

New York University
A private university in the public service

Faculty Senators Council
194 Mercer Street, Suite 401
New York, NY 10012
Telephone: (212) 998-2230
Facsimile: (212) 995-4575

MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF SEPTEMBER 17, 2009

The New York University Faculty Senators Council (FSC) met at noon on Thursday, September 17, 2009 in Room 405 in the Kimmel Center for University Life.

In attendance were Senators Bogart, Capan, Cappell, Crain, Czepiel, Fernandez, Hammack, Hendin, Hutchins, John, Jones, Karl, Kovner, Lebowitz, Ling, Martin, Monaco, Raiken, Ramsey, Reiss, Rubin, Sadoff, Schacht, Simon, Thompson, Tranchina, Van Devanter, Vernillo, Wachtel, Zwanziger, and Alternate Senators David, Newman, and Tannenbaum. FSC Consultants/Advisors Al-Askari, Black, Gans, Moskowitz, Owen, and Vice Provost Ulrich Baer attended as guests.

WELCOME AND INTRODUCTION OF NEW MEMBERS

Chairperson Hammack welcomed members of the FSC to the first meeting of academic year 2009-2010. He welcomed new coordinator Karyn Ridder and welcomed all new senators, and thanked members for their participation in the Council.

APPROVAL OF THE MINUTES

The minutes of the meeting held June, 24, 2009 will be approved at a later date.

NYU'S GLOBAL INITIATIVES:

Ulrich Baer, Vice Provost for Globalization and Multicultural Affairs

Vice Provost Baer presented to the Council. He has been a professor at NYU since 1995 and for the past two years has served as Vice Provost for Globalization and Multicultural Affairs. In this role, he oversees 10 NYU global sites, including NYU in Berlin, Buenos Aires, Florence, Ghana, Madrid, London, Paris, Prague, Shanghai, and Tel Aviv. Vice Provost Baer discussed NYU's study abroad program, which has the highest number of American students studying abroad from one institution; every year about 2,600 total students study abroad. Vice Provost Baer reported NYU sites offer a unique model in which all credits transfer and may meet requirements for majors, students may carry their financial aid packages, and they allow NYU departments to shape programs and ensure conformity with NYU standards. There is also a large focus on security and this model enables NYU to have greater oversight of locations and student safety.

Senator Karl of East Asian Studies and History expressed her concern over her departments' ability to govern their programs internationally and the difficulty with language training for graduate students. She inquired if there is a possibility that these global sites (i.e. Shanghai) would be open to graduate students for research and language training. Vice Provost Baer replied graduate students are able study in these locations, but the China site poses an issue because of the language program. He welcomed Senator Karl to contact him in regards to this issue.

Former Chairperson Cappell asked Vice Provost Baer to elaborate on the issues of these programs, including problems of uniformity in quality of programs, currency fluctuations, and students' purpose for studying abroad. Vice Provost Baer responded that the critical issue is academic oversight. He stated the best way to ensure quality teaching is to receive recommendations from NYU faculty regarding researchers with whom they have worked with in those areas. In response to the question on students'

reason for studying abroad he stated they create a rigorous curriculum and balance with co-curricular activities to ensure a well-rounded educational experience, including social events.

Senator Rubin expressed a concern she heard from undergraduate students in the neuroscience and other science programs that they cannot go abroad for a semester because of their science course requirements. Senator Zwanziger expressed a similar issue presented by his undergraduate physics students. Vice Provost Baer responded that London does offer such courses, and they will be added to the Tel Aviv program. He cited the financial challenge of setting up lab space as the reason for the lack of science courses abroad. In response, he suggested encouraging students to study abroad sophomore year if junior year offers too many course conflicts and advised departments to mold their programs so students can leave for one semester and still fulfill their lab requirements.

Senator Hendin inquired about the ability for NYU faculty to teach abroad. Vice Provost Baer stated there is no policy to restrict NYU faculty teaching abroad. Yet there are challenges, including lack of funding. There are many NYU faculty currently teaching abroad.

