Chair Rafalski called the meeting to order at 3:32 PM.

1. Presidential Courtesy

SVPAA Fitzgerald reported that he would be proposing a new committee (University Assessment Committee). He will include a rationale and detailed description, including the need and proposed composition, as a correspondence item on the next AC agenda.

Professor Thiel asked for clarification on who is proposing the committee and SVPAA Fitzgerald responded that it is he and Associate VP for Academic Affairs, Christine Siegel.

SVPAA Fitzgerald announced that Dean Berdanier has been communicating with Professor Mulvey (Executive Secretary of the AC) regarding moving the Computer Science program from the department of Mathematics and Computer Science to the Software Engineering department in the School of Engineering, specifically under Software Engineering. SVPAA reported that this move is time-sensitive and requested that the AC take this up sooner rather than later.

Professor Rakowitz questioned why the Undergraduate Curriculum Committee (UCC) had not vetted this change.

Professor Downie asked what the temporal urgency related to.

SVPAA reported that this was primarily related to issues of advising.

Professor Mulvey pointed out that this item was not on the current agenda and that the conversation appeared to be out of order.

2. Report from the Secretary of the General Faculty

Professor Rakowitz reported that the search for a new SVPAA is proceeding, but there were no new developments to report.

3. Report from the Executive Secretary
Professor Mulvey reported that there were no draft minutes to review from our previous meeting and had nothing else to report.

4. Council Subcommittee Reports

None.

5. Petition for Immediate Hearing

MOTION (Fitzgerald/Dennin): Add a discussion of moving the Computer Science program to the School of Engineering to the current AC agenda.

Professor Downie suggested that we wait until next month to discuss this item, given the full agenda we were considering at this meeting.

MOTION FAILED: 2-11-3

6. Old Business

Report from the Education Technology Committee (ETC): Presented by Professor Mark Scalese

Chair Rafalski acknowledged on behalf of the executive committee the work of the ETC since September. He also requested that the body acknowledge and respect the expertise of our colleagues and engage in cordial discussion. Chair Rafalski recognized that we had guests at the meeting and reminded the council that speaking privileges must be granted in order for these individuals to participate in discussions. He requested that the body hold off on a motion to grant such privileges until the report was given and the council had an opportunity to deliberate.

Professor Scalese reported that the submitted report was thorough and included interviews with representatives from all involved parties. He stated that he felt that the report spoke for itself.

Ultimately the ETC concluded that CIO Paige Francis did not adequately make a case for shutting down Mentor, and this impacted the manner in which the report was written. The ETC was unable to ascertain the precise nature of “the security issues”; they were only told that they existed. Professor Scalese reported that numerous opportunities were provided to all constituencies to submit evidence of concerns. The ETC concluded that there was not sufficient evidence of justification to shut down mentor.

Professor Greenberg asked, in reference to a recommendation in the report, “to whom should this decision be justified?” He suggested that it was justified to the SVPAA by the CIO. Professor Greenberg suggested that the role of the AC is to assess the process and/or procedural issues, not to evaluate the substance of such a decision.

Professor Scalese reiterated the charge provided to the ETC by the AC. This included reporting on (1) what led to the decision, (2) how the decision was made and (3) the appropriateness of the decision (to shut down Mentor).

Professor Kris asked if the ETC was ultimately recommending that Mentor be turned back on.

Professor Scalese responded no. The ETC concluded that the university should work with Axiom to investigate potential issues with the reinstatement of Mentor that may need to be remedied.
Professor Kris asked if this had been done.

Professor Scalese said no.

Dean Babington asked if the ETC was recommending that both Blackboard and Mentor be available for use by the university community.

Professor Scalese said yes.

Professor Thiel suggested that the final report was fair. However, he questioned the notion presented within the report that Professor Naser’s reputation had been “impugned” in this process. Professor Thiel’s interpretation was that Professor Naser’s work was criticized. He suggested that, as scholars, we are all subject to criticism. He stated that CIO Francis judged that there were programmatic issues with Mentor, and that this was not meant to impugn Professor Naser personally.

Professor Scalese responded by stating that the ETC felt empathy for Professor Naser and wanted to show their support of his work.

Professor Thiel acknowledged that he understood this sentiment but felt that making the accusation that Professor Naser’s reputation had been impugned was excessive.

Professor Dennin asked if the ETC was recommending that both of these programs (Mentor and Blackboard) be available. In his reading of the report he concluded that the ETC was suggesting that either we reinstate Mentor or we need to conclude that the issues associated with it are insurmountable.

Professor Scalese felt that this was an accurate conclusion to draw.

