Call to Order

The meeting was called to order by Senate President Mary Ann Forgey at 12:38 p.m. in the South Lounge, Leon Lowenstein Building, Lincoln Center Campus.

1. Invocation

Senator Hornbeck delivered the Invocation.

2. Approval of the Minutes of the February 20, 2015, Meeting of the Faculty Senate

The Senate approved (10-0-4) the corrected minutes of the meeting of February 20, 2015 (Park-Taylor/Vernon).

3. Matters Presented by the President of the University

Joseph M. McShane, S.J., President of the University, addressed the Senate. He began by offering prayers for those who would soon be celebrating Holy Week in the western church, the end of Great Lent in the eastern church, and Passover in the Jewish community. Fr. McShane structured his remarks around four themes: admissions, Albany and Washington, development, and planning.

With regard to admissions, Fr. McShane reported that as of the morning of March 27, the University had received 42,703 applications for undergraduate admission. 20,155 students were accepted, for an acceptance rate of 47%, and accepted students will shortly be receiving notification. Fr. McShane said that in the coming few weeks the University would be hosting its annual open houses for accepted students, and he thanked faculty for helping to recruit the incoming class. Overall, the quality of this
year’s accepted students is slightly higher this year than last year’s, both in terms of SAT scores and high school grade point averages. Approximately 30% of accepted students come from underrepresented groups, and those groups are expected to be represented at a rate of 33% of the incoming class. Accepted students come from all 50 states, and at least 30 countries have at least 25 accepted students. It is too early to know for certain the situation in the graduate and professional schools, but numbers in the School of Law and the Graduate School of Social Service appear to be even with last year.

With regard to Albany and Washington, Fr. McShane offered comments on developments in both these political centers. Fr. McShane described Albany as a tortured place, moving from one crisis to another. Recently, Governor Cuomo announced that he would exempt the City University of New York and the State University of New York from the requirement to submit new and revised degree programs for approval from the Education Department, but he has not exempted private institutions in the same way. A petition from the leaders of more than 140 private colleges and universities has been presented but not yet responded to. In Washington, the American Council on Education has reported that the budget proposed in the House of Representatives would reduce the pool of funding available to higher education institutions by $759 billion over ten years; the proposed budget would likewise abolish the in-school interest subsidy on Stafford loans and end public sector loan forgiveness. In the Senate, there are efforts to eliminate income-based repayment options for student loans. However, there is also an effort to prevent the use of federal funds for the White House’s proposed college rating system. Fr. McShane encouraged Senators and members of the faculty to take these issues up with their Senators and Congresspersons.

With regard to development, Fr. McShane reported that he had been “on the road” almost non-stop since early January, meeting with donors, present parents and students, and prospective students and parents. Joint events with these three constituencies have been successful.

Finally, Fr. McShane reported that he had sent a letter to Senate President Forgey, asking for the Senate’s input on the University’s upcoming continuous planning process. Fr. McShane indicated that each of the University’s schools and colleges would be involved in the planning process, and he said that he is looking forward to receiving the Senate’s feedback on how to structure this effort.

Fr. McShane then answered questions from Senators. One Senator asked if it might be possible for Senators and members of the faculty to be trained in advocacy with elected officials. Fr. McShane responded that Fordham does have an office for government relations and brings students and administrators for meetings with elected officials in Albany and Washington. He said that it would be a good idea to ask the University’s government relations team to speak with the Senate, and he said that he would be happy to bring some faculty to Albany and Washington with him.

Another Senator asked Fr. McShane for his reaction to the University’s recent Week of Reflection on Race Relations. Fr. McShane reported that he was frustrated that there were three snowstorms during that week. He said that, from the beginning, it was his belief that the week should engage students in a direct and local way, using existing faculty and courses, rather than risk being off-putting by bringing outside speakers to the University. Fr. McShane said that he preached about racism at the week’s opening Mass and that the week was timed to conclude with the fiftieth anniversary of the Selma march. Fr. McShane said that he has spoken with Msgr. Joseph Quinn, the Vice President for Mission and Ministry, about how to build moments of reflection like this one into the regular life of the University community.

