



FORDHAM UNIVERSITY

THE JESUIT UNIVERSITY OF NEW YORK

Faculty Senate

Joseph M. McShane, S.J., Hon. President

Micki McGee, President

Andrew H. Clark, Vice President

Christopher GoGwilt, Secretary

William Baumgarth

Fran Blumberg

Martin Chase, S.J.

Jeffrey Colon

Edward Dubrovsky

Marcia Flicker

Ralf Hepp

Janna C. Heyman

Judith Jones

Eve Keller

Winnie Kung

Mark Mattson

Matthew M. McGowan

Patricio Meneses

Haim Mozes

Diane Rodriguez

Berish Rubin

Aditya Saharia

Henry Schwalbenberg

Grace M. Vernon

Sarah Zimmerman

Faculty Senate Meeting
November 17, 2017

Excused: Janna Heyman, Jude Jones, Aditya Saharia, Diane Rodriguez, Henry Schwalbenberg, Sarah Zimmerman

Meeting: President's Dining Room, 12th Floor, Lowenstein, Lincoln Center Campus

1. Call to Order

The meeting was called to order by Senate President Micki McGee at 11:38 a.m. in the President's Dining Room, 12th Floor, Lowenstein.

2. Invocation

Senator Colon delivered the invocation.

On a motion from Senator Flicker, seconded by Senator Rubin, the Senate went into Executive Session at 11:40 and came out of Executive Session at 11:46.

3. Minutes -- Approval of the Minutes of October 27, 2017. Update on Minutes from 2016-17

Following a few minor corrections, the Senate approved the minutes of October 27, 2017 by a vote of 19 - 0 - 1.

Senate President McGee explained that the Executive Committee has now received all but one of the 5 out of 6 sets of the outstanding

minutes from last year. These are being reviewed for accuracy, and we hope to have the sixth and last set of outstanding minutes shortly as well. Our hope is to present these minutes to the Senate for approval at the next meeting.

4. Report of the University President -- Fr. Joseph McShane, S. J.

Having wished a happy Thanksgiving to all, Fr. McShane reported on challenges coming from Albany and from Washington.

Albany

The Governor has instituted Excelsior, the new program aimed at granting free tuition in SUNY and CUNY schools. Announced in the first week of January, in the first semester of implementation only about 22,000 students eligible rather than the 940,000. It was announced without great clarity with regard to exclusions: students must enroll for 30 credits and, if not, the scholarship funding is pulled from the students' account and becomes a loan rather than a scholarship (and the same is true if the student is forced to drop out). The program has had a significant impact on small private colleges and universities. At a meeting of the Executive Committee of the Council of Independent Colleges it was reported that the majority of private schools in New York experienced an 8% enrollment drop on average (some schools less, some schools more). Fordham didn't suffer a decline for this past year's cycle, but Peter Stace, Vice President for Enrollment, is concerned. There was some drop in the numbers of commuter students who

sought SUNY or CUNY schools over Fordham. Our fears around the Executive Committee table were that the program will have a greater impact on us as it becomes more widely known. We are watching carefully and want you to be aware of it. If we want to match what SUNY and CUNY are doing we would need an increase of 7 - 11 million dollars per year, not a small increase.

Washington.

In the proposed tax bill, there are certain things to be aware of that affect higher education:

1) **endowment.** The original proposal in the House of Representatives' bill proposes taxing endowments at a rate of 1.4% of earnings at schools where the endowment level is \$100K or more per student. This was later raised to \$250 K per students. Although this would directly affect only a small number of schools, the concern is about the precedent being set to tax non-profit organizations. Once set, this could lead to a more aggressive erosion of non-profits in the future. The bill has passed the House and is now in the Senate. Our lobbying arms (NAICU, AJCU, ACCU)¹ are all working on the Hill on this issue.

2) **tuition remission.** There's a provision in the bill that would make this a taxable benefit. There's a big fight around this, with a lot of resistance from colleges and universities and allied associations in Washington. It would be a pretty bad move for some faculty, their dependents, and staff at all colleges

3) **incentives for donors.** We're worried about the effect the tax bill will have on incentives for donors to give to charitable causes. We are watching this carefully, because, as higher education becomes more expensive, we depend more and more on donor support, at the undergraduate, graduate, and at the professional school level. For the first time ever in the last 5 years there is increasing pressure to grant more aid to the professional schools: the Business School as well as GSSS. We are going to continue to lobby on all these issues.

