ACADEMIC COUNCIL
AGENDA
Monday, December 1, 2008
CNS 200
3:30 – 5:00 PM

1. Presidential courtesy.

2. Report from the Secretary of the General Faculty.

3. Report from the Executive Secretary.
   a. Approval of minutes of meeting of November 3, 2008 *(pages 3-11 of attached material)*
   b. Correspondence
      i. Response from AVP Grossman re changes in availability of turbos *(pages 12-14 of attached material)*
      ii. Memos from Prof. Sauer and Lakeland regarding Subcommittee on Governance report *(pages 15-17 of attached material)*
   c. Oral Reports

4. Council Committee Reports.
   a. Subcommittee on Academic Dishonesty/Grade Change issue, including discussion of memo from Curt Naser and Executive Committee *(pages 18-19 of attached material)*
   b. Subcommittee on Governance, response to Handbook Working Group report *(pages 20-26 of attached material)*

5. Petitions for immediate hearing.

6. Old Business
   a. Issues related to full time renewable, non tenure track faculty (“professors of the practice” positions; *see page 27 of attached material*)
   b. Discussion with Committee on Conference in preparation for upcoming meeting with Board of Trustees
   c. Recommendations from Subcommittee on Governance from subcommittee report of 10/21/08 *(see pages 28-37 of attached material, especially recommendations on pages 36-37)*

7. New business
   a. Proposed academic calendar for upcoming years
   b. Issues surrounding Dean’s approval of student’s choice of minor
   c. Changes in commencement practices *(see page 38 of attached material)*

8. Adjournment

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.

The meeting was called to order at 3:35 pm.

1. **Presidential courtesy**: Prof. Preli stated that Father von Arx would like to address the Council, but is traveling and so cannot attend until 4:30. She asked for a vote to re-order the agenda.

   **MOTION** [Greenberg/Dennin]. To re-order the agenda.
   **MOTION PASSED unanimously**.

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

   a. **Governance Subcommittee report (Item 4c)**.
   
   Prof. DeWitt stated that the executive committee of the Academic Council had discussed how to proceed and recommended that a discussion of the report and the opportunity for questions would take place for this meeting. The committee recommended the faculty hold off on voting on the report until it goes to the general faculty for review.

3. **Report from the Executive Secretary**

   a. **Approval of minutes of meeting of October 6, 2008**.

   **MOTION** [He/Dallavalle] to approve the minutes of 10/6/08.
   **Motion passed 14-0-1**.

   b. **Correspondence**: Prof. Bowen presented four items:

      1. Change in turbo courses. This is agenda item 7.b
      2. Minority report from Mary Frances Malone on sunset courses in item 4a.
      3. Memo from Curt Naser about subcommittee on academic dishonesty.
      4. Email from faculty member about a four year calendar and if it is in compliance with university policy. The executive committee will report back to the council.

4. **Council Committee Reports**
a. **Subcommittee on sun setting of courses**: Prof. Rakowitz (chair) reported that the Journal of Record policy is in conflict with NEASC standard 10.8. She presented a majority report. The committee stated that it made sense to revise the current academic policy and recommended this be forwarded to the UCC. The committee suggested that after four years of not being offered a course is removed from the catalog. A suggestion was made to have a separate listing of courses offered every year versus those offered at longer intervals.

**MOTION [Rakowitz/Nantz]**. That the Academic Council forward the Report from the Subcommittee on Sunset Provisions 10/27/08 and the minutes of today’s meeting to the UCC and direct the UCC to review the Journal of Record policy on sunset provisions and to propose changes addressing the issues raised in the report.

Malone presented her minority report and concern about the NEASC standard. After attending a meeting, the NEASC requirement became clearer. Also, the marketing department felt that to label active and inactive courses gave an artificial distinction in having two sections. It would be awkward. Malone asked that the subcommittee review her report.

Prof. Rakowitz stated that the committee did find some university catalogs that do list both active and inactive courses. She said the committee felt this needed to be moved ahead and addressed by the UCC because it related to curriculum policy and the deadline for catalog copy.

AVP Grossman asked to share his concerns. He agreed there are two issues when a course is “sunsetted” and needs curricular review and when it should be removed from the catalog. He stated that when a course is re-evaluated, that is faculty business. The issue of when a course can be listed in a university document is an administrative decision. The administration is responsible to determine when a course should be removed in consultation with the faculty.

Prof. Dallavalle asked for clarity of the motion. She asked what the UCC would receive – the motion, today’s minutes and the discussion.

Prof. Dennin asked who has ultimate responsibility for catalog copy. He asked who peruses the copy. He cited that there are concerns with items that are in the catalog that should not be there. AVP Grossman stated that his office, the Associate Academic Vice President Malone and marketing puts the catalog together. Dean Crabtree stated that all catalog copy for Arts & Sciences goes to the chairs, then to the Dean’s office and then to the AVP’s office. She stated that academic and current content goes to the department annually to be revised. New courses are checked by the assistant deans in Arts & Sciences and then they go to Malone.
Prof. Bernhardt asked why the Academic Council received this and not the UCC directly?

Prof. Rakowitz responded that she had not been on the Academic Council when the subcommittee was formed. But the Academic Council review of this item was due.

Prof. Massey spoke in favor of the motion. She stated that a distinction between when the courses are offered should be indicated by the language used e.g. offered annually or periodically.

**MOTION PASSED unanimously.**

b. **Subcommittee on Academic Dishonesty/Grade Change issue**

Prof. Strauss stated that the subcommittee continues to meet, usually once a week, and referred items about security and that were technical in nature to the faculty educational technology committee. The committee suggested that the council table item 6a on the change for the catalog until the report comes out in a month or two.

