Approved by the General Faculty on November 20, 2009.
No votes that allowed proxies were taken at this meeting.

Not long after 3:30 PM, the meeting was called to order in the Kelley Presentation Room by the Secretary of the General Faculty, Professor Irene Mulvey. She explained that the room had not been set up as requested and thanked Eddie Rivera and his crew for so quickly setting up the chairs, etc. [Applause!] She announced that retired faculty members Sister Julianna Poole and Bob Fedorchek were in attendance to hear the remembrances of our colleagues; there was no objection to their presence. She announced that President von Arx had chosen Professor Larry Miners to chair our General Faculty meetings for the year. Prof. Miners took over at the podium to enthusiastic applause.

**MOTION**

To allow EVP Weitzer to attend GF meetings in 2009-10.

**MOTION PASSED.**

**MOTION**

To allow Suzanna Klaf, Assistant Director of CAE, to attend GF meetings in 2009-10.

**MOTION PASSED.**

1. **Announcements.**

Prof. Miners called on retired Professor Bob Fedorchek who gave a brief remembrance of Father Victor Leeber, S.J. A more detailed remembrance was provided for the faculty and is reproduced below.

**REV. VICTOR F. LEEBER, S. J.**

When my wife Theresa and I drove to the Campion Jesuit Community in Weston, Massachusetts, the morning of August 20th to attend the funeral mass for Fr. Victor Leeber, we were greeted at the entrance of the chapel by his niece. Numerous photographs of Fr. Leeber in various settings and a wealth of memorabilia had been mounted near his casket and she encouraged us to examine the various pieces on display. I very quickly spotted a cap hanging on a sign board. Seeing it prompted a smile on my part, for I recognized it immediately. “That cap is famous at Fairfield University,” I told her, “as much for its witty, and fond, play of words as for what it symbolizes.” She insisted, since I knew its history, that I take it. I have brought it with me today. Fr. Leeber loved few things more than an occasional show-and-tell, and I believe he would delight in this one. He was, as many of you know, an ardent sports fan who over the years became the moderator and chaplain of countless club teams like swimming and rugby. One of them thanked him with the cap that I now hold up. It reads: FATHER LEEBER / Without you we never had a prayer.

I cite this fond tribute paid him because it illustrates how Fr. Leeber lived his life, how Fr. Leeber affected family, students, friends, and colleagues—he was always there for anyone who asked, for anyone in need. His compassion knew no bounds and his generosity was legendary. While he always gave unstintingly of his time and energy to help his students academically, he also attended to their spiritual needs by performing myriad marriages and baptisms and by saying special masses.

Fr. Victor Leeber, whose original family name was Leopardi, was born in Elkins, West Virginia, in 1922. He entered the Society of Jesus in 1940, was ordained in 1953, and took his final vows in 1957. During these years he studied with the firm preparation of purpose for which Jesuits are noted, and his thorough grounding included a novitiate and juniorate at Shadowbrook, the study of philosophy and theology at Weston College, tertianship in Florence, Italy, and three years at the University of Madrid, where he earned a Ph.D. in Spanish literature. He had already begun laying the groundwork for the department of modern languages here at Fairfield University when, from 1947 to 1950, he performed the yeoman task of teaching Spanish, Italian, and French.
When he returned from Spain in 1957 he assumed the chairship of the department, which in many ways became synonymous with his name, and served with unflagging dedication and loyalty until he relinquished the position in the fall of 1983. Twenty-six years.

Like many of us in the late sixties and early seventies, he carried a twelve-hour teaching load in addition to the time-consuming work as chair, sat on practically every faculty committee in existence, and served as subminister of the Jesuit community from 1974-1993, while managing during all of this period to be one of the first, if not the first, to appear at the rec plex pool for a daily morning swim, his preferred form of exercise. There are two areas in which I have no way of determining the facts with exactitude, but I shall hazard guesses: that he holds the record for number of laps swum by a member of the Fairfield University community in pools all over the world and that he also holds the record for the number of movies seen by any Jesuit in the history of the New England province. And I believe, if they are tuned in to this afternoon’s meeting, that Bernie Scully and Dick Costello would readily agree and laugh benignly, for they were the two fellow Jesuits that he tapped most often to drive him to a theater, for don Victor himself never learned to drive an automobile.

