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Northeastern University

Faculty Senate Meeting Minutes

Faculty Senate

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Faculty Senate Meeting Minutes : 03/17/2010

Stephen W. McKnight
Northeastern University

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Northeastern University
Office of the Faculty Senate

TO: FACULTY SENATE
FROM: STEPHEN W. MCKNIGHT, SECRETARY, FACULTY SENATE
RE: MINUTES, 2009-10 FACULTY SENATE, 17 MARCH 2010

Present: (Professors) Alshawbkeh, Board, Chilvers, Daynard, De Ritis, Gaffney, Gatley, Goodale, Hafner, Herman, Karma, Kruger, Lifter, McKnight, Mierelles, Morrison, Mourant, Muftu, Podlaha-Murphy, Portz, Price, D. Sherman, T. Sherman, Sherwood, Thrush, Waszczak

(Administrators) Director, Falcon, Finkelstein, Loeffelholz, Luzzi, Moore, Powers-Lee, Ronkin, Spieler, Zoloth

Absent (Professors) Alverson, Born, Rosengaus, Ross, Young

Provost Director convened the meeting at 11:50 AM

I. The minutes 24 February 2010 of were approved as written.

II. SAC Report. Professor Morrison reported that SAC has met twice in regular session and once with Provost Director and President Aoun since the last meeting.

Professor Gloria J. Barczak of the College of Business Administration has been selected as the 2010 Klein University Lecturer. The topic of her lecture will be "Innovation in the 21st Century". Faculty are encouraged to attend the lecture and reception on Thursday, April 8, 3:00 PM in Raytheon Amphitheatre.

Senate elections. The following faculty members have been elected to the 2010-2011 Senate:

Professors George Adams and Stefano Basagni were elected from the College of Engineering.
Professor Deborah Ramirez was elected by the Law faculty.
Professors Kruger and Waszczak were re-elected by the Bouvé College faculty for two-year terms and Professor Board was re-elected for a one-year term.

The following Senate Committees have been staffed and charged. The full text of the charges may be found at the Faculty Senate website.

Joint Senate and Provost Office *ad hoc* Committee to Examine Faculty Work-life Balance

Members:
Professor Rhonda Board, Chair (Bouvé-Nursing)
Professor Carmen C. Sceppa (Bouvé-Health Sciences)
Professor Jamie J. Ladge (CBA-Management & Organizational Development)
Professor Edward G. Wertheim (CBA-Management & Organizational Development)
Professor Malcolm D. Hill (CAS-Earth & Environmental Sciences)
Professor Linda M. Blum (CAS-Sociology & Anthropology)
Cheryl F. Whitfield, Director-Human Resource Programs & Employee Relations

Charge:
Review policies at other institutions that allow tenure-line faculty members to assume modified duties as a result of family events or medical circumstances and recommend policy changes that may enhance faculty members' retention and success at Northeastern.

Review policies at other institutions aimed at responding to the needs of dual career couples, particularly during the faculty recruiting process, and recommend approaches that may make Northeastern more competitive in recruiting and retaining such faculty members.

Review Northeastern's present capacity for assisting faculty with childcare and eldercare, including on-site, off-site, and back-up care accommodations, and recommend possible improvements.

Senate *ad hoc* Committee to Review Graduate Council Bylaws

Members:
Vice Provost, Graduate Education, Luis M. Falcon, Chair
Professor Agnes H. Chan (CIS-Director, Graduate School)
Professor Sagar V. Kamarthi (COE-Mech&Ind)
Associate Dean John F. McDevitt (CCJ)
Associate Dean Suzanne B. Greenberg (BCHS-Director, Graduate School)
Associate Dean Kate E. Klepper (CBA-Graduate Programs)
Associate Dean Kay D. Onan (CAS)
Senior Associate Dean Todd J. Leach (CPS)
Associate Dean Yaman Yener (COE-Graduate Programs)

Charge:
The Senate Agenda Committee respectfully requests that the Senate *ad hoc* Committee to Review Graduate Council Bylaws make the necessary modifications to the Graduate Council Bylaws to permanently institutionalize the current number of Council members as well as to recommend any further changes to the Bylaws that more closely reflect the capabilities and purview of the Graduate Council.

Dean Search Committee for the College of Criminal Justice (internal)

Elected members:
John F. McDevitt, College of Criminal Justice
Walter Forrest, College of Criminal Justice
Ni He, College of Criminal Justice

Appointed members:
Daniel J. Givelber, School of Law
Thomas H. Koenig, CAS-Sociology & Anthropology

The next Senate meeting will be held on 31 March 2010 in Raytheon Amphitheatre, 240 EC.