This item will continue to be tabled.

Prof. Dallavalle asked if the Council was going to ignore Naser’s memo. Secretary DeWitt said the email came at the last minute, after the agenda was set. He recommended that the AC executive committee write a response to the memo and distribute it to the Council, and consider placing it on the agenda for the next meeting. DeWitt stated that the issues the memo addresses, in particular, sitting in judgment of the student and/or administrators involved, do not seem within the charge to the subcommittee, nor does the subcommittee see these issues as part of its charge. So the suggestion of a conflict of interest seems misguided.

Prof. Nantz asked how the subcommittee viewed the charge. DeWitt clarified by saying the subcommittee was primarily reviewing policy. Yarrington stated that she felt that Naser might not know the charge. Solomon asked what the committee’s charge was and how were the policies handled. Two members of the review panel were affected by this incident. This seemed important to consider.

Prof. Massey made a motion to ask the committee to suspend their work. It was noted that this was an inappropriate motion given that the memo arrived too late to be considered on this agenda.

Prof. Dallavalle asked about the process as to how to discuss Naser’s memo. She said there is a perception of conflict.
Prof. Bernhardt asked if anything this committee is doing would affect the student. The response was no. He didn’t think there was a conflict.

Prof. Nantz stated that there is a procedure for requesting items be placed on the agenda. Typically you send the request before the agenda is set, and for urgent items that arise after an agenda is set, one can send a petition for immediate hearing to the executive committee. She noted that this memo was emailed to the entire council on Saturday, so effectively it arrived on the same business day as this meeting.

Chair Preli stated that the discussion of an item not on the agenda is not appropriate, but that the issue can be considered for discussion at the next council meeting.

c. Subcommittee on Governance

Prof. Nantz, Chair, of the subcommittee thanked the members: Greenberg, Thiel, Rakowitz and Yarrington for their work. Nantz reported that the subcommittee met five times and consulted with the administration, historical documents, faculty and AAUP resources. Some of the members attended a AAUP workshop on governance and faculty handbooks. The FWC and AAUP paid for the attendance. They reviewed 40-50 examples of faculty handbooks and found it very helpful. The subcommittee sent the Fairfield University faculty handbook to an AAUP expert for review and expected a report soon. The members reviewed the archives and historical record that gave information on current practices. They feel that their recommendations in the report are collaborative suggestions. The subcommittee tried hard to find common ground and brought a lot of their experience to the task. They worked with the BRC report that was received in May. On October 15, they were forwarded an email with a report from a working group formed by the president in late summer. The report was dated 9/24. The AC subcommittee was finalizing their report for AC as requested on 10/15. Therefore, they have not responded to the subsequent report of the President’s working group. They would do so if so charged by the AC.

Prof. Nantz highlighted five issues addressed by the BRC report.

Division of the Faculty Handbook

The issue is who has primary or sole responsibility for university issues. In the spirit of NEASC and the BRC, the subcommittee stated that the current faculty handbook urges consensus and collaboration on policy issues.

Reconstitution of the Academic Council as a University Council
The BRC report implies that when the AC sends a decision to the administration and the administration doesn’t agree with the decision, it then goes into limbo. This is not a good reading of the handbook regarding policy or process. If the decision is not agreed upon, the decision goes back into the system or back to the AC for further discussion.

Regarding broader representation on the AC, the subcommittee recommended that the AC needs to be more diligent about this and needs to make sure those students and all participants feel comfortable participating. A recommendation was to suggest that voting status be extended to the AVP and one academic Dean. This was felt to be a proportionate representation of faculty to academic administration in the university. Prof. Nantz also stated the work of the executive committee of the AC is mostly perfunctory and not policy-making. The subcommittee recommended adding an academic administrator to the executive committee of the AC. They suggested the AVP or his representative.

Selection of Department Chairs

The subcommittee recommended that this issue be sent to the College of Arts & Sciences.

Openness of Meetings of the General Faculty

Persons interested in attending the faculty can petition to be part of the meeting and minutes of all meetings are available online. All minutes from all faculty committees are also available online on the faculty secretary’s website. The subcommittee would welcome clarification of these issues.

Journal of Record

The BRC report’s description of the JOR is inaccurate. The JOR is a collaborative document and the faculty would welcome any suggestions on this. However, the subcommittee stated that a historical record is needed to see the evolution of policy over time and the JOR has served this purpose.

The subcommittee presented the above comments and the recommendations in the report and invited discussion. It was recommended that faculty not vote on the report in this meeting and that they encourage discussion. The AAUP report will be brought to the AC when it is received.

Prof. Massey stated that she tried to circulate the report to colleagues for responses. Some responses included: making the language in the JOR be more explicit; allowing for more student empowerment and having an agenda item for a student report; the issue of responsibility appears to be clear on page 25 of the handbook.
Prof. Bernhardt asked if there was any talk of more representation such as giving the student a vote. Prof. Nantz responded that it was felt the AC is a faculty body and that there are other vehicles available to students.

Prof. Yarrington stated that a consideration of staff and adjuncts had been discussed but again, there were other avenues available for those groups (students have a vote on UCC). Dean Wilson asked if there had been any discussion about graduate students or adult students being represented. Prof. Nantz said they would take that into consideration.

Dean Solomon asked about the addition of two seats for academic administrators. He wanted to know what was the sense of the role of an academic administrator on the AC. Prof. Greenberg stated it wasn’t discussed. There was concern if all academic administrators had votes would they look out for their school and university needs. By only allowing for two seats would there be misrepresentation of their role?

