

**MINUTES OF THE 331ST GRADUATE COUNCIL MEETING
UNIVERSITY OF NOTRE DAME
MARCH 19, 2013**

Members present: Chris Maziar, Acting Dean of the Graduate School; Cindy Bergeman, Bob Bernhard, Tom Corke, Mark Cummings, Dennis Doordan, Jeremy Fein, Rick Garnett (representing Dean Nell Newton), Dean Roger Huang, , Mark McCready (representing Dean Peter Kilpatrick), Gerry McKenny Marvin Miller, Kate Rueff, Mark Schurr (representing Dean John McGreevy), Rich Taylor (representing Dean Greg Crawford) Alain Toumayan, Diane Parr Walker

Members excused: Panos Antsaklis, David Bennett, Phil Bess, Sunny Boyd, Laura Carlson, Margaret Doody, Umesh Garg, Margaret Meserve, Doug Rice

Graduate School representatives present: Brian Baker, Brian Flaherty, John Lubker, Nyrée McDonald

Reporter: Mary Hendriksen

Dr. Christine Maziar, Acting Dean of the Graduate School, and Vice President and Senior Associate Provost, welcomed Graduate Council members to today's meeting and took up the agenda items as follows:

1. Minutes of the meeting of January 30, 2013: The minutes of the Graduate Council meeting of January 30, 2013, were approved as presented.

2. Graduate School *Bulletin of Information* Section on Financial Support/Definitions of Assistantships and Fellowships: Dr. Maziar began the discussion by pointing to current provisions in the Graduate School's *Bulletin of Information* concerning the financial support of graduate students. The *Bulletin* delineates various categories of support, such as fellowships and assistantships [See: http://graduateschool.nd.edu/assets/76118/bulletin_2012_2013.pdf]; however, the text is incomplete and fails to capture all of current practice or policy, such as the policy contained in the Director of Graduate Studies' handbook that the service requirements of fully funded students may not exceed 17.5 hours per week ["Departments may require academic service for stipends (e.g., teaching, grading, assisting in laboratories) during the academic year for up to 17.5 hours per week." p. 39.] Furthermore, Dean Maziar said, the existing policies, such as they are, are not accessible to students.

Prior to the meeting, members were provided with examples of more robust definitions of fellowships and assistantships at four institutions: Brown, Cornell, Duke, and Yale.

Dean Maziar continued by saying that it is important to recognize that policies, procedures, and definitions around assistantships and fellowships are informed by two very powerful forces: First, institutional need, practice, and culture; and second, the external regulatory environment.

Concerning the latter, Dr. Maziar said, she asked Mary Hendriksen in the Graduate School to examine the federal and state regulatory environments that would affect any parameters the University has or

should have around fellowships, assistantships, and paid employment of graduate students. In that research, it became apparent that, whatever the source of Notre Dame's well-established 17.5 hours restriction on graduate assistant service requirements, it most likely came about from the need to keep graduate assistants under a 20-hour threshold important in the taxation sphere, specifically for Federal Insurance Contributions Act (FICA) taxes, and immigration.

[Note: At the meeting of March 19, the FICA regulatory environment was presented as one in which a bright line existed at 20 hours/week—that is, to remain within the FICA exemption, a student enrolled at least half time could not exceed assistantship or paid employment of 20 hours/week by even one hour without both the student and the University being subject to a 7.5% taxation rate.

Upon further research, it was discovered that the 20 hours/week standard is no longer controlling. Now, rather than an absolute number of credits or assistantship or work hours, there is a balancing test. The current IRS standard is that student-employees whose services for their institution are "incident to and for the purpose of pursuing a course of study" qualify for the exemption. It is a test that the Internal Revenue Service calls a "facts and circumstances" test—one in which the point is to determine whether an educational relationship with the school predominates over an employee relationship. The bright line test remains with respect to immigration regulations.

These amended findings on the FICA regulatory environment were shared with the Directors of Graduate Studies at the meeting of April 23, 2013, when assistantship and fellowship definitions, slightly revised from the Graduate Council meeting of March 19 to take account of the current regulatory environment, were presented.]

In the area of immigration laws, Dean Maziar said, many of our students are on F-1 or J-1 visas. International students are in danger of having their visas pulled if they exceed 20 hours of assistantship or employment in any one week, with no occasional overages or averaging allowed.

