AGENDA

1. Announcements
2. Approval of minutes GF Meeting of 5/14/2009 (attached)
3. Introduction of new faculty
4. Remarks by the Academic Vice President
5. Informational Q&A with Salary Committee on contract extension letters
6. Informational Q&A with Salary Committee on upcoming proposals
7. Adjournment.

ATTACHMENTS.
For item 2: Draft minutes of the 5/14/2009 General Faculty meeting (pages 2-16)

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The meeting will be followed by a reception
hosted by the Academic Vice President
in the courtyard between Canisius and Donnarumma

[Rain location: Bannow Atrium]

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FAIRFIELD UNIVERSITY  
General Faculty Meeting  
May 14, 2009  
DRAFT Minutes of Meeting

The meeting was called to order by Chair of the Faculty, Professor Phil Lane, at 2:34 PM.

1. **Announcements.**

Secretary of the General Faculty, Irene Mulvey, thanked everyone for coming to this meeting of the General Faculty (GF). She gave instructions for proxy voting on those items for which proxy voting is allowed. She indicated that there are 3 handouts for this meeting (attached as appendices A, B and C) and these were distributed by the Committee on Committees.

She explained that most items on the agenda came to the GF from the Academic Council (AC), and Items 7 and 9 are from the Faculty Salary Committee. The AC Subcommittee on
Governance had asked the AC to vote on its proposals without amendment and, although this is not usually the way business is handled, it was agreed in this case to do that. So, the motions and proposals put before the GF today are unchanged by the AC.

It had been noticed that there is a problem with the agenda and it would be necessary to take up Item 10 before Item 8.

**MOTION.** [DeWitt] to reorder the agenda to take up Item 10 after Item 7.  
**MOTION PASSED.**

Prof. Mulvey said that she had received numerous requests to have votes at this meeting taken by ballot.

**MOTION.** [Abbott] that votes on all agenda items after Item 2 be conducted by ballot.  
**MOTION PASSED.**

Prof. Mulvey indicated that she was prepared for ballot voting and that members of the Committee on Committees had been asked to help, if needed, in distributing, collecting and counting ballots.

Prof. Dawn Massey was recognized and read a statement (attached as Appendix D). She brought up three objections to conducting business at this time. (1) On 4/20/2009, the AC passed a motion” that the Faculty Welfare Committee obtain legal consultation on the document presented to the AC” and that no results of any legal consultation had been shared with the AC or the GF. (2) The Faculty Handbook (FHB) mandates that amendments to the FHB must be “approved by a two-thirds vote of those present and voting at a regularly scheduled meeting of the GF” and she suggested that the current meeting was not a regularly scheduled meeting. (3) The FHB (I.A.3) mandates that “Notice of faculty meetings with agenda shall, except in an emergency, be issued at least 15 days in advance”, but that notice and agenda for this 5/14 meeting was distributed on 5/7. She made the following motion, which was seconded:

**MOTION.** [Massey] Until results of legal consultation for which the Academic Council voted on April 20, 2009 are shared with the faculty and the matters before us can be voted upon at a regularly scheduled meeting of the General Faculty, after timely notice has been given by way of an agenda received at least 15 days in advance of the meeting, I hereby move to adjourn this meeting.

**MOTION.** [Massey] that the vote on the main motion be by secret ballot.  
**MOTION to vote by ballot PASSED.**

Members of the Committee on Committees distributed, collected and counted ballots.

**MAIN MOTION FAILED.**  77 in favor and 106 opposed.

2. **Approval of minutes of previous meetings.**

**MOTION.** To approve the minutes of the meeting of May 1 as circulated.
MOTION PASSED.

MOTION. To approve the minutes of the meeting of May 4 as circulated.
MOTION PASSED.

3. Proposed Guidelines for Faculty Annual Merit Review and Self-Evaluation

Prof. Kathy Nantz made the following motion, which was seconded by Prof. Betsy Bowen. See list of motions attached as Appendix A.

MOTION. [Nantz/Bowen] the General Faculty approves the Proposed Guidelines for Faculty Annual Merit Review and Self-Evaluation included as pages 14-20 of this packet [for the 5/14/2009 General Faculty Meeting] for inclusion in the Journal of Record.

A vote was conducted by ballot.

