

**Academic Council Meeting
November 2, 2009
3:30-5:00 p.m.
CNS 200**

[Approved by the Academic Council on 12/7/09.]

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

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

Guest: Alison MacNeill (student)

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

1. Presidential Courtesy

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

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

Comments

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

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

2. Report from the Secretary of the General Faculty

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

3. Report from the Executive Secretary

Prof. DeWitt noted that the 5/4/2009 minutes were not approved earlier, but the extraordinary circumstances of faculty business this past spring apparently led to some

items falling between the cracks. The draft minutes had been circulated to all members of the faculty last May.

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

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

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

5/4/09 Minutes

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

- ii. Approval of minutes of September 21, 2009 (attached).

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

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

9/21/09 Minutes

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

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

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

10/5/09 Minutes

1. p. 27 of packet, last paragraph, 3rd line needs addition of the word, “there” as follows: “...good collaboration but ***there*** could be better collaboration....”
 2. p. 32 of packet, 2nd paragraph, 2nd line needs removal of the editing mark as follows: “...Academic Council and faculty could still vote....”
 3. P. 33 of packet, in the paragraph before the motion, edit as follows: Prof. Rakowitz answered that the administration originally wanted six deans and the SVPAA to have voting privileges. In the spring, they brought forward the proposal of two deans ***and the GFS*** and the SVPAA, so a net of two administrative votes. ***Now, it's the SVPAA and the GFS.***
 4. p. 33 of packet, in line three “faculty” should be replaced with ***“administration.”***
 5. p. 36 of packet, fifth paragraph, before the phrase “On the other,” it should read, ***“a member of the ACSG spoke with the outgoing chair of the Public Lectures and Events committee who said the VP for Marketing had been attending their meetings for a year and they found her contributions productive.”*** This replaces the text, “found very productive.”
- iv. Approval of minutes of October 13, 2009 (attached).

MOTION. [Strauss/Lyon] to approve minutes as amended.

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

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

10/13/09 Minutes

1. P. 38 of packet, five lines from the bottom, insert word. The sentence that begins, “Together” should read, “Together we ***should*** operate . . .”.
2. p. 39 of packet, seventh line from the bottom needs for the words “The President” to be spelled out as follows: “...the AC will support the SCSG’s recommendation. ***The President*** wants AC support....”
3. p. 40 of packet tenth line from bottom. “Santa Clara” should be changed to ***“Loyola Marymount.”***
4. p. 41 of packet, line immediately above the bolded Motion (by DeWitt/Massey) needs for the first word of Massey’s question to be capitalized as follows: ***“Do*** we compose committees when we create them?”
5. p. 41 of packet, where Prof. Rakowitz speaks against the motion, tenth line from the bottom, the text should be replaced with the following: ***“I speak against the amendment. The subcommittee should include representatives from the Committee on Conference, but it should also include people from the other committees who have been meeting with the Board for their perspective and an administrator for a sense of the Board’s perspective.”***

6. p. 43 of packet, last sentence before bolded Motion (by Robert/Shea) should change the word from “effected” to “affected” as follows: “The classification won’t be *affected* by this program.”
7. P. 43 of packet, in the fourth and ninth lines, DPN needs to be changed to “*DNP*”.

b. Correspondence

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

c. Oral Reports

None

5: Council Committee Report

a. IDEA subcommittee

Prof. DeWitt noted an Oct. 21st meeting by this committee with Bill Abbott being elected chair. Committee still needs two members, one of whom would be an AC member. A call was sent out to AC members. Prof. DeWitt noted that the Executive Committee hoped these members will finish out this year. Please let Prof. DeWitt know if you’re willing to serve.

b. Subcommittee on faculty representatives to the Board of Trustees committees

Professor DeWitt noted that the EC put out a call for volunteers. SVPAA Fitzgerald said he’s also willing to serve. Committee will be composed of two members from the Committee on Conference with the Board of Trustees, 2 Academic Council Members, and the SVPAA.

6. Petitions for immediate hearing

none

7. Old Business

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

Questions

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

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

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

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

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

Discussion

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

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

Discussion

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

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

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

The AC EC, as directed by the AC, sent out request for consideration and input regarding the proposed governance amendment to the Faculty Salary Committee, the EPC, and the faculty representatives to the Budget Committee (pages 69-72 of the packet). The FSC’s response is on page 73. Faculty

representatives to the Budget Committee did not respond to the request. EPC has not yet met since the request was made.

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

Discussion

Prof. Dennin spoke in favor of motion, and felt this motion would be particularly useful for the Salary Committee. Felt EPC would be appropriate to add to Budget Committee given its responsibilities regarding resources. Prof. Bayne asked for a change in the wording to clarify that designees would be from the respective committees, and this change to the motion was accepted without objection. Prof. Mulvey was unclear as to whether or not these appointments are an ongoing situation, or just for this year.

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

- d. Elected faculty to Honorary Degree Committee.

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

7. New Business:

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

Information is on page 74 of the packet.

Discussion

The Chair explained that the AC (and the GF) already voted to approve this last spring. Board of Trustees did not approve the change, so AC is now returning to this proposal. Prof. Rakowitz pointed out that p. 74 of AC handout clarifies what the FSC already does, and makes the FSC role consistent. Prof. Massey asked if there was any reason this particular item could not be revisited to make it stronger? Felt that the change does not go far enough, and might use language such as “negotiation”. Prof. Dennin felt that, informally, the administration does use “negotiation.” If this word were formally used in a change to the FSC responsibilities, there would be objections by the Board of Trustees. Prof. Dennin remarked that he would like to see this get done, and agrees with Prof. Massey’s point that things can be stronger, but that the spirit of “negotiation” is what is

accomplished in faculty/administration discussions. He remarked that the current language is supported by administration and a new version might be rejected. Prof. Massey asked if there has been any conversation this year about this proposal. Prof. Dennin responded no, all conversations were last year.

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

General Purpose

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

Specific Duties

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

Discussion

Prof. Massey proposed an amendment to the proposal.

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

Prof. Rakowitz spoke against the amendment, arguing that the current language that uses “collegial discussions” in section i. accomplishes the same goal. Prof. Massey spoke in favor of amendment, and felt it extremely important to put bi-directional nature of discourse in the proposal. Prof. Mulvey thought that if motion gets voted down, the AC should still favor the change in section ii. Prof. Rakowitz argued that the AC and GF would have no sense that the administration would approve the suggested amendments. Prof. Massey argued that just because administration would not approve the amendment does not mean the faculty should not say what it thinks is right. Prof. Dennin spoke against the motion, arguing that the amendment puts the faculty behind schedule and that this is detrimental to the faculty. Prof. Lyon spoke in favor of motion, arguing that the faculty can still send a message about its desires, and the Board of Trustees can, if it wants, reject the amendment and return the document to us. SVPAA Fitzgerald spoke against the motion, arguing that the current process works, and the language of the original motion captures this. Dean Franzosa argued that “negotiation” as wording might capture the intent of the original motion, but this word may have legal connotations, and cautions the AC on this. Prof. Dennin argued that in point of reality, the faculty do

negotiate, so the original wording is not an issue. Dean Solomon spoke against motion, arguing that the FSC does not negotiate. He argued that “negotiation” assumes both sides are equal in terms of give and take, but this is not the case, for the Board of Trustees has the final say. To put ‘negotiation’ in the motion would be a misnomer. Dean Crabtree argued that this document has been negotiated as is, and that the AC should stick with the original motion and move it forward.

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

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

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

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

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

Announcement by GFS

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

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

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

[Approved by the Academic Council on 12/7/09.]
