

**ACADEMIC COUNCIL**  
**AGENDA**  
**Monday, December 7, 2009**  
**CNS 200**  
**3:30 – 5:00 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 11/2/09 (attachment)
  - b. Correspondence
    - i. Email from UCC dated 11/16/09 (attachment)
  - c. Oral Reports
4. Council Committee Reports
  - a. IDEA subcommittee
  - b. Subcommittee on faculty representatives to Board of Trustees committees
  - c. Subcommittee on academic calendar and final exam schedule
  - d. Subcommittee on grade changes
  - e. Subcommittee on folding University Council into Student Life Committee
5. Petitions for immediate hearing.
6. Old Business
  - a. Conducting Council business (attachment)
7. New business
  - a. Issues involving the *Mirror* (attachments)
  - b. Report from Committee on Conference on meeting with Board of Trustees
  - c. Journal of Record language regarding minors (attachment)
8. Adjournment

**Attachments (Pending items are on page 2)**

- Item 3.a. Minutes of meeting of 11/2/09 (pages 3-12)
- Item 3.b.i Email from UCC dated 11/16/09 (pages 13-14)
- Item 6.a. Memo dated 10/26/09 from ACEC & GFS to AC members (pages 15-16)
- Item 7.a. Memo from Jim Simon to AC dated 11/30/09 (pages 17-19)
- Memo from Tom Pellegrino dated 11/5/09 (page 20)
- Memo from VPs for Academic and Student Affairs dated 11/5/09 (pages 21-22)
- Memo from Jim Simon to SVP Paul Fitzgerald dated 11/11/09 (page 23)
- English Department draft minutes of meeting of 11/20/09 (pages 24-25)
- Briefing paper distributed at English Department meeting (pages 26-27)
- University Harassment policy (pages 28-30)
- AAUP Statement on Freedom of Expression and Campus Speech Codes (pages 31-32)
- Item 7.c. Memo dated 11/27/09 from ACEC to AC members (pages 33-35)

## Pending Items

- A. Recommendations in report in Spring 2002 from Faculty Athletics 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 University's 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. Distance learning issues. (*See item 7 of AC minutes of 5/5/03.*)
- D. Report from the Educational Technologies Committee on security, long-term feasibility, potential for integration, ownership, accessibility, etc. of servers containing faculty data. (*See AC minutes of 2/5/2007; AC 4/2/07 3b; AC 12/3/2007 7b.*)
- E. Faculty Data Committee (*AC 12/3/07*).
- F. Subcommittee (Nantz, Mulvey) to consider ways of ensuring that faculty policy is correctly stated in official documents. (*See AC minutes 10/1/2007*).
- G. Issues related to parking on campus; faculty on University parking study (*AC 2/5/07 7c; AC 3/5/07 6a; AC 4/2/07 6a; AC 9/10/07 3bi; AC 10/1/07 6c; AC 2/4/08 3bi.*)
- H. Subcommittee on sunseting of courses (*AC 4/28/08*)
- I. MFA in Creative Writing, Five-Year-Review due in 12/2012 (*AC 12/3/07*).

## Ongoing Items

- 1. Report by SVP 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. Report from the Committee on Conference with the Board of Trustees after each meeting with board members. At the end of each academic year, discuss items for the Conference Committee to put on the agenda for their meetings with members of the board the following year.

Academic Council DRAFT minutes of November 2, 2009.

Present: Professor Peter Bayers; Steve Bayne; Chris Bernhardt; Jocelyn Boryczka; Joe Dennin; Rick DeWitt (AC Executive Secretary); Doug Lyon; Dawn Massey; Irene Mulvey (General Faculty Secretary); Rona Preli (AC Chair); Susan Rakowitz; Tracey Robert; Joyce Shea; Debra Strauss; Michael Tucker; Min Xu;

Administrators: Deans Robbin Crabtree; Susan Franzosa, Norm Solomon; SVPAA Paul Fitzgerald;

Guest: Alison MacNeill (student)

Regrets: Professors Betsy Bowen; Johanna Garvey; Deans Jeanne Novotny; Edna Wilson

### 1. Presidential Courtesy

SVPAAG Fitzgerald commented on enrollments for 2010/11, explaining the University is running ahead of typical numbers. So far, Fairfield has recruited 50 more students than it typically does because of early action. Fitzgerald noted also that so far, the University has admitted four transfer students for spring semester, and that these admissions are “rolling”. This year, freshman are being admitted mid-year. He noted that at the Graduate level enrollment is very good. It is the same or higher for various graduate programs for incoming students this spring. This past week, there were 600 applications for Fairfield Graduate programs.

SVPAAG Fitzgerald also remarked that he was happy about the recent GFM and the outcome of that meeting. He thought that the vote reflected a great effort of collaboration between the FSC and SVP Weitzer and the President Von Arx. Fitzgerald felt the process reflected shared governance and collegiality and that all involved should be proud. Fitzgerald reflected that he hopes governance motions at the next GFM will also reflect what he sees as shared governance and collegiality. Finally, SVPAAG connected the Jesuit tradition of consolation to the process, that the University--the project to which all employees of the University dedicate their professional lives--will become a community of mutual respect. He remains grateful and very hopeful for the future. SVPAAG Fitzgerald also discussed his desire to create opportunities to bring Trustees and faculty together to facilitate collegiality in order to facilitate getting to know one another again. Fitzgerald noted that he sees a certain amount of healing is needed, even among the faculty. We can disagree intellectually, but still remain respectful.

### Comments

In response to the SVPAAG, Prof. Massey suggested that in regard to Trustees and Faculty that perhaps SVPAAG can create opportunities to have Trustees shadow faculty in their “daily” existence. SVPAAG Fitzgerald explained that a possible model might also be to invite Trustees to sit in on professor’s classes, to watch interaction between faculty and students.

Professor Tucker inquired about acceptance rates. Prof. Tucker asked if they are based on financial need, or are acceptance rates, “blind.” SVPAA Fitzgerald responded that Fairfield is competing with other institutions, and students are graded 1 through 7. When Admissions get to students who are ranked as “5s,” those students might be admitted, but Fairfield runs out of financial aid before Admissions gets to possible candidates ranked in the “5s.” Fairfield admits them, but in essence, tells them they can’t attend Fairfield because Fairfield cannot offer financial aid. This raises a philosophical question: Is it fair to a candidate to tell them that they are admitted, but Fairfield cannot offer financial aid? Or, is it fairer to simply not admit the student, as SVPAA Fitzgerald believes. SVPAA Fitzgerald said that Fairfield will be needs sensitive this year, but this scenario has to be kept mind in the future in regard to admissions practices.

## 2. Report from the Secretary of the General Faculty

Prof. Mulvey had nothing to report, but took the opportunity, following VP Fitzgerald’s comments to comment on the last GFM. Professor Mulvey pointed out that, before the meeting, she gave a speech saying that, for her, a “successful resolution” of the matters would not depend on the outcome of the votes. As GFS, she would consider the matters to be successfully resolved if there were a robust discussion and debate followed by the faculty making an informed decision by faculty vote. Professor Mulvey felt faculty fell short on this. Prof. Mulvey pointed out that there were very few specific arguments in favor of the proposals and essentially no arguments against the proposals. She felt that many faculty did not understand what they were voting on and that the motion to call the question was inappropriately early. An underlying principle of Robert’s Rules is that the minority is heard and the majority decides, but the minority positions were not allowed to be voiced at our meeting. Prof. Mulvey felt that discussion was inappropriately cut short, and as a result, Prof. Mulvey felt disappointed as the faculty secretary. Professor Mulvey remarked that she did not know what she could have done to facilitate more debate and discussion at the GFM. That being said, Prof. Mulvey remarked that an “upbeat” way to view the meeting is that faculty now have this vote/decision behind us, and that she, like all faculty, in the end will abide by the vote/decision. Given what was discussed in meetings with administrators before the GF meeting, she is not at all convinced that the administration would willingly abide by the vote/decision had it gone the other way.

## 3. Report from the Executive Secretary

Prof. DeWitt noted that the 5/4/2009 minutes were not approved earlier, but the extraordinary circumstances of faculty business this past spring apparently led to some items falling between the cracks. The draft minutes had been circulated to all members of the faculty last May.

- a.
  - i. Approval of the minutes of May 4, 2009 (attached).