MOTION PASSED. 154 in favor, 45 opposed and 1 abstention.

4. Handbook Amendment on the charge of the Faculty Salary Committee.

MOTION. [Nantz] The General Faculty approves the text on page 21 of this packet to replace the language in the Faculty Handbook regarding the purpose and duties of the Faculty Salary Committee in section I.C.b.13.

A vote was conducted by ballot. To carry, the motion requires approval by 2/3 of the faculty present and voting.

MOTION PASSED. 143 in favor, 27 opposed.

5. Discussion of alternative motion.

Prof. Rick DeWitt was called on to explain the alternative motion, which had been passed by the Academic Council on 5/4/2009. He briefly outlined the information on the handout for this meeting, Explanatory Information for Agenda Item 5 (attached here as Appendix B). He explained that the faculty should not vote on the alternative motion at this time since other items on our agenda must be decided first, but that faculty should be aware that the AC did pass an alternative motion to be considered by the GF. The floor was opened up for questions.

Prof. John Thiel described the alternative motion as reasonable, but wanted faculty to understand that the AC Subcommittee on Governance was bringing to the faculty a package with more in it and he encouraged the faculty to consider the AC Subcommittee on Governance’s package.

Prof. Joan van Hise asked if passing the alternative motion would remove benefit details and protections out of the Handbook. Prof. De Witt: No, the only change to the Handbook would be removal of the phrase, “at no cost to the faculty member” with regard to health benefits.
Prof. Kathy Nantz cleared up some confusion with regard to the Benefit Plans Overview booklet (BPO). The BPO is an appendix to our Memo of Understanding (MOU). So, we need to approve any changes to the BPO before we approve the MOU. The ACSC package would change the BPO. The alternative motion would change the BPO in a different way.

In response to a request for explanation from Prof. Judy Primavera, Prof. DeWitt said that the proposals in Item 6 and 7 of the agenda were the most dramatic in terms of language being removed from the Handbook and put into the BPO. Item 8 represents the minimalist approach to moving language from the Handbook into the BPO. He apologized for the fact that the proposals before us are so complex.

Prof. Michael Tucker asked if the Faculty Welfare Committee representatives had asked the FWC attorney if the trustees can unilaterally amend the Handbook. Prof. DeWitt replied that the attorney’s opinion is that unilaterally changing the Handbook would be problematic for the trustees because the Handbook is a contract.

Prof. Susan Rakowitz described the alternative motion as a great compromise and noted that the ACSC had suggested this very compromise to the administration and it was not accepted. Faculty should not think that we can choose between the motions being proposed – one has been accepted by the administration and one has been rejected, at least in committee, by the administration.

**MOTION [Thiel] to reorder the agenda and consider Item 11 immediately after Item 5.**

**MOTION PASSED.**

**11. a. Amendment to the Handbook I.B.2. on AC voting members**

**MOTION. [Nantz] The General Faculty approves the amendment to the language of the Faculty Handbook on the voting membership of the Academic Council [I.B.2] as described in this packet [for the GF 5/14/2009 meeting] on pages 60-62.**

Prof. Mulvey spoke against the motion on principle. In keeping with AAUP principles, the Academic Council is a faculty body charged to make recommendations and decisions on any item under faculty purview and this should be by faculty vote. The *ex officio* members, the AVP, 6 academic deans, and the Secretary of the General Faculty, provide input and context but were not elected by colleagues to serve on the Academic Council and so should not have voting privileges. She first raised these arguments to the President and SVP Weitzer in May 2008 in response to a recommendation from the Blue Ribbon Commission on Governance and the only rebuttal offered to these arguments has been “it’s part of the package”. Besides the principled argument, the Handbook language presented to us would introduce a contradiction in that, with this revision, I.B.2. paragraph 2 would say certain administrators are voting members and I.B.2. paragraph 6 would say only the elected faculty members are voting members. Due to the contradiction, she suggested it should be sent back to the Council.

Prof. Nantz said that in a perfect world, she would agree with the arguments against this motion, but we are not in a perfect world. We’ve been challenged by the administration to introduce more meaningful efforts at shared governance and faculty-administration cooperation and
collaboration. The administration is convinced that voting privileges for the Senior VP for Academic Affairs and 2 deans is an appropriate direction for us to move in. She agrees with this assessment and is in favor of the motion, although not necessarily with confidence that it will provide the kind of shared governance model that the administration envisions.

