1. Presidential courtesy.
2. Report from the Secretary of the General Faculty.
3. Report from the Executive Secretary.
   a. Approval of minutes of meeting of October 6, 2008 (attached)
   b. Correspondence
   c. Oral Reports
4. Council Committee Reports.
   a. Subcommittee on Sunsetting of Courses (see attached report)
   b. Subcommittee on Academic Dishonesty/Grade Change issue
   c. Subcommittee on Governance (report attached)
5. Petitions for immediate hearing.
6. Old Business
   a. Catalogue change to academic dishonest policy
7. New business
   a. Faculty Handbook Working Group report (attached)
   b. Change in availability of once a week courses (turbos)
8. Adjournment

Attachments
For item 3.a. Minutes of October 6, 2008 AC meeting (pages 3-8)
For item 4.a. Report from the Committee on Sunset Provisions (pages 9-10)
For item 4.c. AC Subcommittee on Governance Report (pages 11-20)
For item 7.a. Faculty Handbook Working Group Report (pages 21-30)

PENDING ITEMS ON BACK
Pending Items

(Items just added in bold. Items to be removed shown with strikethrough.)

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 sunsetting 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.

3. Implementation of AC recommendations concerning issues raised by AHANA students.

Academic Council
Draft Minutes: October 6, 2008

Faculty members present: Bernhardt, Boryczka, Bowen, Dallavalle, DeWitt (Secretary of the General Faculty), Garvey, Greenberg, He, Massey, Pomarico, Preli (Chair), Rakowitz, Robert, Strauss, Thiel

Administrative members present: Crabtree, Franzosa, Grossman, Hadjimichael, Novotny

Student representative: Lamendola

Regrets: Dennin, Solomon, Wilson, Yarrington

Guests: Franceschi (Item 7a); Hlawitschka (Item 6a); Malone, Miners, Weitzer (Item 7b)

The meeting was called to order at 3:32 pm.

1. Presidential courtesy: No items

2. Report from the Secretary of the General Faculty

   a. Issues related to renewable full time, non tenure track faculty
   Prof. DeWitt asked Prof. Thiel to discuss concerns that have arisen about a motion passed last Spring regarding renewable non tenure track faculty. Thiel explained that the Council had addressed an expressed need for renewable, full time, non tenure track faculty by approving a policy stated in language for the Handbook, accompanied by a paragraph to be entered into the Journal of Record (JOR). This paragraph included a more detailed description of the expectations for these positions along with language about limits on the numbers of such positions. These details are very important and he had thought that they had mutual faculty and administrative approval. Now, however, the report of the Blue Ribbon Commission has placed the status of the JOR under dispute by disregarding almost 25 years of history of including only mutually agreed upon policies in the JOR, and instead suggesting that the JOR is merely a collection of faculty positions. Thiel expressed reluctance to move ahead with this motion for non tenure track faculty while the standing of the JOR is in question. He suggested that the only solution was to wait on the motion until the status of the JOR is resolved. DeWitt explained that the next step for the motion is to go to the General Faculty and that the October General Faculty meeting would probably be canceled for a lack of agenda items anyway. That gives the Council a break before deciding whether to move ahead with the motion.

3. Report from the Executive Secretary

   a. Approval of minutes of meeting of September 8, 2008
   Corrections: On page 3, Grossman should be replaced with Greenberg as the maker or seconder of motions. On page 4, "2209" should be "2009". On page 5, Strauss should be replaced with Massey.
MOTION [Bernhardt/Strauss]: to approve the minutes of 9/8/08 as corrected. Motion passed 12-0-2.

b. Correspondence: none

c. Oral reports: none

4. Council Committee Reports

a. Subcommittee on sunsetting of courses: Prof. Rakowitz reported that the subcommittee (Preli, Rakowitz, Malone, Russo) is collecting data and will meet again next week.

b. Subcommittee on Blue Ribbon Commission recommendations: Prof. Nantz reported that the subcommittee (Nantz, Greenberg, Rakowitz, Thiel, Yarrington) is meeting regularly and expects to report at the next Council meeting.

c. Subcommittee on Grade Change/Academic Dishonesty issue: Prof. Strauss reported that the subcommittee (DeWitt, Phelan, Strauss) has had a couple of meetings and is defining its role with a focus on academic issues, leaving the technical and security issues to the Educational Technologies Committee.

5. Petitions for immediate hearing: None

6. Old Business

a. Report from the Committee on Conference
Prof. Hlawitschka reported that the Committee on Conference (C on C) met with the Academic Affairs Committee of the Board of Trustees last week. They brought a request from the College of Arts & Sciences to approve changes to the College Governance Document.

The bulk of the meeting was devoted to an open discussion of the letter from Chair Huston to Secretary DeWitt inviting chairs of particular standing committees to attend related Board meetings. The faculty had several questions for the Board, including why no faculty were invited to attend the Board's Executive Committee meetings. The response was that this might have been an oversight and the Board would consider it. At the suggestion of the C on C, the Board members also expressed a willingness to consider the participation of faculty at full Board meetings along with voting memberships for faculty.

Huston suggested that historically, at least of late, the C on C has participated fully in meetings of the Academic Affairs Committee. He indicated that nothing in the Handbook mandates that structure, and it would no longer happen. Chairs of relevant faculty committees would participate as appropriate. Faculty asked that the Board reconsider this position, especially as the Academic Affairs Committee is overseeing the implementation of the report of the Blue Ribbon Commission.
(BRC), more faculty participation would be better than less. Hlawitschka said that there was a good discussion of these issues.

DeWitt asked whether the C on C has discussed the implications of these changes. For example, this new responsibility of certain committee chairs should be conveyed to the faculty in some way, perhaps through incorporation in the Handbook descriptions of committees, before these chairs are elected in the future. Hlawitschka responded that there had not yet been a move to formalize the recent changes. DeWitt asked whether, pending agreement of the Council, the C on C would consider the best way of conveying this information to the faculty. Hlawitschka explained that the Committee saw Huston's letter as a quick and meaningful response to the BRC report. His sense was that the Board welcomed the feedback from the faculty and we should make a studied response to these changes. DeWitt suggested that the Handbook language regarding the C on C is ambiguous. It says that the Committee should meet with the appropriate committee of the Board. That phrasing was probably intended for flexibility, but it has come to be interpreted as just meaning the Academic Affairs Committee. He asked the C on C to consider this issue as well. Hlawitschka said that he didn't see an ambiguity and felt free to ask to meet with whatever committee seemed appropriate. Nantz said that she supported Hlawitschka's interpretation, but that there had been ambiguities in the past, for example when the C on C wanted to discuss technical issues and the funding of technology. She suggested that Hlawitschka consult with the rest of the Committee to get a sense of their interpretation of the Handbook language, especially in light of the new faculty representation on other committees.