**MOTION [Dennin/Massey]. To approve minutes as amended.**  
**MOTION PASSED: 8 in favor, 0 opposed, 6 abstentions**

Academic Council Minutes Corrections (changes in ***bold, italic***)

5/4/09 Minutes

1. p. 6 of packet, paragraph under “Discussion” should read: “Prof. Massey asks why, if the salary committee is now to be empowered, there is no indication of a negotiation and notes that this word does not appear. ***She also notes that the text has no indication that the salary committee can recommend changes to the Administration on behalf of the General Faculty.***”
  2. p. 7 of packet, 2<sup>nd</sup> paragraph under “Discussion”, last line needs removal of extra “s” in “Massey”
  3. p. 11 of packet, paragraph just above “b. Interim report...” – The word “be” should be stricken in the second sentence as follows: “With regard to the proposed Handbook changes, should the full board be the committee that is ~~be~~ addressed...”
- ii. Approval of minutes of September 21, 2009 (attached).

**MOTION [Massey/Robert] to approve minutes as amended.**  
**MOTION PASSED: 14 in favor, 0 opposed, 0 abstentions.**

Academic Council Minutes Corrections (changes in ***bold, italic***)

9/21/09 Minutes

1. p. 21 of packet, 2<sup>nd</sup> to last paragraph, 3<sup>rd</sup> line verbs need to agree (singular to plural): “...BPO is poor, that there ~~is~~ ***are*** no teeth to the BPO, and that, since there ~~has~~ ***have*** been no changes to the....”
  2. p. 23 of packet, 4<sup>th</sup> paragraph that begins with “Prof. DeWitt spoke....” – needs a period (.) at the end of the paragraph.
  3. p. 25 of packet, 4<sup>th</sup> paragraph, 2<sup>nd</sup> sentence, needs addition of the word “a” as follows: “Wants the BOT reminded that, as academicians, we take ***a*** reasoned, rational....”
  4. p. 21 of packet, bottom line. “Lyons” should be replaced with “Lyon.”
- iii. Approval of minutes of October 5, 2009 (attached).

**MOTION. [Boryczka/Bernhardt] to approve minutes as amended.**  
**MOTION PASSED: 14 in favor, 0 opposed, 0 abstentions.**

Academic Council Minutes Corrections (changes in ***bold, italic***)

10/5/09 Minutes

1. p. 27 of packet, last paragraph, 3<sup>rd</sup> line needs addition of the word, “there” as follows: “...good collaboration but ***there*** could be better collaboration....”
2. p. 32 of packet, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line needs removal of the editing mark as follows: “...Academic Council and faculty could still vote....”
3. P. 33 of packet, in the paragraph before the motion, edit as follows: Prof. Rakowitz answered that the administration originally wanted six deans and the

SVPAAs to have voting privileges. In the spring, they brought forward the proposal of two deans *and the GFS* and the SVPAAs, so a net of two administrative votes. *Now, it's the SVPAAs and the GFS.*

4. p. 33 of packet, in line three "faculty" should be replaced with "*administration.*"
  5. p. 36 of packet, fifth paragraph, before the phrase "On the other," it should read, "*a member of the ACSG spoke with the outgoing chair of the Public Lectures and Events committee who said the VP for Marketing had been attending their meetings for a year and they found her contributions productive.*" This replaces the text, "found very productive."
- iv. Approval of minutes of October 13, 2009 (attached).

**MOTION.** [Strauss/Lyon] to approve minutes as amended.  
**MOTION PASSED:** 13 in favor, 0 opposed, 1 abstention.

Academic Council Minutes Corrections (changes in *bold, italic*)

10/13/09 Minutes

1. P. 38 of packet, five lines from the bottom, insert word. The sentence that begins, "Together" should read, "Together we *should* operate . . .".
2. p. 39 of packet, seventh line from the bottom needs for the words "The President" to be spelled out as follows: "...the AC will support the SCSG's recommendation. *The President* wants AC support...."
3. p. 40 of packet tenth line from bottom. "Santa Clara" should be changed to "*Loyola Marymount.*"
4. p. 41 of packet, line immediately above the bolded Motion (by DeWitt/Massey) needs for the first word of Massey's question to be capitalized as follows: "*Do* we compose committees when we create them?"
5. p. 41 of packet, where Prof. Rakowitz speaks against the motion, tenth line from the bottom, the text should be replaced with the following: "*I speak against the amendment. The subcommittee should include representatives from the Committee on Conference, but it should also include people from the other committees who have been meeting with the Board for their perspective and an administrator for a sense of the Board's perspective.*"
6. p. 43 of packet, last sentence before bolded Motion (by Robert/Shea) should change the word from "effected" to "affected" as follows: "The classification won't be *affected* by this program."
7. P. 43 of packet, in the fourth and ninth lines, DPN needs to be changed to "*DNP*".

b. Correspondence

No action item on correspondence, and no action called for on these.

c. Oral Reports

None

5: Council Committee Report

- a. IDEA subcommittee  
Prof. DeWitt noted an Oct. 21<sup>st</sup> meeting by this committee with Bill Abbott being elected chair. Committee still needs two members, one of whom would be an AC member. A call was sent out to AC members. Prof. DeWitt noted that the Executive Committee hoped these members will finish out this year. Please let Prof. DeWitt know if you're willing to serve.
- b. Subcommittee on faculty representatives to the Board of Trustees committees  
Professor DeWitt noted that the EC put out a call for volunteers. SVPAA Fitzgerald said he's also willing to serve. Committee will be composed of two members from the Committee on Conference with the Board of Trustees, 2 Academic Council Members, and the SVPAA.

6. Petitions for immediate hearing  
none

7. Old Business

- a. The AC EC, as directed by the AC, sent out request for consideration and input regarding the proposed governance amendment to Public Lectures and Events Committee (pages 60-62 of the packet). The PL&E Committee's considered response in on pages 62-64 of the packet. The proposed motion for AC is on pg. 64 of AC packet for Nov. 2.

Questions

Prof. Massey asked as to why no voting rights on this particular committee vs. others where there is vote for *ex officio*? Prof. DeWitt noted that the original recommendation by the governance subcommittee was non-voting. In going through this material, Prof. DeWitt looked into voting/non-voting privileges in the Handbook. Prof. Rakowitz noted that the sub-committee suggested that the *ex officio* would be a non-voting member. If the faculty want to be more consistent, we need to straighten all the text of handbook at once. SVPAA Fitzgerald pointed out that in most cases *ex officio* members are voting members, and he feels that this should be the case. Nonetheless, he respects PL&E's decision for a non-voting member. Would like to see it standardized to voting voice.

**MOTION. [Tucker/Bernhardt]:** The Academic Council recommends the General Faculty approve the following amendment to the *Faculty Handbook*: At I.C.b.9, first paragraph, added language proposed for amendment; excised language in 'strikeout': Four members elected from the faculty with three year overlapping terms, and two students elected by the Student Legislature. **The Vice-President for Marketing and Communications and the Director of the Quick Center for the Arts shall be non voting *ex officio*-a members.**

**MOTION PASSED: 13 in favor, 0 opposed, 1 abstention.**

- b. Recommendation 6 from ASCG report of September 21, 2009

The AC EC, as directed by the AC, sent out request for consideration and input regarding the proposed governance amendment to Student Life Committee (pages 66-67 of the packet). The Student Life Committee's response, in which they asked for clarification, is on pages 68 of the packet. The proposed motion for AC is on pg. 68 of AC packet for Nov. 2.

### Discussion

Prof. DeWitt noted bulleted items on p. 68 of the AC packet, and noted that the Student Life Committee is unusual. It is the one committee that does not deal with academic matters. The Student Life Committee is a *Handbook* committee and so falls under the purview of the Academic Council and the General Faculty; the University Council is not a *Handbook* committee and does not fall under purview of AC; Prof. DeWitt suggested that this is what Student Life Committee is puzzled by. Student Life is unclear what to make of the recommendation. University Council would like the AC to explain what it had in mind. Professor Dennin argued that that's why a sub-committee is being formed, to clarify these questions about the Student Life Committee. Prof. Rakowitz felt the Handbook is unclear on the Student Life Committee. Noted that perhaps the GF should take the work of the University Council, and potentially fold that into a Handbook committee. Prof. Mulvey noted that the rationale for the motion was "long-standing" problems with Student Life Committee, but had not heard of any and is not aware of any. Prof. Mulvey argued that the J of R offers elaborate description of the University Council that clarifies its role. Prof. Rakowitz said sub-committee only looked at the Handbook and to them, it is unclear. Prof. Mulvey argued that the Committee on Committees is also addressing this and possible discrepancies between length of terms and service requirements for the Student Life Committee. Might be sensible to let this drop given the fact that any possible issues are already being address by the C on C. Prof. Lyon wanted to know long term concerns. Prof. Rakowitz again pointed out that to the sub-committee on governance, the Handbook is not clear in distinguishing UC and Student Life, and that the Student Life Committee acknowledges this. Prof. Mulvey again argued that these questions are answered in J of R, which the AC Subcommittee on Governance did not consult.

