General Faculty Meeting
Friday March 14, 2014
Gonzaga Auditorium, 3:30-5 pm

Agenda

1. Announcements

2. Approval of the minutes of February 21, 2014 (attached, p. 2-8)

3. Report on the discontinuation of Mentor course management system:
   Academic Council Response (attached, p. 24-31; thanks to Ginny Kelly for 24 hour turnaround on draft minutes)

4. Report from the Faculty Salary Committee
   The FSC will report on the collegial discussions. If the FSC reaches agreement on a Memo of Understanding (MOU) to recommend to the faculty, the proposed MOU will be emailed to faculty as soon as it's available.

5. Adjournment

The meeting will be followed by a Gala Reception hosted by the Faculty Welfare Committee/AAUP
General Faculty Meeting
February 21, 2014
Minutes of Meeting

Not yet approved by the General Faculty

Proxies were held by:

Rick DeWitt          Vincent Rosivach
Rick DeWitt          Curt Naser
John Miecznikowski   Matt Kubasik
John Miecznikowski   Eileen Reilly-Wiedow
Laura Nash           Katherine Schwab
David Sapp           Robbin Crabtree
Kraig Steffen        Aaron Van Dyke

Prof. David Schmidt called the meeting to order at 3:35 p.m.

1. Announcements

Prof. Paul Lakeland offered the following remembrance of Prof. Emeritus Vincent Burns, S.J.

The Reverend Vincent M. Burns, S.J. died at Campion Center in Weston, MA, on February 2, 2014. Vin or Vinny was a member of the Fairfield Jesuit community for 45 years, ending only in 2012 when he moved to the Campion Center. For more than 35 of these years he served as a faculty member, department chair and later as an adjunct after he reached what was then the mandatory retirement age of 70 in 1992. He was not happy to retire and, happily for the department, continued to teach part-time for many years.

Vinny Burns was born in the Jamaica Plains section of Boston in 1922, attended the prestigious Boston Latin School and later Boston College, where he received both an undergraduate and master’s degree. After joining the Jesuits in 1948 and doing his novitiate and philosophy studies he taught in Beirut for two years, before returning to study theology at Weston and was ordained in 1957. At this time he developed an interest in moral theology and new approaches to pastoral questions in ethics, completing a certificate program in alcoholism at Yale University, which in those days was pioneering a medical approach to this disease. Vinny was then sent to the Gregorian University in Rome to do doctoral studies in moral theology, where he also acquired the fluency in Italian that was so useful in later years in the many good Italian restaurants in New England.

In 1965 Vinny was assigned to Fairfield University where he taught moral theology, especially bioethics, for the next 45 years. He became chair of what was at the time a department of theology and was instrumental in its renaming as the Department of Religious Studies. A key moment in establishing the professionalism of the department, according to well-attested departmental lore, was when the then-president of the university called him to say he was planning to teach a course in the department. Vinny checked with his departmental colleagues and then told the President that without a terminal degree in our area he was not qualified to teach the course. Vinny was also a strong supporter of the AAUP and instrumental in defending Gus Caffrey, a member of the department whose tenure the same president...
attempted to revoke after he left the Jesuits and publicly declared his agnosticism. Gus’s tenure was upheld, and Vinny was at the heart of the many faculty who supported this decision.

Vinny was a man of enormous accomplishments who wore his learning lightly, an accomplished linguist and an avid poker player. John Thiel reports that Vinny taught him many things, theology when John was a Fairfield undergraduate, how to write as a young Fairfield professor (“use the active voice, not the passive”), how to be a good departmental chair, and in John’s own word, “in many poker games throughout the years he taught me that a fool and his money are soon parted, an adage he would cite in Latin as he took my money.”

Vinny Burns was a great presence at Fairfield for the decades in which he taught full time, and a gracious friend and colleague to many of us in the years in which he suffered retirement. He will be greatly missed by many of us. May he rest in peace.

The faculty observed a moment of silence in memory of Prof. Burns.

Prof. Schmidt then invited Prof. Mike Andreychik, chair of the Faculty Development and Evaluation Committee (FDEC), to make an announcement. Prof. Andreychik explained that on behalf of the FDEC and the Center for Academic Excellence, he wanted to let faculty know that the HERI faculty survey would be coming out soon. All full- and part-time faculty will receive an email from the Office of Institutional Research inviting them to participate in this survey. It's a national survey conducted every three years, and typically our responses have been used for marketing and accreditation, but they could be used more broadly. For example, they could be used to inform faculty development and strategic planning and the work of a variety of other committees. But the data are only as useful as the response rate, so he wanted to encourage faculty to respond and, given that part-time faculty may not regularly check their Fairfield email addresses, to make them aware of the survey as well. He explained that there will be a link at the end of the survey to some Fairfield-specific questions created by the FDEC, and that all respondents will be entered in a raffle for Amazon gift cards. He noted that the survey is anonymous; names will be requested for the raffle, but they won't be linked to responses. The survey will close in mid-March and the data will be available in the summer.

2. Approval of the minutes of November 15, 2013

   Motion [Caster/Tromley]: to approve the minutes of November 15, 2013 as circulated.
   The motion passed unanimously.

3. Report from the Faculty Salary Committee

   Prof. Irene Mulvey, chair of the Faculty Salary Committee (FSC) began by acknowledging the hard work of the other members of the Faculty Salary Committee - Dennis Keenan, Ryan Munden, Marcie Patton, and Deb Strauss. In addition, we are really lucky to have Walter Hlawitschka serving for one year – replacing Deb when she was on the sabbatical in the fall and replacing Dennis or Marcie in the spring. And [glutton for punishment] John Miecznikowski after completing a three-year term last year agreed to serve as a one-semester sabbatical replacement this spring. We have good continuity on our team. I’d tell you how many meetings we’ve had, but I honestly have no idea. It’s like we’re meeting constantly; working hard on your behalf.

   We are disappointed that we do not have a red-lined Memo of Understanding to bring to you today. We do think it is crucial to report to the General Faculty at this time and we appreciate you all being here. As we said on the agenda and in our memo, our plan is to report to you, our constituents, on the discussions this year to date.
Prof. Mulvey took a moment to acknowledge an oddity of our structure. The sensible thing would be for the FSC to report to the members of the GF covered by the MOU, but as a committee of the GF, we report to the GF, which includes members of the administration and members of the administration’s actual team.

She then turned to a slide presentation which was distributed to the faculty and is attached to the minutes.

The first slide shows the joint agenda that was agreed upon on November 26. The switch from Anthem to Aetna occupied the FSC through October 18. With regard to item 4 on the administration's list, Prof. Mulvey explained that the faculty were receiving more than the agreed upon $1480 offset into the base. The FSC insists that that is not the case and wrote a detailed memo explaining why it is not the case. The administration's response was to thank the FSC for the information; it hasn't come up again. Regarding the next item on the administration's list, post-tenure review, the FSC made the point very early on that this is not under FSC purview unless the administration intends to tie it to compensation.

The next two slides present a brief summary of how we got to where we are now. The FSC made a 3-year proposal on 12/16 after the administration emailed that what was missing from our list of agenda items were our expectations for terms of compensation. We were told they would have a counterproposal to us in January. In late January, the administration presented a proposal for changes - to be implemented over the next three years - to our health care base plan and HSA. The FSC responded that health care is only a part of a compensation proposal, and that they would need to see the rest of the terms of a compensation proposal before they could reach any decisions on the health care proposals.

Prof. Mulvey explained that medical escalation is a very big concern for the administration and the FSC has acknowledged that we understand that this is a problem for all of us. In fact, several years ago, Profs. Preli, Rakowitz, and Tucker were on a subcommittee with V.P. Dolan and representatives from Human Resources looking at healthcare costs. They worked on an education campaign around use of emergency services and were very frustrated that the materials were never sent to employees. Last Spring, at V.P. Reed's request, a subcommittee on healthcare including Profs. Mulvey, Rakowitz, and Tucker was set up but it barely met, and was not put to good use. Since then, the FSC has said many times that we will work with the administration and suggested an ongoing ad hoc Committee connected to and overseen by the FSC to work on this over the long term with the data they promised us we will be able to get with the new carrier. But, we've tried to convey to the administration that faculty must be formally involved from the very beginning. We don’t want the data after it’s been weeded through by the administration with the consultant. Our position is that changes to health care must be done thoughtfully and jointly, and they need to be made based on robust, verifiable data.