In the early seventies he sponsored the introduction of Portuguese into the offerings of the department of modern languages, and years later, to comply with the demands made by militant students who took over Xavier Hall, he arranged—through a contact at the United Nations—for us to offer Swahili, the language demanded by the students. The day after he hired a native-speaking instructor he came to my office, a somewhat worried expression creasing his brow. I still remember our exchange, and pretty much verbatim. “What’s up, Father?” I asked. “I don’t think,” he began, “that these students know what they’re in for, Bob. Wait until they tackle Swahili. The new man tells me that syntactically and lexically it’s exceptionally difficult.” As I recall, the fall semester started with a scholastic bang of sorts, that is, sufficient registration for two introductory classes, but by the middle of the spring semester there were barely enough students to justify the continuance of one section.

For decades Father Victor Leeber labored tirelessly and enthusiastically to promote things Hispanic—literature, culture, and history. He loved Spain, even more, I think, than Italy. He found, or made, time to put together a florilegium of short stories and essays by authors of numerous Spanish-speaking countries, but chiefly from Spain. It was titled Perfiles literarios and we used it as a reader in Intermediate Spanish for a number of years. He conducted seventeen Fairfield-University-in-Spain summer programs for secondary school teachers, more than half of them supported by NEH Grants. Each spring, in anticipation of his departure for the “mother country,” as he would sometimes refer to Spain with a twinkle in his eye, his excitement would grow, become nearly palpable.

It was on one of those trips, the summer of 1988, when I learned something about Father Victor Leeber that I never knew. We were housed in a colegio, a private secondary school, and one evening I went down to consult with him, in all likelihood to discuss a lecture or a field trip for the following day, and as I walked along the hall toward his room I glimpsed smoke trickling out beneath the door. I hurried to it, knocked excitedly, and called out rapidly, “Father Leeber! Father Leeber! It’s Bob! I see smoke! If you’re in here, are you all right?” Seconds later, after I made another appeal, Father Leeber came to the door. “Bob,” he started to mumble, a sheepish expression on his normally placid countenance, “some mosquitoes flew in here and I had to light a cigar in order to get rid of them with smoke.” I think I managed not to smile too broadly when I noticed the box of Cohiba cigars that Fidel Castro used to favor. And I’m certain that I did not point out the incongruity of his just happening to have them on hand—especially since there are no mosquitoes in Madrid. I told him I would keep his secret from both the señoras, the nuns who ran the colegio, and the students.

During his years as subminister of the community, Father Leeber was the keeper of the keys, the purveyor of spirits, and he kept the Bellarmine storehouse well supplied. I quickly learned, after I succeeded him as chair, never to schedule department or section meetings that would go beyond four-thirty, for he was already contemplating a copita of Tio Pepe, one of his favorite sherries. He deserved those moments of rest and relaxation at the happy hour that he enjoyed with his brother Jesuits.

He deserved that and more, much more. As he approached retirement from full-time teaching after the 1991-92 academic year, I set out in the summer of 1991 to create the Rev. Victor F.
Leeber Award in Spanish, to be given annually at the College of Arts and Sciences Awards Ceremony. With Theresa’s assistance and that of Fred Wheeler, Father Leeber’s brother George and his sister Mary, and Michael Boughton, rector at the time of the Jesuit Community, the Award became a reality. Let me conclude this brief remembrance of a good man by reading a sentence that I read the evening of April 23rd, 1992, with Father Leeber in attendance, at the first presentation of that award, which he himself made: “If we discount the years that Fr. Leeber spent studying for his STL degree at Weston College and for his doctorate at the University of Madrid, I calculate that he will have taught, in round numbers, 8,750 students, corrected 70,000 examinations, and read 87,500 quizzes.”

Rev. Victor F. Leeber, S. J.

May he rest in eternal peace.