Professor Mulvey suggested that the group was discussing issues not covered within the ETC report (e.g., Blackboard). The fundamental finding by the ETC was the recommendation that evidence be provided for the permanent shut down of Mentor, or Mentor should be reinstated.

Professor Kris stated that it seemed that the ETC provided CIO Francis with the opportunity to provide evidence supporting her allegations, and she did not comply with this request.

Professor Storms stated that this was the case. Solid evidence was not provided.

Professor Greenberg recognized that CIO Francis has the prerogative to make these determinations (to shut down information systems). While we might find her decision regrettable, he asserted that the report's conclusions were incompatible with the text of the report.

Professor He disagreed, stating that the ETC was charged with three tasks that included an assessment of the final decision.

Professor Huntley acknowledged the weekly ETC meetings for several months, as well as the writing of the extensive report and asked if there was any expectation that this issue might go back to the ETC.

Professor Scalese said no.

Professor Mulvey acknowledged the ETC’s work on a very difficult issue. She asked if the ETC had been contacted by CIO Francis prior to the decision to shut down Mentor.
Professor Scalese stated that the ETC reached out to CIO Francis earlier in the summer and was told that there were no plans for changing anything.

Professor Storms reported that there was “some talk” earlier in the summer about imminent changes. However, the ETC had no prior specific knowledge of the decision to shut down Mentor.

Professor Rakowitz asked for clarification. She wanted to confirm that the ETC was not making any suggestions regarding whether Mentor should be retained in the long term. They were simply investigating the emergent nature and reasoning for shutting down Mentor in the manner in which it was done. Professor Scalese confirmed.

Professor Downie asked if there were any other issues raised, such as, was the institution concerned with having multiple systems available or were there legal issues raised? When CIO Francis announced the security flaw, did she express legal concerns regarding turning it back on?

Professor Lee-Wingate asked for clarification, wanting to confirm her understanding that the original agreement between the university and Axiom included free access to Mentor for Fairfield University as well as a share in royalties for the university. The subsequent agreement did not include free access for Fairfield University or shared royalties, and in fact the university agreed to pay for the use of Mentor.

Professor Scalese acknowledged this change in the agreement between Axiom and the university and stated that his understanding was that this was an agreement negotiated between the vendor and a school.

Professor Steffen asked for clarification of the AC’s role. He acknowledged that there were no individuals present who could represent CIO Francis’ stance on the issues discussed.

Chair Rafalski stated that the AC was free to do anything with the information.

MOTION (Huntley/He) (3-part):

A. That presentation of the ETC report, by the ETC, be put as a priority item on the agenda of the 3/14/14 GF meeting.

B. In light of the ETC Report, the Academic Council calls for the administration to immediately and fully reinstate Mentor.

C. The Academic Council instructs the Conference Committee with the Board of Trustees to immediately forward the ETC Report, and the recent faculty letter with signatures, to the entire Board of Trustees.

Professor Rafalski excused Professor Scalese and thanked him for his report.

MOTION (Mulvey/Downie) to divide the motion on the table into 3 motions.
MOTION PASSES: 16-0-0

Motion A:
MOTION (Huntley/HE) that the presentation of the ETC report, by the ETC, be put as a priority item on the agenda of the 3/14/14/GF meeting.

Discussion of MOTION A:
Professor Rakowitz stated that she felt it made sense to present the ETC report to the General Faculty.

Professor Mulvey concurred and added that she would suggest that the AC’s conclusions be presented to the general faculty as well.

**MOTION** (Fitzgerald/Dennin) to postpone consideration of this motion (A) until we discuss motions B and C.
**MOTION PASSED.**

**MOTION (B)** (Huntley/He): In light of the ETC Report, the Academic Council calls for the administration to immediately and fully reinstate Mentor.

Discussion of MOTION B:

Professor Greenberg spoke against this motion. While he is sympathetic that individuals would like to continue to use Mentor, there is an appropriate body (CIO Francis who garnered support from SVPAA Fitzgerald) that maintains the authority to make the decisions made. He further stated that he feels that the AC should concern itself with assessing the process, not evaluating the specific issues raised. He stated that it appeared that the CIO acted in good faith, and that she has the right to make the decisions she made – and in fact she consulted with other administrators prior to making her decision. Professor Greenberg stated that he does not believe that the issue itself is within the purview of the council.

Professor Huntley stated “even individuals with authority make mistakes, and that they need to be held accountable.” He felt that we were not questioning anyone’s role. However, he argued that it is the role of the AC to “complain” when something happens that might negatively impact the faculty. He is uncomfortable with the notion of agreeing to every decision made by every person in authority.