We have another concern to share with you with regard to plan design changes. Apparently, there is no plan document for either the plan we had on Anthem or the new (identical) plan on Aetna. Our subcommittee asked for the plan documents in the fall and got written assurance that the plan under Aetna would be identical to the plan under Anthem. We asked again in January, were told it might take a couple of days and then that the Aetna plan wouldn't be ready until the end of March because the new carrier has 90 days to write the plan. On February 4, in a meeting, we were told by EVP Lawlor that the plan document for Anthem "doesn't exist". We find this very disturbing.

Prof. Mulvey continued, on the topic of health care and health insurance cost-shares, we have another item to report. As you know, we increased our share of health insurance premiums from 10% to 20% beginning January 1, 2014 (and we all got an offset into the base to partially cover the increase). (In fact, as the faculty are well aware, we’ve accepted a lot of changes with regard to health care over the last few years.) When we voted to approve the doubling of cost-shares, we informed you that the administration was projecting that health insurance costs would increase in the ballpark of 6% for 2014. This was
discussed at great length last year in the joint meetings, and the administration was very much aware that we were using these data and this prediction in order to calculate the appropriate offset into the base and in our reports to the faculty. In the fall, we were informed by the new Executive Vice President, based on work from the new consultant, that the data were very wrong and that the prediction had been way off. The prediction was not wrong because all of a sudden a lot more people got sick and used the health insurance. The prediction – this is what they tell us – was wrong because the historical data were wrong and had been wrong for a number of years. They have objected when we characterize this as mismanagement, but they have not given us any other explanation. We asked in writing for a complete, written explanation of what went wrong last year, but they haven’t respond to our request. We wrote, “under these circumstances, it is unreasonable to expect that the financial burden from the apparent mismanagement and erroneous data should be passed on to the faculty.” They did keep the cost-share amounts at what we had predicted for this year, but they say we are NOT paying 20% and their position is that they want us to pay 20% next year. I would characterize their position as they think they did us a favor by putting it off for one year. We think they should be working with us to find ways to honor their agreement. I don’t think we are close on this on this particular item. The FSC continues to suggest that we work together creatively to figure out a way to move forward. Their response has been unsatisfactory.

Returning to the chronology on the third slide, the administration says that tuition will not go up by much more than inflation, but they will not tie salary increases to inflation. We don’t think this makes sense. They offered us a three-year contract with salary increases not tied to inflation. In a tuition-driven institution, to gamble like this seems irresponsible. (Faculty also would be rolling the dice here, but if faculty “win” because our salary increase is way over inflation, the University loses which means faculty lose, too. Faculty lose either way.) In any event, we don’t think it makes sense to accept a multi-year contract unless salary increases are tied to inflation and they won’t accept a multi-year contract if salary increases are tied to inflation. So, we are back to working on a one-year contract.

The administration asked the FSC to look again at the proposed health care changes, but to consider only the changes proposed for 2015. Looking at the first year of the administration's proposed healthcare changes, the FSC had many questions. We were grateful that the consultant provided a great deal of information and answered many of our questions, on very short notice. The FSC presented a one-year proposal that we would recommend that faculty accept. In an email, E.V.P. Lawlor characterized our proposal as “completely underwhelming” and said that he would provide a counterproposal by late Thursday. The FSC explained that that would not be enough time since we would need to, at least, discuss it with them, so the administration sent a proposal Wednesday night and met briefly with the FSC Thursday. We haven’t reviewed the proposal as a group yet and haven’t reached a group decision on it yet. Today's report is clearly an interim report.

The next few slides present a brief overview, primarily for information rather than discussion. The FSC intends to survey the faculty about some of the administration's proposals. Prof. Mulvey noted the figures on the last slide. According to the consultant, the proposed health care changes would save the university about $413,000 or maybe $300,000 less than that, due to combining Options 1 and 2. Savings from the faculty alone would be at most about $137,000, but maybe less than $40,000. The FSC's position is that the proposed changes don't make sense for such little savings. Instead, the FSC wants to work with the administration to try to reduce total costs once we've got more data from Aetna.

Prof. Mulvey summarized: it is our sincere hope to reach agreement with the administration on a Memo of Understanding to bring to the faculty with a recommendation to accept. We are not there yet. We are getting closer on some items, but there are some items that we are deeply concerned about. We are scheduled to meet with them next Tuesday (and every Tuesday for the foreseeable future). As we do every year, we’ve been keeping the Faculty Welfare Committee informed about our progress and we will continue to do so.
Ultimately, although they tell us we’re in a new landscape with a changed paradigm, etc., the economy is doing very well. We are not in a crisis this year. (My department chair forwarded an email to my department on another matter from the CAS Dean that said we are liable to have 970-990 first year students next year.) The S&P 500 is up more than 30% in 2013. A well-managed endowment should have done very well last year, too. We ended last year with a surplus of 9.6 million dollars. Next year’s budget, they claim, has a 4 million dollar gap. Well, next year’s budget, like all budgets, is a planning document that reflects the institution’s priorities. (The FSC wants me to mention here that we’re building a new lacrosse field.) The point being: there is no hiding your priorities in the good times.

For now, the FSC asks you to support our work and keep yourself informed.

At this point, the floor was opened for questions. Prof. Joel Goldfield asked whether the missing plan document is the same as a contract. He said that Aetna concierges have told him of items that were part of our "contract" but hadn't been programmed in yet. Prof. Mulvey responded that we've been referring to a "plan document". We don’t know if that is the same thing as the contract. I think the administration knows, though, that what we want is the detailed document that describes the plan in detail, whatever that document is called. My understanding, from what we have been told, is that such a document doesn’t exist.

There were no further questions. Prof. Mulvey said that she had a motion that Prof. Tucker wanted to make but he was at a conference.

Motion [Mulvey/Salafia]: The General Faculty supports the idea of our Faculty Salary Committee working with the administration on an ongoing basis to consider ways to reduce the total cost of health care since reduction of total costs will reduce the cost to both the University and the employee. Changes to health insurance must be supported by reliable data and should reduce overall costs. The General Faculty do not support the idea of saving money for the University by reducing benefits or by shifting more of the cost to the employee.

There was no discussion.

The motion passed unanimously.

Prof. Schmidt called for a show of support for the FSC and was met with a warm round of applause. Prof. Mulvey acknowledged the other members of the FSC at the front of the auditorium.

4. Adjournment

A motion to adjourn [Miecznikowski/Mulvey] passed without objection at 4:13 p.m.

Respectfully submitted,
Prof. Susan Rakowitz
Secretary of the General Faculty
Faculty Salary Committee

Presentation to the General Faculty
February 21, 2014

Joint Agenda

Faculty Items:
1. A Memo of Understanding/Benefits Plan Overview to bring to the General Faculty for approval in February
2. Consideration of a multiyear contract
3. Retirement benefit returned to 10%
4. Mortgage assistance for new faculty
5. Discussion of current merit pay system

Administration Items:
1. Review/Modify base health plans
2. Implementation and Support of Wellness Initiatives
3. Align growth in total compensation to growth in revenue (i.e., tuition increases)
4. Acknowledgement of faculty's additional salary benefit above the $4850 increase, as well as impact of currently being at less than an 80-20% cost share on base plans
5. Post-Tenure Review Process

Chronology

12/16/13: FSC gave the administration a proposal for a three-year contract.

December: January: health care consultant attended some meetings; there were broad health insurance discussions.

1/24/14 (1:59 PM): FSC responded to consultant’s presentation and objected to the process "drifting" from joint agenda.

1/24/14 (3:32 PM): FSC received consultant’s document with proposed changes to base health care plan and HSA; their proposal was that these would be implemented over 3 years.

1/30/14: FSC received other elements for three-year compensation proposal from administration.

Chronology, continued

2/4/14 meeting: FSC won’t recommend a multiyear contract unless salary increases are tied to inflation. Administration asked us to consider health plan changes for 2015.

2/7/14: FSC drafted questions on health plan changes.

2/11/14: Consultant attended meeting and provided answers.

2/16/14: FSC responded to 2015 health plan changes and gave a one-year proposal we would recommend the faculty accept.

Administration sent new one-year proposal on 2/19 and we met to review their latest offer on 2/20. We haven’t met as a group to discuss it yet. We haven’t reached a committee position on it yet.

“Proposed Scenario”

This information is from a document from Mercer titled, Faculty Discussion – Plan Design Proposal, dated 1/28/2014

It included a “Proposed Scenario” for changes to base plan and HSA plan over the next three years. We include here only the information for 2015.