Prof. Rosivach spoke against the motion, noting that anything we put in the *Handbook* that works against the faculty will stay in the *Handbook* forever and that anything we take out of the *Handbook* that is beneficial to the faculty will be lost forever. He doesn’t understand the arguments he has heard in favor of this proposal that we “have reached a moment”. He noted that in years past, there was always regular communication between the AVP and the AC Executive committee and General Faculty Secretary. In the last few years, there has been no communication, indicating the problem is not structural but a personnel or personality problem. It is inappropriate to radically amend the *Handbook* in order to solve this problem. With this amendment, we would lose the one organ in governance that speaks for the faculty. Arguments that this is a compromise since faculty members now sit on board committees are faulty since the faculty members are not members of these board committees and they do not vote.

Prof. Nancy Dallavalle spoke in favor of the motion. Our faculty group has worked all year trying to find a compromise. At this time, the Board is asking if we can work with them to move the University forward. Do we, as faculty, have confidence in this approach to shared governance – Prof. Dallavalle does have confidence in this approach. Vote against this motion and blow up the table. Vote for this and move forward.

Prof. Jo Yarrington suggested that the *Faculty Handbook* is a living document and not set in concrete. She spoke in favor of the motion saying the restructuring of the Executive Committee might create a stronger bridge and place of discourse between administration and faculty.

Prof. Mousumi Bhattacharya spoke against the motion. She questioned the premise that we aren’t currently moving forward and noted that it’s essential to have an independent faculty body. The proposal doesn’t move us toward equal governance sharing, the faculty are giving up too much.

Prof. DeWitt noted that the General Faculty is a deliberative body. We always have and should continue to deliberate on the merits of the proposals. He would be against this motion on its merits, but even more, we shouldn’t vote to put inconsistent language in the *Handbook*. The contradictory language is no one’s fault but only due to the fact that the work was complicated and rushed. It would be inappropriate to vote on a motion that would introduce inconsistent language into the *Handbook*.

**MOTION.** [DeWitt] to refer the *Handbook* amendments in Item 11 to the Academic Council in order to resolve the inconsistent language.

Prof. Nantz spoke against the motion and took complete responsibility for the mistake in the language. It’s important that we show progress in terms of governance. We should pass this now and fix the mistake in the fall.

Prof. Walter Hlawitschka offered an amendment to fix the language. Prof. Mulvey said that per the *Handbook* any amendment to the *Handbook* needs to go to the AC for review and recommendation so it is not possible to amend a *Handbook* amendment on the floor of a General Faculty meeting.
Prof. John Thiel spoke against the motion to refer the amendment to AC, calling the error perfunctory and agreeing that it could be fixed in the fall.

Prof. Larry Miners spoke against the motion to refer the amendments to AC. We should vote on the amendment now. Three votes on the AC for administrators is not significant.

Re MOTION to refer the amendments in Item 11 to AC.

MOTION FAILED.

MOTION. To call the question

MOTION PASSED.

A vote on the main motion was conducted by secret ballot. Since the motion involves a Handbook amendment, passage requires approval by 2/3 of members present and voting.

MAIN MOTION FAILED. 111 in favor and 67 opposed.

b. Amendment to the Handbook I.B.10 and I.B.7 on AC Executive Committee.


Prof. Vin Rosivach spoke against the motion since it would add to the Executive Committee of the AC an individual who is not a member of the AC and may not even be a member of the General Faculty. This goes too far.

Prof. Nantz spoke in favor of the motion as a step in the right direction towards the goal of improving communication. She pointed out the inconsistency with the administration’s stated intent to move details out of the Handbook while arguing for this proposal, which puts more details into the Handbook. She said that the AC Subcommittee on Governance made Prof. Rosivach’s arguments to the administration to no avail.

Prof. Mulvey said she was against the motion for all of the same reasons that Prof. Nantz stated in favor. Working with the AC Executive Committee for the last 6 years, she knows firsthand that the Executive Committee has no authority and takes no action unless directed to do so by the Council. The motion presumes a role for the Executive Committee that it does not have.

