

ACADEMIC COUNCIL
AGENDA
Monday, November 2, 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
 - i. Minutes of meeting of 5/4/09 (attached)
 - ii. Minutes of meeting of 9/21/09 (attached)
 - iii. Minutes of meeting of 10/5/09 (attached)
 - iv. Minutes of meeting of 10/13/09 (attached)
 - b. Correspondence
 - i. Email of 10/19/09 from Susan Rakowitz to ACEC, GFS, and others (attached)
 - ii. Memo of 10/26/09 from ACEC to AC members re Susan Rakowitz memo of 10/19/09 (attached)
 - iii. Email correspondence, PL&E Chair and ACEC, 10/12/09 – 10/16/09 (attached)
 - iv. Email correspondence, Carl Scheraga, ACEC, and ACSG, 10/12/09 – 10/16/09 (attached)
 - v. Email of 10/6/09 from President von Arx to ACEC (attached)
 - vi. Email of 10/7/09 from ACEC to President von Arx (attached)
 - c. Oral Reports
4. Council Committee Reports
 - a. IDEA subcommittee
 - b. Subcommittee on faculty representatives to Board of Trustees committees
5. Petitions for immediate hearing.
6. Old Business
 - a. Recommendation 3 from ACSG report of 9/21/09 (attachments)
 - b. Recommendation 6 from ACSG report of 9/21/09 (attachments)
 - c. Recommendation 7 from ACSG report of 9/21/09 (attachments)
 - d. Elect faculty representatives to Honorary Degree Subcommittee
7. New business
 - a. Proposed Handbook amendment re charge for Faculty Salary committee (attachments)
 - b. Conducting Council business (attachment)
 - d. Form subcommittee to clarify policy on grade changing (attachment)
 - e. Form subcommittee to work on academic calendar and final exam schedule
8. Adjournment

Attachments (continued on page 2)

- Item 3.a.i Minutes of meeting of 5/4/09 (pages 3-18)
Item 3.a.ii Minutes of meeting of 9/21/09 (pages 19-26)
Item 3.a.iii Minutes of meeting of 10/5/09 (pages 27-37)
Item 3.a.iv Minutes of meeting of 10/13/09 (pages 38-43)
Item 3.b.i Email of 10/19/09 from Susan Rakowitz to ACEC, GFS, and others (page 44)
Item 3.b.ii Memo of 10/26/09, ACEC to AC re S. Rakowitz memo (pages 45-47)

- Item 3.b.iii Emails of 10/12/09 – 10/16/09, PL&E Chair and ACEC (pages 48-52)
- Item 3.b.iv Emails of 10/12/09 – 10/16/09, Carl Scheraga, ACEC, ACSG (pages 53-59)
- Item 3.b.v Email of 10/6/09 from President von Arx to ACEC (page 72)
- Item 3.b.vi Email of 10/7/09 from ACEC re President von Arx email of 10/6/09 (page 73)
- Item 6.a ACEC memo of 10/19/09 to PL&E Chair (pages 60-62); Email of 10/22/09 from PL&E Chair to ACEC (page 62); Minutes of PL&E meeting of 10/20/09 (pages 63-64); Proposed motion from ACEC (page 64); Summary from ACEC of *ex officio* voting rights on Handbook committees (page 64)
- Item 6.b ACEC memo of 10/19/09 to Student Life Committee Chair (pages 66-67); Response from Student Life Committee (page 68)
- Item 6.c ACEC memo of 10/19/09 to FSC Chair, EPC Chair, and faculty representatives of the Budget committee (pages 69-72); Motion passed at AC meeting of 10/13/09 (page 72); Response from FSC chair of 10/26/09 (page 73)
- Item 7.a Memo of 9/28/09 from FSC Chair to AC Executive Committee (page 74)
- Item 7.b Memo of 10/27/09 from ACEC & GFS to AC members (pages 75-76)
- Item 7.d Motion from AC meeting of 3/9/09 (page 77)

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 AVP to AC each semester to inform the council of any approved exceptions to the Athletic Department's policy of not scheduling athletic events that conflict with final exams.
- 2. 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 Meeting of 4 May 2009

[Not yet approved by the Academic Council.]

Present: Professors Bernhardt, Bhattacharya, Boryczka, Dallavalle, Dennin, Garvey, Greenberg, Massey, Mulvey (Faculty Secretary), Nantz, Preli (Chair), Rakowitz, Robert, Strauss, Thiel, Yarrington;
Deans Crabtree, Franzosa, Hadjimichael, Solomon, Wilson;
FUSA Representative Mr. F. Fioretti, '10; and
Guests: Professors Caster, Hlawitschka
Regrets: Prof. Bowen

2. Report from the Secretary of the General Faculty

An additional meeting of the General Faculty has been scheduled for Thursday, May 14 from 2:30-4:00 pm in the SON auditorium.

3. Report from the Executive Secretary

a. i. Approval of the minutes of the meeting of April 6, 2009 (attached).

MOTION [Boryczka/Nantz] to approve the minutes as amended.

MOTION PASSED: 11 in favor, 0 opposed, 2 abstentions.

Prof. Rakowitz did not recall the discussion on p. 6 about mortgages, neither did Prof. Nantz. Prof. Nantz will send the edits of her comments to Mulvey. A typo on p. 3 was noted.

ii. Approval of the minutes of the meeting of April 20, 2009 (attached)

MOTION [Boryczka/Robert] to approve the minutes.

MOTION PASSED: 12 in favor, 0 opposed, 1 abstention.

b. Correspondence

Correspondence from Dean Crabtree was received. At this point, it is not Academic Council business.

c. Oral Reports

i. Academic Council Summer Meeting Dates.

Per the Journal of Record, the Executive Committee met to select potential dates for emergencies. Tuesday June 23rd and Wednesday, July 29th were selected. Prof. Mulvey will notify the Council if these meetings need to be held.

[Prof. Mulvey noted that the IDEA committee still needs a member from the Academic Council, this member will be recruited from incoming Academic Council members.]

4. Council Committee Reports

a. Academic Council Subcommittee on Governance

In reference to the group of proposals from that committee (aka “the package”) Prof. Mulvey stated that it is her understanding that the subcommittee would like the Academic Council to vote on these without amendments. Prof. Rakowitz underscored this, noting that if amended versions are sent forward, the general faculty would be denied a chance to vote on what the subcommittee has put forward – in other words, they would not be voting on the package that resulted from the collegial work of faculty and administration.

Prof. Nantz suggested that if there is further conversation that we can have here, that might be guidance for the faculty, for example, modified motions could be put forward separately. Mulvey said not allowing the Academic Council to modify the proposals was not good, in principle, but that for today, this is probably the right thing to do. She suggested that the Council go through the elements of the package without amendments, and then consider alternative motions.

Prof. Thiel agreed, adding that even if a motion from the subcommittee is voted down here, it is extraordinarily important that it go to the general faculty as is. The subcommittee was composed, this year, to consider these questions and, whatever the Council may think of the package, it is very important that the faculty as a body be able to speak its mind on the motions as submitted by the subcommittee.

Thiel then made a motion.

MOTION [Thiel/Yarrington]: to grant speaking privileges to Executive Vice President Weitzer.

MOTION FAILS: 7 in favor, 8 opposed, 0 abstentions.

Prof. Mulvey spoke in opposition, saying that we should deliberate as faculty on these decisions, it is not appropriate for VP Weitzer to join the discussion.

The Council agreed to go through the motions, from the AC 4/20/09 or GFM 4/24/09 packet, in order. So...

Item #1: Faculty Handbook amendment on the Academic Council Voting Membership [p. 3 of AC 4/20/2009 or p. 18 of GFM 4/24/09]

On 4/27/09 the Academic Council voted on this motion. The motion failed: 7 in favor, 8 opposed, 0 abstentions.

Item #2: Faculty Handbook amendments on the Executive Committee of the Academic Council [p. 3-4 of AC 4/20/09 or pp. 18-19 of GFM 4/24/09]

MOTION [Thiel/Nantz]: that the Academic Council approve the following proposed amendment to the language of the *Faculty Handbook* on the Executive Committee of the Academic Council:

At I.B.10, added language proposed for amendment in bold,

10. Agenda

Any member of the University community may suggest topics for the Council's consideration. However, the Council, subject to specific instructions by the General Faculty, shall determine which items to accept for placement on the agenda. **The Executive Committee of the Academic Council establishes the agenda of Council meetings. The members of the Executive Committee are the Chairperson and Executive Secretary of the Council, the Secretary of the General Faculty, the Senior Vice-President for Academic Affairs, and a senior academic administrator appointed annually by the Senior Vice-President for Academic Affairs. The Chairperson of the Council serves as Chairperson of the Executive Committee. The Executive Committee is also available to consult with faculty and administrators on the best way to address issues within the governance structure.**

This description of the work of the Executive Committee in II.B.10 requires a change in the description of the position of Executive Secretary in II.B.7, added language proposed for amendment in bold; excised language in brackets:

7. Position of Executive Secretary

The Executive Secretary is elected from the membership of the Council. The Executive Secretary is responsible for the following: (a) implementation of the actions of the Council: (b) arranging meetings **of the Council and of the Council's Executive Committee** [, and, in conjunction with the Chairperson, establishing the agenda]; (c) communicating the work of the Council to the President and the General Faculty; ...

Discussion:

Prof. Thiel spoke in favor of the motion: This is a real improvement in our governance structure, in particular because the current handbook doesn't even mention an executive committee, but simply that the Executive Secretary and the Chair will plan the meetings. There is no mention of the Secretary of the General Faculty. The point of the Executive Committee is to plan the business of the Academic Council, and anticipate difficulties or problems that might arise. The proposed structure supports this anticipation, allowing for problems to be informally adjudicated. The whole issue is to plan well the business of the academic council. This structure allows for that discussion.

Prof. Yarrington spoke in favor of the motion: Having taken part in these discussions, it is important to note this will allow us to think about shared governance, it is not a political maneuver. Rather, such an improvement addresses a structure that has created problems, and poses a good resolution.

Prof. Mulvey spoke against the motion. Globally, she appreciates the rationale pointed out by Thiel and Yarrington, but it is not necessary to mandate this in the handbook. The Executive Committee has offered constantly to meet with the AVP, who finds this to be a good idea, but there's no follow-up on this. She is aware that the current structure is not mandated in the

handbook. Mulvey pointed out that the language in the motion would introduce a contradiction with current handbook language on p. 2.

Prof. Dennin spoke against the motion, charging that, due to the contradiction that would be introduced into the Handbook, the motion is not well thought out, and hasn't addressed the potential problems. Thiel: I see no contradiction here.

MOTION [Greenberg/Dennin] to call the question.

MOTION PASSES: 12 in favor, 1 opposed, 1 abstention.

ORIGINAL MOTION FAILS: 7 in favor, 7 opposed, 1 abstention. Preliminary votes against, so the motion fails.

ITEM 3: Faculty Handbook amendment on the charge to the Salary Committee
[p 4 of AC 4/20/2009 or p. 19-20 of GFM 4/24/09]

MOTION [Rakowitz/Greenberg]: that the Academic Council 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. Mulvey asks why the text says "salary" rather than "salaries." 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.

Prof Rakowitz, speaking in favor of the motion, noted that the language is stronger than the language that guided these discussions before. Indeed, said Prof. Greenberg, when I was on the salary committee, the salary committee simply "advised," this is better language, it guards against interpretations that would weaken the hand of the salary committee.

MOTION [Bernhardt/Bowen] to call the question.

MOTION PASSES: 14 in favor, 1 opposed, 0 abstentions.

ORIGINAL MOTION PASSES: 14 in favor, 1 opposed, 0 abstentions.

Item #4 Faculty handbook amendments on Fiscal Policies
See pages 14-20 of AC 4/20 and pp. 20-28 of GFM 4/24]

MOTION [Rakowitz/Bowen]: To amend the Faculty Handbook by deleting text in the sections on Fiscal Policies and Faculty Services (*for clarity, the text of this motion appears at the end of these minutes*)

Discussion:

Prof. Massey spoke against the motion, saying that we do not come out of this in a stronger position; there is no quid pro quo that would justify us giving up such important rights.

Prof. Thiel spoke in favor, saying that if he thought a negative vote would keep things as they are, he'd do it, but we are facing a larger question in which the trustees said they would act in a certain way if these motions are not approved. Prof. Dennin observed that the quid pro quo is the salary arrangement about the bump and the COLA for sustained merit. He is undecided. Massesy said that these are only potential, and do not even the score.

Prof Mulvey spoke against the motion, saying that it is rushed, that no one has gone through it carefully, and that there are internal inconsistencies as well as inconsistencies with the handbook. She recalled that the Academic Council passed a motion that we should obtain legal advice, and we should certainly not approve this without getting that legal advice. She warned that once the language is out of the handbook, all language can be overrun by the trustees, the handbook is the only document that can't be unilaterally changed.

While agreeing with Massey and Mulvey, Prof Bowen spoke "reluctantly," in favor, saying that Thiel's point is more important, and will be the only way to keep the handbook. Prof Greenberg agreed both that the motion is not good for us, and that many colleagues don't see that things are changing. We are getting a better salary structure and the health bump, including the CPI before additional merit. It's naïve, Greenberg concluded, to think we'll get a better deal.

Prof. Boryszcka asked if we should table this amendment until we hear from counsel. Mulvey said no. Prof. Robert, in response to Greenberg, said she was "not in favor," as she was concerned that there is little sense of precisely what's being put in place, and that she has been told "not to worry" about the benefits.

Prof Bernhardt stressed that it's very dangerous to simply change the handbook language on the fly. Even the BPO language is changing. We should vote this down, he said, and hold out for other language that isn't so drastic vis-à-vis the handbook. Prof. Bhattacharya finds this to be too huge, too sweeping, and thus she can't vote for the motion. Prof. Rakowitz spoke in favor.

MOTION [Greenberg/Bowen] to call the question.
MOTION PASSES: 13 in favor, 2 opposed, 0 abstention.

An agreement was reached to allow the next vote to be by secret ballot.

ORIGINAL MOTION FAILS: 7 in favor, 9 opposed, 0 abstentions; by secret ballot.

Item #5: Proposed Guidelines for Faculty Annual Merit Review and Self-Evaluation (4/10/09) [pp. 21-28 in AC 4/20/09 or pp. 5-12 in GFM 4/24/09]

On 4/27/09, the Academic Council passed a motion to send the proposed guidelines to the General Faculty with a recommendation to approve. The motion passed 10 in favor, 4 opposed, no abstentions.

Item #6: DRAFT Memo of Understanding for 2009-2010 [pp. 29-33 in AC 4/20/09 or pp. 13-17 in GFM 4/24]

Not discussed.

Item #7: DRAFT 2009-2010 Benefit Plans Overview for Full-time Faculty [pp. 34-41 of AC 4/20/09 or pp. 36-53 of GFM]

Prof Bernhardt: I'd like to put forward a different motion than the proposed draft.

**MOTION [Bernhardt/Nantz]:
[for clarity, deletions are indicated by ~~strikeout~~.]**

To revise section II.B.1.a of the *Faculty Handbook* (page 27 of current edition) to read:

The University provides, ~~at no cost to the faculty member~~, an enhanced Health Care Plan....

It is understood that this motion is contingent upon the approval by the faculty and administration of (i) clause C of the proposed MOU and replacement of the "Health, Dental & Prescription Drug Insurance Coverage" section of the current BPO (appendix 1 of the current MOU) with the "Health Insurance" section (with minor revisions*) of the currently proposed BPO (pages 38-41 of the 4/24/09 General Faculty meeting packet), and (ii) approval of the proposed merit plan, including the "Distribution of Funds" paragraph (for inclusion in the Journal of Record).

***The minor revisions would be the removal of the last two sentences of the first paragraph of the "Health Insurance" section of the proposed BPO (these two sentences would conflict with other language in the handbook).**

Bernhardt explains: In short, we will agree to the cost share on health premiums and will eliminate the Handbook language of "at no cost to the faculty member." In return we are asking for the \$2250 to be added to base salaries, the COLA part of the merit plan, a cap of 10% of faculty contribution to healthcare premiums, and no more than a 6% increase in the healthcare premiums per year for the next three years.

Discussion:

Mulvey spoke in favor of the motion, saying that this was a fairly technical change, and suggests that we move it along so that the faculty might consider it. What this motion would do is to agree to cost share on health benefits and, in exchange, we get what we have insisted we need before we accept cost-sharing: no additional merit if sustained is less than COLA. She said she found this to be a good alternative motion and would represent real progress on a significant part of the package.

Prof Massey said that she is not necessarily against the notion of cost sharing. But this is rushed – for example, one would have to factor in the fact that health care cost sharing is revenue neutral to the University, but not to the faculty. We should say only that we agree in principle to these notions, I'm uncomfortable with so few details.

Bernhardt observed that if we could introduce this now, we'd give faculty time for the details. It looks like the original document is going down, so we want to get this wording out so that people can look at it.

