

FAIRFIELD UNIVERSITY
General Faculty Meeting of February 25, 2005
RECONVENED ON MARCH 3, 2005
Minutes of Meeting

Approved by the General Faculty on April 8, 2005.

Proxies were held by:

| | |
|-------------------------|---------------------------|
| David Schmidt for | Joan van Hise |
| David Schmidt for | Gerard Campbell |
| George Lang for | Kathleen Wheeler |
| John Orman for | Robert M. Fedorchek |
| Kraig Steffen for | Edmond J. O'Connell |
| Jen Klug for | Robbin Crabtree |
| Mariann Regan for | James Mullan |
| Mariann Regan for | Elizabeth Petrino |
| Robert Epstein for | Betsy A. Bowen |
| Robert Epstein for | Ben Halm |
| Rick DeWitt for | Jim Long |
| Rick DeWitt for | Al Benney |
| Gisela Gil-Egui for | David Gudelunas |
| Gisela Gil-Egui for | Khaled Aboulnasr |
| Kathy Wheeler for | Shelia Grossman |
| Alan Katz for | Patricia Calderwood |
| Alan Katz for | Carl Scheraga |
| Jay Buss for | Larry Miners |
| Phil Lane for | Hugh Humphrey |
| Susan Rakowitz for | Dorothea Braginsky |
| Susan Rakowitz for | John McCarthy |
| Steve Bayne for | King Dykeman |
| Steve Bayne for | Sara Brill |
| Betsy Gardner for | Judy Primavera |
| Tim Heitzman for | Shannon Harding |
| Sandra Billings for | Tracey E. Robert |
| Sandra Billings for | Emily Smith |
| Phyllis Braun for | Glenn Sauer |
| Phyllis Braun for | Virginia H. Hodgkinson |
| Mark McGregor, S.J. for | Martha S. LoMonaco |
| Mark McGregor, S.J. for | Bogusia Molina |
| Cecelia Bucki for | Gavriel Rosenfeld |
| Cecelia Bucki for | Consolacion Garcia-Devesa |

Proxies were held by:

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|------------------------|-----------------------|
| Walter Hlawitschka for | Robert W. Kravet |
| Walter Hlawitschka for | Bruce Bradford |
| Mike White for | Arthur Anderson |
| Peter Bayers for | Sally O'Driscoll |
| Peter Bayers for | Frank Moliterno |
| Vin Rosivach for | Mary Ann Carolan |
| Vin Rosivach for | Leo F. O'Connor |
| Anna Martin for | Gregory Koutmos |
| Joan Weiss for | W. Ronald Salafia |
| Dennis Keenan for | Paul Lakeland |
| Dennis Keenan for | Joy Gordon |
| Donald Greenberg for | Richard Regan |
| Donald Greenberg for | Jocelyn Boryczka |
| Marcie Patton for | David L. Crawford |
| Vic Newton for | David Winn |
| Vic Newton for | Elie Track |
| William Abbott for | Lawrence Kazura |
| William Abbott for | Walter J. Petry |
| Mark Ligas for | Donald E. Gibson |
| Mark Ligas for | Mousumi Bhattacharya |
| Faith-Anne Dohm for | Sr. M. Julianna Poole |
| Faith-Anne Dohm for | Paula Gil Lopez |
| Laura McSweeney for | Matt Coleman |
| Laura McSweeney for | Matt Kubasik |
| Winston Tellis for | Chris Huntley |
| Beth Boquet for | Wendy Kohli |
| Beth Boquet for | John Thiel |
| Lucy Katz for | Paul Caster |
| Lucy Katz for | Roselie McDevitt |
| Michael Tucker for | Patricia M. Poli |
| Michael Tucker for | Cheryl Tromley |
| Kathy Nantz for | Lisa Newton |

At 4:26 PM, the meeting was reconvened by the Chair of the Faculty, Professor David Aloyzy Zera.

Prof. Zera reminded the faculty that the following motion is on the floor.

MOTION. The General Faculty rejects raising co-pays for the purpose of funding additional merit.

Prof. Zera said that when members are granted the floor, they must speak either for the motion or against the motion. Prof. Zera suggested that when members are called upon they should begin their remarks by identifying themselves and stating whether they are speaking for the motion or against the motion. Prof. Zera then opened up the floor for debate.