Prof. Rona Preli spoke against the motion. As Chair of AC this year, she has firsthand experience with the work of the Executive Committee. Their role is to set the agenda for the AC. It is a working committee that requires a lot of time and energy. The motion would make it a deliberative body which would change its role and its function in a way that is detrimental to its work.

Prof. Betsy Bowen spoke in favor of the motion. As Executive Secretary of the AC this year, she has firsthand experience with the work of the Executive Committee. Although it is true that the Executive Committee has never acted as a gatekeeper for the AC, it would be useful to have a structure that insures good communication and cooperation.
Prof. David Downie spoke from the perspective of a brand new faculty member, having come from an institution which had uneven faculty administration relations. Perhaps it would be strategically useful to put the AVP on as many committees as possible.

A vote on the main motion was conducted by secret ballot. Since the motion involves a Handbook amendment, passage requires approval by 2/3 of members present and voting.

**MAIN MOTION FAILED.** 99 in favor and 75 opposed.

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6. **Handbook Amendment to change the sections on Fiscal Policies and Instructional Policies.**

**MOTION.** [Nantz] The General Faculty approves the text on pages 23-30 of this packet [for the General Faculty meeting on 5/14/2009] to replace the Fiscal Policies section II.B [and III. Faculty Services] of the Faculty Handbook contingent upon the administration’s acceptance for inclusion in the Journal of Record the Faculty Annual Merit Review and Self Evaluation, and the Board’s acceptance and the administration’s acceptance of the Memo of Understanding and Benefits Plan Overview passed by the GF on May 14, 2009.

Prof. Massey spoke against the motion, saying that it removes a lot of language from the Handbook and so it will no longer be protected from unilateral change. Moreover, the only thing faculty are getting in exchange is a linkage of standard merit to the increase in the cost-of-living which is not enough. We are losing a lot of protection in exchange for zippo.

Prof. Thiel responded to Prof. Massey’s comment that faculty are “only” getting standard merit tied to COLA. Maybe that’s not important to some faculty members, but it is a very big deal to others and a major concession on the part of the administration and the trustees.

Prof. DeWitt spoke against the motion. He noted that we are all looking to do what is best for faculty. He has no doubt that what the motion proposed would be very bad for faculty as it would remove from the Handbook key benefits and protections. We would be crazy to agree to take this language out of the Handbook. He continued to discuss whether or not there is a concession in linking standard merit to COLA, emphasizing that the faculty and administration already agreed to a linkage in the Guiding Principles for Faculty Compensation (GP) which read, “…sustained merit should reasonably allow faculty members to retain or increase buying power over the years. In time periods where increases cannot exceed cost of living, serious consideration should be given to judging only for sustained merit.” The agreement to link standard merit to COLA is less of a concession by the administration than some claim it to be since that linkage is in the GP, which are in the Journal of Record which the President earlier this year clarified as policy. We would be giving up an enormous amount of protection in exchange for not much that is new.

Prof. Joan van Hise clarified that the linkage does not guarantee raises over the increase in the cost-of-living.

Prof. Mousumi Bhattacharya spoke against the motion. It’s important that benefit details remain in the Handbook. Removing the details from the Handbook might mean that in the future, our
health plan could be unilaterally changed from Blue Cross/Blue Shield to another health plan. The protections are important – faculty colleagues worked hard and struggled to get these protections for us. If we vote to take these protections out of the Handbook, then they will be gone forever.

Prof. Bob Epstein likened the current proposals to a house of cards, arguing that a vote against the motion would be equivalent to pulling out cards. We must be cognizant of the fact that the Board will react to what we do. The proposals may be an enormous raw deal in which the faculty get shafted, but it is a product of negotiation with our subcommittee and the President has weighed in on the consequences of rejecting it. We should throw some bones.

Prof. David McFadden spoke in favor of the motion, hoping a vote in favor would influence the trustees. Our support on this will challenge the trustees going forward. He agrees with supporting principles and faculty would take a hit under this proposal, but he believes we should cost share on health benefits.

Prof. Sharlene McEvoy spoke against the motion. Speaking as an attorney, she said our Handbook is a contract. As such, we would be foolish to give up on it. She described the Handbook’s contractual status as “ironclad,” pointing out that if they were able, in fact, to take benefits out of the Handbook unilaterally, they certainly would have already done so.

