ACADEMIC COUNCIL
Emergency Summer Meeting
Monday, June 4, 2012
Minutes of Meeting

Present: Professors Steven Bayne, Joe Dennin, Don Greenberg, Dennis Keenan, Irene Mulvey (GFS), Susan Rakowitz (ACES), David Sapp, Joyce Shea, Debra Strauss, Vishnu Vinekar.


Invited Guests:
- Members of the Committee on Conference with the Board of Trustees: Professors Chris Bernhardt, Betsy Bowen, Wendy Kohli and Paula Gill Lopez.

Regrets: Professors Jocelyn Boryczka, Phil Lane, Kathy Nantz, Elizabeth Petrino, Rona Preli, Cheryl Tromley, and David Zera; Dean Don Gibson.

0. Election of temporary Chair.
Dennis Keenan volunteered and there were no objections.

1. Presidential courtesy.
SVPAA Fitzgerald announced that Lynn Babington started today as the new Dean of the School of Nursing. He reported that the NEASC report is pretty much done—Professor Rakowitz interjected that she is on the NEASC Steering Committee and the NEASC report is nowhere near complete.
SVPAA Fitzgerald mentioned that the first year class looks good (as of last week it stood at 1032). The summer melt has started, but he is hoping it is a light one.
SVPAA Fitzgerald thanked the AC for electing faculty representatives to the two dean search committees.
SVPAA Fitzgerald reported that the Board of Trustees meets on Thursday, June 7th, and Faculty have been invited to send representatives to meet with the entire board.

2. Report from the Secretary of the General Faculty.
Professor Mulvey received a letter from Mark Reed on behalf of Paul Huston inviting faculty representatives to meet at 2 p.m. on Thursday with the full board. Prof. Mulvey read the following excerpts from the letter:

On behalf of Paul Huston, chair of the Board of Trustees, I write to you as Secretary of the General Faculty to invite faculty representatives to meet with members of the Board during its upcoming regular meeting on Thursday, June 7, 2012, at approximately 2 p.m.
As you know, the Administration and Faculty Salary Committee have been unable thus far to reach an agreement on a Memorandum of Understanding (MOU) for the next fiscal year. Therefore, the Board wishes to hear directly from faculty representatives on this matter. Additionally, the Board thinks discussion with faculty representatives about the Board's sense of its own role in exercising fiduciary responsibility for the University would be beneficial.

Please note that this invitation does not replace or substitute for the normal engagement that faculty representatives have with the standing committees of the Board, either as individual representatives to committees or the Committee on Conference. It is my understanding that faculty representatives and the Committee on Conference will meet with their respective committees in the course of normal business on the morning of June 7.

As GFS and organizer of the faculty presentation she invited the two other faculty members of the ACEC (Rona Preli, and Susan Rakowitz), the FSC Chair (Joe Dennin), and the Chair of the Committee on Conference (Betsey Bowen) to join her as the faculty representatives. She also asked Profs Dennin and Bowen each to invite one other faculty member from their respective committees. They have already discussed how to move forward in coming up with a plan for the meeting, and any additional input from the AC would be appreciated.

3. **Report from the Executive Secretary.**

None.

4. **Council Subcommittee Reports.**

None.

5. **Petitions for immediate hearing.**

None.

6. **Old Business.**

None.

7. **New business.**

   a. **Update from the Faculty Salary Committee.**

Professor Dennin reported that nothing has happened since the GFM last Thursday. Prof. Dennin said that he received an email from VP Dolan late on Wednesday proposing new language concerning the 95th percentile and the financial package. In that email with regard to the commitment to the 95th percentile VP Dolan said that "mutually approved" could be added back into the "revised benchmarking system" language in the most recent proposal from the administration as long as it includes the "gloss" that if the administration and faculty cannot agree on a mutually approved benchmarking system, the Board of Trustees would then decide
what the benchmarking system would be. Prof. Dennin said clearly language regarding the 95th percentile is still a huge stumbling block.

Prof. Dennin said that the FSC has not yet met to discuss the changes proposed in the late Wednesday email from VP Dolan.

Professor Mulvey said that she is extremely angry right now. For the administration to chit chat with the FSC as if it were business as usual is unacceptable. The FSC should respond to the administration with terms that the faculty would be willing to accept. We have run out of time because the administration was never empowered to make an agreement that the faculty could accept. The FSC should not act as if it is business as usual.