7. New business

a. Proposal from the Environmental Studies Advisory Board

Prof. Franceschi gave a brief summary of the proposal. The initiative to combine the 3 related programs began in January 2007 under the co-direction of Profs. Osier and Franceschi because this size campus doesn't have enough faculty to support all 3 programs. The current Environmental Studies program has been renamed the Program on the Environment. The renaming and curricular changes have gone through the Arts & Sciences Curriculum Committee and the UCC, but don't need to go further because this is a program revision rather than a new program. The other 2 programs, Environmental Science and Marine Science, are being closed down. The shutdowns have been approved by both curriculum committees and the EPC, and now need Council approval. The EPC met on 9/18 and voted unanimously to close the programs, but their minutes are not yet available.

MOTION [Massey/Greenberg]: Pending receipt of the EPC minutes confirming the report of the EPC meeting, we recommend the elimination of the Environmental Science Program and the Marine Science minor.

Prof. He asked why we shouldn't simply wait for the minutes. Franceschi explained that last semester there was some confusion about listings in the course booklet,
and finishing these changes would avoid confusion in the upcoming registration period. Dean Franzosa remarked that she was at the EPC meeting; there was very little discussion and the vote to close the programs was unanimous. Nantz said she supported the motion. The question was called.

**MOTION PASSED: 13-0-1**

**MOTION** [Nantz/Massey]: to reorder the agenda and take up 7c before 7b. **MOTION PASSED** unanimously.

c. Proposed change to academic dishonesty policy

**MOTION** [Robert/Bowen]: that the phrase, "Falsification of academic records or grades, including, but not limited to, any act of falsifying information on an official academic document, grade report, class registration document, or transcript" be added to Fairfield's policy on academic honesty and be reflected in the undergraduate and graduate catalogues and the Student Handbook.

AVP Grossman said that this change would address the event that occurred last May. Preli explained that the language was changed in the catalogue over the summer. The motion would give the Council's approval for this change and would make the change consistent in graduate and undergraduate catalogues. DeWitt added that a change of this sort would ordinarily come from a faculty body working with administrators and come to the Council for approval before being published. In this case, the need for speed led to implementation prior to Council approval. Prof. Massey expressed concern about the precedent of implementing a change prior to Council approval. Nantz was uncomfortable about not having the language written out in front of us. Prof. Dallavalle agreed and suggested that without time pressure now, it might be better to circulate the language and consider it more carefully. Thiel agreed and noted that we might be able to come up with better language for the future.

**MOTION** [Nantz/Massey] to table the motion. **MOTION PASSED** unanimously.

b. Faculty Data Committee report

DeWitt explained that the committee was formed last year jointly by faculty chosen by the Council and administrators chosen by EVP Weitzer. The members are listed on the report in the packet. They had a limited time to meet, and the sense of the committee was that there wasn't enough time for specific recommendations on all possible items. Some items need follow up, some could be implemented straightforwardly, and some need more work. Weitzer noted that he wasn't on the committee, but could respond to the report.
Prof. Bernhardt asked whether the discussion of email would be expanded to consider things like the tracking of websites accessed and internet telephony. DeWitt said that he didn't think so, though some of those issues were touched on in the grade changing incident. Massey asked whether the ownership discussion had extended to course materials like syllabi, which are required to be publicly accessible by AACSB. DeWitt said that there was a lot of discussion, ultimately unresolved, about the ownership of teaching evaluations, but he didn't remember discussion of ownership of course materials. Dean Crabtree suggested that if the committee continues, it should take up Bernhardt's and Massey's issues proactively, rather than just reacting to hot button issues. Bernhardt then asked about profits and intellectual property, but DeWitt said that intellectual property was not considered to be "faculty data".

Weitzer noted that he liked the shared governance model exemplified by this committee. He said that a number of the committee's recommendations are for the administration, and the relevant faculty committees could be updated on their progress. Specifically, he was pleased to report that the social security number issue is being addressed, and the hope is to have a fix in place in November. Regarding recommendation 2, he would like to have HR develop an institution-wide policy to which nuanced pieces specifically relevant to faculty could be added. With regard to recommendation 3, there is an email policy and VP Estrada should present it and a response to Bernhardt's issues to the Educational Technologies Committee (ETC). As for recommendation 4, Sungard has a relevant policy, but the university doesn't. Estrada should work with the ETC to develop a policy. Similarly, the AVP and Deans should have policies regarding point 5, and should work with relevant faculty committees. He said that recommendation 6 seems to be the right statement; it's standard procedure to protect anonymity when working with aggregate data. Finally, Weitzer suggested that we are at a decision point on issue 7. The status quo doesn't make anyone happy. He wondered whether now is the time to take on this issue, and, if so, whether it should be this committee or another.

Dean Hadjimichael pointed out that the report was good at identifying weaknesses or lack of policies, but didn't discuss how easily data are accessible by unauthorized personnel. Weitzer said that that was a separate issue that was not in the committee's charge. Prof. Miners noted that it was raised to some extent in the context of social security numbers. Bowen asked whether Estrada was scheduled to speak to the ETC on number 3. Weitzer said probably not yet. DeWitt said that there were 2 email issues- retention and privacy. There is policy/practice regarding retention, but is there something on privacy? Weitzer said the privacy issue was less clear. DeWitt said that his impression is that there aren't legal safeguards regarding the privacy of email. Presumably our privacy is not being violated, but we should have a policy. Weitzer agreed, noting that extreme circumstances could call for the violation of privacy, and we should have a policy defining such circumstances.

Preli then asked to clarify the next step. Weitzer said that progress is underway on recommendations 1 through 5 and perhaps he could make a summary report on that
progress at the end of the year. Number 6 is reasonable, but the next step on 7 needs consideration. Miners said that the committee agreed unanimously on what they said in point 7, but could not agree on ownership. Weitzer acknowledged the agreement on the legitimate needs for the data and problems with manipulating the data. Nantz asked about the meaning of the phrase, "such data should be used only as intended". She expressed concern that the mention of the Rank and Tenure Committee in the last sentence implied a departure from current policy in which submission of teaching evaluations to Rank and Tenure is optional. DeWitt strongly stated and reiterated that the committee did not intend to change current policy; there is no requirement to turn over data to Rank and Tenure or for merit reviews. Weitzer concurred and pointed out that the final paragraph of the report should clarify the language that Nantz was worried about. Bowen expressed confusion about the parenthetical comment about "manipulating" evaluation data. It was explained that there seem to have been instances where data was manipulated to magnify very small (and presumably meaningless) differences.

Nantz then asked whether the committee wanted a motion or whether the committee was disbanded. Several committee members around the room quickly indicated that the committee was disbanded. DeWitt said that he thought the FDEC was close to recommending changes in the teaching evaluations. He therefore thought we should hold off on further consideration of the controversial ownership of evaluations question. Weitzer agreed that waiting made sense.

