, UPF, informed about FSCUE business

Although the fall and spring UUF meetings were generally poorly attended, these meetings did provide a mechanism to inform the faculty about UUF business. The FSCUE is concerned about losing touch with the faculty and wishes to pursue several mechanisms to prevent this from happening.

A. The FSCUE will draft regular reports of its activities (*perhaps at the end of each semester*) and distribute these to the UPF.

B. The chair of the FSCUE will offer to attend a faculty meeting in each school to report on our activities, invite suggestions and respond to questions.

C. The FSCUE suggests that the Faculty Senate consider incorporating a report of FSCUE activities into the agenda of the annual meeting of the University Faculty and/or the materials distributed for that meeting.

4. Miscellaneous

The FSCUE spent much of its February meeting discussing staffing of our subcommittees and a proposal brought to our attention by Don Feke to increase access to CWRU for Tri-C students. Nothing in these discussions requires the attention of the FS-ExComm at this time.

## **FSCUE Report to the FS-ExComm**

*(prepared by Gary Chottiner on 11/13/2009)*

The FSCUE met on November 11.

1. The FSCUE decided to retain the original wording of our resolution to form an Academic Standing Subcommittee, although we understand that the inclusion of an unspecified number of staff members from the Office of Undergraduate Studies as non-voting members might be challenged when the Faculty Senate considers this resolution. As discussed at the November 5 ExComm meeting, we hope that the FS can vote on this resolution at their meeting on November 17.
2. Following up on another issue that we brought to the ExComm on November 5, the FSCUE agreed on the wording for a suggested change in the Faculty Handbook. The section of the revised (*summer 2009*) Faculty Handbook that established the FSCUE contains the following statement under Chapter 2, Article IV (Committees of the FS), Sec. E. (Committee on Undergraduate Education), Par. 2. (b):  
*"All proposals for undergraduate courses and programs must be submitted for appropriate review through at least one of the four UPF Constituent Faculties."*

We suggest that this be changed to read:

*"All proposals for undergraduate courses and programs submitted by departments which are not in the four UPF Constituent Faculties must be reviewed by the FSCUE, which may delegate this authority to a subcommittee."*

The FSCUE's current *ad hoc* Curriculum Subcommittee has found the original language to be a problem, since it mandates that one of the UPF Curriculum Committees consider actions that fall outside its area of expertise and since it's not clear which UPF faculty should take on this responsibility. This change was agreed to by FSCUE representatives of the UPF departments, and each of the four UPF Constituent Faculties will be represented on the FSCUE Curriculum Subcommittee by the chair of their curriculum committee and a representative of their Dean. This provides ample opportunity for a College/School to review such requests and insist on more careful consideration and perhaps rejection of anything that raises a concern for their constituency.

3. Following up on yet another issue that we brought to the ExComm on November 5, the FSCUE has now framed in the form of a resolution our proposal to modify how R grades are used in the determination of academic standing for undergraduates.
4. The FSCUE agreed on the membership and charge for a standing Student Life Subcommittee. A resolution to form this committee is attached.
5. We began a discussion of International Learning Experiences and invited to our November 11 meeting student representatives who have a special interest in these issues. The Office of Undergraduate Studies will take charge of concerns that can be handled administratively. Associate Provost David Fleschler will attend the December 16 FSCUE meeting. Although

his office apparently has broader interests and responsibilities compared to the FSCUE, we hope that we can coordinate our activities with his working groups where that makes sense and move ahead on our own on other issues.

6. The FSCUE is meeting again on December 3 and December 16; we are trying to schedule a 3 hour meeting on the 16<sup>th</sup> so that we can make progress on a host of issues, some of which date back more than a year to the UUF.

#### ATTACHMENTS

- FSCUE Resolution to form an Academic Standing Subcommittee
- FSCUE Resolution to form a Student Life Subcommittee
- FSCUE Resolution concerning R grades

## **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.

## MEMORANDUM

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 LLM in "International Criminal Law and Justice" is Franklin Pierce Law Center."

### The Proposed Program

Designed and taught by leading experts in the field, the CWRU 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 LAW SCHOOL  
MINUTES OF FACULTY MEETING  
FACULTY LOUNGE  
October 10, 2008

Dean Simson called the meeting to order at approximately 12 noon in the Faculty Lounge.

