1. Call to Order

The meeting was called to order by Senate President Anne E. Fernald at 12:43 p.m. in the O’Hare Special Collections Room, Walsh Family Library, Rose Hill Campus.

2. Invocation

Senator G. Larry Farmer delivered the invocation.

3. University Research Council (URC) Election

Senate President Fernald presented the slate of candidates for consideration for appointment to the University Research Council.

Senator Vernon moved, seconded by Senator Chase:

The Senate approves the slate of candidates for consideration by Fordham President, Fr. Joseph M. McShane, S.J. for appointment to the University Research Council.

The motion was approved (16/0/0).

4. Report from the Salary & Benefits Committee

Senator Clark, in his role as chair of the Faculty Salary and Benefits Committee, presented the committee’s report. Senator Clark began by stating that the Salary and Benefits Committee has continued to meet with the Administration’s negotiating team since the last Senate meeting on January 27, 2017. They met on February 14, 2017 to discuss the Salary and Benefits Committee’s proposal. Senator Clark stated that the initial reaction of the Administration was to reject the proposal on the grounds that there would be inadequate savings through this plan as it would not generate the approximately 7 or so million dollars the Administration targeted to save, and it enables faculty and staff to remain on the Enhanced
PPO. They also made it clear that they would not accept the Salary and Benefits Committee’s wage proposal.

Senator Clark stated that the Salary and Benefits Committee and the Administration did agree conceptually on the following points.

1) the desire for a multiyear agreement
2) incentives for opting out of the health insurance
3) providing a wage increase.

The Administration’s negotiating team said they would only consider proposals that eliminate the enhanced plan. They noted that if faculty kept the enhanced plan, contributions to that plan would have to go up. They said they would be willing to consider a 90% UCR rate in the Standard plan and would retain features from 2014 such as no pre-authorization.

The Administration did not explore the Salary and Benefits Committee’s HRA and HSA proposal in much detail, Senator Clark reported, but claimed that the HRA would be a duplication of the Enhanced PPO. The Salary and Benefits Committee countered those points with a number of examples. Senator Clark stated that at the conclusion of the meeting, the Administration said they were adhering to their proposal but would also deliberate on an alternative approach. The Salary and Benefits Committee reiterated that the Administration’s current proposal shifted the cost to faculty and staff with faculty members experiencing an average increase in costs in the thousands.

After this meeting, the Salary and Benefits Committee submitted a revised cost calculation for the healthcare component of the proposal to which the Administration responded by calling a meeting with the Salary and Benefits counsel and John Drummond who modeled the cost calculation. One of the concerns the Administration raised in the meeting was how to enable people to move to Medicare coverage without incentivizing it. The Salary and Benefits Committee responded by proposing the option of giving such individuals an opt out amount just as others who opted out of insurance would receive. Senator Clark reported the Administration is now looking more seriously into HRAs and HSAs.

Senator Clark then made a point regarding the documentation provided by the Administration that has been made within several other Salary and Benefits Committee reports and conveyed in the Faculty Senate: The Administration continues to provide inconsistent data. For example, there are inconsistencies between the data generated by the Provost’s Office for submission to the AUUP and the data provided directly to the Salary and Benefits Committee. They also include in the number of faculty enrollees instructional/contingent staff that do not belong to the faculty the Faculty Salary and Benefits Committee officially represents, even though the Senate is certainly supportive of their right for benefits and is fighting on their behalf and that of all others who will be harmed by changes in health benefits.

Senator Clark concluded his report by stating that the Administration has suggested they would put greater restrictions on the HRA accounts proposed by the Salary and Benefits Committee to offset the reduction in benefits in the Standard plan if they were even to consider them. When asked for instance if the HRA could be used for dental costs, the Administration balked at the idea. The Administration also emphasized that the only way faculty could keep the enhanced plan would be with a significant increase in contributions.

Senator Clark then asked the Senate to join him in thanking the entire Salary and Benefits committee, with a special thanks to John Drummond for his excellent modeling and cost calculations worksheets.
Before opening the floor to questions and discussion, Senator Clark noted that the work of the Faculty Salary and Benefits Committee would not be possible without the excellent counsel of Beth Margolis, our lawyer, and Michael LiRosi, our health care consultant. However, the Faculty Senate will not be able to retain the counsel or consultant unless more financial contributions come in from faculty. Senator Clark noted that the contributions from the professional schools were nearly non-existent. He implored Senators to encourage their constituents to give.