**MOTION. [Rakowitz/Boryczka]: That the AC establish a subcommittee consisting of two faculty with experience serving on the Student Life Committee and University Council, a student representative from University Council, and Tom Pelligrino, Dean of Students, to consider the value in folding the work of the University Council into the Student Life Committee.**

### Discussion

Prof. DeWitt argued against the motion, arguing that folding the UC into Student Life committee would be folding a student life committee "into" a Handbook committee, and that the this committee (UC) is outside the purview of faculty duties, which are academic. Prof. DeWitt objected to this. Prof. Dennin spoke for the motion, and felt that the subcommittee would address Rick's concern, and argued that a subcommittee could provide clarity between J of R and Handbook. Prof. Mulvey asked for point of



information regarding the motion: Where's the motion? Prof. Rakowitz pointed to p. 68 of AC handout with additions clarified. SVPAA Fitzgerald did not understand academic vs. non-academic concerns. Prof. DeWitt pointed out that the Handbook is clear that the purview of the faculty is academic matters. Since the University Council deals with non academic issues, their work is outside the purview of the faculty. The SVPAA remained confused. Prof. DeWitt then tried to clarify regarding University Council, which he felt that under the current proposal, would take that non-academic body and fold it "into" the academic body of a Handbook committee. Prof. Mulvey spoke against the motion, arguing that the Committee on Committees is working on this; thus, the AC would be duplicating this work if it forms a sub-committee. Prof. Mulvey felt that perhaps the AC can consider this motion after the Committee on the Committees makes its recommendation. Prof. DeWitt again tried to clarify his point, saying that Handbook delegates to appropriate divisions, delegating academic matters to the faculty... What he's saying is that a Handbook committee is under the purview of faculty. The University Council should not be under the purview of the faculty. Hence, "folding" UC into a Handbook committee is inappropriate. Thinks according to the goals of the sub-committee, the GF would fold UC into the Handbook and thus under faculty purview, and that a non-academic matter should not be under the purview of faculty. Prof. Lyon spoke against the motion. He pointed out that he was on Student Life, and said it was not confusing when he was on the committee. Felt that we might not need a sub-committee. Prof. Boryczka spoke in favor of motion, arguing that the questions posed made a connection between living and learning and how academic and non-academic boundaries are changing under strategic plan.

**MOTION PASSED: 11 in favor, 2 opposed, 1 abstention.**

c. Recommendation 7 from ACSG report of 9/21/09

The AC EC, as directed by the AC, sent out request for consideration and input regarding the proposed governance amendment to the Faculty Salary Committee, the EPC, and the faculty representatives to the Budget Committee (pages 69-72 of the packet). The FSC's response is on page 73. Faculty representatives to the Budget Committee did not respond to the request. EPC has not yet met since the request was made.

**MOTION. [Rakowitz/Tracy]: The Academic Council requests that the President of the University add the chairpersons of the Salary Committee and the Educational Planning Committee, or their designees from their respective committees, to the membership of the University Budget Committee.**

Discussion

Prof. Dennin spoke in favor of motion, and felt this motion would be particularly useful for the Salary Committee. Felt EPC would be appropriate to add to Budget Committee given its responsibilities regarding resources. Prof. Bayne asked for a change in the wording to clarify that designees would be from the respective committees, and this

change to the motion was accepted without objection. Prof. Mulvey was unclear as to whether or not these appointments are an ongoing situation, or just for this year.

**MOTION PASSED: 14 in favor, 0 opposed, 0 abstentions.**

- d. Elected faculty to Honorary Degree Committee.

The AC is charged in *Handbook* to consider and advise on the granting of honorary degrees and the way we carry out this mandate, per the J of R is to elect three faculty representatives to the Honorary Degree committee. Put out call, and received 3 volunteers for 3 slots. The AC EC suggested a vote by email, and an AC member felt we needed more representatives. Another call was put out and we now have nine volunteers. The AC then voted by ballot to choose 3 faculty members from 9 candidates. Elected were Professors Joan van Hise, Phil Lane, and Angela Harkins.

7. New Business:

- a. Proposed Handbook amendment re charge for Faculty Salary committee.

Information is on page 74 of the packet.

**Discussion**

The Chair explained that the AC (and the GF) already voted to approve this last spring. Board of Trustees did not approve the change, so AC is now returning to this proposal. Prof. Rakowitz pointed out that p. 74 of AC handout clarifies what the FSC already does, and makes the FSC role consistent. Prof. Massey asked if there was any reason this particular item could not be revisited to make it stronger? Felt that the change does not go far enough, and might use language such as “negotiation”. Prof. Dennin felt that, informally, the administration does use “negotiation.” If this word were formally used in a change to the FSC responsibilities, there would be objections by the Board of Trustees. Prof. Dennin remarked that he would like to see this get done, and agrees with Prof. Massey’s point that things can be stronger, but that the spirit of “negotiation is what is accomplished in faculty/administration discussions. He remarked that the current language is supported by administration and a new version might be rejected. Prof. Massey asked if there has been any conversation this year about this proposal. Prof. Dennin responded no, all conversations were last year.

**MOTION [Rakowitz/Tucker]: That the AC recommend to the GF that it approve the following proposed text to replace the language of the *Faculty Handbook* regarding the purpose and duties of the Salary Committee in section I.C.b.13.**

**General Purpose**

**To engage annually in collegial discussions regarding faculty salary and benefits with an administrative team appointed by the President.**

**Specific Duties**

- i. to start collegial discussions with the administrative team by October 1 of each year with the shared goal of reaching agreement on a Memo of Understanding to present to the General Faculty for approval.**
- ii. to review the Benefits Plan Overview for Full-Time Faculty, recommending changes to the General Faculty as appropriate.**
- iii. to review the text of the annual contract letter before it is sent to faculty.**

#### Discussion

Prof. Massey proposed an amendment to the proposal.

**MOTION to amend. [Massey/Lyon] In i., replace “collegial discussions” with “negotiations”. In ii., insert “and the administration” between “General Faculty” and “as appropriate” to read, “recommending changes to the General Faculty and the administration as appropriate.”**

Prof. Rakowitz spoke against the amendment, arguing that the current language that uses “collegial discussions” in section i. accomplishes the same goal. Prof. Massey spoke in favor of amendment, and felt it extremely important to put bi-directional nature of discourse in the proposal. Prof. Mulvey thought that if motion gets voted down, the AC should still favor the change in section ii. Prof. Rakowitz argued that the AC and GF would have no sense that the administration would approve the suggested amendments. Prof. Massey argued that just because administration would not approve the amendment does not mean the faculty should not say what it thinks is right. Prof. Dennin spoke against the motion, arguing that the amendment puts the faculty behind schedule and that this is detrimental to the faculty. Prof. Lyon spoke in favor of motion, arguing that the faculty can still send a message about its desires, and the Board of Trustees can, if it wants, reject the amendment and return the document to us. SVPAA Fitzgerald spoke against the motion, arguing that the current process works, and the language of the original motion captures this. Dean Franzosa argued that “negotiation” as wording might capture the intent of the original motion, but this word may have legal connotations, and cautions the AC on this. Prof. Dennin argued that in point of reality, the faculty do negotiate, so the original wording is not an issue. Dean Solomon spoke against motion, arguing that the FSC does not negotiate. He argued that “negotiation” assumes both sides are equal in terms of give and take, but this is not the case, for the Board of Trustees has the final say. To put ‘negotiation’ in the motion would be a misnomer. Dean Crabtree argued that this document has been negotiated as is, and that the AC should stick with the original motion and move it forward.

**MOTION to amend FAILED: 2 in favor, 9 opposed, 1 abstention.**

**MOTION to amend. [Massey/Lyon] In ii., insert “and the administration” between “General Faculty” and “as appropriate” to read, “recommending changes to the General Faculty and the administration as appropriate.”**

**A MOTION to CALL THE QUESTION [Tucker/second] on the motion to amend was made immediately and PASSED by the required 2/3 vote; 9 in favor, 3 opposed, 0 abstentions.**

**MOTION to amend FAILED:: 3 in favor, 7 opposed, 1 abstention.**

**MAIN MOTION PASSED. 10 in favor, 1 opposed, 0 abstentions.**

Announcement by GFS

The AC needs a subcommittee on Item 7.d: Form a subcommittee to clarify policy on grade changing, and needs a subcommittee on Item 7.e: Form a subcommittee to work on academic calendar and final exam schedule. Prof. Mulvey suggested the EC will put out a call for volunteers and form the committees, and draft charges, on behalf of the AC, and this was accepted without objection.