Also related to Washington, we are still monitoring the issue of DACA. Buttons for

dreamers are available and circulating. There is very strong support from students. We're using WFUV to support a bill going to both houses and to the President to protect DACA students. There are actually two bills: 1) a narrow bill to support 800K students; and 2) a broader bill to support 1 million and 800K. We can live with the 800K covered by Obama's executive order.

In response to a Senator's question about how many students receive tuition remission, Fr. McShane said he didn't know exactly and would have to find out, but noted this concerns the taxing of a benefit that affects not only faculty but also staff. On a question about graduate students, Fr. McShane indicated that financial aid was a separate category, though also important.

Report on rankings, 2017 College Access Fair, Endowment Growth, and Open House Attendance

Fr. McShane shared a handout [see appendix] including a number of things:

1) rankings on student mobility rates from *The Chronicle of Higher Education*. In the rankings for private institutions, Fordham ranked #10 for student-mobility rate. We are able to raise students who come from modest means fairly effectively. One thing that jumps out is that the number of New York institutions is a very high percentage of those in the top ten.

2) statistics on the 201 College Access Fair for African-American/Black and Hispanic/Latino Students. For about ten years, Fordham has cosponsored this college fair, originally for Hispanic students, now for Black students also. This is the only college fair in state to serve Hispanic and African American students. It is supported by Bloomberg Foundation funding together with the Commission on Independent Colleges and Universities (CICU). We offered a number of workshops, half of them bilingual, aimed at helping families of students understand how to get through search, admissions process, how to apply to for financial aid and be successful. Information was provided not only about what each school does, but also what

¹ National Association of Independent Colleges and Universities, Association of Catholic Colleges and

Universities, Association of Jesuit Colleges and Universities.

federal and state programs were available. We have signed onto two Bloomberg initiatives: 1) **College Point** -- begun by the foundation, offering online assistance for students who come from schools that are too small to help students apply to college; and 2) the **American Talent Initiative** founded by and funded by the Bloomberg Family Foundation, which started with 68 colleges that have pledged to increase the number of students from socioeconomically disadvantaged groups by 50K over the next 10 years. The number of colleges and universities involved is now 89. We keep an eye on Pell numbers -- right now it's approximately 22% of each entering class, but we would prefer it would go up.

3) Open House attendance [see #4 on the appended handout]. Fr. McShane thanked members of faculty for being so present and reported on the numbers (see appendix). Juniors at both campuses set records for attendance. Attendance of seniors, though lower than last years, was still substantial. Fr. McShane noted that the presence of sophomores (10%) surprising and not healthy.

4) Endowment Growth [see #3 and final page of appendix]. This report was not generated by us. Fr. McShane was happy to say that of all colleges and universities, Fordham had the 19th best return in the country, after years when we did not do so well. With 20 million not in the endowment because of a request from a donor, we are currently at \$746 million in the endowment. In fundraising we have raised \$115 million toward the \$175 million goal. It is important to build an endowment for financial aid for students. We are currently up in early action, and a little down in early decision.

One Senator asked if the biggest concern now was tax reform in Washington. Fr. McShane responded by saying it was both tax reform in Washington and the impact of Excelsior coming out of Albany. Both will have an immediate and bad impact. The Governor has really not taken the health of the private sector schools to heart. We keep reminding him that the private colleges and universities educate 491,000, and comprise a workforce of 106,000, so together form an economic engine of great importance for the

present and the future, because students will become leaders in every sector. The same Senator in a follow-up asked if the federal deductions are taken away, won't that affect the state, to which Fr. McShane responded that SUNY and CUNY are already concerned about whether they can afford Excelsior. They can't support the number of students who might come. Another Senator asked, at this point, what are you lobbying for? Fr. McShane responded that "what the State giveth, it won't take away -- strange, but true," explaining that we don't want Excelsior to be fixed. There are deep flaws in it - for example, students still haven't yet received money -- and the more problems there are, the less effective it will be, and so will eventually die. What we want to do in lobbying, then, is to make the case for keeping TAP and increasing it. It has been very effective for the State of New York students for decades and the principle is that money follows the student (rather than being directed to particular colleges). We'll lobby there, and also for our students to have access to STEM.