A Senator asked Fr. McShane about the dismissal of the head coach of the men’s basketball team. This Senator expressed appreciation for the value of educating student-athletes, but shared concerns raised by
members of the faculty about the cost of hiring and firing coaches, as well as about whether Fordham is competing in the appropriate league in basketball. Fr. McShane responded that the University has invested extensively in its athletic programs and that, by and large, the return on investment has been good. While other sports have experienced greater success, a winning record in men’s basketball has been elusive. Several Senators asked Fr. McShane whether the University would consider re-joining the Patriot League for men’s basketball, and Fr. McShane said that the University was not exploring joining another league.

Another Senator asked Fr. McShane whether he was aware that fewer than half of the academic units in Fordham College at Rose Hill had had an average response rate on student teaching evaluations of 50% or more. Fr. McShane said that he would look into the matter.

A Senator asked Fr. McShane if the commencement speaker had been chosen. Fr. McShane responded that the choice was in the works and that if plans come to fruition, the Senate would no doubt be pleased.

A Senator asked Fr. McShane if the search for a permanent Chief Financial Officer had concluded. Fr. McShane reported that it would conclude next week.

**4. Presentation by Cammack Retirement Group: Retirement Investment Program Revitalization**

The Senate was joined by Mr. Frank Simio, Interim Senior Vice President, Chief Financial Officer, and Treasurer; Mr. Donald Perretti, Director of Benefits; and three representatives from Cammack Retirement Group.

Mr. Simio reported to the Senate on a series of changes to the University’s 403(b) retirement program for members of the faculty and staff that would soon be occurring. He said that as of 2009, the federal regulations that for many years had been in place for 401(k) plans were now being applied to 403(b) plans as well. As a result, the University, like many nonprofit organizations, has been undergoing a process to come into compliance with the new regulations. This process has included an update of the plan documents, regular audits, and clearer lines of fiduciary responsibility. The University has established a Retirement Investment Committee consisting of Mr. Simio; Mr. Michael Mineo, Executive Director of Human Resources; Mr. Eric Wood, Chief Investment Officer; Mr. Robert Steves, Assistant Treasurer; and Dr. Bruce Berg, Chair of the Retirement Subcommittee of the Faculty Salary and Benefits Committee. The committee has fiduciary responsibility for ensuring that Fordham offers appropriate investment options for all employees.

Denise Burns, Jeffrey A. Levy, and Farhad Mirzada, representing Cammack Retirement Group, delivered a presentation describing the revitalization process that the University has been undertaking. Cammack serves the University as a fiduciary, receiving a fixed fee that prohibits conflicts of interest. To date, Cammack has helped the University develop mechanisms for independent audits and has overseen the consolidation of Fordham’s previous five retirement plans into two. With Cammack’s help, the Retirement Investment Committee adopted a charter in May 2014 and is now operating with a draft Investment Policy Statement. The main task of the Retirement Investment Committee at present is to streamline the array of funds in which members of the faculty and staff can invest their retirement savings. This streamlining is designed to eliminate funds that are not appropriate for Fordham employees, as well as to eliminate duplication among fund choices.

A Senator asked when these changes would be implemented. Mr. Simio indicated that it would be in November. Another Senator asked by what percentage the number of funds available to faculty and staff
investors would decrease. Mr. Simio said that at present, there are more than 250 options; after the streamlining, there would be approximately two dozen. All of the asset categories represented by the current options will also be represented in the new array of funds, with the exception of sector funds, which would be removed. A Senator asked how individual investors would experience the transition process. Mr. Simio responded that each current fund has been mapped onto a new fund, and the amounts invested by each employee would be automatically moved into the new funds, although employees will have the option of moving their own funds either before or after the effective date. Dr. Berg said that the committee’s choices of which funds to preserve have been sensitive to the disruptions that will be caused, and therefore many faculty and staff may experience no change.

A Senator asked whether current law permits individuals to opt out of the University’s retirement options and invest their own monies. Mr. Mirzada said that fiduciary responsibility cannot be transferred away from the institution. The Senator also asked whether the new array would include socially responsible funds. Mr. Mirzada replied that the new array contained the CREF Social Choice Fund. The Senator asked whether this means that only one out of approximately 25 available funds would be socially responsible. Mr. Simio said yes.