SVPAA suggested that the ETC did not in fact state that CIO Francis made a “bad decision”. He further explained that while he was consulted on this decision, he did not play a part in its final disposition. CIO Francis reports to Kevin Lawler, not to SVPAA Fitzgerald. SVPAA Fitzgerald felt that his role was to garner assurances that the academic unit of the university would not be negatively impacted by any decision reached.

Professor He stated that it seemed that the decision to shut down Mentor was made very quickly. In addition, he reiterated that the ETC had been assured that such a decision would not be made until they were consulted. His primary concern was regarding the negative consequences of the shutdown, particularly that many faculty members were negatively affected.

Professor Thiel agreed with Professor He that there were procedural issues associated with the shutdown of Mentor. However, the motion on the table was concerned with substance, not procedure. He felt that if we vote in favor of the motion on the table, we are essentially concluding that CIO Francis lacked sufficient competence to make the decision she made. Professor Thiel felt that while we might be able to conclude that she didn’t explain her reasoning well, concluding that she is unable to make a proper decision is extreme.

Professor Downie spoke against the motion as it currently stands, as the consequences of supporting such a motion could result in the conclusion that CIO Francis was not competent to do her job. He suggested that we continue to discuss the process, prior to addressing the substance of the decision.

Professor Greenberg stated that we do not currently have a procedure regarding what we should do when a “bad decision” is made.
Professor Kris suggested that we are not suggesting that CIO Francis is incompetent. She was a new employee, unfamiliar with our model of shared governance. Reinstating Mentor might allow her to retrace her steps and reevaluate her decision. It would give her the opportunity to process the decision through proper channels. Faculty members should have input. She spoke in favor of the motion.

Professor Dennin spoke against the motion stating that we have a committee that spent a semester on the development of a thorough report. We should be supporting their recommendations. He suggested that the AC propose that either evidence is presented supporting the shutdown of Mentor or the system is reinstated.

Professor Lee-Wingate agreed that the AC should concern itself with the procedure followed in the shutdown of Mentor. She stated that the process did not include notification to the ETC or the AC and should, therefore, not be supported by the AC. However, she felt that the main issue is that there is data stored on Mentor that is vital to many faculty members and this data will soon be deleted.

SVPAA Fitzgerald spoke against the motion for reasons that had been previously voiced. He reiterated that he did speak in favor of the faculty, but that a decision had to be made very quickly.

Professor Huntley suggested that, at a minimum, the AC support a delay in the deletion of data on the Mentor system. He stated that we had very recently received an email stating that all data will be deleted shortly and suggested that we provide some assurance that this will not occur while this issue is in discussion.

Professor Greenberg wondered if there might be a legal issue to consider. He suggested that the AC is not in a position to make the judgment that we are not in legal jeopardy.

SVPAA Fitzgerald said that he wanted to make sure that any data is protected. He will support a request to not delete data.

Professor Yarrington expressed 2 concerns. First is to acknowledge that she is in agreement that the AC should make assurances that no data will disappear. The second is that she is unsure regarding the suggestion that there might be a security breach associated with Mentor. While she wants to believe Professor Naser, there were no opposing voices present to clarify this issue.

Professor Huntley, speaking in favor of the motion, reminded the AC that Mentor was in fact inspected nightly for security issues. MacAfee reviewed the system every night and never discovered a security breach. He stated that we do not need to trust Dr. Naser regarding this particular issue, as a third party has been assuring privacy. Additionally, he pointed out that we have continued to use Mentor for our campus-wide IRB process. He suggested that we put the security issue to rest.

Professor Lee-Wingate added that we also have very competent experts on the ETC committee and suggested that we trust these colleagues. The report did not substantiate any security breaches associated with Mentor.

**MOTION** (Greenberg) to call the question.
MOTION FAILS: 6-10-0

**MOTION** (Kris/He) to postpone the current motion until we vote on giving speaking privileges to the guests in attendance.
MOTION PASSES: 11-5-0

**MOTION** (Kris/He) to allow the guests speaking privileges.
Professor Rakowitz spoke against the motion suggesting that it might be unfair to allow this subset of individuals to speak when we do not have any representatives to argue the opposing view.

Professor Thiel suggested that we allow the guests speaking privileges, but limit the time allocated to speakers.

Professor Mulvey voiced her concern that there were no representatives present who could speak for CIO Francis.

Professor He spoke in favor of the motion, as these colleagues came to the meeting with the intent of speaking. He supported setting time limits, but felt that we should respect our colleagues who attended by allowing them to voice their concerns.