Prof. Joy Gordon spoke against the motion. As an attorney, she agreed with Attorney McEvoy’s take on the contractual status of our Handbook. She also pointed out that the alternative motion has faculty cost-sharing for health benefit premiums and so this is not a decision between accepting cost-sharing or not. The administration has not shown good faith in the negotiations since their arguments were always backed up with threats and the ultimatum of unilateral action. Why would we cede control of benefit protections on a unilateral basis? We should not.

Prof. Vin Rosivach spoke against the motion. He asked the faculty to reflect on where the Handbook came from, how long we’ve had it (since the 1970s), our predecessors who wrote it and, especially, the fact that it was written for our benefit. At this time, it’s our turn to think of faculty not yet hired and think of our responsibility to faculty forty years from now. We should not vote to throw the protections away.

Prof. Massey pointed out her understanding from a DSB faculty meeting with EVP Weitzer that there have been no projections or analyses done by the administration with regard to any savings on health care costs.

**MOTION.** [Biardi] To call the question.
**MOTION PASSED.**

A vote on the main motion was conducted by secret ballot. Since the motion involves a Handbook amendment, passage requires approval by 2/3 of members present and voting.

**MAIN MOTION FAILED.** 62 in favor and 99 opposed.

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7. **Salary Committee Proposal to revise the Benefit Plans Overview**
MOTION. [Nantz] The General Faculty approves the Benefits Plan Overview in this packet [for the GF meeting on 5/14/2009] on pages 31-47 and as amended per memo of 5/13/2009 Re: Changes to the Proposed Benefits Plan Overview for Full-Time Faculty [included in these minutes as Appendix C] and distributed at the 5/14/2009 General Faculty Meeting.

Prof. DeWitt pointed out that since the motion proposed in Item 6 had failed, that the current motion didn’t make sense.

MOTION WITHDRAWN.

10. Vote on Alternative Motion.

MOTION. [DeWitt] To revise section II.B.1.a of the Faculty Handbook (page 27 of current edition) to read:

The University provides, at no cost to the faculty member, an enhanced Health Care Plan....

It is understood that this motion is contingent upon the approval by the faculty and administration of (i) clause C of the proposed MOU and replacement of the “Health, Dental & Prescription Drug Insurance Coverage” section of the current BPO (appendix 1 of the current MOU) with the “Health Insurance” section (with minor revisions*) of the currently proposed BPO (pages 34-37 of the 5/14/09 General Faculty meeting packet), and (ii) approval of the proposed merit plan, including the “Distribution of Funds” paragraph (for inclusion in the Journal of Record).

*The minor revisions would be the removal of the last two sentences of the first paragraph of the “Health Insurance” section of the proposed BPO (these two sentences would conflict with other language in the handbook).

Prof. Rakowitz spoke in favor of the motion, describing it as a good compromise which had been rejected by the administration during the negotiations.

Prof. Mulvey spoke in favor of the motion. With this motion, the trustees will gain their long-stated goal of getting faculty to cost-share for health care premiums, the faculty get what they have all along said they would need in order to cost-share – a guarantee of no additional merit unless standard merit exceeds COLA -- since without this guarantee, any money moved from benefits to salary could be distributed very unfairly. The proposal is intended to be revenue neutral, at least at first, since faculty would get $2250 into base salary to offset cost-sharing costs. She said the alternative motion represents enormous progress and acceptance by the faculty of a significant part of the package. Be clear, though, that with this proposal the faculty are making an enormous concession since the figures for cost-sharing (no more than 10% and rate of increase less than 6% per year) are going into the BPO as opposed to the Handbook. She argued for these figures to go in the Handbook which would be the best situation for the faculty but has agreed to this concession. She doesn’t support this motion as the best motion for faculty, but will vote in favor of it.
Prof. John Thiel spoke in favor of the motion, describing it as very reasonable. He spoke of the high character and good heart of the administrators, President von Arx, S.J., and EVP Weitzer, with whom they had negotiated all year and was grateful for everyone’s hard work. With this motion the faculty accept cost-sharing on health benefit premiums which is something the faculty have not accepted for years. This move on the part of the faculty is one the administration should find reasonable and be able to accept.

