ACADEMIC COUNCIL
AGENDA
Monday, March 6, 2006
Canisius 209 at 3:30 PM

1. Presidential courtesy.
2. Report from the Secretary of the General Faculty.
3. Report from the Executive Secretary.
   a. Approval of minutes of meeting of February 6, 2006 (attached)
   b. Correspondence
   c. Oral Reports
4. Council Committee Reports.
5. Petitions for immediate hearing.
6. Old Business.
   a. Three faculty-approved items for the Journal of Record rejected by the administration. (attachments)
   a. Interdisciplinary Minor in Catholic Studies (materials sent with February packet)
   b. Changes suggested by the Research Committee (attachments)
   c. New wording from Rank and Tenure Committee for Timetable and Guidelines for Tenure and Promotion (attachment)
   d. Motion from FDEC re privacy of teaching evaluations (attachment)
8. Adjournment

Attachments:
For item 3.a.: Draft minutes of the 2/6/2006 Academic Council meeting (pages 1-13).
For item 6.a.: Email correspondence of AVP and Faculty Secretary (pages 14-19).
   See AC minutes 11/1/04 on GFS website: www.faculty.fairfield.edu/gfs/academiccouncil.htm
For item 7.b.: Two memos from Chair of Research Committee dated 12/15/2005 (pages 20-21)
For item 7.c.: Proposed new wording for Guidelines from Rank and Tenure Committee (page 22)
For item 7.d.: Information from FDEC (page 23)

Minutes and packets of previous Academic Council meetings are at:
www.faculty.fairfield.edu/gfs/academiccouncil.htm

PENDING ITEMS ON BACK
**Items Pending**

A. Recommendations in report in Spring 2002 from Faculty Athletic Committee concerning (i) amounts of time student-athletes are absent from classes for trips/athletic activities, (ii) demands placed on student athletes for year-round training, (iii) number of scheduled athletic events that conflict with the Universities final exam schedule, and (iv) amount of money spent on various athletic programs. *(See agenda and attachments for 12/4/02 AC meeting, and item 6.b of 3/3/03 AC meeting.)*

B. Issues raised at the 10/4/99 AC meeting concerning faculty participation on the finance/budget committee. *(See minutes of AC meeting of 11/4/99; 10/29/99 letter from Phil Lane attached to 5/1/00 AC agenda; excerpt of GF minutes of 11/13/92 attached to AC 5/1/00 agenda; AC motion of 11/6/00.)*

C. Quinquennial review of distribution of AC seats. *(See GF minutes of 3/24/00; next review due spring 2005.)*

D. Report from Committee on Procedural Guidelines and Guiding Principles for Faculty Compensation. *(Report scheduled for October 2003.)*

E. Distance learning issues. *(See item 7 of AC minutes of 5/5/03.)*

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**Ongoing Items**

1. Report by AVP to AC each semester to inform the council of any approved exceptions to the Athletic Department’s policy of not scheduling athletic events that conflict with final exams.

2. Implementation of AC recommendations concerning issues raised by AHANA students.

The meeting was called to order by Chair Dohm at 3:33 p.m.

1. Presidential Courtesy
AVP Grossman presented the list of athletic events that will conflict with final examinations and reading days at the end of the semester, as required by the Journal of Record:

<table>
<thead>
<tr>
<th>Event</th>
<th>Conflicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men’s and Women’s Golf</td>
<td>No conflicts</td>
</tr>
<tr>
<td>Men’s and Women’s Swimming</td>
<td>No conflicts</td>
</tr>
<tr>
<td>Men’s and Women’s Tennis</td>
<td>No conflicts</td>
</tr>
<tr>
<td>Women’s Lacrosse</td>
<td>NCAA Tourney – TBA</td>
</tr>
<tr>
<td>Men’s Lacrosse</td>
<td>ECAC and NCAA Tourney – TBA</td>
</tr>
<tr>
<td>Women’s Crew</td>
<td>Friday May 12, 2006 – Dad Vails – FINALS</td>
</tr>
<tr>
<td>Baseball</td>
<td>Saturday May 6, 2006 – Home vs. Canisius – (FINALS)</td>
</tr>
<tr>
<td></td>
<td>Sunday May 7, 2006 – Home vs. Canisius – (READING DAY)</td>
</tr>
<tr>
<td>Softball</td>
<td>Friday May 12, 2006 – MAAC Tourney – (FINAL)</td>
</tr>
</tbody>
</table>

2. Report from the Secretary of the General Faculty
Secretary Irene Mulvey introduced a new member of the Academic Council: Professor James Buss of the Economics Department. The Council thanks for her service Professor Jo Yarrington of Visual and Performing Arts, whom Dr. Buss is replacing.

3. Report from the Executive Secretary
Secretary Rick DeWitt called for a motion to approve the minutes of the Academic Council Meeting of December 5th, 2005, and for any corrections thereto. Corrections made:
- p. 2., item 6a, line 11: replace “Campo” with “Campbell”.
- p. 4, second line from bottom, statement by D. Keenan: replace “anyway” with “students”.
- p. 5, statement by R. DeWitt, first line: replace “Ryan-Sodurlund” with “Ryan-Soderlund”

MOTION: (Keenan/He), to approve the December 5, 2005 Minutes as corrected.
VOTE ON MOTION: 13-0-3. Motion passes.
Secretary DeWitt referred the Council to Thomas Pellegrino’s January 17 memo on Evacuation policy and planning (p. 6 of packet), and reported that the work is continuing on this policy and planning.