MOTION (Thiel) to call the question.
MOTION PASSES: 11-3-3

MOTION (Kris/He) to allow the guests speaking privileges.
MOTION PASSES: 11-3-2

Professor Naser explained that if a scholar were to submit an article and was accused of plagiarism, they would expect this claim to be substantiated. The issue under discussion began with CIO Francis making a public charge that there was a security breach associated with Mentor. Professor Naser took this as a very serious allegation. CIO Francis was then asked to provide evidence that this claim was in fact true. According to the ETC report, she did not supply this evidence and simply stated, “this is my job, and this is my judgment”. She was given numerous opportunities to provide evidence of her claim to the ETC and failed to do so. Professor Naser suggested that this was grossly irresponsible and that she failed in her duties.

Professor Gordon stated that, having attended the ETC meetings where these issues were discussed with the parties involved, the CIO did not provide evidence of her claims related to security breaches associated with Mentor. However, Professor Naser did provide evidence that security breaches did not exist within the Mentor system. She stated that CIO Francis made the claim that when she logs onto the IRB page, she can “see everything”. Dr. Naser then demonstrated that this was not accurate. CIO Francis also suggested that it was possible that the Mentor servers could be located in a foreign country, which puts the data on those servers at risk. However, she never asked Professor Naser where the servers were located, and in fact they were in Virginia. Professor Gordon then asked Professor Storms if she was interpreting the ETC report correctly.

Professor Storms reported that everything that the ETC discovered in its investigation was in the report and that Professor Gordon’s interpretations were correct.

Professor Massey spoke specifically to the issues that were related to the partitioning of data on the Mentor system. She stated that, in her administrative role, she needs access to certain student data. She had been using Mentor to access this data up until November of 2013, when she was no longer able to use Mentor and began accessing this data using Banner. Dr. Massey reported that when she used Mentor to access data, she received only those class rosters associated with the accounting classes for which she had oversight. When she asked for the same data from the Banner system, she was assigned a Dean’s CRN, allowing her to now view ALL rosters across campus. In addition, when she was using Mentor to access the data she needed to perform her administrative duties, she received only the data necessary. Now, using Banner, she receives data on every student in DSB, including data that she should perhaps not have access to. She therefore expressed her confusion regarding the issue of role-based access. She felt that this is an issue more clearly present in her use of the Banner system.
Professor Naser pointed out that this was in fact true and that a different standard seemed to be applied to different data management systems. He questioned why this was the case.

**MOTION** (Huntley/Thiel) **to call the question.**  
**MOTION PASSES:** 12-2-2

**MOTION B** (Huntley/He) **FAILS:** 7-9-1

**MOTION** (Mulvey/Dennin) **to postpone motion C until later in the meeting.**  
**MOTION PASSES:** 14-2-0

**MOTION** (Huntley/Dennin): The AC’s position is that all data in Mentor should be retained until the issues raised in the ETC report are resolved.

Professor Kris noted the IRB is using Mentor and wants to continue using Mentor.

SVPAA Fitzgerald expressed concern with the vagueness of the time element, saying that people may not agree on whether or not the issues raised in the report have been resolved.

**MOTION PASSES:** 13-0-3

**MOTION** (Greenberg/Downie) that before any major technology decision affecting academics is made by the administration, the Educational Technologies Committee should be consulted and given time to review the decision and receive faculty input. The only exception to this policy would be if delay of the decision would place the university at increased legal exposure.  
**MOTION PASSES:** 16-0-0

**MOTION** (Dennin/Petrino): The AC accepts the report of the ETC.

Prof. Mulvey spoke against the motion, saying she did not know what it meant. The implications of this motion passing are not clear.

**MOTION TO AMEND** (He/Downie): Replace the word accept with endorse.  
**MOTION to amend PASSES:** 10-6-0

**MAIN MOTION AS AMENDED:** The AC endorses the report of the ETC.

**DISCUSSION OF THE AMENDED MOTION:**

Professor Greenberg spoke against the motion, saying the AC did not endorse the report, and it would give the General Faculty the wrong impression if this motion were to pass.

Professor Mulvey spoke against the motion, saying again that she did not know what the implications of passing this motion would be. In particular, as Professor Greenberg stated at the beginning of the meeting, the ETC report does not specify to whom the CIO should demonstrate flaws in Mentor. She suggested that the first recommendation in the ETC report would be inconsistent with something already passed by the Council.
Professor Downie (and others) pointed out that the recommendation in the report is very different than what the AC passed.

**MOTION FAILED:** 7-8-1

*MOTION* (Huntley/Downie) to take Motion C off the table.
*MOTION FAILED:* 2-14-0

*MOTION* (Greenberg/Dennin) to adjourn.
*MOTION PASSED:* 9-3-1

Meeting adjourned at 5:25 PM

Respectfully submitted,
Ginny Kelly