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Professor Rick DeWitt rose to speak in favor of the motion. He provided the faculty with some history and context for his support of the motion. He held up the Benefit Plans Overview booklet (BPO) - reminding faculty that they receive this booklet when they are first hired and promptly forget about it. The BPO is part of our contract: our contract includes the Memo of Understanding (MOU), the BPO, and the individual contract letter signed by the President of the University and the individual faculty member. The three documents are connected in that the BPO is part of the MOU (specifically, the BPO is Appendix 1 of the MOU) and the individual contract letter references the MOU. The specific dollar amounts for co-pays are listed in the BPO; hence, these are contractual benefits and cannot be changed unilaterally.

This is not to say that they can never be changed. Prof. DeWitt described the last time the co-pays were adjusted in 1997. At that time, co-pays were increased according to agreed upon procedures and in an orderly fashion. In spring 1996, the administration presented to the faculty information and data on medical costs. During the next academic year, the issues, problems and solutions were worked on by a working group that included faculty, administrators, Blue Cross Blue Shield representatives, and, not least of all, lawyers. Proper procedures were followed and the process was well supported by the faculty and the administration.

Simply put, unilaterally raising the co-pays is a violation of our contracts, so Prof. DeWitt is in favor of the motion.

Professor Cheryl Tromley asked for clarification on the administration's proposal to which the motion responds. Professor Joe Dennin, chair of the Faculty Salary Committee, explained his understanding of the proposal as follows: take \$1.00 out of benefits, put 50 cents into other pockets at the University and reduce the other fifty cents to about 38 cents by taxes and put that into salaries/merit pay. Prof. Tromley went on record supporting the motion.

Professor Michael Tucker spoke in favor of the motion. No one denies that health care costs are rising. The faculty is willing to talk rationally about this issue. The authoritarian way this has come to the faculty is not rational. Changes like this require discussion and there was no discussion. It all comes back to process.

Professor Chris Huntley spoke in favor of the motion. For many faculty members, this is a matter of shared governance. For others, it is a matter of financial urgency. Prof. Huntley pays at least 30 co-pays per year. He is not necessarily against the co-pays going up, but that is not the issue. The issue, for Prof. Huntley, is that taking money out of medical benefits to fund other things is wrong.

Professor Don Greenberg spoke in favor of the motion. He emphasized that this is so not about money and so about governance. It is a further and deeper erosion of any meaningful faculty voice in decision-making. He listed a number of examples of wrong-headed decisions that were made either without faculty input or ignoring faculty input (and said he could list 12-20 more): decision to field a football team, decision to cancel the football program, fiascos with the handling of computer services all over campus, decision to make "equity adjustments" with no definition of what equity even means, CAS dean canceling courses with under 10 students, CAS dean refusing even to speak to faculty members who got no raise at all last year. The current situation is the latest attempt to eviscerate any meaningful place for the Faculty Salary Committee. And, the question is, where will it stop? Our contracts are being violated - we must pursue a legal avenue. But, understand that the major issues will not be solved legally; they will be solved politically. Prof. Greenberg is 63, but most faculty members in the room are in their thirties and forties. He tells these people to ask themselves: do you want to work at a University where you have no voice, where you have absolutely no say, absolutely no effective say in important governance issues. This is just the latest assault. Prof. Greenberg admits to being a cynic and acknowledges his reputation as a troublemaker but went on to say emphatically that even if there were times when he was wrong in the past, "I am *damn well not wrong now.*" [Applause.]

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Dean Tim Snyder rose to complain that he had been falsely accused by Prof. Greenberg. Prof. Zera insisted that Dean Snyder must speak either for the motion or against the motion and that his comments must be addressed to the body and not to any individual. Dean Snyder went on record as against the motion, but since Prof. Greenberg brought up specific charges in his remarks, Dean Snyder felt the need to address them now. The 10-student limit in a course is not an arbitrary number in that this was discussed by the Dean's Council and with chairs. Dean Snyder said he had not refused to discuss merit reviews with people, but since the faculty didn't accept his invitation to participate, he said he couldn't give feedback. He has always been willing to have chairs come and engage in a discussion of all the merit reviews of faculty in their department.

Now speaking specifically against the motion, Dean Snyder suggested that this is a dangerous action for the faculty to take. The Faculty Salary Committee was given the information on increasing co-pays very late in the process and the FSC immediately brought this information to the General Faculty and this motion was put on the floor. This is a complicated issue and the link between increased co-pays and additional merit is not clear. As a sophisticated body, we should take this up in a sophisticated way.