8. Adjournment

**MOTION** [Bernhardt/Boryczka] to adjourn. **MOTION PASSED unanimously.**

Meeting adjourned at 4:46 pm.

Respectfully submitted,
Susan Rakowitz
Addressing the charge: "that the Academic Council form a subcommittee of faculty with representation from both undergraduate and graduate faculty, as well as administrators, to review current policies and to determine a policy on catalog listing and sunsetting of courses, and to report back to the Council in Fall 2008," the subcommittee, consisting of Rona Preli, Susan Rakowitz, Mary Frances Malone, and Robert Russo met twice. We considered two relevant texts, the Journal of Record policy on sunset provisions:

If an undergraduate course has not been taught for five consecutive calendar years, within either the full-time day school or the School of Continuing Education, it will be removed from the catalog(s) in which it has been listed unless an individual department or school requests a waiver in writing from the appropriate curriculum committee of each school and the department or school announces that the course will be offered within the next calendar year. The responsibility for adherence to these policies resides with the appropriate deans. After a course has been removed from an undergraduate catalog, it cannot be reinstated without the usual application procedures to the appropriate committee of each school.

and NEASC standard 10.8:

The institution clearly indicates those programs, courses, services, and personnel not available during a given academic year. It does not list as current any courses not taught for two consecutive years that will not be taught during the third consecutive year.

along with general principles of truth in advertising and what information a student or prospective student could reasonably expect to find in the annual Course Catalogue.

Issues

We note that the JOR policy addresses two issues which are, in principle, separable, namely, when courses are "sunsetted" and therefore need full curricular review, and when they should be removed from the Catalogue. As far as we know, the review process is adhered to; courses are not added to the Catalogue unless they have gone through the appropriate curricular review. However, data produced by the Registrar's office make it clear that many courses remain in the Catalogue despite having last been offered more than 5 years ago. Anecdotal reports suggest that when courses are not offered because of personnel changes, rather than obsolescence of content, faculty are hesitant to remove them and face the review process again if appropriate instructors are hired. That hesitation is understandable, but unfair to students in terms of truth in advertising.

With regard to removing courses from the Catalogue, we feel that the current policy of 5 years is a bit long, but 3 years is too short. The NEASC standard doesn't mandate that courses be removed from the Catalogue if they have not been offered for 3 consecutive years, simply that they not be labeled as "current". If courses were instead removed after not having been offered in 4 years, the bulk of undergraduates could have a reasonable expectation that courses in the Catalogue would be offered at some point during their undergraduate career.
Recommendations

We recommend that the Academic Council send the current policy back to the Undergraduate Curriculum Committee for review. We would ask that committee to work with the school curriculum committees to propose a revision to the Journal of Record policy on sunset provisions that would apply uniformly to undergraduate and graduate courses. We also recommend that the curriculum committees work with Deans and departments to develop mechanisms to ensure that courses are removed from the Catalogue at the specified time, and that removed courses are properly tracked as either sunsetted, or able to be reinstated without full curricular review.

Recommended changes to the sunset policy:

- Remove courses from the Catalogue if they have not been offered in 4 consecutive years (with standard exceptions for Special Topics, Internships, Independent Research, and Independent Studies, and possibilities of waivers for special circumstances).
- Consider criteria other than the simple passage of time to distinguish between courses removed from the Catalogue but available for reinstatement, and courses that may not be offered again without full curricular review.
- Apply the policy to undergraduate and graduate courses.

We further recommend that course listings in the Catalogue be restructured using subheadings to distinguish clearly between those offered annually and those offered at least once per 4 year cycle.
Report of the Academic Council Subcommittee on Governance
October 21, 2008
Subcommittee Membership: Professors Donald Greenberg, Kathryn Nantz (Chair), Susan Rakowitz, John Thiel, and Jo Yarrington

On September 5, 2008, President von Arx wrote to the University community to provide an update on governance. In his letter, he called on the faculty to provide a response to the recommendations of the Blue Ribbon Commission (BRC) by the Thanksgiving break. To that end, the Academic Council formed a subcommittee at its September 7 meeting and members of the Council elected Professors Nantz, Greenberg, Rakowitz, Thiel, and Yarrington to serve on the subcommittee. The Academic Council Subcommittee on Governance met five times: on September 12, 19, 26, October 3, and 20.

At its first meeting, the members elected Professor Kathryn Nantz to chair the subcommittee. The Academic Council requested that the subcommittee solicit advice from the national office of the American Association of University Professors in coming to its recommendations. The subcommittee in turn petitioned the Secretary of the General Faculty to seek an evaluation by the AAUP of our Faculty Handbook and the concerns about it expressed in the BRC Report. That evaluation will come directly from the AAUP under separate cover.

In the course of its discussions, the subcommittee identified five issues in the BRC Report that it judged to be of particular faculty concern: the division of the Faculty Handbook, the reconstitution of the Academic Council as a University Council, the selection of department chairs, the openness of meetings of the General Faculty, and the standing of the Journal of Record.

Our report addresses each of these issues in turn. A summary of our specific recommendations to the Academic Council appears at the end of this report.

Division of the Faculty Handbook
The subcommittee appreciates the Blue Ribbon Commission’s thoughtful consideration of the issue of the Faculty Handbook. The BRC Report offers the recommendation that the Faculty Handbook be divided “to make a clear separation between academic issues, where faculty responsibility is determinative, and personnel policy, where the administration has primary responsibility” (BRC, 11-12). The BRC Report offers this recommendation to remedy what it sees as the Handbook’s lack of clarity on the responsibilities of faculty and administration. We believe that this recommendation deserves serious attention. We do so by posing two questions: 1. is the Handbook ambiguous on the appropriate and particular responsibilities of faculty
and administration? 2. are there negative consequences to the proposed division of the Handbook?

Clarity in Faculty and Administrative Responsibilities

It is difficult to address the BRC Report’s judgment that the Handbook is ambiguous on faculty and administrative responsibilities, since the BRC Report offers no example. The BRC Report declares that the Handbook lacks clarity on the respective responsibilities of faculty, administration, and trustees but never explains or illustrates its perception of the problem. In our opinion, the governance structure delineated in the Handbook walks a clear line between assuring that all voices can be heard in the decision-making process and defining ultimate responsibility for decisions. The second paragraph of the Handbook states that

the structure of the University provides for the initiation and review of policies and practices by all segments of the University and decisions on these matters may come from any segment and are normally the result of reasonable consensus of all parties involved. In the rare instance in matters of major policy where agreement cannot be reached through normal channels, the problem shall be referred to the Board of Trustees whose decision, after hearing from all interested parties, is binding on all (I.A.1).