Prof. Nantz stated she was struggling with the same issue as a member of the AC. There is a broader interest than just her discipline area. She said she felt this would be the same for an administrator. When wearing two hats, there might sometimes be conflict.

Dean Crabtree stated that she felt participation of part-time faculty would be inappropriate. She asked if there was another site for them. Prof. Nantz, stated that in the report it states that they are covered in their school’s governance document. They have the most voice within their school. Prof. Yarrington was very concerned with this situation. She asked if we were doing enough for them by just representing their concerns in their school.

There was a question about the procedure for changing an item in the handbook. If the administration desires to change an item in the faculty handbook, what is the process or mechanism to move things forward? Is it possible that this wouldn’t be handled? Also fiscal responsibility was not mentioned in the report. There are items in the handbook that challenge the administration’s ability to fiscally manage. Prof. Nantz saw this as a nonissue. Prof. Greenberg stated that the Board of Trustees approved the faculty handbook nine times and ceded it to the faculty. There are multiple ways that the administration can bring items forward such as Presidential Courtesy on the AC agenda. The Board of Trustees can recommend changes to the handbook.

Discussion was suspended at 4:30 pm.

5. Presidential courtesy

Prof. Preli welcomed Father von Arx. Prof. Nantz stated that the faculty had just had a twenty minute discussion about the subcommittee’s response to the BRC report.
Father Von Arx stated that he wanted to share the discussions he has been having with faculty over the last one and a half weeks. He reported that he has been reviewing history in relation to the NEASC report on issues of governance. He must respond to the Commission’s letter of notification by next Fall. He must report on progress that has been made. In reviewing the BRC report, he must report on the progress we have made to implement their recommendations.

He reported that the Board of Trustees has invited faculty to join Board committees. He invited faculty members to attend the senior management meeting. Professors Preli, DeWitt and Bowen attended the last meeting.

In May, von Arx stated he sent the faculty the suggestions regarding the faculty handbook. He appointed an outside committee over the summer including Dennis O’Brien, co-chair of the BRC and President Emeritus of Bucknell University and the University of Rochester, Rob Moore, AAUP, and Dennis Collins, former President of Occidental College, management consultant. The President passed their report on to faculty leadership and the entire faculty. The AC subgroup did not have time to incorporate those suggestions into their report. He asked the faculty to get back to him by Thanksgiving. He has a meeting with the Board of Trustees on Dec. 4 and needs to make a report. They are looking for “significant and meaningful” progress.

President von Arx stated that the two most important areas are: 1) shared governance. What constitutes effective shared governance between faculty, administration and the Board of Trustees? The main point is how to insure that all members of governance are talking earlier in the process to help the university develop. The structure and spirit are important parts of this process. He offered an example of how we structured the strategic planning process over the last four years. Meetings have resulted in changes in policies. He believes we need to restructure the AC and senior management groups. He believes that offering to give two votes to administrators is the beginning of the discussion. He felt this should not be tokenism and that this can be how to structure shared governance between faculty and administration. He wants to engage in real discussions to revise the Academic Council.

The second issue has to do with merit pay and salary. These were almost revised last year. He wants to have significant and meaningful progress to report in December.

Prof. Greenberg stated that he felt this was disingenuous to state that the faculty didn’t respond. Greenberg said that the BRC came to the faculty with their report and then the President formed a working group without any shared governance. Then the report was sent to the AC subcommittee after they were finishing their report, trying hard to meet the Oct. 15 deadline. Also in a letter to the faculty sent by the President, Prof. Greenberg stated that he felt there was a threat that if we didn’t do what the President wanted us to do then the Board of Trustees could unilaterally change the faculty handbook. This is not true because any change needs a two-thirds vote of the faculty. Speaking for himself, he feels disheartened by this action.

President von Arx responded by saying he was looking for a willingness to put on the table what was in the working group report. Prof. Greenberg asked why the
subcommittee didn’t receive the report earlier. Von Arx stated that he more than one constituency that he had to report to and the Board of Trustees met in October.

Prof. Massey stated that the strategic planning process worked well and it took four years. The handbook has been around for a long time and may take a long time to revise.

President von Arx said he is not looking for resolutions. He wants to say that people ready to have meaningful discussions.

Prof. Dennin stated that the big elephant in the room is health care premiums. The Board of Trustees wants the faculty to pay some of that. He doesn’t have a sense of what the Board of Trustees will give in exchange for a change in this policy. There is concern about veiled/unveiled threats that the Board of Trustees wants things done. As when the co-pay was unilaterally done during salary negotiation. The money saved did not go to salaries. Dennin stated that it is ok if you want me to give up something but, what will I get in return.

President von Arx stated that he can’t reduce the revision of the handbook to just health benefits. A further reading of the working group report should show that. Discussion last year and negotiations came close to a change. It didn’t happen but came close.

Prof. Massey stated that she was disturbed by the implication that since negotiations were not successful from an administrative perspective was considered a lack of progress.

Prof. Bowen stated that the section on reconfiguring the Academic Council into a university council was a concern. She is persuaded by the AC being a place for faculty to discuss faculty issues and felt the university council has the potential to do more and that she feels the AC should be retained as it is since it is the only place for all sectors of faculty to deliberate on the most significant academic issues.

Prof. von Arx stated that his reading of the work of the AC is so essential to the university and notion of shared governance is analogous to the Senior Management team. He feels there needs to be a faculty voice there. The key difference is that there are no votes in the senior management team meetings. They work by consensus. There are minutes. Is there a site for the minutes and agendas of these meetings to increase transparency?

Prof. Preli asked to end the discussion at 4:50 pm.