Professor Kathy Nantz, speaking for the motion, said that the link between increased co-pays and merit pay was made unequivocally to the FSC by an administration representative on the administration team. The faculty did not make up this link.

Prof. Nantz continued that this is an issue of process and governance. As an individual, she has no say in compensation decisions and now her representatives, the FSC, have no say. The administration sees the FSC as making recommendations on matters of salary and benefits, but we need more than that. The FSC must be deeply involved in order for any semblance of shared governance to happen. Our benefits are extremely important, but faculty do not want to have to worry individually about health benefits. She gives the FSC *carte blanche* to take care of these matters for her. But, the FSC is being denied the ability to have meaningful input into decisions. If not the FSC, then who is there to look after faculty interests? No one.

Professor Joe Dennin, chair of the Faculty Salary Committee, said that the first time the FSC learned of this proposal, the FSC was told, in no uncertain terms, that the proposal to increase co-pays was going to an Executive Committee of the Board of Trustees in 6 days. The FSC was given no facts or data to discuss.

Professor Marcie Patton spoke in favor of the motion. One of the main reasons she came to Fairfield is because she was told there was a culture here based on shared governance and collegiality. When she was first here, she witnessed this culture where there was give-and-take between faculty and administration, and problems were shared in the hope of finding creative solutions. Of course, disputes occurred; but there was no doubt that shared governance was taking place. She speaks from experience having served on the Faculty Salary Committee for two years and having chaired her department for several years. Over the last 5-6 years, there has been an undeniable erosion of any kind of goodwill or collegiality between faculty and administration. Prof. Patton feels unhappy here now; the dissension is unpleasant. The real issue in front of us now is an issue of process and erosion of process. She agrees with Prof. Greenberg in wondering where will it end?

Professor Mariann Regan spoke in favor of the motion and in favor of full and open communication. The unilateral and sudden decision to increase co-pays is based on two false assumptions.

False assumption #1: This must be done right now.

Medical costs have been going up for years and years. Why must this be done right now? There is no rush and, in fact, this should have been presented to the FSC for discussion and input months and months ago. To trump this up now as a crisis is a deception.

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False assumption #2: The AVP just couldn't get the FSC to talk about health care costs. The FSC has been crystal clear on this to us. The FSC has been willing and open to discuss anything with the administration. The administration only complains that health care costs are high, but has never put the item on the joint agenda, much less put forth any kind of a proposal.

Prof. M. Regan hopes this current issue can be ironed out with good leadership. To her, good leadership means that you care. You care about your faculty. The current treatment has provoked us and insulted us. We deserve to be talked to like humans.

Professor George Lang spoke in favor of the motion. He agrees with and won't repeat comments from the previous speakers who have so eloquently pointed out the importance of process. He will speak to another perspective: it's about money. It's about faculty losing money. Cutting benefits, even if all the money goes into salary, is a bad deal for us. Faculty are better off financially with this money staying in benefits. Prof. Lang doesn't want additional merit money if it comes at the expense of our colleagues and their families' health care costs. Yes, process is very, very serious, but it's also about real money.

Professor Vera Cherepinsky spoke in favor of the motion. She is a new faculty member this year. Last year she had two offers on the table - she chose Fairfield over Fordham because our attractive benefit package tipped the scale. Prof. Cherepinsky has type I diabetes, which requires regular visits to a physician and maintenance medications; under the proposal her out-of-pocket expenses will increase significantly. She is disturbed at the disregard of the FSC but she is in favor of the motion from a financial point of view.

Professor Beth Boquet, a member of the FSC, rose to speak in favor of the motion. She agrees with the important arguments about process and will not repeat them. She asked the faculty to imagine how this could have unfolded in a good way. We could have brought in a consultant to help. We'd look at our members and the data for our members and ask how do we need to adjust the benefits. We would have considered Prof. Cherepinsky's situation. We would have looked at the current cap of \$1000 on prescriptions. Basically, we should have had some kind of systematic review - instead of what we got which is just "here's what's going to change". When the FSC first heard of the proposal, they asked questions like: How much money does the average faculty member spend on office visit co-pays? How much money does the average faculty member spend on prescription drugs? How many office visits does the sickest faculty member make? How much money does the sickest faculty member spend on prescription drugs? No data and/or answers were provided.

Professor John Orman asked for a point of information: Was any of the information suggested by Prof. Boquet made available to the Budget Committee? What kind of data was provided to the Budget Committee concerning our actual medical costs?

Prof. Zera asked if anyone in the room was able to answer Prof. Orman's question. No one volunteered.