This broad, introductory statement of responsibilities is more finely detailed throughout the text. For example, in the appointment of faculty, the Handbook is clear that the appropriate faculty and the appropriate Dean have responsibility for vetting and recommending candidates, and that the Academic Vice-President has the responsibility of appointment (II.A.1.a). On the matter of application for tenure, the Handbook is clear that the appropriate faculty, the Rank and Tenure Committee, the appropriate Dean, and the Academic Vice-President have responsibility for making recommendations on the application, and that the Board of Trustees and the President have responsibility for granting or denying tenure (II.A.3). On the matter of promotion in rank, the Handbook is clear that the appropriate faculty, the Rank and Tenure Committee, the appropriate Dean, and the Academic Vice-President have responsibility for making recommendations on the application, and that the President has responsibility for granting or denying promotion (II.A.2.a). In some instances the Handbook does not state matters in such explicit detail. For example, the Handbook states that the “University provides a term Life Insurance policy at no cost to the full-time faculty member” (II.B.c). Even though the Handbook does not precisely stipulate practical responsibility for this policy, any reasonable reader would know that the Director of Human Resources, and finally the Director’s superior, the Vice-President for Finance and Administration, have responsibility for implementing this policy.
The Handbook is clear that the Board of Trustees is the final arbiter of disagreement on Handbook policy and yet the Handbook is flexible enough to allow for the creative resolution of disagreement. For example, in the academic year 1987-88, the Academic Vice-President called for criteria for the admission of faculty children to the University. Some faculty understood the Handbook’s benefit of full tuition remission (II.B.6) to imply the guaranteed admission of faculty children. An ad hoc committee of faculty and administrators resolved the issue by writing and mutually approving guidelines for the admission of faculty children that were placed in the Journal of Record. These guidelines have worked well for the last twenty years.

The Handbook is especially clear on the joint responsibility of the faculty and the Board of Trustees in making changes to the Handbook:

The General Faculty or the Board of Trustees may propose amendments to the Faculty Handbook by submitting said amendments to the Academic Council for its review and recommendation. ... All amendments must be accepted by both the Board of Trustees and the General Faculty (I.A.8).

The subcommittee does not find the Handbook to lack clarity on the proper responsibilities of faculty and administration, and so, in the absence of this problem, it is difficult for us to understand what problem the proposed division of the Handbook would solve. Although the subcommittee judges the Handbook to be clear in delineating the responsibilities of faculty and administration, it readily acknowledges that all parties at the University can work harder to discharge these clearly defined responsibilities more collaboratively.

Consequences of Dividing the Handbook

The subcommittee believes that the mutual amendment of the Handbook by the faculty and the Board of Trustees in the manner recommended by the BRC Report would have deleterious consequences for all parties at the University. Read correctly, the Handbook details an intricate web of mutually defined responsibilities, which, when accomplished well, should produce a vibrant community. The BRC Report’s recommendation that the Handbook might be divided to make “a clear separation between academic issues, where faculty responsibility is determinative, and personnel policy, where the administration has primary responsibility” wrongly assumes that “primary” responsibility can mean “sole” responsibility, even to the point that it suggests that the administration or the Trustees could write, or approve, or remove Handbook language autonomously. As the very first paragraph of the Handbook states, the successful attainment of the educational goals of any university presumes that “there is no place for the autonomous functioning of one segment of the University” (I.A.1). The Faculty Handbook states in utterly unambiguous terms that “[a]ll amendments [to the Handbook] must be
accepted by both the Board of Trustees and the General Faculty” (I.A.8). An action to the contrary would subvert the integrity of every Handbook policy, however it were categorized, and thus the integrity of the Faculty Handbook itself.

The very fact that the faculty and the Board of Trustees mutually approve all Handbook policies demonstrates that, while acknowledging their varying degrees of authority, the Board, the faculty, and the administration all have a responsibility for, and a shared investment in, every Handbook policy, whether it be an educational policy, a personnel policy, or a fiscal policy like the Life Insurance benefit, or some other. That responsibility is to the educational mission of Fairfield University, which all of us share, but which the faculty have the privilege to deliver most directly by engaging their students inside and outside the classroom. The Faculty Handbook, in all its policies and as a single piece, sets forth all of the ways in which that special role of the faculty is enhanced, monitored, and financially supported. Ironically, dividing the Handbook would severely damage the very spirit of collaboration that permeates the governance structures of our Handbook and stand dramatically at odds with all the BRC Report’s repeated talk about the need for collaborative governance.

The Reconstitution of the Academic Council as a University Council

The BRC Report makes a number of recommendations concerning the Academic Council. It recommends that the Academic Council be reconstituted as a “University Council.” It recommends that this University Council have representative membership beyond the ranks of the full-time faculty to include “appropriate senior administrators” with voting privileges, “professional staff,” “part-time faculty,” and “student representatives” (13). It also recommends that the Executive Committee should be enlarged to accommodate this broader representation, with the President naming administrators who would sit on the Executive Committee. The BRC Report expects that such a University Council will provide a place for a larger spectrum of voices on campus to be heard and to participate in decisions that affect them. Our subcommittee applauds the goal of a space for more representative voices, but disagrees with the recommended means to achieve it.

Just as committees of the Board, of the Vice-Presidents, and of the Deans require time and space in order to address their specific concerns, so too does a committee of the full-time faculty. The Academic Council is devoted to the business of the faculty. Just as it would be inappropriate for the professional staff or part-time faculty to be included in the membership of meetings of the Board, the Vice-Presidents, or the Deans, it would be equally inappropriate for professional staff or part-time faculty to be included in the membership of meetings of the full-time faculty at the Academic Council. Indeed, the BRC Report’s singling out
of the preeminent faculty committee for such reconstitution might suggest an odd view of the role of full-time faculty at an institution whose principal mission is academic in nature.

This is not to say that there is no need for the likes of a University Council envisioned in the BRC Report. Of course, we currently have a faculty committee with that very name. Perhaps it might be a space to do the work imagined in the BRC Report. Or perhaps it could be reconstituted along the lines of the BRC Report’s recommendations. Or perhaps what is needed is a committee unlike anything on our current committee landscape. But in no case should the faculty relinquish what it currently has – a committee of full-time faculty devoted to academic issues, as widely as they might extend, to which other Faculty Handbook committees are responsible and which itself is responsible to the General Faculty. If there is a need for a University Council, and if President von Arx supports this idea, we suggest that he explain the kind of agendas that its wider constituency of membership would address and the reasons that this new group would be especially positioned to do so.

We appreciate the BRC Report’s call for more collaboration, even though we believe that collaboration is much more a matter of style, willingness, and openness than of structures. Although more collaboration is always a good thing, we disagree completely with the BRC Report’s judgment that it is needed because

In the current system, votes are often taken by the Council to enact a change that is then not agreed to by the University administration. A stalemate occurs and no action takes place (BRC, 13).

