MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF MARCH 13, 2014

The New York University Faculty Senators Council (FSC) met at noon on Thursday, March 13, 2014 in Room 905/907 in the Kimmel Center for University Life.

In attendance were Senators Allgood, Alter, Backus, Becker, Cappell, Carpenter, Chan, Cowin, Diner, Dinwiddie, Jacobs, Jelinek, Kamer, Kane, Karl, Miller, Rajagopal, Simoncelli, Stanhope, Stokes, Sundaram, Uleman, Zwanziger; Active Alternates Dasanayake and Stewart; Alternate Senators Archer (for Goodwin), Dehejia (for Rodwin), Iskander (for Porfiri), Jerschow (for Mincer), Jones (for Stanhope), Rubin (for Amkpa), Reiss and Tannenbaum. FSC Former Chair Al-Askari; and Former Member Moskowitz attended as guests. Andrew Gordon and Ann Kraus attended as Special Guests.

APPROVAL OF THE MINUTES OF THE MEETING HELD FEBRUARY 20, 2014

Upon a motion duly made and seconded, the minutes of the February 20, 2014 meeting were approved unanimously.

CALL FOR NOMINATIONS: CANDIDATES FOR FSC VICE CHAIRPERSON AND SECRETARY, 2014-2015

Senator Alter informed the Council that nominations are officially open. Please send nominations to the Nominating Committee (Mark Alter, Dan Zwanziger, and Angela Kamer). At the April 10th FSC Meeting, the slate will be announced and nominations from the floor will be entertained.

REPORT FROM THE CHAIRPERSON: RAGHU SUNDARAM

Chairperson Sundaram reported that the 2nd meeting of the joint committee of NYU stakeholders and trustees was held the first week in March. The meeting mainly focused on contract faculty issues including job tenure and contract faculty’s role at NYU. A summary of the meeting will be available shortly. The meeting discussion moved to the topic of governance issues at NYU, and several topics came up, which will be the focus of the next two meetings. The topics included: Leadership succession (for both the President and Board of Trustees), 2031, GNU, and Governance. The purpose of the joint committee had to be readdressed because many members of the joint committee felt it was an alternative to the FSC. The joint committee was created solely for the purpose of communication with the Trustees. Faculty Governance continues to remain with the FSC and Contract Faculty Council (when it is initiated).

Senator Karl inquired about the origin of the joint committee’s agenda. Sundaram explained that during the first meeting in November, many issues were raised and the committee decided to focus on one issue per meeting thereafter. But, more members wrote in wanting to discuss other issues as well. Going forward the meetings will be opened up for any issue that needs to be discussed.
Senator Tannenbaum asked to elaborate on the discussion of the role of contract faculty during the joint committee meeting. Sundaram stated that there seemed to be a lack of agreement around the topic but that it was not explicitly addressed during the meeting. Contract faculty have been around for more than 30 years but their role is expanding in ways that are raising a number of questions. From the tenure-track faculty's standpoint, there is a benign explanation that an expansion of contract faculty enable tenure-track faculty to focus more on research and other activities and there is a less benign explanation that this represents a Trojan horse that is eventually going to get rid of tenure. From the contract faculty standpoint, they do not understand their role either and feel like they have been treated as lower citizens of the university. Senator Karl suggested that the FSC should take a leadership role on the topic of contract faculty. A focused discussion needs to be had where the FSC investigates the issue, gets evidence, and actually takes the lead on the topic. Sundaram explained that the matter has moved a little beyond that, especially with the creation of the Contract Faculty Senators Council. Everyone wants clarity on this topic and the FSC should work together, and separately, on the issue. Sundaram suggested an ad-hoc committee should be established next year for that purpose. Senator Backus recommended that a collection of data would be helpful with this issue. One of the committees, Finance and Planning, can collect the data from NYU's competitors experiencing the same issue and find a possible solution.

