

Academic Council Meeting
September 14, 2009
3:30- 5:07 p.m.
CNS 200

[Approved by the Academic Council on 10/5/09.]

Present: Professors Bowen, Lyon, Bayne, Preli, Mulvey (Faculty Secretary), Tucker, DeWitt, Bernhardt, Xu, Garvey, Boryczka, Robert, Shea, Strauss, Rakowitz, Bayers, Massey,

Deans: Solomon, Crabtree, Wilson, Hadjimichael, Franzosa

Senior Vice President of Academic Affairs (SVPAA): Fitzgerald, S.J.

Guests: Professors Nantz, Greenberg, Thiel, Hlawitschka, Kelly; Alison MacNeill (student)

Regrets: Joseph Dennin

Absent:

The recording secretary for this meeting was chosen by lot be SVP Fitzgerald from an envelope provided by Faculty Secretary, Prof. Mulvey. Tracey Robert was the lucky winner. Prof. Mulvey, conducted elections for chair and executive secretary of the academic council. Rona Preli was nominated and elected chair unanimously. Rick Dewitt was elected unanimously as executive secretary.

1. Presidential Courtesy

SVPAA Fitzgerald addressed the Council stating he is happy to be at Fairfield. He comes to the university with great respect for the university and has felt a desire for shared governance among the faculty and administration. His ideas of shared governance include being candid about ideas, being transparent, sharing data. He feels the proposal from the AC subcommittee on governance being presented today is an advantage to creating shared governance for an outsider new to the Fairfield community. He felt the general faculty committee meeting on Friday, 9/11, included an articulate, well-reasoned presentation by Prof. Joy Gordon. He stated that the Trustees also have legal counsel to consider. He stated that he would prefer not to have a year of confrontation. He feels universities work best from having very clear transparent rules, protocols and structures and also loyalty, respect and dignity are important. He stated that inside the university is weathering the financial situation well. He hopes that the Faculty Salary Committee (FSC) has done the best job in offering a proposal to the faculty and that we can move forward and get back to the business of teaching, scholarship and research. He offered to take questions. There were none.

2. Report from Secretary of the General Faculty

Prof. Mulvey welcomed all new members of the council, SVPAA Fitzgerald, Alison MacNeill, the student observer from FUSA and returning members. She reminded members that there is a roster on page 3 of the packet. She referenced the memo on

taking minutes which is on page 4 of the packet. She stressed that the minutes are vitally important to the work of the council and the faculty. They are the official record of the meeting and the only way the General Faculty learns of our work.

Prof. Mulvey stated that Item 6.b. proposal for more fully integrating graduate education into Handbook committees is tabled by request of the proposers.

Prof. Mulvey requested that Item 6 a. be moved to the next meeting. There is nothing new to discuss. Prof. Mulvey stated this is an unusually full agenda for a first meeting of the council.

3. Report from the Executive Secretary

a. i. Approval of minutes

Prof. Preli (Chair) asked for corrections or changes for the draft minutes of April 27, 2009.

Prof. Massey asked that her comment be changed as follows on page 11 of the packet.

Prof. Massey stated that if improving working relations was for the rationale for administrators to have voting privileges, then giving administrators voting privileges could, in situations in which the votes of the faculty members and the administrative members of the academic council diverge, send a message that we lack collegiality and could send a negative message. Prof. Massey spoke against the motion due to the potential unintended consequences of giving voting privileges to administrators.

MOTION. To accept minutes as amended. [Massey/Garvey]

MOTION PASSED. 7 in favor, 0 opposed, 7 abstentions

a.ii. Prof. Preli asked for corrections or changes for the draft minutes of June 23, 2009. There were none.

MOTION. To accept minutes. [Bowen/Boryczka].

MOTION PASSED. 7 in favor, 0 opposed, 8 abstentions.

a.iii. Prof. Preli asked for corrections or changes for the draft minutes of July 29, 2009.

Prof. Dewitt called attention to two areas, p. 22-23 where it was unclear who was speaking. It appeared that it was Joe Dennin the recording secretary's comments and he asked that they be removed.

On page 24, Prof. Dewitt wanted his statement to be changed as follows:

Dewitt: the attorney did draft a statement before the administration offered the extension, it accomplished the same thing as the attorney's letter.

Prof. Mulvey clarified the strikethroughs and corrections made to Prof. Massey's remarks on page 24. She had received these before the meeting and made the corrections.

Prof. Bowen recommended that the emoticons that appear on p. 35 & 26 be removed.