Prof. Nantz spoke in favor, saying that this is consistent with the charge to engage in conversation, to get past an impasse with collegial discussion. When our subcommittee brought this package, it was our best effort to compromise. I don't want the committee to be seen as not thorough, we offered a variety of these very proposals, and did due diligence, we tried to protect your interests. But our results reflect the fact that we had to arrive at a compromise that was acceptable to the administration. That doesn't mean, of course, that you have to accept it. There's nothing wrong in looking at alternative motions, such as this one. But do note that we tried these kinds of terms, and were not able to do this. I do speak in favor, we are in a different place than a few weeks ago. I think this kind of motion will make a statement to the Board.

Prof. Rakowitz spoke, "reluctantly," against the motion. She said she'd be happy to have such a motion work, but she was at the subcommittee meetings and these are NOT minor issues for the Board, and the faculty is still very much in danger of the sanctions the Board has suggested. If we approve this, it will send the wrong signal to the general faculty, they will be led to think that we find this to be a reasonable alternative, even though we already know it will not be received in this fashion.

Mulvey observed that the idea that the Trustees are concerned about details in the benefits handbook is new. The issue for years has been health care cost sharing, and this motion directly addresses that stated goal.

Prof. Dennin pointed to conflicts with the handbook.

Prof Bernhardt suggested that the problem with the subcommittee's proposal is that it's rushed, the language of the BPO is changing as we speak. Because of this, he proposes this motion so that there is movement.

Prof Thiel spoke against the motion, agreeing with Rakowitz. The sense of this new motion was part of the discussion with the trustees months ago. To send this with Academic Council approval to the faculty will appeal to their hopes for a different solution, but this is misleading, the trustees will not think it's enough.

With regard to the BPO language, one Council member asked whether the language that had been circulated was the final language -- or were additional changes still being introduced?

Prof. Massey asked about the value of a potential contrast between putting forward something like this, that shows a give-and-take approach, and the possibility that the Trustees would just take benefits right out of the handbook -- how does this look for the university? Here is a faculty meeting them halfway and they are still ignoring that cooperation. So I'm not sure that I can embrace this threat of bad things happening.

Prof. Nantz spoke in favor of the motion, saying that Massey characterized this as meeting the administration half-way, but she finds this to be a real compromise. I certainly think that this motion shows that the faculty is interested in resolution.

Prof. Greenberg spoke against the motion, expressing a hope that his colleagues will share with him what they're smoking.

MOTION PASSES: 9 in favor, 6 opposed, 1 abstention.

Prof. Bernhardt made a motion to thank the subcommittee on governance. The motion was approved by acclaim.

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.

b. Proposal to consider more fully integrating and representing graduate education into Handbook Committees (The Academic Council Executive Committee recommends that the Academic Council take up this item at the first meeting in September.)

7. New business.

a. Guidance for the Committee on Conference with the Board of Trustees.

Prof. Hlawitschka, representing the Committee on Conference, requested Academic Council guidance. Mulvey suggested that he share with the Trustees the work that the faculty is doing, particularly the strong subcommittee work, and inform them of the enormous progress that has been made in discussion with the administration this year. She noted that Prof. Caster was also present, and that he sits on the Student Life Committee, so will be reporting to the Board as well.

Hlwitschka sought clarification on two points with regard to the Handbook language on his committee. First, he noted that the General Faculty or the Board has permission to present amendments to the Academic Council. But has the Board ever presented amendments to the Academic Council?

Secondly, referring to p. 14, he observed that the Committee on Conference is to confer at the direction of the AC 'with the appropriate committee of the board of trustees.' With regard to the proposed Handbook changes, should the full board be the committee that is be addressed -- as the full board is the only one that can act on this? Prof. Greenberg replied yes, that he should seek to have the Committee on Conference speak to the full board. Profs. Massey and Mulvey agreed.

b. Interim report from the "Journal of Record Group." This group continues to meet, expects to have their work completed in May and will report to the AC with any proposed changes to the Journal of Record in September.

8. Adjournment. Prof. Rakowitz made a motion to adjourn, Prof. Bowen seconded, and the motion passed unanimously at 4:08 pm.

Respectfully submitted,

Nancy Dallavalle
Associate Professor of Religious Studies
Recording Secretary

The text for ***Item #4 Faculty handbook amendments on Fiscal Policies*** is below:

What follows is a "track changes" version of the proposed replacement texts for Fiscal Policies and Faculty Services. Note that the only changes in sections II.B.2 through II.B.5. are to replace "Academic Vice President" with "Senior Vice President for Academic Affairs."

II. B. FISCAL POLICIES

1. Benefits

Enrollment in all benefits programs and requests for additional information are handled by the Office of Human Resources. The insurance programs may be effected by that department only and it is, therefore, imperative that anyone wishing new or changed coverage contact that office immediately. Changed coverage can include addition and cancellation of dependents, change of marital status, change of name, etc.

Faculty benefits are outlined in the Benefits Plan Overview for Full-Time Faculty. Although the University shall provide all these benefits, it is incumbent upon the individual faculty member to contact the Office of Human Resources in order to effect his or her enrollment in these programs. Brochures and detailed information outlining each benefit plan are available in the Office of Human Resources. **In all instances, the Plan documents control and these documents should be consulted with any specific questions concerning benefits.**

a. Health Care Plans

BASIC MEDICAL COVERAGE

The University provides ~~at no cost to the faculty member, an enhanced~~ Health Care Plan **with enhanced options** ~~(as of July 1, 1996, a self-funded plan with benefits equivalent to the Blue Cross-Blue Shield Century Preferred Plan)~~ which covers hospital and medical/surgical expenses for the faculty member, **spouse or civil union partner**, and his or her eligible dependents. **The Health Care Plan is outlined in the Benefits Plans Overview**

If the University should offer a different plan to other University employees, the University will offer faculty members the option to elect alternative coverage under such plan, subject to the same terms and conditions applicable to other employees. If the University should offer a supplemental plan to other University employees, the University will likewise offer such supplemental plan to faculty members, subject to the same terms and conditions applicable to other employees.

If the Health Care Plan described above is discontinued or not available, the University shall continue to provide a comparable plan of benefits

~~The faculty shall be advised at least 90 days prior to any proposed changes in the plan of benefits and any proposed comparable plan of benefits shall be submitted for approval to the General Faculty.~~

The Health Care Plan, while self-funded, provides all the mandated benefits required by state law applicable to insured plans.

For faculty members, new coverage usually starts on the first day of employment at the University if enrollment procedures are completed on a timely basis. Upon termination of employment, coverage can be continued according to prevailing regulations.

~~MAJOR MEDICAL PLAN~~

~~The University's Major Medical Plan shall be provided at no cost to the full-time faculty member and to his or her dependents. The coverage is effective on the first day of employment at the University. Upon termination of employment, coverage can be continued according to prevailing regulations.~~

b. Retirement Plan

Participation in the regular Retirement Plan is mandatory for all eligible tenured faculty members. ~~Plans underwritten by the Teachers Insurance and Annuity Association (TIAA) and the College Retirement Equities Fund (CREF) and Fidelity Investments are available.~~ **Specific plans are outlined in the Benefits Plans Overview for Full-Time Faculty.** The faculty member who has completed one year of full-time service or its equivalent is eligible for this Plan and must initiate enrollment in this Plan through the Office of Human Resources. If the faculty member is already a member of **an eligible** retirement plan, the one-year waiting period may be waived. The eligible and enrolled faculty member is fully and immediately vested in the plan. **The University contributes towards the retirement plan with the expectation of a minimum contribution from the participating faculty member.** The Employee Retirement Equities Act (ERISA) also calls for eligibility for someone who works at least 1,000 hours per year. ~~A member's contributions may be tax sheltered, if he or she so designates.~~

The University contribution is ten percent of the base annual salary with a ~~minimum~~ **faculty contribution of two and one-half percent.**

An optional Supplementary Retirement Annuity Plan ~~underwritten by TIAA/CREF which may provide tax shelter opportunities~~ **is also available.**

Eligible faculty members wishing to enroll in this plan should do so through the Office of Human Resources once they are eligible.

c. Life Insurance

The University provides a term Life Insurance policy ~~at no cost~~ to the full-time faculty member. ~~The base value of this policy is equal to one and one-half times the base annual salary. However, additional amounts of coverage are available through payroll deduction up to a combined policy maximum (base plus additional) of \$100,000. The faculty member must enroll within 31 days of employment or be required to furnish evidence of insurability for a later effective date. There is no dependent coverage with this policy. On the first day of the month in which a faculty member's 70th birthday occurs, an amount equal to 65% of the selected amount will be provided. Other reductions will occur at ages 75 and 80.~~

Although this policy terminates when the faculty member leaves the University's employment, the faculty member may purchase, without evidence of insurability and subject to certain policy provisions, a Personal Policy of Life Insurance at prevailing rates.

d. Illness/Disability Paid Absence Policy

Full-time faculty who are absent from work as a result of illness or disability due to childbirth or injury which is not work related are afforded regular salary, insurance and other benefits during the period of disability. In case of lengthy or recurring absences or disabilities, the University reserves the right to request a medical certification of disability or a second opinion at University expense. In cases of serious and long-term illness/injury, the University will provide salary up to six months. The University's Total Disability Plan provides benefits after six months subject to the terms of the Plan. ~~The Plan provides benefits up to age 65 or beyond depending on the age of the eligible faculty member at the time total disability starts.~~

Temporary disability resulting from pregnancy is covered in the same manner as other disabilities during the period the full-time faculty member is absent from work. As soon as is feasible, a pregnant faculty member should provide a statement indicating the anticipated commencement and duration of the period of pregnancy disability. Barring complications the expected period of pregnancy disability would be six (6) weeks. If the period of disability extends beyond the six (6) weeks, documentation from a physician may be required.

Faculty whose maternity disability leave occurs at a time during the semester that would interfere significantly with their teaching (normally considered to be a period of

absence of three or more weeks) shall be released by the appropriate Dean from teaching responsibilities for the semester. During that time, full pay and benefits will be continued. Faculty will be expected to work on projects and to fulfill other responsibilities congruent with their role at the expiration of their maternity leave.

e. Workers' Compensation

Work related injuries are covered by Workers' Compensation.

2. Leaves of Absence and Sabbaticals

The University may grant leaves of absence ranging from one to four semesters. Sabbatical leaves and faculty grants are awarded with financial support to increase the usefulness to the University of individuals as teachers and as scholars, and to contribute to their long-term effectiveness as members of the academic profession. Leaves of absence without pay are intended to allow individuals to benefit from outside grants for scholarly or teaching purposes, to gain experience within other groups or universities or to improve their academic status.

If within a curriculum area in a given semester there shall be more persons applying for leaves than is reasonable to have absent simultaneously, the faculty of the curriculum area should recommend an order of priority to the Research Committee and ~~Academic Vice President~~ **Senior Vice President for Academic Affairs**.

Leaves shall be granted to individuals with the expectation that they shall return to Fairfield University at the completion of their leave.

a. Sabbatical Leaves

Sabbatical leaves are reserved for tenured faculty members. Tenured faculty members who have not been awarded a pre-tenure research leave are eligible for their first sabbatical after ten semesters of active service at Fairfield University. Tenured faculty members who have been awarded a pre-tenure research leave are eligible for their first sabbatical after ten semesters of active service at the University following their pre-tenure research leave. Tenured faculty members are eligible for any subsequent sabbatical after serving twelve semesters since their last sabbatical leave.

In order to insure consistency and fairness in counting the 12-semester time period of eligibility for sabbatical leave, the following procedures will be observed. Faculty members who take a two-semester sabbatical leave at half salary may begin counting the 12-semester time period of eligibility for their next sabbatical in the second semester of their two-semester sabbatical leave. Faculty members who, at the request of the Dean, postpone an approved sabbatical leave in order to accommodate the needs of their curriculum area may begin counting the 12-semester time period of eligibility for their next sabbatical in the first semester after the semester for which they applied and were approved for sabbatical leave, or, in the case of an approved two-semester sabbatical leave at half salary, in the second semester of the sabbatical leave for which they applied and were approved. The time of the postponed sabbatical leave will be counted in the 12-semester time period of eligibility for the faculty member's next sabbatical leave.

Financial support during the sabbatical is either full salary for one semester or half salary for two semesters.

Sabbatical leave may not be accumulated.

During the sabbatical, a faculty member may not accept a full-time teaching assignment elsewhere except under unusual circumstances and with prior approval of the ~~Academic Vice President~~ **Senior Vice President for Academic Affairs**.

According to normal academic practice, any faculty member meeting the requirements for a sabbatical leave may apply. The applicant shall prepare a proposal delineating in some depth the proposed plan for the sabbatical. (Guidelines for the preparation of a proposal are available from the Research Committee.) The applicant shall submit the completed proposal application to the head of the curriculum area. The head of the curriculum area will submit the proposal along with his or her letter of recommendation to the Dean. The Dean will submit his or her recommendation, the completed proposal, and the head of the curriculum area's recommendation to the Research Committee. The Research Committee will review the letters of recommendation and the proposal and submit their recommendation to the ~~Academic Vice President~~ **Senior Vice President for Academic Affairs**. The ~~Academic Vice President~~ **Senior Vice President for Academic Affairs** shall bring these recommendations, together with his or her own, to the President of the University for final action.

Since a curriculum area shall not normally expect a full replacement for a member on sabbatical leave, applications should be made early enough to allow rearrangement of courses, teaching loads, etc., to compensate for the member's absence.

Applications for either or both semesters of the following academic year shall be due to the head of the curriculum area by November 1. The head of the curriculum area will submit his/her recommendation and the completed proposal application to the Dean by November 7. The Dean will submit his/her recommendation along with the head of the curriculum's recommendation and the completed proposal to the Research Committee by November 15.

The applicant shall be notified of the disposition of his or her request as soon as a decision has been made by the committee.

Written reports shall be submitted upon the faculty member's return to the ~~Academic Vice President~~ **Senior Vice President for Academic Affairs**, the Research Committee and the faculty member's curriculum area.

b. Pre-Tenure Research Leave Programs

Pre-Tenure Research Leaves are open to untenured, tenure-track faculty during their third or fourth year. The award is for one semester at full pay. The award may not be used for work connected to the completion of doctoral studies. The semester will count toward the normal probationary period for tenure. The leave must be completed before the academic year in which the faculty member applies for tenure. Faculty who are awarded a pre-tenure leave and are tenured will be eligible to apply for a sabbatical twelve semesters after the pre-tenure leave.

According to normal academic practice, any faculty member meeting the requirements for a pre-tenure research leave may apply. The applicant shall prepare a proposal delineating in some depth the proposed plan for the leave. (Guidelines for the preparation of a proposal are available from the Research Committee.) The applicant shall submit the completed proposal application to the head of the curriculum area. The head of the curriculum area will submit the proposal along with his or her letter of recommendation to the Dean. The Dean will submit his or her recommendation, the completed proposal, and the head of the curriculum area's recommendation to the Research Committee. The Research Committee will review the letters of recommendation and the proposal and submit their recommendation to the ~~Academic Vice President~~ **Senior Vice President for Academic Affairs**.

Applications for either or both semesters of the following academic year shall be due to the head of the curriculum area by November 1. The head of the curriculum area will submit his/her recommendation and the completed proposal application to the Dean by November 7. The Dean will submit his/her recommendation along with the head of the curriculum's recommendation and the completed proposal to the Research Committee by November 15.

c. Faculty Grants

In addition to sabbatical leaves, faculty grants are salaried leaves of absence which may be awarded to those who have held full-time teaching contracts on the University faculty for at least three years. The norms for the award are: (1) the applicant's demonstrated competence in the area of his or her projected research or study; (2) the value of this research or study to the field of knowledge; (3) its benefit to the professional development of the applicant and his or her subsequent service to the University community.

Financial support, not to exceed full salary for one semester or one-half salary for two semesters, shall be determined by recommendations of the Research Committee and final agreement between the applicant and President.

The procedure for applying for the award is the same as that of applying for a sabbatical leave.

d. Leaves of Absence Without Financial Support

The University shall make every effort to encourage and cooperate with the faculty members who are in a position to secure from outside agencies or institutions funds for research, pre-doctoral or post-doctoral studies, or visiting professorships or governmental service.

3. Emergency and Personal Leaves

In cases where a faculty member requests leave for emergency reasons, arrangements for such leave may be worked out by the faculty member and the ~~Academic Vice President~~ **Senior Vice President for Academic Affairs**, in consultation with the appropriate Dean and with the person responsible for his or her curriculum area, without jeopardy to the faculty member's academic status.

In cases where a faculty member requests leave for personal reasons of non-emergency nature, and not for academic purposes this leave may be granted; but such leave is subject to consideration on a priority basis with those leaves treated in Section II.B.2.

4. Consulting and Outside Employment

The primary commitment of the faculty is to the University. Full-time members of the faculty may not engage in other employment or private professional activity during the academic year except on a limited basis and only with the written approval of the appropriate Dean. Consulting work and other such activities of proper professional character may provide valuable experience and contribute to the enrichment of teaching and scholarship, but the total amount of time which may be given to such activities must be limited for each individual, in order that no interference may occur in the proper discharge of full-time faculty duties. Faculty members serving clients in a consulting capacity are retained as individuals and the University takes no responsibility for such service. Records of all such activities of each individual must be kept on file by the person responsible for his or her curriculum area and be subject to continuing review.