Prof. Michael Tucker spoke in favor of the motion saying that, in his opinion, it is good economically for the faculty for three years.

Prof. Massey attempted to amend the motion in order to put the figures of cost-share less than 10% and rate of increase less than 6% per year into the Handbook. Prof. Mulvey interrupted with a Point of Order that any amendment to the Handbook must go to the Academic Council for its review and recommendation (per the Handbook) and so we cannot amend an amendment to the Handbook on the floor of a GF meeting.

**MOTION.** [Massey] To refer the alternative motion to the Academic Council.
**MOTION FAILED.**

Prof. Nantz spoke in favor of the motion, pointing out that although we are now talking about cost-sharing for health care premiums, we have always paid for our health benefits with reduced salary increases. Now, we’ll have costs as individuals but health benefit costs have long been paid for by the faculty.

**MOTION.** [Buss] To call the question.
**MOTION PASSED.**

A vote on the main motion was conducted by secret ballot. Since the motion involves a Handbook amendment, passage requires approval by 2/3 of members present and voting.

**MAIN MOTION PASSED.** 117 in favor and 30 opposed.


**MOTION.** [DeWitt] To add to the current Benefit Plans Overview [Appendix 1 of the 2008-09 MOU] the text on Health Insurance as it appears in the packet for the General Faculty meeting of 5/14/2009 on pages 34-37 (through Jesuit Health and Dental coverage), as amended on those pages and with the additional deletion of the last two sentences in the first paragraph on page 34.

There was clarification that the text intended for the BPO with the alternative motion is the text agreed to by the Faculty Salary Committee and the administration with the additional deletion of the last two sentences of the first paragraph (page 34 of the packet for 5/14 GF meeting), because these sentences conflict with other Handbook language. The language on pages 48-50 did not include some agreed upon changes and so the language being voting on is on pages 34-37 of the packet with the additional deletion of the first two sentences of the first paragraph on page 34. Delete, “This health plan will remain in effect for three years starting in September 2009, and ending in August 2012 unless the faculty and administration should earlier agree to change it.”
This three year provision shall survive the current MOU (2009-2010) but shall not continue beyond said three-year period.”

Prof. Manyul Im asked where the provision was for the $2250 into the base. Prof. DeWitt answered that it is in the MOU.

Prof. Walter Hlawitschka noted that his individual contract letter stipulates that his contract will be renewed “on the same or better terms”. But, cost-sharing for a family after the $2250 payment into the base will result in a $1500 loss of income. Has an attorney reviewed this to see if it’s a problem and a violation of current contracts? Prof. Nantz: It may be a problem.

Prof. Joy Gordon considered the question raised by Prof. Hlawitschka, saying that the contract letter does indeed say that the contract will be renewed on the same or better terms and, in fact, the health care costs are going up to our detriment. It raises an important concern, namely which of the two documents is dispositive?

Prof. Miner reiterated the point raised earlier by Prof. Nantz – if you think we are only now agreeing to pay for our health care you are wrong since we have been paying for health care all along.

**MOTION.** To call the question.

**MOTION PASSED.**

A vote on the main motion was conducted by secret ballot. The motion does not involve the *Handbook*, so passage requires only a simple majority and proxy votes are allowed.

**MAIN MOTION PASSED.** 125 in favor and 27 opposed.

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9. **Proposed 2009-2010 Memo of Understanding**

**MOTION, [Rakowitz]** That the General Faculty accept the 2009-2010 Memo of Understanding [pages 56-59 of the packet for the 5/14 General Faculty Meeting and including, as Appendix 1, the Benefit Plans Overview as amended at 5/14 General Faculty Meeting in Item 8].

**MOTION PASSED,** 121 in favor and 21 opposed

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Prof. Rosivach made a motion of thanks to our colleagues on the AC Subcommittee on Governance and the Faculty Salary Committee, which was followed by sustained applause.

A **MOTION, [Dennin] to adjourn** was made, seconded and **PASSED** without objection.

The meeting adjourned at 5:35 PM.

