Academic Council
Minutes of Meeting
November 7, 2011
3:30 – 5:00 p.m
CNS 200

Approved by the Academic Council on December 5, 2011.

Faculty Members Present: Professors Jocelyn Boryczka, Steve Bayne, David Zera, David Sapp, Kathy Nantz, Joyce Shea, Debra Strauss, Phil Lane, Brian Walker, Elizabeth Petrino, Dennis Keenan, Cheryl Tromley, Susan Rakowitz (Executive Secretary), Vishnu Vinekar, Rona Preli (Chair), Irene Mulvey (Secretary of the General Faculty), Joe Dennin.

Administrators Present: SVPAA Paul Fitzgerald, Deans Suzanne Campbell, Robbin Crabtree, Don Gibson

Presenters: Professors Betsy Bowen, Rick DeWitt, Paul Lakeland

Regrets: Dean Jack Beal

Absent: Dean Susan Franzosa

1. Presidential Courtesy

SVPAA Fitzgerald reported that notifications regarding campus closures and delays due to inclement weather will no longer be communicated through television. Notifications, instead, will be provided via phone, website, and Stag Alert. Text messages instead of phone calls will be the source of notification. SVPAA Fitzgerald will still make the decision regarding delays and cancellations due to inclement weather. SVPAA Fitzgerald clarified that if campus security feels that turbos can start at 9 a.m., then classes will be held. SVPAA Fitzgerald further stated that the campus never technically closes so the issue is whether or not the campus is safe for people to move around. He continued that faculty live all over the place, so those who can’t make it to campus due to inclement weather, should not hold class.

SVPAA Fitzgerald further reported that early application numbers are currently at 4000, up from 3800 last year, and that campus tours are also up. SVPAA Fitzgerald added that the route and script for tour have been changed, and that faculty are encouraged to stop by tours and interact with the students. SVPAA Fitzgerald continued, noting that guidance counselors recently received a tour and that the deadline for early action decisions was extended due to bad weather and it would be left open until it makes sense to close it.

Chair Preli asked if there were any questions for SVPAA Fitzgerald.

Prof. Keenan suggested that it would be easier for everyone and more clear if it was possible to state that the university would open at “x” time. Professor Zera addressed the similar issue of notification for evening graduate class closing.

SVPAA Fitzgerald responded that the time is based on 10 minutes before given time codes.

Prof. Tromley added that Saturdays needed to be included as well.

2. Report from the Secretary of the General Faculty.

Prof. Mulvey stated that there was nothing to report.
3. **Report from the Executive Secretary**

Prof. Nantz noted that the spelling on Prof. Bowen’s name needed correction.

**MOTION** [Lane/Dennin]: To approve the minutes of the Academic Council meeting of October 3, 2011 as corrected.

**MOTION PASSED:** 16 in favor, 0 opposed, 1 abstention.

Prof. Rakowitz stated that there were no oral reports.

Chair Preli requested a Motion to Reorder the Agenda and, if needed at the end of the meeting, a Motion to Recess until Monday, November 21, 2011.

**MOTION** [Shea/Strauss]: To reorder the agenda for the Academic Council meeting on November 7, 2011 and move to New Business at this time.

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

7. **New Business.**

a. **Report from Committee on Conference re October 2011 Board of Trustees’ (BOT) meeting and discussion of faculty views in preparation for upcoming meeting (December) of the Committee on Conference with the Academic Affairs Committee of the Board of Trustees (ongoing Item 2):**

Prof. Bowen, Chair of the Committee on Conference, reported on the last meeting with the Academic Affairs Committee of the Board of Trustees on October 6, 2011. Prof. Bowen reported that Profs. Bernhardt, Bowen, and Gill-Lopez met with the committee. The Committee’s chair summarized the goals for the year as monitoring the three goals of the strategic plan as they relate to academics and to collaborate between Academics and Student Affairs; to monitor progress on accreditation processes for the Schools of Engineering, Business and Nursing and the preparation of the five year NEASC report; and to monitor development of new academic programs in Arts and Sciences at the Graduate level in Public Administration and in Liberal Studies. Prof. Bowen continued that SVPAA Fitzgerald presented a short report on Fairfield’s status in the upcoming *US News & World Report* rankings as #2 in “Best Regional Universities” (up from #4) and on enrollment data.