5. Travel Allowances

The University encourages faculty members to represent it at meetings of professional societies. Since funds available to help faculty members defray the expenses of attending such meetings are not unlimited, faculty members are urged to seek funds from learned societies or other granting agencies. The limited University funds shall be made available within the continental United States and Canada in accordance with the following general principles:

a. A faculty member shall receive full travel expenses including meals and lodging, the transportation allowance not to exceed the cost of traveling by public carrier over the most direct route to his or her destination:

1. who holds office in a major learned society,
2. who reads a paper listed on the program at the meeting of the major learned society in his or her discipline,
3. whom a curriculum area chooses to be the official University representative at a meeting in its discipline (this is to be understood as one person per curriculum area per year).

b. A faculty member who holds a committee assignment which requires attendance at a meeting shall receive travel expenses equivalent to the cost of a round trip.

c. A faculty member who attends a meeting, but not in the roles stated above, shall receive travel expenses equivalent to one-half the cost of a round-trip ticket.

All requests for travel expenses and assignments of funds are made by the persons responsible for curriculum areas to their Deans early in the year for prorating within the limitations of the budget.

6. Tuition Program for Children of Faculty

The University offers a **tuition benefit program for children of faculty as outlined in the Benefits Plan Overview for Full-Time Faculty**. ~~to immediate families of full-time faculty members one-half tuition at Fairfield College Preparatory School and full tuition at Fairfield University. The University offers to immediate families of deceased faculty members one-half tuition at Fairfield College Preparatory School and full tuition at Fairfield University provided the faculty member was employed full time by the University for a period of seven years before his or her death.~~

III. FACULTY SERVICES

1. Offices - Office space is provided for every faculty member. This shall be assigned by the appropriate Dean.

2. Parking - The University provides parking ~~stickers and~~ places reserved exclusively for the faculty in appropriate areas.

3. Printing - A printing and duplicating service is available on campus.

4. Mail - Each faculty member is provided with a mail box. ~~Intra-campus mail is delivered between buildings twice a day, morning and afternoon.~~

~~5. Athletic Facilities - Members of the faculty have the use of the tennis courts and of the gymnasium, in which there is provided a special faculty shower and locker room.~~

~~6. Tickets - Members of the faculty are provided with a ticket to all University sponsored events.~~

75. Dining Facilities - A faculty dining room is provided in the Campus Center.

86. Academic Gowns - The University shall provide academic gowns for all members of the faculty on official occasions.

97. Library - Interlibrary loan privileges are provided for the faculty. Study carrels will be available in the library.

DRAFT MINUTES
Academic Council Meeting
September 21, 2009
(Meeting of 9/14/09 reconvened on 9/21/09)
3:30 – 5:00 PM
CNS 200

Present: Professors Bayers, Bayne, Bernhardt, Boryczka, Bowen, Dennin, DeWitt (Executive Secretary), Garvey, Lyon, Massey, Mulvey (Faculty Secretary), Preli (Chair), Rakowitz, Robert, Shea, Strauss, Tucker, Xu;
Deans Franzosa, Hadjimichael, Novotny, Solomon;

Guests: Professors Hlawitschka, Kelly; Executive Vice President Weitzer;
Student John Tiene, 2011

Regrets: SVPAA Paul Fitzgerald, S.J.

Meeting from September 14, 2009 Reconvened by Preli (Chair) at 3:34 p.m.

Chair Preli reminded everyone that we passed a motion to reorder the agenda at the last meeting, and we would be picking up where we left off at that meeting. New order of agenda: 7.a: Report from the Faculty Salary Committee; 4.a: AC Subcommittee on Governance; and 6.c: Report from Committee on Conference with the Board of Trustees re last meeting with Board on 6/4/09 and upcoming meeting with Board in October.

Chair Preli recognized the presence of a student representative to the AC meeting; John Tiene welcomed to the meeting.

Prof. Mulvey raised the issue of needing to resolve conflicts with the Academic Calendar and Final Exam Schedule for Fall 2009 semester (Item 7.c under new Business). Given the extensive agenda needed to be covered today, Prof. Mulvey requested permission of the AC to allow her to handle the issue with SVPAA Fitzgerald and notify faculty of all necessary changes. There were no objections.

Chair Preli reminded AC members that discussion will be stopped at 4:45 pm today (if no objections are raised) in order to allow time for action on motions. She also reminded the Council that there was a motion on the floor, and that council members should speak to that motion.

7.a. Report from the Faculty Salary Committee.

Discussion ensued regarding the motion put forth by the Faculty Salary Committee at the 9/14/09 AC meeting:

MOTION [Rakowitz/Dennin] That the AC recommend to the General Faculty that the Handbook be amended by replacing section II.B., Fiscal Policies, with the attached text.

Specific changes in the text were proposed under II.B.1 (Benefits) for the Health Care Plans, Retirement Plan, and Life Insurance.

Prof. Dennin spoke mildly in favor of the motion, stating that the FSC had worked long and hard in coming up with the proposals that had been agreed to by administrative representatives. While it was an important decision for faculty to make with regard to money issues and changes to the Handbook, it was not, in essence, too complicated a proposal. Details are laid out in the “Roadmap to the Proposed Changes to the Handbook” provided by the FSC. Some statements of benefits do remain in the Handbook (e.g. reference to staying with BC/BS). An increase in Life Insurance has been negotiated. Specific dollar amounts are being moved to the Benefit Plan Overview (BPO). Although protections for faculty may not be as strong as when these specifics remained in the Handbook, there is still protection in that any change to the benefits must be agreed to by both faculty and administration. Faculty also stands to gain from some of the proposed changes (e.g. statements have been added about FACHEX being continued in the case of death of a faculty member). Prof. Dennin felt personally that the proposal was a reasonable deal and that it was important for the AC to take the lead, vote up or down on the proposal, and let the Board of Trustees (BOT) then take their action. The proposal is a package deal like the MOU is a package.

Prof. DeWitt spoke neither in favor or against the proposal. Several issues should be addressed. Question raised about whether AC should decide on the proposal as a package or look at each item in the proposal separately.

MOTION [DeWitt/Bernhardt] That the original motion on the floor be divided in order for AC to discuss the three issues separately: cost sharing on health premiums, retirement plan, and life insurance.

Prof. Tucker, as a Point of Information, asked if the AC could table the current motion and vote on the original motion?

MOTION [Tucker/Dennin] That the current motion on the floor be tabled until the AC votes on the original motion.

After a brief discussion, Chair Preli ruled that the motion to table was out of order.

Prof. Tucker withdrew his motion.

CURRENT MOTION FAILED 3 in favor, 10 opposed, 2 abstentions.

Discussion of original motion by Rakowitz/Dennin resumed.

Prof. Tucker spoke in favor of the motion. Expressed the desire to bring this to the general faculty. Asked if the MOU has amendments that require a 2/3 vote by faculty?

Chair Preli stated that the current motion does not include amendments to the MOU.

Prof. Tucker stated his belief that faculty would first be asked to vote on any amendments and that he was in favor of putting the original motion in front of the faculty.

Prof. Massey spoke against the motion. Referenced a quote in a letter from Former President Kelly saying that any benefits not in the Handbook are subject to the “good will” of the parties. Feels that the current proposals represent crucial movements of protections for the faculty out of the Handbook. In the current climate of mistrust between faculty, administration, and BOT, these movements are not in the faculty’s interest.

Prof. Dennin spoke again in favor of the motion. Pointed out the process of reaching a compromise between administration and faculty. Recognized that the changes were not a continuation of Handbook protections, but were protections nonetheless. Administration cannot make changes to faculty benefits at whim.

Prof. Bernhardt spoke against the motion. Feels that protection is a crucial issue. The trustees have to come to an agreement with faculty or the status quo should be maintained. Faculty would be giving away a lot of our protections. We had binding arbitration in the past, and he would prefer that.

Prof. Mulvey spoke against the motion, raising two points. First, feels that the motion only takes things out of the Handbook but does not include the key contingencies, such as adding \$2250 to base salary in exchange for cost-sharing of premiums, caps on how fast costs of the premiums can rise in the next three years, the distribution of funds clause in the merit plan, etc. She might favor the motion if these protections were included. The motion doesn’t specifically put the protections in the BPO. The motion has been poorly phrased for the AC to consider. It is the wrong action for AC to take. This motion should be voted down and the FSC should come up with another. Second, feels generally confident about administration’s commitment to the 95th percentile. However, is not confident with benefits being removed from the Handbook. She predicted a decrease in the University’s contribution to retirement plans after the three years. This is a concern especially for young faculty. Feels that protection based on the 95th percentile commitment is flawed but that’s all we have, and that this is a motion to have benefits less well protected than they currently are.

Prof. Massey again spoke against the motion. Agrees with Prof. Mulvey’s comments. In reference to the responses of the FSC to questions by AC members, feels that the wording in the BPO is poor, that there is no teeth to the BPO, and that, since there has been no changes to the charge of the FSC, they have no ability to specifically change the BPO.

Prof. Rakowitz spoke in favor of the motion. Feels that the arguments have been made clear in past discussions. Protections for faculty are there with reference to the 95th percentile commitment. If that commitment is solid, then any changes would fall under that protection. In terms of the power of the FSC to review the BPO: the FSC reviews the MOU and the BPO is part of that. As a point of clarification: the AC does not approve the motion itself, they give approval for the motion to be sent on to the general faculty. Stated that the FSC will put forth a motion that spells out more carefully all of the contingencies that have been discussed. Asked that AC members look at the whole thing in context.

MOTION [Bowen/Lyons] to call the question.

Prof. Mulvey, as a Point of Information, stated that AC only brings amendments to faculty as they have been put forth in AC.

MOTION TO CALL THE QUESTION PASSED. 9 in favor, 5 opposed, 1 abstention.

MAIN MOTION PASSED. 9 in favor, 6 opposed 1 abstention.

MOTION [Rakowitz/Dennin] That the AC recommend that the General Faculty approve the Guidelines for Faculty Annual Merit Review and Self-Evaluation as amended in the 9/17/09 memo from the FSC Chair to the AC (replacing “salary pool” with “increase in salary pool”).

MOTION [Tucker/Rakowitz] That AC grant EVP Weitzer speaking privileges.

Prof. DeWitt, as a Point of Information, stated that the second motion was out of order and needed to precede the introduction of the first motion.

Prof. Tucker withdrew the second motion with the general consensus of the Council.

Prof. Rakowitz withdrew the main motion with the general consensus of the Council.

MOTION [Tucker/Dennin] That AC grant EVP Weitzer speaking privileges.

MOTION PASSED unanimously.

MOTION [Rakowitz/Dennin] That the AC recommend that the General Faculty approve the Guidelines for Faculty Annual Merit Review and Self-Evaluation as amended in the 9/17/09 memo from the FSC Chair to the AC (replacing “salary pool” with “increase in salary pool”).

Prof. Tucker spoke in favor of the motion and asked, as a Point of Information, will the Administration firmly support the FSC amendments as separate from governance issues when they are presented to the BOT?

EVP Weitzer stated that he can't speak for the BOT, but that he and SVPA Fitzgerald will definitely bring them forward for the Board's consideration.

Prof. Tucker stated that the AC needs to bring this motion to the general faculty.

Prof. Mulvey spoke against the motion. Voiced questions about the specific plan for the distribution of funds to Standard and Additional Merit. What is the formula to be used? Will it be a distribution as a percentage of an individual's salary or a percentage of the mean salary for the rank? We will need data for faculty to be able to compute the MOU.

Prof. Rakowitz stated that, if CPI is 2%, and the salary pool increase is 3%, then standard merit increase would be 2¼%.

Prof. Massey spoke against the motion. Feels that many parts of the motion are sloppy. Important details have not been ironed out. In theory, feels that it is a good idea, but we need more details.

Prof. Dennin spoke in favor of the motion. The Merit Plan as put forth in this motion was discussed in detail last year (at Brown bag lunches, etc.). It was passed overwhelmingly by the faculty, but rejected by the BOT. Wants to bring it back for faculty to pass again.

Prof. DeWitt spoke “not against” the motion. Stated that the CPI clause does not give the assurance it is supposed to give, in that the CPI clause allows, over time, for Standard Merit to fall substantially below CPI while Additional Merit rises above CPI. Would suggest language that linked CPI, Standard Merit, and Additional Merit over several years rather than one year. It would be better to have a clause that references a three-year period, or at least a two year period

Prof. Dennin again spoke in favor of the motion. Read from an old MOU where the percentages had been given, and stated that it will be done similarly under the new motion. The CPI clause is not perfect, but, with a Merit Plan in the picture, it does address it. Administration can choose to play games, but the clause does address CPI and it is tremendously better than the current situation.

MOTION [Tucker/Bowen] to call the question.

MOTION TO CALL THE QUESTION PASSED. 12 in favor, 4 opposed, 0 abstentions.

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

4.a: AC Subcommittee on Governance

Chair Preli stated that responses by members of the AC Subcommittee on Governance to questions from AC members had been received by the AC Executive Committee today. Chair Preli asked for any motions to be brought forward for AC at this time. None were proposed.

MOTION [Massey/Robert] to reorder the agenda for AC to allow for presentation by members of the Committee on Conference with the BOT (CoCwBOT).

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

Prof. Mulvey stated that this was an ongoing item for AC, and asked for reports from the Committee’s 6/4/09 meeting with the BOT as well as input for their upcoming October meeting.

Prof. Kelly referred to the report that she had written for her colleagues in the GSEAP and shared with AC members over this past weekend. Professors Hlawitschka, Gibson, and Kelly, along with Professors Rakowitz and Mulvey, had all attended the 6/4/09 meeting with the BOT.

In terms of the general tone of the meeting, BOT members seemed disappointed at the failure of the faculty to pass the package developed jointly by members of the FSC, the AC Subcommittee on Governance, and administration in May, 2009. Prof. Rakowitz had described for the BOT the number of faculty involved and their habit of independent thinking. The tone seemed to have changed somewhat by the end of the meeting, but members of the CoCwBOT left feeling unsure of how the BOT members would vote that afternoon.

Prof. Hlawitschka stated that they were denied permission to speak to the full BOT. They had discussed the situation with the Academic Affairs Committee of the BOT, and asked if the BOT had met and discussed or voted on the issues. There was an ongoing issue of non-specific threats concerning potential actions of the BOT. There were discussions but no action taken at that point. Since then, the BOT had voted down the proposals passed by the general faculty and passed the original package. There was no sense of threat from individual Board members, and there was a sense that the Chair of the Academic Affairs Committee of the BOT would ask the full Board to pass the proposals passed by the general faculty.

Prof. Mulvey asked if the BOT had communicated directly with the CoCwBOT?

Prof. Hlawitschka stated “no”.

Prof. Mulvey stated that communication should have come to them as an official channel between the faculty and the BOT. Feels it is unclear what should be done with the 6/12/09 letter from President von Arx. Asked if the CoCwBOT had received any formal request by the BOT for faculty to revote on the original package?

Prof. Hlawitschka stated “no”.

Prof. Tucker asked if there was any reason why faculty could not address the full BOT?

Prof. Hlawitschka stated “no”.

Prof. Tucker asked if there was any precedent for that happening?

Prof. Hlawitschka stated that the CoCwBOT has met with the full BOT in the past.

EVP Weitzer made several points: 1) the BOT communicated directly with the President with their 6/12/09 statement, the President communicated with the General Faculty; 2) the BOT didn't feel the need to communicate separately with the CoCwBOT; and 3) there is an invitation going out shortly for the CoCwBOT and other faculty leaders to meet with the BOT on 10/1/09.

Prof. Dennin noted that the 6/12/09 letter from the BOT did ask faculty to revisit the full original package at the earliest time possible.

Prof. Massey asked how the BOT had communicated directly with the faculty?

EVP Weitzer stated that there were 2 items: the 6/12/09 email from President von Arx with the 6/12/09 statement from the BOT attached to it.

Prof. Hlawitschka asked if AC wanted the CoCwBOT to seek a meeting with the full BOT?

MOTION [Tucker/Strauss] for AC to direct the Committee on Conference with the BOT to seek a meeting with the full BOT.

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

Prof. Mulvey offered additional directions for the CoCwBOT: 1) considering the indications that the BOT members viewed the faculty vote as a lack of support for President von Arx, to inform the BOT that the faculty vote was based on the merits of the proposals and that the general faculty is surprised to hear the view that we're not supporting President von Arx; and 2) concerning references to the "President's model of shared governance", that the AAUP has a model that is the standard for higher education, that governance issues are deep and complicated, and that there aren't models of governance to choose from.

Prof. Dennin offered support for Prof. Mulvey's first point above, saying that faculty and administration has spent a lot of time doing what we think the BOT want us to do, and asked if the BOT can also offer their support to the President for future agreements worked out between the faculty and administration?

Prof. Mulvey offered the view that faculty are tired of feeling bullied or threatened. This has been very draining for faculty. We want to get back to the business of higher education. We need honest communication from the BOT. The current attitude seems to be far from the Jesuit ideal.