Secretary DeWitt had nothing further to report, but, because Professors Lane and Sergent were present,

**MOVED** to re-order the agenda so as to consider items 7a (motion from EPC) and 7d (new wording of Faculty Handbook on Athletics Committee) at this point in the meeting. D. Keenan seconded.

VOTE ON MOTION TO RE-ORDER THE AGENDA: 16-0-0. Motion passes.

7a. Motion from Educational Planning Committee concerning course offerings listed for the two upcoming semesters (see p. 17 of packet): The EPC recommends that a list of courses to be offered two (2) semesters hence be provided to students during fall and spring registration periods. After registration, the students would be able to go on-line to indicate which courses they would like to take in the semester after the semester for which they just registered.

Prof. Sergent introduced the motion on behalf of EPC. The motion is intended to help avoid the last-minute frenzy of adds and drops that currently result from some courses being cancelled and from others filling up quickly. This measure would be non-binding for both students and professors; it is for planning purposes only. Registrar Robert Russo says that the logistical implementation would not be much of a problem.

Because it is necessary for an Academic Council member to make a motion, Jean Lange

**MOVED**: that a list of courses to be offered two (2) semesters hence be provided to students during fall and spring registration periods.

Mark Ligas seconded. Questions and discussion followed.

James He asked whether, for the fall of 2006, we intend to put the number of sections to be offered for a given course (say six or seven sections?). Sergent replied no; just one course: no sections.

Ingeborg Haug asked what the negative results of this motion were.

**MOTION** (DeWitt/Buss): That the motion be amended so as to insert “tentative” in between “a” and “list”.

Brief discussion ensued.

**VOTE ON MOTION TO AMEND**: 14-1-1. Motion passes.

Discussion continued on the main motion as amended.
Paul Lakeland called for a clarification: is “The EPC recommends” a part of the motion, or is the motion an attempt to mandate the provision of these lists? Secretary Mulvey replied that the EPC is recommending this motion to the Council, for the Council to make a decision on it.

**MOTION (O’Neill/Lange)** that the motion be amended to insert “by the Registrar online” in between “provided” and “to”, and that the motion be further amended to include, following “periods.”: “After registration, the students would be able to access this list and indicate which courses they would like to take in the semester after the semester for which they just registered.”

**VOTE ON MOTION TO AMEND: 13-1-2. Motion passes.**

Discussion continued on the main motion as amended.

Don Greenberg had several objections. (1) There is no evidence that this motion will generate anything useful. Is there really a problem here? (2) A “tentative” list can become concretized into an actual requirement. Under what circumstances will faculty be able to withdraw courses from these lists if they change their minds?

Jean Lange stated that this motion would help students as they plan to satisfy the U.S. and World Diversity requirements.

Jay Buss stated, from an economist’s perspective, that getting this information out there promotes the best interests of both sides of the market: students and producers (faculty).

Greenberg stated that most responsible departments are already providing course-offering lists 2-3 years ahead of time. Let’s just encourage departments to do this.

Kraig Steffen spoke in favor. Upper-division sciences have different tracks and different sequences.

Greenberg asked what would happen if a student counts on a listed course, and then the faculty member changes his mind. Can the student go to the university and say “This course was promised!”?

Greenberg added that we can certainly encourage departments to make a 3-year list. Kraig asked what the difference was between such encouragement and what was provided by the motion. Greenberg reiterated that the motion concretizes it and adds force to it, so that its “tentative” quality can become lost quickly.

David Sapp stated that lack of student interest in a listed course could encourage the department chair to pull it off the list long before registration, in which case courses would not be allowed to benefit from the advising process. Courses, and their instructors, could be labeled “unpopular.”
Susan Rakowitz stated that this motion is not that helpful for students. There are no time codes presented. To offer departments the opportunity to ask students about their preferences is fine, for departmental information, but the motion doesn’t help student planning.

DeWitt suggested that we give it a try for a few years, and revisit it then. It is unlikely that we will get much information from the students, but he would like to give it a try.

Mulvey stated that she did not see the point to the motion. If it does pass, however, we could put it into our pending list to review in a few years.

**VOTE ON MOTION:  7-8-1.  Motion defeated.**

**7d. Proposed New Wording for Faculty Handbook on Athletics Committee**
(attachment, pp. 20-24).

Phil Lane introduced these changes, which fall under the categories of Membership, General Purpose, and Specific Duties. Questions and discussion ensued.

Dennis Keenan pointed out that item iv under Specific Duties needs either a verb at the end, or to have the word “via” inserted between “Student-Athletes” and “a”.

Greenberg asked why, under Membership, the terms were to be four years, rather than the usual three. Phil Lane replied that, with five members on the committee there is a relatively quick turnover, and institutional memory tends to become lost. Keenan asked whether there is any more turnover on Athletics than on UCC. Lane replied that Athletics is different; it has a smaller membership, and you also have more of a mix of junior and senior faculty than in UCC, which makes institutional memory more problematic.