Discussion after the report focused on a range of issues. Another Senator on the Salary and Benefits Committee stated that the Administration’s proposal would cost faculty an average 5k a year in out of pocket expenses. Senators noted that there will be a plan put in place in April by the Administration whether faculty agree to the plan or not. The conversation then moved to ways to raise funds for the legal counsel and medical consultant, and best ways to get the word out and encourage other faculty members to contribute to the Senate fund. Senator Clark noted that given the costs of the legal counsel, even if all faculty members gave $200, the Senate would still be far from where it needs to be to pay for the costs given the nature of the negotiations (with weekly or bi-weekly meetings and constant emails) and the ongoing governance violations by the Administration. During the latter part of the discussion, Senators turned to questioning the other avenues the Administration is exploring to cut costs other than through the salaries and benefits of faculty. Several Senators suggested that the University’s Chief Financial Officer provide the Faculty Senate with information on these alternative plans and proposals for reducing expenses across the University.

Senator Hornbeck moved, seconded by Senator Sen:

_The Senate directs the Faculty Senate President to attain from the University’s Chief Financial Officer, Martha K. Hirst, all proposals the University is entertaining to reduce expenses._

The motion was approved (16/0/0).

5. Response to the Administration’s Governance Violations

Senate President Fernald noted that the discussion following the report from the Salary and Benefits Committee was beginning to address some of the ways to consider responding to the Administration’s governance violations. She stated that she believes all of the stakeholders want the best for Fordham, but what that best looks like is different depending on where you are sitting.

Senators discussed whether or not President Fr. Joseph M. McShane, S.J was willing to meet with the Faculty Senate or the Executive Committee of the Faculty Senate to discuss the governance violations. Several Senators wondered if the President is fully aware of the impact of the Administration’s proposed salary and benefits plan on faculty. A Senator noted that the lack of awareness extends to many of the faculty members who do not understand the full impact of the governance violations or how University budget processes work. Senators agreed that the Faculty Senate should create a “Did You Know?” fact sheet to disseminate to all faculty that includes information on University budget, faculty and administrative salaries, student enrollment, University expenses, and other issues where faculty may be uninformed or misinformed.

Senate President Fernald asked Senators for their thoughts on facilitating an all-campus meeting similar to the information-sharing meeting with Howard Bunsis. In this meeting, faculty could calculate their health care plans with consultants and gain a clear understanding of what each proposed plan would mean for their individual health care expenses. Senators agreed that an all-campus meeting would be necessary and effective but had differing opinions on what exactly should be covered in the meeting.
Senate President Fernald reminded Senators that the next Faculty Senate meeting on March 24, 2017 would be the last meeting to take action before the Board of Trustees meets to decide the budget in April as the Faculty Senate April meeting falls after the Board has voted on the budget. The Senators then discussed actions that need to be taken within the next six weeks to mobilize the faculty and put pressure on the Administration. The Senators agreed to create the “Did You Know” fact sheet, hold an all-campus meeting, and model a calculator that faculty can use to calculate their health care expenses under the Administration’s healthcare plan.

A Senator noted that the three actions mentioned do not impact the institution. If there is going to be any response from the Administration there would need to be actions taken that impact the institution, such as work to rule. A spirited conversation about work to rule ensued. The Senators decided to defer a decision on the topic until everyone understood what work to rule means including: how work to rule is officially defined, what may or may not be allowable given the University statutes, and what it would specifically mean to institute work-to-rule on Fordham’s campus. The Senate decided to put a discussion of work to rule on the agenda for the next Faculty Senate Meeting on March 24, 2017.

Senator Clark moved, seconded by Senator Saharia:

_In light of the recent violations of the University Statutes by the Administration and the Administration’s current health care proposal that would shift significant medical expenses to faculty and staff, be it resolved that the Senate directs the Executive Committee to report back on the nature and implications of work to rule at the next Senate meeting._

The motion was approved (16-0-0).

6. Discussion of Lecturer’s Statutes

Senate President Fernald reminded the Senate of the status of the changes being made to the Lecturer Statutes regarding full-time non-tenure track instructional staff. She then asked Senators to review the Executive Summary prepared by the ad hoc group in preparation for the current Senate meeting. Senate President Fernald stated that the vote on the statutes would take place at the next Faculty Senate meeting on March 24, 2017. In preparation for that meeting, she asked Senators to carefully review the document she created outlining the current statutes and the proposed changes to the statutes. After the Faculty Senate votes on the statutes in March, the proposed changes will be presented to the Board of Trustees at their meeting in April. If the proposal is approved by the Board of Trustees, the changes will go into effect this year.

