MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF SEPTEMBER 23, 2010

The New York University Faculty Senators Council (FSC) met at noon on Thursday, September 23, 2010 in Room 405 in the Kimmel Center for University Life.

In attendance were Senators Bogart, Capan, David, Economides, Fernandez, Gale, Goldman, Hammack, Harrington, Hutchins, John, Jones, Karl, Kovner, Lebowitz, Monaco, Moran, Nolan, Phillips, Raiken, Schacht, Shimakawa, Simon, Sternhell, Sundaram, Tranchina, Van Devanter, and Zwanziger and Alternate Senators Denyes-Tunney, Dinwiddie, Hendin, Hurvich, Sweetman, Reiss, and Tannenbaum. FSC Consultant/Advisor Al-Askari attended as a guest.

APPROVAL OF THE MINUTES OF THE MEETING HELD MAY 6, 2010

A motion was duly made and seconded to approve the minutes of the meeting held May 6, 2010 with changes recommended by Former Chair Hammack.

REPORT FROM THE CHAIRPERSON: ROBERT SCHACHT

Brief introductions were made by the Senators. Chairperson Schacht stated that he requests all matters that require a vote be addressed at the beginning of the FSC meeting. He reviewed topics from the last meeting, including graduate students and their pay increases and responsibilities, which President Sexton believes will be an active issue this coming year. The Shanghai campus was discussed and Schacht stated it is still evolving. Senator Karl added that it is evolving very quickly. Schacht also mentioned the discussion of Non-Tenure Track Faculty (NTTF) representation and stated it is an issue that needs to be further discussed this year. Schacht reported, following the May meeting, the final reply regarding the “Revisions to the Policies and Procedures For Appointment, Promotion and Tenure at the School of Medicine” document was sent to the Provost, and the document was approved. Schacht stated that the FSC Executive Committee had worked on issues this summer, including a change in the tuition remission benefit. He asked Senator Jones to present on this issue.

FSC COMMITTEE REPORTS

Faculty Benefits Committee: Senator Jones

Senator Jones presented the Benefits Committee’s proposed resolution regarding the newly imposed age limit on tuition remission for dependent children. See attached Document A. Jones stated until June 1 of this year, dependent children's eligibility for tuition remission was not age-limited. There were small notices during the Re-engineering process mentioning aligning age limit with the IRS’s definition, yet it was not until the July 28 memo from the Benefits Office that the specific age was stated:

“A dependent child must be age 23 or younger as of the end of the calendar year to be eligible for TR in that year, aligning eligibility with the IRS definition of a dependent child. If a child will be 24 by the end of the calendar year, he or she is not eligible for TR in that year.” (Memo, July 28)
The Resolution the Benefits Committee proposed and offered for discussion by the Council:

“Dependent children of active or retired NYU faculty who have been officially accepted by a degree-granting program at NYU as of September 1, 2010, will be eligible for the same tuition benefits for which they would have been eligible under NYU’s previous definition of a dependent child, which imposed no age limit.”

Jones stated the Committee considers this to be an emergency, and this resolution is drafted to protect those being affected right now as a grandfathering approach. Senator Harrington explained that at the Committee Chairs meeting, the issue of grandfathering versus asking the entire change to be rescinded was discussed. It was decided that this emergency resolution would first be sent, and then the Governance Committee would work on this second proposed resolution in October. Senator Reiss alerted the Council that this benefit affects not only faculty but also administrators and suggested the Council include the Administrative Management Council (AMC) in this discussion. Senator Economides stated that the FSC can not speak for other bodies. Reiss responded that the Council has worked with the AMC on other benefits issues. Chairperson Schacht confirmed that he had had a conversation with the AMC Chairperson, but she had not heard of any of her constituents being affected. Senator Bogart expressed his concern that the administration did not bring this to the Council in advance. He commented that tuition remission is one of the major reasons faculty come to NYU. He also suggested that such a limitation could adversely affect returning veterans. He suggested the FSC pass a resolution requesting the change not be acted on immediately and to give us time to come to a conclusion. Senator Tannenbaum stated these circumstances are evident right now, and at a later time the Council could look at the tuition remission age cut-off in general. Harrington agreed with Jones’ argument that the resolutions be separate to first establish immediate remedy for those who are affected as an emergency measure. Senator Karl suggested adding the term “undergraduate” to match the language of the original memo, which referred to “undergraduate tuition”. Jones responded she did not want to limit the tuition being discussed. Tannenbaum suggested the statement “as an emergency measure” to be added to the resolution. Economides stated it should not be complicated with the word “emergency”. Denys-Tunney asked about the legality of the change, since it is a change of an agreement. Harrington responded that it is a violation of contract for those faculty affected. Economides asked if there were an estimate of the financial savings of this change. Jones responded that Michael Alfano mentioned it would cost from $500,000 to $600,000.

By a motion duly made, seconded, and approved by vote of the Council, the resolution, as original stated, was approved by a unanimous vote of 34 senators in favor.

OLD BUSINESS

Senator Raiken requested the Council continue to improve communication with the faculty. He mentioned that his own school, Gallatin, had the second to lowest response on the faculty survey. Secretary Hutchins confirmed the Communications Committee will continue to work on this.

Senator Reiss stated a number of FSC members sat on the task forces of the Re-engineering Advisory Committee and part of the final report stated there will be oversight after changes are implemented. She suggested that the Council ask for updates and evaluations of these changes.