Senator Owen asked if Vice Provost Baer believed there were too many or too few sites. Vice Provost Baer responded he would like to see more sites in Asia and another site in Africa. As for numbers of students, he believes it is important to get a sense of why students are not studying abroad, whether it is based on program, location, timing, etc.

Senator Thompson inquired about the possibility of an Australia site. Vice Provost Baer responded it is a potentially popular site, but he is waiting for a critical mass of faculty interest. The current focus includes India, Cuba, and Africa.

Vice Provost Baer concluded his presentation by reiterating the importance of the academic experience abroad and the issue of security.

REPORT FROM THE CHAIRPERSON: Floyd Hammack

Chairperson Hammack thanked Sylvain Cappell for his hard work and dedication to the Council. Sylvain extended his thanks to Former Chairperson Black and thanked all past chairs for their leadership.

Chairperson Hammack mentioned the request by Provost McLaughlin to put together a task force to study the issues of student integrity and learning assessment. Senator Reiss is leading the Task Force on Best Practices for Student Learning Assessment, composed of faculty and administrators from undergraduate programs in CAS, LSP, Gallatin, Tisch, Steinhardt, and Stern, ITS and the Libraries. The group is investigating what the university should be doing to assure students are well taught and acquire an outstanding college education as well as are knowledgeable about academic standards and they meet those standards. The Task Force anticipates completing its work at the end of the Fall 2009 semester and will report to the FSC, the Provost and to Deans.

Chairperson Hammack reported, due to transitions in the office over the summer, the New Faculty Reception will not take place this year. The Faculty Senators Council is co-sponsoring the New Faculty Lunch with the Office of the Provost. This is an opportunity for the FSC to introduce their role and encourage new faculty members' involvement in governance issues. The spring reception will take place.

Chairperson Hammack recounted the Senate Executive Committee met last week. At the meeting, it was acknowledged by President Sexton that this academic year would be a "challenging year" due to financial constraints.

Chairperson Hammack stated the FSC will be sponsoring a retirement event for Ruth Pengas, former FSC Coordinator, in conjunction with the Student Senators Council.

The committee assignments were distributed. *See attached Document A.* Senator Hinojosa is on sabbatical this semester, and replacements for his seats on several committees will be decided in the near future.

Chairperson Hammack informed the Council that the NYU bus routes have been reduced without consultation with the FSC, Student Senators Council (SSC), Administrative Management Council (AMC), or a formal announcement to the campus community. The FSC Executive Committee is currently working with the SSC and AMC to draft a letter regarding the decision and lack of consultation.

Chairperson Hammack stated his focus this year is on better communication to the FSC's constituencies, particularly through the website and newsletter. The FSC has reinstated the Communications Committee, which will be chaired by Paul Thompson. Chairperson Hammack requested if any senators had ideas to contact Senator Thompson or himself.

Former Chairperson Cappell reported that the administration of the SSC was separated from the FSC this summer. Formally, the coordinator role supported the activities of both the FSC and SSC. The SSC will now fall under the direction of the Office of Student Activities.

SCHOOL OF MEDICINE RESOLUTION

Chairperson Hammack reported that at the last FSC meeting in June 2009, there was a discussion on the situation of the School of Medicine and their new system of evaluating and determining productivity and salary for faculty. Chairperson Hammack read the May 2008 resolution. *See attached Document B.* This resolution was passed and sent to the University Leadership Team. Since the issues identified in that motion remain important, a new proposed resolution was created over the summer. Chairperson Hammack read the new resolution. By a motion duly made, seconded, and approved by vote of the Council, the resolution was approved with the following change in language: a replacement of "Langone Medical Center" with "NYU School of Medicine."

Former Senator Gans stated his main concern is if the university can win this argument than it can set performance standards that can be applied to every faculty member of the university. Senators Crain and Bogart stated the need for this resolution to be communicated to FSC constituencies. It was suggested that a message appear on the FSC website.

