

FACULTY COUNCIL
Minutes
Wednesday, March 23, 2016
3:00-5:00 PM – CLC 727, WTC; IC 332, LSC; Cuneo 499, SSOM

Members Present: Battaglia, G.; Bryn, M.; Classen, T.; Conley, J.; Conway-Phillips, R.; Gillespie, L.; Graham, D.; Holschen, J.; Jellish, W.; Lash, N.; Lombardo, R.; Melian, E.; Miller, H.; Morris, P.; Ruppman, T.; Shanahan, A.; Shoenberger, A.; Singh, S.

1. Meeting was called to order at 3:20pm by Tim Classen. (Delay due to telecomm issues with SSOM.)
2. Approval of January minutes. Moved: Holschen. Seconded: Graham. Motion passed (unan.).
3. Presentation by Robert Munson (Senior VP for Finance, CFO) and Paul Roberts (Associate Provost for Enrollment Management). (See Appendix A for slides mentioned.)
 - Munson: How we build a budget
 - The Budget Review Team, established in 2001-'02 by then-President Garanzini and then-CFO Bill Laird, meets twice a month, year round. It is co-chaired by the President and me. My department (Financial Planning and Budgeting) puts together the materials and data the BRT needs. We begin (each August) with a list of assumptions, based on the previous years' results and numbers, and attempt to predict the budgetary requirements for the upcoming year.
We start with enrollment: new first-year students, transfers in (and out), continuing students, study abroad students, *etc.* (Over the next 3 years we will be moving towards a uniform equal-tuition-across-classes model.) How many students will be in residence, and on the meal plan? This gives us an idea of total revenues.
We then calculate projected expenses. Faculty and admin salaries and benefits are the single largest expense, followed by financial aid (discounts). Then, academic and student support services and staff. (Much growth there in the last 10 or so years, due to student demand.) We then calculate operating expenses down to the department level, including new spending requests.
 - Roberts: Enrollments (Historical context)
 - Chart 1: Overall enrollments 2000-2015. (Note recession effects on grad enrollment since 2008: first a boost, then a steady decline.)
Chart 2: New 1st year and total undergrad enrollment. We can distinguish 3 zones on this chart. The first one extends from 2000 to 2008, the period of "aggressive growth," during which we increased new first-year student enrollment by over 230%. In 2008

we judged ourselves to be “right-sized.” We capped first year enrollment growth at that point, and initiated a four-year plan to increase student body diversity. We also undertook measures to increase the 4-year grad rate, which was very successful (increased that rate by 10%). As a result of this, we had fewer 5th and 6th year students, and our total enrollments thus began to decline. We also saw a decline in first year enrollments, which led to a return to growth mode, from 2012 on. Although the last three classes of first-year students have been the largest three such classes in Loyola history, part of the budget crunch this year is due to the fact that we budgeted for 2400 students, but only enrolled just under 2200.

Charts 3, 4, and 5: Masters and JD program enrollments. The MBA program saw a boost in enrollment in the immediate aftermath of the recession. But enrollments have declined since then. The MBA market is very competitive. Within a reasonable drive of campus there are about 25 MBA programs. Top schools like the University of Chicago and Northwestern squeeze us from above; for-profits from below. (There are relatively similar patterns at DePaul University, our closest peer competitor.) MEd’s have seen a dramatic shift downwards since 2010. In Illinois enrollments peaked at 28,000, but by 2013 it was 13,000. Our market share has been stable, and our declines are the result of whole-market forces. School districts are no longer paying for credential increases, and MEd’s have lost prestige. The shift has been very sudden. (Although no chart for Social Work, MSW’s have declined as well, but partly for internal reasons—our market share has declined a bit, and the number of students entering MSW programs has gone down slightly, but the SSW has decided to take smaller classes due to resource limitations. Perhaps it has over-adjusted.) JD program: the number of students entering law programs nationwide has been in a steep decline lately. Between 2010 and 2014, LSAT testing has declined by 41%. The market for lawyers is pretty well flooded, and the recession has deeply affected the willingness of potential law students to take on large amounts of debt. Recently, there has been a slight uptick in LSAT takers. Introducing a new MJ program in developing hybrid and weekend programs may help us.