Putting the federal regulatory environment together with both institutional practice and a desire for transparency, Dean Maziar explained, the Graduate School has drafted definitions of assistantships and fellowships, and established parameters for paid employment. The definitions and parameters are being presented at today's Graduate Council meeting for members' review, comment, and approval.

As for assistantships, the proposed definitions outline four kinds:

- Teaching Assistantship: Grading assignments, running discussion sections or labs, or teaching sections of an undergraduate course;
- Research Assistantship: Research undertaken as part of a faculty member's research program but also in support of the student's dissertation or in preparation for it.
- Project Research Assistantship: Research not directly related to the student's dissertation or preparation for it but part of the University's research enterprise—for example, computational support in a laboratory other than the student's own;

- Graduate Administrative Assistantship: Assistance also not directly related to the student's dissertation or preparation for it but in the category of administrative support—such as editing a journal, managing a website, coordinating a conference, etc.;

In general, Dean Maziar said, the Graduate School is recommending a “typical maximum” service obligation of 18 hours per week. She explained that 18 was chosen because while we do not want the service obligation to exceed 20 hours/week, it is not unusual for a graduate student to pick up a few extra hours by editing a journal, teaching a yoga class, or undertaking some other minor commitment.

The 18 hours are relatively easy to quantify and track for the three varieties of assistantships other than research assistantships, she pointed out.

For students on research assistantships, Dean Maziar explained, the University community understands the concept of apportioning *some* of the student's research—18 hours/week is the chosen number—to the assistantship. Given the fact that a student's assistantship research is intertwined with his or her dissertation research, in reality, a student will spend many more hours on a given research project in order to complete the requirements for the degree.

In response to a question from Prof. McKenny, Dean Maziar said that the definition of a research assistantship includes the phrase “or preparation” for dissertation research. Thus, students might be building skills for their dissertation research as part of a research assistantship.

As for fellowships, Dean Maziar said, this is graduate student support with no service obligation. Fellowships, too, may be full or part-time. Many of the Graduate School's select fellowships, including the Presidentials, are now constructed as partial support of graduate students in that they are “top-ups” of base stipends. Thus, the rules of the assistantships apply for the base stipend; while the “no service obligation” component of the fellowship applies to the top-up portion.

Tuition scholarships and paid employment, Dean Maziar said, are other means of financial support for graduate students. The policy of the Graduate School is that the combination of assistantships and paid employment of full-time graduate students who are fully or partially supported cannot exceed 20 hours/week—whether the paid employment is either inside or outside the University. For students on an F-1 or J-1 visa, restrictions on employment are legal requirements.

There were some comments and questions from members. Referring to the research assistantship provisions, Prof. Corke said that his fear was that students may see the language of 18 hours/week and think that it represents a cap to their work. Could this language be eliminated for the research assistantship?

Dean Maziar said she preferred not to eliminate the 18-hours/week reference in the definition. She explained that both faculty and students could best understand the apportionment concept by considering their dual roles. Faculty members have a dual role in that they are the principal investigator on a project *and* a student's mentor. Students have a dual role in that they are working on their

dissertation, or preparing for it, *and* fulfilling obligations as a member of the faculty member's research team as well as requirements of the research grant or contract.

Prof. Bergeman advocated that the definitions include a general statement that all students are expected to work on their program of research—and that work will be in excess of 20 hours/week.

[*Note: This sentence was added to the final definitions: "During the term of any kind of assistantship, students are expected to make sustained academic progress toward the degree. For doctoral students, progress includes undertaking research that supports their dissertation or is in preparation for it."*]

With no further discussion, a motion was made and seconded that the Graduate Council endorse the proposed definitions for fellowships and assistantships and recommend that the Graduate School promulgate them in the *Bulletin of Information* and on its website.

In the subsequent vote, the motion was approved unanimously.

The final definitions and policies are included as an attachment to these minutes.

3. Action on the Ad Hoc Graduate School's Committee's recommendation for proposed revisions to the *Academic Articles*, including dissolving the Graduate Council and changing the title of the head of graduate studies from dean to associate provost: At the last meeting, one agenda item was the report of the Ad Hoc Graduate School Committee. [See: <http://provost.nd.edu/committees/ad-hoc-graduate-school-committee/>]

Posted in December 2012 on the Provost's Office website, faculty members from throughout the University have now shared their thoughts with the Provost on the contents of the report, Dean Maziar said. Those comments have been largely supportive.