**MOTION to adjourn [Robert/Tucker]**  
**MOTION PASSED UNANIMOUSLY.**

Meeting Recessed at 5:00 p.m.  
Respectfully submitted,  
Peter L. Bayers  
Recording Secretary

**From:** Bhattacharya, Mousumi [MBhattac@fairfield.edu]

**Sent:** Monday, November 16, 2009 4:31 PM

**To:** Dewitt, Richard

**Cc:** Preli, Rona; Mulvey, Irene

**Subject:** RE: Academic Council motions for UCC

**Attachments:** UCCMinutes5-5-09.docx; TurboReportSept2009.docx; UCCMinutes9-15-09.doc; UCCMinutesNov3-2009.docx; UCCSubcommitteeReportonWDandInc.docx

Hi Rick,

These are the actions taken by the Undergraduate Curriculum Committee (UCC)

**Item 1: Policies on Withdrawals from Courses**

**MOTION [Strauss/Massey] The Academic Council directs the UCC to engage in discussions with the Deans (or their designees) and the AVP/SVPAA (or designee) regarding withdrawal policies, and have the UCC propose a set of policies regarding withdrawals from courses.**

On its meeting dated Sept 15, 2009 UCC formed a subcommittee consisting of Mousumi Bhattacharya, Shannon Harding, Eileen O'Shea to take up this charge. In addition a motion was approved unanimously **to add to its charge the consideration of curricular policy on the granting of Incompletes** (See Agenda item 5 in UCC Minutes9-15-09.doc attached). The subcommittee on Withdrawals and Incompletes have submitted its preliminary report to UCC on Nov 2, 2009 (See UCCSubcommitteeReportonWDandInc.Doc attached). After extensive discussion on Withdrawals only (Meeting adjourned before Incompletes could be discussed) the members of UCC have asked the committee to re-examine a few issues (see Agenda Item 4 in UCCMinutesNov3-2009.doc attached). The subcommittee is expected to report back in the Dec UCC meeting. I'll submit the report to Academic Council when it is approved by UCC.

**Item 2: Undergraduate Time Codes**

**MOTION. That the Academic Council request the Undergraduate Curriculum Committee to review the undergraduate time codes with regard to pedagogical and educational issues**

The UCC has discussed this extensively in several meetings in Spring 2009, has passed the following motion (See Agenda Item 4 in UCC Minutes for 5-5-09 .doc attached)

“That the UCC chair should request that Deans communicate with chairs, program leaders and other individuals charged with scheduling responsibility about the issue of turbos. Deans should seek out information as to how well the new scheme is working for individual programs, and what educational and pedagogical issues have arisen as a result of the new scheme. Chairs and others should also report back to their Deans on accommodations that have been reached between individual departments and the administration during the course of changing to the new system.

The report was submitted to UCC on September, 2009 by outgoing Chair Joan Weiss (see attached TurboReportSept2009.doc). After discussion UCC passed the following motion (See Agenda Item 4 in UCC Minutes9-15-09.doc attached)

“That the UCC submit the report of its subcommittee on the scheduling of turbo courses to the University Registrar and the Associate Academic Vice President, and invite them to discuss future plans and potential problems with the UCC.”

I have communicated this to the University Registrar and the Associate Academic Vice President and they have assured us that they would involve in future actions in this area.

Please let me know if you need anything else immediately.

Best,

Mousumi

Mousumi Bhattacharya, Ph.D.

# Memo

**To:** Academic Council members

**From:** Rona Preli (AC Chair), Rick DeWitt (AC Executive Secretary), Irene Mulvey (GF Secretary)

**Date:** 10/26/09

**Re:** Observations on conducting Academic Council business

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Recent correspondence has raised questions about the proper conduct of Academic Council business. The main goal of this memo is to clarify Fairfield's policies and procedures, as specified in our key governance documents (the *Faculty Handbook* and the *Journal of Record*), concerning the roles of the General Faculty, the Academic Council, and Handbook committees, as well the AC Executive Committee management of Academic Council business.

## *The General Faculty*

In keeping with widely recognized models of shared governance, our *Faculty Handbook* places primary responsibility for different aspects of University governance under the purview of different constituencies, depending on the expertise of those constituencies. Generally speaking, matters pertaining to the academic life of the university are the primary responsibility of the General Faculty.

## *The Academic Council*

The Academic Council is the executive arm of the General Faculty. As such, the Academic Council is the primary deliberative and decision making body for most matters of academic concern that fall within the purview of the faculty.

In practical terms this means that for issues that fall within the purview of the faculty, decisions of the Academic Council, subject to Administrative approval, are generally the final word on such matters.

## *Handbook Committees*

In order to best utilize resources, certain functions are delegated by the General Faculty, through the Academic Council, to various Handbook committees. One of the functions of the Academic Council is to facilitate the operation of the entire committee system, and to make decisions on the recommendations of the Handbook committees.

In practical terms, this means that generally speaking, Handbook committees deliberate on matters within their purview, and report their recommendations to the Academic Council. The function of the Academic Council is then to consider and deliberate on those recommendations, and reject, approve, or forward them to the appropriate body for implementation.

## *Executive Committee of the Academic Council*

The Chair of the Academic Council is responsible, among other items, for presiding over Academic Council meetings, and seeing that proper procedures are followed during meetings of the Council. The Executive Secretary is responsible, among other items, for overseeing committees of the Council, communicating the work of the Council to the appropriate bodies, and in general for implementing actions of the Council. The Chair and Executive Secretary together are responsible for establishing the agenda for Council meetings.

In practical terms, this means that before a Council meeting (usually a week or more before) the Chair and Executive Secretary gather relevant documents such as draft minutes of previous meetings, correspondence that has come to them since the last meeting, Council subcommittee reports, any materials relevant for agenda items remaining from previous meetings, materials relevant for new agenda items, and any other relevant materials. The materials are organized along with the Handbook-mandated agenda into a packet for the upcoming meeting, usually on the Monday before the next Council meeting. Usually the agenda and packet are finalized, proofread, and sent to the print shop sometime Tuesday or Wednesday morning, and distributed as soon as they are printed.

As another practical matter, the duties assigned by the Handbook to the Chair mean that the Chair is responsible for seeing that the Council conducts deliberations and arrives at decisions through proper procedures. Decisions usually come in the form of motions passed by the Council.

Once the Council has arrived at a decision, our Handbook places the responsibility for communicating this decision, and otherwise implementing the actions of the Council, with the Executive Secretary. This would include communicating motions involving the *Journal of Record* to the SVPAA for approval or rejection (the usual procedure for some years has been to include the Council minutes and any other relevant documentation), communicating a motion that needs to go to the General Faculty to the General Faculty Secretary (again usually along with the Council minutes and other relevant documents), communicating a motion relevant to a Handbook committee to that committee (once again usually with the minutes and other relevant documents), or any other action required to implement a decision of the Council.

### *Summary*

In the barest of outlines, our governance documents specify the Academic Council as the primary deliberative and decision making body for matters of academic concern. The primary responsibility of members of the Academic Council, as with any deliberative body, is to be informed on the issues, debate and deliberate the pros and cons of those issues, and through a vote of the membership arrive at an informed decision. The Academic Council Chair is responsible for seeing that such decisions are arrived at via proper procedures. And the Academic Council Executive Secretary is the conduit for communication between the Council and other persons and bodies, and is responsible for implementing the actions and decisions of the Council.



To: Rick DeWitt, Academic Council Executive Secretary

From: James Simon, chair, English Department

Date: November 30, 2009

Re: Request for AC agenda item or petition for immediate hearing

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I am writing to request a time sensitive issue be placed on the agenda of the next Academic Council meeting, and I would like the information below to be shared with the members of the Academic Council. If the agenda for the next AC meeting has already been set, I would like this considered as a petition for immediate hearing.

My request comes partly in response to a November 5 e-mail from Tom Pellegrino, Associate Vice President and Dean of Students, regarding his handling of students complaints filed against the Mirror for its publication of a recent "He Said" satirical column. Dean Pellegrino states that he will invite the Academic Council and University Council to submit non-binding opinion papers to aid the Student Conduct Board in its deliberations on the question of the application of the policy. But the Mirror issue also raises additional concerns, discussed below, and I also request the Academic Council consider these. In particular, as the long-time adviser to the Mirror, I would ask the Academic Council to consider the following proposals.

1. In recognition of the academic value of a student newspaper to a university, the Academic Council asks President von Arx to transfer administrative control of The Mirror from Student Affairs to Academic Affairs. The English Department will work with SVPAA Fitzgerald on an appropriate contractual relationship between the University and the newspaper, including consideration of a Mirror Advisory Board.

#### RATIONALE

The Mirror case dramatizes what I see as the important issue of faculty losing academic control over the curriculum. Journalism courses attract more than 100 students a semester at Fairfield. Journalism is the single largest component in the English department. This academic program affects two tenure track journalism professors in English, four adjuncts, six courses per semester, a dozen students who are out on journalism internships, and 3-12 students a semester getting credit for the Mirror.