- Discussion

- Question: Retention rate: We have hit a peak retention rate of 87% in AY 2013-'14, which is very high; we'd like to hit 90%, but we suspect that will be extremely difficult.
- Question: Equity raise pool: We started seeing the trends that we weren't going to make the 2400 student target around this time last year. We had some initial concern; we had more concern when

May 1st hit, which is the deposit deadline. We also saw more students going overseas for study than we had predicted. We then began to develop a backup plan: what areas are we going to have to pull back on to meet the shortfall? We went to the Board in June and had them approve a budget with a \$3.4 million gap – that is to say, a balanced budget, but with a demand to meet this unexpected \$3.4 million. We met with the president over the summer. We had about \$1.7 million of new spending requests; these weren't funded. We also cut \$3.8 million elsewhere, for total of \$5.5 million savings. The money that had been set aside for faculty equity raises was, therefore, cut. But it has been reinstated for next year's budget, and the President has stated that it is a necessary, highest priority item.

- Question: MAP program funding: We have a hope that the legislature will pay suspended grant funds, both retroactively and going forward. The impact to Loyola this year is about \$10 million overall, and the University has committed to crediting the students whose MAP grants were cut. (This amounts to about 2200 students in all at Loyola.) Only about \$365K of that is in Arrupe College; \$500K is in nursing. This will be a problem in future years if the MAP grants do not get funded.
- Question: Is FY2018 a year of concern, in terms of debt? The LUC financial statements are all online (<http://www.luc.edu/finance/finst.shtml>). The FY2015 statement shows that at the end of FY2015 our total debt was \$520 million. By the end of this coming year it will be \$480 million. We will reduce the debt the next year by \$35 million, and the year after that by \$36 million, and the year after that by \$41 million. 2019 is the year we really see a reduction in our debt. (We have another “bullet” payment in 2023 of \$50 million.) We budgeted very conservatively. We are doing all of the things we said we would do; when the University took on all this debt years ago, we came up with a repayment plan, and have kept all our milestones since then, so our credit rating is extremely good. We have committed to taking on no new debt for a number of years, and we have held to that consistently. (This money for repayment will come from surpluses in operating expenses.)
- Question: Study abroad controls: The President and I (Munson) have discussed putting a cap on the number of students who can participate in outside study abroad programs. We have had hundreds of students studying in such programs. (There are two major programs that have nothing to do with Loyola and which take a lot of our students and their tuition with them.) We have a goal that 30% of undergraduate students, within the next few years, should have a study abroad experience. The problem lies in programs which we do not run, and which take tuition money away from us.

- Question: Unionization of adjunct faculty: The business model for higher education has to change, because we cannot continue to raise tuition to pay for rising faculty and staff salaries and also continue to raise discounts to attract students. It will probably be 2 to 3 years before there is a contract between SEIU and the University; but at the present time we have no clear idea of what the money amounts involved in that contract will be.

4. Chair's Report

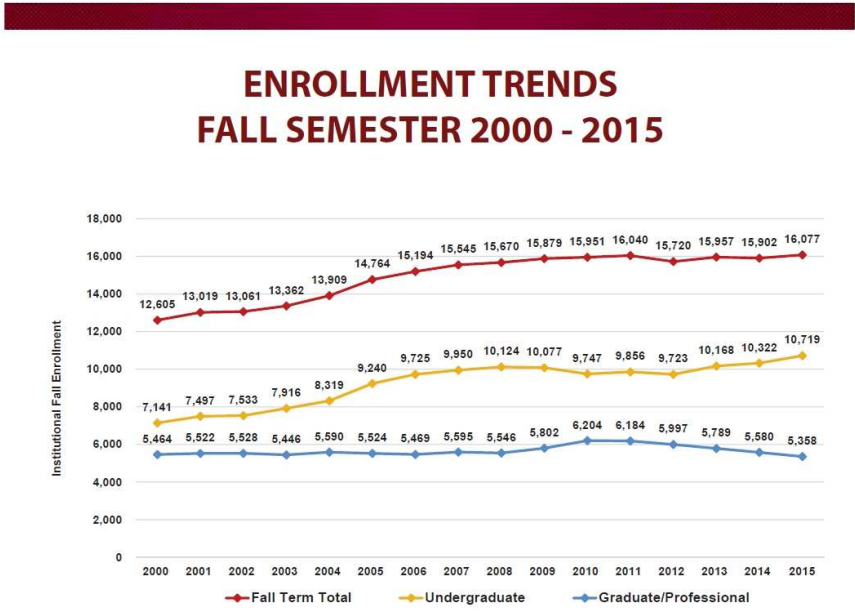
- Thanks to Acting President Pelissero for his input and Q&A at the last meeting. We have had a good year for senior administrators and prominent stakeholders coming in and keeping us informed; much thanks to all who have contributed to that.
 - Presidential Search: We will be doing interviews soon for the semifinalist candidates, on schedule.
 - Diversity initiative: Chris Manning (CAS, History) has been engaged to spearhead work on diversity issues. I will be meeting with him soon about FC's role in the initiative.
5. HSD (Battaglia): No news other than the enormous effort spent on moving into the new building at Maywood. HSD has also been doing a lot of cost-cutting to make budget.
 6. University Senate (Classen): The Extraordinary Committee (faculty members of the US) recently met to discuss our (FC's) proposals for emendations to the Faculty Handbook. (I got a question from Tom Kelly: how much of our proposals is just due to the AAUP? I explained that we had our own take on the issues, and had adapted and changed the AAUP initial proposals to suit. Just prior to this meeting today, I received my email a document from Kelly, a response written by acting Provost Pat Boyle and HSD Provost Margaret Sullivan. I haven't yet had a chance to review it. I will circulate it.) The rest of the Senate meeting was taken up with Susan Malisch giving basically the same report on IT she gave us last semester, and second hours spent on discussion of the US bylaws.
 7. Title IX reporting issues: please see the memo from Betsy Jones Hemenway, director of the WSGS Program, and Loretta Stalans, CAS Criminal Justice. (Appendix B). Shanahan: Tom Kelly gave a report to FC on Title IX reporting responsibilities for faculty in March 2015. The Hemenway/Stalans document is a response to it. They are asking FC to pass a motion supporting the actions and policies outlined in the memo. They are asking that all mentions of sexual assault or violence that come up in classroom, seminar, approved university research projects, and other pedagogical settings, should be excluded from mandated Title IX reporting requirements, since it interferes with our Jesuit pedagogical mission.
 - Discussion: considerable discussion of the conditions and variations in reporting requirements in different pedagogical situations and across peer institutions. No motion at this time; will revisit issue in April.

