

Faculty Welfare Committee/AAUP Newsletter

Excellence in Education



From the FWC/AAUP President.

Dear Colleagues,

Thank you to the nearly 140 members of the General Faculty who attended our Zoom FWC meeting last Monday. I am just so impressed at how hard the faculty are working on behalf of Fairfield University right now. We are fighting for a safe and healthy environment, fighting, in the spirit of our Jesuit mission, for the most vulnerable among us, demanding our appropriate role in planning and decision-making. And, doing all of this while completely re-tooling all of our classes to accommodate the reality of teaching in the fall. And, doing all of this during the months when we are off contract, the time many of us spend on research and other projects. It is a difficult and very stressful time.

As you know if you were there, our meeting last Monday focused on issues surrounding re-opening and we had a brief update from the Faculty Salary Committee. As a follow-up to our discussion on reopening, this newsletter includes a memo that the FWC Executive Committee sent to the AC for their meeting on July 15. We tried to capture, as much as we could, the consensus of concerns expressed both publicly and privately, and we tried, as much as we could, to provide concrete suggestions for the AC. In addition, as an informational service in keeping with our mission, we have updated and reprinted articles that explain governance at Fairfield, and information about faculty contracts at Fairfield.

As mentioned earlier in the year, we do need to hold elections for the FWC/AAUP Executive Committee. This is an incredible group to be a part of and an opportunity to play an important role as an advocate for faculty. If you would like to find out more about what this important service entails, please contact me. In my view, keeping our beloved University on the right track re governance and the faculty's appropriate role in decision making is everyone's job. But we only need a handful on the EC at any one time. I do not intend to run for another term as President, so the door is open for new (younger?) leadership. Of course, I will be happy to stay on as Immediate Past President.

Looking ahead, we expect to continue publishing newsletters on matters of concern as often as needed. If you have any input for the chapter, please contact any member of the Executive Committee.

In Solidarity,
Irene Mulvey
FWC/AAUP President.

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You and Your Contract

This article is intended to help define and clarify the structure of faculty contracts at Fairfield. **Terms to know:** Contract Letter, Memo of Understanding (MOU), Benefit Plans Overview (BPO), *Faculty Handbook*.

In some ways, the contract faculty receive at Fairfield is typical. For example, it specifies rank, salary, benefits, etc., just like contracts at other universities. But in other ways our contract is unusual. Our contract information is spread over three contractual documents that are linked in ways that may not be easy to understand at first. Here we will address common questions about our faculty contracts.

Q. What exactly is my contract?

A. First, the following language from the *Faculty Handbook* (II.A.5) specifies what our contracts are required to contain,

“Appointment of a full-time faculty member shall be made by a formal contract signed by the faculty member and the President of the University. The contract and appendages shall state the rank, salary and benefits, duration of the contract and other conditions of appointment.”

In keeping with these requirements, your contract consists of the following documents:

- (1) The Contract Letter. This is the one-page document faculty sign each year, usually by June 30.
- (2) The Memo of Understanding (MOU). This is the multiple-page document worked out through collegial discussions by the FSC and an Administrative Committee, and subject to approval by the General Faculty, Finance Committee, and ultimately the Board of Trustees.
- (3) The Benefit Plans Overview (BPO). This is a document providing an overview of your benefits. You should receive a copy when you first come to Fairfield.
- (4) The *Faculty Handbook* contains Faculty Duties (II.C) and many other terms and conditions of employment.

Q. How are these documents connected?

A. The Contract Letter and the MOU each references the *Faculty Handbook*. Also, the Contract Letter and the MOU are doubly-linked. First, in the following clause (from the Contract Letter):

“The terms referred to in the Memo of Understanding on Faculty Salary and Benefits, [year], will apply from [date] and continue until superseded by a subsequent Memo of Understanding....”

and, second, in the following clause from the MOU:

“All individual, annual letters of appointment will be in accordance with the compensation provisions of this document and with the Faculty Handbook (11th edition, 2013, and subsequent amendments).”