Ed O’Neill asked what the purpose was of item vii of Specific Duties: (“The Chair of the Committee serves also as a member of the University’s Athletic Advisory Committee”). Lane replied that the UAAC was originally a subcommittee of the Trustees, and that now it advises the President; we need to put it in a formal place. The UAAC is one of the few committees to include students, trustees, faculty, and staff.

George Lang asked whether club sports come under the category of Recreation (Specific Duties item iv). Lane said yes.

Steffen asked why the words “and analyze” had been added to Specific Duties item i. Lane replied that “review” means simply “to look at”, whereas “analyze” denotes the gathering of data and the bringing of it to the Academic Council.

Secretary Mulvey recommended that the Council consider the changes separately. Length of term is a separate issue, as are representation on the Committee and the changes in Specific Duties.
George Lang asked whether the Athletics Committee had considered increasing the faculty representation to six. Lane replied no.

**MOTION (O’Neill/Ligas): That five members be elected from the faculty for FOUR-year overlapping terms.**

Mulvey spoke against the motion, preferring instead Lang’s suggestion that the faculty representation be increased from five to six. Why would the Athletics Committee require four-year terms? It makes no sense to have the members of other Faculty Committees serve for three years and Athletics Committee members serve for four. We could make it six members for Athletics, 2-2-2.

Lakeland spoke against the motion, on the grounds that unilateral changes are a bad thing in this context. Other committees are in similar situations with regard to turnover; why a four-year-term for just Athletics? Why is its work so complex and Rank and Tenure (for example) not?

Ligas spoke for the motion. A first-year student on the Committee might be able to stay for all four years. Mulvey stated that the student serves for one year. Lane replied that the student can be re-elected.

Lang stated that there is institutional memory on the Athletics Committee.

Greenberg moved to call the question, and the motion passed 15-0-1.

**VOTE ON MAIN MOTION: 0-14-2. Motion defeated.**

Ingeborg Haug suggested that we refer this motion back to the Athletics Committee, with a recommendation to consider Lang’s suggestion that the membership be increased to six. Chair Dohm stated that this could be made as a motion, after the rest of the Athletics Committee proposal was considered.

The Council then considered the second portion of the Membership section: “ONE student elected by the Student Legislature. ONE STUDENT REPRESENTING THE STUDENT-ATHLETE ADVISORY COMMITTEE. The Director of Athletics shall be a member ex-officio.”

Secretary Mulvey asked how the student is elected. Reply: he/she is appointed by the Student-Athlete Advisory Committee.

It was suggested, therefore, that the words “APPOINTED BY, AND” be inserted between “ONE STUDENT” and “REPRESENTING”. Lane approved of this friendly amendment, and it was accepted without a vote.

Steffen asked what is changing here. Lane replied that currently we only have two students from FUSA, and that we have invited representatives from the Student-Athlete Advisory committee as guests. We need to establish and recognize student representatives from two separate constituencies: the student government and varsity athletics. Under the new wording we will have one formal representative from each constituency.
Buss asked whether the one student was to be selected or elected. Mulvey replied that she believed that they had been appointed by the President.

**MOTION** (DeWitt) to approve the following wording of the proposal under the Membership section: “One student elected by the student legislature. One student appointed by and representing the Student-Athlete Advisory Committee. The Director of Athletics shall be a member *ex-officio*.”

**VOTE ON MOTION:** 16-0-0. Motion passes.

**MOTION** (Lang/O’Neill) to approve the wording of the proposal (which follows the wording approved in the previous motion): “The Director of Recreation shall be a member *ex-officio*.”

Lang spoke in favor, stating that club sports are important, and that it is worthwhile to have the Director of Recreation on the Athletics Committee. Lang also stated that he is aware that this addition makes the Committee 44% non-faculty, but the benefits gained are worth the change.

**VOTE ON MOTION:** 16-0-0. Motion passes.

The Council then considered the General Purpose section of the Athletics Committee proposal.

**MOTION** (Ligas/Steffen): that the Council approve the following wording as presented: “To periodically review the objectives and policies of the VARSITY AND RECREATIONAL athletic programs at Fairfield University.”

**VOTE ON MOTION:** 16-0-0. Motion passes.

The Council then considered the Specific Duties section of the Athletics Committee proposal.

**MOTION** (O’Neill/DeWitt): that in item iv the word “VIA” be inserted between “STUDENT-ATHLETES and “A TRIENNIAL SURVEY”, and that in item vii the words “CHAIR OF THE COMMITTEE SERVES AS A MEMBER” be replaced by “CHAIR OF THE COMMITTEE WILL ALSO SERVE AS A MEMBER”.

AVP Orin Grossman suggested that item vi should be item i, because item vi describes the most important duty, while the other items animate that particular duty. Also, in item vii the verb “serve” does not grammatically balance with the other duties itemized in the list; having the Committee chair serve on UAAC is not a duty of the Committee.