8. Elections (Conley): thanks to everyone for their contributions. Nominations have been coming in: We are now down to four (4) vacancies in CAS. (We have zero nominations in Natural Sciences in CAS.) We have one potential vacancy in Social Sciences. No nominations in Law. No nominations in the Institutes, either. At 5 o'clock today nominations are closed.
9. Motion to adjourn: Ruppman. Second: Conley. Meeting adjourned 5:04pm.

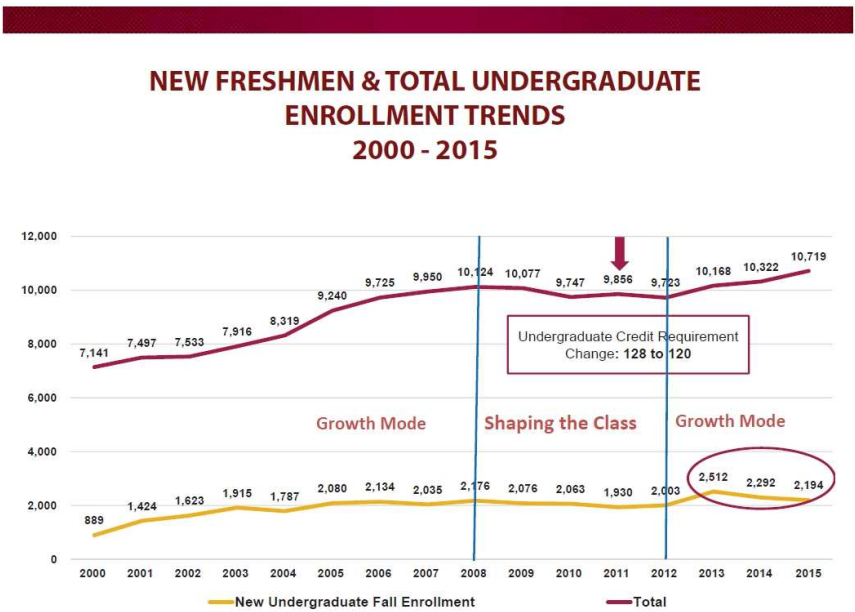
Respectfully submitted by
Hugh Miller, PhD, Secretary

Appendix A: Munson slides

Slide 1:

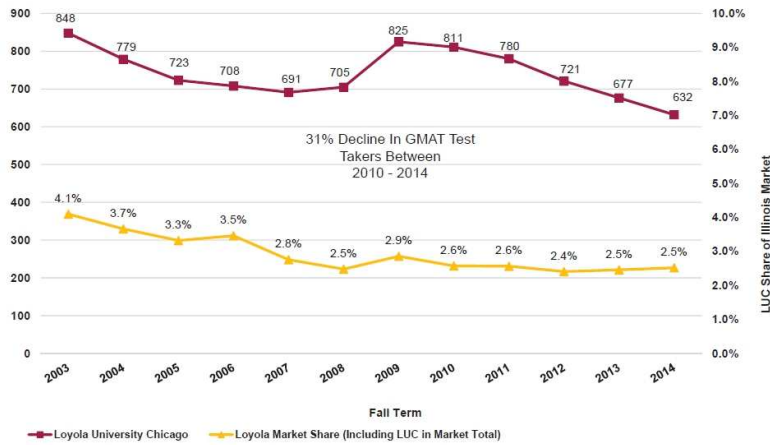


Slide 2:



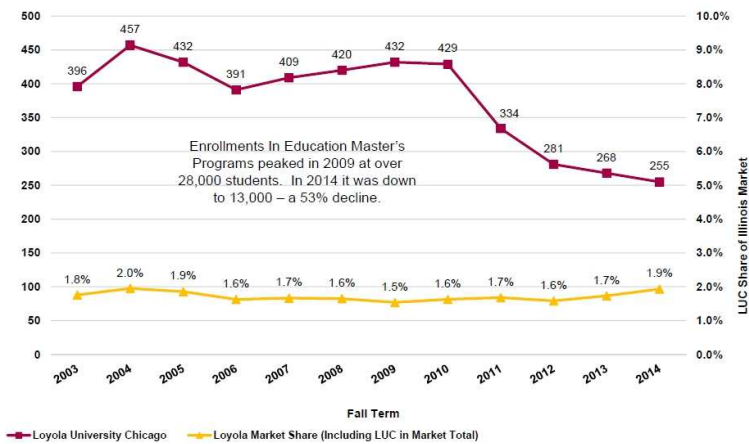
Slide 3:

MASTER'S PROGRAMS IN BUSINESS



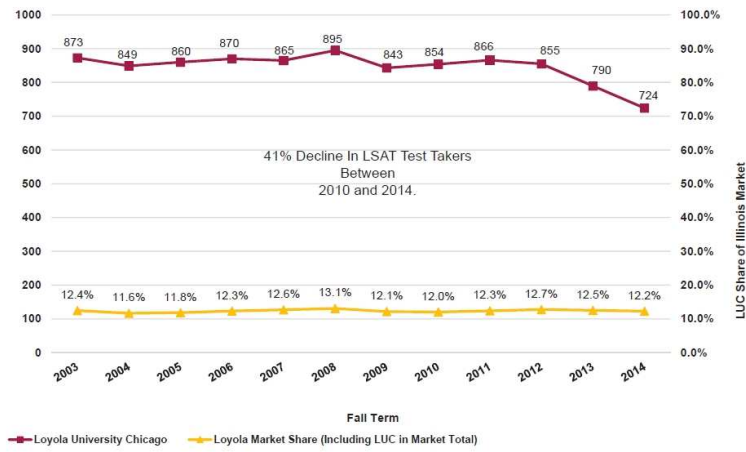
Slide 4:

MASTER'S PROGRAMS IN EDUCATION



Slide 5:

JD PROGRAM



Appendix B: Memo on Title IX by Betsy Jones Hemenway, PhD, Director of WSGS

To: Faculty Council Members

From: Concerned Faculty and Departments

Re: Interference of Mandatory Reporting Role with Pedagogy and Research Duties of Faculty

Date: February 26, 2016

We appreciate the fact that Loyola University is diligently working to be in compliance with Title IX and to address gender harassment and sexual assault on campus. As faculty members, we are concerned that an over-interpretation of Title IX will result in interference with our primary mission and duties of teaching and research. Therefore, **we request that the Faculty Council pass a motion that faculty mandatory reporting Title IX requirements do not include revelations of past experiences of sexual or gender harassment, sexual violence, or domestic violence that are made in course assignments, class discussions, or are disclosed in faculty-led or sponsored research that conform to university guidelines.**¹ Research ethics requires confidentiality of data, and the Office of Civil Rights does not require breaches of confidentiality for Title IX disclosures that occur in research projects. With this motion we request that the university formally acknowledge that our mission of Jesuit pedagogy and research will remain unmodified by mandatory reporting requirements. Specifically, reports of incidents that qualify for Title IX should not be interpreted as putting the university “on notice” if they occur in these specific contexts: classroom discussions, course assignments, and approved university research projects.