Due to time constraints, Prof. Yarrington asked if we could return to item 7b under new business.

**MOTION,[Greenberg/Bowen] That the AC request the current subcommittee to look at the handbook working group’s committee report and make recommendations at the next meeting on Dec. 1.**

**MOTION PASSED**
Dean Wilson asked when the Board of Trustees will meet. That is Dec. 4. Prof. DeWitt recommends this an agenda item for the next meeting and that he will keep AC members apprised of the progress of the response and send it out prior to the meeting. AVP Grossman suggested we call a special meeting. Prof. DeWitt said there was not enough time due to the holidays. He stated he would invite the chair of the committee on committees to the Dec. 1. meeting so that they can report to the Board of Trustees what transpires. He also suggested the Board of Trustees could invite one of the AC subcommittee members to their meeting. Prof. Nantz stated the response wouldn’t be lengthy and it would be an overburden to do it.

7b. Change in availability of once a week courses (turbos)

There was a memo sent by the AVP stating a change in the schedule for turbos. Prof. Rakowitz stated in 1999 the EPC recommended that the AC look at the schedule for these courses. The AC looked into it and didn’t think that a change could be made without AC approval.

MOTION [Rakowitz/Yarrington]: That the Academic Council ask the AVP or his designee to report to the Council at its next meeting on the procedure that was followed leading to the schedule changes and the rationale behind the changes.

Prof. Nantz stated she didn’t know what the confusion was. Prof. Yarrington stated that all of her department courses are turbos and that there were only two time slots 8-10 and 5-7:30 available. She had concerns about adjuncts having difficulty meeting these times. This has caused great anxiety.

Prof. Nantz called the question.

MOTION PASSED unanimously.

8. Adjournment

MOTION to adjourn. MOTION PASSED unanimously.

Meeting adjourned at 5:15 pm.

Respectfully submitted,
Tracey Robert
Date: November 14, 2008  
To: Academic Council Executive Committee  
From: Orin Grossman  
Re: Academic Council motion of November 3

At its Nov. 3 meeting, the Academic Council passed the following motion:

_That the Academic Council ask the AVP or his designee to report to the Council at its next meeting on the procedure that was followed leading to the schedule changes and the rationale behind the changes._

Associate Vice President Mary Frances Malone has prepared this report and it has my approval.

In response to issues students raised with the NEASC visiting team about advising and registration, the request of FUSA to examine registration processes, as well as long-standing concerns from faculty members and administrators regarding our registration processes, the Academic Vice President formed a University wide registration committee in the fall of 2007.

The Academic Support Group formed the nucleus of the committee and began to examine these issues. In spring 2008 Dr Grossman expanded the membership of the committee to include representatives from the faculty and student body. The full committee membership is listed at the end of this correspondence.

The charge to the committee was to examine holistically the registration process to achieve the following goals:

- Insure that freshman had at least two classes taught by full time faculty
- Streamline the registration process
- Provide a full range of course choices for students across the time codes
- Use the classroom facilities as efficiently as possible

The committee called for the establishment of a wait list system for the spring 2008 registration. This provided data on the demand for various courses for the committee as well as the chairs of departments. The experimental wait list operated from the time of registration through August 15. Of the 3000 students on the wait list, 1500 were eventually registered into a course.

At the close of the spring 2008 registration, the committee formed three sub-groups, including one to examine time-code and classroom utilizations. The utilization committee recommended that turbos be reduced to early morning and three periods on Wednesday. In making their recommendations the committee analyzed the wait list, classroom use, and the distribution of classes across the time codes. Their recommendations were adopted by the full committee and accepted by the Registrar and the Academic Vice President. They greatly improved classroom availability and the ability of student to
choose among a wider array of courses. The previous system of many time-codes affected by turbo classes prevented many students from taking courses in a number of time codes simply by taking one turbo class. For the same reason, the proliferation of turbo classes caused classrooms to be effectively blocked from use at key times of the day schedule. These two issues were the principle factors that influenced the reduction of turbo codes in the classroom schedule.

In anticipation of this change the entire list of current turbo classes (spring 2008) was shared with deans and chairs, with a request that they examining these offerings. In September the Registrar sent a request to the chairs to begin to consider their spring offerings a few days before the time code schedule was distributed. This caused some difficulty in the College of Arts and Sciences. The professional schools had been apprised of the new codes prior to its release, by their representatives on the committee. In response to a difficult situation in the English Writing program the University Registrar added, on a one time basis, two addition turbo periods, Tuesday and Thursday from 5p.m.-7p.m.

All the departments within the University submitted schedules which conformed to the new time codes with the exception of Visual and Performing Arts. The chair worked diligently with the department but Studio Art and New Media Film and Television could not conform. Part of the initial difficulty was that the departments initially submitted their offerings using the old codes, assuming that they would be an acceptable exception. Moving forward, the chair of the department has agreed to join the committee to help work put a solution. For the upcoming spring 2009 semester, the University Registrar and the Registration Committee allowed these classes to meet in unique time codes.

Membership of the Registration Committee:
Mary Frances Malone
*Ann Stehney
*Robert Russo
John Milanese
#Susan Peterson
#Heather Petraglia
#James Simon
*James Shanahan
*Mark Ligas
#Debbie Chappell
*Kim Nickolenko
#Mary Ann Palazzi
*Curt Naser
#Terry Quell
#Glenn Sauer
Joan Weiss
Lynn Porter
#Alison Dailey (student)
Kelly Young (student)
Elizabeth Ingham (student)
Jeffrey Seiser (student)
# Streamlining Committee

*Time Codes and Utilization Committee*
Comments on the Report of the Academic Council Subcommittee on Governance.