Yet the Student Affairs office makes decisions unilaterally about this important academic resource, in the total absence of input from the academic side. Decisions by Student Affairs can hurt our ability to attract English/journalism students; how do you run a successful program without a school newspaper? The University needs to be reminded of AAUP guidelines that stipulate that faculty should be in control of the curriculum and anything connected to the curriculum. This year's Mirror editor, Tom Cleary, currently has an Independent Writing Project course tied to The Mirror; any unilateral decision by Student Affairs on the Mirror's status will affect his learning experience.

The current arrangement forces The Mirror to try to serve two masters, Student Affairs and Academic Affairs, each with differing philosophies and duties. In Academic Affairs, part of the learning process is for students to err, to fail, and to learn from their mistakes. My cluster section of EN11 attracts unusually good students, yet I could have reported 16 of 19 of them for initial plagiarism violations. Of course, I didn't; learning from your mistakes is part of the process we use. The process used by a daily news organization works much the same way. In the oft quoted line from Woodward and Bernstein, a newspaper is the first draft of history, a rough draft. You do the best job you can of presenting information, make the deadline, meet your critics the next day, concede mistakes and correct them – then start the whole process over again as you put out the next day's paper.

Student Affairs is saddled with the unenviable task of enforcing the conduct code. Here, a single mistake is taken seriously as the division tries to protect the rules and the rights of others. The Mirror is more of a learning experience where mistakes should be minimized, but expected. (There are 2-6 corrections in the NYTimes on an average day.)

Academic Affairs would be aided by a Mirror Advisory Board, consisting of journalism professionals, plus *ex officio* members from campus. The Mirror has launched its own set of structural changes, as outlined to Dean Pellegrino. An Alumni Advisory Board would help the newspaper benefit from the advice of dozens of alums active in journalism, or, law and related fields. The current administrative subsidy of \$30,000/year would be phased out entirely and the paper would eventually be expected to cover all expenses except for office space.

2. A free and independent student newspaper is an essential component to student's learning and provides a voice for students and a place where issues can be debated. The Academic Council asks President von Arx to assure that the funding agreement reflects the independent nature of The Fairfield Mirror.

#### RATIONALE:

There is no right to free press on a private college campus. The Mirror and all such papers publish only with permission of the university. The university should not use its funding agreement to tie the hands of the newspaper and impede the students' learning process; thus the need for the funding agreement to reflect the independent nature of The Mirror. In recognition of a private school's ability to limit speech and press on campus, any funding agreement should include language that simply allows the administration to cancel the contract at any time, for any stated reason.

3. The Academic Council considers the filing of harassment charges against The Fairfield Mirror to be in error since, according to the University's harassment policy, charges can only be brought against individuals.

#### RATIONALE:

In the process of handling these student complaints, Dean Pellegrino transferred responsibility from the writer of He Said to The Mirror itself. In doing so, he appears to have violated the language of the university harassment policy, which calls for a hearing in the case of "any incident of abuse or harassment by a student or an unidentified perpetrator..." (emphasis

added). The Mirror is neither a student nor an unidentified perpetrator. It cannot have charges brought against it, according to the language of the university's own judicial process.

4. The Academic Council recommends that student news gathering operations be specifically exempted from the current Fairfield harassment policy in recognition of the watchdog role they can play in protecting the rights and the voice of students. Such news gathering operations shall be bound by their own published codes of conduct, by ethical standards in their field, and by all state and federal laws regarding libel/slander, hate speech and harassment.

**RATIONALE:**

News gathering operations, whether The Mirror or Ham Channel, routinely run stories that point to policy problems on campus. Such stories often include criticism that can embarrass those in charge of current policies. Any person on campus who feels embarrassed by an investigative story can, under the current harassment code, file charges against the writer of such a story. Such an action would have a chilling effect on subsequent stories.

5. The Academic Council recommends that a new ad hoc committee of faculty and administrators be convened to examine the current harassment policy on campus because of demonstrated problems with its broad prohibitions against any verbal or written communication that could cause "embarrassment" or be seen as "demeaning."

**RATIONALE:**

Members of the ad hoc committee that designed the current anti-harassment policy do not agree on whether there was discussion of its applicability regarding student news organizations. Fairfield should promote a wide range of expression and passionate debate on campus, within legal bounds set by state and federal law. The same harassment charges brought against The Mirror by readers with a grievance could also be brought against the literary magazine Dogwood and other publications by readers who feel content was demeaning or embarrassing. Or against students writing and producing their own play for a Theater class. Or students in Medieval Drama class, who stage their own interpretations of mystery plays and are often lewd and sacrilegious. The slippery slope would extend in many directions.

**From:** Pellegrino, Thomas  
**Sent:** Thu 11/5/2009 6:05 PM  
**Subject:** Incident Reports re The Mirror

Dear Students,

I want to get back to everyone on the processing of the four incident reports filed in this matter. Let me first note for the record that my suggestion to mediate this matter was declined. I am therefore going to proceed to schedule a student conduct board to hear the matter as is contemplated by the language of the harassment/equal educational opportunity policy on p. 46.

Adhering to the language of the harassment policy of our handbook, while also taking into consideration what has been communicated to me by each of you, the matter will proceed along the following lines:

1. The students filing the incident reports have indicated to me that their claims are directed against "The Mirror" rather than at any individual student. As such, this matter will proceed against The Mirror as an organization, as opposed to any individual writer or editor. Any findings of responsibility and subsequent sanctions/remedies would therefore be against the newspaper as an organization; not against any individual.
2. Consistent with #1, I am copying the Mirror Editor, Thomas Cleary on this and will ask that he participate (along with any other member of his editorial staff he feels appropriate) as representative of the Mirror.
3. The Student Conduct Board will make a determination as to whether Fairfield University's harassment/equal educational opportunity policy as set forth on pp. 45-46 of the student handbook was violated by the content cited by the complainants in their incident reports. This is to the best of my knowledge, the first time the harassment policy has been applied in this manner. I will therefore invite both the Academic Council and University Council to submit non-binding opinion papers to aid the Student Conduct Board in its deliberations on the question of the application of the policy. Again, the ultimate determination of responsibility would lie solely with the Student Conduct Board. If a policy violation is found, the Board will make recommendations for sanctions and/or remediation in accordance with its procedures as outlined in the student handbook.

My office will begin the process of forming the board. We will be in contact with all students to review the process, discuss scheduling and answer any questions.

Thank you.

Sincerely,

Thomas C. Pellegrino  
Associate Vice President and Dean of Students

**From:** University Announcements <[announce@fairfield.edu](mailto:announce@fairfield.edu)>  
**Date:** Thu, 5 Nov 2009 12:17:13 -0500  
**Subject:** Message from the Vice Presidents for Academic Affairs and Student Affairs

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This message to University Announcements was  
approved for distribution by the Offices of the  
Vice Presidents for Academic Affairs and Student Affairs.  
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To the University Community:

Per the request of the University Council, the following is meant to inform and update the University Community on the ongoing efforts and undertakings regarding recent content appearing in the Coffee Break section of the student newspaper, The Mirror. This is intended to supplement the many thoughtful and thorough comments offered by both the students and the President's office to date:

The Funding Agreement: For many years, the University has maintained a funding agreement with The Mirror which, among other things, provides financial as well as facility support for the paper. Written ethical and procedural codes are incorporated into the terms of that funding agreement. As the University signatory on that agreement, Associate Vice President and Dean of Students, Dr. Thomas Pellegrino, advised The Mirror in writing that the content contained in various sections of the Coffee Break page were in violation of the ethical and procedural guidelines of the current funding agreement. As such, the current funding agreement is null and void.

Rather than end the relationship underlying the funding agreement, Dr. Pellegrino deferred that move for thirty days, and during that period has invited and requested The Mirror board to submit a proposed, revised agreement to him for review no later than November 9, 2009. Among other things, this revised agreement must contain provisions that sufficiently address the deficiencies in the current guidelines, particularly as they relate to the use of vulgarities, obscenity, sexist, racist, or homophobic language, etc. The proposed revision should also provide safeguards and editorial pre-publication review (by the students themselves, not an administrative or faculty entity) guaranteeing that articles like the "He Said, She Said" column will not appear in any future edition of the newspaper. Finally, Dr. Pellegrino requested that the Mirror speak to the issue of advisement, and how a more robust system of post-publication advisement in the form of an advisory board, could assist in preventing future occurrences such as this, while also allowing the students involved in the paper to achieve the highest journalistic standards possible.

Dr. Pellegrino and Senior Vice President for Academic Affairs, Rev. Paul Fitzgerald, S.J., have met with faculty advisors and The Mirror editor-in-chief to investigate the creation, composition, and work of an advisory board. As appropriately articulated by Fr. Fitzgerald, the mutual interest here is not in favor prior censorship, but rather, to develop a board comprised of both

internal as well as external constituents who can provide objective and informed post-publication advising that will help students strive for and achieve the highest standards of professional journalism.