BENEFITS DISCUSSION: Mary Ann Jones

Chairperson Hammack stated the benefits discussion would be the first item on the next agenda, due to the time constraint at this meeting.

Senator Jones distributed a document from the Human Resources Policies Assessment Task Force (HRPAT). *See attached Document C.* She stated despite having a representative on this task force, Senator Hinojosa, he could not share this information or documents. One of her specific recommendations is to evaluate the proposed elimination of retiree tuition remission benefits and the suggested costs to the university. The FSC Benefits Committee, chaired by Senator Jones, will meet next week with Margaret Meagher, Senior Director of Benefits.

The meeting adjourned at 2:15 PM.

FACULTY SENATORS COUNCIL
Committee Assignments, A/Y 2009-2010

UNIVERSITY SENATE COMMITTEES

Academic Affairs

Sylvain Cappell
Floyd Hammack
Josephine Hendin
Carol Hutchins

Financial Affairs

Bruce Bogart
John Czepiel
Nicholas Economides
James Hinojosa
James Ramsay
Paul Wachtel

Organization & Governance

Nancy Van Devanter
Carl Lebowitz
Emily Martin
Daniel Tranchina
Daniel Zwanziger

Public Affairs

James Fernandez
Mary Ann Jones
Nava Rubin
Arthur Tannenbaum

University Judicial Board

Wen Ling
Marie Monaco
Robert Schacht
Lauren Raiken
Carol Reiss
Anthony Vernillo

University Committee on Student Life

Patricia Crain

FACULTY SENATORS COUNCIL
Committee Assignments, A/Y 2009-2010

FACULTY SENATORS COUNCIL COMMITTEES

Administrative Issues

John Czepiel
Jim Hinojosa
Carol Hutchins (Chair)
James Ramsey
Ronald Sadoff

Communications

Carol Hutchins
Mary Ann Jones
Paul Thompson (Chair)

Educational Policies

Teaching Excellence

Sylvain Cappell
Patricia Crain
Josephine Hendin (Chair)
Emily Martin
Laurin Raiken
Carol Reiss
Ronald Sadoff
Anthony Vernillo

Educational Policies

Branch Campuses

Sylvain Cappell (Chair)
Josephine Hendin
William Nelson
Carol Reiss
Nava Rubin
Paul Thompson
Paul Wachtel
Daniel Zwanziger

Faculty Benefits

Levon Capan
Jim Hinojosa
Mary Ann Jones (Chair)
Rebecca Karl
Anthony Kovner
Carl Lebowitz
Marie Monaco
Laurin Raiken
Paul Thompson
Anthony Vernillo

Faculty/Student Relations

Bruce Bogart
Patricia Crain
Wen Ling
Emily Martin
Robert Schacht (Chair)
Eric Simon
Arthur Tannenbaum
Daniel Tranchina

Finance & Policy Planning

Levon Capan
Nicholas Economides
Jim Hinojosa
Kose John
Daniel Meruelo
James Ramsey (Chair)
Nava Rubin
Daniel Tranchina
Paul Wachtel

Grievance

Rebecca Karl
Carl Lebowitz (Chair)
Marie Monaco
Robert Schacht
Eric Simon
Arthur Tannenbaum

Governance

Brookes Billman
Bruce Bogart
Jim Hinojosa (Chair)
Rebecca Karl
Anthony Kovner
Carl Lebowitz
Ronald Sadoff
Eric Simon

Housing

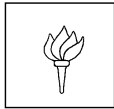
John Czepiel
Nicholas Economides (Chair)
William Nelson
Laurin Raiken
Carol Reiss
Ronald Sadoff
Paul Thompson

Personnel & Affirmative Action

James Fernandez
Floyd Hammack (Chair)
Carol Hutchins
Kose John
Wen Ling
James Ramsey
Eric Simon
Paul Thompson
Nancy Van Devanter

Tenure Modifications

Brookes Billman
Bruce Bogart (Chair)
Jim Hinojosa
Carl Lebowitz
Wen Ling
Emily Martin
Eric Simon
Arthur Tannenbaum