Sundaram informed the Council that he had invited Martin Lipton to speak to the FSC during their last council meeting on May 8, 2014. Lipton will speak about his successor and the process for finding the next president of NYU. The trustees have mentioned that they will include some faculty in the search process but, they did not specify how many and how it will be done. Sundaram also mentioned that Senator Uleman brought up a point to ask for the trustees to put the FSC in the bylaws stating that there will always be faculty representation. The FSC unfortunately cannot rely on the goodwill of the current trustees. Senator Backus proposed that the head of the FSC should definitely be part of the search committee for the next president. Another senator pitched to have this request put in the bylaws and Sundaram seconded it.

Sundaram updated the council on the FSC annual budget. Over the past four years the budget has been on a surplus of around $30,000 - $40,000 per year. Next year the council will receive the same budget as this year. Sundaram asked for any suggestions on what to spend the surplus on that will be useful. One suggestion was to allocate the money to the different committees and have them use it in any particular way. If not used, the money goes back to the university. The money shouldn’t be wasted but, if there are useful things to do with the money it should be spent.

**FSC COMMITTEE REPORTS**

**Governance: Committee Chair Jim Uleman**

**Best Practices for Faculty Senator Elections in Schools**

See Document A: *Proposed amended Article I.3 of the Rules and Procedures of the FSC*

Senator Uleman explained that this topic came out of a discussion that begun last year to make more public, and regular, the ways which FSC Senators are elected in the various schools. The document is a result of a draft last year that was talked about in the spring and suggestions were made. The suggestions were incorporated in the document and the Governance Committee reviewed it. The committee recommends the adoption of this document.

Uleman clarified the document is meant to be best practices, so it is not mandatory. The first paragraph is guidelines for what kind of procedures to adopt, which the schools will elaborate on in their unique ways. The second paragraph describes what their procedures should be if they don’t adopt a procedure mentioned in the first paragraph. The third paragraph states whatever is learned from each school about its procedures will be made public on the FSC website. The fourth paragraph explains that if a significant number of people, three in each school, decide that the election was not kosher or proper then they can
raise the issue with the FSC. After which, the FSC and the Governance Committee will look into the matter. These guidelines are the best practices in the FSC’s point of view if a school doesn’t do anything. This document is what to look to as a standard.

Uleman stated one of the problems that came up last year when this document was originally drafted was that it seemed to some members of the FSC that it was opening the door to a witch hunt by the Governance Committee. Uleman assured the council that would never happen because the document makes it clear that there has to be dissatisfaction by three people. Some schools are quite small so three people is a fairly big percentage. Three people have to bring it to the attention of the FSC for there to be any kind of action taken with regard to irregularities with the senatorial elections. It is the FSC’s responsibility to monitor such issues.

Chairperson Sundaram expressed concern about the third clause in the document which states that each school’s procedure can be published on the FSC website, and pointed out that this could be done only to the extent they provide those procedures. Uleman assured that if no procedure is provided then a blank will be posted on the FSC website.

Also, Sundaram raised concern about the phrase “at least three” because SCPS has less than three members as well as Shanghai (once they become part of the FSC). A senator suggested making an exception for those schools when it comes to this concern. Uleman proposed adding language to change the sentence to “a detailed written complaint, signed by no fewer than three voting professorial members or 10% of the respective School.” This will mean if you have two people for your school or one, you will just need 10% of that number. Senator Miller recommended that a “whenever possible” should be use in the document whenever referring to “three persons”. Senator Karl suggested using the term “whenever applicable” instead. Uleman agreed to use the term “whenever applicable” in the document wherever it made sense. Senator Kane raised an issue regarding the new language proposed. Instead of 10% the Senator proposed 50% and for the sentence to read “a detailed written complaint, signed by no fewer than three voting professorial members or 50% (whichever is smaller) of the respective School.”

Uleman reported concerns were expressed regarding the last sentence in the document. Many council members felt it was unclear as to what happens and who gets the vote for Senator. Uleman suggested adding a final sentence "Until the challenge is settled, the replacement Senator shall not be seated." To make the last sentence in the document less ambiguous.

Uleman proposed a motion regarding the new language added to the proposed amended Article I.3 of the Rules and Procedures of the FSC. It was seconded, and approved unanimously by vote 30 senators in favor and 0 senators opposed, with 0 abstentions of the Council.