Four students have filed incident reports claiming in pertinent part that the content contained in the "He Said" portion of the Coffee Break section violated the University's Harassment/Equal Educational Opportunity policy as set forth in the Student Handbook on pp. 45-46. Those reports are being processed in accordance with the procedures set forth in the student handbook.

Free expression, high journalistic standards, robust advising, and a paper that is at once both free from prior censorship but is also acting in a manner consistent with the standards of the community it serves are all of primary importance here, and are the objectives that have informed the administrative approach to this matter. As in all matters of this type at a university, this event offers our community a unique opportunity to be involved in a learning and growth experience, one that should be appreciated and seized.

Sincerely,

Rev. Paul Fitzgerald, S.J.  
Senior Vice President for Academic Affairs

Mark C. Reed  
Vice President for Administrative & Student Affairs

Paul, you asked for some details on what an accelerated advising program for The Mirror would look like. I am imagining a two-year trial period in which

- Academic Affairs becomes the administration's liaison with Mirror, instead of Student Affairs. It handles academic issues involving Thee Mirror, as always, but also handling the contract and promoting a uniform voice and approach. Avoids current schizoid approach which people dislike. Student Affairs remains landlord for Mirror office
- Mirror launches Advisory Board in January; four journalism professionals plus ex officio from campus. Meets at least twice a semester; reviews paper; gives advice; can be buffer to hear complaints
- Mirror launches its own set of structural changes, as outlined to Dean Pellegrino recently, including
  - a. Revised Code of Procedure (see attached);
  - b. add reader representative or ombudsman;
  - c. revise opinion policy so all students sending in letters can be sure they will be printed in paper or online. More of an open bulletin board approach, controlled by legal concerns of libel and community standards on taste
- In addition, Mirror creates new Alumni Advisory Board to learn from advice of dozens of alums active in journalism, or, law and related fields.
- Tie Alumni Board to Homecoming for first time
- Prof. Simon serves accelerated role as faculty adviser to paper for two years, then rotates off as adviser. Offers to read more stories, conduit for Monday editorial board meeting where any parties can plead their case, use students getting credit for Mirror as focal point for outside speakers
- VP Fitzgerald and Simon meet with whole editorial board every month to discuss the paper
- Phase out admin subsidy; reduce by \$5,000 a year for six years; force support itself
- Two year trial period. I then will stop advising the paper
- To promote learning process, AVP to send Prof. Simon to First Amendment academic conference in Vanderbilt in June. He will come back, file an HI grant application to sponsor 3-4 campus events to provide the kind of discussion on competing campus freedom/responsibility needs that JVA talked about in his initial e-mail

I have not discussed this with Mirror editors

Jim Simon  
Nov. 11, 2009

## **Department Minutes: Draft**

English Department Meeting Nov. 20<sup>th</sup>, 2009

Present

J Simon (chair), P. Bayers, K. Bridgford, R. Epstein, C. Gannett, J.K. Garvey, S. Jourdan, S. Kelley, J. Krauss, E. Lopez, S O'Driscoll, E. Orlando, G. Rajan, R. Regan, M. White, T. Xie.  
Dean Boquet (ex-officio)

--snip--

Last Agenda Item: The Mirror

Simon quickly rehearsed the controversy over the recently published "He Said She Said" column and the interventionist steps taken by the administration. He expressed his frustration over the manner in which the students involved and The Mirror as an organization has been handled. He announced that he had invited dean Boquet

Epstein circulated the pre-prepared Draft Statement (see attached) to the members present. Rajan was bypassed, and Gannett quickly shared her copy with Rajan.

Simon asked for departmental opinions on how to proceed, and Boquet set the context from the administrators' perspectives: (1) Began with concerns that students had brought charges, (2) difficult to gauge the level at which point the faculty were brought in to the matter, (3) the matter quickly moved from charges brought against individual students to The Mirror as an organization, (4) the dialogues at every level seemed to overlap and not involve all the parties involved, (5) concern that problem solving strategies that have been effective in such matters in similar schools had not been considered/explored, and (6) different processes to address the issue had not been considered.

Boquet said that it is setting a precedent through individual student conduct as a path to target the conduct of organizations on campus is risky. On the one hand, she stated, The Mirror is an academic unit in that students get credit for working on the newspaper, and on the other, it is a student run enterprise, and has some freedom.

Epstein said that he was not aware of the extent of administrators' involvement. Simon said that he is scheduled to speak in front of the Academic Council on Dec. 7<sup>th</sup>, 2009, and present his case as (1) academic freedom issue and (2) curricular freedom issue. He welcomed rigorous discussion from department members so as to push back against the administrations' current processes to deal with the matter. He said he wanted to get the focus back on academic implications in this emergency situation.

Lopez commented that he now understood the matter as an emergency, and asked if the wording in the motion (see attached) to "sever" The Mirror from the department was in the interests of both the Department and the Journalism students.

Simon responded to say it is a very complicated issue; there are several faculty-student publications on campus. The University uses almost all of these as PR, and Bridgford said she has been asked too to keep in-line with the PR machinery. The Mirror has two purposes, Simon said: it stands alone as a student newspaper, and as a part of the University's PR.



White said that he agreed with Bridgford, because if in the future, Dogwood published a story that caused controversy, the faculty associated with it could be asked to compromise her integrity. Further, faculties associated with such publications are also part of PR. He felt strongly against using the word “sever” instead said the department needs a united front. Epstein said the many publications do represent the University, but The Mirror is different as it is a student-run newspaper.

Simon concurred and said it is closely affiliated with the Journalism Track in the department, and it trains students in the field. Epstein continued that The Mirror is being asked to pay too high a price as an independent unit to be used as part of the university’s PR efforts. Regan said the PR department is taking an increasingly prominent role and we should resist it. Krauss said it looks like “the iron curtain” on campus.

O’Driscoll said that the column was deeply offensive, and it has been thus for a long time. But, this time it is different because (1) the students designed the initial protest, (2) students had planned to have a panel discussion to address such crass opinions being put into print, BUT both moves were arrested because of the swift intervention by administration. She said that “a teaching moment was lost,” because both moves were student-initiated. She said we another mechanism to deal with such issues. What will be next, she asked, if the Theater Department, which also has a huge budget, put on something controversial? Will they too be censored? She finished by saying that we need to state “enough.”

Boquet said that such structural distinctions are often missed when separating the academic side from the administrative one; here, the students are the most vulnerable. Epstein asked to work on the draft, particularly if Simon needed evidence of the department’s will behind him to speak to Academic Council. Garvey asked the date of the disciplinary hearing, and Simon said The Mirror students were advised not to attend.

Boquet worked aloud to edit the wording of the Draft Statement 1 as follows:

In an effort to reaffirm faculty control over the curriculum at the university, the English Department authorizes the Chair to determine the department’s relation to the Mirror if the newspaper continues to be subject to administrative supervision by the Student Affairs division. Under current policy, Student Affairs can at any time declare the university’s contract with the newspaper “null and void,” eliminate the annual subscription fee that helps underwrite the paper’s publication, and evict it from its offices. Such policies threaten the ability of the English Department’s Journalism program to link its offerings to the newspaper.

O’Driscoll made the motion to accept the amended draft circulated by Epstein, he seconded and it passed unanimously. Simon thanked the department for its complete support.

O’Driscoll made the motion to adjourn, Rajan seconded.  
Respectfully submitted, G Rajan

## Briefing Paper

### Agenda Item 3. New Business

- Plan to protect faculty control over the curriculum by divorcing English/journalism courses from The Fairfield Mirror (Simon)

I will ask the Academic Council on Dec. 7 to get involved in the current debate over The Mirror and “He Said” because of the larger issue of faculty losing academic control over the curriculum. I also hope the department will get involved.

1. BRIEF UPDATE ON MIRROR. Administration has said in writing current funding contract, which also provide office space is “null and void.” Dean Pellegrino insists that does not mean he wants to shut down The Mirror. He is looking for additional tools to regulate content, such as specifying The Mirror is subject to all provisions in the Student Handbook, thereby ending tradition of a (quasi)-independent newspaper.

Four student initially filed harassment charges against writer of He Said; national experts said it was the first time any school had subjected a newspaper staff member to the disciplinary process for what he wrote. Those complaints have been dropped; new complaints have been filed against the Mirror itself despite fact that the harassment language specifies charges can only be brought against an individual.

Dozens of alums have written to President von Arx, expressing disapproval with his handling of this case. Four national journalism groups have e-mailed the president, saying the school’s actions here run against best practices in the field.

There is no freedom of the press at a private college. Von Arx can take these actions; the question is whether he should.