Respectfully submitted,

Irene Mulvey  
Secretary of the General Faculty
Appendix A: Handout at 5/14/2009 GF Meeting

MOTIONS
MAY 14, 2009

3. Proposed Guidelines for Faculty Annual Merit Review and Self-Evaluation (see pages 13-20)

MOTION: The General Faculty approves the Proposed Guidelines for Faculty Annual Merit Review and Self Evaluation included as pages 14-20 of this packet for inclusion in the Journal of Record.

4. Handbook amendment on the charge to the Faculty Salary Committee (see page 21)

MOTION: The General Faculty approves the text on page 21 of this packet to replace the language in the Faculty Handbook regarding the purpose and duties of the Faculty Salary Committee in section I.C.b.13.

6. Handbook amendment to change the sections on Fiscal Policies and Instructional Policies (see pages 23-30)

MOTION: The General Faculty approves the text on pages 23-30 of this packet to replace the Fiscal Policies section II.B [and III. Faculty Services] of the Faculty Handbook contingent upon the administration’s acceptance for inclusion in the Journal of Record the Faculty Annual Merit Review and Self Evaluation, and the Board’s acceptance and the administration’s acceptance of the Memo of Understanding and Benefits Plan Overview passed by the GF on May 14, 2009.

7. Faculty Salary Committee proposal to revise the Benefit Plans Overview (see pages 31-47.)

MOTION: The General Faculty approves the Benefits Plan Overview in this packet on pages 31-47 and as amended per memo of 5/13/2009 Re: Changes to the Proposed Benefits Plan Overview for Full-Time Faculty and distributed at the 5/14/2009 General Faculty Meeting

11. Amendments to the Faculty Handbook section on The Academic Council (see pages 60-65).

MOTION: The General Faculty approves the amendment to the language of the Faculty Handbook on the voting membership of the Academic Council [I.B.2] as described in this packet on pages 60-62.

MOTION: The General Faculty approves the amendment to the language of the Faculty Handbook on the Executive Committee of the Academic Council [I.B.10 and I.B.7] as described in this packet on pages 63-65.
Appendix B: Handout at 5/14/2009 GF Meeting

General Faculty Meeting
May 14, 2009
Explanatory Information for Agenda Item 5:

Item 5 on the agenda for today’s General Faculty Meeting concerns an alternative motion passed by the Academic Council at the May 4 AC meeting. The Academic Council passed a motion approving the proposed change to section II.B.1 of the Faculty Handbook, contingent on the items noted in the motion.

The gist of the motion is straightforward. However, the specific language is complex. The reason for the complexity is that the relevant language is contained in a variety of documents, with some of those documents linked to others. The goal of this note is to explain the substance of the motion, while avoiding the complexities of the specific language of the motion.

Here is the substance of the motion: The Faculty accepts cost sharing on healthcare premiums as described in the “Health Benefits” section of the proposed Benefit Plans Overview. In particular, for at least the first three years, faculty will pay no more than 10% of the basic healthcare premium, and the faculty share will not rise by more than 6% per year (for at least those first three years). The Administration, in turn, agrees to the “Distribution of Funds” language as found in the proposed Guidelines for Merit Reviews (included in the packet for the GF meeting on 5/14 on page 20) and, in keeping with the assurance that at least initially, cost sharing is to be revenue neutral, $2,250 will be added to the base salary of each faculty member (see paragraph C of the proposed Memo of Understanding, included in the packet for the GF meeting on 5/14).

The motion itself is as follows:

MOTION:

To revise section II.B.1.a of the Faculty Handbook (page 27 of current edition) to read:

The University provides, at no cost to the faculty member, an enhanced Health Care Plan....

It is understood that this motion is contingent upon the approval by the faculty and administration of (i) clause C of the proposed MOU and replacement of the “Health, Dental & Prescription Drug Insurance Coverage” section of the current BPO (appendix 1 of the current MOU) with the “Health Insurance” section (with minor revisions*) of the currently proposed BPO (pages 34-37 of the 5/14/09 General Faculty meeting packet), and (ii) approval of the proposed merit plan, including the “Distribution of Funds” paragraph (for inclusion in the Journal of Record).