The Provost has asked the Graduate Council to be the first faculty governance body to address some of the committee's recommendations that require changes to the *Academic Articles*.

One recommendation, Dean Maziar said, is to dissolve the Graduate Council, with the majority of its work to be taken up by the Advanced Studies Committee of the Graduate Council.

With respect to the Graduate School dean, she continued, the ad hoc committee recommended that the dean be an associate provost who also holds the title of graduate dean—largely because of the currency that title has amongst our peers. There is the recognition that the role of dean of the Graduate School is different than that of college deans—for example, the Graduate School dean has no hiring authority for tenured or tenure-track faculty. For the associate provost positions, she explained, the provost is not required by the *Academic Articles* to follow the more wide-ranging search process required for the other deans. Instead, the President of the University appoints vice presidents and associate provosts upon the recommendation of the Provost. [*Academic Articles*, Article II, Sec. 2] The position of associate provost of graduate education would be a parallel role to that of the current associate provost who oversees undergraduate education.

Dean Maziar said that she believes one benefit of the proposed change would be to better integrate the Graduate School into the work of the Provost's Office. Currently, the Graduate School Dean participates both in the Deans' Council and the Provost's Office. Moreover, it is likely that the person who is appointed to the reconfigured position of associate provost and Graduate School dean would have a broader portfolio in terms of post-baccalaureate education. While the law and business schools would not report to this associate provost, he or she would certainly be a point person in the Provost's Office who would represent the interests of all post-baccalaureate students.

In response to a question of the term of associate provosts, Dean Maziar said that there is no term. Associate provosts serve at the pleasure of the Provost, whose work they support.

Prof. McKenny asked about the position of the graduate dean vis-à-vis the other deans. Dean Maziar said that the Graduate School dean has always been in a different position than the other deans because he or she does not hire tenured or tenure-track faculty. When in May 2012, the Provost moved resources for stipends to the colleges, the Graduate School's role as one of service to programs, faculty, and students (rather than a funder of their programs) was emphasized. The Graduate School will continue to have many responsibilities. One concrete example, as we have witnessed today, is taking the lead on important *Bulletin* provisions that affect students and programs—such as crafting assistantship definitions.

After a motion that was seconded, Dean Maziar asked for a vote on dissolving the Graduate Council. It was unanimously in favor.

Dean Maziar next asked for a vote by members that they ask the Academic Council to take the appropriate action in the *Academic Articles* to accomplish the recommendation that the Graduate School Dean become an associate provost.

With no further discussion, that vote, too, was unanimously in favor.

With the agenda items addressed and no further business suggested, Dean Maziar thanked Graduate Council members for their work this year and adjourned the meeting.

FINANCIAL SUPPORT SECTION OF THE GRADUATE SCHOOL BULLETIN, P. 31 (VERSION OF 4/18/13)

The University offers three types of financial support to graduate students: assistantships, fellowships, and tuition scholarships. Students may receive one type of support or a combination.

Only full-time, degree-seeking students are eligible for support.

Students must remain in good academic standing to be eligible for continued financial support.

Doctoral students are eligible for assistantships and fellowships funded by the University during their first six years of study. Masters' students are eligible for assistantships and fellowships funded by the University during their first three years of study. There is no eligibility limit for doctoral or masters' students receiving fellowships and assistantships funded from other sources.

ASSISTANTSHIPS

The University recognizes four kinds of assistantships: Teaching, Project, Graduate Administrative, and Research.

The duration of an assistantship may range from a single academic term to a full year. Assistantships may be full (an expectation of 18 hours/week) or half (an expectation of 9 hours/week). Half assistantships may be combined.

During the term of any kind of assistantship, students are expected to make sustained academic progress towards the degree. For doctoral students, progress includes undertaking research that supports their dissertation or is in preparation for it.

TEACHING ASSISTANTSHIPS

Teaching assistantships are awarded to students who, in furtherance of the University's academic mission as well as part of their own academic requirements and training, perform duties ranging from reading and grading assignments to running discussion sections or labs, or teaching sections of undergraduate courses. (The latter teaching assistantship is designated as "instructor of record" in the Registrar's course listing.)

The time commitment for teaching assistantship duties may vary from week to week but will have a typical maximum of 18 hours per week and may not exceed 20 hours per week.

