ACADEMIC COUNCIL
Minutes of Meeting on
Monday, December 3, 2012

Present: Professors Steven Bayne, Mousumi Bhattacharya, Nancy Dallavalle, Joe Dennin, David Downie, Bob Epstein (Executive Secretary), Chris Huntley, Dennis Keenan, (Chair), Ginny Kelly, Phil Lane, Elizabeth Petrino, Susan Rakowitz (General Faculty Secretary), Shawn Rafalski, David Sapp, Joyce Shea, Cheryl Tromley, Roxana Walker-Canton.


FUSA Representative: Robert Vogel.

Invited Guests: Profs. Olivia Harriott, (item 4d) and Mark Scalese, S.J. (item 7e), VP Tom Pellegrino and Dean Karen Donoghue (item 7f)

Regrets: Prof. Wendy Kohli.

Chair Keenan called the meeting to order at 3:30 p.m.

1. Presidential courtesy

SVPAA Fitzgerald S.J. announced that Professor David Sapp has been appointed Associate Vice President for Academic Affairs. He would have most of the responsibilities that Beth Boquet had under the same role.

SVPAA Fitzgerald S.J. updated the committee on admissions cycle. This year’s early applicant pool is 12% larger than last year’s. This is early action, not binding - 4892 early action applications, more AHANA categories, twice the number of international applicants. Dolan School of Business applications continue to climb; it is 29% this year. This year we continue to be test optional; SAT scores have jumped up 20 points. Next step is to bring admitted students to campus to make deeper connections. Admitted students (early action, early decision and regular decision) will be given the opportunity to meet the Deans and the faculty. This will create a deeper connection to Fairfield and help drive yield.

2. Report from the Secretary of the General Faculty

Professor Rakowitz reported that she has received a working draft from senior management team on the strategic plan "refresh". She pointed out that it should start in Educational Planning Committee (EPC) for faculty input.

Dean Crabtree said there is one factual correction. Strategic planning draft is developed from respective school faculty plans. So it was vetted by faculty.

3. Report from the Executive Secretary

a. Approval of minutes of November 5, 2012

   MOTION (Lane/Petrino): To approve the draft minutes of Nov 5, 2012.

   MOTION PASSED: 15 in favor, 0 opposed, 1 abstention.

b. Correspondence - none
c. Oral reports - none

4. Council Subcommittee Reports
4d. Subcommittee to consider the implications of moving to Division III Athletics

Professor Harriott reported on Varsity Athletic spending (see report attached)

Mark Reed, Vice President for Administration, attended the third meeting of the subcommittee and provided data on Varsity Athletic spending. The data comes from NCAA database. Fairfield University spends above the MAAC average, but is on par with local schools (Quinnipiac, Holy Cross) on expense as a percentage on total. The subcommittee had a lengthy discussion with Reed. On the issue of moving to Division III, Reed pointed out that it has not been done by our local schools. Recommendations of the subcommittee are on the report. One of the main recommendations is that the Athletics department needs to rationalize spending and make the outcomes more transparent.

Professor Keenan: What would a Division III move signify?

Professor Hariott: The subcommittee talked about Loyola Maryland moving out of the MAAC.

Professor Sapp: A major expense is travel. Our cost would go up if we change conferences, for example if we join Patriot League.

Professor Huntley: We need additional endowment to get into other leagues.

Professor Tromley: One school had successfully made the transition - Cornell went back in four months to Division I from Division III.

Professor Dallavalle: Is it possible to look at a particular game, men’s Lacrosse, to see whether one sport can be downgraded?

Professor Lane: It is not possible.

Professor Epstein: Fairfield has 20 sports and 60 coaches. Are all these coaches are full time?

Professor Sapp: No.

Professor Epstein: I would like to know the break down between full time and part time. Also, how do we judge the academic performance of students?

Professor Huntley: The Golf team has 3.6 average GPA. The Athletic department has a goal of maintaining GPA, Fairfield has one of the highest graduation rates among athletes.

Professor Harriott: VP Reed said that moving to division 3 would signal financial problems and that would be bad for morale.

Professor Epstein: Did anyone point out to VP Reed that forcing the faculty and staff to accept financial sacrifices on account of a financial crisis also signals financial problems and is bad for morale?

Professor Huntley: The subcommittee specifically brought up the increase in salary, $400,000 from 2010 to 2011. It turns out that was due to hiring in the basketball program.

Professor Epstein: Part of it was that we were hiring the basketball coach away from the university with the highest per capita endowment in the world.

Professor Dennin: There are two types of sports - Red and white, red are the good ones. We have the red sports, the more expensive ones.

Professor Dallavalle: It seems to me that a variety of factors can be used to judge performance.