New York University
A private university in the public service

Faculty Senators Council
194 Mercer Street, Suite 401
New York, NY 10012
Telephone: (212) 998-2230
Facsimile: (212) 995-4575

Resolution: In support of our School of Medicine Colleagues, September, 2009

Approved September 17, 2009

The Faculty Senators Council reiterates its earlier [May 1, 2008] resolution regarding procedures affecting the Faculty of the NYU School of Medicine. In particular, as we have stated before, it is our understanding of the provisions of the Faculty Handbook that tenure protect faculty members' economic security. Second, we encourage Administrators and Faculty to use established procedures and that consultation and good faith collegial governance be followed going forward. Finally, take the position that new policies should not be retroactively applied.

We continue to hope that a collegial resolution of any differences between the SOM faculty and its administration will soon be achieved.

Text of Resolution of the Faculty Senators Council

Approved May 1, 2008

In concert with our faculty colleagues at the NYU School of Medicine [SoM] and those who serve on the SoM Faculty Council, the members of the NYU Faculty Senators Council reaffirm the central importance of academic excellence in all responsibilities associated with the faculty of every unit and School at New York University and the critical importance of the institution of tenure to its achievement. As our University Faculty Handbook asserts under Title I, Item III.: The Case for Academic Tenure: "Academic tenure is a means to certain ends, specifically: (1) freedom of teaching and research; and (2) a sufficient degree of economic security to make the profession of teaching attractive to men and women of ability (p. 21)." Accordingly, the FSC believes it is clear that tenure without economic security is meaningless.

In addition, the Faculty Senators Council reasserts that, as Schools and faculties address the issues and problems with which they may be confronted, established due process and negotiation are the means for resolving whatever disagreements may arise. The Council believes strongly that unilateral imposition of modifications of existing practices and obligations involving tenure or retroactively altering agreements regarding tenure and institutional salary undermine the mutual trust that has been the bedrock of this University's remarkable growth and success, and that will be essential as the faculty and the administration together face the challenges of achieving greater excellence.

Human Resources Policies Assessment Task Force (HRPAT)

Preliminary and “Fast Track” Recommendations

May 27, 2009

Preliminary Benefits Recommendations

- Implement previously approved UBAT recommendation to transition current 403(b) plan to a safe harbor plan effective 1/1/2010
- Eliminate Retiree Tuition Remission benefits: Savings = \$600,000 to \$1 million (small population; utilization varies year over year)
- Increase employee TR eligibility waiting period from 3 months to 6 months plus pass probation: Savings projected to be \$250,000
- For all object codes, dependent children who apply for tuition remission benefits for undergraduate or graduate study or portable tuition benefits for undergraduate study must be matriculated and enrolled in an NYU degree program by the end of the calendar year in which age 25 is attained. (Rationale: this parallels eligibility for medical and dental coverage.)
- Implement revised TR benefits upon layoff
- Eliminate 50% subsidy for registration fees for employees who use grad & undergrad TR; this is a recent change (Spring, 2007) without a long legacy; Savings = \$550,000
- Limit employee and spouse/DP to one degree at each level under TR

Total possible savings = \$1,400,000

Tuition Benefits: Codes 100/102/103

Subsequent to the original charge, the Task Force was asked to conduct an exercise to prioritize options that would reduce the fringe by 4 million dollars. The Task Force ranked options for possible TR benefits changes, but is not recommending any change at this time.

Should the University need to reduce costs to the fringe, the following options should be considered in order of preference:

- 1.) Eliminate Spouse/Partner TR: 1 year savings of \$1,628,355 at current level; \$814,175 from 50% benefit level
- 2.) Eliminate non-degree SCPS TR – Savings of \$600,000
- 3.) Reduce employee TR to 90% – \$725,250
- 4.) Limit employee/spouse-DP to one degree at each level (where applicable)

Total possible savings = \$2,953,605

Approved by UBAT and Re-approved by HRPAT

Alternative Plan Design Consideration: 10% “Safe Harbor” Model

An alternative design that might address concerns (e.g., flexibility, discrimination testing) and save NYU money:

- 5% NYU non-matching contribution to all eligible employees satisfying waiting period (1 year)
- Up to an additional 5% matching NYU contribution based on employee contributions (e.g., 1% employee contribution = 1% matching NYU)
- NYU does not have risk of failing non-discrimination testing because of “safe harbor” design
- Implement a variable non-matching contribution, allowing the University to potentially reduce the plan’s overall cost in future years.