Professor Kathy Nantz (second by Professor Mark McGregor, S.J.) made a

MOTION. To call the question.

The **MOTION** to call the question **PASSED** by the required 2/3 vote: 47 in favor and 9 opposed.

Prof. Zera called for a vote on the main motion.

MOTION. The General Faculty rejects raising co-pays for the purpose of funding additional merit.

MAIN MOTION PASSED: 112 IN FAVOR, 1 OPPOSED, AND 5 ABSTAINING. (112-1-5)

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Prof. Zera called on Prof. Dennin to continue with the current agenda item, Report from the Faculty Salary Committee.

Prof. Dennin said that this current situation with increased co-pays, as well as the administration's behavior toward the FSC in the recent past indicates to him that the administration's long-term goal is to (1) marginalize the FSC so that (2) each individual salary is determined by the dean and the AVP.

Referring to the memo sent by email from AVP Grossman to the General Faculty on 3/1/2005, Prof. Dennin insisted on correcting some of the AVP's statements. Specifically, Prof. Dennin read from the 3/1/2005 AVP memo, "For at least three years, the administration has attempted to discuss the sharp rises in medical costs with the faculty salary committee." Prof. Dennin said this is not true. The administration has complained that health care costs are high in other contexts and vented about the issue. The FSC is in agreement that it is a problem, but the administration has never put any kind of specific proposal on the table. The administration identifies high health care costs as a problem so it is up to them to formally put the issue on the table so that together we can understand the specific details of the problem and begin the process of suggesting solutions.

The AVP writes in the 3/1/2005 memo, "We have presented evidence..." While it is true that the FSC gets a lot of data each year from Phyllis Fitzpatrick and the data, once you wade through it, is for the most part interesting and useful, the administration has not put health care costs on the table, has not put health care costs on the joint agenda, and has not discussed health care costs with the FSC. Most of the data we receive is data that the administration is contractually obliged to share with us and, far from being presented in any formal way; the attitude is "Here is the data. Do with it what you want."

Given the enormous dissatisfaction with merit decisions last year and the fact that it took the administration three tries to get us a correct contract, you would think that the administration would have had some substantive items for the agenda this year, but they only had one item for the agenda: preserving confidentiality of individual salary data.

Back to the 3/1/2005 AVP memo, "We are falling behind in salary as we remain steady in compensation." There are other approaches to this perceived imbalance, besides cutting benefits – we could raise salary. Had the FSC been involved, we would have pointed out that the faculty are happy with this imbalance in regard to salary and benefits even if we are out of sync with the rest of the world.

More specifically, the data says that at Fairfield, benefits equal 33.2% of salary while the average of peer institutions is 27.6%. Faculty here prefer money in benefits to salary. Of course, we would prefer money in both salary and benefits, but if we have to make a choice, we prefer benefits.

The AVP's memo of 3/1/2005 to the entire faculty has data on medical premiums paid by the University. The FSC never saw these numbers. They were not brought to or discussed at the joint meetings. Furthermore, when the FSC asked the administration for information regarding the number of visits to a doctor made by the average faculty member, the administration didn't have the data. They didn't say, "We won't tell you", they said, "We don't know".

In his memo of 3/1/2005, the AVP refers to the increased co-pays as a "prudent" reaction to rising health care costs. The FSC does not believe this decision can be anything remotely resembling "prudent" when the administration doesn't know what the faculty are spending on health care costs. To make these decisions in a thoughtful way, we need information. Dean Snyder suggests a thoughtful discussion, but the FSC got the proposal for increased co-pays with 6 days for

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discussion, with no data (and, being full-time faculty members, with other duties). Under the current circumstances, rational discussion seems unlikely.

Most disturbing to Prof. Dennin is the tone of the AVP's 3/1/2005 memo in which it is implied that the FSC is not doing their job. Prof. Dennin stated most emphatically that in his nearly 30 years at the University, with the possible exception of the Rank and Tenure Committee, the FSC is far and away the most responsible committee he has ever worked on. The current FSC, as well as colleagues from the last couple of years, Don Greenberg, Matt Kubasik and Irene Mulvey, are doing nothing less than an extraordinary job. The FSC is always open and willing to discuss anything at anytime. Bring us a proposal to discuss.

Prof. Dennin concluded by reminding the faculty that the AVP said in his remarks at the first faculty meeting this year that the faculty are the heart and soul of the University and that no one can take that away from you. That may be true, but realize that they can take your money away from you.