Professor Bhattacharya: Are there numbers for attendance, viewership?
Professor Lane asked Professor Harriott whether the subcommittee received goals from the President for Athletics. Professor Harriott replied that the goals are not transparent.

Professor Lane: The University of Chicago and City University of New York are Division III. NCAA provides these goals - ethnic background, grow leaders, balance male/female, financial benefit? to the university, entertainment to students. However, we do not have goals and objectives here. 16 million dollars is a high expense.

Professor Harriott: The Dashboard of the NCAA database has 26 indicators; the subcommittee had access using the President’s code.

Professor Keenan: Are schools measuring these goals?

Professor Lane: They are hard to measure; but if your spending is high, you need to measure them.

Professor Walker-Canton: Have there been any cuts in Athletics department?

Professor Lane: No.

Professor Walker-Canton: What are the problems of Division III?

Professor Lane: Wesleyan etc. are not going to take us in Division III.

Professor Huntley: Our expenses would be up.

Professor Harriott said that the issue of lack of transparency is not unique to Fairfield. To address it the NCAA database dashboard was revamped it in 2008. Only the President and VP Reed have access to it.

Professor Tromley: What impact can the Academic Council have in this process? We can’t even change the exam schedule.

Professor Rakowitz asked why expenses doubled over 2004-2012.

Dean Crabtree: One factor, as presented to the Budget Committee, is that sports information moved from the Marketing Division to the Athletics Division. We do not have a comparative Marketing picture to see if its expenses were adjusted.

Professor Huntley: We can see decisions made in prior years.

SVPAA Fitzgerald S.J.: A faculty member is on the Athletics Committee, so faculty have oversight regarding the athletic budget. A vibrant athletics adds to University life. The white sports coaches are not full time. All athletes have higher than average GPA. Coaches cut up scholarship monies and spread it among students. A lot of it converts into need based aid.

Vogel (Student representative): MAAC doesn’t really do anything from the competition aspect. Only Loyola matters. He would be personally against it. Lot of schools in the Patriot League are comparable institutions. We should be doing all things that Professor Lane mentions.

Professor Lane: When strategic planning was done, a consultant was brought in. He was asked whether he should consider Division III? He said no, he was a Division I player. We lost an opportunity in hockey. Lacrosse has become too expensive; we are a basketball school. Women sports are getting ahead of it. We need revenue statistics on individual sports, cost statistic on individual sports, total number of scholarships to men and women.

Professor Harriott said that we have sport by sport break down.

Professor Epstein recommend that the discussion be moved to the Athletics Committee
MOTION (EPSTEIN/SAPP): The discussion on Varsity Athletics spending, based on the Academic subcommittee report be moved to the Athletics Committee.

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

Professor Huntley noted that he is appointed NCAA representative by the President. He succeeded Milo Peck. He represents an athlete when no one else would. He works for the President, not the athletics department. He scrutinizes the Budget. Leaving MAAC has a huge penalty. We need to see what Geoergtown, Seton Hall, Providence are doing.

Professor Epstein requested that AC rearrange the agenda to bring in New Business as a guest is waiting.

MOTION (EPSTEIN/LANE): To move New Business before agenda item number 5.

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

7. New Business
   e. Closure of Radio concentration

Professor Scalese S.J. from Visual and Performing Arts formally requested the Academic Council to support closure of the Radio component of the Film, Television and Media Arts program. This is a recommendation from the five-year review of the program. The program was approved as a major in 2004, began in Spring 2005. It was reviewed because it is a new program. The reasons for this recommendation are: first we have had very few radio majors – the last major to graduate was in 2010; nobody is majoring in radio now. Second, there is disparity between film majors and TV majors. We want to balance it. Film majors perceive they are getting more attention. Third, we want students to have a broader experience. Compared to others, they can now have a narrow but deep major. We would move the history requirement from 2 to 3.

Professor Rakowitz mentioned that the curriculum revisions have undergone review. We only need to review the Radio closure. Also the name of the major would need to be changed as it would go into the Journal of Record.

MOTION (LANE/DOWNIE): To close Radio track and change the name of the New Media: Film, Television and Radio program to Film, Television, and Media Arts.

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

f. Sexual misconduct policy

Chair Keenan directed the Committee to pages 36-37 of the Meeting Agenda packet.

Tom Pellegrino, Vice President for Student Affairs, described the policy for faculty if students come to them and report sexual misconduct. There is current discussion in Hartford about a change to the state requirement for reporting misconduct to appropriate authorities. The Federal Law is not very clear. The Clery Act, Title IX, Title VII provide guidelines. Are faculty members campus security authorities? Generally, the answer is no under the Clery Act. Title VII has provisions for sexual harassment in the workplace – if you are a supervisor of an employee, you need to report a sexual assault. Title IX adds sexual harassment to be reported, in addition to assault. We were called by the Connecticut State Legislature on a series of hearings. Some Fairfield employees are already mandated to report, the State is not there yet but is likely going to expand the categories of mandated reporters. We can have our own policy based on different groups. Recommendation of general authorities is to have a reporting policy. Title IX coordinators should decide how to report
when complaints come in. UConn and Wesleyan are reporting. So we felt that we should be reporting too. To sum up, there are three federal statutes that require some reporting for some groups. The State is poised to do something. A lot of schools have changed their policies. One question, what about the confidentiality relationship between faculty and student – point is that confidentiality is not a legal requirement. It is not protected by statutes.