This statement is simply not factual. It is especially puzzling in light of the earlier judgment of the BRC Report there was no basis to Academic Vice-President Grossman’s concern that the Council’s procedures unduly slowed the conduct of its business (BRC, 7). Nevertheless, we believe that participation in and the constituency of the Academic Council should change in several respects.

First, the Journal of Record has a long-standing policy that a student representative be offered a non-voting seat at Academic Council meetings. We have been lax in extending this invitation over the years, but we should do so faithfully in the future. We believe that the forum for adjunct faculty to participate in the academic concerns of the institution is in the meetings of their respective schools and we propose that the faculty of the respective schools determine a means for the participation of adjunct faculty that best suits all parties.

Second, we agree with the BRC Report’s recommendation that academic administrators should have voting seats on the Council. Recently, the
Chair of the Board of Trustees, Mr. Paul Huston, informed the Secretary of the General Faculty that faculty representatives would have a non-voting seat on Trustee committees. This is a gesture for which the faculty should be appreciative. The Academic Vice-President and Deans of Schools have long held ex officio membership on the Council where their voices are heard often and valued highly. We propose that the Faculty Handbook be amended to extend voting seats on the Council to the Academic Vice-President and one Academic Dean appointed annually by the Academic Vice-President. This extension of two voting seats to academic administrators is a large number given the proportionate representation on the Academic Council, currently reflected in the elected seats of its faculty members. The last study of the Council's proportional representation was reported at the 12/4/06 meeting of the Academic Council. At that time, there were 17 Council seats for the 229 tenured and tenure-track members of the General Faculty. Thus, each faculty voting seat on the Council in fall 2006 represented 13.5 members of the General Faculty, and all 17 faculty seats constituted 7.4% of the General Faculty. This fall, 2008, there are 236 tenured and tenure-track members of the General Faculty and the same 17 faculty voting seats on the Council, each of which represents 13.9 members of the General Faculty, with the 17 seats constituting 7.2% of the General Faculty. Academic Administration comprises the Academic Vice-President and the Deans of the six schools. Thus, each of the 2 proposed voting seats on the Council for academic administrators would represent 3.5 members of the Academic Administration, with the 2 seats constituting 28.5% of the Academic Administration.

Third, with regard to the BRC recommendation that administrative members be appointed by the President to the Council’s Executive Committee, we commend the advice of the Secretary of the General Faculty, Professor Irene Mulvey. In a 5/30/08 memo to President von Arx and Executive Vice-President Weitzer in which she commented on the BRC Report, Professor Mulvey stated that the Executive Committee of the Academic Council functions at a “very low-level administrative capacity” doing the rather routine work of receiving agenda items and gathering meeting materials. Members of the Executive Committee “do not act as gatekeepers for [Academic Council] business and exercise absolutely no power,” which, she pointed out, resides in the membership of the Council. Simply put, the work of the Executive Committee is rather perfunctory. Still, if this recommendation of the BRC Report is seen as desirable, we are willing to recommend the addition of an academic administrator to the Executive Committee. That person should be the Academic Vice-President or his or her designee. If after a few meetings the administrative member of the Executive Committee judges that his or her time would be better spent in other work and chooses not to come, the faculty will understand completely.
The Selection of Department Chairs
The BRC Report recommends that Deans have the power to “ratify a department’s selection of its chair or...withhold that ratification” (BRC, 11). The only school in which the Dean does not already have this power is the College of Arts and Sciences. Both the Dean of the College and a sizeable percentage of the faculty of the College have expressed an interest in a more collaborative process for the selection of Chairs. We therefore recommend that this issue be referred to the College of Arts and Sciences Planning Committee.

The Openness of Meetings of the General Faculty
The BRC Report suggests that “all members of the University community, including senior administrators and student representatives, should be invited to attend General Faculty meetings as observers and their participation in deliberations whenever appropriate should be encouraged” (BRC, 12). As Faculty Secretary Mulvey pointed out in a 5/30/08 memo to President von Arx and Executive Vice-President Weitzer, the Journal of Record states “that the Academic Council affirm[s] the principles of making meetings of deliberative bodies and councils as open as possible to all members of the University Community, to the extent that logistics and time and space allow.” In fact, in the past several years, Executive Vice-President Weitzer, who is not a member of the faculty, has been a regular attendee at General Faculty meetings, and has been most welcome. Recently, community members from among the student body, Student Services, and Public Safety have also attended individual meetings to participate in discussions relevant to their areas of responsibility.

In the same spirit of transparency and inclusiveness, the BRC Report recommends making agendas and minutes of General Faculty meetings available to the whole university community. We fully endorse this call for transparency. Yet, we are surprised that the members of the Blue Ribbon Commission were apparently unaware that this has been faculty practice for a number of years. Agendas and minutes for all General Faculty meetings and Academic Council meetings since the fall of 2004 are publicly available on a website maintained by the General Faculty Secretary, http://faculty.fairfield.edu/gfs/. The site also contains at least two years worth of annual reports for most Handbook committees, along with assorted sets of committee minutes. The chairs of Handbook committees should be vigilant in sending the minutes of meetings to the Faculty Secretary for posting in order to make the non-confidential work of Handbook committees more regularly accessible. We would welcome other administrative bodies to engage in these same transparent practices by posting their agendas and minutes on publicly accessible websites.
The Standing of the *Journal of Record*

The BRC Report states that the “Commission was unanimous in its understanding that the *Journal of Record* is a document recording faculty votes over an extended historical period” and that “[p]olicy is contained in Trustee-approved documents such as the Faculty *Handbook*, the University *Catalogue* or other documents governing administrative procedures” (BRC, 14).

This description is inaccurate in several ways. The *Journal of Record* emerged from conversations in the Academic Council in 1985 on the need for a repository of policies to which both the faculty and the administration had agreed. At that time, both the Academic Vice-President, Christopher Mooney, S.J., and the Secretary of the General Faculty, Professor Vincent Rosivach, worked collaboratively through the Academic Council to put the *Journal of Record* into place. By 1988, the Academic Council approved our current procedure that has been practiced by the faculty and four Academic Vice-Presidents since its inception. According to our procedure, any policy approved by the Academic Council is forwarded to the Academic Vice President, who has thirty days to approve the policy or not. If the Academic Vice-President rejects the policy, it is returned to the Council for further work in the committee system or reconsideration by the Council itself. This makes the *Journal of Record* more than a “document recording faculty votes.” It is a document containing policy decisions, recommendations of the Academic Council and the General Faculty that have been approved collaboratively and jointly by the administration. To suggest otherwise might evince a lack of knowledge about this twenty-three year history of practice on the part of faculty and administration. To insist otherwise would be the worst sort of revisionist history.

Without a document like the *Journal of Record*, there would be no clear record of jointly approved academic policies. Policy would be decided upon, but it would not reside anywhere or be accessible to various constituencies of the university community. Policy would lack transparency. Without a *Journal of Record*, the *Faculty Handbook* would have to be revised each time new academic policy was implemented, creating a cumbersome system that would involve the Trustees in the minutia of the institution. The *Journal of Record* is designed to be open to revision through the proposals of faculty or the administration through the committee structure.