Prof. Robert stated that her name was misspelled in the faculty listing.

Prof. Bernhardt clarified his remarks on pg. 26. He stated that he was referring to all nontenure track faculty. He agreed that the minutes should be amended to the following: “will all untenured tenure track faculty be renewed?”

MOTION. To accept minutes as amended. [Bowen/Tucker].

MOTION PASSED. 12 in favor, 0 opposed, 3 abstentions.

3.b. Correspondence

Prof. Dewitt asked Prof. Mulvey to make comments on the correspondence.

b.i. Memo from President to faculty dated 6/12/09

Prof. Mulvey stated that this memo went directly out through faculty announce. No message was sent to the academic council or to the Faculty Secretary.

b.ii. Statement from Board of Trustees dated 6/12/2009

Prof. Mulvey again stated this was not sent to the academic council but directly to the faculty through faculty announce as an attachment to the President’s message..

b.iii. Memo from Faculty Secretary to President dated 6/16/09

Prof. Mulvey wrote of serious concerns about some the factual errors contained in the above two pieces of correspondence. She asked if she could receive the minutes of the Board’s meeting and specifically exactly what motions the Board of Trustees had voted on

b.iv. Letter from the President to the Faculty Secretary dated 6/29/09

The President responded with a list of the votes. Prof. Mulvey stated this information is essential. It shows the Board actions.

Prof. Dewitt stated he had concerns about misunderstandings about the charge of the AC subcommittee on governance and other items. He stated there were some unusual statements about the language in the Handbook.

MOTION. [Dewitt/Massey]. That the Academic Council direct the Executive Committee to write a cordial letter to the members of the BOT and cc’ing the GF, pointing out the misunderstandings related to the charges given to the ACSG, and the misunderstandings related to the provisions for amendment to the Handbook.

Discussion. Bowen asked if there is a precedent to communicate with the BOT in this way. Prof. Mulvey said she believed there was. Prof. Massey spoke in favor of the motion. She referenced her memo of June to the AC where she pointed out misinformation. Prof. Tucker was curious if a letter written to the BOT before their Oct. 1 meeting and before we vote on the proposals before us, would be in conflict?

Prof. Dewitt said this is a simple letter and believed it would not cause a conflict. Prof. Tucker asked Prof. Rakowitz as a member of the FSC, if she felt it would cause a conflict. Prof. Rakowitz spoke against the motion. She stated that since the Conference Committee is charged to speak to the Board already, she is not sure what the point would be.

Prof. Dewitt said that there have been repeated mistakes, inaccurate information in letters from both the President and BOT. Prof. Dewitt feels it is in our best interest to make sure the communication is correct. Prof. Mulvey stated her understanding is that we do have a

communication problem which causes serious problems going forward. Dean Hadjimichael asked a procedural question. He stated that Prof. Dewitt's motion did not include the President. He asked that the letter be sent to him. Prof. Dewitt stated that the President would get it since he is a member of both the BOT and GF.

MOTION. [Tucker/Bayers]. Table the motion until after the report from the Committee on Committees.

MOTION PASSED. 14 in favor, 0 opposed, 1 abstention.

3.c. No oral reports.

4. Council Committee Reports.

a. Prof. Nantz presented the final report from the AC subcommittee on governance comprised of Profs. Greenberg, Thiel, Yarrington and Rakowitz and herself. She thanked all of them for their service. Prof. Nantz stated that since the GF did not approve motions as part of the package in May, the subcommittee work was done. However, a request from the President and EVP for another meeting and meetings over the summer resulted in subsequent meetings. The committee hoped to work in a positive communication environment and to come up with a compromise between the BOT position approved in June and the faculty's alternative motions. The final report includes 7 recommendations to the council for changes to the Handbook.

The first two Handbook amendments (pgs. 34 & 35) are compromises. The committee recommends that the academic council approve adding the SVPAA and the secretary of the GF as voting members of the AC. (Amendment #1). The subcommittee eliminated two Deans and added the secretary of the GF.

The subcommittee recommends in Amendment #2 that the SVPAA be the person added to the executive committee as opposed to just any academic administrator.

The other five proposed changes have not been discussed with the administration. The subcommittee felt that these suggested changes would help to improve governance which is the stated intention of the Board and administration. These have not been discussed in the AC before. In the spirit of moving forward on issues of governance, the five Handbook amendments are recommended. Amendment #3 is adding the SVP of marketing and communications to the Public Lectures and Events Committee.