Note: all proposed plan designs subject to legal review

Current

NYU Basic	Employee Voluntary*	NYU Matching	Total
0%	N/a	0%	0%
0%	N/a	0%	0%
0%	N/a	0%	0%
0%	N/a	0%	0%
0%	N/a	0%	0%
0%	5%	10%	15%

Alternative

NYU Basic	Employee Voluntary	NYU Matching	Total
5%	0%	0%	5%
5%	1%	1%	7%
5%	2%	2%	9%
5%	3%	3%	11%
5%	4%	4%	13%
5%	5%	5%	15%

* Mandatory at age 35

Retiree Benefits Changes Endorsed by HRPAT

	Current EEs < 40	Current EEs > / = 40	Future Hires, retired < 65	Future Hires, Retired > / = 65
Medical	<ul style="list-style-type: none"> ▪ Dependents those you cover at retirement only ▪ Eligibility Rule of 75 or 80 ▪ Could have a different contribution structure than current retirees ▪ Subsidies should be weighted toward the retiree; less weighted for family members 	<ul style="list-style-type: none"> ▪ Dependents are those you cover at retirement only ▪ Grandfathered retiree eligibility & plan offerings 	<ul style="list-style-type: none"> ▪ Dependents those you cover at retirement only ▪ Eligibility Rule of 75 or 80 ▪ Account based medical plan ▪ Could have a different contribution structure than current retirees ▪ Subsidies should be weighted toward the retiree; less weighted for family members ▪ Retirees should have ability to protect against catastrophic risk 	<ul style="list-style-type: none"> ▪ Dependents those you cover at retirement only ▪ Eligibility Rule of 75 or 80 ▪ Could have a different contribution structure than current retirees ▪ Subsidies should be weighted toward the retiree; less weighted for family members ▪ Account based medical plan ▪ Retirees should have ability to protect against catastrophic risk ▪ Medical Plan option that provides benefits not available under Medicare (ie. Rx coverage)
Dental	Access	Access	Access	Access
Life	Flat dollar amount	Flat dollar amount	Flat dollar Amount	Flat dollar amount
Tuition Benefits	Eliminate	Eliminate	Eliminate	Eliminate