Senate President Forgey asked when the faculty at large would be apprised of these changes. Mr. Simio said that with the November 1 implementation date for the revised array, he and his colleagues were working backward from that date to develop a timeline for communications. Another Senator asked whether Mr. Simio thought it would be wise to receive input from the faculty at large. Mr. Simio responded that Dr. Berg was representing the faculty on the Retirement Investment Committee, and Dr. Berg assured the Senator that the Committee was operating effectively and receiving good advice.

A Senator observed that the implementation of this array felt somewhat like the implementation of the University’s health insurance plan this past summer. Mr. Simio responded that the group of five persons with fiduciary responsibility includes a faculty member. Senate President Forgey urged Mr. Simio to provide the faculty at large with advance communication about the changes to be made. Another Senator noted that colleagues in his department expressed significant concern when they saw an item about changes to the retirement investment program on the Senate’s agenda; this Senator recommended that Mr. Simio hold a meeting where faculty can communicate their concerns. Mr. Simio said that there would be a series of town meetings.

Another Senator asked whether there would be any changes to the provisions governing loans and hardship withdrawals from retirement funds. Mr. Simio said that there would not be.

Another Senator asked whether TIAA-CREF, where a majority of faculty retirement funds are invested, could lose significant sums of money as a result of these changes. Mr. Levy said that TIAA-CREF is the most solvent and highly rated of the University’s retirement providers, and Ms. Burns said that TIAA-CREF would find it acceptable to be the vendor of retirement investments, even if faculty and staff members chose to invest in non-TIAA-CREF funds.

Several Senators asked whether Mr. Simio and his colleagues should be communicating more openly with the faculty about these changes. Mr. Simio noted that Dr. Berg has been communicating with the Faculty Salary and Benefits Committee, and that the Retirement Investment Committee has communicated with the Executive Committee of the Faculty Senate. He said that now was the time for broader communications with the faculty. Individual faculty members with questions can email Mr. Perretti, and an initial mailing would be sent out in May. He reassured the Senate that a series of town meetings would take place, and he offered to accelerate the beginning of the University’s
communications to ensure that they do not begin to appear over the summer. He also agreed to a request from Senate President Forgey to share the communication plan with the Senate’s Executive Committee for feedback.

One Senator noted that at the end of calendar year 2014, some faculty received a dividend payment from their retirement fund vendor because the monies set aside for fees exceeded the actual cost of managing the plans. The Senator asked why dividends had not been returned in previous years if fees collected exceeded costs in those years as well. Mr. Levy said that in prior years, there was little regulation of retirement vendors for nonprofit organizations, and therefore no records had been kept of the relationship between fees and costs. Mr. Levy said that ultimately Cammack wishes that no dividends be returned, because it is part of their charge to ensure that Fordham plans carry the lowest necessary fees.

5. Announcements

Senate President Forgey reported on progress in the negotiations between the Executive Committee of the Senate and the President and Provost concerning course reductions for members of the Executive Committee. She read aloud a letter from the Provost in which the Provost communicated that the course load of the President of the Faculty Senate is to be no greater than one course per semester while in office, with the funds for any necessary course reductions coming from the academic area as a whole rather than from the Senate President’s college or school. Senate President Forgey reported that discussions are still continuing about the possibility of course releases for other members of the Executive Committee and said that she would update the Senate when additional information becomes available. One member of the Executive Committee noted that there is also under discussion the idea that the outgoing Senate President should receive an additional course release in the semester after her or his departure from the position, to enable that individual to have a smoother transition back to her or his usual teaching load and research and scholarship responsibilities.

Senate President Forgey also noted that the University Statutes call for each committee of the Senate to submit a report by the end of the academic year, and she indicated that she would solicit such reports from committee chairs.

Senate President Forgey also said that she had discovered in January that the changes to the Statutes concerning the title of Distinguished Professor that the Senate had passed in April 2012 were never considered by the Board of Trustees. In revisiting the issue, she and the Provost’s Office discovered the need for several minor changes to be made to the statutory language proposed in 2012. Senate President Forgey said that she has received assurances that if the Senate approves these changes, they will be considered by the Board at its April meeting.

To facilitate discussion of these changes, Senate President Forgey introduced Dr. Jonathan Crystal, Associate Vice President and Associate Chief Academic Officer, who noted that he, Senate President Forgey, and others had recently participated in a conversation designed to develop a protocol for handling the presentation to the Board of resolutions passed by the Faculty Senate. Dr. Crystal described the two small changes to the statutes concerning the title of Distinguished Professor that were being proposed.