FINANCIAL MANAGEMENT:
- Combine option 1 and 2, increase copays, eliminate $1000 pharmacy max
- Align premium equivalent rate with correct actuarial plan values
- Increase dependent coverage amounts.

TOTAL HEALTH MANAGEMENT:
- 50% HAS incentive funding for wellness activities (HRA, Biometrics, Annual Exam)
- Add pharmacy programs to increase generic utilization and specialty medication programs
- Add radiology management program

More from “Proposed Scenario”

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Savings from changes to Option 1

At a meeting on 2/11, the FSC received a document from the Mercer consultant, dated 2/10/2014 calculating the total savings from the changes to Option 1. Some changes increase costs and some decrease costs.

Total Savings to the university calculated by Mercer for the 2015 changes if applied to Option 1 are $413,918.

In addition, they will lose 300K from Option 2 people not paying more for Option 2. This $413K is an actuarial figure, and does not include the (unknown) savings that might result from behavioral changes.
MEMORANDUM
Educational Technology Committee
Fairfield University

TO: Academic Council

FROM: Mark Scalese, S.J., Chair, Educational Technology Committee

DATE: January 29, 2014

RE: Report to the Academic Council

Background. This report from the Educational Technology Committee (ETC) to the Academic Council (AC) is to carry out the charge given to the ETC by the AC at its meeting on September 9, 2013:

MOTION. Following the decision to discontinue the use of the course management software aspect of Mentor, the AC charges the ETC to provide a full report to the AC at its November meeting on this matter that includes what led to the decision, how the decision was made, and the appropriateness of the decision.

Timeline/Chronology.

The ETC met 9 times during the fall 2013 semester. During its first meeting on September 11, the committee elected Prof. Mark Scalese chair and voted to fulfill the motion from the AC. The committee drew up an initial schedule: meet with CIO Paige Francis and members of her ITS team on September 25; meet with Prof. Curt Naser the following week, on October 2; discuss what it learned on October 9; and if necessary, have a followup meeting with CIO Francis and/or Prof. Naser on October 16 (Appendix A). For reasons that will be explained below, that timetable did not work out as planned.

On September 13, Prof. Scalese emailed Prof. Naser, inviting him to meet with the ETC on Oct. 2. Prof. Naser confirmed his willingness to meet and that Oct. 2 would be a suitable date.

On September 18, Prof. Scalese emailed the ETC, confirming the timetable of
meetings on 9/25, 10/2, and 10/9, and suggesting some questions the committee could pose to ITS on 9/25 (Appendix B). This email also acknowledged that Larry Miners agreed to serve on the committee during the fall semester in place of Ron Salafia, who had a conflict during with the time slot which the committee had scheduled for its meetings.

Before the September 25 meeting, reading materials were emailed to the committee by Prof. Vishnu Vinekar and AVPAA Christine Siegel. These materials included: 1) a memo on the reasons for the Mentor shutdown compiled by select faculty of the Dolan School of Business (DSB) and Engineering; 2) a response to this memo by Prof. Naser; 3) a Q&A report between the DSB faculty and Prof. Naser; 4) a timeline of IT use at Fairfield University from 1993-2013; 5) a 2010 PowerPoint presentation from VPSA Pellegrino about FERPA basics; 6) selected links on the Fairfield University website related to FERPA compliance. Additional files were forwarded to the committee from Profs. Amalia Rusu and Susan Rakowitz concerning FERPA and SVPAA Fitzgerald’s remarks about Mentor to the general faculty. (See Appendices C-K)

On September 25, the ETC met with CIO Francis and the following members of her ITS team: Russ Battista, Director of Administrative Computing; Jay Rozgonyi, Director of Academic Computing; Bryan Skowera, Director of Network Services; and Curt Swartzlander, Database Administrator. Prof. Joy Gordon also attended the meeting as an observer (Appendix L).

On September 26, Prof. Naser emailed Prof. Scalese an extensive report about the events leading up to the Mentor shutdown (Appendix M). Prof. Scalese forwarded this to the ETC. He also emailed Prof. Naser handouts which CIO Francis had distributed at the Sept. 25 meeting in addition to a summary of his understanding of what ITS presented at that meeting (Appendices N-O).

On October 2, University General Counsel Darin Callahan emailed Prof. Scalese, advising him that Mr. Don Bodnar was the official spokesperson for Axiom Education and as such, should represent that company at the meeting with the ETC (Appendix P). In light of this email, the meeting with Prof. Naser that afternoon was postponed. Subsequent emails between Profs. Naser and Scalese rescheduled the meeting for October 23 and clarified that Prof. Naser would accompany Mr. Bodnar to the October 23 meeting.

On October 10, Atty. Callahan emailed Prof. Scalese again, stating that lawyers from both the university and Axiom Education were discussing the contractual relationship
between the two parties. In light of that, Callahan requested that Axiom representatives be removed from the Oct. 23 meeting agenda (Appendix Q). That day, Prof. Naser emailed Prof. Scalese stating that he still intended to meet with the ETC on Oct. 23.

In light of these developments, Prof. Scalese wrote to the Executive Committee of the AC on **October 11** for advice about how to proceed. Prof. Irene Mulvey emailed a reply on **October 13** (Appendices R-S). Prof. Scalese forwarded this to the committee, which decided to proceed with the October 23 meeting.

Prior to the October 23 meeting, Prof. Scalese exchanged emails with Mr. Bodnar and Prof. Naser, trying to clarify the capacity in which Prof. Naser would meet with the ETC. Prof. Naser stated that he would attend the meeting as the faculty member who had developed the Mentor system.

On the morning of **October 23**, Prof. Naser emailed Prof. Scalese that Profs. Chris Huntley and Joy Gordon would assist him in making his presentation to the ETC that afternoon. The following faculty members attended the meeting as observers: Rick DeWitt, Vagos Hadjimichael, Laura Nash, David Schmidt, Norm Solomon, and Michael Tucker. After the meeting, Profs. Naser and Huntley emailed copies of PowerPoint presentations they had made, and Prof. Scalese forwarded these to the committee. (Appendices T-V)

On **October 30**, the ETC met in Executive Session to discuss the Sept. 25 and Oct. 23 meetings. The committee decided to invite representatives from the Office of the Senior Vice President for Academic Affairs to its next meeting (Appendix W). Prof. Scalese invited SVPAA Fitzgerald on **October 31**, who replied that he and AVPAA Siegel would attend.

On **November 6**, the ETC met with SVPAA Fitzgerald and AVPAA Siegel. Afterwards, the committee went into Executive Session and during its discussion, decided to send follow-up questions via email to CIO Francis and Prof. Naser (Appendix X). Between **November 8-13**, Prof. Scalese exchanged questions and follow-up emails with them. Prof. Naser sent an additional follow-up email on Dec. 1. (Appendices Y-EE)

On **November 13**, Profs. Rusu and Scalese visited the office of CIO Francis and reviewed copies of the 2009 and 2013 contracts between the university and Axiom Education. The ETC met again that same day to sift through all it had learned. The committee decided to write to the AC again, asking for clarification about how to
proceed with its mandate. (Appendix FF). The same afternoon, Prof. Scalese received an email from COO Kevin Lawlor in support of CIO Francis and ITS (Appendix GG).

Between **November 15-18**, Prof. Scalese exchanged emails with Profs. Rakowitz and Mulvey. Prof. Mulvey sent a memo to the ETC on November 18, suggesting a possible structure for its report (Appendix HH).

On **November 20**, the ETC discussed Prof. Mulvey’s memo and began compiling a timeline of its activities during the fall semester (Appendix II). Due to time constraints, Profs. Jaclyn Conelius and Scalese completed the timeline on **December 2** and forwarded it to the committee (Appendix JJ).

On **December 4**, the ETC met and discussed the timeline. Then it began discussing and assembling the sequence of events that led to the shutdown of Mentor (Appendix KK). Due to time constraints, Profs. Larry Miners and Scalese met on **December 6** to complete this task. Between **December 6-10**, they crafted individual answers to the first 2 points of the AC motion: what led to the shutdown and how the decision was made. After collating their drafts, they decided to recast the 3 points from the AC as follows: 1) what led to the decision and how it was made, 2) why the decision was made, and 3) the appropriateness of the decision. This new draft was forwarded to the committee on **December 10**.

On **December 11**, the ETC met to discuss the draft and the recasting of the 3 points from the AC. The committee agreed to the new points and spent the duration of the meeting discussing the preliminary draft of the report. The committee decided to post the draft on Google Drive so members could continue to make amendments during the holiday recess (Appendix LL).