The Benefit Plans Overview is an appendix to the MOU. This is defined in the following clause (from the MOU):

The “Benefit Plans Overview (BPO) for Full-Time Faculty” a summary of existing benefits, is incorporated in this document as Appendix 2.”

Q. How are the documents arrived at? How do the documents get changed?

- (1) The Contract Letter must be reviewed and approved by the Faculty Salary Committee (FSC) each year, per the *Faculty Handbook*. Sometimes, the FWC has paid for an attorney to review contract letters or other documents. (Thank you, dues-paying FWC members.)
- (2) The MOU (which includes the BPO as an appendix) is arrived at through collegial discussions between the FSC and an administrative committee. Then it must be approved by the General Faculty in a majority rule vote. If the FSC and the administration cannot reach agreement then, according to the MOU,
“the Faculty Salary Committee and the Administration will hold further meetings with the intention of resolving the objections prior to the June Board of Trustees meeting. In the absence of a resolution, the

Annual Budget adopted by the Board of Trustees shall be final regarding faculty compensation for the ensuing academic year.

- (3) Changes to the *Faculty Handbook* must be mutually approved by the General Faculty, through a vote at a regularly scheduled faculty meeting, and the Board of Trustees.

Q. Where are my contractual obligations defined?

A. The Contract Letter specifies a few obligations, such as preparation of examination papers, customary conferences with students, and attendance at Faculty and Departmental meetings. Other obligations and terms of employment are listed in the *Faculty Handbook*. See II.C for teaching load and some faculty duties, and elsewhere for criteria for tenure, criteria for promotion, requirements for sabbaticals and pre-tenure leaves, office space, etc.

Q. Does everyone have the same contract?

Basically, yes. Everyone receives essentially the same Contract Letter, and the same Memo of Understanding and Benefits Plans Overview apply to all faculty. Not everyone’s contract letter contains the same salary, of course, and this has gotten a bit more complicated with the advent of performance-based compensation. Also, some faculty members have additional duties, such as chairing a department, for which additional compensation is provided.

Q. Is there renewal language?

A. Yes. Specifically, the last Contract Letter (for tenured faculty) states “This contract shall be renewed upon the terms and conditions of the Memo of Understanding, on Faculty Salary and Benefits, FY 2018-20, as amended by the FY 2021 MOU Extension Agreement...”

Q. Where can I read actual copies of these documents?

A. Everything but an individual contract letter is available on the General Faculty Secretary’s website:
www.faculty.fairfield.edu/gfs.

The Documents that Support and Define our Governance Processes

Even if you're new to Fairfield or relatively new to academia, surely you've heard the term "shared governance" or "faculty governance" or "academic governance." Governance basically describes the processes by which decisions are made and planning takes place. The principles underlying best practices of academic governance in US higher education are articulated in the Statement on Government of Colleges and Universities (<https://www.aaup.org/report/statement-government-colleges-and-universities>). This statement was jointly formulated by the AAUP, the Association of Governing Boards of Universities and Colleges (AGB, the authoritative association of governing boards of which Fairfield University is a member), and the American Council on Education (ACE). It is the authoritative standard for appropriately shared responsibility and cooperative action among the components of an academic institution. In 2017, the AGB reaffirmed its endorsement of this vitally important statement (<https://www.aaup.org/news/aaup-committee-commends-agn-statement-governance#.Xw9cex17nZ4>).

Fairfield has a number of items that constitute our governance documents. For a little light reading, we list and describe here our key governance documents. All the documents mentioned here are available on the General Faculty Secretary's website at <http://www.faculty.fairfield.edu/gfs/>.