Prof. Bowen also presented to the Academic Affairs Committee, the Committee on Conference’s concerns as instructed by the Academic Council: how can we preserve the quality of academics, which is the central mission of the University, in this time of economic pressure? The Academic Affairs Committee responded that they were determined not to erode academic quality in any decision they made. Additionally, Prof. Bowen reported that the Committee on Conference inquired as to what the BOT, in its unique role, is doing to increase revenue for the University? The AA members spoke to the work of BOT members in introducing the President to potential large donors, several events, and being approached for major donations. The AA reported to the Committee on Conference that the University would have to grow its way out of this situation and that it cannot be resolved with cuts.

Prof. Bowen then read and summarized the short reports that she received from the faculty liaisons from Handbook committees to the three BOT subcommittees: Student Life, Information Technology, and Advancement.
Chair Preli then opened the floor for questions.

Prof. Lane asked who was at the meeting and how much time did the Committee have to spend with them?

Prof. Bowen stated that the meeting was well-attended and most AA Committee members participated in the discussion.

Chair Preli asked if the Academic Council wished to give further guidance to the Committee on Conference.

SVPAA Fitzgerald mentioned a major item regarding the Health Sciences and the excitement regarding a new academic building as part of the new capital campaign. SVPAA Fitzgerald expressed that he wants to bring faculty in front of the BOT to discuss research and how to continue excelling in the area.

Prof. Petrino recommended that Prof. Geoff Church be invited to speak, highlighting the fact that every Fairfield student who applied to medical school last year was accepted.

Prof. Lane recommended that the Committee on Conference have a conversation with the BOT regarding employment trends over the past twenty years that indicate a tilt of resources away from the Academic division.

Prof. Mulvey responded that at the last AC meeting, the group expressed resistance to such involvement on the micro-level of the BOT and inviting them into a discussion about such resource allocations may counter our previous discussion.

Prof. Bowen inquired as to what kinds of reports to the Academic Affairs Committee may concern Prof. Mulvey.

Prof. Mulvey responded that she was more concerned about reports from non-faculty presenters with detailed information on items such as Residential Colleges than reports by our faculty or its liaisons to the BOT.

Prof. Nantz asked Prof. Bowen if she had a sense of other things that needed to be discussed with the BOT? Prof. Nantz indicated that her sense was that the budgetary issues are the most pressing, particularly regarding the staff and future hiring in departments. Prof. Nantz suggested questions for the BOT should include future budget-related steps and what their role would be in these issues.

Prof. Bowen replied that clearly the budget was the most pressing thing at the BOT meeting. Yet, there was not something particular that the AC wanted the committee to ask of the BOT. Additionally, Prof. Bowen stated that the Committee on Conference attends the Academic Affairs Committee not the Finance Committee of the BOT. Prof. Bowen stated that the Academic Affairs Committee did discuss that the budget issues could not be resolved in the long-term with cuts and they did state that they may make cuts in academics but do not want them to erode academic quality and want to be informed if this is the case.

Prof. Nantz asked if the AC might want to provide the BOT with a prioritized list of the items which the AC believes to be most significant such as travel budgets and faculty lines?

Prof. Tromley stated that she agreed with Prof. Mulvey that advising the Committee on Conference in such a way may invite the BOT’s involvement on the micro-level.
Prof. Mulvey stated that a prioritized list may not be the most advantageous option. Rather, the faculty can respond to the BOT if it negatively impacts the academic mission.

Prof. Preli asked if there was anything further for the Committee on Conference?

Prof. Mulvey inquired about the other short reports from subcommittees that were not included with the memo from Prof. Bowen.

Prof. Bowen stated that the chairs of these subcommittees had been reminded to send them in.