In response to questions from the Senators, Senate President Fernald reminded the Senate that the proposed changes to the statutes do not include clinical staff. The category full-time non-tenure track instructional staff includes: Lecturer, Senior Lecturer, Distinguished Lecturer, Writer/Artist/Scholar-in Residence, or Post-doctoral Teaching Fellows.

7. Senate President’s Report

Senate President Fernald stated that she would offer a truncated version of her report in order to leave time for two important matters of new business.

Senate President Fernald began her report by noting that in the time between the current and last Faculty Senate meeting the Faculty staged a silent protest outside of the Board of Trustees’ meeting on February 2, 2017 to challenge the Administration’s governance violations. President Fernald thanked the Senators
for their work to plan and implement the protest and expressed her gratitude to the over 150 faculty who participated.

Senate President Fernald then reflected on the danger of losing track of other important issues facing the University given the time consuming nature of the salary and benefits negotiations and governance violations on the part of the Administration. She reminded the Senate of the initiatives occurring across the University in which the Senate continues to remain engaged. CUSP is continuing to work on its three identified priorities: research, pedagogy, and interdisciplinary with a focus on inter-school research and teaching collaborations. As the process for hiring the Chief Diversity Officer begins, the Senate will insure that faculty members are represented on the hiring committee. In addition, there are curricular changes within Arts & Sciences specifically related to evaluating the American Pluralism attribute that will be important for addressing the concerns of the Faculty Diversity Task Force.

8. New Business

Senate President Fernald summarized the main points from Fordham Faculty United’s (FFU) position on unionization and presented the Senators with their request to receive support from the Senate as they move forward with the unionization process. Discussion among the Senators focused on clarifying the nature of support FFU is requesting from the Faculty Senate and how solidarity across all faculty and staff is important for challenging the Administration’s governance violations.

Senate President Fernald stated that Fordham Faculty United is asking the Faculty Senate to officially announce their support of FFU’s union campaign efforts and encourage the Administration to remain neutral during their campaign.

Senator Clark moved, seconded by Senator Cox:

*The Faculty Senate extends its support to Fordham Faculty United in its union campaign and encourages the Administration to maintain their current position of neutrality with regard to the campaign.*

The motion was approved (14-0-2).

The next order of new business was the events surrounding the denial of club status to Students for Justice in Palestine. The Dean of Student Life overturned the decision made by Lincoln Center United Student Government to approve the formation of a Fordham Chapter of Students for Justice in Palestine. On January 23, 2017 students staged a protest of the ban. The student who led the ban was subsequently brought up on disciplinary charges by the Dean of Student Life.

Senate President Fernald noted that the details surrounding the events leading up to and following the denial of club status were conflicting and challenging. After a brief summary of the facts and the places where accounts disagree from Fernald, Senators agreed this complex issue raises questions that minimally require a review of the process for attaining club status at Fordham, the student demonstration policy, and the guidelines for disciplinary hearings.

Conversation among the Senators focused largely on academic freedom. One senator stated that especially given the current political climate, he is deeply offended by the treatment of the student who led the protest. Other Senators agreed and a passionate discussion ensued regarding the need to protect academic freedom and students’ right to protest. Senate President Fernald stated that faculty members have a responsibility to teach students how to enter into and engage the many branches of the
Israeli/Palestine conversation that feed the deep contention in this specific incident, along with the other issues related to policy and, importantly, academic freedom. She suggested that a resolution should begin with a facilitated dialogue that brings all of the stakeholders into conversation with one another, and identified the Faculty Committee on Student Life as the most appropriate forum for this dialogue.

Senator Fernald moved, seconded by Senator GoGwilt:

*In light of the University’s ongoing commitment to academic freedom, the Senate requests that the Faculty Committee on Student Life convene a meeting for stakeholders regarding the recent denial of club status to a student group and the subsequent handling of a disciplinary hearing. This request is made with an eye to mutual dialogue, understanding, and exchange of views including possible recommendations for changes both with regard to this particular case as well as policies and procedures for student club approval and other matters going forward.*

The motion was approved (13-0-1).

By motion of Senator Hamlin, and seconded by Senator Sen, and by unanimous consent the meeting was adjourned at 3:58 p.m.

Respectfully submitted by Aimee Meredith Cox, Secretary