The Faculty Handbook, (11th edition, 2013): The Faculty Handbook is the primary policy and governance document for the University, containing university-wide policies on faculty organization (e.g., criteria for membership in the General Faculty, structure and function of the Academic Council, descriptions of standing committees, etc.); faculty policies (e.g., faculty obligations, policies on appointments, rank and tenure, benefits, leaves, etc.); and a few other policies (services provided to faculty, procedures for due process, etc.). Either the Faculty or the Board of Trustees may propose amendments to the Handbook. Proposed amendments must be accepted by both the General Faculty (two-thirds vote) and by the Board of Trustees. What's the legal status of our Faculty Handbook as an enforceable contract? That's a good question, since enforceability differs from state to state. The best answer the FWC can provide is to refer you to information collected by the Legal Department at National AAUP: <https://www.aaup.org/our-programs/legal-program/faculty-handbooks-guide>. Of course, this info is made possible by member dues.

The Journal of Record: The Journal of Record is a collection of policies that have been mutually approved by the faculty (either the Academic Council or the General Faculty) and by the administration and is maintained, according to the Faculty Handbook, by the Secretary of the General Faculty. New items are added to the Journal, or current items are revised, when a proposed policy is considered by the Academic Council (usually the policy is sent to the AC from a standing Handbook committee). If the Academic Council votes to approve the policy, it is sent to the administration.

If approved by the administration, it becomes policy and is entered into the Journal. In some cases, the Academic Council will decide to send a proposed policy to the General Faculty with a recommendation to approve or reject and, if approved by the faculty, it then goes on for administrative approval before being entered into the Journal of Record.

Governance Documents of the Various Schools: In addition to the policies contained in the Faculty Handbook and the Journal of Record, each school has a governance document. These documents contain policies particular to the school, for example, selection of department chairs, duties of chairs, duties of program directors, etc. The process for changing a governance document are included in each governance document and must be mutually approved by a vote of the faculty of a school and the University President.



Jackie Robinson and Branch Rickey shake hands after Robinson signed his first major league baseball contract in 1945.

FWC EC Memo to AC

TO: Academic Council
FROM: Faculty Welfare Committee/AAUP Executive Committee
DATE: July 14, 2020
RE: Urgent memo to be taken up at 7/15/2020 AC meeting

As you know, the FWC sent a memo to the AC that was included in the packet for your 6/15/2020 meeting to be taken up under Agenda Item 1. Our memo included 12 concrete suggestions, many of them somewhat time-sensitive.

We understand and truly appreciate that the AC is extremely busy and has been working very hard under trying circumstances, but we cannot help but be disappointed that our material has not really been taken up yet in three separate sessions. This is not intended to be critical but it is the reason that we are sending this new and updated memo for the July 15 meeting. This memo supersedes our 6/14/2020 memo. It includes any material from that memo that is still relevant and is updated to include any number of concerns that have been brought to our attention through many channels.

We ask that a faculty member on the AC make the following motion:

MOTION 1. To reorder the agenda and take up the FWC EC 7/14/2020 memo immediately after Presidential Courtesy.

Our recommendations are based on the data collected on our recent survey, issues raised at the FWC Membership Meeting on 7/13/2020, and communications to all of us from all over campus. Given that our survey was sent to all full-time faculty teaching in the fall, and our FWC Meeting was open to all members of the General Faculty (GF) covered by the MOU, we are confident that the views in this memo are representative of the GF.

On reopening.

As we reported in our earlier memo, the President's Announcement (sent by email on June 9) raised a number of concerns regarding transparency, communication, trust and, most importantly, the faculty's role in decision-making in areas where faculty have primary responsibility. In the interim, those concerns have only deepened.

Decisions continue to be made on the specifics of reopening without any faculty representation. As a result, faculty end up providing the vitally important faculty perspective after the fact. We recommend the following motion:

MOTION 2. The AC calls upon the Provost to work with the ACEC in order to ensure that there is faculty representation on any committee that is making *decisions* regarding re-opening. ACEC should utilize existing *Handbook* committees whenever possible. Charges to any body making decisions about reopening should be shared with the AC. Faculty representatives should be required to provide regular, written reports to AC.