Prof. Miners called on Professor Don Greenberg who gave a remembrance of Professor John Orman. He provided the GFS with scribbled notes in purple ink on a wrinkled piece of paper from which she reproduced the following:

John Orman was a trip. He was fearless and fearlessly foolish in his risk-taking. Who but John Orman would send Richard Nixon an invitation to his wedding? (Nixon didn’t show up.) He was naïve in a wonderful way in that nothing stopped him from doing what he thought was the right thing to do. Anything was worth a shot. His passion was boundless – for his students, especially, for music, and for pop culture. What made John so unique was his caring, his deep commitments, his unqualified love for his family. He lived his life always doing the right thing, that was simply second nature to him. It’s who he is. He was a heimische person - devoted to his family and completely devoted to Reenie. We miss him very much.

3. **Introduction of New Faculty.**

Prof. Mulvey gave a brief introduction of Senior Vice President Paul Fitzgerald, S.J., who was welcomed with warm applause. VP Fitzgerald called on each Dean and the Deans called on chairpersons or department members to introduce new faculty members in each department. Each new colleague was welcomed with applause.

In the Dolan School of Business, Dean Solomon called on faculty as follows:
Prof. Joan van Hise (Accounting) introduced Professor Ahmed Ebrahim;
Prof. Mark Ligas (Marketing) introduced Professor Mousumi Godbole;
Prof. Don Gibson (Management) introduced Professor Mukesh Sud.

In the School of Engineering, Dean Hadjimichael introduced Professor Harvey Hoffman.

In the Graduate School of Education and Allied Professions, Dean Susan Franzosa called on:
Prof. Daniel Geller (Psychological and Educational Consultation) to introduce Professors Paul Maloney and Maureen Hinkley;
Prof. Pat Calderwood (Curriculum and Instruction) to introduce Professors Stephanie Burrell and Mahsa Kazempour;

From the Center for Academic Excellence, Prof. Larry Miners introduced Assistant Director Suzanna Klaf.

In the College of Arts and Sciences, Dean Robbin Crabtree called on faculty for introductions as follows:
Prof. Jim Simon (English) introduced Professors Tommy Xie and Shannon Kelly;
Prof. Cecelia Bucki (History) introduced Professor Liz Hohl;
Prof. Adam King (Mathematics and Computer Science) introduced Professor John Lasseter;
Prof. Joe Dennin (Mathematics and Computer Science) introduced Professor Chris Staecher;
Prof. Marie-Agnès Sourieu (Modern Languages and Literatures) introduced Professors Alexandra Coller, Francisco Meizoso, and Jenneth Wagner;
Prof. Dennis Keenan (Philosophy) introduced Professor Ryan Drake;
Prof. Marcie Patton (Politics) introduced Professors Eun Sook Jung and Sandra Johnson; Prof. John McCarthy (Psychology) introduced Professor Mike Andreychik; Prof. Nancy Dallavalle (Religious Studies) introduced Professor Martin Nguyen; Prof. Rose Rodrigues introduced Professor Scott Lacy; Prof. Lynn Porter (Visual and Performing Arts) introduced Professor Mariah Sage.

4. Remarks by the Senior Vice President for Academic Affairs.

Senior VP Fitzgerald began by discussing the current class of students and the increased demand for financial aid of late. The class of 2013 is great – a good mix of genders, 1 in 5 are first in their families to attend college, 14.5% are Pell grant recipients, 16% are students of color, 24 different states are represented. This class includes the first group of 70 Magis scholars, selected for their academic and community engagement. Graduate program enrollment has increased 16% over last year (1084 last year and 1214 now); the largest graduate population since 1995. There has been increased demand, from returning students, for financial aid. We have overspent our internal financial aid budget by $2.7 million, but budgets are statements about ones values and we continue to educate students from all walks of life.

VP Fitzgerald’s goals for the year are to push forward with the initiatives in the Strategic Plan. With regard to Living and Learning, there is a new synergy between academic and student affairs with Beth Boquet as Dean of Academic Engagement. With regard to Ignatian pedagogy, he announced that the CAE under the direction of Larry Miners received a 4th grant from the Davis foundation. This validates our work as Fairfield and its CAE become a resource for others. With regard to Core Integration, Kathy Nantz continues on as a leader, involved in conversations to identify and develop 5 or 6 markers to profile a Fairfield graduate. A new initiative involves global citizenship, Renée White will lead this effort on diversity and global citizenship. VP Fitzgerald will send out a formal description of the project and Renée’s job description.