A Senator then raised a series of concerns about the university's failure to provide clearly labelled and clearly accessible single occupancy restrooms. Despite lively workshops engaging the Fordham community in debates on diversity, inclusion, and accessibility, this Senator expressed disappointment at the refusal on the part of some administrators to take seriously the need for single occupancy restrooms to be labelled all genders. Citing students who have expressed feelings of alienation and exclusion, he noted that we were failing an increasingly important population of -- a population, moreover, that was increasingly being marginalized and targeted. He noted, further, that Fordham was now failing to comply with New York city law. Fr. McShane said he didn't realize this and would follow up on the issues of accessibility and the question of compliance, adding also the need for baby-changing facilities. There followed comments from other Senators noting a variety of problems of accessibility (restrooms, wheelchair access, and also elevator access) at LC and RH, as well as problems concerning the allocation of classroom

space. [The vice presidents for facilities and Lincoln Center have been working on this and will be providing information that responds to this concern in the very near future.]

One Senator brought up a series of concerns about the Budget Fora held by CFO Martha Hirst, specifically 1) that faculty were excluded from those described as "stakeholders" in the university, while 2) the examples offered for making budget cuts focused on faculty (and notably comments about "enhanced teaching" which turned out to mean increasing the amount of teaching; and proposals to push phased or early retirement). The Senator also asked for the slides from the presentation to be shared. Raising the question of transparency on budget planning, Senators from Salary & Benefits called Fr. McShane's attention to the fact that the CFO has repeatedly made claims about the rising cost of healthcare at odds with the data that the Senate has available; and continues to ignore requests that she provide the data on which those claims are based. Fr. McShane said he would follow up on this and asked for a reminder with specifics on what information was being requested. [With regard to these matters, 1. Mr. Milowski has provided Dr Rubin with the information that he requested concerning the rising cost of healthcare. 2. [Here](#) is a direct link to the news story on the budget fora that were held, as well as the videotape of one of the fora, which can be reviewed for clarification on what Ms. Hirst said concerning the important stakeholder role that the faculty play at the University: <https://news.fordham.edu/university-news/budget-forums-aim-demystify-university-finances/>]

6. Report from the Committee on Salary & Benefits - Professor Andrew Clark, Chair, Faculty Committee on Salary and Benefits

Senator Clark presented two matters coming from the Salary & Benefits Committee, the first involving a few slight changes of language for phased retirement, the second involving the proposed language for a referendum on the allocation of merit.

1) motion to amend the language on Phased Retirement in the Appendix (A-5) of the Statutes

The Salary & Benefits Committee, in coordination with the Handbook Committee, developed some revised language to bring more precision to the current guidelines on phased retirement in the Appendix of the Statutes. A friendly amendment to add the word "normally" before "September 1" was accepted and the Senate approved the following changes (marked in red):

A-5 Phased Retirement

- a. **The University has approved phased retirement plans for academic years 1997-1998 through 2014-2020.**
 1. *At the time of the effective date of the phased retirement (normally September 1), the faculty member will no longer be a tenured member of the faculty.*
 5. *A faculty member on phased retirement may apply for emerita/us status once her or his phased retirement is complete.*

The motion passed by a vote of 18 - 0 - 0.

2) to approve language for a referendum on merit allocation for AY2019 and AY2020

As tasked by the Senate, the Salary & Benefits Committee developed language for a referendum on merit allocation for AY2019 and AY2020. The committee is still working on a cover letter to the faculty to explain the four options of the referendum. In the meantime, two slightly different versions of the proposed language were presented to the Senate for consideration (one including a note on CPI in the body of the text, the other adding the same note on CPI as an asterisked note following the text of the language).

There was considerable discussion about the referendum language and the referendum itself. Some concern was expressed that the four different options would lack clarity for faculty (by contrast, for example, to a simpler binary

choice); but it was noted that the choices are complex; that faculty should be informed of the complexity of merit allocation; that the vote will likely be split; that the Senate will need to make decisions based on whatever split vote the referendum produces; and that the Salary & Benefits Committee had reduced the range of possible choices to only four options.

Clarity was requested on whether the statutory stipulation of merit being awarded to "up to half the faculty" was "by School."