2, RELEVANCE TO ENGLISH DEPARTMENT. Journalism courses attract more than 100 students a semester at Fairfield. Journalism is the single largest formal component in the English department. This academic program involves two tenure track journalism professors, four adjuncts, six courses per semester, perhaps a dozen students who are out on journalism internships, and 3-12 students a semester getting credit for the Mirror.

Yet the Student Affairs office makes decisions unilaterally about this important academic resource, including possible shutdown, in the total absence of input from the academic side. The University needs to be reminded of AAUP guidelines that stipulate that faculty should be in control of the curriculum and anything connected to the curriculum. This year’s editor, Tom Cleary, currently has an Independent Writing Project course tied to The Mirror; any unilateral decision by Student Affairs on the Mirror’s status will affect his learning experience. Such decisions by Student Affairs also can hurt our ability to attract English/journalism students.

I note that Academics Affairs and Student Services are supposed to be working closely together in the President’s Living and Learning initiative. The expertise in journalism lies with the academic unit, yet as head of the journalism program, I am not even given the courtesy of being informed of decisions made by Student Affairs, much less a chance to provide input.

3. POSSIBLE DEPARTMENT ACTION. It is time to reconsider whether the Mirror, a paper that has won more Connecticut college journalism writing awards than any other college paper in the state for the last two years, can serve two masters (Student Affairs and Academic Affairs), each of which does not talk to the other.

I have repeatedly suggested, without success, that The Mirror report to Academic Affairs instead of Student Affairs. I will make that suggestion again when I address the Academic Council on Dec. 7. President von Arx apparently has granted my wish about The Mirror not serving two masters – but has decided it should rest solely in Student Affairs, where it can be neutered like the Yearbook and FUSA.

Meanwhile, given the lack of faculty input into academic questions surrounding The Mirror, I welcome departmental discussion on a possible motion to sever the English Department from The Mirror.

- The department would no longer provide academic credit through IWP or Journalism Practicum to The Mirror.
- There would be no assigned faculty adviser; as a matter of principle, I am willing to give up the current course release.
- I would abandon plans in courses like Journalism Editing and Design to rotate students in and out of The Mirror for a three week practicum to give them some experience in applying classroom lessons on fact checking, copy editing and proof reading.
- I would stop forwarding promising classroom stories to the Mirror. Instead, I would send them to the four (!) weekly newspapers (print and online) that now serve Fairfield.

(Frankly, I believe I can probably take all of these steps on my own since they involve my course release and how I organize my classes. But the issue is larger enough to get the department involved.)

While time is tight at the Nov. 20 department meeting, I would like to reorder the agenda and spend perhaps 15 minutes (max) on this issue, including a possible vote on whether to authorize the chair to *sever any formal connection between the department and The Mirror, including the awarding of credits for work done at the newspaper and advising as part of load.*

I would welcome a chance to talk to each of you before Friday's meeting to get a sense of the department on this.

Thank you

Jim Simon  
Chair  
Nov. 16, 2009

## **Harassment/Equal Educational Opportunity**

Fairfield University provides an equal educational opportunity to all students and does not discriminate on the basis of race, color, sex, sexual orientation, marital status, veteran's status, religion, national or ethnic origin, age, or disability in the administration of educational programs, admission and employment policies, scholarship and loan programs, and athletic and other school-administered programs. The University, as a Jesuit institution, is dedicated to the proposition that all human beings possess an inherent dignity. The University strongly condemns any unlawful or wrongful discrimination against the rights of others.

### **I. Prohibited Conduct**

#### **A. Acts of Intolerance, Racism, or Harassment**

As the University is committed to maintaining a multicultural academic community in which the dignity and worth of each of its members is respected, it is the policy of the University that acts of intolerance, abuse, or harassment by students, faculty, staff, and visitors, will not be tolerated. Any individual who violates this policy will be subject to appropriate action, including, but not limited to, counseling, suspension, expulsion, termination from the campus, or civil or criminal action.

Acts of intolerance and abuse are defined as any offensive verbal, written, or physical conduct directed at a person or group based upon race, color, national and/or ethnic origin, gender, sexual orientation, disability, religion, veteran's status, age, or association with persons different from oneself where such behavior is intimidating, hostile, demeaning, or could or does result in emotional or physical harm, embarrassment, or fear of one's personal safety.

Abuse and harassment include offensive behavior that interferes with a person or group's educational status or participation in campus activities, or which creates a hostile academic, social, or living environment. Prohibited behaviors include threatening or offensive letters, use of threatening or demeaning language in any form and through any medium, vandalism or graffiti to student residences, and stalking or aggression relating to dating relationships.

## **Policies and Procedures**

### **B. Sexual Harassment**

Fairfield University does not condone or tolerate any behavior (verbal, electronic, or physical) by a University employee, student, or visitor that would constitute sexual harassment. Such behavior will subject the harasser to appropriate sanctions, including, but not limited to, counseling, suspension, expulsion, or civil or criminal action. Sexual harassment is a form of illegal discrimination referring to a wide range of inappropriate behaviors and/or unwanted conduct of a sexual nature that effectively denies the victim of the harassment the opportunity to work and/or study in a non-threatening, stress-free environment.

Fairfield University defines sexual harassment in the following ways: Sexual harassment shall include, but not be limited to, unwelcome sexual advances, direct or indirect sexual demands, requests for sexual favors, sexual comments, gestures, or other physical actions of a sexual nature when:

1. Submission of such conduct is made either explicitly or implicitly a term or condition of an individual's educational success.
2. Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting the individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive educational environment.

Furthermore, the University considers it a violation of an individual's rights to retaliate against a person who has initiated an inquiry or complaint having to do with abuse or harassment, and/or to instigate any other person to participate in such activity.

## II. Reporting of Incidents of Abuse or Harassment

- A. Any incident of criminal misconduct, such as physical assault or destruction of property, should be promptly reported to the University's Department of Public Safety and may also be reported to the Fairfield Police Department.
- B. Any incident of abuse or harassment by a student or an unidentified perpetrator should be promptly reported to the Office of the Dean of Students. The report will be reviewed and, if appropriate, the student disciplinary process will be initiated.
- C. Any incident of abuse or harassment by a University employee should be promptly reported to the compliance coordinator in the Office of the Dean of Students. The procedures for resolution are set forth below.

## Grievance Procedure for Students in Cases of Harassment

Students who feel they have been discriminated against or subjected to harassment by a University employee which meets the definitions above and/ or violates federal statutes Title VI and/or Title IX are urged to report the matter to the Title IX Compliance Coordinator in the Office of the Dean of Students.

### 1. Informal Grievance Procedure

The student may submit a verbal or written complaint to the Title IX Compliance Coordinator. If the reported incident is not of a serious nature or in situations where miscommunication is occurring, the Compliance Coordinator may attempt to resolve the matter through discussion and mediation with the alleged harasser's supervisor.

In situations where serious misconduct is reported:

1. The Title IX Compliance Coordinator will notify the alleged harasser's supervisor.
2. The supervisor will meet with the accused and inform him/her of the charges.

3. The supervisor may address the matter individually with the alleged harasser or may appoint a committee to investigate and determine the appropriate action. Handling will depend upon the nature of the situation and in consideration of any recommendations offered by the Title IX Coordinator.
4. The committee will investigate the charges and make a recommendation to the alleged harasser's supervisor for sanctions, should evidence of a violation be found.
5. The committee will make suggestions for remedies for the complainant if applicable.
6. The complainant, the alleged perpetrator, and the Title IX Coordinator will be notified of the disposition in writing within 45 days.
7. The supervisor will have final authority regarding an informal grievance.

## 2. Formal Grievance Procedure

If the student is not satisfied with the above resolution:

1. The student may submit a written grievance within 30 days to the Compliance Coordinator stating the nature of the complaint, a description of the incident(s) and any possible witnesses, and the remedy sought.
2. The Compliance Coordinator will convene a Resolution Committee consisting of representatives of the University community.
3. The Committee will consider the evidence presented, determine the facts, and recommend a decision to the University President within 45 days.
4. The University President will have the final authority. Fairfield University prohibits retaliation against a person filing a complaint of harassment or assisting/ participating in the investigation of the complaint regardless of the outcome of the initial complaint.

# On Freedom of Expression and Campus Speech Codes

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*The statement that follows was approved by the Association's Committee A on Academic Freedom and Tenure in June 1992 and adopted by the Association's Council in November 1994.*

**F**reedom of thought and expression is essential to any institution of higher learning. Universities and colleges exist not only to transmit knowledge. Equally, they interpret, explore, and expand that knowledge by testing the old and proposing the new.

This mission guides learning outside the classroom quite as much as in class, and often inspires vigorous debate on those social, economic, and political issues that arouse the strongest passions. In the process, views will be expressed that may seem to many wrong, distasteful, or offensive. Such is the nature of freedom to sift and winnow ideas.