III. The Provost's report was deferred for presentation of the budget.

IV. Budget presentation. The Provost reported that the budget has been approved by the Board of Trustees and represents significant effort from many areas.

The Provost yielded to Senior Vice President McCarthy who reported that the economic climate has improved since last year but remains challenging. A significant portion of the endowment needs to remain liquid in order to cover outstanding debt; there is continued pressure on operating budgets; and the effect on families' ability to afford tuition continues to be a factor. The University has reached a limit on debt.

Provost Director listed University priorities as high-value education; continuing momentum in enhancing academics such as improvement of the student population and continued increases in faculty size and quality; continuing investment in critical infrastructure; maintenance of a competitive tuition; and enhanced financial aid. A decision has been reached to keep the size of the freshman class constant, and tuition will remain competitive with any increases partially offset by increased financial aid.

Academic priorities include 27 new faculty lines and 27 replacement positions inclusive of the additional startup resources required; core facilities for research; new deans' offices; salary increase programs for faculty and staff; a redesign of the honors program; new graduate and professional on-line degree programs; protection of the library's operating budget; and support for smaller class sizes and classroom improvement. Responding to a request from student government, the library will be staffed to remain open 24 hours seven days a week.

Student life priorities include adequate financial aid which addresses the needs of families in difficult economic conditions; broader access to web-based services; expanded dining options and others.

Vice President McCarthy reported that in order to secure long-term financial strength the University has refinanced over $300M into fixed-rate bonds designed to provide greater stability in the debt structure.

Budgeted revenues include a tuition increase of 4.1%; financial aid increase to $11.3M; graduate tuition increase of 3-4%; room and board increase of 3-4%; and a reinstated endowment payout.

Operating expenses include costs of academic and student life initiatives plus remaining costs of International Village (a $20M operating budget) and new college structure.

The budget includes 3% for faculty salary increases effective July 2010; 2% for merit pool and 1% for the equity pool. 2.5% is budgeted for staff as of 1 July 2010 and the staff bonus pool will be reinstated effective 30 June 2011.

The budget projects a 2.5% operating margin which is necessary to sustain NU's credit rating which had suffered a downgrade. It has now been upgraded to A2. The Vice President provided a brief explanation of managing debt and operating margin on a cash flow basis.

The 2.5% operating margin (or $19M) will pay down debt leaving a $7.2M cash flow margin; $6.5M of that is designated funds leaving essentially a break-even budget. Depreciation is treated as a real cash expense to fund capital improvements and deferred maintenance programs with $34M set aside for this year and next year.

Total increase in net revenue over 2010 is $47M: UG tuition represents $8M, graduate tuition $13M, and CPS $3M for a net tuition increase of $24M. Other increases are the reinstated endowment payout, sponsored research, indirect cost recovery, and room and board increase.

Fifty percent of the increase in expenses over last year is allotted to salaries and benefits and to long-range investments such as new faculty costs, residence hall expenses (notably the cost of International Village for an entire year), hybrid modeling, Unified Digital Campus (UDC) implementation, contractual increases and others.

Auxiliary enterprises include debt and depreciation, plant operations, profession and contract services, sponsored research, and others which comprise the remaining 50%. The total increase in expenses is $45M.

Contingencies planned in the budget include possible increases in PILOT (Payments in Lieu of Taxes) payments to the City and the consequences of reduced student enrollment.

The total capital budget is $40M for 2011 with $21.5M to academic "side" and $18.6M for deferred maintenance.

Professor Morrison thanked the Provost, the Senior Vice President, and all who assisted expressing appreciation for the continued momentum in challenging circumstances.

The floor was opened to questions.

In response to Professor Goodale, Senior Vice President McCarthy reported that "parcel 3" is not listed for lease but for development. NU is currently leasing various spaces and is not able to take on more capital expenses at this time.

Professor Gaffney questioned whether aspirant institutions record the same proportion of salary and benefits. Neither the Senior Vice President nor the Provost was able to answer although the Provost suspects it is so.

Senior Vice President McCarthy reported, in response to Professor Karma, that fundraising remains challenging but the last two years show NU at an all-time high of approximately $40M per year. Presently, however, that has a modest impact on the operating budget of between $5 to $6 million per year.

In response to Prof. Gaffney, the Provost indicated that the 27 replacement positions will not necessarily be filled in the same areas as the vacancies, but that it is expected that the faculty recruitment efforts will have an effect in reducing class sizes.