The BRC Report states that “some of these votes [in the *Journal of Record*] contain advice about issues over which the faculty does not have jurisdiction, and some of the decisions, while historically accurate, appear to be out-of-date” (BRC, 14). Since the administration has approved any policy listed in the *Journal of Record*, it must be true that
the administration valued faculty input on such issues recorded as policy. If a policy is out of date, faculty and administration can work together toward its development or its elimination. In any case, the historical perspective provided by the *Journal of Record* is crucially important for the current process of decision-making.

Trustees, faculty, and administration are entrusted with the task of formulating the policies that guide the life of an academic institution. The BRC Report recognizes this in stating that “the administration has the specific task of providing leadership, long-range planning and the implementation of policies collaboratively developed with the faculty and Trustees” (BRC, 3). The process of compiling university policies in the *Journal of Record* is an example of the academic administration working with the faculty in just this way.

**Summary of Recommendations to the Academic Council**
The subcommittee recommends the following motions to the Academic Council for its approval. These motions all have the unanimous support of the subcommittee members:

1. that the Academic Council not support the recommendation of the BRC Report that the *Faculty Handbook* be divided;

2. that the Academic Council not support the recommendation of the BRC Report that the Academic Council be reconstituted as a University Council whose membership would include part-time faculty and professional staff;

3. that the Executive Secretary of the Academic Council be vigilant in inviting a student representative to meetings of the Academic Council;

4. that the Secretary of the Academic Council advise the Deans of the Schools to consider our subcommittee’s suggestion that the meetings of each School’s faculty provide a forum for the voice of part-time faculty;

5. that the Academic Council approve the following proposed amendment to the language of the *Faculty Handbook* on its voting membership:

   At I.B.2, second paragraph, added language proposed for amendment in bold,
Ex officio members of the Academic Council are the Academic Vice-President, the Deans of the Schools, and the Secretary of the General Faculty. The Academic Vice-President and one Academic Dean appointed annually by the Academic Vice-President are voting members.

6. that the Academic Council approve the subcommittee’s recommendation that the Academic Vice-President or his or her designee be added to the membership of the Executive Committee of the Academic Council;

7. that the Executive Secretary of the Academic Council refer the issue of decanal approval in the selection of departmental chairs to the College of Arts and Sciences Planning Committee.
Guidelines for Review

Following the report of the Blue Ribbon Commission (BRC) on Governance, President von Arx requested a team from outside the University to review the Faculty Handbook in the light of the BRC recommendations. The team consisted of Dennis O’Brien, co-chair of the BRC, Robert Moore, a consultant to the BRC committee on AAUP concerns, and Dennis Collins, Chair of the board at Occidental College whose experience with the Association of Governing Boards (AGB) offered insight into board practices. We were not charged with rewriting the Handbook. The current Handbook is a product of shared governance and ideally should be revised through shared governance. Our aim is to assist in that task by highlighting matters which appear to require clarification in the current document, not to set policy or dictate specific language.

The Handbook is a central document for governance at Fairfield, thus clarity in the structure and wording of the text is essential to effective deliberation and final decision-making. The current Faculty Handbook is a serviceable document outlining policies and procedures which have been effective in guiding the University. However, as a document developed over time, reflecting in its way issues and concerns whose currency may now have lapsed, it is a matter of simple wisdom to review the document in the light of Fairfield’s present needs and future prospects. In the light of the BRCs recommendations, it would appear that the current document, while in its way a product of shared governance, is not itself always clear about who acts (trustees, administration, faculty) or how the varied authorities are to interact in deliberation of policy and determination of action. Specifically, it is not clear in assigning responsibility based on authority, expertise, and interest. The result is that a document created by shared governance may not always actually result in shared governance. Lack of clarity can lead to confrontation which is unnecessary, undesirable, and ineffectual.

In offering guidelines for on-campus deliberation we have compared Fairfield’s Faculty Handbook with the "Statement on Government of Colleges and Universities" in the current AAUP handbook (2001). That Statement was adopted in 1966 by AAUP and endorsed at that time by the American Council on Education (ACE) and the AGB. The governing concept in the Statement is "shared governance" of colleges and universities by trustees, administration, and faculty. The authority and responsibilities of the three principal components of governance are delineated in the Statement and offer useful guidelines for review of the Fairfield Faculty Handbook. Where the language of the 1966 statement is more general, we have gone on to consider how these broad directives might be realized within the range of practices within American higher education.
Authority and Deliberation

Trustees: The Board of Trustees of a private university such as Fairfield is the ultimate legal authority on all matters of the institution. Whatever force resides in the Faculty Handbook can be strictly interpreted as delegated authority from the Board. Having noted ultimate legal authority, however, the notion of shared governance clearly indicates that the Board should delegate certain responsibilities to administration and faculty. "The governing board of an institution of higher education, while maintaining general overview, entrusts the conduct of administration to the administrative officers – the president and deans – and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation." The effect of such delegation is that primary governing responsibility lies with the on-campus administration and the faculty.

Having practiced "appropriate self-limitation" the Board nevertheless retains "a central role in relating the needs of the future to predictable resources." Specifically, in matters involving fund raising, management of endowment, capital expenditures and budgeting, the Board typically has clear decision rights and preponderant authority. Because the life of the university ultimately rests on the quality of administrative and faculty appointments, the language of the AAUP document states that the Board "in the broadest sense of the term...should pay attention to personnel policy." Personnel policy ranges from primary Board authority for appointment of the president and senior administrators to assuring the validity of faculty appointment and tenure procedures. The Board has clear responsibility for maintaining academic freedom and for assuring that within the available resources compensation and benefits are commensurate with the educational aspirations of the institution.

Administration: the AAUP document states that the role of the president is "institutional leadership" as "delegated authority from the board and faculty." While assuring that "the standards and procedures in operational use within the...university conform to the policy established by the governing board and to the standards of sound academic practice", the president has the duty of fostering creative dialogue between the Board and faculty on issues even and especially where disagreement between the parties exists. In exercising these latter responsibilities, the president retains a leadership role; the president is not a passive conduit of communication between the Board and faculty. Thus the AAUP states that "as the chief planning officer...the president has a special obligation to innovate and initiate." Even more specifically, the statement goes on to indicate that "[t]he president must at times, with or without support, infuse new life in a department...solve problems of obsolescence...and seek outside evaluations by scholars of acknowledged competence."