On a campus that is free and open, no idea can be banned or forbidden. No viewpoint or message may be deemed so hateful or disturbing that it may not be expressed.

Universities and colleges are also communities, often of a residential character. Most campuses have recently sought to become more diverse, and more reflective of the larger community, by attracting students, faculty, and staff from groups that were historically excluded or underrepresented. Such gains as they have made are recent, modest, and tenuous. The campus climate can profoundly affect an institution's continued diversity. Hostility or intolerance to persons who differ from the majority (especially if seemingly condoned by the institution) may undermine the confidence of new members of the community. Civility is always fragile and can easily be destroyed.

In response to verbal assaults and use of hateful language, some campuses have felt it necessary to forbid the expression of racist, sexist, homophobic, or ethnically demeaning speech, along with conduct or behavior that harasses. Several reasons are offered in support of banning such expression. Individuals and groups that have been victims of such expression feel an understandable outrage. They claim that the academic progress of minority and majority alike may suffer if fears, tensions, and conflicts spawned by slurs and insults create an environment inimical to learning.

These arguments, grounded in the need to foster an atmosphere respectful of and welcoming to all persons, strike a deeply responsive chord in the academy. But, while we can acknowledge both the weight of these concerns and the thoughtfulness of those persuaded of the need for regulation, rules that ban or punish speech based upon its content cannot be justified. An institution of higher learning fails to fulfill its mission if it asserts the power to proscribe ideas—and racial or ethnic slurs, sexist epithets, or homophobic insults almost always express ideas, however repugnant. Indeed, by proscribing any ideas, a university sets an example that profoundly disservices its academic mission.

Some may seek to defend a distinction between the regulation of the content of speech and the regulation of the manner (or style) of speech. We find this distinction untenable in practice because offensive style or opprobrious phrases may in fact have been chosen precisely for their expressive power. As the United States Supreme Court has said in the course of rejecting criminal sanctions for offensive words:

[W]ords are often chosen as much for their emotive as their cognitive force. We cannot sanction the view that the Constitution, while solicitous of the cognitive content of individual speech, has little or no regard for that emotive function which, practically speaking, may often be the more important element of the overall message sought to be communicated.

The line between substance and style is thus too uncertain to sustain the pressure that will inevitably be brought to bear upon disciplinary rules that attempt to regulate speech.

Proponents of speech codes sometimes reply that the value of emotive language of this type is of such a low order that, on balance, suppression is justified by the harm suffered by those who are directly affected, and by the general damage done to the learning environment. Yet a college or university sets a perilous course if it seeks to differentiate between high-value and low-value speech, or to choose which groups are to be protected by curbing the speech of others. A speech code unavoidably implies an institutional competence to distinguish permissible expression of hateful thought from what is proscribed as thoughtless hate.

Institutions would also have to justify shielding some, but not other, targets of offensive language—proscribing uncomplimentary references to sexual but not to political preference, to religious but not to philosophical creed, or perhaps even to some but not to other religious affiliations. Starting down this path creates an even greater risk that groups not originally protected may later demand similar solicitude—demands the institution that began the process of banning some speech is ill equipped to resist.

Distinctions of this type are neither practicable nor principled; their very fragility underscores why institutions devoted to freedom of thought and expression ought not adopt an institutionalized coercion of silence.

Moreover, banning speech often avoids consideration of means more compatible with the mission of an academic institution by which to deal with incivility, intolerance, offensive speech, and harassing behavior:

1. Institutions should adopt and invoke a range of measures that penalize conduct and behavior, rather than speech—such as rules against defacing property, physical intimidation or harassment, or disruption of campus activities. All members of the campus community should be made aware of such rules, and administrators should be ready to use them in preference to speech-directed sanctions.
2. Colleges and universities should stress the means they use best—to educate—including the development of courses and other curricular and co-curricular experiences designed to increase student understanding and to deter offensive or intolerant speech or conduct. These institutions should, of course, be free (indeed encouraged) to condemn manifestations of intolerance and discrimination, whether physical or verbal.
3. The governing board and the administration have a special duty not only to set an outstanding example of tolerance, but also to challenge boldly and condemn immediately serious breaches of civility.
4. Members of the faculty, too, have a major role; their voices may be critical in condemning intolerance, and their actions may set examples for understanding, making clear to their students that civility and tolerance are hallmarks of educated men and women.
5. Student-personnel administrators have in some ways the most demanding role of all, for hate speech occurs most often in dormitories, locker rooms, cafeterias, and student centers. Persons who guide this part of campus life should set high standards of their own for tolerance and should make unmistakably clear the harm that uncivil or intolerant speech inflicts.

To some persons who support speech codes, measures like these—relying as they do on suasion rather than sanctions—may seem inadequate. But freedom of expression requires toleration of “ideas we hate,” as Justice Holmes put it. The underlying principle does not change because the demand is to silence a hateful speaker, or because it comes from within the academy. Free speech is not simply an aspect of the educational enterprise to be weighed against other desirable ends. It is the very precondition of the academic enterprise itself.



# Memo

**To:** Academic Council Members

**From:** Rick DeWitt (AC Executive Secretary) and Rona Preli (AC Chair)

**Date:** 11/27/09

**Re:** Proposed Journal of Record language regarding minors

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## Background

At the 5/4/09 meeting of the Academic Council, the Council passed the following motion:

**MOTION [Nantz/Rakowitz]: That the Journal of Record be amended so that a student declaring a minor needs to secure only the approval of the Chair or program director of the prospective minor.**

**MOTION PASSED: 13 in favor, 0 opposed, 0 abstentions**

The relevant section from the minutes of that meeting can be found in the last section of this memo.

At that 5/4/09 AC meeting, no specific language for the Journal of Record was proposed. We are proposing the language below as the most straightforward language for implementing the motion.

## Proposed Language for the JOR

Below is a proposed modification of the current Journal of Record language regarding minors. The policy can be found in the JOR, as updated November 2009, page 30. The JOR is available on the GFS website (<http://www.faculty.fairfield.edu/gfs/>).

Deleted language is shown in ~~strikeout~~, new language is in **bold**.

### Policies on Minors:

In addition to carrying a major, a student may exercise the option of selecting a minor outside the area of specialization. A minor is a cluster of related courses drawn from one or more curriculum areas, usually in the range of 15 to 18 credits. Minors are described under individual curriculum areas.

In order to select a minor, a student must fill out the appropriate form and then have it approved **by the Chair or program director of the prospective minor** ~~by his/her School or Department~~ no later than the Spring registration period of the student's Junior year. The completion of the minor must be approved by the chairperson or coordinator of the minor area during the Fall registration period of the student's Senior year, and is subject to course availability.

Courses in the University's core curriculum may be used without limit in fulfilling the requirements for a minor.

All curriculum areas that offer a minor indicate so in the catalogue.

All curriculum areas offer specific guidelines such as how many courses are required and what level courses are applicable (introductory vs upper division).

The certification of completion <of a minor program> should be conveyed (e.g., by means of a "Graduation Check" form) to the University Registration at this time. Ultimate ratification of completion will be by the Registrar.

CR: 03/14/1988  
amended AC: 10/17/1988

## **Rationale**

The rationale for the language itself is simply that it implements, as straightforwardly as possible, the motion passed by the Council last May. For the rationale behind the motion from last May, it is best to see the excerpt below from the minutes of that meeting.

## **Additional Note**

As noted in the discussion from the AC meeting last May, if the Journal of Record is modified as above, work will need to be done on the forms for declaring a minor. Issues with other forms should be addressed as well. This issue is on our list for future agenda items.

## **Excerpt of Minutes of AC Meeting of 5/4/09**

### **6. Old business**

#### **a. Forms to sign up for a minor from UCC**

Prof. Mulvey said that the question was whether the policy on minors in the Journal of Record should be changed so as not to require the signature of the dean of a student's school, noting in

particular that problems had arisen with Engineering students seeking to minor in Physics. She noted that one could add an additional major without the dean's signature, but not a minor. Prof. Bernhardt wondered if it were possible for a student to fulfill the requirements for a minor but not get the minor; he found this to be incredible.

Prof. Nantz made a motion. Prof. Rakowitz seconded.

**MOTION [Nantz/Rakowitz]. That the Journal of Record be amended so that a student declaring a minor needs to secure only the approval of the Chair or program director of the prospective minor.**

**MOTION PASSED: 13 in favor, 0 opposed, 0 abstentions**

Dean Crabtree waved a variety of forms for declaring majors, minors, etc., noting that each is different, requiring a diverse array of signatures. She noted that in the UCC conversation, the Deans, who all spoke at that time, made it clear that notification is important. The UCC agreed that Deans do need to be aware in order to properly advise. Further work will have to be done on the forms and Prof. Mulvey agreed to have the AC consider the matter next year.