Prof. Massey stated that there seems to be a misperception that faculty is stalling or stonewalling. Wants the BOT reminded that, as academicians, we take reasoned, rational approach to issues. Faculty have been willing to attend many extra meetings in the interest of resolving the issues. The BOT may need to consider extra meetings as well.

Prof. Kelly stated that the BOT do see the faculty as moving slowly on these issues, and have asked why we could not have moved more quickly?

Chair Preli thanked the CoCwBOT members for their hard work. She asked if there were any objections to having Faculty Secretary Mulvey take care of resolving the issues with the Academic Calendar and the Final Exam schedule? None were expressed. Further discussion with the Subcommittee on Governance will take place at the next AC meeting. She then asked the Faculty Secretary for advice on how to proceed with presenting the motions from AC to the general faculty, given the time constraints.

Prof. Mulvey described her charge of setting the agenda and dates for general faculty meetings, and the required time frame for getting information out. Asked for suggestions on how to proceed with the general faculty meeting tentatively scheduled for 9/25.

Prof. Tucker asked when the next faculty meeting was scheduled for?

Prof. Mulvey stated "10/23".

Prof. Tucker asked if scheduling the items for 9/25 would be a violation of procedure?

Prof. Mulvey stated “yes”.

Prof. Tucker asked if it would be reasonable to put the items on the 10/23 agenda?

Prof. Mulvey stated that AC next meets on 10/5 and that some things needed to be cleaned up before then. She is not comfortable putting items as they currently exist on the agenda.

Prof. Massey asked what the standard procedure would be?

Prof. Mulvey said items passed by the Council today would go on the agenda for the 10/23 GF meeting.

Prof. Rakowitz stated that it was past time for the 9/25 meeting. Asked if we could bring the AC votes to the 10/1 BOT meeting, and use the 10/5 AC meeting to finalize things.

Dean Franzosa asked about the 9/25 meeting?

Prof. Mulvey stated that it could either be cancelled, or we could use the time for some discussion.

Dean Franzosa asked if the general faculty would want the opportunity for more information/discussion about the issues?

Prof. Tucker asked if the Handbook amendments could be linked to the MOU for the 10/23 faculty meeting?

Prof. Mulvey wants the BOT to understand what the AC has done and what their plans are now. She is concerned that amendments as now passed by the AC are unlikely to pass with the general faculty.

MOTION [Bowen/Rakowitz] Motion to adjourn.
MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 5:04 pm.

Respectfully submitted,
Joyce Shea
Assistant Professor
School of Nursing
Recording Secretary

DRAFT MINUTES
Academic Council Meeting
October 5, 2009
3:30-5 p.m.
CNS 200

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

Deans: Crabtree, Hadjimichael, Franzosa, Novotny, Solomon

Student representative: Alison MacNeill

Guest: Executive Vice President Weitzer

Regrets: Dean Wilson, Senior Vice President for Academic Affairs (SVPAA) Fitzgerald, S.J.

The meeting was called to order at 3:34 p.m. Chair Prof. Preli explained the history of our Presidential Courtesy agenda item, which is an opportunity for the President to address the body. The Academic Council reached an agreement with the administration that the Academic Vice President could deliver the Presidential Courtesy and in return any administrator who addressed the Academic Council or the General Faculty would take questions on any subject. Today, President von Arx has appointed Executive Vice President (EVP) Weitzer to be Acting President in President von Arx's absence. EVP Weitzer will address the Academic Council today as Acting President, so this is not a change of protocol by the Executive Committee.

1. Presidential Courtesy

Acting President Billy Weitzer has been speaking with President Von Arx and Senior Vice President for Academic Affairs (SVPAA) Paul Fitzgerald to see what he can tell us. We are pleased in general with the progress that has been made. He would like to comment in three different areas: first as to the Board, then the administration, then the faculty. He was not present at the Board of Trustees meeting but from what he heard it was a cordial meeting. Acting President Billy Weitzer read from a Board of Trustees statement by Chairman of the Board Paul Huston indicating that the Board is not taking action at this time. He delivered this resolution from the Board of Trustees:

[Therefore,] consistent with our fiduciary obligation to act in the best interests of Fairfield University, the Board of Trustees will, absent prior agreement between the administration and the appropriate faculty bodies on the proposals that were discussed today, act to resolve such disputes on or before our next scheduled meeting on December 3, 2009.

Acting President Billy Weitzer stated that we should focus on moving forward. President Von Arx has been here for 5 years, he has been here 3 years, and SVPAA Fitzgerald is new; there is good collaboration but could be better collaboration with dialogue and mutual respect. Personnel can make a difference, but structural changes can make a difference too. These governance proposals can be seen as compromises by the faculty subcommittee [Academic Council Subcommittee on Governance] and the administration will support them. The same is true with financial proposals that were passed at the last Academic Council meeting, which were efforts by the administration and the faculty subcommittee [Faculty Salary Committee] together. These proposals put us in a better position. We have invited faculty in places where traditionally

only administrators were involved. We (the administration) will support these compromises if all the measures are passed. “So my message to the faculty is that I hope you act in timely fashion. Collectively, this gives us the opportunity to move forward and put our differences behind us.”

Prof. Mulvey asked a few questions: How will the governance proposals move governance forward, given that the answer at the meeting with faculty and the Board was that they are largely symbolic? How will the governance proposals concretely move governance forward? What does board consider “resolve”? She questioned whether we must rush and consider them all together or can we move in a more deliberative fashion?

Acting President Weitzer responded that we (the administration) are interested in all proposals passing but that doesn’t mean you the faculty can’t consider them separately. On the other question, it’s up to your colleagues to answer; I think it’s a combination of symbolic and practical changes—in changing some committee structures and personnel—they are both important steps in the right direction.

Prof. Bowen asked an unrelated question. She noted that the President had announced that there would be a community wide meeting for the Perlitz issue. Do you know the dates yet? Acting President Weitzer said that he did not know the date but will be happy to get that information out to the faculty.

Prof. Dennin asked for confirmation that if the faculty approves all this stuff, is it implied the Board will back off? Acting President Weitzer replied, “Yes, if we come to them and say we did it.” Prof. Dennin understood that the Board will take their hands off it, but this is not in writing.

Prof. Bernhardt referred to the proposals on page 23 of the Academic Council packet of October 5 and asked whether the administration supports them. Acting President Weitzer responded in the affirmative. Prof. Mulvey stated that it is unlikely that setting up a subcommittee to formalize representation on Board of Trustees committees with *Handbook* language can be done and through the AC and the GF by December.

Prof. Preli thanked Acting President Weitzer.

2. Report from Secretary of the General Faculty

Prof. Mulvey reported that the final exam schedule is on track, noting that the faculty already received an email from SVPAA Fitzgerald. It was only done for this one semester.

The Executive Committee and General Faculty Secretary met with SVPAA Fitzgerald and had a good lengthy meeting. Monthly meetings are planned. As Secretary of the General Faculty, Prof. Mulvey continues to meet with him weekly.

On October 1, she was invited to address the full Board of Trustees at its meeting, along with Prof. Nantz, who brought Prof. Thiel, Prof. Preli, who brought Prof. DeWitt, Prof. Rakowitz, who brought Prof. Dennin, and Prof Kelly. The five invitees presented for 30 minutes and had a

30 minute question and answer session. Prof. Mulvey will ask her participating colleagues to put together their comments in a packet for the next GF meeting.

Prof. Mulvey announced that all open committee positions have been filled except for a Dolan School of Business slot on the Faculty Development and Evaluation Committee for spring 2010. She believes that all committees now have chairs.

Dean Crabtree asked who is the new chair of the rank and tenure committee; and whether to direct the many questions she receives to the new chairs or the old chairs of the committees. Prof. Mulvey responded that the new chair of the rank and tenure committee is Prof. Paula Gill Lopez. Whether to direct R&T questions to the current or past chair depends on the question; so Dean Crabtree should check with Prof. Mulvey on a case by case basis.

3. Report from the Executive Secretary

a. Approval of minutes of meeting of September 14, 2009

Prof. Preli asked for corrections or changes for the draft minutes of September 14, 2009. Prof. Robert stated that in the third paragraph on page 6, it should read “Amendment” #5, not “Handbook” #5. Prof. Massey said that on page 9, Prof. Bernhardt asked what “if”–not “is”–“faculty and administration did not agree.” Prof. Garvey noted that on the same page (page 9), it should read “Chair” not “Chari” Preli.

MOTION [Bayers/Massey]: To approve the minutes of September 14, 2009 as corrected. MOTION PASSED: 15 in favor, 0 opposed, 1 abstention.

Prof. DeWitt stated that the draft of the next meeting minutes (the continued portion of the recessed meeting, which took place on September 21) will go out in the next correspondence. He then briefly identified the following items of attached correspondence:

b. Correspondence

- i. Responses from AC Subcommittee on Governance to AC questions**
- ii. Additional correspondence from Committee on Conference re Q&As**
- iii. Athletic conflicts with final exams** (referring to page 17 in the ongoing items)

c. Oral Reports

Prof. DeWitt stated that there are no oral reports.

Prof. Rakowitz raised an issue. She questioned the email we received last week before the Board meeting. On page 5 of the packet, Prof. DeWitt had made a motion that the Executive Committee send a letter to the Board correcting certain misunderstandings and we tabled that motion; then Prof. DeWitt included explanation in a submission to the Board. She is confused by the disrespect of that motion process.

Prof. DeWitt explained that the memo was written by them as members of the senior management team in response to an invitation to submit materials to the Board. It had nothing to do with Academic Council. Father Charlie Allen wrote back and asked whether it was intended for the President's report, stating that is not the usual thing, and he invited them to submit it instead to the Board of Trustees. President von Arx stated the same thing in a subsequent email to Prof. Preli and Prof. DeWitt. The authors made it clear they were not speaking on behalf of the Academic Council: "we were speaking on behalf of the three of us, as the memo quite strongly makes clear in the first paragraph."

Prof. Preli stated she was aware of this issue and would like to circulate the letter that was sent to the chairs and invited a response, although there was no time to include it in the packet. (She then passed the letter around at the meeting.) It was represented clearly to us in the letter and in the responding memo to the Board that I was speaking as an individual in my office, not representing the Academic Council and all opinions. The tabled motion was for the Executive Committee in an unsolicited fashion to address the Board's misunderstandings – we never got to address that – although there was clearly some overlap. The comments were an attempt to support the progress made, to make clear we were opposed to a threat being made, and that we would view further threats as violations of the *Handbook*.

Prof. Dennin said he was also disturbed by the memo because it sounds like it is Academic Council related. They constantly refer to themselves as elected leadership positions. It is fine to write to the Board as individuals, but the original call from Paul Huston was to invite them in their elected capacity of the Academic Council. It seems disingenuous to say it was not as elected representatives. One has to be very careful when one has a position of authority to appear not to misuse it.

Prof. Preli clarified that we were not invited as private citizens but as elected leaders of AC, which is exactly what the letter says.

Prof. Mulvey emphasized, I got all the correspondence but Prof. Preli, Prof. Rakowitz and Prof. Nantz were invited as elected chairs of committees but not to represent only committee positions or they couldn't have gone. These concerns were thoroughly thought over by the Chair and Executive Secretary. In my opinion, they did the right thing to communicate without crossing any lines. I offered to send the memo myself but Prof. Preli and Prof. DeWitt thought about the concerns that had been raised and thought that this was perfectly appropriate. They received emails in support from members of the Academic Council. I feel Prof. Preli and Prof. DeWitt bent over backwards to do right thing in good faith and honestly. If someone has motion of censure or support they should make it or we should move on and not waste time.

MOTION [Massey/Robert]: To support the memo that was sent by Prof. Preli, Prof. Mulvey, and Prof. DeWitt to the Board.

Prof. Dennin said there was a misstatement in the second paragraph and that it was not accurate. Prof. Mulvey noted she drafted that and stood by its accuracy.

MOTION [Bernhardt/Robert]: To call the question.
MOTION PASSED: 16 in favor, 0 opposed, 0 abstentions.

A vote was conducted on the original motion:

MOTION [Massey/Robert]: To support the memo that was sent by Prof. Preli, Prof. Mulvey, and Prof. DeWitt to the Board.

MOTION PASSED: 8 in favor, 4 opposed, 3 abstentions.

4. Council Committee Reports

a. IDEA subcommittee

Prof. Mulvey reported that the IDEA subcommittee is up and running. As charged, its members consist of: Professors Marsha Alibrandi and Bill Abbott (FDEC); one undergraduate student, Matt Brennan; Professors Johanna Garvey (AC) and Larry Miners (CAE); and Associate AVP Mary Frances Malone.

We need a member of the Academic Council to replace Professor Mousumi Bhattacharya, who is no longer on the Academic Council. Send an email to Prof. DeWitt if you are interested in being on that committee.

5. Petitions for immediate hearing. None.

6. Old Business

a. Consideration of AC Subcommittee on Governance proposals (attachment)

Prof. Preli directed the Academic Council to consider the proposals in the packet beginning on page 18. Prof. Preli would like to take each recommendation made by the AC Subcommittee on Governance which spoke two weeks ago in order. First, on page 19 – that the *Handbook* be amended to extend voting privileges to the Executive Secretary and the SVPAA.

MOTION [Tucker/Lyon]: To pass all seven of these as a package rather than individually.

Prof. Mulvey objected that they're not all *Handbook* amendments and would require separate votes by the GF.

Prof. Tucker responded that the administration sees it as a package. He wants to see if there is support for the package in its entirety.

Prof. Mulvey stated, "I do feel this is a terrible idea. I too feel pressure after Billy Weitzer's remarks but some are bad for the institution and some are good for the institution. I feel it would be irresponsible to accept as a package and it can't be voted on as a package at the General Faculty meeting."

Prof. Tucker asked for information on what would happen if the faculty voted on it as a package. Prof. Mulvey explained that the *Handbook* amendments require two-thirds approval and the rest just a majority so the proposals need to be voted on separately at the General Faculty meeting. Prof. Tucker wanted to explore other options.

Prof. Massey suggested perhaps Prof. Tucker should consider withdrawing the motion and make it proposals numbers 1-4 which are all *Handbook* amendments together and separate from the rest of the changes which are not *Handbook* amendments. This would be less challenging in terms of logistics.

Prof. Tucker said that passage of his original motion would demonstrate the support of the Academic Council [DS1] and faculty could still vote on the proposals separately. If support is not there, then we would still break out and vote on the proposals separately. We would be sending a signal.

Prof. Bernhardt raised a point of information. Proposal number 7 says the Academic Council recommends the faculty pass a motion. Is that how we read this? It seems to me this should be separate.

Prof. DeWitt stated he is very much against this approach. He wants to defeat this motion and move on. It may be technically possible for the AC to vote on together but later it would have to be broken apart at the General Faculty meeting, and procedurally it would be a mess to break apart.

Prof. Rakowitz noted that the last three proposals are not supposed to go beyond the Academic Council.

Prof. Tucker withdraws the motion.

MOTION [Rakowitz/Bowen]: That the Academic Council recommend that the General Faculty approve proposal 1, that the *Handbook* be amended as on page 20, which would extend voting privileges to the Secretary of the General Faculty and the SVPA.

Prof. Rakowitz spoke in favor of the motion. This would be purely symbolic of the fact that the default model with the administration should be collaborative not adversarial.

Prof. Bowen also spoke in favor of motion. She recognizes that there are number ways this goal might be reached but this has been the plan brought to us by our subcommittee. The goal reached would be important and the means would be appropriate.

Prof. Mulvey spoke very strongly against the motion. Only faculty elected by colleagues to represent them on behalf of the faculty should be voting. This is an underlying principle of representation. They should be faculty elected by colleagues to do this job. As part of the underlying principles of shared governance, the actions voted upon by the Academic Council are not final; those decisions go to the SVPA and the administration can veto, which they must do in writing. It is a violation of due process to give the SVPA a vote when he has the ultimate veto. The arguments for this proposal are symbolic. Yes he is a faculty member but he has not been elected to be voting on this body. People argue that there is a model: seven *Handbook* committees have the vote for administrators, but that doesn't make it a good idea. The only reason is to pacify the trustees and get them off our backs. I care about it very deeply and on a

principled basis. When it started out, the President wanted all 7 administrators to have a vote, then 4, now 1 – it is not the number of votes, it's the principle.

Prof. Tucker said he is not sure what other schools do but the faculty did come down from three to the one, negotiated, and it addresses what NEASC asked for, more shared governance, and what the Board of Trustees asked for. He wants to hear about other schools.

Prof. Mulvey stated that her principled stance comes from AAUP standards. She has recently reviewed the NEASC report, and NEASC did not ask for this as shared governance.

Prof. Massey read the *Handbook* language regarding the Academic Council, that the Academic Council is for the faculty and explaining the function of the Academic Council in academic matters. The administrators make their comments. It is a problem with due process – you're not supposed to be a judge in your own cause. She is concerned that this is not fully flushed out properly.

Prof. DeWitt is opposed. Some proposals have a principled reason to oppose and some have a practical reason. On practical matters, this one is a wash – it's the principle – this is a candy bar model of shared governance. That's not what shared governance is; this doesn't go along with, but is contrary to those models. He doesn't know of any faculty senate that has administrative votes; usually they don't even have administrative presence. We have a hybrid model: we don't have votes but we have a presence. Ask yourself whether you would vote for it if it were not for a threat. We should decide on the merits.