Subsequent revisions of the report were completed by various members of the committee by **January 24**, after which it was submitted to the voting members for approval. The final draft was approved on **January 29, 2014**.

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**Report on the shutdown of Mentor**
#1 What led to the decision and how it was made.

Fairfield University has had a long relationship with Eidos, and then Mentor. Eidos was created in 2001 by Professor Curt Naser and it evolved from a program for tracking General Faculty committee assignments, to a system that included faculty reporting, applications for the Institutional Review Board (IRB), a Course Management System (CMS), and program assessment. As those capabilities were added to Eidos, Prof. Naser was given access to the necessary data in Banner by then-Academic Vice President Orin Grossman and University Registrar, Robert Russo.

Between 2009 and 2010, a number of changes occurred. At the recommendation of then-Senior Vice President Billy Weitzer and AVP Grossman, Prof. Naser formed Axiom Education with two business partners and began the process of bringing Eidos up to industry standards. This involved designing and building a new system, Mentor, to replace Eidos. At that time (2009), a contract was signed between Axiom Education and Fairfield, granting the university several benefits, including free use of the Mentor CMS, royalty payments to Fairfield University, and joint ownership of Mentor’s intellectual property (IP) between Fairfield University and Prof. Naser. That same year, Orin Grossman stepped down as AVP and Paul Fitzgerald took over as Senior Vice President for Academic Affairs. Blackboard purchased Angel (the other CMS in use by Fairfield University at the time), and immediately announced its intention to discontinue it. That occasioned a review of two alternative CMS to replace Angel, Blackboard and Moodle. The review was conducted by the Educational Technology Committee (ETC) and Computing and Network Services (CNS), which concluded by endorsing Blackboard. SVPAA Fitzgerald decided to use both Blackboard and Eidos because the latter CMS was being commercialized and several schools had spent years tailoring Eidos for external accreditation purposes as well as internal assessment needs. Michael Graham-Cornell was also hired as director of CNS.

Prof. Naser says that when Mentor was ready to come on-line in 2011, CNS Director Graham-Cornell did not authorize the same data-feed from Banner that had been granted to Eidos by AVP Grossman (and which continued until a few months ago). He was only allowed to use limited data fields from Eidos to feed the necessary data to the Mentor CMS as well as additional services in Mentor such as IRB, student data and course evaluation reporting. SVPAA Fitzgerald says that this was because there were concerns about the level of access Eidos had to Banner, and he asked CNS Director Graham-Cornell to build safeguards to ensure that Mentor only received the data it needed to function as a CMS, as well as for for IRB, assessment and accreditation. According to SVPAA Fitzgerald, CNS Director Graham-Cornell felt that Prof. Naser may have had a conflict of interest regarding Mentor, as both the faculty member who had developed the system and promoted it among the faculty, and as the CEO of the
company licensing it to the university.

After being on campus for several months in the fall of 2012, an outside consultant named Patrick Lepore, hired by VPF/CFO Julie Dolan, advised restructuring CNS and hiring a Chief Information Officer (CIO). Lepore’s report eventually led to the hiring of Paige Francis as CIO in January 2013 and the subsequent restructuring of CNS into Information and Technology Services (ITS). Prof. Naser reports that on January 28, 2013, he met with CIO Francis, Vice President for Student Affairs Tom Pellegrino, and CNS Director Graham-Cornell (who soon thereafter resigned his position and left the university). During this meeting, Prof. Naser discussed the suite of features in Mentor and expressed his desire that CNS take charge of pushing data to Mentor directly from Banner so he could shut down the Eidos system. He also claims that toward the end of this meeting, CIO Francis expressed concern that there were two course management systems at Fairfield and indicated a preference for Blackboard.

During the spring of 2013 a number of structural changes were put into place as CNS was reorganized into ITS. The university made plans to assume the administration of Banner, ending a 20-year relationship with SunGard/Ellucian. Some Ellucian employees were hired by the university. CIO Francis also hired Russ Batista and Kurt Schwatzlander, both of whom she knew from her earlier role as IT Director at Arkansas Community College, to direct network services and administer university databases respectively. According to CIO Francis, the primary areas of focus were security and uniformity of university systems.

CIO Francis contacted Prof. Naser on April 1, proposing that the university renegotiate its contract with Axiom Education to a standard Software as a Service (SaaS) agreement. She says that based on her professional experience, outside auditors look favorably upon uniform, standard software agreements and relationships. The new agreement would rework the relationship between Axiom Education and the university from co-owners of Mentor to that of vendor and customer. The university would relinquish its 50% share in the Mentor IP as well as the royalty payments that Fairfield University would be paid by Axiom. Prof. Naser notes that the new agreement also stopped the royalty payments he had been sharing with the university under the 2009 contract, a decision made unilaterally by the university without providing him consultation from the Office of Technology Management. Nevertheless, Prof. Naser’s partners voted in favor of the proposal and the new contract was signed on July 31. ITS formally took control of Mentor on August 1, after which two meetings were held to begin transferring the administration of Mentor from Axiom Education to ITS.

The first meeting, on August 8, was very brief. CIO Francis says that it was scheduled for 90 minutes but lasted only 10 minutes because one of Prof. Naser’s Axiom
Education co-workers did not show up and he had nothing to show them. Prof. Naser says that it was preliminary and was really an organizational meeting.

A second meeting was scheduled for Tuesday, August 20. (There is some discrepancy between the various accounts as to why there was a nearly 2-week gap between the two meetings.) CIO Francis and ITS administrators say that they expected this meeting would be a comprehensive boot camp tutorial about how Mentor worked, because under the new license agreement, they were now responsible for running Mentor at Fairfield. According to them, this should have included a user’s manual with documentation about Mentor’s system architecture. Prof. Naser reports that during the meeting he demonstrated an overview of the Mentor system for ITS, and he volunteered the assistance of Axiom Education help staff until they were comfortable and able to support the system on their own. He also answered questions about Mentor’s operation from ITS. During this exchange, ITS says that they became increasingly concerned about Mentor’s security because they perceived a lack of expertise in its software architecture; and every set of questions led to even more concerns. But according to Prof. Naser, no one from ITS voiced any concerns about Mentor’s design or its security during this meeting.

CIO Francis and ITS claim that August 20 was the first time they became concerned about possible FERPA violations and security vulnerabilities in the Mentor system. Associate Vice President for Academic Affairs Christine Siegel says that the next day, CIO Francis asked for an immediate meeting with SVPAA Fitzgerald which was scheduled for August 22. During this meeting, she expressed grave concerns about Mentor’s security. This was the same date on which CIO Francis emailed Prof. Naser about several concerns ITS had identified with the Mentor software. (We are not sure which came first -- the meeting with SVPAA Fitzgerald or the emails with Prof. Naser.) These concerns included the ability for faculty and staff to view or access student information -- such as gender, ID numbers, or class schedules -- which CIO Francis felt violated FERPA guidelines. As a result, CIO Francis asked Prof. Naser to remove these data fields in Mentor so faculty or staff would not see this information and only see a much more restricted “need to know” set of data. She asked that these changes be completed by Friday, August 30.

Prof. Naser notes that it is difficult for the programmers at Axiom Education to make changes to the Mentor system within a short time frame -- in this case, in little more than a week. Nevertheless, they made the changes CIO Francis requested within 18 hours, by Friday afternoon, August 23. Because of the weekend, the changes could not be fully deployed until Monday morning, August 26, and Prof. Naser informed the CIO about that. By his account, the changes were fully implemented by 6:00 a.m. on August 26, five days earlier than the deadline. As will be explained below, the CIO and
ITS did not consider the fixes to be sufficient to allay their concerns. At 5:41 p.m. on August 26, CIO Francis sent Prof. Naser an email. She thanked him for his prompt response to the concerns she raised on August 22, but informed him that Fairfield University would not be using the course management portion of Mentor for the upcoming academic year. The next day, on August 27, she and SVPAA Fitzgerald made the decision public with a joint email announcement.

Everyone in the University administration we spoke to confirms that the decision to shutter the Mentor CMS ultimately resided with CIO Francis, that her job description entitled her to make it, and that she had the requisite qualifications to do so. She says that before reaching that decision, she consulted with her ITS administrative team, with Fairfield University leadership, and with the CIOs of other Jesuit colleges and universities, and that she attempted to vet issues with other institutions using the Mentor CMS. (Prof. Naser tells us that one other institution besides Fairfield uses the CMS portion of Mentor. SVPAA Fitzgerald adds that this is the elementary school where Prof. Naser’s children had attended in the past. We do not know the result of the CIO’s efforts to contact this school.) SVPAA Fitzgerald confirms that CIO Francis did consult with him and that he supported her decision, but even if he had not, as CIO she ultimately answered only to the university president, and most probably he would have acceded to her expertise and experience.