Professor Walker-Canton: if a victim comes and talk about it, not report it, and is over 18, why should we be reporting it?

VP Pellegrino: In the majority of such circumstances it is necessary to find the access points (faculty, residence life, public safety). You give them options, for example a brochure. Yes, faculty is required to report it, under our policy.

Professor Dallavalle: Is it correct that “reporting” is not equivalent to “filing” a complaint?

VP Pellegrino: Yes

Dean Crabtree: Dawn DeBiase in my office is one of the trained people. I have asked her to write up a script. “Just so you know I am a mandated reporter, I can put you in touch with a confidential reporter who is not a mandated reporter.” It may have a chilling effect but also give them a resource.

Professor Rafalski: What is the status of a faculty member who is a mentor?

VP Pellegrino: Same as everybody else. An argument can be made that you may have an increased responsibility.

Professor Rafalski: We may have confessional responsibility.

VP Pellegrino: The law expects increased responsibility if it goes to court.

Professor Bayne: Is it true that charges would not be automatically filed if something is reported? It is the right of the victim to decide whether or not to press charges. Would Security contact the victim?

VP Pellegrino: The university’s Title IX agent does the investigation, Security is the first responder. An investigation can end quite quickly. The University can proceed if it can have effect on the community. The university counsel decides whether to continue with an investigation.

Professor Bayne: Suppose an assignment in class reveals sexual misconduct. Does the faculty member have to report it?

VP Pellegrino: If the student is giving you information for an assignment, not for discussing the incident, it is not a claim. So a fair argument can be made that it is outside the purview.

Professor Bayne: Office hour discussions? Are they reportable?

VP Pellegrino: My inclination is no. You can have Title IX investigator proceed on it.

SVPAA Fitzgerald S.J.: What are the values in our community? Every person merits respect. Sexual harassment is rampant in society. If it comes from an employee to a student there is a power differential involved. When such knowledge comes to the attention of a faculty member, this is the point of the reporting responsibility. I have been part of a few investigations. It is a good thing because sometimes the victims step up and make a complaint, the bad behavior is investigated and stopped, and it is not repeated on others.

Professor Huntley: Who are protected under confidentiality?

VP Pellegrino: Counseling, Campus ministry. If the victim is a minor, call 911.
Professor Huntley: Do we have to investigate date, time etc?

VP Pellegrino: No, provide what information you have. The idea is, from an external viewpoint, universities should not be perceived as sitting on this information.

Professor Walker-Canton: I feel some of it goes against Jesuit pedagogy – reflection etc. I feel that students are opening up personal lives without recognizing the reporting requirement. I think it is a backlash from Penn State.

VP Pellegrino: I can provide you with standard that courts use when Universities have been sued. If there are pedagogical concerns, I am all for disclosures in the syllabus. So give some scripted language ahead of time.

Professor Epstein: I share some of the same concerns that my colleagues have. Reflective essays, major memoir requirement. If we are having this language, then we need to detail the obligations. Also, what is the difference between the conversation being private and confidential? What concerns me most is the word ‘misconduct’. I don’t know what it is.

VP Pellegrino: it is the broadest possible language.

Professor Epstein: Don’t you see the problem with it? From the administration point of view broad is good, but for faculty we need more specific language because we are implementing it. I need to know what misconduct it.

VP Pellegrino: The Student Handbook defines it. The question raised here is could we craft some language for faculty member to say, this is a case when the policy does not apply? I have a lawyer engaged to work on exclusions (such as memoirs, reflections, etc.)

Chair Keenan: We are beyond time. Two more questions, then we want to adjourn.

Professor Dallavalle: I understand Roxana’s point, but our students feel that they told someone. It is our responsibility to take them to the right place.

Dean Babington: Nurses are mandatory reporters for everything. So we have scripted language for everything. A student relates something about an incident of childhood abuse. We still have to report.

Professor Sapp: Faculty should not think of themselves as repository of confessions. I have several acquaintances who sue regularly. We are not friends of students.

Professor Sapp: Can we vote on whether or not we should put this on a future agenda?

Professor Epstein: We already voted that, and we are discussing it now.