Prof. DeWitt suggested voting be done by ballot.

Dean Franzosa said she doesn't want to muddy the water. She wants to see us move forward and the principle of shared governance is important. As a point of information, she asked what the original proposal included.

Prof. Rakowitz answered that the administration originally wanted six deans and the SVPA to have voting privileges. In the spring, they brought forward the proposal of two deans and the SVPA, so a net of two administrative votes.

Dean Franzosa wanted to go on record saying that she doesn't like that. Deans are important for their voices to be heard and respected, with wonderful and rich experiences. She had another question about student representation: do we have a graduate student? (The answer was no.)

MOTION [Dennin/Robert]: To call the question.

MOTION PASSED: 14 in favor, 1 opposed, 0 abstentions.

Prof. Preli asked if there was any objection to voting by ballot. With no objection, the vote was held by ballot.

MAIN MOTION FAILED: 8 in favor, 9 opposed.

MOTION[Rakowitz/Shea]: That the Academic Council recommend that the General Faculty approve proposal 2, the reorganization of the Executive Committee (on page 21-22) to include the SVPAA and the Faculty Secretary.

Prof. Tucker asked, is this dependant on the first motion?

Prof. Preli answered, "No."

Prof. Massey had a question but was not sure who would answer: what happens if there is dissension, four people. The answer is given on page 10 that the agenda item gets added, but on page 12 the answer changes for same question. It states that this provides greater opportunities for efficient problem solving. What exactly is the role? If it is perfunctory, then need language in *Handbook* added as to that role. Again, "the devil is in the details" and this is not flushed out.

Prof. Bowen responded that she can address this from her experience on the Executive Committee last year. Only two members determined the agenda: the Chair and Executive Secretary. It never got to the point of voting; we talk at length but never in that year took a vote. She would expect with four it would operate in the same way.

Prof. Tucker raised the question of whether an item then would go on the agenda if a tie.

Prof. DeWitt answered "Yes."

Prof. Mulvey is opposed. We have never said anything doesn't go on the agenda – in her years as General Faculty Secretary and as Executive Secretary before that. It reflects a lack of experience of the committee members as to the Executive Committee. This discussion here makes me think this group doesn't know what happens. We don't act as gatekeepers. We would never omit something from agenda. There is no decision-making authority.

Prof. DeWitt is against the motion. This has both principled and practical reasons against it. On page 12 of the packet, under Prof. DeWitt's question, he offered to make the bold highlighted motion today if this one fails. If the SVPAA is a member of the Executive Committee, then anything that comes in has to be shared. Prof. DeWitt went through his files this morning and there's a lot of stuff he would not want to be seen by the administration – queries with regard to age discrimination, possible legal challenges. This is an important reason against including the SVPAA on the Executive Committee. He is in favor of the alternate motion on page 12, which would accomplish the sharing function in an appropriate way. He commented, "I think Paul Fitzgerald would kill himself if has to sit through AC Executive Committee meetings." He described the agenda-setting meetings of the Executive Committee as "largely grunt work putting together this packet," "largely mundane," and "not a good use of the SVPAA's time." He suggested that the Academic Council vote this down and then vote on the alternate motion.

MOTION [Tucker/Rakowitz]: To grant Acting President Weitzer speaking privileges.

MOTION PASSED: 14 in favor, 1 opposed, 0 abstentions.

Acting President Weitzer stated that they did have full understanding of what was involved. The goal is problem solving. SVAAP Fitzgerald is aware of the perfunctory part and is willing to do both. He said he knows of many institutions where the administration votes, that there are "plenty of examples where that happens."

Prof. Mulvey spoke against the motion. The agenda should be set by faculty elected to do the job and she seconds Prof. DeWitt's comments of the perfunctory nature of this job. "If the goal is problem-solving, I'm all for that. Monthly meetings are already happening and I look forward to them continuing." She said we should vote it down and consider the motion on page 12. She also wanted to go on the record stating that it is not the reality that there would be something not getting on the agenda.

Prof. Rakowitz spoke in favor of the motion. She said that the objection about the perfunctory nature doesn't really resonate with her: "I don't understand why I should be concerned about the boredom of the administration." She stated that if the configuration changes, people would contact faculty leaders directly rather than in their roles as the Executive Committee with confidential information. The goal is to facilitate the smooth communication; everyone would have an understanding. Some of those would be met by Prof. DeWitt's alternative motion. The other goal is to build relationships among people by giving them a task to work on together, calling upon the social psychology perspective.

Dean Hadjimichael stated the six deans work on behalf of faculty and students too, not just the Academic Council. The only medium to get through to the Academic Council is through the SVPA. We have monthly meetings with Paul Fitzgerald. We are all working with same purpose and we would have a safe way to get through. He speaks for the motion.

Prof. Boryczka spoke against the motion. From her doctorate degree in politics, she explained that agenda setting is incredibly powerful, that is the business of politics and power, because it provides quite a bit of power to someone sitting in a position of power. Agenda setting powers occur behind closed doors and are not as transparent as other venues.

Dean Solomon spoke in favor of motion for the reasons given by Dean Hadjimichael. He added that this lends another voice and makes things more clear. The Academic Council still has the final say. This is not giving undue power to administration just like it doesn't for the people now on it.

Prof. Tucker spoke in favor of the motion. There is a practical aspect as well because there are still three votes against one and any member of Academic Council can change the agenda.

MOTION [Dennin/Bowen]: To call the question.

MOTION PASSED: 16 in favor, 0 opposed, 0 abstentions.

A ballot vote ensued.

MAIN MOTION FAILED: 5 in favor, 12 opposed.

MOTION [DeWitt/Tucker]: That the Academic Council pass on recommendations numbers 3, 5, 6, and 7 to the relevant committees to consider and report back to the Academic Council.

Prof. DeWitt noted that on page 22, recommendations numbers 3, 5, 6, 7 all involve committees. He recommends we should pass them on to relevant committees to consider and report back to the Academic Council.

Prof. Bowen observed that item number 5 is not just the Committee on Conference. She asked, “Are you recommending we hear from every chair of every *Handbook* committee?”

Prof. DeWitt agreed that we should revise this motion to include only items numbers 3, 6, and 7. Prof. Tucker (the seconder) agreed to revise the motion to exclude item number 5.

Newly revised MOTION [DeWitt/Tucker]: That the Academic Council pass on recommendations numbers 3, 6, and 7 to the relevant committees to consider and report back to the Academic Council.

Prof. Rakowitz noted that regarding number 3, the Public Lectures and Events Committee informally provided her with feedback; they did find in favor already and found very productive. On the other two, number 6 we are asking for the subcommittee. For number 7 it’s fuzzy whether they are a committee; she’s not sure what to make of that.

Prof. Mulvey stated that procedurally we should send this to the Public Lectures and Events Committee and get something formal from them that they think it’s a good idea and why. For number 6 again, procedurally it is better for us to get the Student Life Committee to weigh in on the recommendation. For number 7, the Budget Committee is not a *Handbook* committee and we elect three representatives (point of information). We should send it to these committees for information and recommendation.

The vote was held by ballot.

MOTION PASSED: 9 in favor, 8 opposed.

Prof. Bernhardt asked whether we will we bring these items to the General Faculty even if the Academic Council voted them down.

Prof. Preli responded that we could give Prof. Mulvey direction.

Prof. DeWitt said we should give her direction and make a motion to tell her.

MOTION [Rakowitz/ Bernhardt]: That all *Handbook* amendments [that the Academic Council has voted on] be moved on to the General Faculty to consider regardless of how the Academic Council has voted. [The item in brackets was added by the mover and seconder as a clarification, after Prof. DeWitt and others such as Prof. Preli and Prof. Mulvey noted that it would not be proper procedure to send to the General Faculty items that had not been considered and voted on by the Academic Council]. (The motion was not voted upon.)

Prof. Mulvey stated that she can do that and will; a motion is not necessary.

MOTION [Rakowitz/Robert]: To recess the meeting to Tuesday, October 13, which is a Monday schedule, at 3:30-5 p.m.

MOTION PASSED: 13 in favor, 1 opposed, 2 abstentions.

Prof. Preli said she will give our apologies to the nursing people whose item we did not reach on the agenda (School of Nursing proposal for Doctor of Nursing Practice). They had said in advance it is not critical that we reach it in this meeting.

Meeting recessed at 5:03 p.m.

Respectfully submitted,

Debra Strauss

Recording Secretary

DRAFT MINUTES
Academic Council Meeting
October 13, 2009
3:30-5 p.m.
Library 107c

Present: Present: Professors Bowen, Lyon, Bayne, Preli (Chair), Mulvey (Faculty Secretary), Tucker, DeWitt (Executive Secretary), Bernhardt, Xu, Garvey, Boryczka, Robert, Shea, Strauss, Rakowitz, Bayers, Massey
Deans: Crabtree, Novotny, Hadjimichael
Senior Vice President of Academic Affairs (SVPAA): Fitzgerald, S.J.
Guests: John Tiene (FUSA), Kate Wheeler, Jean Lange
Regrets: Prof. Dennin
Absent:

The meeting was called to order at 3:35 p.m.

Preli: We are reconvening the recessed the October 5th meeting. We are in the middle of agenda item 6.a.

6.a. Consideration of the AC Subcommittee on Governance (ACSG) proposals.

Preli: On October 5, recommendations 3, 6, and 7 from the ACSG Report were sent to the respective committees for consideration and comment.

Boryczka: I move that the motion on page 12 of the Oct 5th packet (in bold)

MOTION: That the Academic Council Chair and Executive Secretary, together with the General Faculty Secretary, meet with the SVPAA at least once a month. The meetings should take place before the agenda is prepared for upcoming Academic Council meetings. Topics for discussion should include but not be limited to possible Academic Council agenda items, as well as how best to address issues that arise within the governance structure of the university. Massey: 2nd

Rakowitz: opposed to motion – not far enough. We should wait until the General Faculty votes on the related motion the AC voted against last meeting.

DeWitt: Speaks in favor of the motion. Should the faculty approve the related motion, this motion is consistent with that motion.

Fitzgerald: The ACSG recommendation 2 and this Academic Council motion are pointing in the right direction. Shared governance is already working quite well. There are many venues in which to meet with faculty. Faculty, administration and staff are willing to and do work together. The ACSG recommendation 2 and this Academic Council motion are working to add more structure to what is already going on. It is helpful to meet as I now do with ACEC. I don't need a vote on the ACEC. Together we operate with a consensus and act as a clearinghouse for issues.

Mulvey: I speak in favor of the motion. Meetings we have already had together with the SVPAA have been extremely productive. This motion brings us back to where we were with previous AVPs. There was a lack of frequent meetings with AVP Grossman which had previously occurred with AVP Robert Wall.

Massey: I speak in favor of formalizing the structure of collaboration. We value this as an institution.

Lyon: Against the motion. Do we need another handbook committee?

Mulvey: This is not an HB change.

Preli: This is intended for the Journal of Record

Lyon: In general we trust the chair of a committee. Do we need to go through a set body of people setting the agenda?

MOTION (Bernhardt/Rakowitz) to call the question
MOTION PASSED. 12 in favor, 3 opposed, 0 abstentions (3-12-0)

Discussion on whether or not to use a secret ballot ensued. Secret ballots are to be continued from prior meeting.

MAIN MOTION PASSED. 13 in favor, 2 opposed, 1 abstention

Bowen: Point of information; at the recessed meeting we had moved to send points 3, 6, and 7 from the October 5th agenda to committees since they dealt with specific committees. Any reports received to date?

DeWitt: We will likely have them soon.

Mulvey: We expect comments to be available for the AC November meeting. This will allow for action on 3, 6 and 7 prior to the December board meeting.

Rakowitz: Last week's motion suggested the AC Subcommittee on Governance did not do due diligence with the committees noted in 3, 6 and 7. I contacted the chair or the Public Lectures and Events Committee on this matter since our last meeting.

Mulvey: Did you do this as a member of the AC Subcommittee on Governance or as an individual?

Rakowitz: I am the last standing member of the Subcommittee and made inquiry of the committees as a member of the AC Subcommittee on Governance.

MOTION (DeWitt/Tucker). To go into Executive Session
MOTION PASSED. 8 in favor, 3 opposed, 4 abstaining

The meeting went into executive session, without minutes, from 3:53 until 3:58.

DeWitt: Re p. 24 and ACSG recommendation 7, we received an email from the President saying he intends to appoint the FSC chair and the EPC chair to the Budget Committee and hopes that the AC will support the ACSG's recommendation. Pres wants AC support of this action.

MOTION. (DeWitt/Rakowitz) **The Academic Council supports the President's desire to increase inclusiveness and transparency in our budget processes by adding two additional faculty members to the Budget Committee this year.**

Bowen: motion is related to #7. Not having seen correspondence makes it more difficult to process decision.

DeWitt: President's email (to be included in correspondence) is read aloud pertinent to item #7 - expanding faculty representation on the budget committee.

Bowen: Who is the President appointing to the Budget Committee?

Preli: The chairs of the FSC and the EPC.

Mulvey: We currently elect 3 faculty as representatives to the Budget Committee.

Bernhardt: What's the point on voting on this motion? We'll be voting on item 7 when we hear from concerned committees.

Mulvey: Voting will show support for the president.

Rakowitz: Voting in favor makes sense. This would do what our committee sought to do (AC Subcommittee on Governance). It strengthens the work of the Budget and Salary committees.

DeWitt: Presumably the AC will be passing on a more specific recommendation to the president later. Concerns raised in the past include the limitation of being on no more than two committees. A committee that is an ongoing committee counts as one of the two.

Mulvey: I speak mildly in favor of the motion. I too am concerned with the number of committees faculty can serve on simultaneously. The AC should recommend course reduction given the labor intensity of serving on multiple committees. There are issues to sort out prior to voting on #7 when it returns to the AC.

Massey: Why should they be EPC or FSC committee chairs?

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

Preli: We must consider recommendations 4 and 5 (p. 23)

MOTION. The AC recommends that the General Faculty approve that the Handbook be amended to give the authority for the approval of the governance documents of schools to the President of the University

DeWitt: I'm not against motion but in favor of holding off until we have an opportunity to ask why things are the way they are first.

Fitzgerald: I'm in favor of the motion. There is a temptation for the Board to micromanage. Any changes in normal procedures that would leave decision making to the appropriate faculty are a good thing. Bringing decisions back into normal governance of faculty is a good idea.

Massey: What do other schools do?

Fitzgerald: I am a Trustee at Loyola, Chicago and Santa Clara. On neither would the Board look at program maintenance.

Boryczka: I speak in favor of the motion. Return of the governance to the faculty and the president is important and valuable.

Mulvey: I agree with Paul and Jocelyn but oppose doing voting on this now. It's important to find out why things are as they are.

DeWitt: We have another meeting in 2 weeks. It would be embarrassing for us to pass this and the Board to then reject it.

MOTION. (DeWitt/Massey) To postpone voting on the main motion until the next AC meeting.

Bernhardt: I'm opposed to postponement. The original motion is clear. It is unlikely for us to unearth any history to rewrite this.

Tucker: I'm opposed to postponement. This motion has been circulated with plenty of time for comment.

Mulvey: A couple of emails are unlikely to unearth anything new but I want to take care to listen to comments.

MOTION to call the question.

MOTION to call the question PASSED. 14 in favor, 2 opposed, 0 abstentions (14-2-0).

MOTION to postpone FAILED. 3 in favor, 12 opposed (3-12-0).

MAIN MOTION PASSED. 12 in favor, 0 opposed, 3 abstentions (12-0-3).

MOTION (Rakowitz/Lyon) that the Academic Council establish a subcommittee to formulate a Handbook amendment that formalizes the current practice of Handbook committee chairpersons sitting as nonvoting members on comparable committees of the Board of Trustees, considers the relationship of these chairs with the Committee on Conference with the Board of Trustees, and notes their responsibility to report, when appropriate, to the Academic Council and the General Faculty.

Mulvey: Is the intent to have only AC members on the subcommittee or are we willing to have members of conference committee on this committee?

Rakowitz: The intention was not just to have members of the AC.

Massey: do we compose committees when we create them?

MOTION. (DeWitt/Massey) To amend the main motion by replacing "establish a subcommittee" with "asks the Conference Committee to form a subcommittee of 3 or more members"

Bowen: Is there precedent for this committee?

Lyon: Can it be chairpersons or their delegates?

Rakowitz: I speak against the amendment. Other committees may have different perspectives.

Bayne: What committees interact with the Board?

Mulvey: Student Life, Public Lectures and Events, EPC, Budget Committee. This began a year ago with chairs of Handbook committees sitting on Board committees upon request of the Chair of the Board of Trustees. The intent is to formalize this.

MOTION to amend FAILED. 1 in favor, 12 opposed, 2 abstaining (1-12-2).

DeWitt: We need greater clarity. How can we vote on the main motion since we are not voting on forming the committee?

Preli: It would be possible for ACEC to establish committee.

DeWitt: We need a motion to direct ACEC to do this.

Preli: The AC could direct the ACEC to do so.