Both SVPAA Fitzgerald and CIO Francis acknowledge that they were well-aware their announcement on August 27 was only one week before the start of classes on September 3, and that they realized it would wreak havoc with the faculty. SVPAA Fitzgerald says that is why he insisted the CIO marshal every ITS resource to help faculty to migrate their courses to Blackboard in time. For her part, CIO Francis says that she made the decision to shutter Mentor even though she knew it would result in a huge workload for her staff, and that this lends credence to the urgency she felt was necessary in making it. Nevertheless, she was willing to push them hard because she wanted to mitigate the impact of the Mentor decision on faculty as much as possible.

#2 Why the decision was made.

During our meetings and subsequent communication with the various players in this situation, two competing narratives have emerged as to why the Mentor CMS was shut down. According to CIO Francis and ITS, the reasons primarily had to do with possible FERPA violations in the display of student data, concerns about role-based user access controls, and concerns about ‘data partitioning’. On the other hand, Prof. Naser asserts that CIO Francis was biased against Mentor and restructured the legal relationship between the university and Axiom Education in order to facilitate the eventual discontinuation of the Mentor CMS and its other services. He also claims that
many of the issues cited by ITS about Mentor were actually true of Eidos, and therefore, the decision to shut down Mentor’s CMS was based on misconceptions.

CIO Francis and ITS say that their initial concerns had to do with possible FERPA violations. As described above, CIO Francis was concerned that Mentor displayed students’ gender, ID numbers, and class schedules beyond the appropriate “need to know” for Fairfield faculty and staff. For example, she mentions that faculty could see current students’ full class schedules and even schedules from past semesters, or that with her limited IRB access she could see lists of student ID numbers. According to her, these constituted FERPA violations.

In turn, the FERPA issues led to greater concerns about role-based user access controls and how university data were ‘partitioned’ within the Mentor software architecture so that they would be secure. When they met with us on September 25, ITS said that role-based data access means that users of Mentor should only be able to see student data based on their roles at the university. For example, professors should only be able to see data about their students; chairs should only be able to see data about students with majors belonging to their departments; deans should only be able to see data about students in their schools, etc. ITS said that the problem with role-based access control in Mentor was that in a scenario when users logged in and the system administrator subsequently cut off their access or changed their user roles, the users could continue to access data in their old roles until they logged out.

Another concern ITS mentioned is that Axiom Education failed to provide a user manual or other documentation of the system architecture or database structure when Prof. Naser met with them on August 20. It is not clear if ITS made that expectation known ahead of time, but they say that providing such documentation is standard practice for commercial software vendors to institutional customers.

Lastly, when ITS staff met with selected faculty from the Dolan School of Business and Engineering in late August, the faculty report mentioned that ITS claimed that Mentor ran on outdated hardware. Later in the discussion, it emerged that Eidos, owned by Fairfield University, was what ran on outdated hardware, while Axiom’s Mentor was hosted on servers run by Amazon Web Services. ITS was not sure if any of these servers were located outside the United States. If that were the case, then Fairfield student data might cross U.S. borders, and ITS alleged that this may violate FERPA guidelines.

For his part, Prof. Naser charges that the preference for Blackboard expressed by CIO Francis at their January 2013 meeting was the motivation for her proposal to renegotiate the contract with Axiom Education in April. He was so concerned that the
new contract would become step #1 in the eventual elimination of the Mentor CMS at Fairfield, that he set the price for it and Mentor’s assessment systems to $0.00. Thus, the university could not claim that it could not afford to pay for two CMS. (ITS points out that while this is true, the new contract also stipulated that Fairfield had to purchase the entire suite of Mentor software services to use the CMS, and that cost about $21,000.)

Prof. Naser disagrees with the CIO’s interpretation of the kind of information allowed under FERPA and under which circumstances. He contends that FERPA allows institutions latitude in determining who has access to student data and the extent of that data, and says that Fairfield has never articulated a policy about that. Furthermore, he notes that in late August when the decision was made, Self-Service Banner displayed some of the same information (such as student ID numbers) that had raised flags about Mentor for ITS, and these systems were not shut down.

Regarding the ITS claim about rudimentary access controls in Mentor that allowed users to go anywhere in Mentor and see almost anything, Prof. Naser demonstrated that was not the case. When he met with us on October 23, he gave Prof. Joy Gordon temporary administrator status within Mentor and showed us the pages she could access. Then while she was still logged in, he switched her status back to faculty. The very next page she tried to click on came up empty because she was no longer entitled to access it. CIO Francis and ITS contend that this fix only affects the user interface, that while certain data may no longer be visible on a given page, they still exist beneath the surface within the Mentor system, and would therefore be vulnerable to access by savvy hackers. They say that that was the extent of the fixes Prof. Naser delivered to ITS on August 26 and why they considered them to be insufficient. However, when Prof. Chris Huntley accompanied Prof. Naser to our meeting on October 23, he showed us that the switches in Mentor that manage role-based access are similar to those in open source content management systems, including those used by the White House, suggesting that this functionality indeed conforms to industry and U.S. government standards.

Prof. Huntley also pointed out that software system security is less a matter of programming architecture than it is a back-and-forth process in which customers discover and report problems to vendors so they can be remedied. When asked about this, CIO Francis and SVPAA Fitzgerald say that it is not the responsibility of customers to point out flaws to software vendors or “do their job for them.” On the other hand, anyone with a smartphone knows that app developers regularly issue updates based on customer feedback. Indeed, if software companies did not respond to user complaints, they would not be in business for very long. Furthermore, members of our committee point out that security auditors look for evidence of this back-and-forth
process between customers and vendors -- in this case, that Fairfield regularly informs Axiom about all security concerns it has about Mentor.

As for documentation about database structure or system architecture, Prof. Naser claims that such information is proprietary and is not required under the new 2013 contract. While the data belongs to the university, the database structure and SQL queries belong to Axiom Education.

Regarding the concerns about the locations of Amazon’s servers, Prof. Naser says they are located in Northern Virginia -- not outside the U.S. -- and that that information was readily available if ITS had asked for it.

Prof. Naser also points out that ITS had confused Eidos with Mentor, and many of their allegations were directed against Eidos. Eidos is owned by Fairfield University, while Mentor is owned by Axiom Education. He notes that when ITS met with DSB / Engineering faculty, they stated that Mentor runs on outdated hardware. However, the hardware and software configuration that they specified was that of the Eidos server which belongs to Fairfield University. Mentor runs on state-of-the-art hardware and software provided by Amazon, which is more advanced than the servers that ITS uses. In addition, CIO Francis stated that Mentor was never designed to be a big system; it was a small system that slowly grew over the years. This is a description of Fairfield University’s Eidos system, which grew as deans and chairs asked for functionality to be added. However, Axiom’s Mentor was designed from the ground up using all the functionality in Eidos as requirements guiding the architecture. ITS also stated that Mentor contains sensitive data, but Prof. Naser says that the data they pointed out used to be part of Eidos, not Mentor.

#3 The appropriateness of the decision.

Was the decision to turn off the Mentor CMS appropriate? After months of looking into this question, we still have not been able to determine all the facts. While we believe that CIO Francis and ITS felt real urgency in turning off Mentor’s access to Banner, we are not sure how warranted that urgency was or whether it was necessary to take action before the start of the fall 2013 semester. Moreover, as of this writing, ITS has not demonstrated to us the need to shutter Mentor permanently.

Based on the chronology we have been able to piece together, ITS had less than a month at best -- and a week at worst -- to “look under the hood” at how Mentor operated. We are willing to take CIO Francis at her word when she says that she had no initial concerns about Mentor and was preoccupied during the first half of 2013 with organizing ITS and preparing to take over the running of Banner from Ellucian. Before
August 1, ITS may not have had an opportunity -- or reason -- to focus on Mentor’s inner workings because it was being managed by Axiom Education. It is not clear to us whether the ITS staff began looking at Mentor in earnest on August 1 or only after the meeting on August 20. In any case, we find it plausible that they did not have enough time to allay their concerns about the Mentor CMS before the start of school on September 3, and given that, that they felt the need to turn it off.