Vogel (student representative): If a student is coming to a faculty member, it shows that they are ready to talk to somebody. Faculty members are not trained to do the talking. Mentors are more equipped. But reporting is helping the student to go to somebody who can help them.

Chair Keenan: I need a sense of whether we need future discussion on this.

Professor Rakowitz: My understanding is that we do not have too much leeway with the law.

VP Pellegrino: That is correct.

Chair Keenan: Do we need to learn more about this?

Professor Petrino: I do. I am in favor of a venue for more discussion. For example, what is the difference between misconduct and assault? It is in the student handbook but not in the faculty handbook.
Professor Bayne: I suggest that the Academic Council form a sub-committee to study this.

Professor Lane seconded.

Professor Walker-Canton: That would be a good way to bring back suggestions.

Professor Shea: What is the subcommittee supposed to do?

Professor Bayne: For example, language on exclusions. Do more research than we would be able to do here.

Professor Walker-Canton: For example, victims – are they ready to go to a broader audience? For me a further discussion on that is needed.

Professor Dallavalle: I would be hesitant to form a subcommittee right now. Let it play out somewhat so that we have more information.

MOTION (BAYNE/LANE): To form a subcommittee of the Academic Council to study the Sexual misconduct policy

MOTION TIED: 7 in favor, 7 opposed 0 abstentions.

Chair Keenan: I will vote in favor of the motion, only because it is very close, and we should continue the conversation.

MOTION PASSED. 8 in favor, 7 opposed 0 abstentions.

MOTION (DALLAVALLE/BAYNE) to adjourn.

Motion passed unanimously.

Respectfully submitted,
Mousumi Bhattacharya
Academic Council Ad Hoc Committee Report  
December 3, 2012

Academic Council Ad Hoc Committee Members: Katsiaryna Bardos, Olivia Harriott (Chair), Chris Huntley, Vin Rosivach, David Sapp.

Charge: Investigate three issues regarding Varsity Athletics at Fairfield University:
  1. Current annual budget on varsity athletics
  2. Costs savings if Fairfield University were to move to Division III
  3. What would be the impact on morale if this were to happen?

The committee met four times this fall. Mark Reed, Vice President for Administration and Chief of Staff, was invited to the third meeting to discuss the management of varsity athletics and to share his perspective on a move to Division III.

Fairfield University Varsity Athletics Quick Facts
- 20 varsity sports: 9 men’s, 11 women’s
- 60 coaches; some have bonus contracts with performance-based incentives
- 420-430 varsity athletes, 600 students in club sports
- 106 full scholarships; $5,677,000 (12% of total financial aid budget) for 2010-11
- Most expensive sport teams in order: men’s and women’s basketball, men’s lacrosse, women’s and men’s soccer

Strategic Goal of Athletics:
President von Arx quote: “to become the number one mid-major school in both the state and the region” (in “Loyola leaving the MAAC,” The Mirror, vol. 38, Iss. 1, p. 18).

Athletic Director Gene Doris quote: “Our goal is to have Fairfield dominate the MAAC and become know as Connecticut’s best mid-major school,” (in “Steps TowardAchieving Growth and Success, 2007-2012: The Athletic Strategic Plan,” Fairfield Now, Summer 2007, available on line at http://www.fairfield.edu/publications/fn_sum07athplan.html

He made a similar statement in the CT Post in August 2012: http://www.ctpost.com/sports/article/Loyola-leaving-MAAC-not-a-shock-to-Fairfield-s-3825731.php

Data from the NCAA Dashboard*:
Fairfield U. athl. expenditures/student athlete (percentile compared to MACC, private institutions, local schools, Div I schools w/o football)
Fairfield U. athl. expenditures/student athlete (annual trend; 2007-2011)
Fairfield U. athl. expenditures/institutional expenditures (percentile)
Fairfield U. athl. expenditures/institutional expenditures (annual trend)
Fairfield U. total athletic expenditures (percentile)
Fairfield U. total athletic expenditures (annual trend)

*Trend in athletic expenditures at Fairfield University:
FY 2004: $ 8,253,475
FY 2010: $ 14,507,827
FY 2011: $ 15,681,051
FY 2012: $ 16,405,769

Summary:
Moving to Division III. According to Mark Reed, universities haven't made this move. He added that doing so would send the signal that the university is struggling financially and would create a morale problem that could negatively affect enrollment.

Summary of Committee Findings and Recommendations:

• We're spending a ton of money on athletics
• In the current tight financial situation athletics should come under the microscope like everyone else;
• Win/lose records are not enough;
• The athletic program is said to aid recruitment, fund-raising, etc., but apparently there are no data to prove or disprove that it does;
• University needs to get data and use it to quantify benefits of athletic program;
• If the University doesn't know how to get data, learn from schools that do;
• Share data with the university community: if we're all taking a hit in compensation, etc. we should at least know that athletics spending is rational.