Chair Preli stated that the Academic Council advises the Committee on Conference to communicate to the BOT that it proactively, instead of retroactively, engage with the AC or the faculty regarding how budget changes will impact the academic mission.

b. Request to reconsider the Workers’ Bill of Rights

Prof. Rick DeWitt provided an overview and background on how the Workers’ Bill of Rights became an issue for the General Faculty as a result of the Justice for Janitors campaign at Fairfield University in the early 1990s. Prof. DeWitt stated that the language “All campus workers employed under subcontracting (or ‘outsourcing’) agreements shall be accorded these same rights” in the Journal of Record (JOR) is a policy statement and is not outdated. Prof. DeWitt requested that the AC reconsider its decision on April 4, 2011 to eliminate the Workers’ Bill of Rights from the JOR.

Prof. DeWitt indicated that the AC may want to consider other documents in which this statement should appear, yet, in the meantime, that this statement should be kept in the JOR. The group of faculty listed in the memo to the Academic Council on pg. 45 of the packet request that the AC amend the motion passed at the April 4, 2011 meeting.

Prof. DeWitt presented two motions that the Academic Council consider regarding amending the motion from the April 4, 2011 meeting and the JOR entry on the Workers’ Bill of Rights.

Prof. Rakowitz stated that a motion to amend did not seem to be in order given that the motion in question had already been implemented. Last spring, the AC Executive Secretary communicated to the SVPAA the Council’s motion to remove this item from the JoR and the SVPAA agreed with the Council’s decision. The item has been removed from the JoR. She also indicated that what the AC removed from the JOR was a statement about what the General Faculty endorsed, not a statement of university policy.

Prof. Rakowitz further stated that the Workers’ Bill of Rights is too vague to be policy although she is supportive of its principles.

**MOTION [Rakowitz/Nantz]:** that the Academic Council direct the ACEC to form a subcommittee of 3 faculty and 2 administrators to write policy language in the spirit of the Workers’ Bill of Rights language that the General Faculty endorsed on 4/17/98, and to recommend where this policy should be housed.

Chair Preli asked the AC whether or not Prof. DeWitt could speak for or against the motion and what his speaking privileges were.

Prof. Mulvey stated that with a motion on the floor, a non-member cannot speak on the motion.

**MOTION [Lane/Bayne]:** to grant speaking privileges to Prof. DeWitt as an invited speaker.

**MOTION PASSED:** 16 in favor, 0 opposed, 0 abstentions.
Prof. DeWitt stated that the language for the Workers’ Bill of Rights should not be taken out of the JOR and the language to amend it is not out of order since everything is amendable except in the most extreme situations.

SVPAA Fitzgerald spoke in favor of the motion, stating that all of the workers on-campus possess a right to unionize, although SunGuard is not unionized, and that President von Arx supports this Bill of Rights which is based on solid principles. SVPAA Fitzgerald asked, where might this Bill be best enshrined to speak to the values of this community: the JOR, Handbook, contracts – employees, contractors, etc. SVPAA Fitzgerald stated that it could be enshrined in many places such as our mission statement.

Prof. Dennin spoke in favor of the motion and asked about the inconsistency in Prof. DeWitt’s suggestion which involved leaving the Bill in the JOR “as is” and revising the language.

Prof DeWitt responded that it is a two-step process involving passing the first motion to put the language back in the JOR and then the second motion to amend the language put back in the JOR.

Dean Crabtree spoke in favor of the motion to create a subcommittee since this issue is complicated and supports a subcommittee that would give the issue due attention.

Prof. Mulvey spoke in favor of the motion, pointing out that the language has been removed from the JOR and the AC cannot unilaterally put it back in. Returning it to the JOR would need SVPAA Fitzgerald’s approval as well as the AC’s approval. Prof. Mulvey added that, as a member of the JOR subcommittee that worked for over two years on cleaning up the JOR, the subcommittee recommended and the AC approved of this removal because the Bill is not a policy statement. Prof. Mulvey stated that the General Faculty endorsed the statement of the Workers’ Bill of Rights and it was the position of the JOR Subcommittee that statements or positions of the GF are not appropriate for the JOR.