The following faculty members were present:

Boise, Carney, Carrick, Casey, Chisolm, Cupar, Dent, Gabinet, Gerhart, Giannelli, Gordon (Jonathan), Hill, Hoffman, Jaffe, Jensen, Katz, Kenny, King, Kostritsky, Ku, Leatherberry, Margolis, McKinney, McNally, Mercer, Nance, Nard, Neth, Robertson, Scharf, Seymour, Shanker, Sharpe, Simson (Gary), Simson (Rosalind), Steinberg, Wagner, and visiting faculty Yuri Lionetsky, Andrew Pollis, Carmen Naso, Carol Fox, Michael Benza.

The following faculty were present by proxy:

Adler by Scharf, Entin by Hoffman, Friedman by Gordon (Jonathan), Gordon (Richard) by Boise, Lipton (Jacqueline) by Katz, Lipton (Judith) by Katz, Strassfeld by Leatherberry.

The agenda for the meeting, previously distributed by Dean Simson, is attached and made a part of these minutes.

### **Minutes**

Neth stated that the minutes of the September 5, 2008, meeting distributed earlier had been corrected for misspellings of names and the omission of one faculty in attendance. As corrected the minutes were approved by voice vote and without dissent.

### **Announcements**

Dean Hoffman reminded everyone of the upcoming reception for adjunct faculty and urged all to attend. A draft of the spring class schedule will soon be distributed. We should all be sensitive to stress felt by some due to the current economic crisis.

### **Curriculum**

Co-chair Maureen Kenny presented the Committee's recommendations regarding approval of three courses, as explained in the Committee's previously distributed memorandum dated October 1, 2008, a copy of which is attached to and made a part of these minutes. Copies of the individual course proposals, also previously distributed, are attached to and made a part of these minutes.

1. International Intellectual Property Law.

This is proposed by Nard as a two credit course. The course was previously offered by Gerhart but its approval expired by reason of the sunset rule. The Committee's recommendation that the course be approved was unanimous. By voice vote and without dissent the course was approved.

2. Bioethics and Law Seminar.  
This is proposed by Berg and is to be a companion seminar attached to Berg's existing Bioethics and Law course. The Committee's recommendation that the seminar be approved was unanimous.  
By voice vote and without dissent the seminar was approved.
  
3. Intellectual Property from a Business and Strategic Planning Perspective.  
This is proposed by adjunct professor Jon Wood for a two credit course. The Committee recommended approval by a split vote of 4 to 3. At the Committee's request the initial proposal was modified to reduce the proportion of the course devoted to simulation.  
There followed considerable discussion. Casey moved that we table the motion until we have a discussion of the larger and more general issue of the use of adjunct faculty. By show of hands the motion to table was defeated. In a vote by secret ballot, with Dean Hoffman collecting the ballots and counting them with Secretary Neth, the course was approved, with 30 voting in favor and 12 against.

Seymour then presented the Committee's provisional approval of Scharf's proposal for a LL.M. program in International Criminal Law. The Committee's recommendation, by split vote, is that the program be approved for just three years, and that the Committee review the program in May of 2011. The Committee's October 1, 2008 memorandum also sets forth some other qualifications on the approval and some of the considerations that led to the recommendation.

There followed extensive discussion in which the issues raised by the Committee's memorandum and many others were explored, if not resolved. Ku called the question and Casey seconded the call. A vote by secret ballot was taken on the motion to approve. Hoffman collected and, with Neth's assistance, counted the ballots. The motion to approve passed by 36 in favor, 6 against and 1 ballot indicating an abstention.

### **Budget**

Leatherberry continued the report of the Budget Committee which began at the last meeting. Copies of spreadsheets were distributed for purposes of the presentation, to be collected at the close of the meeting. There were many questions and comments about the budget, and various suggestions were made about how we might better use our resources or expand those resources. There were no motions made or actions requested by the Committee. Chisolm thanked Crystal Taylor for her fine work in helping the Committee in its work. The faculty gave the Taylor, and by implication the Committee enthusiastic applause.

With that, the meeting was adjourned.

Respectfully submitted:

Approved \_\_\_\_\_

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Spencer Neth, Secretary

**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
3:35pm	President's Announcements	B. Snyder
3:40pm	Provost's Announcements	B. Baeslack
3:45pm	Chair's Announcements	C. Musil
3:50pm	Report from the Executive Committee	A. Levine
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	C. Cano
4:30pm	Report from Enrollment Management	R. Bischoff
	New Business	

## 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:** Nominations are made by the chair of the candidate's home department to their respective Dean, or by the Dean directly. For schools that do not have academic

departments, the Dean will establish the nomination process. Deans will also establish a screening process to review nominations within their schools/College. Each School/College may submit one new or updated nomination each year. Schools 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.

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.