Chairperson Schacht noted an issue he believes should be addressed by the Governance Committee is how the FSC should define its representation via the committees created by the administration. Senator Harrington stated it is important that the Council make sure the FSC Chair has been contacted to make appointments to these committees. Schacht underscored that the issue is the extent to which committees insist on a complete “cone of silence” over their
activities. Senator Economides stated that the cone of silence is used to ensure information is communicated appropriately and all details are not revealed. He believes it is extremely unlikely that the administration will change this policy and due to the importance of the FSC being represented on these committees, the Council should avoid exclusion because of a failure to accept the cone of silence.

Senator Simon noted it is important that our representatives are able to report back in honest ways. Senator Jones reported not having information greatly affected the work of the Benefits Committee, particularly the ability to have input. Senator Bogart commented the faculty are not able to form a union because the faculty are participants in the institution, yet this policy makes it difficult to participate. He suggested the information should be disseminated to the Executive Committee. Advisor Al-Askari added representatives should be able to share information with the Executive Committee so they are informed for their meetings with the Provost and President. Senator Harrington stated it is important that representatives of the faculty have access to information for the purposes of deliberation as a body. Senator Tannenbaum responded the Council is an advisory group and cautioned if the Council makes transparency a demand, the conversation may become less frank. He also stated it is very important to continue to have FSC representatives on these committees. Jones remarked she has not seen an example of FSC members inappropriately spreading information and believes the FSC should state that it can not accept “deliberative privilege”. Senator Goldman stated the role of the FSC is to represent the faculty, which is difficult when no information can be brought back to the FSC. Economides commented it is important that seriously discussed proposals are communicated, but all points of discussion do not need to be stated. Senator Nolan questioned why the FSC would want to legitimize this idea since it is not effective representation. Senator Karl stated the FSC needs to let the administration know the Council is proactive and will set an agenda.

Tannenbaum stated the survey was a key tool in representing the faculty and understanding their concerns. Vice Chair Zwanziger asked how the Council believes it should be distributed to all faculty. Harrington mentioned it was decided the raw data would be accessible to members of the Council to further analyze, particularly by committees. Karl stated it is important for the faculty to know the Council is working on the survey results. Reiss suggested communicating the link to the FSC website and providing a few charts and graphs. Former Chair Hammack directed the Council to the minutes of the May meeting, which listed a few highlights of the survey. The minutes and summary are prepared so senators can better communicate to the faculty. Senator Van Devanter asked about the time line for distribution. The Communications Committee will work on this. Senator Tannenbaum suggested the survey could be mentioned at the first University Senate meeting. Senator Nolan suggested an email be sent soon about the survey.

Schacht concluded by asking the Council to alert the Executive Committee on topic ideas for town halls. He also asked for a volunteer to chair the Personnel and Affirmative Action Committee this year.

ADJOURNMENT

The meeting adjourned at 1:45 PM, followed by the FSC Photo in Skirball.
Proposed Resolution regarding Newly Imposed Age Limit on Tuition Remission for Dependent Children

(Presented by the Faculty Benefits Committee for consideration at the Faculty Senators Council Meeting, 9/23/10)

Background: Until June 1, 2010, the qualification of a “dependent child” for purposes of tuition benefits at NYU required only the submission of the faculty member’s tax forms indicating that the child was in fact a dependent. There was no limit on the age of the child.

In an email dated July 28, 2010, from the NYU Benefits Office, with a subject line of “REMINDER: Tuition Remission Changes Effective Fall 2010 Semester,” it was announced for the first time that, effective June 1, 2010, a child must meet the following qualification in order to be deemed a dependent child for purposes of tuition benefits: “A dependent child must be age 23 or younger as of the end of the calendar year to be eligible for TR in that year, aligning eligibility with the IRS definition of a dependent child. If a child will be 24 by the end of the calendar year, he or she is not eligible for TR in that year.”

In view of the absence of notice, the absence of any opportunity for the faculty to discuss and respond to this sharp cut in anticipated benefits for affected faculty, and the sudden imposition of an unanticipated financial burden on affected faculty members that could mount to more than $100,000, the Faculty Senators Council hereby resolves that:

Resolution: Dependent children of active or retired NYU faculty who have been officially accepted by a degree-granting program at NYU as of September 1, 2010, will be eligible for the same tuition benefits for which they would have been eligible under NYU’s previous definition of a dependent child, which imposed no age limit.

(An example of the impact of this new age limit requirement is presented on the other side of this page.)

(OVER)
Impact of the Newly Imposed Age Limit on Tuition Remission for Dependent Children—One Example

(Sent to a member of the Faculty Benefits Committee by a faculty member at his School.)

Sent: 8/5/2010 1:18:06 P.M. Eastern Daylight Time
Subj: Tuition reimbursement

“Tony, my daughter will be attending the accelerated 15-month BS program in Nursing this Fall. According to the most recent notification, dated July 1010 from the benefits office, there have been drastic changes in the tuition remission policies for dependent children. My daughter Julie will only be covered for this fall semester as she will turn 24 next May and will not be covered for that entire year. She will graduate next December 2011. My tuition bill statement for this semester alone is $20,000 of which I will pay 10% and then I will owe another $60,000 being denied tuition remission for the rest of her education.

I understood that we might be paying 10% towards the tuition but not that there would be an age cut off? Our dependent children are covered through the age of 26 for medical benefits so why not tuition remission? We should have been advised of this change earlier as in my daughter's case, she could have attended another similar program elsewhere that would have been cheaper. What about the students who might have received a scholarship from a better school but chose NYU because of the tuition remission policy?

Julie turns 24 at the end of May 2011, why can't she be grandfathered in until then, at the least?

I am not prepared to pay this tuition and at the same time I am paying for my son to attend NYU graduate school of which there is no tuition reimbursement....

... this is all very hard to swallow....”

(A proposed resolution regarding the age limit on tuition remission is on the other side of this page.)