In response to a Senator's question the Chair of Salary and Benefits reminded the Senate that our legal counsel has advised that our 3-year agreement doesn't bind us to allocating merit in any particular way. This question opened up to two rather different areas of discussion: 1) divisions amongst faculty over merit allocations; and 2) divisions between faculty and some parts of the administration. The second area of concern led to inconclusive discussion about the different things people have heard, directly or indirectly, from members of the administration and the widely varying accounts about whether the administration supported the idea of merit, were indifferent to the idea of merit, or wished to remain neutral on the matter.

During discussion, Senate President McGee asked about the role of the Law School in the referendum, suggesting a mechanism for allowing Law School faculty to vote but partitioning the vote as a separate bloc. A Law School Senator argued that there was no need for the Law School to participate in the referendum. Another Senator noted that since the Law School does not participate in Salary & Benefits negotiations, they should not be included in the referendum.

Toward the end of discussion, it was noted that the reason the Salary & Benefits Committee is asking for a referendum is because the three-year contract agreed to under protest last year did not provide sufficient funds to assure the allocation of merit over the following two years.

On a motion from Senator Keller, seconded by

Baumgarth, the question was called and passed by acclamation.

The Senate then moved to vote on the language proposed by the Salary & Benefits Committee, selecting the version that included language about how CPI is measured in an asterisked footnote:

Language for a Referendum on Merit Allocation for AY2019 and AY2020

The Faculty Senate is seeking counsel/guidance from the faculty regarding how to distribute the funds that the Administration has earmarked for the AY2019 and AY2020 salary increases. After the faculty wide meeting on November 29, 2017 from 11:30 am to 1 pm on the Rose Hill and Lincoln Center campuses, the Senate will be holding an electronic referendum on merit. Faculty members will select their preferred option (only 1) out of the four below:

1) CONTINUE CURRENT MERIT POLICY IRRESPECTIVE OF INFLATION* FOR THE DURATION OF THE CONTRACT FOR THE YEARS 2018-19 and 2019-20

The current merit policy should continue and approximately 0.6% should be set aside from the salary pool for the remaining 2 years of the current contract (2018-19 and 2019-20) to provide merit increments of \$1340 for up to half of the faculty. The across the board pool amount will therefore be 2.1%, which would provide the following (approximate) across-the-board raises: Assistant Professor—\$2117; Associate Professor—\$2373; Professor—\$3072.

2) DISCONTINUE MERIT IRRESPECTIVE OF INFLATION* FOR THE DURATION OF THE CONTRACT FOR THE YEARS 2018-19 and 2019-20

This choice will result in all faculty receiving a 2.7% salary increase based on the across-the-

board pool of 2.7%, which would provide the following (approximate) across-the-board raises: Assistant Professor—\$2722; Associate Professor—\$3051; Professor—\$3949.

3) REDUCE MERIT IF INFLATION IS 2% OR HIGHER AND MAINTAIN CURRENT MERIT POLICY OTHERWISE

If the rate of inflation* is 2% or higher, the merit award amount for faculty should be reduced so that those faculty who do not receive a merit increment experience a 0.2% increase to their purchasing power. For example, this choice would mean that if the rate of inflation in 2017 is 2.2%, the across-the-board increase would be 2.4% and the remaining funds in the salary pool (0.3%) would be used to provide merit increments. This across-the-board pool would provide the following (approximate) raises: Assistant Professor—\$2420 ; Associate Professor—\$2712 ; Professor—\$3510 and merit of \$670.

4) SUSPEND MERIT IF INFLATION IS 2% OR HIGHER AND MAINTAIN CURRENT MERIT POLICY OTHERWISE

If the rate of inflation* is 2% or higher, the awarding of merit will be suspended. This choice will result in all faculty receiving a 2.7% salary increase based on the across-the-board pool of 2.7%. This would provide the following (approximate) across-the-board raises: Assistant Professor—\$2722; Associate Professor—\$3051; Professor—\$3949.

* as measured by the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for New York - Northern New Jersey - Long Island, NY-NJ-CT-PA, all items (series Id: CWURA101SA0) for the twelve-month period from January to December preceding January 1, 2018 (for AY2019) and January 1, 2019 (for AY2020) respectively.

The Senate approved the proposed language by a vote of 18 - 0 - 1.