Amendment #4 is intended to keep issues of governance in the schools between the faculty and the President not giving it up to the BOT. Amendment #5 formalizes the relationship between the standing committees and Board committees and puts it in the Handbook.

Amendment #6 responds to the NEASC recommendation for a global council to discuss broader representation of the university. Amendment #7 asks to include FSC and EPC members on the budget committee. They do work that directly impacts the budget.

Prof. Greenberg re-iterated that the administration hasn't agreed to any of these amendments. Prof. Thiel did say the committee did discuss the first two amendments at length with the administration. He stated the administration would not budge on these decisions.

Prof. Mulvey thanked the committee for their hard work.

Chair Preli asked if there were questions for the committee. Prof. Bernhardt echoed the thanks for their work. He asked if they thought that adding the new amendments will cause a problem. Prof. Nantz said that their take was that they wanted to show the administration that the faculty is anxious to participate in shared governance. The committee hoped it will be seen as a show of goodwill and will create strong procedures as we move forward. Prof. Tucker asked if the subcommittee wanted the faculty to vote on this report. Prof. Nantz said it is up to the AC to decide what to do.

Prof. Thiel stated that since the faculty already said no to the proposed package, that the subcommittee wanted to create something that the AC could respond to. He stated that this is a compromise that has integrity. Prof. Massey stated that she really appreciated their hard work and had a question about the details (“the devil is in the details”).

Prof. Massey asked how Amendment #1 would impact on her previously stated concern about the potential of an administrator voting against the faculty and how that would look in terms of faculty and administrators working together. Prof. Nantz stated that this proposal reduces the number of administrators with votes and that could reduce the possibility of that situation. Prof. Thiel stated that this amendment allows for participation and there are 7 Handbook committees where administrators already have voting privileges. Prof. Nantz stated that some of these new proposals increase transparency and feels that the administration will respond to that.

Dean Solomon added that before the BRC, the President did move to include faculty on committees that had been strictly administrative. Prof. Mulvey agreed that there was more inclusion of faculty, for example at Deans and Directors Meetings and meetings of the Senior Management Team, but they have never been given voting rights, as in the ACSG proposal. Prof. Dewitt stated that the senior management team is a topic team and not a decision-making body. On the BOT subcommittees, it was hopeful that faculty would be included. But the chair of the BOT did indicate that there is shared governance and that “shared governance is not shared decision-making”. Prof. Dewitt cited the standard and widely accepted model for shared governance, jointly formulated by the three bodies: AAUP, AGB, Association of Governing Boards of Universities and Colleges (trustees), ACE, American Council on Education (University presidents). Prof. Nantz stated that everyone on the subcommittee was aware of the AAUP statement and they sought to find a compromise between what the administration proposed and provide an administrative role on the AC that they wanted to see. Prof. Thiel asked for clarification of the statement of the three bodies that Prof. Dewitt cited. Prof. Dewitt stated that the proposals from the AC subcommittee aren’t in line with the jointly formulated statement on shared governance. Prof. Thiel asked for a definition of the contradiction. Chair Preli asked Prof. Dewitt to state a specific question for the subcommittee. Prof. Dewitt said that the AC is a decision-making, deliberative body. Prof. Dewitt questioned the committee on whether they had considered these models and how they explained the divergence from these models in what they were proposing. Chair Preli asked that discussion be limited to questions specifically about the proposed Handbook amendments rather than a debate of the merit of the proposals. Dean Franzosa asked if the subcommittee had specifically considered the issue of due process with the SVPAA having a vote. She explained that the proposal would give the SVPAA

essentially two votes which would be against due process. Prof. Nantz replied that they definitely did consider this issue. She stated that the current proposal only eliminated the Deans from having voting privileges and that the issue of inclusion of the SVPAA was also a problem with the initial proposal.

Prof. Dewitt stated that the second proposal creates a potential practical problem. . He stated that when he was previously on the executive committee, that it was his experience that faculty would ask for input on matters like ageism, and legal issues. They would be asking for input from the executive committee but not asking the items to go to the full AC. IF the SVPAA is a member of the EC, some of the items can be sensitive. He likes the idea of inclusion but would like to suggest a different proposal to have the SVPAA meet once a month with the EC. Prof. Thiel stated if this (#2) is passed, that faculty would need to bring sensitive issues to other venues to deal with their concerns. There are other venues already available for faculty. She invited the subcommittee to stay if they wished to observe the remainder of the meeting and thanked them for their work. The faculty applauded and the subcommittee members left the meeting. Before taking any action on the subcommittee's proposals, a motion was made to re-order the agenda.