V. Vice Provost Loeffelholz read the following and it was seconded.

> ***Whereas*** **tenure at academic institutions is ordinarily construed as an appointment without limitation of time, and**
>
> ***Whereas*** **Northeastern University's present definition of tenure as a continuing right to annual employment contracts imposes inefficiencies upon the University,**

Be it resolved that the Faculty Handbook section on "Tenure," revised and approved by Faculty Senate on April 14, 2003 and again on April 22, 2009 and approved by the Board of Trustees May 8, 2009, be amended *as attached*.

The Vice Provost explained that the current definition focuses on annual employment contracts which are very much outdated. She provided wording from peer and aspirant institutions such as BC, BU, Brown, Cornell, Georgetown, Notre Dame, Syracuse, and Yale. University Counsel has found no reference to one-year appointments as the norm for tenured or tenure-track faculty. The purpose of the recommendation, therefore, is to move away from one-year contracts and to elevate the understanding of tenure to the norm at other universities.

Professor Daynard commented that the change was long overdue and that it legally strengthens the position of tenured faculty who are presently subject to whatever the Faculty Handbook states in any given year. The Board of Trustees reserves the right to change the Faculty Handbook unilaterally although they wisely do not exercise that right. If the concerns voiced are targeted toward legal security, dependence on conditions in the current Faculty Handbook creates a risk. The proposal references accepted understandings of tenure by academic institutions.

Professor Muftu agreed that the proposal was warranted but expressed concern regarding the elimination of certain words which appear to limit faculty rights, for instance the link between tenure and right to have annual employment. The 1940 definition of Tenure by the AAUP includes reference to a sufficient degree of economic security which is absent from the proposed wording in the second motion which directly affects the first motion. This could provide for the possibility of unintended consequences. Professor Muftu motioned to remand the amendment to the Senate Agenda Committee to include the verbiage regarding economic security and to be reviewed by an employment specialist attorney. The motion was seconded.

Vice Provost Loeffelholz clarified that the most recent tenure process was approved by the Board but could not be implemented for faculty on the tenure-track at that time. This proposal would become effective as soon as the Board approved it.

Several faculty spoke in favor of the motion citing concern about the missing language as well as the possibility of giving up rights with the lack of a signed contract. The need for an independent outside legal counsel was suggested.

Dean Spieler spoke against the motion noting that our annual contracts have to be signed but are not negotiable. Tenure has an understood meaning that assures a lifetime appointment barring only those conditions for dismissal specifically mentioned. The annual contract is irrelevant to security. A separate debate on the economic security language could be undertaken, but that language is not presently included and, as a legal matter, has no effect.

Provost Director noted that Northeastern is not same institution of ten years ago. There are areas which do not add to the forward momentum of the University, such as the annual contract for tenured faculty. NU is out of alignment with peer institutions. The annual contract adds difficulty in recruiting talented faculty, and contributes to a stunning amount of time and effort that are not the best use of University resources. Dean Luzzi agreed and also spoke against the motion noting that peer institutions maintain a consistent manner of addressing tenure as a lifetime commitment associated with academic freedom. Annual contracts open an avenue for perceiving faculty as contractual employees rather than indicative of the special status of tenured faculty members and create a psychological negative for recruiting new faculty members.

Professor Muftu clarified that he is not advocating continuance of yearly signed contracts but is calling attention to the part of the 1940 AAUP statement which has apparently been omitted at some point.

Professor Morrison noted that if the first motion is remanded, SAC will examine the second as well.

Professor Karma expressed concern about the medical school model where tenure does not guarantee a salary. Professor Adams, recognized from the floor, suggested that there were problems with the current language and with the proposed language, and the motion should be referred for further study.

Professor Daynard opposed the motion. He explained that tenure is a recognized legal category reaching to the Middle Ages in England. It is a special status, is consistently understood as such, and protects those in a paid lifetime position. Concerns to the contrary are unfounded. The missing part of the AAUP statement can be addressed by a simple amendment to the second motion and does not require remanding to SAC.

Speaking as a member of SAC, Professor Kruger expressed sympathy for the proposal to eliminate annual contracts, but bringing it back to SAC for further consideration would be the prudent course of action.

Further debate, both for and against the motion, took place.

Vote for cloture: PASSED, 29-2-2

Vote to remand the motion to the Senate Agenda Committee: FAILED, 16-17-2

The main motion remains on the floor.

The Senate adjourned at 1:23 PM

Respectfully submitted,

Stephen W. McKnight, Secretary
Faculty Senate