Motions from the Student Life Committee

Senator Jones brought two motions to the Senate from the Student Life Committee. Noting the many different diverse populations to which the Student Life Committee needs to be responsive, Senator Jones reported that typically each year a number of issues get deferred in order to address the crisis of the moment. She therefore proposed an expansion in the number of committee members; and, additionally, that the Senate authorize the Committee to call on the assistance of other faculty members (not currently members) who might provide expertise as needed. Initially the request for adding regular members was for an additional 5 (from 5 to 10) but Senators suggested an additional 6 members might be needed, and this was added as a friendly amendment to the Committee's first motion.

1. The Senate recommends that the membership of the Student Life Committee shall be expanded to 11 from its current five members.

The motion passed by a vote of 18 - 0 - 0.

2. The Senate authorizes the Student Life Committee to enlist the assistance of other Faculty (who are not Committee members) whose expertise and commitment in certain areas would contribute toward specific tasks.

The motion passed by a vote of 18 - 0 - 0.

7. Updates on ongoing business

Interdisciplinary Task Force on Online/Hybrid Learning

Senate President McGee offered an update on the formation and working of the Interdisciplinary Task Force on Online/Hybrid Learning. Chaired by Mary Ann Forgey, the Task Force is still looking for an additional member of GSAS. A number of questions have arisen about its charge: in particular, the emergent/emergency question about its role in mediating concerns about individual faculty signing agreements with GSE regarding course

production for 2U. The Senate President has affirmed that this does fall under the charge of the Task Force, but also sought guidance from the Senate, and Senate representatives on the Task Force.

Several Senators on the Task Force spoke about its work. One Senator noted that the Task Force was focused, in its first meeting, on two main things: 1) assigning specific tasks to members, to find out about what is going on in their Schools, and to consider where Schools stand on online learning generally; and 2) the question of how much attention the Task Force should pay to governance issues such as the contract/individual faculty agreements with 2U. This Senator said that the Task Force will begin its real work at the next meeting. Another Senate member of the Task Force reported a great deal of discussion about questions of intellectual property, faculty involvement in curricular decisions, and safeguards on educational quality. Yet another Senate member of the Task Force spoke of the difficult position of the Task Force with respect to the time-sensitive issue of some faculty having signed agreements with 2U while others had not.

There was some discussion about the difficulty in getting access to the 2U contract (since Ron Jacobson, who was charged by the Provost with providing the Task Force the material it required, was unable to get access to the contract and referred the Task Force/Senate to the Provost who in turn deferred to the School Deans). There was also discussion about the University's Intellectual Property policy. Although the contract with 2U accords with that policy (as the Provost had assured the Senate previously), there is a clause in that policy for waiving faculty rights in cases of "extraordinary investment by the university." It seems this clause may be raising questions of IP, faculty control over the curriculum, and concerns about sustaining educational quality.

A Senator spoke about currently ongoing deliberations in the Law School over possible contracts with 2U, Noodle, and iLaw; noting that these precise issues -- IP, curriculum,

educational quality -- were part of the conversation; and also noting that there was no obligation to select 2U, and that each School was free to select its own vendor. On the question of individual faculty signing agreements, it was noted that there may be two different issues: one, disputes between the university and a vendor; and two, disputes between the university and its employees.

The discussion concluded with the Senate President's offer to work with Senate members of the Task Force on a letter to individual faculty members who may have concerns about agreements they are being asked to sign (or have already signed).

Other

The Senate President ended by reporting that she has received word from the University President's office that the Chief Diversity Officer's job description includes that he will be on the President's Advisory Council.

On the motion of Senator Keller, seconded by McGowan, the meeting adjourned at 2:28 p.m.

Respectfully submitted by Chris GoGwilt,
Secretary.

Joseph M. McShane, S.J.
 Report to the Faculty Senate
 17 November 2017

- 1) *The Chronicle of Higher Education*, “Colleges With the Highest Student-Mobility Rates, 2014”. Published October 15, 2017.