However, was that urgency warranted and did it necessitate the immediate shuttering of the Mentor CMS?

Prof. Naser tells us that apart from his email communication with CIO Francis on August 22, ITS has not communicated why it ultimately decided to shutter Mentor’s access to Banner, nor has it given Axiom Education the opportunity to make things right. Nothing CIO Francis or SVPAA Fitzgerald has told us contradicts this. Furthermore, as of Dec. 16, SVPAA Fitzgerald informed the university community that faculty data in the Mentor CMS will no longer be available after March 30. After months of looking into this matter, we have received no verifiable evidence to warrant this action. Since the university has signed a contract with Axiom Education that includes use of the Mentor CMS, we do not understand why ITS would not work with Axiom to fully address their security concerns and bring it back on-line.

Prof. Naser tells us that depending on the particular issues, the programmers at Axiom Education could address ITS’ concerns about Mentor within a matter of weeks. CIO Francis and ITS suggest that the flaws in Mentor are so grave -- and Axiom Education’s grasp of them so limited -- that the company is not capable of bringing Mentor up to industry standards anytime soon, regardless of what Prof. Naser says. One difficulty we face in evaluating the appropriateness of their decision, however, is that ITS has not been able to verify its allegations, or has chosen not to. On multiple occasions throughout the fall semester, we asked CIO Francis to show us the security problems ITS identified in Mentor. At first, she demurred through the use of architectural metaphors: how can one show that a bridge is about to fall down or a pipe is about to burst? However, the committee notes that engineers have methods to do such verifications, not only with bridges and pipes, but also with software. The matter of verification became more important after Prof. Naser addressed the claims ITS made about weak role-based management in Mentor. When he met with us on October 23, his demonstration with Prof. Gordon appeared to refute what ITS had told us. When we pressed CIO Francis about this in several emails between November 8-13, she replied by stressing her deep qualifications and experience as well as that of her team. Essentially, she said, “You need to trust us,” but did not show us any proof of her allegations.
Everything CIO Francis and ITS say about Mentor’s security vulnerabilities may indeed be true, and while they speak about them with credibility and conviction, their assertions are not as compelling as something we witnessed with our own eyes. Furthermore, another claim ITS made when they met with us on September 25 turned out to be incorrect. CIO Francis and Director of Administrative Computing Russ Battista told us that one incentive for renegotiating the 2009 contract with Axiom Education was to protect the university from liability because it shared ownership of Mentor. However, Prof. Naser claimed that the first contract specifically indemnified the university from legal claims. On November 13, Profs. Amalia Rusu and Mark Scalese had a chance to view the 2009 contract and confirmed that Prof. Naser was correct.

In addition, we have not been able to see any data in Mentor that are so sensitive that they warrant an immediate and permanent shutdown. If ITS’ allegations of insufficient role-based access are true, then one professor would be able to have access in Mentor to another professor’s class and see the class roster, the student’s assignments, and grades the professor has given to those assignments. Members of the ETC have not had this experience in Mentor, and even if they did, they would not be able to see the other professor’s final course grades in my.Fairfield. On the other hand, access to other professors’ courses has actually occurred in Blackboard. Toward the end of the fall semester, some ETC members suddenly had access in Blackboard to courses other than their own -- apparently caused by the recycling of old Course Registration Numbers (CRNs) by the Registrar.

CIO Francis is a sitting member of our committee (as is another member of her ITS team, Jay Rozgonyi). We highly regard her as a colleague and respect her professional expertise. But in an institution dedicated to the pursuit of truth, where testing and verification are among the ways of ascertaining that truth, asking us to believe something based solely on trust is less than persuasive. Even Ronald Reagan, who did not always have a firm grasp of the truth, was famous for saying, “Trust, but verify.”

At the same time, we wish to signal our respect and support for Prof. Naser. Not only is he a faculty colleague, but he developed Eidos and its subsequent Mentor iteration at the request of senior administration and in response to the needs of deans and faculty. While he was compensated for his efforts with stipends and course releases, his Eidos / Mentor work has been regarded as a genuine service to the university. We accept the importance that CIO Francis places on uniform licensing agreements and relationships with IT companies that do business with the university, as well as her expectation that their products conform to recognized industry standards. However, we are concerned that the work Prof. Naser did for the university in good faith has been disregarded and his reputation impugned now without the possibility of remedy.
We are also concerned that the way the university renegotiated the Mentor IP with Prof. Naser established a bad precedent for future IP deals with other faculty. In addition, we are concerned that the work that deans, chairs and faculty did to tailor Eidos for their unique teaching, research, service and assessment purposes -- and then learned to use in Mentor -- has been for naught.

We recognize that given her job description, CIO Francis has the prerogative to shutter Mentor permanently, and we find it regrettable that apparently she has decided to do so. Shared governance at this university has been a delicate balancing act. De jure, the Board of Trustees and the administration have the authority to make decisions at Fairfield without the consent of the faculty. But de facto, the work of the faculty with students is the lifeblood of the university, and it is in the best interest of the institution that its professors feel valued and respected by those who make decisions that affect them. For those teachers who use them, course management systems are integral to the functioning of their courses, and professors develop personal attachments to them similar to what people can feel toward their computers or cell phones. Before this academic year, half of the faculty who used a CMS on campus preferred Mentor over Blackboard. As far as we are concerned, it is not a closed case that Mentor should be discontinued forever.

Therefore, we recommend that CIO Francis and ITS: 1) honor Fairfield’s contract with Axiom Education, work with it to fix any remaining concerns in Mentor, and restore it to full functionality; or 2) demonstrate the severity of Mentor’s alleged flaws in a transparent and convincing manner that justifies turning it off permanently.

Respectfully submitted,
The Educational Technology Committee

Voting members:
Jaclyn Conelius, Amalia Rusu, Ron Salafia, Mark Scalese, SJ (chair), Stephanie Storms, Vishnu Vinekar, and Tommy Xie
MEMORANDUM
Academic Council
Fairfield University

TO: Academic Council

FROM: Irene Mulvey, AC Executive Secretary

DATE: February 26, 2014

RE: Corrections to the Report from ETC in the packet for 3/3/2014 meeting

The Chair of the ETC passed on these corrections that he received after ETC’s report was submitted to the Council. Rather than printing a revised version of the report, the corrections are shown here. The ETC will vote to approve these corrections at its next meeting. See page 12 of the 3/3/14 AC packet, second full paragraph:

As originally submitted: During the spring of 2013 a number of structural changes were put into place as CNS was reorganized into ITS. The university made plans to assume the administration of Banner, ending a 20-year relationship with SunGard/Ellucian. Some Ellucian employees were hired by the university. CIO Francis also hired Russ Batista and Kurt Schwartzlander, both of whom she knew from her earlier role as IT Director at Arkansas Community College, to direct network services and administer university databases respectively. According to CIO Francis, the primary areas of focus were security and uniformity of university systems.

With corrections shown (insertions underlined, deletions with strikethrough): During the spring of 2013 a number of structural changes were put into place as CNS was reorganized into ITS. The university made plans to assume the administration of Banner, ending a 20-year relationship with SunGard/Ellucian. Some Ellucian employees were hired by the university. CIO Francis also hired Russ Batista and Kurt Schwartzlander, both of whom she knew from her earlier role as IT Director at Arkansas Community College, to direct network services and administer university databases respectively. CIO Francis also hired Kurt Schwartzlander, whom she knew from her earlier role as IT Director at Arkansas Community College, to administer university databases. In addition, she hired Russ Battista (formerly of Yale and GE) as Director of Administrative Computing, and she appointed Bryan Skowera (who already worked at the university) as Director of Network Services. According to CIO Francis, the her primary areas of focus were security and uniformity of university systems.