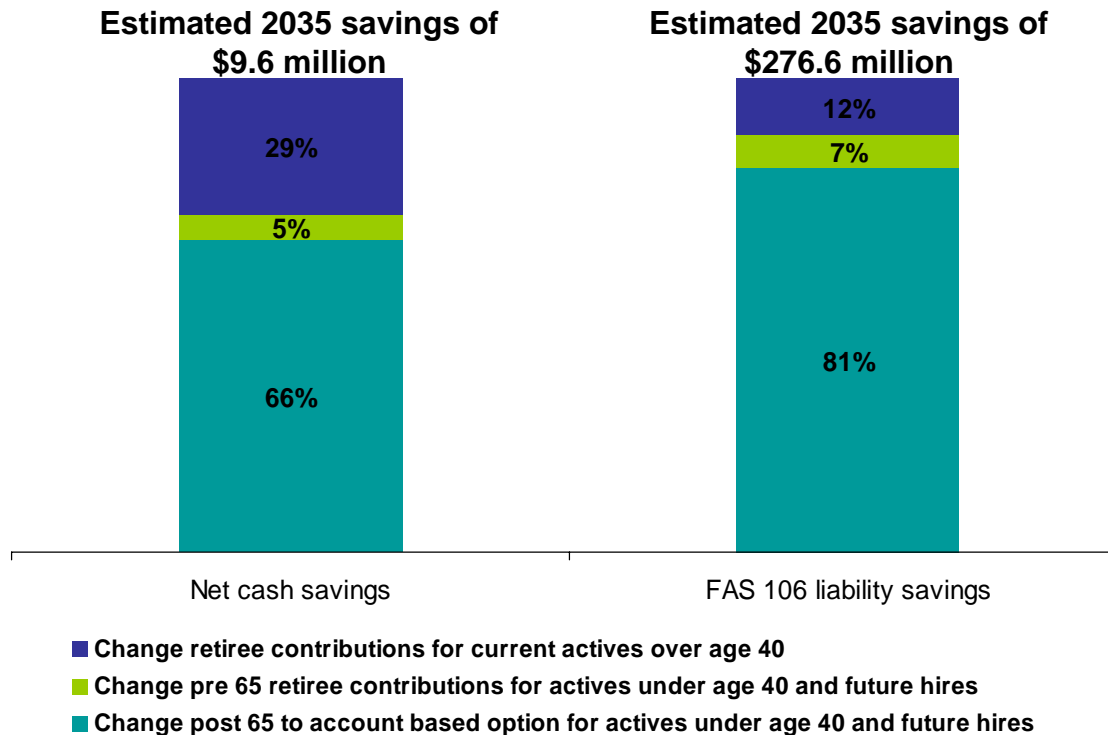
Retiree Medical Recommendations

Proposed Changes:

- Tighten eligibility: raise minimum age/service requirement to Rule of 75 minimum age 55 minimum service 15 (future hires & those < age 40)
 - Increase retiree's contribution to the cost of premium and/or increase out of pocket cost sharing in the plan design (current and future retirees)
 - Cap NYU's contribution to the cost of retiree health care (Defined Contribution Approach) (future hires & those < age 40)
 - Eliminate subsidized health coverage for future retirees, based on hire dates in future
 - Offer Medicare Rx only coverage to those who do not meet rule of 70 but are working past age 65 as an incentive to retire
 - Eliminate NYU Retiree Medical Plan (NYU's self funded indemnity retiree plan) and replace with Medicare HMO plans that are fully insured
- **HRPAT RECOMMENDATION:** HRPAT endorsed a package of retiree benefit changes inclusive of the above with the exception of the elimination of the NYU Retiree Medical Plan for those currently retired.

Projected 2035 Savings

- Over 65% of the estimated 2035 cash savings and more than 80% of the decrease in APBO is attributable to the change to an account based approach



2035 savings estimated based on Mercer's projected FAS 106 liabilities and benefit payments provided to Martin Dorph.
Above analysis: Towers Perrin

Best Practice Endorsement: Dependent Audit

- Employees will be asked to confirm that any enrolled dependents meet the plan's eligibility requirements
- Employees will be allowed to voluntarily drop those who don't meet the requirements within a designated time
- In exchange for this voluntary disclosure, NYU will not penalize past violations of the plan's eligibility rules (most common situations are covering a divorced spouse or a child who has married)
- After amnesty period has expired, NYU will engage a third party in a random sample verification of dependent eligibility
- Going forward, NYU will regularly conduct random sample audits

Fast Track Recommendations

- Extend rollout of UNUM - Received Core approval - implemented effective 4/1/09
- Amend existing severance policy - pending presentation by Bob Roach to Sr. Team
- Amend existing Vacation Accrual to front load days and cap rollover - pending presentation by Bob Roach to Sr. Team.
- Implement Banding - needs Core approval
- Implement UBAT and Core-approved 403(b) plan change for 1/1/10

UNUM FMLA Administration Impact on NYU Savings

- Savings occur when non-qualified leaves are eliminated and overtime expense and temp hires are avoided.
- Validation of the leave results in shorter leave duration because intermittent leaves are verified each time.
- NYU may impact medical costs by reducing the duration of the disability leaves.
- Legal compliance is maintained and documentation is available to support an inquiry by the DOL if the need arises.