Prof. Nantz spoke in favor of the motion and, as a member of the JOR subcommittee, agreed with Prof. Mulvey regarding the JOR committee’s review of the Bill.

**MOTION [Nantz/Dennin]:** to call the question.
**MOTION to call the question PASSED:** 14 in favor, 2 opposed, 1 abstention.

**MAIN MOTION PASSED:** 16 in favor, 1 opposed, 0 abstentions.

**MOTION [Lane/Bayne]:** that the motion from the 4/4/11 AC meeting, “The Academic Council accepts all of the items listed in bullet 3 with the exception of #22 and #44” be amended to read “The Academic Council accepts all of the items listed in bullet 3 with the exception of #22, #44, and the section of the Workers’ Bill of Rights under #55.

Prof. DeWitt stated that he would be happy to sit on the subcommittee but that the language should not be taken out of the JOR.

Chair Preli asked if there was a ruling given by Roberts Rules of Order regarding whether or not a motion to amend is appropriate.

Prof. Rakowitz stated that motions to rescind a motion that has been implemented are in order only if the voting body is solely responsible for implementing the motion and that is not the case here.

**MOTION [Dennin/Rakowitz]:** to call the question.
**MOTION to call the question PASSED:** 11 in favor, 4 opposed, 1 abstention.
c. Two Proposed Motions from the Rank and Tenure Committee

Prof. Keenan introduced the first motion and offered background concerning its rationale as stated on p. 47 of the AC packet.

**MOTION** [Keenan/Rakowitz]: that the Executive Committee of the Academic Council form a subcommittee (consisting of an administrator and cross-school representation) to consider the inclusion of language in the Faculty Handbook and/or Guidelines and Timetable for Applications for Tenure and Promotion that recognizes the importance of community-engaged scholarship.

SVPPAA Fitzgerald spoke in favor of the motion, stating that we should be explicit in our rewards structure around this scholarship.

Prof. Nantz spoke in favor of the motion.

**MOTION PASSED**: 17 in favor, 0 opposed, 0 abstentions.

Prof. Lakeland, Chair of the Rank and Tenure Committee, referred the AC to the distributed handout (attached) that modifies the material in the AC packet. Prof. Lakeland stated that the first change removes reference to tenure-track positions and replace it with full-time positions, and the second change removes “consecutive.” Prof. Lakeland stated that these changes were made in order to better reflect AAUP standards. Prof. Lakeland stated that the Rank and Tenure Committee is responsible to the GF, and it did not want to include anything that would prevent its passage in the GF.

**MOTION** [Tromley/Zera]: that the following changes be made to the Faculty Handbook (additions in bold; deletions in strikethrough):

II.A.3.b.(3)
That *at the time of submitting the dossier*, the candidate for tenure shall have normally completed served a probationary period of not less than five years in a full-time position in the academic profession, not less than two of which years shall have been served at Fairfield University. **No one can be a candidate for tenure at Fairfield more than once.**

II.A.1.b.(3)
The normal requirements for appointment to the rank of Associate Professor are: […] (b) five six years experience in the rank of Assistant Professor. **An extraordinary petition for an early consideration of a tenure petition would require the support of two-thirds of the candidate’s appropriate faculty.**

Prof. Tromley spoke strongly in favor of this motion, stating that the current policy allowing candidates to go up twice can undermine their ability to achieve tenure.

Prof. Mulvey agreed that the language regarding going up for tenure more than once needed to be cleaned up. Prof. Mulvey indicated that the term “normally” may add too much wiggle-room and allow faculty to file a grievance with the AAUP. Prof. Mulvey questioned if “No one can be a candidate more than once” effectively shortens the probationary period agreed upon at the time of hire. Prof. Mulvey stated that if someone comes up early, and gets turned down, then they get a terminal contract the following year, but the candidate may have a letter of appointment that says
that they have a 6 year probationary period. Prof. Mulvey stated that she supported fixing the language so that the candidate applied once.