Senator Vernon proposed, and Senator Baumgarth seconded, the adoption of these changes; the motion carried, 19-0-0.

6. Committee Reports
(a) Faculty Salary and Benefits Committee

Senator Clark, in his capacity as Chair of the Faculty Salary and Benefits Committee, reported that the committee had been told by Mr. Simio that until a permanent Chief Financial Officer has been chosen, he has not been authorized to negotiate with the Faculty Salary and Benefits Committee about faculty salaries for academic year 2015–16. Mr. Simio has presented the committee with data that tend to support a small salary increment, and the committee is preparing a rebuttal. However, in the meantime, Mr. Simio, the Provost, and the committee have agreed that the annual thresholds for minimum salaries are to be applied to newly hired faculty as well as continuing faculty. Senator Clark reported that the Salary and Benefits Committee will shortly be sending out to the faculty at large a survey developed by colleagues in the Gabelli School of Business designed to assess the effectiveness of the new health insurance. Finally, Senator Clark reported that Mr. Perretti had yesterday distributed to the faculty updated information about health insurance for retirees.

A Senator said that the Faculty Salary and Benefits Committee should not be waiting until the end of the year to begin negotiating about next year’s salaries. Senator Clark responded that the President of the University has not authorized Mr. Simio to negotiate with the committee and that the President will not negotiate with the faculty directly.

Senate President Forgey asked whether the Faculty Salary and Benefits Committee had heard anything about a Board of Trustees deadline for completing salary negotiations. Senator Clark said that the President had said that it is absolutely necessary that negotiations finish by Commencement.

(b) Technology Committee

Senator Grace Vernon, in her capacity as Chair of the Senate Technology Committee, delivered the committee’s report. Senator Vernon said that the committee was working with Ms. Donna Lehmann, Director of Online Communications who is the University’s website coordinator, about the continuing problems attending the introduction of the new website. Ms. Lehmann has proposed the creation of a new website advisory committee, and Senators were provided with copies of Ms. Lehmann’s proposal. Senate President Forgey said that while discussions about the structure of the committee take place, the Senate Technology Committee would continue to be the primary faculty liaison group about the website.

With regard to technology, Senate President Forgey reported that seven vendors have visited Fordham to deliver presentations about online learning technology. The co-chair of the University Online Learning Group, Dr. Steven D’Agustino, invited the Senate Technology Committee, as well as all interested faculty, to attend these presentations. Senate President Forgey attended five of the seven meetings as the ex-officio member of the Technology Committee. She said that she was very pleased with the level of faculty involvement and participation in this process. There are many issues to be considered, including intellectual property rights. Senate President Forgey praised the work of Dr. D’Agustino in coordinating the process.

7. Old Business

(a) SEEQ Information Request

Senator Saharia reported that he had learned from the Provost’s office that there is no university-wide policy or practice with regard to student evaluations of teaching, and that the Provost’s office, like the
Senate, is concerned that response rates have dropped substantially in the Faculty of Arts and Sciences and the Gabelli School of Business.

Several Senators recalled the history of student evaluations, as well as the existence of studies that demonstrate that student evaluations of teaching disadvantage female faculty and faculty members of color. Recent declines in participation may magnify these problems.

Because there was no consensus among Senators as to how to proceed, and because several Senators noted that decisions about the use of student evaluation data are primarily within the purview of personnel committees and merit committees, the Senate voted to refer the Faculty Development Committee the task of considering what is currently being done throughout the University with regard to student evaluations, as well as to recommend best practices to personnel committees and merit committees (19-0-0; Vernon/Koterski).

(b) University Research Council: Proposed Changes to Statutes

The Senate received from the University Research Council proposed changes to the Statutes regarding the Faculty Research Expense Program (formerly Grants-in-Aid). Senator Hornbeck moved, and Senator Nissim seconded, the adoption of these changes.

A Senator objected to the changes, noting that interdisciplinary scholarship and faculty collaboration have been disadvantaged by the transfer of Faculty Research Expense Program funds from the Office of Research to individual academic units. Some Senators said that this transfer of funds had already taken place and was outside the scope of the changes currently under discussion. Other Senators said that the Senate should consider the Faculty Research Expense Program as a whole before approving any changes.