Faculty: the AAUP document is clear and specific about the role of faculty: "The faculty has primary responsibility for such areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. While the governing board retains "the power of review and final decision" on these matters, these powers "should be exercised only in exceptional circumstances." The Board and administration must, however, assess faculty recommendations in the light of "[b]udgets, personnel limitations, the time element, and
the policies of other groups, bodies, and agencies having jurisdiction over the institution..." Examples of the latter would be regional and specialized accrediting agencies such as the New England Association of Schools and Colleges (NESAC) and American Association of Collegiate Schools of Business (AACSB) respectively.

**The Faculty Handbook**

In the light of the above précis of salient points from the 1966 statement (as well as our observations about general practice in American higher education), there are issues of clarification which can be addressed within the wording and structure of the current Faculty Handbook. The types of changes required to clarify the text are suggested by the BRC report whose fundamental purpose was to enhance and enrich the reality and sense of shared governance at Fairfield. To cite only one example where clarification would be helpful: the very first statement in the current Handbook states that "[t]he successful attainment of educational goals...requires the best possible utilization of the varied competencies of all individuals who constitute [the University]...There is no place for autonomous function of one segment of the University." This statement would be more effective if it did three things (1) **specified** the segments (trustees, administration, faculty), (2) indicated the range and limitation of **decision rights** for the specified segments, and (3) indicated the role of each segment in the **deliberative processes** which formulate policy in the varied areas of overall university activity.

Clarification of the Handbook should not only specify the **structure** of decision rights of various parties in the on-going governance of the University, it should enrich and enhance the **spirit** of shared governance. The BRC seems as concerned with the latter as with the former in its recommendations for creating structures which place faculty in appropriate consultation with the Board as well as opening various senior administrative committees to faculty participation. Conversely, the BRC recommendations about the Academic Council open full deliberative participation to administrative officers and other proper constituents in the formation of university policy. In any well functioning institution structure and spirit are vitally related. Isolating structures can clarify decision-making but create a culture of conflict; benign spirit needs clear determination of final decision.

With those preliminary comments, we offer comments to be considered in rewriting and restructuring of the Faculty Handbook in a manner which will enhance both the structure and spirit of shared governance. In setting forth our comments we will follow the Faculty Handbook, the AAUP 1966 Statement on College and University Government, the BRC report, and President von Arx’s comments on that report.
I. Faculty Organization
A. The General Faculty

Description: This section opens with a general statement about the structure of the University, the utilization of competencies, and the authority of the Board of Trustees. It goes on to define the General Faculty and the procedures for running General Faculty meetings. In addition, the section establishes the relationship of the General Faculty to the Academic Council and describes the procedure for amending the Faculty Handbook.

Blue Ribbon Commission: The BRC report respects the basic decision rights of the faculty over academic policy. Relevant to this section is the BRC recommendation that the deliberative process within the faculty be broadened by inviting participation of various campus constituencies in General Faculty meetings. Additional BRC recommendations regarding quorum, voting procedures, leadership opportunities, publication of proceedings and so on seek to assure that participation is broadly based and thus authoritative in expressing the sense of the community. Any broadening of participation should respect the integrity of the faculty as a body, particularly as it pertains to curriculum, teaching, and scholarship.

Faculty: With the exception of the initial language on the structure of the University and amending the Faculty Handbook, faculty have the primary governing responsibility for this section. The recommendations of the BRC are clearly within the purview of the faculty to act upon.

Administration: The administration has an interest in faculty governance that works well and thus should be involved in discussions about the structure of the General Faculty. The administration has a role in reviewing and approving amendments to the Faculty Handbook.

Board of Trustees: The sub-section on Educational Policies recognizes the ultimate legal authority of the Board: In the rare instance in matters of major policy where agreement cannot be reached through normal channels, the problem shall be referred to the Board of Trustees whose decision, after hearing from all interested parties, is binding to all.

Recommendation: The statements about the structure of the University and how the Faculty Handbook can be amended would be better if not placed in a section called General Faculty. The first two paragraphs of the Educational Policies section (I.A.1) along with the ideas presented in the introduction to this report could serve more appropriately as a general introduction. Placement of the current 3rd paragraph of the Educational Policies section as a first paragraph in the General Faculty section (I.A.2) would clarify this section of the Handbook.

B. The Academic Council
Description: The section on the Academic Council outlines the role of the Academic Council as the Executive Arm of the General Faculty.

Blue Ribbon Commission: The BRC report appears to recognize that the Academic Council is by far the most important on-campus governance instrument. The recommendations of the BRC are to have administrative officers directly involved as voting members of the Council and sit on the Council's Executive Committee in order to create a bias toward common policy. Instead of having the faculty vote and hand off polices to administration, the BRC suggests that the administration be directly and fully involved in the formulation of policy.

Faculty: As it is written currently, this section is clearly the purview of the faculty. The challenge is how to incorporate the recommendations of the BRC to recognize the expertise and interests of the Administration and other constituencies.

Administration: As stated earlier, the administration and trustees retain ultimate decision rights. While recommendations can be vetoed by the administration, the suggestions made by BRC are meant to create a structure and suggest a spirit of cooperation prior to formal authorization.

Board of Trustees: Again, the Board has the ultimate authority in these matters, but should allow the faculty and administration to build a structure that supports shared governance and, with such a structure in place, the Board should rarely interfere.

Recommendation: If the faculty acts to modify the Academic Council in line with the recommendations of the BRC, this section will need significant modification. The primary governing responsibility will still reside with the faculty, although it should be shared with the administration and other constituencies as appropriate. As it currently stands, the status of the Academic Council is a product of past shared governance, and modification to the structure of the Academic Council should be conducted in the spirit of shared, collegial governance.

C. The Committees of the Faculty

Description: This section describes principles by which the handbook committees of the faculty are run and the specific charge for each committee.

Blue Ribbon Commission: The BRC report asks that the various committees of the faculty be reviewed within the larger sense of shared governance. Students and staff whose activities are directly affected should be given proper place in the deliberations of the appropriate committees. Although not directly in the Faculty Handbook, a critical change recommended by the BRC is for the Board to invite the chairs of handbook committees to serve on the parallel committee of the Board. Inviting faculty members to participate in various board committees serves to bring faculty expertise and interest to support Board deliberations.

Faculty: Again, as written currently, this section is clearly the purview of the faculty.
The BRC is recommending that the faculty modify how handbook committees work to include the expertise and interest of other constituencies. In addition, the faculty may choose to examine the charge of various handbook committees to ensure an appropriate linkage to the parallel committee of the Board.

**Administration:** The administration has interest and expertise that can be shared if the handbook committees are modified as proposed.

**Board of Trustees:** We understand that the Board has already invited chairs of handbook committees to participate in the parallel committee of the Board.

**Recommendation:** To align with the BRC's recommendations, the faculty should consider modifications in the workings of handbook committees and perhaps even their responsibilities.

**D. Schools of the University**

**Description:** This section outlines how each School should establish a governance structure to determine their own educational policies.