**MOTION [Mulvey/Sapp]: that the Academic Council suggests that the Faculty Salary Committee respond to VP Dolan after the Board of Trustees meeting on Thursday with terms that the FSC is confident that the General Faculty would accept.**

Prof. Dennin said that he has a slight concern whether he’d be confident in what the faculty would accept.

Prof. Greenberg asked whether the intention with this motion was that, if the administration rejects this faculty proposal that that would be the end of negotiations and we would have no MOU?

Prof. Mulvey responded that she was not thinking as far ahead as that. She would like to get a written response to VP Dolan, and she is uncomfortable with handbook committees working throughout the summer.

Prof. Epstein said that, as we reached midnight, there was a flurry of emails between the administrative team and the FSC, but he thinks that all year long this has never really been a discussion between the FSC and the administration—it has really been a discussion between faculty and the BOT, but that is not the way it is supposed to work.

Dean Franzosa said it would be outrageously inappropriate for faculty to negotiate with the BOT.

Prof. Sapp asked Prof. Mulvey whether she was suggesting a particular time line? Prof. Mulvey said that she would leave that up to the FSC, but her point is that it would be inappropriate to expect the FSC to negotiate all summer back and forth.

SVPAA Fitzgerald said that the administration and FSC have moved toward each other, but when we come to the table each of us has a constituency to answer to. We have been making progress, for example drawing a distinction between a benchmark and benchmarking system. The thing that worries him most is how much trust has been lost. He said that he is confident that we will eventually come up with a deal, but the economic downturn and subsequent loss of trust has really hurt the atmosphere of the university.

Prof. Dennin said, I agree with much of what SVPAA Fitzgerald said, but most of the time it is his constituency that has taken things off the table, so this really raises the issue of whether we are really negotiating with the BOT through an intermediary.
Professor Greenberg said it has never been like this before. Sure, we have gone to the 11th hour before, but nothing like this. He thinks the problem is that we have a very weak President—the very fact that the BOT has invited the faculty to speak to the board on Thursday, and the President would allow this, is evidence of how weak the President is. Whoever is driving this (BOT or President) has fundamentally changed the way the negotiations work. Instead of providing a rationale that makes sense about why it is necessary to move away from a comparison with IIa schools, the administration has said, you will just have to trust us that we have your best interest at heart. This is not a good way to operate, and the underlying attitude is to emasculate the faculty to the point that they do not have any meaningful say in their compensation.

Prof. Gil Lopez asked whether it was ever asked straight out who wants to get rid of the commitment to the 95th percentile?

Prof. Greenberg stated that he thinks it is the President.

SVPAA Fitzgerald stated that the President is interested in a benchmarking system that allows adjustment over the course of the next fiscal year—maybe it is the 95th, but maybe it isn’t.

Prof. Epstein asked, haven’t we proposed solutions like this from the beginning of the year?

SVPAA Fitzgerald responded that there had been some good proposals.

Prof. Dennin emphasized that the current question is not, is this the right benchmark?, the question is, how is the benchmark going to be arrived at? We said it must be mutually agreed on. The administration in their final proposals say that the BOT will determine the system if there is no agreement, and this is unacceptable.

Motion passed unanimously: 9 in favor, 0 opposed, and 1 abstention.

7b. Discussion with the Committee on Conference with the Board of Trustees regarding their 6/7 meeting with the Board.

The Chair of the Committee on Conference with the Board of Trustees (Betsy Bowen) said that the CoC will meet with the BOT on Thursday at 8 a.m. The agenda is set by the SVPAA and the CoC. The meeting is allotted two hours. At this meeting the first hour will be devoted to the portfolio review presentation. After that they will present seven handbook amendments approved by the AC (April 16, 2012) and General Faculty (April 27, 2012), and the other issue will likely be the situation with the MOU.

Chair Keenan asked whether new Council members understand that we give advice to the CoC before their meetings with the BOT, and he asked us first to give advice concerning the seven HB amendments.

SVPAA Fitzgerald noted that the CoC will present these HB amendments to the Academic Affairs Committee of the BOT, the chair of the AA committee will subsequently inform the full BOT, and then the motions will go before the full BOT in the fall.
Seeing no advice concerning the HB amendments, Chair Keenan opened the floor for general comments or advice for the CoC.

Dean Franzosa asked whether there is a point at which the AAC reports back to the full BOT concerning what happens in these meetings. SVPAA Fitzgerald reported that the chair of the AA committee summarizes the session for the BOT.

Prof. Dennin said that it might be useful to have Betsy share with them the faculty's unhappiness as illustrated by the faculty's votes in the last two GFMs.