MOTION. [Rakowitz/Bowen]. To re-order the agenda to move immediately to item 7.a and, after that, retrun to item 4.a.

Discussion

Prof. Mulvey reminded the AC of the time constraint of the meeting. There is a tentative GF meeting scheduled for 9/25/ However the agenda for that meeting has to go out tomorrow 9/15. If this motion passes, the AC will not get back to the subcommittee on governance Handbook amendments for a vote today. Her goal is for faculty to make informed decisions.

MOTION. [Tucker/ Rakowitz]. To call the question on re-ordering the agenda

MOTION PASSED. 13 in favor, 2 opposed, 0 abstentions

**MOTION to re-order the agenda PASSED.
10 in favor, 5 opposed, 0 abstentions.**

Prof. Rakowtiz presented the FSC report and roadmap. This is in response to the Board wanting to remove fiscal policies from the Handbook.

On page 44 the three primary changes are listed:

Moving details of the life insurance, and the university contribution to the retirement plan to the BPO and removing "at no cost" from the description of the faculty health care plan in the Handbook.

What remains in the Handbook are tuition benefits, TIAA/CREF and Fidelity as retirement providers and the high quality medical plan as stated in the Handbook. Prof.

Rakowitz stated that if the faculty does not act before Oct. 1, there may be negative consequences. If there are, they will affect all faculty and they may be big consequences.

MOTION.[Rakowitz/Tucker]. The Handbook is amended by replacing the section II.B. Fiscal Policies with the attached text.

Prof. Dewitt stated that he was surprised to see this amendment. The motion doesn't include any of the contingencies that were in the original amendments and that we had discussed. Prof. Rakowitz stated that they have every intention of having this contingent on the faculty and administration voting on the merit plan and the MOU. Prof. Massey asked what happen if the administration wants to make changes in the BPO without faculty review. She has a very grave concern – with this proposal, faculty have no control over changes.

Chair Preli asked faculty to speak in favor or against the motion. Prof. Rakowitz stated that on p. 61 of the packet the process is laid out. Dean Franzosa asked for clarification of what was being replaced with specific language. Prof. Mulvey referred faculty to pages 47 and 48 of the packet and said the highlighted and track changes are there. Prof. Mulvey remarked that she had initially asked the FSC to send each change as a separate item for a vote. There are three changes:

(1) To health benefits, (2) retirement and (3) life insurance. She asked that we focus on p. 47 & 48 where the substantive changes are shown.

Dean Franzosa asked how the MOU articulates with p.47 & 48. Prof. Mulvey stated that p.47 & 48 are on the floor now and whatever is in the MOU is not under discussion or up for a vote at this time. Prof. Dewitt stated that the contingencies were in last year's amendment. Prof. Tucker spoke in favor of the motion. He stated that faculty voted against the package. However, this plan is not unreasonable. He felt most of it was agreed on in the GF last year.

Prof. Mulvey asked to make a point of information which was that removing fiscal policies from the Handbook was voted down last year overwhelmingly.

Prof. Tucker called the question. No second. Continued discussion.

Prof. Bernhardt wanted clarification on the BPO. Asked if the BPO can be changed by the administration and BOT without faculty input except for the three year cap. Is that in the agreement? Prof. Rakowitz explained that the BPO states that it is amended through discussions between the faculty and the administration. Bernhardt: What if the faculty and administration do not agree?

Prof. Bowen made a motion that the AC direct the General Faculty Secretary to include on the agenda for the GF meeting the governance document and the FSC report and MOU. Prof. Mulvey stated this was out of order as Handbook amendments must go to the AC for review and recommendation before they go before the GF.

Chair Preli (who teaches a class at 5:00) suggested that the council recess and re-convene on Monday, September 21. By recessing, we will pick up right where we left off with the same agenda and materials.

Prof. Rakowitz had a concern about the timing of the next academic council meeting which would be too late to have these items included on the general faculty agenda.

MOTION.[Massey/Bowen] to recess.

Prof. Tucker voiced concerns that the faculty will not vote on these items before the BOT meeting if they are not on the agenda. The BOT can then act unilaterally.

MOTION PASSED. 15 in favor, 0 opposed, 0 abstentions.

Chair Preli apologized to Prof. Hlawitschka and Prof. Kelly, guests to report for the Committee on the Conference with the Board of Trustees that we did not get to that item on the agenda.

Meeting adjourned at 5:07 p.m.

Respectfully submitted,

Tracey Robert
Associate Professor
Recording Secretary

[Approved by the Academic Council on 10/5/09.]