**Blue Ribbon Commission:** There are few recommendations in the BRC report that are specific to the governance of each School except for the recommendation that department members elect chairs and that Deans ratify the department's choice.

**Faculty:** Faculty clearly have an interest and expertise in the governance of their School. The final authority for naming departmental chairs, however, rests with the administration.

**Administration:** Ideally, the departmental chair is a representative of and educational leader for the department, school and university. The final decision about leadership rests with the Dean on behalf of the administration.

**Board of Trustees:** As always, the board has ultimate legal authority, but would very rarely be involved in School governance.

**Recommendation:** Each School should consider modifying their governance structures in alignment with the BRC recommendation on electing chairs in recognition of the fact that the administration does have the authority to ratify a department’s choice for chair. Any language related to such a change should reflect the primacy of the faculty choice in selecting a Chair and, in the rare circumstance that the faculty selection is not ratified, faculty should be informed of the reason for such rejection in a timely manner.
II. Faculty Policies  
A. Personnel Policies. 

**Description:** Contained in the section are the policies related to faculty appointment, promotion, and tenure.

**Blue Ribbon Commission:** The BRC report makes no specific recommendations which would affect the language or structure of the current policies.

**Faculty:** The faculty have primary governing responsibility for defining and operating an appropriate appointment, promotion and tenure system.

**Administration:** While this is an area of university governance where faculty authority is preponderant, it is clear within the current Handbook, that it is an authority which is shared at the level of administration and the Board.

**Board of Trustees:** The Board generally delegates this responsibility to the administration. The Board has the ultimate legal authority and has the clear responsibility to assure that the processes leading to a formal contract are commensurate with the educational aspirations and aims of the University and its legal and financial obligations

**Recommendation:** No changes are recommended at this time. These policies should remain under periodic review to assure that the role of the Board and administration in appointment and tenure procedures is fully realized.

B. Fiscal Policies

**Description:** There are a variety of policies in this section of the Faculty Handbook, some pertaining to benefits, others to leaves of absence, travel allowances, and tuition programs for children of faculty.

**Blue Ribbon Commission:** The review of the Faculty Handbook is the only recommendation of the BRC that has relevance to this section.

**Faculty:** Policies regarding such sensitive issues as compensation policy, benefits, sabbatical support are of vital interest to the faculty. The current Faculty Handbook, however, appears to give the faculty primary governing responsibility for benefits such as health and life insurance, retirement plans, and disability pay.

**Administration:** The administration has both primary governing responsibility and expertise in some of the areas included in this section, most notably, health and life insurance, retirement plans, and disability pay.

**Board of Trustees:** In the area of fiscal policy, it is clear that the Board has not only ultimate legal authority but the determinative role in shaping all financial aspects and obligations of the University.
Recommendation: This is a crucial issue for both the faculty and the administration. Recognizing that the current policy in the Handbook is a product of past shared governance deliberations, the administration and faculty should consider modifying the Faculty Handbook to reflect the fact that the benefits in this section are matters that pertain to all employees of the University and that it is the obligation of the Board to manage all financial concerns and to formulate policy. The revision should recognize that full deliberation should be undertaken with those directly affected by Board financial decisions.

C. Instructional Policies

Description: This section contains a list of faculty duties, policies about textbooks and final examinations, and a statement about faculty teaching load.

Blue Ribbon Commission: There are no specific recommendations from the BRC that apply to this section.

Faculty: The faculty have expertise and responsibility around setting expectations for faculty duties and policies about textbooks and final examinations. Faculty duties and teaching loads are personnel matters where the faculty have expertise and interests.

Administration: Given that these are personnel policies, the administration has the primary governing responsibility for setting faculty duties and teaching loads. However, as stated above, faculty should be involved given their expertise and interests.

Board of Trustees: The Board should delegate responsibility for these policies to the administration.

Recommendation: The administration and faculty should work to acknowledge in the Faculty Handbook the fact that there are personnel policies in this section that are the primary governing responsibility of the administration. Care should be taken to specify the respective rights and responsibilities of faculty, departments, and administration with respect to faculty workload and other related topics.

III. Faculty Services

Description: Some services available to faculty are listed in this section.

Blue Ribbon Commission: There are no specific recommendations from the BRC that apply to this section.

Faculty: The faculty have interests in these services.

Administration: Given that these services are benefits, the administration has the primary governing responsibility for providing and amending these services in consultation with the faculty.
Board of Trustees: The Board should not exercise authority over these services.

Recommendation: The services listed in this section were arrived at through a process of shared governance, and constitute past practices that the faculty have come to view as services that they are entitled to as a function of Handbook provisions. In many cases, however, these services are "administered" by those other than faculty. The administration and faculty should work to modify the Faculty Handbook to delineate those benefits in this section that are the primary governing responsibility of the administration and those that are the responsibility of the faculty.

Journal of Record

The Faculty Handbook’s force is a product of the delegated and, where appropriate, self-limiting authority of the Board. The Journal of Record, in turn, borrows whatever authority it has from official actions of the Faculty. Having, as it were, "authority at second hand", the actual function of the Journal of Record in the on-going deliberations of the University should be clarified. Within the Journal there are records of faculty votes which are fully authoritative, e.g., the establishment of majors, along side expressions of faculty sentiment on general matters of University concern, e.g., on the use of endowment resources. The actions recorded in the Journal which are fully authoritative have become part of the Faculty Handbook itself or the University Catalogue.

The Journal of Record has a secondary function as an archive and historical record of votes and opinions of faculty. In the continual review of policy and procedure, it may be important to have a "legislative history." Whether the current format of the Journal of Record with its compounding of official action, statements of views, dating of votes and so on is the most effective means of maintaining archives and legislative history should be examined. It is conceivable that another vehicle offering a more transparent historical documentation of committee and faculty action could be created which would be useful in deliberation without the complexity of the current format of the Journal of Record.

It should be noted that the Journal of Record was initiated, in part, to fulfill a need for effective record keeping and standardized minutes. Any change to the status of the Journal of Record should be accompanied by clear, transparent, and effective means of recording the deliberations and outcomes of the governance process.

Revision and Review

While our task has been to offer some guidelines for rewriting the Faculty Handbook, we would like to end by suggesting ways of accomplishing this process in a manner that supports the aim of improving shared governance. Prior to actual rewriting of the Handbook, the President should take steps to assure that the BRC report is thoroughly and broadly discussed on campus and that modifications to the Handbook involve the Board, faculty and administration. It is important to recognize the point earlier commented on that the authority of the Faculty Handbook is delegated authority from the Board. In so far as sections of the Handbook relate to formal contractual agreements and governance understandings, the Board has preponderant authority in approving the
language and structure of the final document. While formal, legal authority of the Board can be utilized toward certain unilateral ends, it is the hope of this group that changes can be made in a multilateral way that fosters a shared governance structure in the spirit of shared, collegial governance.