We recommend that faculty be exempted from reporting disclosures about past experiences of victimization covered under Title IX in course assignments and classroom projects. These exempted disclosures should be defined as incidents that occurred off-campus in non-sponsored LUC activities before the current academic year **and** where the student is not claiming educational interference (for example, missing class, needing additional time for papers, or requesting extension of deadlines). Thus, students who report victimizations that have occurred during the current academic year, on campus, or with other LUC faculty or students will still require reporting (consistent with the imminent danger clause of Title IX), as the Title IX office must assess whether the campus needs to take any action to secure the safety of the community. Incidents where students who disclose past non-LUC victimizations and request extensions or indicate in any other way that the trauma is interfering with their educational attainment would still have to be reported. Therefore, our recommendations are consistent with the statutory requirements of Title IX and the best interests of victims and ensure the educational and research mission of LUC. This motion also reduces the university’s liability in such settings, as the Title IX office can clearly state that these settings do **not** put the university “on notice” that the student has a Title IX victimization that the university must address. Furthermore, the Title IX office cannot count the proposed exempted disclosures as part of the Clery Act and does not offer any resources to students who provide disclosures within our proposed exemptions.

¹ For those unfamiliar with classroom teaching, “classroom discussion” refers to discussions occurring in the classroom space. Therefore, if a student initiates conversation outside of the classroom space (or in the classroom space after the class period is over), we are not requesting an exemption. “Course assignments” refers to any faculty-assigned products, including reflections, journals, presentations, papers, and small-group discussions or projects. This request is supported by the recent agreement between the Office for Civil Rights and the University of Virginia that exempts faculty from reporting disclosures that occur during the course of research (<http://www2.ed.gov/documents/press-releases/university-virginia-agreement.pdf>).

When students provide information about prior Title IX victimizations in reflection assignments, small group discussions, and entire class discussions, they typically intend to share experiences as they relate to the class materials. These past disclosures are often shared in a matter-of-fact manner without emotional distress. The requirement that faculty report this information inhibits the free exchange of ideas, as many students would be unwilling to have such information shared with university officials. We believe that to require reporting of these matter-of-fact revelations stigmatizes their intellectual contributions, and contributes to silencing critical discussion about gender harassment, sexual violence, and intimate partner violence.

Other universities have limited their legal liability and protected their educational and research missions by specifying a very small group of mandatory reporters that do not include faculty, except in very specific situations. Table 1 delineates the diverse interpretations that universities across the nation have made regarding who qualifies as a mandatory reporter. It provides a sample of universities and shows an even split between those that do not consider faculty to be mandated reporters of Title IX information and those that do. We are not requesting that LUC change the status of faculty as mandated reporters. However, we believe that universities such as CUNY have appropriately protected the primary mission of education. Therefore, we request that the role of mandated reporter be circumscribed to specific contexts that do not interfere with our commitment to Ignatian pedagogy, which encourages students to apply concepts learned in class to their own personal lives.

We emphasize that we are **not** proposing to identify specific courses or individual faculty members as exempt from mandated reporting. These selective exemptions fail to provide clear guidance for students about how they can put the university “on notice” and fail to provide all faculty with the necessary freedom to utilize Ignatian pedagogical principles or fulfill their research agendas. Furthermore, the Title IX office is not qualified to evaluate faculty or syllabi that would be appropriate for such an exemption, and it is outside of their administrative purview to assess curriculum issues. We do support training and faculty input in such training that is consistent with our proposal and the Title IX requirements, and clear information on websites for students to understand how they can put the university “on notice” that they are invoking Title IX rights.

Table 1. Sample of Universities Where Faculty Are and Are Not Mandated Reporters

Faculty are not mandated reporters	Faculty are mandated reporters	Faculty are mandated reporters only in specific circumstances
Univ. of Alaska	Univ. of Colorado - Boulder	
Univ. of Chicago	Univ. of Wyoming	University of Tennessee Knoxville (public forums and disclosures during research on sexual violence are exempted)
Univ. of Oregon	DePaul University	Vanderbilt University (public forums are exempted)
Univ. of California, Los Angeles	Univ. of Delaware	CUNY – faculty members are only required to report if incidents occur when they are leading off-campus field trips or if they are advisors to student organizations
Univ. of Illinois Chicago	Northwestern University	
Northeastern University Boston	Fordham University	
Univ. of California, Berkley	Univ. of Oklahoma	
Univ. of North Carolina	Univ. of Connecticut	
Ohio State University	Univ. of San Francisco	
Univ. of Alabama (only deans and provosts)	Georgia State University, classroom included	
Univ. of Richmond	Michigan State University, classroom included	
Chicago State University	George Mason University	
Grambling State University	Roosevelt University	
City Colleges of Chicago	University of Montana	

Note: This research was conducted by students in CJC 373, Intimate Partner Violence, and compiled by the instructor. Students called the Title IX offices of the universities and examined their websites. The sample includes both universities that had sanctions and those that did not. It was difficult in most cases to determine whether classrooms were included for those that treated faculty as mandatory reporters. Where it was classrooms were clearly included, it is denoted in the table.