Thanks for the opportunity to make some comments on the AC Subcommittee Report on Governance. These comments are mine as a member of the General Faculty and should in no way be construed as representative of the position of the Blue Ribbon Commission, on which I served, nor of any other individual members of the BRC.

At the risk of sounding sententious I would like to emphasize the need to avoid imputing particular motivations to others when we are conducting these and any other conversations. I am impressed by the way in which the subcommittee avoided this pitfall and I encourage others to follow their example. Our joint aim is a healthier institution.

With that preliminary I have three comments:

1. It is important to note the BRC’s understanding of the status of its own recommendations, on p. 8 of their report: “The Commission recommendations that follow are presented as a starting point for a full and frank conversation among all the concerned parties.” The BRC tried to point to certain principles that it thought would bring us closer to the ideal of shared governance. Particular positions with which faculty might disagree, or errors of fact or interpretation which can be imputed to the BRC, should not be allowed to obscure their underlying concern for shared governance. So, for example, one of the guiding aims of the BRC is a system of governance in which as far as possible differences of opinion are addressed before an executive body formulates policy rather than afterwards. We might not like the particular way they suggest meeting that objective; but do we agree with the objective itself? The BRC understood itself as initiating a process of conversation, not foreclosing it.

2. My own very unscientific review of Handbooks at other institutions leads me to the conclusion that the overwhelming majority of institutions do include a list of benefits in their Handbooks, and the Handbooks are not divided along the lines that the BRC suggested might be helpful for Fairfield. However, there are two aspects of the Fairfield Handbook that make it distinctive if not unique, and these are probably at the heart of administrative unease. Few if any other Handbooks spell out in detail the faculty health benefits and few if any include in the Handbook an indication that changes to the same Handbook cannot be made without a two-thirds majority of both faculty and Trustees. This suggests to me that if we could somehow address these two anomalies in our Handbook, the issue of dividing the Handbook would become moot.

3. I think there is some misunderstanding of the intentions of the BRC with regard to changing the make-up of the Academic Council. This may be a result of using the phrase “University Council” in the report. But the report says that the A.C. might take on some of the aspects of a University Council, not that it should change its name or its fundamental institutional role and identity. There are several objectives:
a. There needs to be a venue in which sectors of the university affected by faculty
decisions can voice their concerns and offer their advice, while not voting on what are faculty decisions;

b. Administrators should have some voting rights and some say in the establishment of the A.C. agenda.

c. It needs to be clear that the Academic Council remains the executive arm of the General Faculty, to which the various Handbook Committees report.

If there are other ways to achieve (a) then we should consider it. The subcommittee has made a proposal on (b) which should be the subject of further conversations. And (c) is something with which both administration and faculty entirely agree. So (a) becomes the issue, and we have to consider two possibilities. One is to move in the direction suggested by the BRC and include some representatives of select constituencies with right of attendance and voice but not vote. The other is to expand the role of the present University Council. My own feeling is that the former option is the more workable and does not involve the proliferation of layers of conversation and review. I also believe that a more significant University Council would lead to a smaller role for the Academic Council, while an expanded A.C. along the lines suggested by the BRC would lead to its having more authority and more credibility.

Respectfully submitted,

Paul Lakeland
Dear Betsy,

I am writing to express some concerns I have over the Governance Subcommittee Report and the discussion held at the General Faculty Meeting on November 14. My over-arching concern is that there is a generally dismissive attitude of members of the faculty on the subcommittee towards the NEASC and BRC recommendations. This manifested itself on Friday in an aggressive and combative attitude directed towards Fr. von Arx by some members of the faculty that was both unfortunate and unproductive.

The NEASC report describes serious issues regarding our current faculty governance structure. The BRC report acknowledges those issues and offers some possible solutions. While I do not agree with all the BRC recommendations they should serve as a place to start the conversation. Conversely, the Subcommittee report does little to acknowledge the NEASC concerns. The prevailing tone of the Subcommittee report is that the handbook is “fine” and no major changes are needed. The few minor concessions it gives do not alter the obvious preference for the status quo in faculty governance. Two independent groups, one external and one internal, have concluded that the handbook is not “fine”.

During the discussion, some Fr. von Arx's comments were criticized as being "threatening" and "paternalistic." He made some perhaps regrettable comments but it does not suprise me at all that the administration would conclude that the report was "more of the same" from the faculty leadership. I think that both sides would be better served if there was more of a willingness to see from the other’s perspective. To date, I think that the administration has made more of an effort than the faculty has in this regard.

I hope that the resolution passed by the faculty towards encouraging more open discussion with the administration will lead down a better path. There are serious issues in governance that must be addressed. Unfortunately the tone of the conversation over the past few years has turned many faculty off to the point that voices are not being heard. The Subcommittee report, even if reflective of a majority opinion, which I don't think it is, does not capture the range of views that exists on these issues. I hope that the Academic Council will make an effort to solicit a broader range of faculty opinion before proceeding on any particular course of action.

Thank you and the Academic Council for considering my comments.

Best wishes,

Glenn

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Just prior to the last Academic Council meeting, Curt Naser sent a note directly to all members of the Council, expressing concern over the makeup of the AC Subcommittee on Academic Dishonesty. The gist of the concern was that there was a conflict of interest involving some members of the subcommittee, since “‘victims’ of crimes or other misconduct do not sit in judgment, either of the perpetrators of the misconduct or in review of the law enforcement or administrative actions taken to judge and punish the misconduct.”