Robert: If AC is to establish this committee, then ACEC could form a committee.

Mulvey: Tracey could amend the main motion to direct ACEC form a committee.

Fitzgerald: Pass the motion as is and then work with it at the November meeting.

Mulvey: Let's move sooner than later.

Preli: The motion gives no specific direction on the composition of committee.

Massey: If we vote on the motion does this end the discussion? Answer: No.

MOTION (DeWitt) to amend the main motion to replace “that the AC establish” with “that the AC directs the AC EC to create”

MOTION TO AMEND PASSED. 15 in favor, 0 opposed, 0 abstentions (15-0-0).

MAIN MOTION AS AMENDED PASSED. 15 in favor, 0 opposed, 0 abstentions (15-0-0).

Preli: Please send recommendations by email to Rick on the composition of the subcommittee.

7.a. School of Nursing proposal for a Doctor of Nursing Practice

Professors Jean Lange and Kate Wheeler made the presentation.

Lange: The credit level of the Masters programs is already quite high; 70 to 80 credits.

Nationally, higher medical costs per capita and poor outcomes are major issues. One of biggest problems is clear communication in the medical profession. The American Association of Colleges of Nursing (AACN) takes a leadership role. They've said that Advanced Practice Nursing should be by doctorates. We're lagging behind on the Masters degree we offer. We formed an advisory board and committees. We look to phase out the Masters level program once we begin the DPN.

Wheeler: Medical safety is a big issue. The current Masters programs curriculum could be beefed up, added research could be included with more statistics. Revising five courses and integrating those components we came up with five new courses. Social justice and population issues are also included. Twenty-seven core DNP courses and advanced practices courses have been identified in the proposal. Specialty courses are also included. It will take 72 to 73 credits for the DNP.

Lange: This is not a research doctorate, it is a clinical doctorate. The capstone project is identifying a practice problem and seeking an intervention that can be supported by evidence. Over 80% of respondents, of 350 surveyed, were interested in the DNP. Joan Overfield, head librarian, said the library already has sufficient resources. We need support for grad assistants and a statistician. Higher intensity input from faculty will also be needed.

The floor was opened for questions.

Bernhardt: At Columbia, now all doctoral nursing programs are being taught in the medical school.

Lange: Columbia has PhD.

Bernhardt: How would Fairfield's DNP compare with Columbia?

Lange: Are you talking about marketability?

Bernhardt: Are we going to have a high quality program?

Lange: The program will be competitive.

Fitzgerald: The Nursing School is well regarded already. It shares grants with top schools. A DPN from FU will be different because it is embedded in a comprehensive Liberal Arts program. Ethics, social responsibility, vocation are embedded in the DPN. There is a waiting list for all nursing programs now. Nursing is one of our crown jewels.

Shea: (Answering Chris' question) we will be on par with or better than many programs.

DeWitt: The program documents are well prepared and clear. Would three of the nursing masters programs that exist go out of existence if the DPN is not approved?

Lange: AACN is not going to say the Masters are going out of existence but the possibility exists.

Bowen: What are the implications of a doctoral program? Is the program expensive to maintain, if not self sufficient?

Fitzgerald: No new facilities needed. Revenues will provide for one faculty line. Salaries DNP grads will command justify a higher tuition rate, more than the \$540/credit currently charged. Students can enter with Masters or BS degrees. I'm confident there will be surplus revenue which can be used in the University for other Programs. We can leverage talent to improve the common good.

Lange: The program needs to carry its own weight. Associate AVP Malone looked into any possible changes of our Carnegie classification. The classification won't be effected by this program.

MOTION (Robert/Shea) to approve the DNP program.

MOTION PASSED. 14 in favor, 0 opposed, 0 abstentions (14-0-0)

Rakowitz: I move to send the DPN for General Faculty approval.

Preli: Is there a second? Seeing as there is no 2nd, the motion dies.

MOTION to adjourn.

MOTION PASSED.

The meeting adjourned at 5:05

Respectfully submitted,
Michael Tucker

From: Susan Rakowitz [srakowitz@fairfield.edu]
Sent: Monday, October 19, 2009 11:31 PM
To: Richard DeWitt; 'Ashley McKay'; Downie, David; Xiao, Jiwei; Rosenfeld, Gavriel
Cc: 'Preli, Rona'; 'Irene Mulvey'; Nantz, Kathryn; Thiel, John; JoYarrington; Greenberg, Donald
Subject: Re: PL&E committee and VP of Marketing

Rick,

The email that follows is about the conduct of Council business. As such, I would like it included in the next set of correspondence to the Council.

Apparently you asked the PLE chair how she came to be communicating with the ACEC regarding the PLE committee's attitude on making the VP of Marketing an ex officio member of the committee. I don't know why you asked this since I already explained at the 10/13 AC meeting what happened. When the AC passed your motion on 10/5 asking for feedback from the PLE committee on this proposal, I took that as implying that the Subcommittee on Governance had not done due diligence in bringing this proposal forward. I heartily reject that implication after the nearly 11 months of work that my colleagues and I did leading up to our final report that includes this proposal. Nonetheless, as the last member of the Subcommittee left on the Council, I felt some responsibility to make sure the Council got the requested information in a timely fashion. I therefore went to the PLE chair, showed her the proposal, explained the situation, asked her to sound out the committee, and to send the feedback to the ACEC. I told her that she would soon be getting a formal request from you, but with the meeting reconvening in a week, I wanted to get the ball rolling.

It never occurred to me that you would make no effort to get this feedback before the reconvened AC meeting so that we could move ahead on the governance proposals. The excuse you gave of waiting for the AC minutes before requesting the information doesn't make sense because the Council did not discuss what sort of questions we had for the PLE committee. The minutes should only say that the motion was to get feedback from them on the proposal and that I objected because we already had comments from the former chair supporting the proposal. There was no point in waiting for the minutes before contacting the committee.

The issue of who asked the committee for feedback is irrelevant; any member of the AC might have mentioned the motion to the PLE chair, who might then have acted proactively. I did more than that; because of my membership on the Governance Subcommittee, I sought her out and asked her to solicit feedback from her committee. To suggest that she or I did anything inappropriate in that exchange is simply wrong.

Your current focus on tracing communication with the chair of PLE on this issue seems to be an attempt to obscure the facts that: a) your inaction slowed the progress of the governance proposals; and b) the PLE committee has no objection to the proposal as it would simply formalize what has been happening for the last year. I trust that we can now put these questions to rest, and move without further delay to the Council's consideration of the proposal itself.

Susan Rakowitz

Memo

To: Academic Council members

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

Date: 10/26/09

Re: Observations on email from Prof. Rakowitz of 10/19/09

Prof. Rakowitz sent an email on 10/19/09 concerning the conduct of Academic Council business to the AC Chair, the AC Executive Secretary, the Secretary of the General Faculty, all members of the Public Lectures and Events Committee, and all members of the AC Subcommittee on Governance and asked that her email be included as correspondence for the Council. This email as well as the emails that led to Prof. Rakowitz's email are included in the packet for the 11/2/09 AC meeting. This memo is our response to the specific issues raised in the 10/19/09 email from Prof. Rakowitz, which we address item by item below. In addition, we thought that this exchange provided an opportunity to address the conduct of AC business in the abstract, and so we added this as an agenda item for the 11/2/09 meeting. We hope this item on the agenda will be especially helpful to the members that are new to the AC this year, and we will probably recommend that this be an ongoing agenda item at the first AC meeting of each academic year.

This memo, as noted above, is a response only to Prof. Rakowitz's memo of 10/19/09 and the specific issues raised therein.

Communication with the PL&E Chair.

Concerning communication with the Chair of the PL&E committee, Prof. Rakowitz writes:

Apparently you asked the PLE chair how she came to be communicating with the ACEC regarding the PLE committee's attitude on making the VP of Marketing an ex officio member of the committee. I don't know why you asked this since I already explained at the 10/13 AC meeting what happened.

The question to the PL&E chair came before the 10/13/09 AC meeting, not after. Here is the relevant section of an email from the AC Executive Secretary to the Chair of the PL&E committee, on 10/12/09, the day before the 10/13/09 AC meeting. The complete correspondence is included in the AC packet for the 11/2/09 AC meeting.

We are curious as to how this got on the agenda for the PL&E committee. Who suggested it? What kind of documentation did the committee consider? Was this done at a regular meeting, or by email? It's especially curious because the Academic Council considered a proposal similar to this last week which we would have been sending to you, with all appropriate documentation and a specific charge, but we don't even have the minutes from the AC meeting yet.

Our later email of 10/14/09 to the PL&E Chair was a request for clarification of the question above, and the usual supporting materials (what specifically the PL&E committee had been asked to address, documents considered, minutes, etc.). Here is the relevant section of that email. The complete correspondence is included in the 11/2/09 AC packet.

Can you send us the communication that brought this matter to your attention including the communications that you had with the committee on this topic, any documents you considered, minutes of meetings at which this was discussed (or records of email discussions since this was done by email). Our concern is with clarifying and understanding the processes that have occurred.

The suggestion of wrongdoing.

Prof. Rakowitz writes that “To suggest that [the PL&E Chair] or I did anything inappropriate in that exchange is simply wrong.” We do not believe the PL&E Chair did anything inappropriate. But as outlined in our memo to AC members on conducting Council business, we do think our governance documents make clear that once the Council has passed a motion or otherwise taken action on an item, communication with Handbook committees concerning Council decisions is to be handled by the AC Executive Secretary, not by Council members.

The implication of neglect on the part of the AC Subcommittee on Governance.

Prof. Rakowitz writes “When the AC passed your motion on 10/5 asking for feedback from the PLE committee on this proposal, I took that as implying that the Subcommittee on Governance had not done due diligence in bringing this proposal forward.” There was absolutely no indication that the AC was either saying overtly or implying that the ACSG had not done due diligence. In subsequent email conversations, the ACSG Chair explained that the ACSG “consulted broadly” and the AC never raised any doubt on this point. However, there was no report of any broad consultation in the ACSG report. Moreover, given that the recommendation from the ACSG regarding the PL&E committee was made after the 6/23/09 meeting, it is unlikely that any formal deliberations could take place with the PL&E committee until the fall when the new members began their terms and a new chair was elected. For the AC to request formal and official communication from a *Handbook* committee with minutes of an official meeting is standard procedure and does not in any way imply that the ACSG was neglectful.

Specific assertions re Academic Council Executive Committee (ACEC) conduct.

Prof. Rakowitz writes:

Your current focus on tracing communication with the chair of PLE on this issue seems to be an attempt to obscure the facts that: a) your inaction slowed the progress of the governance proposals; and b) the PLE committee has no objection to the proposal as it would simply formalize what has been happening for the last year.

Some observations on the suggestions made above:

- The ACEC is no more focused on tracing communication than on any other item we find on our To Do lists on AC business. The ACEC received a puzzling communication from the PL&E Chair concerning Council business, and followed up on it.
- The ACEC followed our usual procedures in this matter, for example, getting the wording and discussion of the motion from the AC minutes, collecting other material such as the relevant section from the AC Subcommittee on Governance report, compiling issues raised by AC members concerning this item, and the like. These were compiled into a memo to the PL&E Chair (see the 11/2/09 AC packet for this memo). This is the same general procedure that the ACEC has followed for years, and it is a procedure we think has worked well.
- The progress of the governance proposals was not slowed. There was no chance of getting clear correspondence to the committees, and getting thoughtful and documented responses back from the committees, in the four business days between the 10/5/09 AC meeting and when that meeting was reconvened. For our November meeting, the AC now has a helpful response from the PL&E committee (and others) on the proposals, and will consider the PL&E and the handful of other remaining governance proposals at our 11/2/09 AC meeting. Should the AC need to send any items or recommendations on to the General Faculty, those items will be on the agenda of the November General Faculty meeting two weeks later.
- As a corollary to the above, the ACEC earlier in the semester compiled a list of known and possible AC agenda items. The ACEC recognized that three of the items, namely the governance proposals, the fiscal proposals, and the School of Nursing doctoral program proposal, needed handling sooner than others. The ACEC has done its best to see that these three items got through the Council in time to be considered (where necessary) by the General Faculty no later than the November 20 General Faculty meeting. In short, our goal all along has been to see these items through the AC in a timely manner, but in such a way that the AC had the information needed to make informed decisions.

Back to Business.

Finally, Prof. Rakowitz writes, “I trust that we can now put these questions to rest, and move without further delay to the Council’s consideration of the proposal itself.” As noted above, the goal of the ACEC all along has been to see these items through the Council in a timely manner, but in such a way that the Council has the information needed to make informed decisions. We certainly expect the AC to move quickly, and responsibly, on the small number of remaining governance proposals.

From: Byun, Soyong
Sent: Mon 10/12/2009 4:04 PM
To: dewitt@mail.fairfield.edu; Preli, Rona
Subject: VP marketing and communications

Hi Rick and Rona,

I was asked by Susan Rakowitz to let you know that the Public Lectures and Events Committee has voted to allow the VP of marketing and communications to be an ex-officio. We have already had the VP attend our meetings as a guest and we have no objections to granting this status to this position. Please let me know if there are any questions. Thanks.

Cheers

Ashley (Chair PL&E)

--

Ashley Byun McKay
Assistant Professor
Dept of Biology
Fairfield University
1073 North Benson Road
Fairfield CT 06824

email: sbyun@fairfield.edu
phone: 203-254-4000 ext 2742

From: Richard DeWitt [rdewitt@mail.fairfield.edu]
Sent: Monday, October 12, 2009 7:27 PM
To: 'sbyun@mail.fairfield.edu'
Cc: 'Preli, Rona'; 'Irene Mulvey'
Subject: PL&E committee and VP of Marketing

Attachments: Information on Chairing 2009.doc

Dear Ashley,

Thanks for this email. The problem is that the Public Lectures and Events Committee cannot change the membership of a Faculty Handbook committee. The membership of each committee is listed in the Handbook and cannot be changed without a vote of approval by the General Faculty and the Board of Trustees. The PL&E may invite the VP of Marketing to attend meetings for the year - as an observer, of course, but not as a member of the committee. Usually, such invitations are reissued at the beginning of each academic year. See attached memo re Information on Chairing a Committee that the Faculty Secretary sends to all incoming HB committee chairs.

We are curious as to how this got on the agenda for the PL&E committee. Who suggested it? What kind of documentation did the committee consider? Was this done at a regular meeting, or by email? It's especially curious because the Academic Council considered a proposal similar to this last week which we would have been sending to you, with all appropriate documentation and a specific charge, but we don't even have the minutes from the AC meeting yet.

Sincerely,
Rick

From: Ashley McKay [sbyun@fairfield.edu]
Sent: Monday, October 12, 2009 8:27 PM
To: Richard DeWitt; sbyun@mail.fairfield.edu
Cc: 'Preli, Rona'; 'Irene Mulvey'
Subject: Re: PL&E committee and VP of Marketing

Dear Rick,

Thank you for clarifying the procedure. I should rephrase the position of the the PL&E (I don't want to misrepresent my colleagues!): we have no objection to the VP of marketing being an ex-officio. I apologize if it seemed as if we were overstepping our bounds!

As for the second part your email, I was approached about this subject last week. I was asked to ask the committee if we had any objections to such a change. I put this to an email vote. I suppose because the VP of marketing has been attending our meetings (last year and this year as well), the committee had no objections to the proposal that the position should be granted ex-officio status. That is specifically what we voted on. I was then asked to relay this information to you and Rona.

I certainly don't want to point a finger at anyone. I would not want to be the cause of any conflict as I'm sure everyone has the best intentions. In my ignorance, I failed to recognize the potential problems that could arise from such a proposal and really should not have been so obliging.

I will relay the contents of your email to the PL&E committee. In meantime, we will wait for the appropriate documentation from the Academic Council and will act appropriately.

Thanks for your patience.

Cheers,
Ashley

From: Richard DeWitt [mailto:rdewitt@mail.fairfield.edu]
Sent: Wednesday, October 14, 2009 10:59 AM
To: 'Ashley McKay'; 'sbyun@mail.fairfield.edu'
Cc: 'Preli, Rona'; 'Irene Mulvey'
Subject: RE: PL&E committee and VP of Marketing

Dear Ashley,

Thanks for the clarification.

Can you send us the communication that brought this matter to your attention including the communications that you had with the committee on this topic, any documents you considered, minutes of meetings at which this was discussed (or records of email discussions since this was done by email). Our concern is with clarifying and understanding the processes that have occurred. We understand that you, as PL&E chair, understand in retrospect that the situation was not handled properly.

Our concern is with the appropriate management of Academic Council business. For someone to suggest that a Handbook committee take action, when that business is still being processed by the AC EC, seems inappropriate. Having the documentation of what has transpired will enable us to decide how to proceed.

Sincerely,
Rick

On 10/16/09 10:15 AM, "Ashley Byun McKay" <sbyun@mail.fairfield.edu> wrote:

Dear Rick,

Sorry it took me awhile to get this email back to you. I've had an incredibly busy few days.

To clarify the situation, let me explain the circumstances which led to the PLE vote.