VP Fitzgerald remarked on how meaningful his entrance into our community felt when he was able to share in our remembrances of Prof. Orman. He feels at home here and that “[he’s] come to the right place.” Homecoming Mass will be another opportunity to celebrate Prof. Orman’s life. His personal goals are to live in our community, to develop bonds of affection, to continue to be a colleague, friend and servant.

There were no questions.

5. Informational Q&A with Salary Committee on contract extension letters.

Prof. Susan Rakowitz, Chair of the Faculty Salary Committee (FSC), thanked the other members of the Salary Committee for their work: Sara Brill, Dave Crawford, Joe Dennin, Cheryl Tromley, and newly elected to replace Sara Brill, Rona Preli. With regard to the contract extension letter, she explained that without agreement on a new Memo of Understanding, the administration was unwilling to provide contracts. The administration offered a “Letter of Appointment” (LOA) about which the attorney paid for by the Faculty Welfare Committee/AAUP said we would be better off with contracts. So, we got the contract extension.

Prof. Miners opened the floor for questions and comments.

Prof. Rick DeWitt rose to comment on the contract extension letter as an individual and not as a member of the Faculty Welfare Committee (FWC/AAUP) Executive Committee. (1) Our contracts go back over 30 years. Every now and then, we have problems with the contracts and, in the past, the FSC worked with the FWC, since the FWC has a lot of expertise, to iron things out with the FSC having the final say. He wants the GF to know that this year has been different. The FSC has been flying solo and not working with the FWC. No criticism is intended, although this may not be a wise thing to do. Faculty should not assume that the contract extension letter is coming out of a collaborative process between FSC and FWC/AAUP. (2) The language from the FSC is sugar-coated. With regard to the “Letter of Appointment” (LOA) mentioned by the FSC, the FSC attorney said it was, in fact, a contract and would have gutted all the protections in our current contract. He enumerated the protections that would have been lost with the LOA.
Prof. Rakowitz responded that the LOA was a draft LOA and the FSC had opportunity to provide feedback to the administration.

Prof. Jocelyn Boryczka asked Prof. DeWitt specifically how is the FSC “flying solo”?

Prof. Kathy Nantz introduced herself as the President of the FWC and overseer of the relationship between the FSC and the FWC. There have been conversations about documents, a group saw the FWC attorney with FWC funds. Her experience is that the FSC and the FWC have met together, the FSC asked for input and conversations. The FWC Executive Committee is 8 individuals elected by the FWC membership. The FWC Steering Committee consists of these 8 individuals and the FSC. This year, there is no consensus on the FWC Steering Committee.

Prof. DeWitt responded to Prof. Boryczka as follows. The members of the FSC are the elected representatives of the General Faculty. There is no question about that. There is no requirement for the FSC to work with the FWC, but traditionally they have always worked together, but this year they have not.

Prof. Kurt Schlichting commented on the difficulties recruiting the freshman class, noting that the faculty must have input into allocation of resources. Is the FSC the right body to engage in these discussions?

Prof. Miners suggested we move on to the next agenda item.

6. **Informational Q&A with Salary Committee on upcoming proposals.**

Prof. Cheryl Tromley, a member of the FSC, made the report for the FSC. She thanked the faculty for their patience, noting that the FSC wanted to get information out to the faculty as soon as possible. She reminded faculty of the “package” of fiscal and governance proposals that we voted on last May. All summer, the FSC has been meeting weekly with the administration. The FWC compromised and the administration compromised where they thought they could. From now on, the FSC will only be talking about fiscal issues since other matters discussed last year are outside their purview. There is a “roadmap” in the packet. The faculty need to look at this carefully and decide if this compromise is the least bad option. We need to proceed deliberately and afford due process, but for strategic reasons, we need to move quickly. A vote by the General Faculty before October 1 is in our best interest. Such a vote would send a strong message to the Board of Trustees. If we pass fiscal policies and the Board waits for governance, then it will be the Board dragging their feet. Prof. Tromley then discussed some specifics in the “roadmap”. She described the compromise as follows: everything we agreed to last year and two more concessions. Namely, move the figure of 10% contribution to retirement out of the Faculty Handbook and move details of (increased) life insurance out of the Faculty Handbook. These moves weaken the protection of these items but the commitment to the 95th percentile should provide some protection. She described where the administration has compromised as follows: backing off demands they made last year that descriptions of benefits (Anthem, TIAA, tuition benefits) come out of the Handbook, plus a revised Benefits Plan Overview (BPO) with details that weren’t easily accessible before.