4-year private nonprofit institutions:

Rank	Institution	Median parent household income	Median child earnings, 2014	Mobility rate
1.	Pace U.	\$68,600	\$60,700	8.43%
2.	St. John's U. (N.Y.)	\$69,200	\$58,900	6.80%
3.	College of Mount Saint Vincent and Manhattan College	\$94,800	\$67,900	5.78%
4.	Long Island U. system	\$59,000	\$39,900	5.54%
5.	New York Institute of Technology at Old Westbury	\$78,500	\$49,900	5.40%
6.	Xavier U. of Louisiana	\$63,100	\$48,400	5.26%
7.	Tuskegee U.	\$54,400	\$38,900	5.23%
8.	U. of the Pacific	\$96,500	\$59,000	4.25%
9.	Howard U.	\$76,900	\$49,600	4.00%
10.	Fordham U.	\$113,300	\$63,300	3.98%

- 2) Statistics on the 2017 College Access Fair for African-American/Black and Hispanic/Latino Students:

- **Attendees:** There were 668 sign-ins at the fair, of which 564 were identified as students. An additional 200 attendees are estimated to not have signed in.
- In 2017, 52 independent colleges & universities and 6 organizations participated in the fair. In 2016, 48 participated in the fair.

Adelphi University
 Alfred University
 Barnard College
 Boricua College
 Canisius College
 Cazenovia College
 Clarkson University
 College of Mount Saint Vincent

The College of New Rochelle
 The College of Saint Rose
 Cornell University
 Daemen College
 Fordham University
 Hamilton College
 Hartwick College
 Hobart and William Smith Colleges
 Hofstra University

Iona College
 Ithaca College
 The King's College
 Le Moyne College
 LIU/Brooklyn
 Manhattan College
 Manhattanville College
 Marist College
 Marymount Manhattan College
 Mercy College
 Metropolitan College of NY
 Molloy College
 Mount Saint Mary College
 The New School
 New York Medical College
 New York University
 Niagara University
 NYIT

Nyack College
 Pace University
 Rochester Institute of Technology
 The Sage Colleges
 Siena College
 Skidmore College
 St. Francis College
 St. John Fisher College
 St. John's University
 St. Joseph's College/Brooklyn
 St. Lawrence University
 Syracuse University
 Touro College
 University of Rochester
 Vaughn College of Aeronautics &
 Technology
 Wagner College
 Wells College

The College Board
 College Goal New York
 National Hispanic Institute
 New York State Higher Education Services Corporation
 NYC DOE Division of English Language Learners and Student Support
 Society of Hispanic Professional Engineers (SPHPE-NY)

3) Endowment Growth:

The report from NEPC is attached.

Note: This is not the full universe of schools, so the “ranking” should not be taken into consideration. These are a sampling of schools for FY17 endowment performance. We can say we outperformed certain schools per the listing, but we were *not* the 19th best performer in the country.

4) Open House Attendance:

Event	Attendance
Rose Hill Open House (Seniors)	1,476
Lincoln Center Open House (Seniors)	625
OPEN HOUSE TOTAL	2,101
Rose Hill Fall Preview (Juniors)	829
Lincoln Center Fall Preview (Juniors)	334
FALL PREVIEW TOTAL	1,163

Rank	Institution	Return
1	Grinnell College	18.8%
2	Cal Tech	17.8%
3	University of Houston	16.1%
4	Michigan State	15.4%
5	University of California	15.1%
6	University of Colorado	15.0%
6	Lehigh	15.0%
8	University of Mississippi	14.9%
8	Boston College	14.9%
10	Dartmouth College	14.6%
11	Ohio State	14.5%
12	Oklahoma State Univ. Foundation	14.4%
13	MIT	14.3%
13	University of Pennsylvania	14.3%
15	University of Missouri	13.7%
16	University of Texas Endowment	13.4%
16	Brown University	13.4%
18	Stanford	13.1%
19	Fordham University	12.9%
20	Duke	12.7%
21	Penn State	12.6%
21	Univ. of Louisville	12.6%
23	Cornell	12.5%
23	Princeton	12.5%
23	Cornell	12.5%
26	University of Virginia	12.4%
27	University of North Carolina	12.1%
28	University of Kansas	12.0%
29	University of Florida Foundation	11.8%
30	Vanderbilt	11.5%
31	University of Maine	11.4%
32	Yale	11.3%
33	University of Iowa Foundation	10.3%
34	University of Kentucky	10.2%
35	University of Minnesota	8.6%
35	Kansas State University	8.6%
37	Harvard	8.1%