Lang reminded the Council of the motion that is currently on the floor, and stated that he nevertheless agrees with AVP Grossman; hence he moves an amendment to the motion:

**MOTION TO AMEND** (Lang/Keenan): that the above-stated O’Neill/DeWitt motion be amended, so that item vi becomes item i, item i becomes item ii, and all
the other items are re-numbered accordingly: also that item vii be moved out of the Specific Duties category and placed in the Membership category, following the last sentence of that category.

Ed O’Neill questioned the appropriateness, in view of the President’s prerogatives. AVP Grossman replied that this is a recommendation only; it will not be in force until the Board approves, and the President will have a chance to review and either approve or disapprove.

Dean Vagos Hadjimichael asked for a clarification of item vi; how would the Athletics Committee participate in the Long-Range Plan? Lane replied that the Athletics Committee participated last year, working with the Director of Athletics, the Associate Vice-President for Student Services, and an outside consultant; the whole Committee was involved.

**VOTE ON MOTION TO AMEND: 15-0-1. Motion passes.**

Discussion continued on the original O’Neill/DeWitt motion, now amended, on Specific Duties.

O’Neill asked for a clarification of “review” and “analyze” in item i (now item ii, as amended). Lane replied that currently the Athletics Committee only reviews; it needs the additional power to analyze and to make recommendations and offer options to the faculty and Academic Council. O’Neill then asked whether we need to add “and make recommendations” to this item, or does “analyze” include this? Lane stated that he did not see the need for such an addition.

**VOTE ON MAIN MOTION: 16-0-0. Motion passes.**

The Council thanks Dr. Lane.

Before Lane left, however, Lang made an additional motion.

**MOTION (Lang/Haug) that, subject to the approval of the Athletics Committee, a proviso be added to above-cited motions concerning the proposed new wording for the Faculty Handbook’s Committee on Athletics, that the number of faculty members on that Committee be increased from five to six. If the Athletics Committee approves of this additional proviso, the Academic Council will forward it, together with all of the other motions it has passed concerning the new wording, to the General Faculty for approval. If the Athletics Committee does not approve, the Council will forward the aforementioned motions to the General Faculty without this additional proviso.**

David Sapp asked whether the additional Committee member would have to represent a specific school or other institutional constituency. Answer: no.

**VOTE ON MOTION: 16-0-0. Motion passes.**

The Council returned to the regular order of the agenda.
4a. Suggested motions to implement the recommendations of the Report from the Ad Hoc Subcommittee on Academic Freedom and Free Expression (see pp. 7-9 of packet, attached).

**MOTION (DeWitt) that the Council approves the Executive Committee’s Motion 1.**

Motion 1. The Academic Council recommends that the General Faculty approve the following language for Section II of the *Faculty Handbook* (ninth edition, II.; page 20). New language is indicated by underline; deletions are indicated by strikeout:

The statement on academic freedom, as formulated in the 1940 Statement of Principles endorsed by the AAUP and incorporating the 1970 interpretive comments, is the policy of Fairfield University. Academic freedom and responsibility are here defined as the liberty and obligation to study, to investigate, to present and interpret, and to discuss facts and ideas concerning all branches and fields of learning. No limitations are implied other than those required by generally accepted standards of responsible scholarship and by respect for the Catholic commitment of Fairfield University. This commitment delimits any professor only to the extent of restraining him or her from attempting to undermine the basis of that commitment just as university professors anywhere are expected to respect the principles upon which the university at which they teach is founded. Academic freedom is limited only by generally accepted standards of responsible scholarship and by respect for the Catholic commitment of the institution as expressed in its mission statement, which provides that Fairfield University "welcomes those of all beliefs and traditions who share its concerns for scholarship, justice, truth, and freedom, and it values the diversity which their membership brings to the university community."

Secretary Mulvey explained that the Executive Committee of the Academic Council was charged with the task of formulating motions to implement, based on the report of the Subcommittee on Academic Freedom and Free Expression. These five motions on pp. 7-9 of the attached packet are the result of their labors.

**VOTE ON MOTION: 14-2-1. Motion passes.**

**MOTION (DeWitt/Keenan) that the Council approves the Executive Committee’s Motion 2.**

Motion 2. The Academic Council recommends that the following language be incorporated into faculty contracts and directs the Faculty Salary Committee to address this in the collegial discussions with the administration:

The University and the Faculty Member agree to uphold the rights and responsibilities of academic freedom, as formulated in the 1940 Statement of Principles endorsed by the AAUP and incorporating the 1970 interpretive comments. Academic freedom and responsibility are here defined as the liberty and obligation to study, to investigate, to present and interpret, and to discuss facts and ideas concerning all branches and fields of learning. Academic freedom is limited only by generally accepted standards of responsible scholarship and by respect for the Catholic commitment of the institution as expressed in its mission...
statement. This statement provides that Fairfield University “welcomes those of all beliefs and traditions who share its concern for scholarship, justice, truth and freedom, and it values the diversity which their membership brings to the university community.”

**VOTE ON MOTION: 16-0-0. Motion passes.**

Secretary Mulvey added that the language of this motion is exactly the language of the Academic Freedom Subcommittee’s report.

AVP Grossman stated that it is clear that this is replacing the contract language. DeWitt replied that this is a recommendation to the Salary Committee to follow in its discussions with the AVP.