See Document B: Addendum to FSC-GC Resolution on Senator Elections in the Schools

Senator Uleman explained that this document defines interference in elections. There have been occasions in which some faculty members have felt that pressure or influence was exerted by members of the administration. This document was circulated before and remained unchanged except a Council member noticed the word “are” in the first sentence that should not have been there. Uleman proposed removing the word “are” from the first sentence. A Senator pointed out that the word “partiality” should be added to the sentence “…should avoid any appearance of impropriety or conflict of interest during elections for Senators to serve on the Faculty Senators Council.” Another Senator suggested adding the word “favoritism” as well as “partiality”. Uleman proposed adding language to change the sentence to “…should avoid any appearance of impropriety or conflict of interest, or partiality, or favoritism during elections for Senators to serve on the Faculty Senators Council.”

Uleman proposed a motion regarding the new language added to the Addendum to FSC-GC Resolution on Senator Elections in the Schools. It was approved unanimously by vote 31 senators in favor and 0 senators opposed, with 0 abstentions of the Council.
**Faculty Handbook Changes**

See Document F: Faculty Handbook Introduction

Chairperson Sundaram requested that Senator Uleman highlight the reference points during this meeting and save the discussion for the next FSC meeting on April 10, 2014. Uleman stated that the Council adopted the amendment to the Faculty Handbook during the last meeting. But, since then a concern has been raised regarding the adoption of shared governance by the Board of Trustees and there is a sentence in the document that seems to abrogate that. Uleman referenced page 3, third paragraph, and the last sentence in the document. "Nothing in this Handbook constrains the Board of Trustees from making changes to this Handbook with respect to any matter, and in the manner, it finds appropriate in carrying out its duties." Uleman proposed a move to strike that sentence from the handbook because it flies in the face of all the efforts by the FSC to get shared governance recognized. The sentence sounds like the FSC is saying 'Now that we got shared governance, we don't really care anymore and it's up to you guys (the Board of Trustees)' and therefore seems like a mistake. Uleman felt the sentence was gratuitous, redundant, and insulting. Sundaram agreed the sentence was gratuitous but said it was only an acknowledgment of reality. Uleman expressed that there was no need to have that sentence in the handbook because there is no need for the FSC to endorse it explicitly. Uleman proposed to move to strike immediately but, Sundaram suggested the issue merited further discussion and tabled the discussion and vote for the next meeting.

**Faculty Benefits & Housing: Committee Co-Chairs David Stokes and Sewin Chan**

**Goals for the FSC Benefits-Housing Committee, 2013-14 and 2014-15**


Senator Stokes reported that the discussion of benefits and housing started in January with a meeting between Chairperson Sundaram, Andrew Gordon, Karen Gulino, Alison Leary, Secretary McIlwain, and Senators Stokes and Chan. The meeting was used to develop what the committee wants to achieve. From the meeting, Stokes and Chan agreed to formulate goals for the committee. The mentioned document is an abridged version of the original which is more extensive.

Stokes highlighted an issue that came up during the formulation of these goals from the administration dealing with the constant change of committee members. Every year it’s a new set of people asking the same kind of questions. To try and ameliorate that, Stokes and Chan decided, given the FSC’s agreement, to continue to serve next year which gives the current co-chairs 1.5 years to write reports and give continuity toward the formulated goals. The first task of the committee is to gather data. Major points of focus for the committee are:

Healthcare and Prescription Drugs
The goal for the process on how decisions are made is collaboration between HR, FSC, and Administrative Management Council (AMC). No major plan design changes were made from last year to this year. Even though design changes were considered. There is an industry standard of 80/20. The employer pays 80% and the employee pays 20% towards the cost of medical plans. NYU employees currently pay 18.7%. Over the last two years, enrollment numbers haven’t changed. Most employees (faculty and staff) are choosing United Healthcare Choice Plus Advantage (PPO) as their medical plan. The High Deductible Plan with the Health Spending Account (HSA), which was introduced in 2013, started off with 4% enrollment and is now 5%. HSA is not the same as the Flexible Spending Account (FSA). It’s an account where you put in pre-tax money that rolls over from year to year. The cap for contributions in the HSA is much higher than for the FSA. The groups that will do very well under this plan are those with high and low health care usage. The share of people choosing HMOs, which are the most expensive plans, is small and declining.