Prof. Miners opened the floor for questions and comments.

Prof. Michael Tucker noted that there is an agreement to separate governance matters from fiscal policies. Will the administration support this separation? Suppose the faculty pass the fiscal policies, will the administration, including the President, fight for this?

FSC answered that the administration has not agreed to separate fiscal from governance. It is the FSC that said we will separate fiscal from governance and only deal with fiscal. The administration says that the Board may not agree to this.

Prof. Joy Gordon was granted the floor. She remarked that she is a lawyer, and when she practiced law, she specialized in contract law and business torts. She hasn’t been involved in the negotiations with the
administration, but has done some research and spoke to colleagues, attorneys who specialize in nonprofit law at one of the largest firms in the state and at the Attorney General’s Office, with regard to the threats we heard all last year that the trustees would unilaterally amend the Handbook. Q. Is the Handbook part of a contract? Can the administration/trustees unilaterally alter it? A. The case law is very clear. A Handbook is part of a contract if it meets certain criteria: (i) there is no disclaimer indicating that the Handbook is not a contract (there is none); (ii) the Handbook is regularly adhered to (it is abided by regularly and faithfully); (iii) it contains the terms of employment (the bulk of our conditions of terms of our employment is in our Handbook). The law is very clear and consistent: our Handbook is a contract. There are no grounds for saying that our Handbook is not part of our contract.

Prof. Gordon continued, with regard to the ominous language about the Board’s responsibility to resolve matters where agreement cannot be reached, that language is under “Educational Policies” and clearly refers to policies and not documents. And, the fact that the provisions for amending the Handbook are stated in the Handbook provides further arguments against unilateral amendment. When she asked her colleagues if the trustees have any grounds at all for claiming the authority to unilaterally amend the Handbook, they said, “They’ve got nothing.”

Prof. Gordon continued with the fiduciary responsibilities of the trustees. In their threats to the faculty, the trustees seem to be suggesting that their “fiduciary duty” gives them additional rights, but the fiduciary duty is the duty of loyalty and the duty of care, for which the standard is just that of a prudent person. There is no right, under fiduciary responsibilities, to unilaterally alter a contract. Prof. Gordon’s colleagues advised her that for the trustees to suggest so is “ludicrous”. If Fairfield were Gordon’s colleague’s client, he said the advice he would give would be, “What would be imprudent is to attempt to violate your governance documents by acting unilaterally, and creating liability for the University”. She noted that if we are expected to trust the legal judgment of the administration and their legal counsel, a quick search on litigation involving Fairfield might indicate that the University’s attorneys do not have the best track record here. There was one recent case which resulted in Fairfield paying $100,000 in regular damages and $60,000 more in punitive damages (which has a very high standard to meet), as well as probably another $100,000 in legal fees.

Prof. Gordon concluded with personal thoughts. Faculty are not helpless here. The risk of litigation to the University is much higher than any potential legal fees. An ugly public conflict over governance and unilaterally violating a contract will affect everything. A final thought is that the threats and intimidation tactics by the trustees are totally antithetical to Jesuit principles, what we teach every day is in stark contrast to the dishonesty and intimidation we have experienced.

Prof. Gordon’s remarks were followed by loud, sustained applause.

7. **Adjournment.**

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

The meeting adjourned at 5:32 PM.

Respectfully submitted,
Irene Mulvey
Secretary of the General Faculty

Approved by the General Faculty on November 20, 2009.