**MOTION (DeWitt/Greenberg): that the Council approves the Executive Committee’s Motion 3.**

Motion 3. While recognizing that the Academic Council has no authority over Student Services, the Academic Council (1) endorses Section B from the Report of the Ad Hoc Committee on Academic Freedom and Free Expression and encourages the President to see that the recommendations made in Section B are implemented, and (2) endorses the recommendation to adopt the language from Section A into the Student Handbook and wherever in the University a statement on academic freedom is needed or thought desirable.

The Council was reminded that this is a recommendation only.

Steffen asked whether, in its discussions with representatives of the Subcommittee on Academic Freedom and Free Expression, the Executive Committee talked about the specific incident that led to the formation of the Subcommittee. Would Motion 3 have changed the outcome of that incident?

Lakeland replied that the Executive Committee had raised this question, and that the Student Services had already changed their Handbook so as to make such an incident less likely. What the Executive Committee did in Motion 3 is to give them more careful language, to make such an incident even more unlikely.

Buss asked where one might find a copy of the Subcommittee on Academic Freedom and Free Expression’s report. Secretary Mulvey replied that it could be found in the November 5th Academic Council meeting packet, on the Faculty Secretary’s Website.

**VOTE ON MOTION: 15-0-1. Motion passes.**

**MOTION (DeWitt/He): that the Council approves the Executive Committee’s Motion 4.**

Motion 4. While recognizing that the Academic Council has no authority over Student Services, the Academic Council endorses the creation of a process for resolution of disputes concerning violations of academic freedom of students, as amended below from the Report of the Ad Hoc Committee on Academic Freedom and Free Expression to remove references to faculty, and encourages the President to see that such a process is implemented.

**Academic Freedom: Resolution of Disputes for Students**
Because disputes can arise over specific applications of the term Academic Freedom that can lead to serious conflict that is harmful to the parties involved and disruptive to the academic mission of the University, we suggest the creation of a process for resolving such disputes in a timely, fair and collegial manner.

a. **Criteria:**
1. Full participation and an opportunity to be heard by all interested parties.
2. Discussion and mediation by skilled facilitators who will assist the parties in resolving the dispute.
3. A final decision by an administrator at the level of Vice President or the President, who is not involved in the underlying dispute.

b. **Process**
Step One: Any individual or group claiming a violation of academic freedom should report the claim to an appropriate person, who shall be an academic chair, a club advisor, FUSA advisor, department head or other person designated by the Dean of Students.

Step Two. If the claim is unresolved, the interested parties shall participate in mediation, facilitated by a person skilled in mediation and conflict resolution, to be agreed upon by the parties.

Step Three: If mediation does not resolve the dispute, it shall be decided by the Academic Vice President, the Vice President of Student Services or their designee, after hearing the concerns of all interested parties. Decisions shall be made in conformance with University rules and policies regarding Academic Freedom. The decision should be by an administrator not involved in the underlying dispute.

The person invoking this process may indicate that a timely decision is necessary. In that case Step One shall take place within three days, Step Two within seven days, and Step Three within ten days of the initial reporting of the claim.

Waiver of any step or any time limit requires the agreement of all parties.

We also recommend that the University provide mediation training to a selected group of interested students, faculty and staff.

The Council was reminded that this is a recommendation only.

Secretary Mulvey commented that this motion IS different from what the Subcommittee on Academic Freedom presented; the Subcommittee had a process that involved both faculty and students; this motion just involves students.

**VOTE ON MOTION: 16-0-0.** Motion passes.

**MOTION** (DeWitt/Greenberg): that the Council approves the Executive Committee’s Motion 5.
Motion 5. The Academic Council endorses the process for mediation of disputes concerning violations of academic freedom of faculty as adapted below from the Report of the Ad Hoc Committee on Academic Freedom and Free Expression.

Process for mediation of disputes concerning violations of academic freedom of faculty:

Step One: Any individual or group claiming a violation of academic freedom should report the claim to an appropriate person, who shall be a chair, academic dean or other person designated by the Academic Vice President.

Step Two: If the claim is unresolved, the interested parties shall participate in mediation, facilitated by a person skilled in mediation and conflict resolution, to be agreed upon by the parties.

Step Three: If mediation does not resolve the dispute, then the faculty member may proceed according to the Procedures for Due Process in the *Faculty Handbook*.

The person invoking this process may indicate that a timely decision is necessary. In that case Step One shall take place within three days, Step Two within seven days, and Step Three within ten days of the initial reporting of the claim.

Secretary Mulvey commented that Subcommittee member Lucy Katz felt very strongly about this. This motion simply adds an attempt at mediation, before the aggrieved party goes on with the Handbook procedures.

Keenan asked whether a Handbook change was necessary. Mulvey replied that this will not affect the Handbook.

O’Neill asked whether the Academic Vice-President is going to ask for funds to train the necessary persons “skilled in mediation and conflict resolution.” (Motion 5, Step Two). AVP Grossman replied that he was not a party to the formulation of this motion, and therefore does not know. Secretary Mulvey stated that the Subcommittee on Academic Freedom had recommended that such persons be trained.