Pensions
The committee wants to figure out how pensions are handled and how policies such as matching rates and auto-enrollment parameters are decided.

Tuition Remission and Portable Tuition
The committee felt that NYU’s faculty has less portable tuition than their peers. In general many other academic institutions have better portable tuition than NYU. The committee wants to investigate that and have a discussion of the trade-offs.

Faculty Housing
Karen Gulino supplied some data to the committee regarding faculty housing. The data concerned the extent of occupation by different groups (faculty, community members, post-docs, retirees, visiting faculty) as also the vacancy rate (mainly consisting of one-bedrooms). As families grow, it’s a hard transition to go from one-bedroom into a two or three-bedroom because there isn’t much stock. It has been proposed to provide incentives for families that have decreased in size to downsize into smaller apartments. Such incentives will free up the larger apartments for young, growing families. Such of the incentives could be a new loan program to help people purchase property. The committee gathered data from the loan programs that were offered in the past to help create an improved, newer version.

Another topic referenced in the meeting with Gulino was the Tri-Annual Upgrade Program. Every three years, tenants renew their lease, which typically involves a 13-14% increase in rent. Along with the renewal the tenant can have their apartment repainted. Most people do not accept the offer because it’s tiresome to move furniture to get to all the walls. The committee is developing a list of alternative apartment upgrades that would serve to improve living conditions for tenants and, at the same time, maintain the housing stock.

Senator Chan presented data collected from Andrew Gordon’s office regarding the Affordable Care Act (ACA). The ACA is a very complex piece of legislation and constantly changing. The one thing faculty need to plan for is the so called “Cadillac Tax”. It is slated to be introduced in 2018. “Cadillac Tax” is a 40% excise tax on high cost group health plans. All of NYU’s health plans are indeed high cost group health plans, with the possible exception of the High Deductible Plan. The base of the tax is the entire value of the plan, regardless of whether the employer is paying the contribution or the employee. If nothing changes, and NYU plans remain the same, the costs are going to be substantial. HR has been thinking about the possible effects of the ACA since 2010. It was the main incentive to launch the High Deductible Plan. The main discussions the committee will have with the HR office and Andrew Gordon is how the committee wants to respond to the situation.

Andrew Gordon, Vice President of HR

Senator Stokes and Chan introduced special guest Andrew Gordon, VP of Human Resources at NYU to answer questions regarding benefits and the presentation. Senator Kane asked why the High Deductible Plan is a non Cadillac Plan. Gordon informed the Council that it is simply about the cost of healthcare. It's about what the employer and employee spend on that healthcare cost.

Senator Karl inquired about the notion of new faculty being encouraged or mandated to select the High Deductible Plan and the current faculty being grandfathered in. Gordon clarified that HR is not mandating or grandfathering anyone to go into the High Deductible Plan.

Chairperson Sundaram asked about the status of the existing plans when referring to the AHA and Cadillac Tax. Is HR going to cap the cost of the plans or move to completely altering the plans? Gordon explains that HR can give projections to what will happen but, it will be just that. A projection. Primarily education is key. That education has started with the Faculty Benefits and Housing Committee and Senate Finance Committee. Gordon urged the Council and their representatives to become more educated about healthcare. A possible first step could be to get rid of all the HMOs. At one time, HMOs were affordable because of the discounts received by staying within the HMO network but, now HMOs have become expensive over the years. Most physicians want to diversify their income and interest, so
they try and get out of HMOs. With that, HR is going to look at the HMOs and the cost savings overall to the university to see if they can modify the plans they currently have.

Senator Iskander raised issues regarding NYU Poly employees’ dissatisfaction with the NYU healthcare plans compared to the plans they had before. Gordon stated that regardless of the ultimate conclusion of it being better or less favorable to employees than the existing plans, HR spent a lot of time educating the NYU Poly employees so they could make the best decision. Healthcare plans are about choices, purely based on the premiums, there were options to pay more, pay less, or pay something very similar. The NYU Plan has tiers based on salaries. The NYU Poly Plan depended on who you are, the distribution of that cost was completely even across the board.

ADJOURNMENT

The meeting adjourned at 2:05 PM.