Susan Rakowitz approached me as chair of the PLE committee. As you know the VP (Rama) has and continues to attend our PLE meetings as a guest. Susan wanted to know what the opinion was of the PLE in having Rama attend as an ex-officio. We currently have Tom Zingarelli attending the meetings in this capacity. Susan asked if I could present this as a vote to the committee. Because our next PLE meeting is not until Oct 20 and because Susan wanted to know how the committee felt before the next Academic council meeting, we conducted an email vote. As I mentioned in my previous email, the committee had no objection if Rama were to attend as an ex-officio.

I relayed this information to Susan who then asked me to relay this to you and Rona. Because this vote was not conducted at a meeting, we have no minutes. As Susan asked me personally, I have no documentation of that conversation.

I want to state again that the PLE committee acted with the best intentions. We believed we were simply being asked how we felt about having another ex-officio on the committee and did not realize the potential implications this had on issues of governance.

Please let me know if you need further clarification.

Cheers
Ashley

From: Scheraga, Carl
Sent: Monday, October 12, 2009 8:25 AM
To: Preli, Rona; Dewitt, Richard
Subject: Governance Changes to Budget Committee
Importance: High

Dear Rona and Rick,

We have not been able to reach Ed Deak to comment on the issue, however, Paul Caster and myself completely endorse the proposal to 1) add the Chair of the Faculty Salary Committee and 2) the Chair of the Educational Planning Committee to the University Budget Committee. The addition of the Chair of the Faculty Salary Committee has long been advocated by faculty members of the University Budget Committee and was part of the intent in having Carl elected to both the Faculty Salary Committee and the University Budget Committee two years ago. The addition of the Chair of the Educational Planning Committee to the University Budget Committee, in fact, reflects a two year conversation between the Executive Vice-President and the Educational Planning Committee as to the role of this committee in the educational strategic planning process. It is in the same spirit as the elevation of the position of Academic Vice President to Senior Vice President for Academic Affairs with the intention of highlighting the preeminent importance of the Academic Division to the University mission statement.

Sincerely,
Carl Scheraga

From: Scheraga, Carl [mailto:CScheraga@fairfield.edu]
Sent: Tuesday, October 13, 2009 10:57 AM
To: Preli, Rona; Dewitt, Richard
Subject: Governance Changes to Budget Committee
Importance: High

Ed Deak has just contacted me and said this was fine.

Carl A. Scheraga, Ph.D.
Professor of Bus. Strategy & Technology Mgt.
Department of Management
Dolan School of Business
Extension: 2419

From: Richard DeWitt [mailto:rdewitt@mail.fairfield.edu]
Sent: Wednesday, October 14, 2009 11:13 AM
To: Scheraga, Carl
Cc: Preli, Rona
Subject: RE: Governance Changes to Budget Committee

Dear Carl,

We are puzzled by your email. The AC EC does intend to communicate with the faculty representatives to the Budget Committee on this issue, but we have not done so yet. How did this issue come to your attention? Can you send us the communication that brought this to your attention, the communications that you had with the other faculty representatives of the Budget Committee on this topic, any documents you considered (e.g., the memo we sent to the President on this topic), minutes of meetings at which this was discussed (or records of email discussions since this was done by email).

Our concern is with process re AC business and the appropriate conduct of AC business. For someone to suggest business to the faculty representatives on the Budget committee, when that business is being processed by the AC EC seems inappropriate. We could be wrong, but we need to see the documentation to decide how to proceed.

Sincerely,
Rick

From: Scheraga, Carl [mailto:CScheraga@fairfield.edu]
Sent: Wednesday, October 14, 2009 11:55 AM
To: Dewitt, Richard
Subject: RE: Governance Changes to Budget Committee
Importance: High

Dear Rick,

I have just ascertained that prior to sending me this e-mail, the Academic Council was well aware of the process by which the opinion of the faculty members on the Budget Committee was obtained. Given the tone of the e-mail, I feel I need the opinion of legal counsel and administrators, particularly with regard to the process outlined in the faculty handbook appendix, as to how to respond both to the Academic Counsel and the general faculty. When I have been informed as to how to proceed, I will communicate further.

Carl A. Scheraga, Ph.D.
Professor of Bus. Strategy & Technology Mgt.
Department of Management
Dolan School of Business
Extension: 2419

From: Richard DeWitt [mailto:rdewitt@mail.fairfield.edu]

Sent: Wednesday, October 14, 2009 2:41 PM

To: 'Scheraga, Carl'

Cc: 'Preli, Rona'; 'Dewitt, Richard'

Subject: RE: Governance Changes to Budget Committee

Dear Carl,

What we requested in our email was entirely standard material--exactly the material we would have expected to have been included in your original email. When a committee sends a recommendation to the Council, it is standard for the committee to provide this sort of information.

So again, would you please send the information relevant to the recommendation to us?

Also, importantly--part of what you say below suggests that you heard something about what took place while the Council was in executive session. Such material is confidential, and should not have been communicated to anyone outside of that session. So if you did hear something about that session, it needs to be kept confidential.

Regards,
Rick

From: Scheraga, Carl
Sent: Thursday, October 15, 2009 8:04 AM
To: Dewitt, Richard
Cc: Rakowitz, Susan; Nantz, Kathryn; Thiel, John; Yarrington, Jo; Greenberg, Donald W.; Fitzgerald, Paul
Subject: RE: Governance Changes to Budget Committee
Importance: High

Dear Rick,

Susan Rakowitz, as a member of the Academic Council Subcommittee on Governance and as a member of the Academic Council approached me to solicit the opinion of the faculty members of the Budget Committee with regard to additional memberships on the Budget Committee. I was also asked to e-mail you and Rona the responses of the other faculty members on the Budget Committee expressed in a conversation that was conducted. This is exactly what I did. It is my understanding, that this was what the Academic Council was made aware of before it went into executive session.

The tone of your e-mails is quite accusatory and questions my integrity. It is my understanding that the Faculty Handbook allows me to request an open hearing with legal counsel to clear my name.

Carl A. Scheraga, Ph.D.
Professor of Bus. Strategy & Technology Mgt.
Department of Management
Dolan School of Business
Extension: 2419

From: Nantz, Kathryn [mailto:Nantz@fairfield.edu]

Sent: Friday, October 16, 2009 2:56 PM

To: Scheraga, Carl; Dewitt, Richard

Cc: Rakowitz, Susan; Thiel, John; Yarrington, Jo; Greenberg, Donald W.; Fitzgerald, Paul

Subject: RE: Governance Changes to Budget Committee

Dear folks,

This exchange is evidence that our governance processes are not working smoothly. I am embarrassed that the new Sr Academic Vice President is seeing this conversation playing out in e-mail.

As chair of the governance subcommittee, I would be happy to provide information to folks on how we came to this recommendation regarding increased faculty membership on the Budget Committee. I direct your attention back to the rationale in our report. Having served on the various committees myself, I believe that these changes would improve the flow of information between committees whose decisions have direct budgetary implications. Please rest assured that as our subcommittee developed the recommendation, we consulted administrators and faculty who have served on the Budget Committee. The Executive Committee members are welcome to consult me with any questions they have about the proposals.

I am not sure why the proposal could not move forward without the AC contacting the current Budget Committee members formally. It did not come from the Budget Committee, but rather from this subcommittee of the AC on governance. Since I am no longer on the Council, I didn't hear the conversations. However, as chair of the subcommittee, it is my understanding that it may remain my responsibility to see the recommendations through to the General Faculty, if need be, even if they are not approved by the Council. As luck would have it, Susan is the only member of the subcommittee who is still a member of the Council; though we could wait for the minutes to come out to see how the proposals fared, the lag time is significant and the rest of us need to plan for the next step in the process. We rely on Susan to help us understand how the votes went. I understand that we cannot hear what happened in executive session, but it is important not to stop the flow of information on open debate from Council members to the rest of the faculty.

Thanks for your work on these issues. I hope to see the governance proposals brought to the General Faculty without unnecessary delay.

Best,
Kathy N.

From: Richard DeWitt [mailto:rdewitt@mail.fairfield.edu]
Sent: Tuesday, October 20, 2009 11:56 AM
To: Nantz, Kathryn; Scheraga, Carl; Dewitt, Richard
Cc: Rakowitz, Susan; Thiel, John; Yarrington, Jo; Greenberg, Donald W.; Fitzgerald, Paul; Preli, Rona
Subject: RE: Governance Changes to Budget Committee

Dear Kathy,

Thanks for your email below, and as always, for your work chairing the AC Subcommittee on Governance. The AC understood and considered the rationale for each recommendation provided in your committee's report. At one of the October meetings, the AC voted to send three of the recommendations in your final report to the committees that the recommendations would have an impact on in order that those committees could weigh in formally with their input and advice. The vote was close on this motion, but that was the AC's decision and the AC EC was in the process of communicating with the relevant committees when we received this email from Prof. Scheraga. The draft minutes for the October meetings are attached.

Regards,
Rick

From: Nantz, Kathryn [mailto:Nantz@fairfield.edu]
Sent: Tuesday, October 20, 2009 2:35 PM
To: Dewitt, Richard; Scheraga, Carl; Dewitt, Richard
Cc: Rakowitz, Susan; Thiel, John; Yarrington, Jo; Greenberg, Donald W.; Fitzgerald, Paul; Preli, Rona
Subject: RE: Governance Changes to Budget Committee

Thanks for this clarification Rick. Unfortunately, I was not at the meeting to argue that the subcommittee members consulted widely as we put together our proposals. This motion makes it seem as though the AC questions the thoroughness of our work, which is demoralizing for me and the other people on the subcommittee. My feeling is that if the AC is going to re-do the work we've done, we shouldn't have wasted our time.

I have no problem with people agreeing or disagreeing with our proposals, but to seek information from another committee that we have already collected seems like a waste of time to me. That a member of the subcommittee was berated for trying to proactively solve the problem and provide information to the Council is not a good signal to faculty that committee service is worthwhile.

Best regards,
Kathy N.

From: Thiel, John [<mailto:JThiel@fairfield.edu>]

Sent: Tuesday, October 20, 2009 3:12 PM

To: Nantz, Kathryn; Dewitt, Richard; Scheraga, Carl; Dewitt, Richard

Cc: Rakowitz, Susan; Yarrington, Jo; Greenberg, Donald W.; Fitzgerald, Paul; Preli, Rona

Subject: RE: Governance Changes to Budget Committee

Kathy,

Thanks for your response. I couldn't agree more. Undermining one's colleagues and questioning their professional integrity in public, unfortunately, seems to be the latest style of faculty leadership. May it disappear as quickly as it seems to have arisen!

J.

From: Jo Yarrington [<mailto:jyarrington@mail.fairfield.edu>]

Sent: Tuesday, October 20, 2009 9:57 PM

To: Thiel, John; Nantz, Kathryn; Dewitt, Richard; Scheraga, Carl

Cc: Rakowitz, Susan; Yarrington, Jo; Greenberg, Donald W.; Fitzgerald, Paul; Preli, Rona

Subject: Re: Governance Changes to Budget Committee

Kathy,

I also want to comment on your response. I am deeply disturbed by what I perceive as partisan leadership, a type and style of maneuvering that is undercutting committee work and our current governance structure. Its time to get back to building something together and moving forward as a mutually respectful academic community.

Jo

Memo

To: Ashley Byun McKay, Chair, Public Lectures and Events Committee
From: Rick DeWitt, Academic Council Executive Secretary
Date: 10/19/09
Re: Academic Council motion concerning PL&E Committee

At its 10/5/09 meeting, the Academic Council passed a motion requesting the Public Lectures and Events Committee consider and report back to the Council on a recommendation involving the PL&E committee.

Below we have included the text of the motion along with the relevant section of the minutes from the AC meeting. We have also included items from AC members concerning the recommendation, and the section of the AC Subcommittee on Governance Report relevant to the motion. The entire AC Subcommittee on Governance report and the complete minutes of the relevant AC minutes can be found on the Faculty Secretary's website.

We would ask that you consider this and report back to us at your earliest convenience, including any relevant documentation (for example, minutes of meetings at which this is discussed).

As always, thanks for your work on this important committee.

Motion and minutes from AC meeting of 10/5/09

MOTION [DeWitt/Tucker]: That the Academic Council pass on recommendations numbers 3, 6, and 7 to the relevant committees to consider and report back to the Academic Council.

Prof. Rakowitz noted that regarding number 3, the Public Lectures and Events Committee informally provided her with feedback; they did find in favor already and found very productive. On the other two, number 6 we are asking for the subcommittee. For number 7 it's fuzzy whether they are a committee; she's not sure what to make of that.

Prof. Mulvey stated that procedurally we should send this to the Public Lectures and Events Committee and get something formal from them that they think it's a good idea and why. For number 6 again, procedurally it is better for us to get the Student Life Committee to weigh in on the recommendation. For number 7, the Budget Committee is not a *Handbook* committee and

we elect three representatives (point of information). We should send it to these committees for information and recommendation.

The vote was held by ballot.

MOTION PASSED: 9 in favor, 8 opposed.

Items from AC members regarding the proposal to add the VP for Marketing and Communications to the PL&E committee membership. These arose after the 10/5/09 AC meeting, and so do not appear in those minutes.

1. The recommendation is for the VP of Marketing to be a non voting *ex officio* member. Our Handbook language tends to be more unclear than necessary about the voting vs. non voting status of *ex officio* committee members. Sometimes an *ex officio* member explicitly does have voting rights, sometimes explicitly does not, and sometimes it is left unspecified. Officially (i.e., according to Roberts Rules), unless otherwise specified an *ex officio* committee member does have voting rights. So it would be better to clarify this in the proposed Handbook language. Maybe the PL&E committee could propose modified language for the Handbook that makes the voting/non voting issue clear, both for the VP of Marketing/Communications as well as for the Director of the Quick Center.
2. Should both the Director of the Quick Center and the VP of Marketing and Communication be on the PL&E Committee? Perhaps the PL&E Committee could consider whether it would make more sense to have only the VP of Marketing and Communication on the committee.

Section from AC Subcommittee Report with recommendation 3, regarding membership of the Public Lectures and Events Committee

3. HANDBOOK AMENDMENT ON THE PUBLIC LECTURES AND EVENTS COMMITTEE

The subcommittee recommends that the Handbook be amended to add the Vice-President for Marketing and Communications as an ex officio nonvoting member of the Public Lectures and Events Committee.

Rationale: Under recent administrative reorganization, the Quick Center for the Arts now stands under the authority of the Vice-President for Marketing and Communications. Moreover, the Vice-President's expertise in marketing

public lectures and events makes the addition of the holder of this position to this *Handbook* committee essential to its mission.

We recommend that the Academic Council approve the following motion to amend the Faculty Handbook:

At I.C.b.9, first paragraph, added language proposed for amendment in bold; 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 a members *ex officio*.

[End of memo from ACEC to PL&E Chair]

[Email, Chair of PL&E to ACEC]

From: Ashley McKay [sbyun@fairfield.edu]
Sent: Thursday, October 22, 2009 6:55 PM
To: Richard DeWitt; 'Preli, Rona'
Cc: Downie, David; Xiao, Jiwei; Rosenfeld, Gavriel
Subject: Minutes from the PLE meeting

Attachments: minutes PLE 10 20 09.doc

Hi Rick, Rona,

I'm sending you the minutes from the last PL&E meeting.

We discussed the proposal put forth by the Academic Council that the VP of marketing be a non-voting ex-officio on the committee. We have voted in favor of this proposal and did outline our reasons for voting as such. The PL&E does not object, so long as the ex-officios are non-voting members. We believe that both the VP and director of the Quick Center should be non-voting ex-officios because they provide the PLE with different kinds of information as well as the important links to the University community as a whole. As such, we believe they enhance our ability to effectively carry out the charges and duties of the PL&E.

Please let me know if you have any questions or whether any issue needs clarification.

Cheers
Ashley

[Excerpt of Minutes from PL&E meeting of 10/20/09]

Public Lectures and Events Meeting, Tuesday, Oct. 20, 12:30 – 1:30 Bannow 318

In attendance: David Downie, Jiwei Xiao, and Ashley Soyong Byun McKay. Elizabeth Hastings, Rama Sudhakar, and Thomas Zingarelli attended the meeting as guests of the committee.

1. Discussion of the VP of Marketing and Communications/Director of the Quick Center as ex-officio (proposal sent by Academic Council)

At this point, the guests left the meeting so the faculty members of the PLE could meet in closed session.

Ashley introduced the background for the issue under discussion. Susan Rakowitz had approached Ashley as Chair of the PL& E Committee and asked for the opinion of PLE with regards to the PLE having Rama possibly attend the committee meetings as an *ex-officio*. Susan asked if Ashley could present it as a vote to the PL& E Committee. Since the next PL&E meeting was not scheduled until October 20 and Susan wanted to know how the committee felt before the Academic Council meeting, the PL&E Committee conducted an email vote. The PL& E Committee unanimously agreed that the committee had no objection to Rama attending as a non voting *ex-officio*. Ashley then reported this committee decision back to Susan who then asked her to rely the information to Rick and Rona. Ashley did just that. Now Academic Council passed the motion requesting the PL& E Committee to discuss the motion passed at the Academic Council meeting and their recommendations regarding the proposal to add the VP for Marketing and Communications to the PL&E committee membership.