Prof. Mulvey added that perhaps the CoC could talk about what happened at the GFM on Thursday, including the faculty vote to discuss a vote of no confidence in the President at the meeting in September.

Prof. Huntley suggested that before the CoC discusses why we are upset, maybe they could first highlight what the faculty has done over the past year.

Prof. Bowen noted that so far she is hearing the theme of insuring that the AA committee understand the mood of the faculty. So, what do we want out of this beyond their knowing how fraught this is? They will go back not just in their formal presentation, but also in their conversations at lunch—what else do we want?

Prof. Dennin mentioned the satisfaction study from last march—undergraduates clearly love faculty even when they are dissatisfied with the university as a whole.

Prof. Mulvey would like them to know that the 95th percentile is a hill that faculty will die on. The SVPAA says they will continue compensating faculty at a high level—those are just empty words.

Prof. Strauss mentioned that the US News rankings are partly based on the strength of faculty. We need to get the board to realize that we need support for the 95th percentile in order to attract and retain such excellent faculty.

Prof. Shea said prior to making these points, the CoC should make it clear that the faculty is extremely aware of the fiscal situation, and we have tried to respond in a fiscally responsible way, while the administration just keeps insisting that the faculty don't understand.

Prof. Strauss expressed concerned about how the current situation will affect the NEASC report. We had been proud of the progress we were making with our joint governance processes, but now that is in jeopardy, and it is something that will have to be reported back to NEASC.

Prof. Rafalski asked whether everyone on the BOT is aware of the faculty representatives meeting with the full BOT, and whether it would it be meaningful to address the fact that this is happening?

Prof. Bowen asked whether the question was whether this would undercut the CoC’s meeting with the AAC?

Prof. Mulvey reiterated that, as per the letter from Mark Reed on behalf of Paul Huston, the meeting with the full board does not does replace the regular committee interactions.
Prof. Gill Lopez noted that much of what we have asked the CoC to discuss, they did discuss at their last meeting, and she noted that with regard to the importance of the 95th percentile, one member of the AA committee said that, in these financial times, the 84th percentile was more realistic. She said that the only thing they haven't raised previously are the votes at the last two General Faculty meetings, because they had not happened by the time of the meeting.

Prof. Rakowitz said it is important for the board to understand three things: 1) how strongly the faculty believes in the importance of the commitment to the 95th percentile; 2) how the failure of the process ties into the NEASC report; and 3) that the faculty is not angry because we being asked to take a cut—we are angry about taking a disproportionate cut when the financial problems are not a result of our own doing.

Prof. Sapp mentioned the vote at the last GFM to put a discussion of a vote of no confidence on the next agenda, and he asked, when was the last time we had such a discussion in a GFM? Prof. Greenberg replied, not in his memory.

Prof. Epstein indicated that this should make it clear that our real concerns are not about compensation, but about the leadership of the university.

Prof. Mulvey suggested that the CoC could mention the things the FWC Action Committee has done: the rally for unity, the signage at the meeting, the leaflets at commencement, and the fact that this committee is still continuing to meet.

Dean Crabtree said that it was her understanding that a motion to boycott orientation was shot down, and she cautioned that the board will be concerned about things that will affect the recruitment of our students.

Prof. Strauss warned, however, that we should not make reassurances, because we simply do not know what the FWC Action Committee will decide to do.

Prof. Dennin noted that the CoC can speak to the history of their actions and how responsibly they have been done.

Prof. Mulvey agreed, but added that they are an independent committee full of young faculty members many of whom are extremely angry. We cannot be sure of what actions they will take and it would be misleading of us to reassure the Board about things we don’t know with any certainty.

Prof. Huntley said it is more important to talk about the motivations behind the actions not the actions themselves—it is for the institutional well-being.

SVPAA Fitzgerald said he would like to make a small suggestion, as a benevolent outsider, that the CoC clearly distinguish the FWC Action Committee from the ad hoc group of faculty responsible for the Trends Memo.

Prof. Mulvey agreed that this is an important distinction that should be emphasized. Then, she reiterated that we should be careful what we say about the FWC Action Committee. People are very angry, and we are not the FWC Action Committee and we cannot speak for the Action Committee.
Chair Keenan asked Prof. Bowen and members of the CoC whether they needed more particular direction from the Council.

Prof. Bowen replied that she thinks the CoC can work with the advice they have heard from the Council.

**MOTION [Dennin/Shea] to adjourn.**

Motion passed unanimously.

Respectfully submitted,
Steven M. Bayne