

AAUP at NYIT

Editor:
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AAUP at NYIT, Inc.
Newsletter

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Upcoming Events

OW/CI Chapter Meetings

Thursday, February 26, 2013

Thursday, April 30, 2013
(Elections)

All Old Westbury/Central Islip meetings:
Free Hour
HSH Lecture Hall (Rm.130)

Manhattan Chapter Meeting

Thursday, May 2, 2013
(Elections)
Free hour 12:30 – 2:00 pm

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NYIT's Settlement Case: A Call for Dialogue

We were greatly disturbed to have been sent a December 27, 2012 government release reading: **"Manhattan U.S. Attorney Announces \$4 Million Fraud Settlement with New York Institute of Technology and Cardean Learning Group, LLC."**

After weeks of phone calls, stairwell conversations and office visits, we must address what many of you already know and what all of us need to hear. The NYIT administration has been a party to fraud - whether by "turning a blind eye" or conscious commission.

Here is what we know as written in the Manhattan U.S. Attorney's statement:

In 2003, NYIT contracted with CARDEAN, a for-profit provider of on-line education, to permit students of Ellis College, an on-line school, to use NYIT's eligibility for federal student loan and grant funding and to receive degrees issued by NYIT in exchange for a percentage of CARDEAN's revenue. Under the arrangement, students who enrolled and completed courses of study at Ellis College were awarded degrees issued by NYIT even though Ellis College students could not take NYIT courses. To attract students to Ellis College, CARDEAN used recruiters who were paid incentive compensation based on the number of students they enrolled in Ellis College – in direct violation of the incentive compensation ban. Critical to the success of the arrangement between NYIT and CARDEAN, the students who attended Ellis College's on-line courses had access to federal funding through NYIT to which they would not otherwise have been entitled.

The contractual arrangement was a huge boon to NYIT. By 2007, 3,200 students out of NYIT's total enrollment of 14,500 - 22% - were enrolled in Ellis College. That same year, NYIT administered over \$107 million in federal financial aid, of which \$17 million – 16% - was for Ellis College students. NYIT turned a blind eye to CARDEAN'S violation of USED's incentive compensation ban, a prohibition intended to avoid the drain on public funds resulting from high default rates associated with the practice. As a result of this fraud, the Government paid NYIT millions in the form of grants and subsidized and guaranteed loans, and defendants

received money to which they were not entitled.

In the settlement agreement between the federal government and NYIT, NYIT admitted that it entered into agreements with USED certifying that it would comply with the incentive compensation ban and that it would not contract with any third party that violated the ban. NYIT admits that it contracted with CARDEAN to provide recruitment and other services with respect to Ellis College and further admits that it failed to exercise adequate oversight over CARDEAN'S practices with respect to compensating Ellis College recruiters.

In the settlement, NYIT and Cardean admitted violating the incentive compensation ban. The total settlement was for \$4 million, with Cardean paying \$1.5 million and NYIT paying \$2.5 million. The settlement was approved by the United States District Court for the Southern District of New York on December 26, 2012.

Listed here are just a few of the many questions our members have asked that we pose to the administration:

- How could this have happened?
- Why was there, at best, such a lack of oversight and by whom?
- Who was ultimately responsible for the damage that has been caused to NYIT's reputation, and the financial cost it must bear?
- Who, then, is being held accountable?
- How much have legal fees cost the faculty and students and how much will they continue to cost?
- Where will the money come from to pay off the settlement?
- How many of the stringent measures imposed on us in the last negotiation resulted from the fact that the university knew about this large financial outlay?
- What impact is this having and will it continue to have on student recruitment and retention?
- How do we as part of the NYIT community deal with the public relations fallout from this event? What can we as faculty tell our students?
- Is the institution in financial trouble?
- Most important: what measures are being taken to prevent future incidents of this nature?

According to "Helping to prevent University Fraud," an article released by the Deloitte Forensic Center of Deloitte Financial Advisory Services LLP, a subsidiary of Deloitte LLP,

http://www.deloitte.com/view/en_US/us/Insights/centers/centers-forensic-center/36988f956400e110VgnVCM100000ba42f00aRCRD.htm,

some of the many key issues that must be considered to help reduce fraud in colleges and universities include:

1. **Tone at the top.** If the president and other high-level administrators turn a blind eye to fraud, so will everyone else.
2. **Clearly written policies and procedures.** These should be spelled out carefully and in writing so that employees are familiar with the university's code of conduct and the consequences for violating it. In addition, an ethics policy should be implemented and enforced.
3. **Training.** This is an important preventative. Employees are often surprised by what constitutes fraud since there can be grey areas. Round table discussions can help clarify these issues. Online courses can help stretch scarce resources effectively.
4. **Using an external whistleblower hotline.** Encourage employees to report potential problems by implementing a well-advertised hotline that provides anonymity to prevent retaliation by those in charge.
5. **Implement strong anti-fraud controls.** This step is just as essential for universities, as it is for other types of organizations.
6. **Enforcement as deterrent.** In the past, because universities feared the negative impact fraud could have on fundraising, the administrators often refrained from publicizing fraud and the actions taken against the perpetrator(s). However, keeping the problem quiet and allowing the perpetrator(s) to quietly resign did little to discourage future wrongdoing (2009).