PROJECT RESEARCH ASSISTANTSHIPS

Project research assistantships are awarded to students for research in furtherance of the University's academic mission but not directly related to the student's dissertation or preparation for it. An example might be assistance with computations for a faculty member's research when that faculty member is in a department other than the student's own.

The expected time commitment for project research assistantship duties may vary from week to week, but the typical maximum is 18 hours per week and may not exceed 20 hours per week.

GRADUATE ADMINISTRATIVE ASSISTANTSHIPS

Graduate administrative assistantships are awarded to students for service in furtherance of the University's academic mission but not directly related to their dissertation or preparation for it. Examples are offering administrative support by editing a journal, managing a website, or assisting a faculty member with developing or coordinating a conference.

The expected time commitment for graduate administrative assistantship duties may vary from week to week, but the typical maximum is 18 hours per week and may not exceed 20 hours per week.

RESEARCH ASSISTANTSHIPS

Research assistantships are awarded to students who, in furtherance of the University's academic mission as well as part of their own academic development and training, assist faculty members on research programs either at the University or in the field.

If the assistantship is funded through a sponsored agreement, then the graduate student must be conducting activities necessary to the sponsored agreement.

The work performed as a research assistant is not only part of the faculty member's research program but also supports the student's dissertation research or preparation for that research and is, therefore, in satisfaction of a degree requirement.

For that reason, while the time commitment attributed to the research assistantship duties of a student is considered to be 18 hours per week, because the research being conducted is integral to the dissertation, or preparation for it, the overall time devoted to the research as a whole is expected to be significantly more extensive.

FELLOWSHIPS

Fellowships are awarded to assist a student in the pursuit of a degree. No obligation for teaching or research in furtherance of the University's academic mission is expected in return. Students who have been awarded fellowships are expected to devote themselves fully to scholarship, research, or the completion of their dissertations.

The duration of a fellowship may range from a single academic term to a full year. Fellowship recipients will be notified by an award letter. Fellowships may be awarded in addition to an assistantship. In these cases, the service requirement is associated with the assistantship portion of the student's total awards.

Note that a fellowship does not exempt a student from a program's *academic* requirements, such as teaching, although it may change the timing of the satisfaction of the requirement.

TUITION SCHOLARSHIPS

The University offers full or partial tuition scholarships to students qualifying on the basis of merit.

Doctoral students are eligible for tuition scholarships during their first eight years of study. Masters' students are eligible for tuition scholarships during their first five years of study.

PAID EMPLOYMENT

Students who have been awarded a full assistantship or fellowship may not undertake paid employment with either the University or an outside employer while enrolled. Exceptions may be granted in cases of unique academic or professional benefit, personal benefit, or extreme financial hardship and must have the prior written approval of the graduate student's adviser, director of graduate studies, and the Graduate School. Generally, any exceptions will not exceed 2 hours per week.

Full-time degree-seeking students who are *not* fully supported may undertake paid employment with either the University or an outside employer while enrolled if they have the prior written approval of the student's adviser, director of graduate studies, and the Graduate School. Generally, for these students as well, the total assistantship, if any, and employment obligations may not exceed 20 hours per week.

Note that under current United States immigration regulations, any international student studying on an F-1 or J-1 visa seeking employment off-campus for any amount of hours, whether fully supported or not, must obtain written authorization through the appropriate staff member within Notre Dame International.

SPECIAL RULES APPLY FOR SUMMER EMPLOYMENT FOR DOCTORAL STUDENTS

Recognizing that programs' funding models for doctoral students differ widely in the summer months, programs may award a fellowship in the summer yet still allow up to 20 hours of employment per week, either on or off campus. At no time in the summer months may the combination of assistantship, fellowship, and paid employment exceed 20 hours per week unless the student has the prior written approval of the adviser, director of graduate studies and the Graduate School. The requirement (based on current United States immigration regulations) that international students studying on an F-1 or J-1 visa seeking off-campus employment obtain written authorization through the appropriate staff member within Notre Dame International applies in the summer months as well.

SPECIAL RULES APPLY FOR SUMMER EMPLOYMENT AND ACADEMIC YEAR BREAKS FOR MASTER'S STUDENTS

Students in course-based master's programs have no University-imposed limitations on paid employment when classes are not in session. The requirement (based on current United States immigration regulations) that international students studying on an F-1 or J-1 visa seeking off-campus employment obtain written authorization through the appropriate staff member within Notre Dame International applies during academic-year breaks and in the summer months as well.