AVP Grossman asked whether, if someone makes a due-process issue according to the Handbook, that person can be turned way on the grounds that he or she has not gone through the mediation process first. Secretary Mulvey responded that this is a good question. Lakeland stated that the reference to mediation training only occurs in the process for students. With regard to the faculty process, there is nothing said about University resources being used to train such people, though you would think that both sides would prefer mediators with some training. With regard to the AVP’s question, Lakeland stated that it was the sense of the Subcommittee that this would be a first step in any academic freedom issue involved. AVP Grossman stated that Handbook due process is a draconian step, and that it is appropriate to have mediation prior to it. He approves of it; he simply does not want any problems with the Handbook.

**VOTE ON MOTION: 16-0-0. Motion passes.**
4b. **Report from the Executive Committee on the new edition of the Faculty Handbook**
(see p. 10, attached).

Secretary Mulvey reported that the Executive Committee (DeWitt, Dohm, and Mulvey) verified that all duly ratified amendments have been inserted into the new edition. The Committee also culled a number of formatting errors, which involved absolutely no substantive changes. Continuing Education was changed to University College, for example; the Table of Contents was changed, and also “areas” to “departments” in DSB. These updates do not have to go to the General Faculty. Our report on these changes was printed up on January 26, 2006; we would be happy to provide copies. We need a motion to approve the changes.

**MOTION (Keenan/Haug):** That the Faculty Handbook be amended with all the corrections to matters of practical information detailed by the Executive Committee in its 1/26/2006 Faculty Handbook Review Report to the Academic Vice President.

**VOTE ON MOTION:** 16-0-0. Motion passes.

5. **Petitions for Immediate Hearing.** None were presented.

6. **Old Business**

6a. **Three faculty-approved items for the Journal of Record rejected by the Academic Vice President** (see pp. 11-16 attached).

Secretary Mulvey explained that she had sent to the Academic Vice-President the five items to be included in the Journal of Record (p.12 attached), and that the AVP had rejected three of them, explaining his reasons in a memo of December 14 (pp.13-14, attached). Mulvey replied in a memo of January 6 (p. 15, attached), and AVP Grossman responded in a memo of the same day. (p. 16). The result is that items 2, 3, and 5 (p.12) remain rejected, and have not gone into the Journal of Record.

Keenan asked why the provisos in items 2 and 3 (“that adjuncts will be paid in accordance with the Memo of Understanding”) were put in. Is there any reason to believe that the adjuncts would NOT be paid according to the Memo of Understanding?

Lang stated that the proposal included pay scales which were not consistent with the Memo of Understanding. The presenters of the program had no objections to the proviso added to the acceptance.

Lang further stated that, if these two provisos have not been approved, then the programs have not been approved. AVP Grossman replied that the programs have been approved, since the program was approved by all relevant faculty committees. Imagine a motion in which Mathematics is approved to offer a program provided the faculty members of the department act consistent with their contract duties and the obligations of the Faculty handbook—wouldn't the faculty consider the qualification strange and inappropriate? Susan Rakowitz responded that this is a false analogy,
unless the Math proposal explicitly indicated that faculty intended to violate their contracts and the Handbook. The proposals under consideration explicitly contradicted the MOU: that was why the unusual proviso was added.

Lakeland: The references to a pay scale seem really to refer to a sum for budgeting, not a pay scale. There is a difference.

Keenan: Given that the programs were approved "subject to the provision that adjuncts will be paid in accordance with the Memo of Understanding," and assuming that this provision was integrated into the proposal before it was approved by any other governing bodies (which, of course must be verified), couldn't the Academic Council approve the inclusion of the amended motion (i.e., the motion minus the provision) in the journal of record? Secretary Mulvey replied that she cannot put anything into the Journal of Record that is not exactly what has been passed by the Academic Council.

Greenberg stated that the big issue here is that, whether it was advisable or not, the Academic Council passed the motion. Can the AVP reject part of a motion and not all of it? This constitutes a partial veto. To what degree can an Academic Council motion be partially vetoed?

Greenberg further stated that, with regard to the AVP’s statement (p. 13) that the state approved the program, that may no longer hold true if they are informed that the faculty has not fully approved the program. Just because the Trustees don’t see this doesn’t mean that it is not so.

DeWitt: The programs were not approved; they were approved subject to conditions; if the conditions are rejected, then the approval is rejected.

DeWitt: Given the lateness of the hour, and that this issue is too complex to resolve now, we should table the discussion.

**MOTION TO TABLE THIS MATTER UNTIL THE NEXT MEETING**
(DeWitt/Steffen)

**VOTE ON MOTION: 13-0-0. Motion passes.**

The meeting was adjourned at 5:06.

Respectfully submitted,
William Abbott
Subject: Items from AC for Journal of Record 2004-2005
Date: Monday, December 5, 2005 11:06 AM
From: Mulvey, Irene <Mulvey@mail.fairfield.edu>
To: "Grossman, Orin" <OLGrossman@mail.fairfield.edu>
Cc: "Dewitt, Richard" <RDewitt@mail.fairfield.edu>, "Dohm, Faith-Anne" <FDohm@mail.fairfield.edu>

Orin,
Attached to this email is a document listing all the remaining items passed by the Academic Council in 2004-2005 to be entered in the Journal of Record.
As you know the administration has 15 calendar days in which to respond with either acceptance or rejection of each item.