With corrections incorporated: During the spring of 2013 a number of structural changes were put into place as CNS was reorganized into ITS. The university made plans to assume the administration of Banner, ending a 20-year relationship with SunGard/Ellucian. Some Ellucian employees were hired by the university. CIO Francis also hired Kurt Schwartzlander, whom she knew from her earlier role as IT Director at Arkansas Community College, to administer university databases. In addition, she hired Russ Battista (formerly of Yale and GE) as Director of Administrative Computing, and she appointed Bryan Skowera (who already worked at the university) as Director of Network Services. According to CIO Francis, her primary areas of focus were security and uniformity of university systems.
Excerpts from Draft Minutes of the Academic Council Meeting of March 3, 2014

Present: Professors Joe Dennin, David Downie, Donald Greenberg, Shannon Harding, James He, Chris Huntley, Ginny Kelly, Alison Kris, Nikki Lee-Wingate, Irene Mulvey (Executive Secretary), Elizabeth Petrino, Shawn Rafalski (Chair), Susan Rakowitz (Secretary of the General Faculty), L. Kraig Steffen, Stephanie Storms, John Thiel, Jo Yarrington

Administrators: Deans Lynn Babington, Bruce Berdanier, Robbin Crabtree; SVPAA Paul Fitzgerald, SJ

Guest: Mark Scalese, SJ

Observers: Professors Steve Bayne, Rick DeWitt Joy Gordon, Phil Lane, Dawn Massey, Curt Naser

6. Old Business

Report from the Education Technology Committee (ETC): Presented by Professor Mark Scalese

Chair Rafalski acknowledged on behalf of the executive committee the work of the ETC over the previous semester. He also requested that the body acknowledge and respect the expertise of our colleagues and engage in cordial discussion. Chair Rafalski recognized that we had guests at the meeting and reminded the council that speaking privileges must be granted in order for these individuals to participate in discussions. He requested that the body hold off on a motion to grant such privileges until the report was given and the council had an opportunity to deliberate.

Professor Scalese reported that the submitted report was thorough and included interviews with representatives from all involved parties. He stated that he felt that the report spoke for itself.

Ultimately the ETC concluded that CIO Paige Francis did not adequately make a case for shutting down Mentor, and this impacted the manner in which the report was written. The ETC was unable to ascertain the precise nature of “the security issues”; they were only told that they existed. Professor Scalese reported that numerous opportunities were provided to all constituencies to submit evidence of concerns. The ETC concluded that there was not sufficient evidence of justification to shut down mentor.

Professor Greenberg asked, “to whom should this decision be justified?” He suggested that it was justified to the SVPAA by the CIO. Professor Greenberg suggesting that the role of the AC is to assess the process and/or procedural issues, not to evaluate the substance of such a decision.

Professor Scalese reiterated the charge provided to the ETC by the AC. This included reporting on (1) what led to the decision, (2) how the decision was made and (3) the appropriateness of the decision (to shut down Mentor).

Professor Kris asked if the ETC was ultimately recommending that Mentor be turned back on.

Professor Scalese responded no. The ETC concluded that the university should work with Axiom to investigate potential issues with the reinstatement of Mentor that may need to be remedied.

Professor Kris asked if this had been done.
Professor Scalese said no.

Dean Babington asked if the ETC was recommending that both Blackboard and Mentor be available for use by the university community.

Professor Scalese said yes.

Professor Thiel suggested that the final report was fair. However, he questioned the notion presented within the report that Professor Naser’s reputation had been “impugned” in this process. Professor Thiel’s interpretation was that Professor Naser’s work was criticized. He suggested that, as scholars, we are all subject to criticism. He stated that CIO Francis judged that there were programmatic issues with Mentor, and that this was not meant to impugn Professor Naser.

Professor Scalese responded by stating that the ETC felt empathy for Professor Naser and wanted to show their support of his work.

Professor Thiel acknowledged that he understood this sentiment, but felt that making the accusation that Professor Naser’s reputation had been impugned was excessive.

Professor Dennin asked if the ETC was recommending that both of these programs (Mentor and Blackboard) be available. In his reading of the report he concluded that the ETC was suggesting that either we reinstate Mentor or we need to conclude that the issues associated with it are insurmountable.

Professor Scalese felt that this was an accurate conclusion to draw.

Professor Mulvey suggested that the group was discussing issues not covered within the ETC report (e.g., Blackboard). The fundamental finding by the ETC was the recommendation that evidence be provided for the permanent shut down of Mentor, or Mentor should be reinstated.

Professor Kris stated that it seemed that the ETC provided CIO Francis with the opportunity to provide evidence supporting her allegations and she did not comply with this request.

Professor Storms stated that this was the case. Solid evidence was not provided.

Professor Greenberg recognized that CIO Francis has the prerogative to make these determinations (to shut down information systems). While we might find her decision regrettable, he asserted that the report's conclusions were incompatible with the text of the report.

Professor He disagreed, stating that the ETC was charged with three tasks that included an assessment of the final decision.

Professor Huntley acknowledged the weekly ETC meetings for several months, as well as the writing of the extensive report and asked if there was any expectation that this issue might go back to the ETC.

Professor Scalese said no.

Professor Mulvey acknowledged the ETC’s work on a very difficult issue. She asked if the ETC had been contacted by CIO Francis prior to the decision to shut down Mentor.

Professor Scalese stated that the ETC reached out to CIO Francis earlier in the summer, and was
told that there were no plans for changing anything.

Professor Storms reported that there was “some talk” earlier in the summer about imminent changes. However, the ETC had no prior specific knowledge of the decision to shut down Mentor.

Professor Rakowitz asked for clarification. She wanted to confirm that the ETC was not making any suggestions regarding whether Mentor should be retained in the long term. They were simply investigating the emergent nature and reasoning for shutting down Mentor in the manner in which it was done. Professor Scalese confirmed.

Professor Downie asked if there were any other issues raised, such as, was the institution concerned with having multiple systems available or were there legal issues raised? When CIO Francis announced the security flaw, did she express legal concerns regarding turning it back on?

Professor Lee-Wingate asked for clarification, wanting to confirm her understanding that the original agreement between the university and Axiom included free access to Mentor for Fairfield University as well as a share in royalties for the university. The subsequent agreement did not include free access for Fairfield University or shared royalties, and in fact the university agreed to pay for the use of Mentor.

Professor Scalese acknowledged this change in the agreement between Axiom and the university and stated that his understanding was that this was an agreement negotiated between the vendor and a school.

Professor Steffen asked for clarification of the AC’s role. He acknowledged that there were no individuals present who could represent CIO Francis’ stance on the issues discussed.

Chair Rafalski stated that the AC was free to do anything with the information.

MOTION (Huntley/He) (3-part):

A. That presentation of the ETC report, by the ETC, be put as a priority item on the agenda of the 3/14/14 GF meeting.
B. In light of the ETC Report, the Academic Council calls for the administration to immediately and fully reinstate Mentor.
C. The Academic Council instructs the Conference Committee with the Board of Trustees to immediately forward the ETC Report, and the recent faculty letter with signatures to the entire Board of Trustees.

Professor Rafalski excused Professor Scalese and thanked him for his report.

MOTION (Mulvey/Downie) to divide the motion on the table into 3 motions.
MOTION PASSES: 16-0-0

Motion A:
MOTION (Huntley/He) that the presentation of the ETC report, by the ETC, be put as a priority item on the agenda of the 3/14/14/GF meeting.
Discussion of MOTION A:

Professor Rakowitz stated that she felt it made sense to present the ETC report to the General Faculty.

Professor Mulvey concurred and added that she would suggest that the AC’s conclusions be presented to the general faculty as well.

**MOTION (Fitzgerald/Dennin) to table this motion (A) until we discuss motions B and C.**

**MOTION (B) (Huntley/He): In light of the ETC Report, the Academic Council calls for the administration to immediately and fully reinstate Mentor.**

Discussion of MOTION B:

Professor Greenberg spoke against this motion. While he is sympathetic that individuals would like to continue to use Mentor, there is an appropriate body (CIO Francis who garnered support from SVPAA Fitzgerald) that maintains the authority to make the decisions made. He further stated that he feels that the AC should concern itself with assessing the process, not evaluating the specific issues raised. He stated that it appeared that the CIO acted in good faith, and that she has the right to make the decisions she made – and in fact she consulted with other administrators prior to making her decision. Professor Greenberg stated that he does not believe that the issue itself is within the purview of the council.

Professor Huntley stated “even individuals with authority make mistakes, and that they need to be held accountable.” He felt that we were not questioning anyone’s role. However, he argued that it is the role of the AC to “complain” when something happens that might negatively impact the faculty. He is uncomfortable with the notion of agreeing to every decision made by every person in authority.

SVPAA suggested that the ETC did not in fact state that CIO Francis made a “bad decision”. He further explained that while he was consulted on this decision, he did not play a part in its final disposition. CIO Francis reports to Kevin Lawler, not to SVPAA Fitzgerald. SVPAA Fitzgerald felt that his role was to garner assurances that the academic unit of the university would not be negatively impacted by any decision reached.