Curriculum and methods of instruction are matters that fall squarely under faculty purview. As discussed in the FWC meeting, this is not an academic freedom issue for *individual* faculty members, but a governance issue to be decided collegially by faculty in departments and programs. We recommend the following motion.

MOTION 3. The AC affirms that decisions on matters over which faculty have primary responsibility (in particular, subject matter and methods of instruction) will be left to departments and programs.

There is widespread fear about working conditions on a residential campus during a global pandemic. We are grateful for the flexibility of the AC's most recent motion and look forward to working within departments and programs within the parameters set out by AC. However, the faculty who choose to come to campus (or individuals carrying out the in-person experiences for classes taught by faculty from off-campus), will be in close quarters with young adults who may or may not follow the health and safety protocols. These individuals are, quite literally, taking a life-threatening risk to teach our students on campus in the fall. We have two recommendations for motions that we think will put faculty a bit more at ease, one on teaching spaces and one on PPE.

MOTION 4. Complete descriptions of all teaching spaces will be available for faculty to review by [date certain]. This includes location, structure (if not traditional classroom), physically-distanced capacity, teaching tools that will be available, type of seats for students (folding chairs, chairs with writing board, chairs and tables), as well as description, routine and schedule for cleaning.

MOTION 5. AC directs the ACEC to form a subcommittee with expertise from faculty in the Health Sciences. The SC should determine the minimum requirements for testing students, faculty and staff in the fall (per CDC and state and professional epidemiologists) and recommend testing levels for Fairfield. The SC should determine the minimum requirements (per CDC and state) for PPE for faculty teaching on a residential campus in the fall, and make recommendations for appropriate PPE that will be provided to faculty. The SC will report back to AC by [date certain].

Another widespread concern that has been mentioned are the projections about the number of infections, hospitalizations and deaths that are being used in making the decisions to reopen in the fall and when to close the campus. We understand that this is extremely sensitive information, but faculty need to know that decisions are being made on reliable projections.

MOTION 6. That the AC will receive from the administration, in confidential executive session, detailed briefings on the projections from professional epidemiologists for the expected number of infections, hospitalizations and deaths that are being used to continue planning to reopen, and on what basis the University will close. AC should receive these detailed briefings (in confidential executive session) regularly, since conditions are certain to change.

We reiterate a number of suggestions from our last memo here in the form of a motion.

MOTION 7. The AC directs the FSC (1) to look into the possibility of offering health insurance for anyone who works at Fairfield, (2) to look into the possibility of increasing per course pay for part-time faculty teaching in fall 2020 due to the increased workload in preparation and delivery, (3) to look into the possibility of offering retroactive additional compensation to part-time faculty colleagues who were required to move instruction online in the middle of the spring 2020 semester due to the increased workload beyond contractual requirements.

Our final two suggestions are, we hope, simple requests that will be easy to implement and help everyone plan for the fall.

MOTION 8. The AC asks the Provost to have a faculty-only, inward-facing resource page for FAQs and everything related to teaching in fall.

MOTION 9. The AC asks the Provost to arrange for emails that go to Fairfield students with information for the fall to also go to faculty members as an FYI.

We remain your steadfast and grateful colleagues, standing ready to assist however we can.

FWC/AAUP: Mission and elected leadership

We promote faculty welfare, broadly defined, through chapter programs and activities designed to advance academic freedom, advance the economic and professional status of the faculty, encourage faculty participation in governance, and inform the community about AAUP standards and policy statements to ensure higher education's contribution to the common good

FWC/AAUP Executive Committee: Irene Mulvey, President; Maggie Labinski, Vice-President; Bill Abbott, Secretary; Paul Baginski, Treasurer; At-large members: Peter Bayers, Anita Fernandez, Anna Lawrence, Sonya Huber. Immediate Past-President Rona Preli.

www.faculty.fairfield.edu/fwc