Thanks,
Irene
Five items to be entered in the Journal of Record:


2. The Master of Science in Accounting is approved subject to the provision that adjuncts will be paid in accordance with the Memo of Understanding. AC 11/1/2004.

3. The Master of Science in Taxation is approved subject to the provision that adjuncts will be paid in accordance with the Memo of Understanding. AC 11/1/2004.

4. The Master Degree Program in Mechanical Engineering is approved. AC 2/7/2005.

5. Whereas the Board of Trustees Resolution of December 2001 explicitly recognized the importance of a collaborative process between the faculty and administration in developing a new compensation structure, and

Whereas Committee on Guiding Principles and Procedural Guidelines for Faculty Compensation, approved and created by the Academic Council and the General Faculty, was the instantiation of the Board’s explicit directive for collaboration between faculty, deans and AVP.

Whereas the “Guiding Principles for Faculty Compensation” was written by the joint committee to provide guidelines and universal principles for all merit pay plans, and

Whereas the joint committee’s final document “Guiding Principles for Faculty Compensation” was approved by both the Academic Council and the General Faculty.

A merit pay plan that is consistent with the “Guiding Principles for Faculty Compensation” and is approved by the faculty to which it will be applied cannot be rejected by the administration.

AC 4/4/2005

Irene Mulvey
Secretary of the General Faculty
December 4, 2005
Thank you for submitting these five items to the administration for consideration.


This item is approved.

2. *The Master of Science in Accounting is approved subject to the provision that adjuncts will be paid in accordance with the Memo of Understanding.* AC 11/1/2004.

The Academic Council does not have the authority to limit the pay scale for adjuncts. There are situations where the amounts in the MOU must be increased. The amounts in the MOU are properly considered floors below which deans cannot go. They protect those adjuncts teaching in fields where it would be possible to hire at a lower rate. But the pay-scale for adjuncts in the MOU should not be considered ceilings which make it impossible to hire adjuncts in areas where market forces require adjustment. The MS in Accounting has been properly approved but the administration cannot allow the language of the resolution to appear in the Journal of Record, since it might indicate approval of the provision. I should add that the state and the Board of Trustees approved the program without the inclusion of the provision from the Academic Council.

This item is rejected as it stands. The administration would approve the resolution if it ended after the word “approved”.

3. *The Master of Science in Taxation is approved subject to the provision that adjuncts will be paid in accordance with the Memo of Understanding.* AC 11/1/2004.

This item is rejected for the reason given in #2.


This item is approved.

5. *Whereas the Board of Trustees Resolution of December 2001 explicitly recognized the importance of a collaborative process between the faculty and administration in developing a new compensation structure, and*

   *Whereas Committee on Guiding Principles and Procedural Guidelines for Faculty Compensation, approved and created by the Academic Council and the General Faculty, was the instantiation of the Board’s explicit directive for collaboration between faculty, deans and AVP.*
Whereas the “Guiding Principles for Faculty Compensation” was written by the joint committee to provide guidelines and universal principles for all merit pay plans, and

Whereas the joint committee’s final document “Guiding Principles for Faculty Compensation” was approved by both the Academic Council and the General Faculty,

A merit pay plan that is consistent with the “Guiding Principles for Faculty Compensation” and is approved by the faculty to which it will be applied cannot be rejected by the administration.

AC 4/4/2005

The various positions on this matter have been sufficiently stated in other documents. This item is rejected.
MEMORANDUM
Secretary of the General Faculty
Fairfield University

TO: Orin Grossman, Academic Vice President

FROM: Irene Mulvey, Secretary of the General Faculty

DATE: January 6, 2006

RE: Your memo of December 14 on Journal of Record Items.

I want to respond to your memo of December 14, 2005 Re: Journal of Record to let you know that your memo has been received and that the Executive Committee of the Academic Council will discuss your response and decide how to proceed at our next Executive Committee meeting on January 30.

With regard to your rejection of the two items concerning masters programs in the Dolan School of Business, I would like to clarify that the motions passed by the Academic Council do not limit the pay scale for adjuncts in any way. The motions only state that adjuncts will be paid in accordance with the Memo of Understanding. Since the Memo of Understanding is a jointly-approved and jointly-signed document, it is hard to see the administration’s objection to the Academic Council motion. Moreover, the current MOU includes the following paragraph:

G. The salary paid for part-time instruction to full-time faculty members (beyond normal load) and the salary for credit courses for adjunct faculty who are not full-time faculty members will be as follows. The amounts have been increased by 3.0%. Higher payments are occasionally made as market conditions dictate.

The last sentence (in bold) is new language in the current 2005-2006 MOU that did not appear in the 2004-2005 MOU.

I suspect that when these two motions, which have been rejected by the administration, wind up back at the Academic Council, the Council will ask for clarification on the administration’s rejection in light of this current MOU language, and that there will be a discussion of the status of these programs if the Council motion is not accepted by the administration. But for now, this memo is just to inform you that the Executive Committee is in receipt of your memo of December 12 and that we will respond formally after our next Executive Committee meeting on January 30. Let us know if you would like to change your mind about rejecting, or clarify the administration’s objections to these two items concerning masters programs in the Dolan School of Business.
Irene,

Thanks for your memo of January 6. The administration does not see any reason to have language referring to the payment of faculty attached to a statement approving the program. The objection to inclusion in the Journal of Record stands.