As noted at the last AC meeting, the Executive Committee does not see the charge to the subcommittee as including a charge to sit in judgment, either of the student, or of the administrative actions judging and punishing the student. Had these sorts of judgmental issues been part of the subcommittee’s charge, it goes without saying that professors involved in the case would not have been asked to serve on the subcommittee. (As is probably obvious, the professors were asked to serve on the subcommittee largely because they were already up to speed on the facts of the case.)

We also checked with the subcommittee as to their understanding of the subcommittee’s charge. The subcommittee confirms that they do not see their charge as involving judgment of the student, or of the administration’s judgment of the student, or of the administration’s punishment.

The committee reports that they are looking into topics such as the relevant academic policies involved in this case, for example, policies on academic honesty and dishonesty, on withdrawals from courses, grade change policies, and the like; questions such as whether existing policies covered this case and if not, what changes to those policies might be called for; questions such as which policies apply in cases where policies are changed between the time a student enters Fairfield and the time of an incident involving those policies, and the like. The committee is also compiling a timeline of the events, and other facts of an informational nature. In general, the subcommittee views its charge as primarily focused on reviewing the application of existing policies to the current case, and if needed, suggesting modifications to the process and policies so as to provide more direction on handling these types of situations in the future.

As noted, the Executive Committee and the Council subcommittee do not see this as an issue. However, we will have a chance to discuss this at the upcoming Academic Council meeting, should the Council wish to discuss it further.
Academic Council,

I must confess to having not followed in any great detail the proceedings regarding the student who hacked Stagweb and changed grades, other than to examine the technical aspects of the hacking, which were of obvious interest to me. However, the Academic Council recently appointed "a three person subcommittee to look into and report on the handling of this instance of academic honesty, and make suggestions for handling similar cases in the future." That sub-committee is comprised of: Deb Strauss, Shelley Phelan and Rick Dewitt. It is my understanding that both Professors Phelan and Dewitt were materially involved in this case, the student in question having hacked each of their StagWeb accounts for the purpose of changing his grade in their respective courses.

I would ask that the Academic Council reconsider the wisdom of assigning individuals who were apparent victims of this computer hack to investigate how the University handled this case. It is a long standing legal and ethical principle that "victims" of crimes or other misconduct do not sit in judgment, either of the perpetrators of the misconduct or in review of the law enforcement or administrative actions taken to judge and punish the misconduct. In short, appointing two individuals, however steady and objective their judgment may be, to review the handling of student misconduct that materially involved these individuals, is a conflict of interest. It takes neither a professional ethicist nor a lawyer to recognize this conflict of interest: it is a simple matter of common sense. The Academic Council should immediately reconstitute this subcommittee by finding two other individuals who were not involved in this incident to investigate it. There are some 250 full time faculty on this campus, surely two individuals can be found who were neither directly involved, have not already deliberated on the issue, nor have any other particular bias for or against the parties involved.

We have an obligation as a faculty and an institution to demonstrate integrity in all of our actions and proceedings. While reasonable people can disagree about how this case was handled, there is no reasonable justification for creating such an obvious conflict of interest. The faculty sets a very poor example to our students and the University community by so obviously violating basic principles of fairness and due process.

Curt Naser

November 18, 2008

Subcommittee Membership: Professors Donald Greenberg, Kathryn Nantz (Chair), Susan Rakowitz, John Thiel, and Jo Yarrington

At its November 3, 2008 meeting, the Academic Council charged the Academic Council Subcommittee on Governance with responding to the report of the Faculty Handbook Working Group (FHWG). President von Arx appointed the FHWG to make specific recommendations on the general recommendation of the Blue Ribbon Commission 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; President von Arx's 6/12/08 memo to Faculty and Staff, 2).

President von Arx also requested that the FHWG “advisors ... consider the role of the Journal of Record and its relationship to the Faculty Handbook.” He continued by stating that: “[b]ased on their [FHWG advisors’] observations and given the Commission’s understanding of the Journal of Record as a compendium of votes taken by the General Faculty on a variety of issues, I will reconsider the administration’s engagement with the Journal of Record” (6/12/08 memo, 2-3).

Our subcommittee report will respond to these two issues as they are treated in the FHWG Report – the division of the Faculty Handbook and the standing of the Journal of Record. Before we address these issues, however, we would like to make a comprehensive observation.

The FHWG Report offers a host of recommendations through a very detailed analysis of the various sections of the Faculty Handbook, each of which is examined with regard to the respective responsibilities of Trustees, faculty, and administration. The assumption of the analysis is that problems in collaborative governance at Fairfield stem from an ambiguity in the Faculty Handbook about the workings of authority and responsibility in the governance structures delineated there. As our 10/21/08 subcommittee report to the Academic Council noted, we do not share that assumption. We find the Faculty Handbook to be clear on the issues of authority and responsibility, a testimony, no doubt, to the acumen, wisdom, and commitment of several generations of Trustees, faculty, and administrators who, together, wrote and approved every word in the Handbook.

Of course, the Faculty Handbook continues to be a work in progress. If there is any particular proposal of the FHWG Report that the Trustees, administration, or faculty deems an improvement to our Handbook, then we should follow the Handbook procedures for amendment and consider
any proposal seriously. Most often, initiatives for changes in the Handbook originate in the faculty. But the Handbook itself states that the “General Faculty or the Board of Trustees may propose amendments to the Faculty Handbook” (I.A.8). The Trustees, or the administration acting on behalf of the Trustees, should not be reluctant to make proposals for amendment should they see specific ways of making the Handbook better or more effective.