Prof Zera opened the floor for questions and comments. Professor Rick DeWitt went back to the very serious issue of contract violation. Co-pays are specifically given in the Benefits Plan Overview booklet, which is a part of our contract. Unilaterally increasing co-pays appears to be a contract violation. Prof. Rick DeWitt made the following motion, seconded by Prof. John Orman.

MOTION. The General Faculty directs the Faculty Salary Committee to inform the administration that unilaterally increasing co-pays is a violation of the current Memo of Understanding and current contracts. The General Faculty directs the Faculty Welfare Committee to consult legal counsel on the matter.

Professor Betsy Gardner proclaimed herself an optimist and wondered if it was time to spend FWC dues on an attorney.

Professor Alan Katz spoke in favor of the motion, saying that hiring a lawyer is our only option.

Professor Kathy Nantz spoke in favor of the motion. We do have a three-part contract, which may be unusual, but the administration doesn't seem to know what any of the documents say. We went through a situation last summer when we were sent three different contracts before the administration got them right. The problem then is the same as it is now in that the current administration doesn't know what our documents say. Prof. Nantz expressed intense frustration and incomprehension as to the fact that the faculty have to keep telling the administration what is in our documents.

With regard to the second part of the motion, Prof. Nantz spoke as a member of the team who met with the attorney last summer on the contract impasse. The attorney was very helpful and provided very good input. He will be our attorney and he will have our best interests in mind.

Professor Bob Epstein acknowledged that the cashews and cheese at FWC socials are nice, but that hiring a lawyer is a much better use of our FWC funds. Like most faculty members, he wants to simply receive his contract and sign it. If we were accustomed to having our legal rights respected by this administration, perhaps it would not be necessary to hire a lawyer. But, last summer and right now, we are seeing a diminution of contractual benefits. We have a legal problem; we need a lawyer.

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Professor Kevin Cassidy, a member of the FSC, told the faculty that this is not an issue of misunderstanding. It is an issue of empowerment. The FSC is empowered, to a certain extent, by the General Faculty. But, given the current difficulties, which appear to be leading to a violation of our current contract, we need a lawyer. A vote for the motion is a vote to empower the FSC.

Professor Beth Boquet, a member of the FSC, spoke in favor of the motion. The question is what do we do now? What course of action should we take? Prof. Boquet, speaking as another member of the team that met with the attorney last summer, recalled what her months of June and July were like last year. There were meetings with the FSC, a summer meeting for the Academic Council and many meetings and calls with the attorney. She does not want her summer to be like that again. We need to get to the attorney now so that we are able to come to the General Faculty at the end of the year with information, advice and a course of action.

Professor Phil Lane, seconded by Professor Vin Rosivach made a

MOTION to call the question.

The **MOTION to call the question PASSED OVERWHELMINGLY.**

MOTION. The General Faculty directs the Faculty Salary Committee to inform the administration that unilaterally increasing co-pays is a violation of the current Memo of Understanding and current contracts. The General Faculty directs the Faculty Welfare Committee to consult legal counsel on the matter.

The **MAIN MOTION PASSED** with 98 in favor, none opposed, and 5 abstaining. (98-0-5)

Professor Cecelia Bucki asked for a point of personal privilege to circulate a petition from the Fairfield University Network for Social Justice, an organization of students and faculty. Prof. Bucki was granted the floor and invited faculty to sign the petition which read, "We the undersigned faculty of Fairfield University, join the Sodexo workers in solidarity to push for a fair and responsible agreement for the upcoming workers contract negotiations starting on February 9, 2005. We believe that these renegotiations should exhibit social responsibility and justice, pillars of the founding beliefs of Fairfield University and Jesuit ideals. We believe that this contract should include the following:

- Maintaining free health insurance (no co-pay) for all Sodexo workers;
- Improving the protection of workers from the effects of cut hours;
- Ensuring a living wage, defined as a new minimum wage, higher than the federal minimum wage, aimed at providing workers with a level of compensation that allows them to meet their basic needs on a 40-hour work week, for all employees."

Professor Marcie Patton, seconded by Prof. Don Greenberg made a

MOTION for the meeting to recess.

This **MOTION to recess PASSED** overwhelmingly.

The meeting of the General Faculty is recessed until reconvened at the call of the Secretary of the General Faculty.

Respectfully submitted,
Irene Mulvey
Secretary of the General Faculty

[These minutes were approved by the General Faculty on April 8, 2005.]