Projected Financial Impact of Full Rollout of Integrated FMLA/STD to NYU Non-Faculty

Assumptions: Average NYU Salary \$72,400 # of non-faculty eligible - 5400	Pre-integration with Unum	Post-integration projection with Unum
Average annual # of employees who take leave (10% based on UNUM Book of Business)	a) 540	a) 513 (a 5% decline in utilization)
Duration of leave (in days, based on UNUM book of business)	b) 72	b) 68
Lost work days FT equivalency (lost work days/# of work days in calendar year (260))	c) 38,880 = days lost X # of employees on leave (axb) d) 149 (axb/260)	c) 34,884 = days lost X # of employees on leave (axb) d) 134 (axb/260)
Total Direct cost to NYU (sick pay, temp workers, overtime, and productivity loss)	\$10,804,248 (lost days (c) x average daily salary (72400/260))	\$9,713,798 (lost days(c) x average daily salary \$72400/260))

A savings of \$1.1 million

Note: One pilot unit experienced a 51% decline in overtime after the pilot over the previous. The overtime savings were about \$1.1 million.



Human Resources Policy Assessment Task Force

Current Policy: **Severance Policy**

<http://www.nyu.edu/hr/policies/anp06000.html>

Approved Language to be added to existing policy

An employee (employees) is (are) not eligible for severance if he or she (they) leave(s) the University under the following conditions:

1. Voluntary Resignation
2. Discharge for Cause
3. Disability covered by Workers' Compensation or NY State Disability Insurance
4. Retirement
5. In the event a University function or service is contracted, assigned or otherwise transferred to another entity and University employees in that function or service are hired as employee (employees) by the other entity within thirty (30) days of the contract, assignment or transfer, provided the employees receive substantially similar salary (compensation).

Employee Population: ✓ Administrator



Human Resources Policy Assessment Task Force

Current Policy: www.nyu.edu/hr/policies/timeoff2.html
Vacation Accrual / Employee Relations

Inconsistencies/Problems: Complicated; Inconsistently applied; Inflexible for employees and departments, including inability to take vacation during probation

Proposed Change: For code 100s: front-load vacation and allow employees to take vacation during first six months

Pros: Consistency; Efficiency; Aligned with best practices; More flexibility for employees and departments

Cons: Risk more time used than would have accrued upon separation (but recoverable from final pay)