Professor He stated that it seemed that the decision to shut down Mentor was made very quickly. In addition, he reiterated that the ETC had been assured that such a decision would not be made until they were consulted. His primary concern was regarding the negative consequences of the shutdown, particularly that many faculty members were negatively affected.

Professor Thiel agreed with Professor He that there were procedural issues associated with the shutdown of Mentor. However, the motion on the table was concerned with substance, not procedure. He felt that if we vote in favor of the motion on the table, we are essentially concluding that CIO Francis lacked sufficient competence to make the decision she made. Professor Thiel felt that while we might be able to conclude that she is not able to teach well, or explain her reasoning, concluding that she is unable to make a proper decision is extreme.

Professor Downie spoke against the motion as it currently stands, as the consequences of
supporting such a motion could result in the conclusion that CIO Francis was not competent to do her job. He suggested that we continue to discuss the process, prior to addressing the substance of the decision.

Professor Greenberg stated that we do not currently have a procedure regarding what we should do when a “bad decision” is made.

Professor Kris suggested that we are not suggesting that CIO Francis is incompetent. She was a new employee, unfamiliar with our model of shared governance. Reinstating Mentor might allow her to retrace her steps and reevaluate her decision. It would give her the opportunity to process the decision through properly Faculty members should have input. She spoke in favor of the motion.

Professor Dennin spoke against the motion stating that we have a committee that spent a semester on the development of a thorough report. We should be supporting their recommendations. He suggested that the AC propose that either evidence is presented supporting the shutdown of Mentor or the system is reinstated.

Professor Lee-Wingate agreed that the AC should concern itself with the procedure followed in the shutdown of Mentor. She stated that the process did not include notification to the ETC or the AC and should therefore not be supported by the AC. However, she felt that the main issue is that there is data stored on Mentor that is vital to many faculty members and this data will soon be deleted.

SVPAA Fitzgerald spoke against the motion for reasons that had been previously voiced. He reiterated that he did speak in favor of the faculty, but that a decision had to be made very quickly.

Professor Huntley suggested that, at a minimum, the AC support a delay in the deletion of data on the Mentor system. He stated that we had very recently received an email stating that all data will be deleted shortly and suggested that we provide some assurance that this will not occur while this issue is in discussion.

Professor Greenberg wondered if there might be a legal issue to consider. He suggested that the AC is not in a position to make the judgment that we are not in legal jeopardy.

SVPAA Fitzgerald said that he wanted to make sure that any data is protected. He will support a request to not delete data.

Professor Yarrington expressed 2 concerns. First is to acknowledge that she is in agreement that the AC should make assurances that no data will disappear. The second is that she is unsure regarding the suggestion that there might be a security breach associated with Mentor. While she wants to believe Professor Naser, there were no opposing voices present to clarify this issue.

Professor Huntley, speaking in favor of the motion, reminded the AC that Mentor was in fact inspected nightly for security issues. MacAfee reviewed the system every night and never discovered a security breach. He stated that we do not need to trust Dr. Naser regarding this particular issue, as a third party has been assuring privacy. Additionally, he pointed out that we have continued to use Mentor for our campus-wide IRB process. He suggested that we put the security issue to rest.
Professor Lee-Wingate added that we also have very competent experts on the ETC committee and suggested that we trust these colleagues. The report did not substantiate any security breaches associated with Mentor.

**MOTION** (Greenberg) to call the question.
**MOTION FAILS:** 6-10-0

**MOTION** (Kris/He) to table the current motion until we vote on giving speaking privileges to the guests in attendance.
**MOTION PASSES:** 11-5-0

**MOTION** (Kris/He) to allow the guests speaking privileges.
**MOTION PASSES:** 11-3-2

Professor Rakowitz spoke against the motion suggesting that it might be unfair to allow this subset of individuals to speak when we do not have any representatives to argue the opposing view.

Professor Thiel suggested that we allow the guests speaking privileges, but limit the time allocated to speakers.

Professor Mulvey voiced her concern that there were no representatives present who could speak for CIO Francis.

Professor He spoke in favor of the motion, as these colleagues came to the meeting with the intent of speaking. He supported setting time limits, but felt that we should respect our colleagues who attended by allowing them to voice their concerns.

**MOTION** (Thiel) to call the question.
**MOTION PASSES:** 11-3-3

Professor Naser explained that if a scholar were to submit an article and was accused of plagiarism, they would expect this claim to be substantiated. The issue under discussion began with CIO Francis making a public charge that there was a security breach associated with Mentor. Professor Naser took this as a very serious allegation. CIO Francis was then asked to provide evidence that this claim was in fact true. According to the ETC report, she did not supply this evidence and simply stated, “this is my job, and this is my judgment”. She was given numerous opportunities to provide evidence of her claim to the ETC and failed to do so. Professor Naser suggested that this was grossly irresponsible and that she failed in her duties.

Professor Gordon stated that, having attended the ETC meetings where these issues were discussed with the parties involved, the CIO did not provide evidence of her claims related to security breaches associated with Mentor. However, Professor Naser did provide evidence that security breaches did not exist within the Mentor system. She stated that CIO Francis made the claim that when she logs onto the IRB page, she can “see everything”. Dr. Naser then demonstrated that this was not accurate. CIO Francis also suggested that it was possible that the Mentor servers could be located in a foreign country, which puts the data on those servers at risk. However, she never asked Professor Naser where the servers were located, and in fact they were
in Virginia. Professor Gordon then asked Professor Storms if she was interpreting the ETC report correctly.

Professor Storms reported that everything that the ETC discovered in its investigation was in the report and that Professor Gordon’s interpretations were correct.

Professor Massey spoke specifically to the issues that were related to the partitioning of data on the Mentor system. She stated that, in her administrative role, she needs access to certain student data. She had been using Mentor to access this data up until November of 2013, when she was no longer able to use Mentor and began accessing this data using Banner. Dr. Massey reported that when she used Mentor to access data, she received only those class rosters associated with the accounting classes for which she had oversight. When she asked for the same data from the Banner system, she was assigned a Dean’s CRN, allowing her to now view ALL rosters across campus. In addition, when she was using Mentor to access the data she needed to perform her administrative duties, she received only the data necessary. Now, using Banner, she receives data on every student in DSB, including data that she should perhaps not have access to. She therefore expressed her confusion regarding the issue of role-based access. She felt that this is an issue more clearly present in her use of the Banner system.

Professor Naser pointed out that this was in fact true and that a different standard seemed to be applied to different data management systems. He questioned why this was the case.

**MOTION (Huntley/Thiel) to call the question.**
**MOTION PASSES:** 12-2-2

**MOTION B (Huntley/He) FAILS:** 7-9-1

**MOTION (Mulvey/Dennin) to table motion C until later in the meeting.**
**MOTION PASSES:** 14-2-0

**MOTION (Huntley/Dennin): The AC’s position is that all data in Mentor should be retained until the issues raised in the ETC report are resolved.**

Professor Kris noted the IRB is using Mentor and wants to continue using Mentor.

SVPAA Fitzgerald expressed concern with the vagueness of the time element, saying that people may not agree on whether or not the issues raised in the report have been resolved.

**MOTION PASSES:** 13-0-3

**MOTION (Greenberg/Downie) that before any major technology decision affecting academics is made by the administration, the Educational Technologies Committee should be consulted and given time to review the decision and receive faculty input. The only exception to this policy would be if delay of the decision would place the university at increased legal exposure.**
**MOTION PASSES:** 16-0-0
MOTION (Dennin/Petrino): The AC accepts the report of the ETC.

Prof. Mulvey spoke against the motion, saying she did not know what it meant. The implications of this motion passing are not clear.

MOTION TO AMEND (He/Downie): Replace the word accept with endorse.
MOTION to amend PASSES: 10-6-0

MAIN MOTION AS AMENDED: The AC endorses the report of the ETC.

DISCUSSION OF THE AMENDED MOTION:

Professor Greenberg spoke against the motion, saying the AC did not endorse the report, and it would give the General Faculty the wrong impression if this motion were to pass.

Professor Mulvey spoke against the motion, saying again that she did not know what the implications of passing this motion would be. In particular, as Professor Greenberg stated at the beginning of the meeting, the ETC report does not specify to whom the CIO should demonstrate flaws in Mentor. She suggested that the first recommendation in the ETC report would be inconsistent with something already passed by the Council.

Professor Downie (and others) pointed out that the recommendation in the report is very different than what the AC passed.

MOTION FAILED: 7-8-1

MOTION (Huntley/Downie) to take Motion C off the table.
MOTION FAILED: 2-14-0