Therefore, Senator Vernon moved, and Senator McGee seconded, to table the motion. The motion to table carried, 15-0-4.

(c) Contingent Faculty ad hoc Committee

In the absence of Senator Fernald, who is chairing the ad hoc committee on contingent faculty, Senator Hornbeck summarized a recent meeting of the committee and said that the committee would be bringing forward proposals at the April meeting of the Senate.

8. New Business

(a) Continuous Strategic Planning Process

Senate President Forgey reminded Senators that Fr. McShane had asked for the Senate’s input on the University’s new continuous planning process. She asked Senator Hornbeck to summarize a proposed response to Fr. McShane that the Executive Committee had drafted, and he did so.

Senator Hornbeck moved, and Senator Clark seconded, the adoption of the following response to Fr. McShane’s request:

In response to an invitation from the President of the University to contribute to the development of Fordham’s new continuous strategic planning process, the Faculty Senate recommends:
(a) that the group of University personnel tasked with leading the planning process be sufficiently small as to be nimble and effective and include at least three members of the Faculty, one of them the President of the Faculty Senate, ex officio, or her or his delegate, and the others to be chosen by the Faculty Senate; the Senate shall choose at least one of these from among the faculty of the professional schools if the President of the Senate is a member of the Faculty of Arts and Sciences, or from among the Faculty of Arts and Sciences if the President of the Senate is a member of a professional school faculty;

(b) that one of these faculty members should be designated by the President of the Faculty Senate to serve on the leadership team of the continuous strategic planning process;

(c) that no meetings of the planning group take place in the absence of the faculty representatives described above, with appropriate notice having been provided to all members when meetings are called;

(d) that the continuous planning process make use of the labor already being expended by deans, department/area chairs, and others in the development of annual reports;

(e) that there be a mechanism for all members of the University community to make suggestions concerning the University’s short-, medium-, and long-range plans; and

(f) that any reports and documents developed by the central planning committee be shared in full with the faculty.

Several amendments to the motion were made and adopted by unanimous consent. The motion carried, 19-0-0.

(b) Senate Fund Reimbursement Process

Senate President Forgey reported that now that nearly all of the bills the Senate had received from its attorney and insurance consultant had been paid, it is time to return to the faculty at large the remainder of the contributions that they made to the Senate’s fund for the defense of faculty rights. Senator Vernon, as one of the trustees of that fund, reported on the number and amounts of contributions that had been made. Senate President Forgey reported, on behalf of the Executive Committee, on a proposal to reserve a portion of the remaining funds for an ongoing legal reserve fund.

Senator Clark moved, and Senator Jackson seconded, the following motion:

The Faculty Senate directs the establishment of a legal reserve fund. The legal reserve is to be used when the Statutes are violated and redress is not available through usual channels, as well as for other matters concerning the Faculty Senate’s duty to uphold shared governance at Fordham University.

Faculty members who previously contributed to the Senate’s legal defense fund will be asked if they are willing to contribute to the reserve fund using the balance of their original contribution. To those contributors who do not affirm their willingness to use their original contribution for this purpose, the remainder of unused original contributions are to be returned, in proportion to the amounts given.

The motion carried, 18-0-0.

(d) Commencement Speaker and Honorary Degree Recipients

Senate President Forgey reported that the University Commencement Committee, which includes two
faculty members, has not yet been convened by the Administration, even though, according to Fr. McShane’s earlier report, the choice of commencement speaker was in the works. She also reported that the Commencement Committee was not convened in 2012, when the University chose as its commencement speaker and honorary degree recipient John Brennan.

Senator McGee moved, and Senator Nissim seconded, the following motion:

_The Faculty Senate respectfully reminds the President of the University that the Statutes specify that there be a Commencement Committee charged with advising him with regard to the selection of the commencement speaker and honorary degree recipients._

Finally, Senate President Forgey reported that the faculty and administration had received an email from Ms. Margaret Ball, Secretary of the University, about Commencement that included within it an invitation to nominate honorary degree recipients. She urged Senators to remind their constituents about this invitation. To ensure that faculty saw this invitation, one Senator asked whether Senate President Forgey might send an email to all members of the faculty on this matter, and Senate President Forgey agreed to do so.

By unanimous consent, the Senate adjourned at 3:41 p.m.

Respectfully submitted by J. Patrick Hornbeck II, Secretary