Employee Population: ✓ Administrator ✓ Staff

TR Upon Layoff: Current Policy

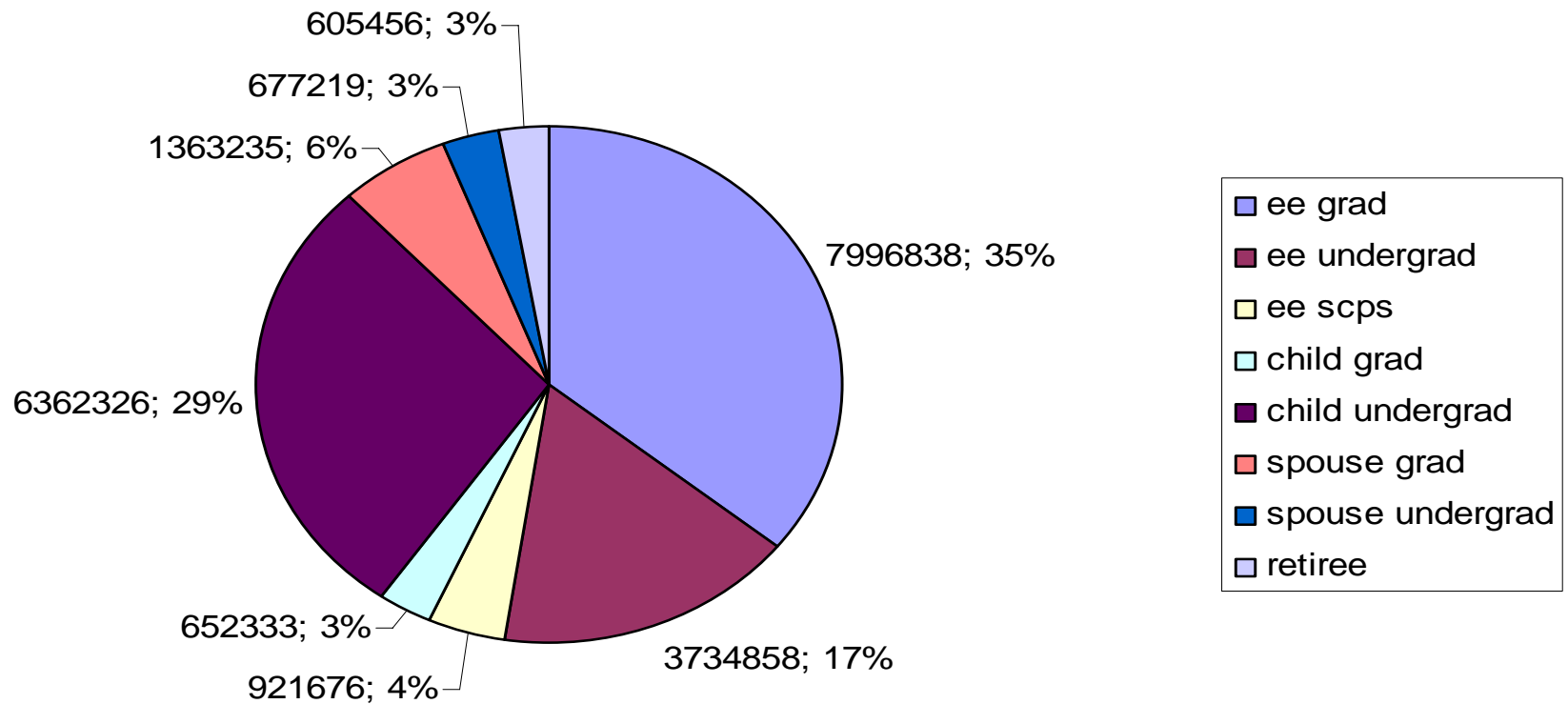
Type of TR Benefit/ Length of Service	Employee	Spouse/ DP	Dependent Child
< 3	NA	Spouse/DP gets benefit for one semester beyond the semester in which the employee was laid off	Child gets benefit for one semester beyond the semester in which the employee was laid off
> / = 3	NA	Spouse/DP can complete degree program in which they were enrolled & matriculated at time of layoff	Child can complete degree program in which they were enrolled & matriculated at time of layoff
< 10	TR benefit continues to end of semester in which layoff occurs		
> 10	Employee can complete degree program in which they were enrolled & matriculated at time of layoff		Children under college age can complete an undergraduate degree when they reach college age

TR Upon Layoff: New Policy

<p>< 3</p>	<p>Employee's entitlement continues for one semester beyond the semester in which layoff occurs</p>	<p>Spouse/DP gets benefit for one semester beyond the semester in which the employee was laid off</p>	<p>Child gets benefit for one semester beyond the semester in which the employee was laid off</p>
<p>> / = 3</p>	<p>Employee can complete degree program in which they were enrolled & matriculated at time of layoff</p>	<p>Spouse/DP can complete degree program in which they were enrolled & matriculated at time of layoff</p>	<p>Child can complete degree program in which they were enrolled & matriculated at time of layoff</p>

2008-2009 Allocation of Tuition Remission Spending (includes all object codes)

TR \$22.3 m spend allocation 0809



Note: 65% of spend is incurred by code 100, 102 and 103; 32% incurred by 104,106,107; 3% by retirees

Savings Tally

- UNUM Enterprise-wide: \$1,100,000
- Eliminate Retiree TR: \$600,000
- Eliminate 50% subsidy
for Registration fees
for grad and undergrad TR: \$550,000
- Increase waiting period for TR: \$250,000

Total Savings= \$2,500,000