Orin
Memorandum

To: Faith-Anne Dohm  
Chair, Academic Council

From: Meredith Wallace, Chair Faculty Research Committee

Date: 12/15/05

Re: Handbook change in Senior Summer Fellowship

The purpose of this memo is to propose a change in the Guidelines for Senior Summer Fellowships. The proposed change is intended to ensure consistency between the Guidelines for Senior Summer Fellowships and Guidelines for Senior Summer Research Stipends. Currently, the guidelines for Summer Research stipends prevent faculty members from receiving the stipends for either summer contiguous to sabbatical leaves. This clause is currently not present in the Guidelines for Senior Summer Fellowships, which is a substantially more competitive award. This change will allow consistency between the two guidelines. The statement to be added to the Guidelines for Senior Summer Fellowships is as follows:

Faculty members approved for sabbatical leave will not be eligible for either summer contiguous to the academic year of the sabbatical leave.
Memorandum

To: Faith-Anne Dohm  
Chair, Academic Council

From: Meredith Wallace, Chair Faculty Research Committee

Date: 12/15/05

Re: Handbook change in Sabbatical Leave Policy

The purpose of this memo is to propose a change in Handbook language on Sabbatical Leaves. The proposed change reduces the time of eligibility for the first sabbatical leave at Fairfield from 12 semesters of active service to ten semesters. This change will support new faculty in their scholarship, position them for promotion, and serve as a recruiting incentive to attract candidates of high quality for faculty positions. Dr. Orin Grossman, the Associate Vice President for Academic Affairs, has agreed to this change.

Section II FACULTY POLICIES
II. B. FISCAL POLICIES
2. Leaves of Absence and Sabbaticals
a. Sabbatical Leaves (p. 29)

Current Handbook Language
Sabbatical leaves are reserved for tenured faculty members who have served actively on the faculty of the University for at least twelve semesters since their last financially supported leave.

Proposed Revision of Handbook Language
Sabbatical leaves are reserved for tenured faculty members. Tenured faculty who have not been awarded a pre-tenure research leave are eligible for their first sabbatical after 10 semesters of active service AT FAIRFIELD UNIVERSITY. Tenured faculty who have been awarded a pre-tenure leave are eligible for their first sabbatical after 10 semesters of active service AT FAIRFIELD UNIVERSITY following their pre-tenure leave. Tenured faculty are eligible for any subsequent sabbatical after serving twelve semesters since their last sabbatical leave.
Section 2, pg. 4, item 11

**Current Wording:**

11. By April 1
    The Committee recommendations for all applicants will be presented to the President. The Academic Vice President will make his/her recommendation to the President and provide the Committee with a copy.

**Proposed Wording:**

11. By April 1
    The Committee recommendation for or against the appeal will be forwarded to the applicant. The Committee recommendations for all applicants will be presented to the President. The Academic Vice President will make his/her recommendation to the President and provide the Committee with a copy.

**Rationale:** Wording needs to be consistent with current practice.
On Wednesday, February 15, at its most recent meeting, the Faculty Development and Evaluation Committee passed the following motion:

Moved: That the statistical and qualitative results of the student evaluations of individual faculty members’ teaching be sent directly to the individual faculty member without being viewed by anyone else, unless and until the individual faculty member chooses to make those results known.

The vote was: 6 in favor 1 opposed 2 abstaining

SUMMARY: In recent years, increasing pressure has been brought to bear on faculty members to produce their teaching evaluations as proof of their teaching effectiveness, even though the current forms were not designed for any purpose beyond the individual faculty member’s private development. Among the current areas where faculty members have been asked to release their forms are for rank and tenure considerations, and for annual reports and consideration for merit pay. The FDEC motion, alone, will not obliterate this pressure. Other efforts now underway in the FDEC are meant to address the need for other, more appropriate means of proving teaching effectiveness. We are sending one member to a national conference in March devoted to means of evaluating teaching. We are also now surveying a list of comparable schools for their methods of evaluating teaching. And we now have a subcommittee devoted to preparing a proposal for alternative methods of proving teaching effectiveness, to be brought before the entire faculty during 2007, to reflect our findings during this and next year.

However, many faculty members have expressed concerns to our committee that new electronic access to the current forms (restricted now to each faculty member viewing his or her own forms only) nonetheless sets a disturbing precedent regarding the current forms. And it seemed therefore that a reiteration of the private nature of these evaluations is in order. In fact, some questions have been raised about whether the current forms were ever officially designated as strictly private, or if this has merely been unofficial policy. A formal statement regarding the private nature of the current forms is certainly warranted at this point, we believe. Our committee is working vigorously on more substantial recommendations regarding teaching evaluation. But this first clarifying step is, we feel, necessary to maintain the integrity of the current system.

Respectfully submitted,
Patricia Behre, Chair
Faculty Development and Evaluation Committee