*The minor revisions would be the removal of the last two sentences of the first paragraph of the “Health Insurance” section of the proposed BPO (these two sentences would conflict with other language in the handbook).
Appendix C: Handout at 5/14/2009 GF Meeting

Date: May 13, 2009
From: Kathy Nantz, Chair, AC Subcommittee on Governance and President, FWC/AAUP; and Susan Rakowitz, Chair, Faculty Salary Committee
Re: Changes to the Proposed Benefits Plan Overview for Full-Time Faculty

On 5/11/09 we, along with Irene Mulvey and Rick DeWitt, met with the FWC attorney to review the language of the proposed Benefits Plan Overview (BPO) and Memo of Understanding (MOU). He suggested several changes (listed below) to the BPO, and no changes to the MOU. We brought all of the attorney's suggested changes to the administration and they accepted all of them. We therefore propose the following amendment to the distributed BPO. All page numbers refer to the 5/14/09 meeting packet. Insertions are underlined and deletions are struck through.

p. 33, 1st paragraph: Any changes in the benefits described in this document will be discussed by the administration and Faculty Salary Committee, and any disagreements will be resolved according to as per the process detailed in the Memo of Understanding. Unusual circumstances may necessitate changes to benefits during the year covered by the MOU. In such cases, the administration and faculty must agree on any changes.

p. 34, 1st paragraph: This health plan will remain in effect for three years starting in September 2009, and ending in August, 2012 unless the faculty and administration should earlier agree to change it. This three-year provision shall survive the current MOU (2009-2010) but shall not continue beyond said three-year period.

p. 42, top lines: Tuition Grant-in-Aid benefits for eligible dependent children will remain in effect for at least 10 years starting in September 2009, unless the faculty and administration agree to change them. This provision survives beyond the term of the current MOU.

p. 42, last paragraph: Recipients of a FACHEX scholarship will continue to receive the scholarship as long as their parent remains employed by the university during this time and subject to the provisions of the FACHEX program. This provision will survive beyond the term of the current MOU.

p. 43, 5th paragraph: Recipients of a Tuition Exchange scholarship will continue to receive the scholarship as long as their parent remains employed by the university during this time and subject to the provisions of the Tuition Exchange program. This provision will survive beyond the term of the current MOU.
Threshold issue re: 5/14/09 Fairfield University General Faculty “Meeting”:

I would like to raise a threshold issue on the basis of three concerns:

First, on 4/20/09 the Academic Council passed the following motion:

“MOTION [Bhattacharya]. In the interest of due process that the Faculty Welfare Committee obtain legal consultation on the document presented to the Academic Council.

MOTION PASSED: 14 in favor, 3 opposed, 0 abstentions”

Insofar as results of any legal consultation, including any written legal opinion(s), have not been shared with either the Academic Council or the General Faculty to the date hereof, any vote on the packet of documents before us – which packet of documents is substantively the same as the one presented to the Academic Council for its April 20, 2009 meeting – is premature.

Second, in relevant part, our own Faculty Handbook (at p. 3) states:

I. FACULTY ORGANIZATION
   I. A. THE GENERAL FACULTY
      8. Provisions for Amendment
         “General Faculty approval [for amendments to the Faculty Handbook] is obtained by a two-thirds vote of those present and voting at a regularly scheduled meeting of the General Faculty.” [Emphasis added.]

Insofar as this is not a regularly scheduled meeting of the General Faculty, it is inappropriate for the faculty to vote on amendments to the Faculty Handbook.

Third, in relevant part, our own Faculty Handbook (at p. 1) states:

I. FACULTY ORGANIZATION
   I. A. THE GENERAL FACULTY
      3. Meetings
         “Notice of faculty meetings with agenda shall, except in an emergency, be issued at least fifteen days in advance.”

Insofar as there is no emergency and the meeting notice and agenda for this meeting were issued on May 7, 2009 – a mere 7 days ago – this meeting of the faculty cannot be considered a bona fide Faculty Meeting and actions taken at this meeting cannot, therefore, be deemed valid.

Accordingly, I would like to make the following motion which is the only motion that is appropriate in light of the foregoing:

MOTION: Until results of the legal consultation for which the Academic Council voted on April 20, 2009 are shared with the faculty and the matters before us can be voted upon at a regularly scheduled meeting of the General Faculty, after timely notice has been given by way of an agenda received at least 15 days in advance of the meeting, I HEREBY MOVE TO ADJOURN THIS MEETING.

[I would also ask that the vote on this motion be by secret ballot.]