The PL & E committee discussed Academic Council's recommendations and agreed that:

1. The PLE Committee had no objection to having the Vice President for Marketing and Communication added to the PL&E committee as a non-voting *ex-officio*. All three present committee members, Ashley, David and Jiwei, noted that when they joined the committee in fall 2008, Rama Sudhakar (VP for Marketing and Communications) was already occasionally attending committee meetings as a non-voting guest in order to provide information (Vote 3-0).
2. The PLE committee agreed that the reason it had no objections to the VP for Marketing and Communications attending PLE committee meetings, as a non-voting *ex-officio*, was because she can contribute information relevant to PLE discussions and can assist PLE efforts to facilitate and promote faculty initiatives and coordinate campus events.
3. The PL& E Committee had no objections to both the Director of the Quick Center and the VP of Marketing and Communication to attending PL&E Committee, as a non-voting *ex-officio* ((Vote 3-0). The PLE committee agreed that the reason it had no objections because the two positions possessed different sets of information and could assist the committee in different ways. The Quick Center Director is involved with day-to-day

activity related to the operation of the Center and is very familiar with its schedule, facilities, marketing, etc. The VP for Marketing and Communications is responsible for the entirety of University of publicity and media issues and thus commands expertise on a broader array of issues. She can also act as a conduit to other senior administrators concerning the work of the PLE committee, if desired by the PLE committee.

[End of minutes from PL&E Committee]

Proposed Motion from ACEC re agenda item 6a for Council Consideration

Motion

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 in bold; 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

10/26/09

Summary from ACEC of voting rights for *ex officio* members of Faculty Committees

	Name of Committee	No <i>ex officio</i> members	<i>Ex officio</i> members, specified as having voting rights	<i>Ex officio</i> members, specified as not having voting rights	<i>Ex officio</i> members, voting rights unspecified
	Academic Council			X	
1	Committee on Committees		X		
2	Rank and Tenure			X	
3	Research		X		
4	UCC		X		
5	Admissions and Scholarships				X
6	Committee on Conference	X			
7	Student Life	X			
8	Library		X		
9	Public Lectures and Events				X
10	Athletics				X
11	University Advancement		X		
12	Educational Planning		X		
13	Salary	X			
14	Faculty Dev. and Evaluation		X		
15	University College		X		
16	Educational Technologies				X

Memo

To: Mark Scalese, Student Life Committee Chair
From: Rick DeWitt, Academic Council Executive Secretary
Date: 10/19/09
Re: Academic Council motion concerning Student Life Committee

At its 10/5/09 meeting, the Academic Council passed a motion requesting the Student Life Committee consider and report back to the Council on a recommendation involving the committee.

Below we have included the text of the motion along with the relevant section of the minutes from the AC meeting. We have also included the section of the AC Subcommittee on Governance Report relevant to the motion. The entire AC Subcommittee on Governance report and the complete minutes of the relevant AC minutes can be found on the Faculty Secretary's website.

We would ask that you consider this and report back to us at your earliest convenience, including any relevant documentation (for example, minutes of meetings at which this is discussed). If you would like more information on the University Council and its workings, please contact me.

As always, thanks for your work on this important committee.

Motion and minutes from AC meeting of 10/5/09

MOTION [DeWitt/Tucker]: That the Academic Council pass on recommendations numbers 3, 6, and 7 to the relevant committees to consider and report back to the Academic Council.

Prof. Rakowitz noted that regarding number 3, the Public Lectures and Events Committee informally provided her with feedback; they did find in favor already and found very productive. On the other two, number 6 we are asking for the subcommittee. For number 7 it's fuzzy whether they are a committee; she's not sure what to make of that.

Prof. Mulvey stated that procedurally we should send this to the Public Lectures and Events Committee and get something formal from them that they think it's a good idea and why. For number 6 again, procedurally it is better for us to get the Student Life Committee to weigh in on the recommendation. For number 7, the Budget Committee is not a *Handbook* committee and

we elect three representatives (point of information). We should send it to these committees for information and recommendation.

The vote was held by ballot.

MOTION PASSED: 9 in favor, 8 opposed.

Section from AC Subcommittee Report with recommendation 6, regarding the University Council and Student Life Committee

6. UNIVERSITY COUNCIL AND STUDENT LIFE

The subcommittee recommends that the Academic Council establish a subcommittee to consider the value of folding the work of the University Council into the Student Life Committee.

Rationale: This recommendation will bring resolution to long-standing issues regarding the relationship between the University Council and the Student Life Committee. Since the work of these committees often seems to overlap, and since the University Council's description in the *Handbook* is so nebulous, we believe that a discussion among students, faculty, and administration on this matter is long overdue.

[Response from Student Life Committee re AC motion]

Response to Academic Council Motion #6 on 10/5/09

Motion:

The subcommittee [on Governance] recommends that the Academic Council establish a subcommittee to consider the value of folding the work of the University Council into the Student Life Committee.

Responses to the AC motion:

It strikes us that this is a good time for the AC to raise this issue, but the Student Life Committee seeks some clarification:

- As currently constituted, the University Council has representatives from three sectors of the university: faculty (represented by the Student Life Committee); students (represented by FUSA representatives); and administration (represented by several associate or assistant VPs). Since the Student Life Committee is by definition, comprised only of faculty, we are unsure how the goal of the motion would work.
- Some of the agenda items with which the University Council deals aren't exclusively faculty issues.

Because of this confusion, the University Council would like a representative from the AC to attend one of our meetings to better explain what it has in mind. Our next meeting is scheduled for Monday, Oct. 26 at 3:15 pm in BCC room 200.

One side note: the faculty representatives on the University Council were not always from the Student Life Committee, but that committee has become more important overall since its members became part of the UC.

Memo

To: Salary Committee Chair, Educational Planning Committee Chair, and faculty representatives to the Budget Committee

From: Rick DeWitt, AC Executive Secretary

Date: 10/19/09

Re: Academic Council motion concerning FSC, EPC, and Budget Committees

At its 10/5/09 meeting, the Academic Council passed a motion requesting the Salary Committee, Educational Planning Committee, and Budget Committee consider and report back to the Council on a recommendation involving these committees.

Below we have included the text of the motion along with the relevant section of the minutes from the AC meeting. We have also included items AC members communicated to us concerning the recommendation, the section of the AC Subcommittee on Governance Report relevant to the motion, and correspondence between the President and AC Executive Committee involving this recommendation. The entire report from the AC Subcommittee on Governance and the complete minutes of the relevant AC minutes can be found on the Faculty Secretary's website.

In addition, the AC has long had an item concerning the Budget Committee on its list of Pending Items. The AC Executive Committee is researching this item and will take this opportunity of renewed interest in the faculty representation on the Budget Committee to get this item back to the AC for resolution. We will be in touch again if there is more AC business for your committee to consider.

We would ask that you consider this request and report back to us at your earliest convenience, including any relevant documentation (for example, minutes of meetings at which this is discussed).

As always, thanks to everyone for your work on these important committees.

Motion and excerpt of minutes from AC meeting of 10/5/09

MOTION [DeWitt/Tucker]: That the Academic Council pass on recommendations numbers 3, 6, and 7 to the relevant committees to consider and report back to the Academic Council.

Prof. Rakowitz noted that regarding number 3, the Public Lectures and Events Committee informally provided her with feedback; they did find in favor already and found very productive. On the other two, number 6 we are asking for the subcommittee. For number 7 it's fuzzy whether they are a committee; she's not sure what to make of that.

Prof. Mulvey stated that procedurally we should send this to the Public Lectures and Events Committee and get something formal from them that they think it's a good idea and why. For number 6 again, procedurally it is better for us to get the Student Life Committee to weigh in on the recommendation. For number 7, the Budget Committee is not a *Handbook* committee and we elect three representatives (point of information). We should send it to these committees for information and recommendation.

The vote was held by ballot.

MOTION PASSED: 9 in favor, 8 opposed.

Items AC members communicated to the AC Executive Committee regarding the proposal to add the Chairs of the FSC and EPC to the Budget Committee. Some of these were communicated after the 10/5/09 AC meeting, and so do not appear in those minutes.

1. The FSC and EPC are labor intensive committees, with the Chairs of those committees having an especially heavy workload. If the Chairs of those committees are expected to serve on another time consuming and labor intensive committee (such as the Budget Committee), perhaps a course release is appropriate for the FSC and EPC committee chairs.
2. The *Faculty Handbook*, I.C.a.5., places limits on the number of committees on which a faculty member can serve. So placing the Chairs of the FSC and EPC on the Budget Committee may have the unintended consequence of forcing that chair to resign from another committee. (There is some question as to how to interpret this limitation. According to Journal of Record policy, such questions of interpretation are settled by the AC with administrative approval, so it may be that the AC will need to consider this interpretation issue.)
3. An alternative suggestion: Have the EPC and FSC elect and recommend to the President a committee member (not necessarily the Chair) to serve on the Budget Committee for that year, with the President deciding whether to appoint the individual recommended.
4. There is the short-term issue as well as a long-term issue. In the short term, the President has already indicated that he intends to appoint the FSC Chair and the EPC chair to the 2009-2010 Budget Committee. If the committee chairs do take on this duty, the committees may want to consider holding a new election for chair since the individuals agreeing to stand for election to chair did so without understanding all they would be required to do. The long-term issue of whether the FSC Chair and the EPC chair should be added to the Budget Committee is what the Academic Council is asking your committee to consider and report on.

Section from AC Subcommittee Report with recommendation 7, regarding expanding faculty membership on the Budget Committee]

7. EXPANDING FACULTY REPRESENTATION ON THE BUDGET COMMITTEE

The subcommittee recommends that the Academic Council pass a motion that requests the University President to add the chairpersons of the Salary Committee and the Educational Planning Committee to the membership of the University Budget Committee.

Rationale: Over ten years ago, the university administration agreed to allow elected faculty representatives to sit in on the university's Budget Committee. (This committee was then called the "Finance Committee", but the name was changed to avoid confusion with the Board's Finance Committee, which has a very different role.) Faculty have since been electing such representatives, and three faculty have been participating in the work alongside the vice presidents, the executive vice president, and representatives from the student body and staff.

This recommendation would improve shared governance by 1) increasing faculty participation in conversations regarding the allocation of key campus resources, and 2) placing elected chairpersons of standing faculty committees that conduct business often related to the allocation of resources in conversation with the broader context of resource needs on campus. This broadening of faculty participation in substantive conversations regarding fiscal resources would contribute significantly to the budgetary process.

Email of 10/6/09 from President von Arx to AC Executive Committee

From: von Arx, Jeffrey, S.J. [President@fairfield.edu]
Sent: Tuesday, October 06, 2009 4:21 PM
To: Preli, Rona; Dewitt, Richard
Subject: University Budget Committee

Rona and Rick –

I understand that the Academic Council passed a motion to seek the views of the committees impacted by various recommendations made by the Academic Council Subcommittee on Governance. Recommendation #7 from the Subcommittee reads as follows:

The subcommittee recommends that the Academic Council pass a motion that requests the University President to add the chairpersons of the Salary Committee and the Educational Planning Committee to the membership of the University Budget Committee.

As the person to whom this motion is directed, I thought I would voice my opinion. I think that this recommendation responds to concerns expressed by the faculty about inclusiveness and transparency in our budget processes and I support it. As the University Budget Committee is formed in the coming weeks, I plan to invite these two additional faculty. If the Academic Council passes a motion in support of this change, it would be much appreciated.

JvA, SJ

Email of 10/7/09 from AC Executive Committee to President von Arx

From: Richard DeWitt [rdewitt@mail.fairfield.edu]
Sent: Wednesday, October 07, 2009 11:02 AM
To: 'von Arx, Jeffrey, S.J.'
Cc: 'Preli, Rona'; 'Dewitt, Richard'
Subject: RE: University Budget Committee

Jeff,

Thank you for sharing your thoughts and recommendations with Rona and me concerning the proposed motion to include the chairs of the Educational Planning Committee and the Salary Committee on the Budget Committee. We think there is broad support for including additional representatives on the University Budget Committee and are pleased to move forward with this proposal.

The Budget Committee is an administrative committee and, of course, we respect your authority to appoint whomever you want to that committee. The Council, as you know, is asking the relevant Handbook committees to consider the proposal before the AC weighs in with a recommendation to you.

Basically, we think the Council will want to consider all the consequences (intended and unintended) before taking action. One concern, not expressed until after the meeting, is that the Handbook has a limit on the number of committees on which a faculty member may serve. (And, the Journal of Record has a subsequent interpretation of this Handbook language). So the proposal may have the unintended consequence of requiring the chairs to resign from one of their other committees. Also, both the FSC and the EPC are incredibly time-consuming committees. Asking those chairs to sit on another committee that meets very, very frequently is asking for a major commitment that, perhaps, these individuals did not expect when they agreed to chair their respective committees this year. Perhaps the AC might recommend some course reduction for the chairs in exchange for a major new time commitment.

In any event, we do expect the AC to work on this quickly and have their recommendation to you this fall. Again, we think there is broad support for additional representatives on the Budget Committee, and we look forward to working with you in moving this forward.

Regards,
Rick

Rick DeWitt
Executive Secretary
Academic Council

[End of memo from ACEC to FSC, ETC, and Budget Committee]

[Motion passed at AC meeting of 10/13/09]

MOTION. (DeWitt/Rakowitz) The Academic Council supports the President's desire to increase inclusiveness and transparency in our budget processes by adding two additional faculty members to the Budget Committee this year.

[Email from FSC chair of 10/26/09]

From: Susan Rakowitz [srakowitz@fairfield.edu]
Sent: Monday, October 26, 2009 10:54 AM
To: Richard DeWitt
Cc: Crawford, David; Dennin, Joseph; Preli, Rona; Tromley, Cheryl
Subject: Re: Academic Council motion

Rick,

The FSC supports the proposal to add the FSC chair to the Budget Committee. Increasing faculty representation on the Budget Committee enhances faculty/administrative collaboration in general, and does so in a way that is advantageous both to our committee and to the Budget Committee. The Budget Committee takes no votes, so persuasive arguments are paramount. Having more faculty making such arguments means the faculty perspective is more likely to be heard. The benefits to the FSC of having one of those voices be a member of our committee are even clearer. The Budget Committee discusses the parameters of changes in compensation. It's advantageous for the FSC to have a voice in those discussions as early as possible. Furthermore, the administrators who meet with the FSC are deeply involved in those compensation discussions in the Budget Committee. If the FSC does not have a representative in the room for those meetings, we are at an informational disadvantage when we meet with the administration. In light of these arguments, we support extending Budget Committee membership to the FSC chair. Allowing the chair to pass that additional time commitment of 2-3 hours per month to a designee from the committee seems reasonable, and is, in fact, precisely the way the President made the invitation this year.

We are not concerned by the objections raised below. The two committee limit applies to standing Handbook committees and "special committees". The Budget Committee is neither. With regard to the additional time commitment this change would place upon the chair, service is part of our jobs as faculty members. As with scholarship, there is no clear definition of precisely how much service is appropriate. As with scholarship, then, faculty members typically do more service in some years and less in others. Chairing the FSC, with or without a concomitant seat on the Budget Committee, makes for a heavier than average year of service, but not necessarily heavier than, for example, chairing Rank and Tenure or publishing a book. It doesn't make sense to pull out of one of these examples for course release. What seems much more important is that we have merit guidelines that ensure that all schools and departments value service, and do so to comparable degrees.

Susan Rakowitz, Chair, FSC

[Memo from FSC to ACEC re amendment to Handbook language concerning FSC]

From: Susan Rakowitz [srakowitz@fairfield.edu]
Sent: Monday, September 28, 2009 10:10 PM
To: Preli, Rona; 'Dewitt, Richard'
Cc: Mulvey, Irene; Crawford, David; Dennin, Joseph; Tromley, Cheryl
Subject: Agenda item for AC

To: AC Executive Committee
From: Susan Rakowitz, Chair, FSC
Re: Proposed Handbook Amendment regarding charge to the Salary Committee

Last Spring both the General Faculty and the Board of Trustees approved the following motion to amend the Handbook regarding the charge to the Salary Committee. Because the Board's approval was contingent on other motions that did not pass the faculty, the Handbook was not amended. We would like to bring this motion back to the Council for reconsideration this semester.

Motion: that the Academic Council 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.:

Current text:

General Purpose

To receive and make specific recommendations each year to the appropriate administrative officers regarding faculty salaries and other wage benefits.

Specific Duties

- i. to keep under continuous review the whole question of faculty salaries and scale.
- ii. to keep abreast of available fringe benefit programs relating to matters such as retirement, health insurance, life insurance, education for dependents, etc.

Proposed replacement text:

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.

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

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.

**Motion passed by the Academic Council
March 9, 2009**

MOTION [Strauss/Robert]. The Academic Council will form a subcommittee, with faculty and administrative representation, to clarify policy on grade changes. Items for this subcommittee to consider would presumably include, but not necessarily be limited to, issues such as time frames when grade changes can be made, by whom, and under what circumstances. This subcommittee will be formed at the first Council meeting of fall 2009.

MOTION PASSED: 11 in favor, 0 opposed, 0 abstentions