**Dividing the Faculty Handbook**

The recommendations of the FHWG Report largely show how the recommendations of the BRC Report can be applied to relevant sections of the Faculty Handbook. But more significantly, the consistent theme of the FHWG Report is that the nature of authority at the university needs to be explained to Fairfield’s General Faculty. Repeatedly, it makes the points that the Trustees possess legal authority for the institution and that the Trustees are the final arbiters of institutional disagreement about matters of major policy, as the Handbook itself states so clearly (I.A.1). The FHWG Report assumes that the Handbook’s talk about collaboration between university constituencies (I.A.1) obscures the authority of the Trustees and that this ambiguity is the source of governance problems at Fairfield. In the judgment of our subcommittee, there is no ambiguity among the faculty about the authority of our Trustees; there is no lesson that the faculty needs to learn. Neither is there confusion in the Handbook about this point. All the Trustees who have served this institution over the years were careful and responsible in assuring clarity on this matter in our current Handbook. Our previous report offered several examples.

The principal way in which the FHWG Report envisions a clearer Handbook is that each of its sections would stipulate which constituency – faculty, Trustees, or administration – has primary responsibility for the subject matter described there. But this category of “primary” responsibility, which itself suggests “secondary” responsibility,” does not adequately capture the way that responsibilities are intermeshed in the Handbook. For example, in commenting on the “Personnel Policies” section of the Handbook (II.A), the FHWG Report states that the “faculty have primary governing responsibility for defining and operating an appropriate appointment, promotion and tenure system” (FHWG, 7). This is an incorrect judgment, and even a dangerous one, since it overvalues the authority that faculty do possess in these matters and undercuts the way that faculty, administration, and Trustees work together to assure the best results in appointment, promotion, and tenure. According to the Handbook, the faculty does not possess “primary” governing responsibility for appointment, promotion, and tenure, nor should they. Many of the examples from the Handbook cited in our previous report made this very clear:
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). (Report of the Academic Council Subcommittee on Governance, 2).

In every one of these examples, the faculty exercises its responsibility by making recommendations to the administration or to the Trustees, who then exercise their responsibility by making a decision. In what sense, then, can the faculty possess “primary” governing authority for appointment, promotion, and tenure? By the same token, in what sense could the administration or Trustees possess “primary” governing authority, since they depend on the good judgment of faculty recommendation? This “either-or” way of reading the Handbook continues throughout the report. The FHWG Report, like the BRC Report, seems to imagine particular sections of the Handbook in a compartmentalized fashion in which one party or another has “primary” or “preponderant” authority. This conceptualization does not clarify the governance structures delineated in the Handbook, but confuses them by sometimes assigning “primary” authority to one university constituency and sometimes to another. In truth, the Handbook clearly stipulates particular, intertwined responsibilities and exercises of authority which, when they miscarry, stand under the final authority of the Trustees.

The FHWG Report’s repeated iterations of the authority of the Trustees are brought to bear especially on the “Fiscal Policies” section of the Handbook, which seems to be its principal concern. It judges that “the current Faculty Handbook …appears to give the faculty primary governing responsibility for benefits such as health and life insurance, retirement plans, and disability pay” (FHWG, 7). It offers no support for this judgment and it is difficult for our subcommittee to see how it is warranted. The FHWG Report considers this ambiguity to obscure the administration’s “primary governing responsibility” for this section of the Handbook. It then continues by noting that “[i]n 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 (FHWG, 8). The report then urges “the administration and faculty [to] consider modifying the Faculty Handbook to reflect the fact that the benefits in this section [of the Handbook] 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” (FHWG, 8). As a matter of fact, however, this section of the Handbook does not contain policies that apply to all employees, but only to the
faculty such as sabbatical and pre-tenure leaves, faculty grants, and the term life insurance policy. Moreover, employees of the University other than faculty currently are required to make financial contributions to their health insurance while the faculty is not.

Our subcommittee believes that the efforts of the FHWG Report to identify which university constituency possesses “primary responsibility” for particular sections of the Handbook serve the conclusion it seeks – that because the Trustees have primary responsibility for fiscal matters at the university they may unilaterally change the Fiscal Policies section of the Handbook. As we have stated above, we do not believe that the faculty has “primary responsibility” for any section of the Handbook because the Handbook articulates procedures for which there are defined and shared responsibilities and policies upon which all parties have agreed according to the Handbook's own terms of mutual approval. Neither do the Trustees nor the administration have “primary responsibility” for any section of the Handbook as a mutually approved text. It is unquestionably true that the Trustees have final authority and responsibility for the university budget. But that is quite a different matter from what the FHWG Report seems to conclude — that the Trustees can unilaterally change a section of the Handbook that bears on fiscal matters.

Unfortunately, the FHWG Report ends with what seems to be a threat directed at its faculty readership. We quote the final sentences of the report in full:

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 (FHWG, 10).

This passage is disturbing for several reasons. First, the FHWG Report seems to be drawing the conclusion that the Trustees can unilaterally amend the Handbook. Second, the FHWG Report seems to have judged that the Trustees intend unilaterally to amend the Handbook if it is not modified by faculty agreement and understands its committee’s charge to inform the faculty of this action. Third, the FHWG Report seems to understand “shared, collegial” governance as the faculty’s agreement with such action in the face of this threat. This is an extraordinarily odd view of collegiality and sharing.