Prof. Nantz asked a point of information regarding whether there is such a thing as a 6 year contract.

SVPAA Fitzgerald responded that at the time of hire there is a discussion between the faculty member and the Dean regarding time toward probation and appointments at rank, and there can be negotiation at that point. SVPAA Fitzgerald stated that the initial letter of appointment may account for previous service and its applicability towards tenure, and a maximum probationary period is stated.

Prof. Walker asked a point of information regarding whether or not there would be grandfathering for current faculty members.

Dean Crabtree asked what is the will of the Rank and Tenure Committee regarding the grandfathering of current faculty.

SVPAA Fitzgerald stated that the initial letter to the faculty member is the most important, and they would be allowed to choose the better of the two; nothing would be done to change the conditions under which they began other than to make it better.

Prof Nantz turned to the second part of the motion and asked if those in an extraordinary position cannot reapply.

Prof. Keenan stated that the Rank and Tenure Committee does not want candidates to be able to reapply.

Prof. Lane asked for clarification regarding the fact that the first part of the motion refers to five years and the second says six years.

Prof. Lakeland stated that the first part of the motion indicates when a candidate can apply for tenure - in sixth year - and the second part of the motion applies to appointment.

Prof. Lane asked for clarification regarding the case where someone applies for tenure with approval of SVPAA and it is not given but they receive promotion.

SVPAA Fitzgerald stated that the Rank and Tenure Committee would decide and their recommendations go to the President which could allow for a promotion in rank but not tenure.

Prof. Sapp stated that he did not see a problem since the contract would be the actual date of employment.

Prof. Keenan asked a point of clarification regarding including the term “normally” to address the issue raised by Prof. Mulvey.

MOTION [Mulvey/Sapp]: to amend the main motion to delete “normally” in Section II.A.3.b.(3).

Prof. Mulvey spoke in favor of the motion, stating that “normally” means anything goes.

Prof. Sapp asked what if we hire a corporate person for the President – that person does not have tenure since they are not an academic.
Prof. Dennin stated that if “normally” is taken out, then the only choice is to complete five years before applying.

SVPAA Fitzgerald stated that a senior hire with rank and tenure at another university would have to give that up that and go through a two year period before receiving it here.

Prof. Shea stated that she was not sure if it helps at all to include “candidate for tenure is expected to have completed a probationary period.”

Prof. Walker stated that the language means that a candidate has to be here for two years before applying and that is the limit.

Prof. Tromley stated that she did understand the need to take “normally” out and supported removing it since she did not support having anyone move to tenure and promotion without at least five years in the academic profession.

SVPAA Fitzgerald posed a hypothetical to consider amending the text to read “with the exception of those who are tenured at the time of initial appointment” which would allow the university to bring in this person from another university as a senior hire.

Prof. Dennin returned to the language “shall have completed a period of five years” and the fact that there is not an extraordinary petition in second motion.

Prof. Mulvey asked for a point of clarification regarding whether or not a candidate can apply for extraordinary petition after one year.

Prof. Dennin stated that the term “normally” may be included so that people can come up early in extraordinary cases.

After discussion, the pending MOTION to amend was WITHDRAWN [Mulvey/Sapp].

**MOTION [Nantz/Shea]: to amend the main motion, replacing "...shall have normally completed a probationary period..." with "...is expected to have completed a probationary period..."

Prof. Lane asked a point of information, is this consistent with the Handbook regarding the exceptional cases in which the Rank and Tenure Committee can determine this?

Prof. Lakeland stated that there is a line in the Handbook for unusual qualifications that allows the President to ask the Rank and Tenure Committee for a recommendation.

Prof. Keenan spoke against the motion, stating that he did not see how this changes the “normally” language, a term used pervasively throughout the Handbook.

**MOTION [Mulvey/Petrino]: to recess the AC meeting to November 21, 2011.**

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

Respectfully Submitted,
Jocelyn M. Boryczka

Approved by the Academic Council on December 5, 2011.