Again, we would like to press the point that, in our judgment, there is no ambiguity among the faculty about the legal authority of the Board of Trustees. Just a few years ago, the Board instituted a merit pay system
at Fairfield in the face of overwhelming faculty objections to such a system. Although very many faculty were not pleased with this action, no member of the faculty ever suggested that the Board did not possess the power to institute a merit pay system. The Handbook clearly states that “[i]n 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). But the Handbook states with equal clarity that “[a]ll amendments [to the Faculty Handbook] must be accepted by both the Board of Trustees and the General Faculty” (I.A.8). We find it surprising that, in all its attention to the details of the text, the FHWG Report does not address this provision of the Handbook. In fact, it misrepresents it by stating that the administration, and not the Trustees, “has a role in reviewing and approving amendments to the faculty Handbook” (FHWG, 4). To us, the actual language of the Handbook on this matter is very plain. Any talk of “primary” or “secondary” responsibility simply cannot apply to the Handbook assurance that “[a]ll amendments [to the Faculty Handbook] must be accepted by both the Board of Trustees and the General Faculty” (I.A.8).

We truly hope that our disagreement with the FHWG Report will not be understood in any way as a flouting of the authority of the Trustees. The faculty appreciates very much the dedication and commitment, the time and energy of those who serve on the Board. Our report has stated several times that we recognize, respect, and, we should add, appreciate the legal authority of the Board. The legal authority of the Trustees, however, does not extend boundlessly to anything that the Trustees might do, as the FHWG Report sometimes suggests. There are irresponsible and illegitimate uses of the legal authority of the Trustees. It is our position that any action that would change the Handbook unilaterally would be such an irresponsible and illegitimate use of authority because the Handbook explicitly forbids it. The Board or the faculty cannot change any text in the Handbook except by following the provision for amendment quoted in the paragraph above.

Perhaps there are parties at the university who have come to the conclusion that this most basic provision of shared governance could be violated while yet other sections of the Handbook for which the faculty have “primary” responsibility remain intact. We adamantly disagree. Were the Handbook to be changed unilaterally, there would be no Handbook at all. There would be no reason for faculty to have confidence in any of the Handbook's provisions, policies, procedures, or supports, knowing that any text could be re-written, deleted, or supplemented unilaterally by the Trustees because all authority at the university, exercised in whatever way, is finally theirs.
An action such as this – the end result of a year of talk about the need for cooperation, collaboration, and sharing – would have serious consequences. Its effect upon faculty morale and investment in Fairfield would be devastating. This would be the greatest tragedy since, in spite of a narrative to the contrary that circulates in some quarters of this institution, it would be difficult to find a faculty more selflessly committed to the mission and high ideals of their institution than ours. Moreover, we believe that unilaterally changing the Handbook would expose the university to censure by the American Association of University Professors, a judgment that would stand completely at odds with our long and proud history of academic freedom. The faculty could also be placed in the position of having to consider legal means to counter what it would judge to be an irresponsible and illegitimate use of institutional authority.

We truly hope that we can find a way to avoid such consequences. We believe that with all of the good will, commitment, and imagination that exist on the part of us all, we can find a better path into our future than the one that the FHWG Report seems to propose. We repeat the point made early in this report – that, in our judgment, the most productive way forward is that the Trustees propose a specific amendment to the Handbook that they judge to be an improvement in policy. That proposed amendment can then be a focus for our continued, constructive conversation.

Journal of Record
The FHWG Report offers little direction for assessing the Journal of Record. It states that its current format “should be examined” and that it is “conceivable that another vehicle” of policy documentation could be put into use (FHWG, 9). The report, though, does not offer any specific suggestions for what such a vehicle might be. The faculty is always open to better ideas. We are ready to hear any concrete proposals for better institutional record-keeping for policies that have standing because faculty and administration mutually discussed them and approved them since they were judged to serve the institution well. We believe that our mutual collaboration produces the best results and are reassured by knowing that no policy can be included in the Journal of Record without the approval of the administration. We are eagerly ready to expunge from the Journal of Record any policy that is antiquated, assuming, of course, that our modifications unfold mutually.

We do reject the position of the Blue Ribbon Commission that the Journal of Record is only a collection of faculty votes, for all of us have actually lived out a very different and real history, some of us for the past twenty-three years. Perhaps Academic Vice-President Grossman describes this actual history best of all in Standard 3 of the University Self-Study which he wrote for the NEASC accreditation visit last fall:
In addition, the Faculty Secretary, whose duties are outlined in the Faculty Handbook, has the responsibility of keeping a Journal of Record, which is a compilation of policy decisions and guidelines adopted by the Academic Council or the General Faculty which have been approved by the administration (https://eidos.fairfield.edu/login/Fac/login.cfm).

Without a system like this one, the day-to-day business of faculty and administration will become inefficient and redundant with the passing of time. It may be helpful for someone to explain exactly what is problematic about the Journal of Record and, in light of that problem, to offer a concrete and practical solution.
Excerpt from minutes of Academic Council Meeting of 10/6/08 regarding renewable, full time, non tenure track positions

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.
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 affir[m]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.
Date: November 10, 2008
To: Academic Council Executive Committee
From: Orin Grossman
Re: Items concerning changes in commencement practices

I am requesting that two items regarding commencement practices be placed on the agenda of the Academic Council as follows:

- The president has determined that there will be separate commencements for undergraduate and graduate students. These commencements will both occur on Sunday, May 17, with the undergraduate commencement occurring in the morning. Mary Francis Malone is overseeing a committee dealing with the many logistical details and is already receiving faculty input through the commencement committee, including Larry Miners, David Gudelunas, Mark Scalese, and Wendy Kohli. I wish the Council to be informed of the change and to suggest other avenues of faculty input as it deems appropriate.

- Over the years a number of part-time faculty and members of Student Affairs have requested to join the robed procession. I have surveyed the Jesuit schools and the common approach at most schools is to welcome part-time faculty and selected members of Student Affairs. I am requesting the Academic Council’s advice before making a recommendation to the president on this matter.

Thank you for your consideration.