In our last negotiation the AAUP asked for financial transparency. We repeatedly asked that the administration share all relevant financial information with us, and were assured that they had done so. We asked to be included in decisions affecting the future of our college.

It is urgent that the faculty and staff be clearly assured that the measures such as those specified by Deloitte are in place. It is time that the Administration of NYIT understands that the institution cannot and will not endure a continuation of the mistrust it has built between itself and its faculty and staff. Whispers and rumors are detrimental to the immediate operations and long-term health of this institution. It is essential that important questions be openly asked and honestly addressed.

President's Message – OW/CI Chapter President, James Fauvell

Welcome back to NYIT for our spring semester everyone! As we begin the new semester, I think there are several important changes to our CBA that we need to take note of:

- Health Insurance contributions will be deducted from your pay checks beginning in January
- A one percent raise to your base salary will go into effect on March 1, 2013

Joint Council Members

Old Westbury/CI:

James Fauvell,
President

Laurence Silverstein,
Vice President

Tricia Nicholes,
Secretary

Shin-R Lin,
Treasurer

Yael Roitberg,
At-Large

Christopher Moylan,
At-Large

Stanley Silverman,
At-Large (CI)

Manhattan:

Ellen Katz,
President

Percy Griffin,
Vice President

Dean Winokur,
Secretary

Steven Billis,
Treasurer

Felisa Kaplan,
At-Large

Richard Pizer,
At-Large

- Tenure-track, but not yet tenured faculty, shall not have release time for research and be allowed to teach overload in the same semester
- Teaching schedules and course assignments shall be made reasonably and fairly and with consideration for departmental and individual faculty needs and with timely notification to the faculty. Provisional assignments must be made by April 1 for Fall semesters and November 1 for each spring semester
- Based upon the approval of the Chair, the Dean and the Academic Vice President, and after consultation with the CTL director, a faculty member shall receive a three thousand dollar (\$3,000) stipend for preparation of a new online course
- Each faculty member shall receive a copy of his/her final FACCOMP (Faculty Compensation System) at least once each semester showing the number of ELHs banked (along with other information) from the Office of the Dean

There are other important things to remember in regards to **Changes to the Faculty Personnel Committee**

- Candidates for reappointment, promotion, tenure, and/or sabbatical leaves can appeal to the chair of the SPC to have one member of the SPC removed for his/her deliberations. In this case the alternate would substitute
- An effort will be made to have no common membership on the SPC and DPC
- External evaluation letters are required only for promotion and tenure candidates

Other reminders:

Applications for Institutional Support of Research and Creativity (ISRC) must be submitted before 5:00 p.m. on March 1, 2013.

Ratification and You

By: Chris Moylan

The Memorandum of Understanding the faculty voted to approve back in October is a legally binding document but not a complete one. In the coming months, members of the AAUP leadership and the administration, along with respective lawyers, will be meeting to work out the details of the memorandum in order to present a contract to the faculty for ratification. The extent and seriousness of the changes to the previous contract require some diligence not only on the part of those negotiating these details, but on the part of the membership as well.

The awkward process of signing faculty to health insurance plans provided one early illustration of why this is the case. After phone calls and email complaints from faculty about the dates for registering for the plans, and the difficulty of navigating the online enlistment form, the college, in

consultation with the leadership of the AAUP at NYIT, worked out adjustments in deadlines and procedures. Implementing new processes and deadlines in the SPC's and DPC's went through a similar give and take, as did the dates and procedures for online student evaluations. None of these things has been fully resolved, although provisional arrangements have been made to allow the workings of the school to continue.

So what else needs to be done? The entire M.O.A. will require a line by line analysis by the parties mentioned previously, but a few areas stand out as being of particular concern: your concern, as well as theirs. The responsibilities and working arrangements of the Joint Standing Committee, for example, have yet to be established. This committee is charged, in the M.O.A., with mediating the sorts of disputes that, up to now, have typically resulted in expensive grievance hearings and with attempting to resolve administrative and contractual issues over which the union has some say. The student evaluation forms are to be revised, yet the revision is not complete. The many details associated with encouraging students to fill out the forms are yet to be resolved. Just as important, the use of the form is in the air as of now; the M.O.A. stipulates that part A of the form (having to do with course structure and procedure) will be included in personnel files for reappointment and promotion, and part B (student evaluation of the professor's effectiveness and the like) will not be included in the files. However, it has been challenging to put such things fully into practice.

A good many things need attending to, from hiring procedures to retirement incentives. We could just leave all of this to our lawyer, currently Beth Margolis, to work through, but legal representation is expensive. You can, and should have, a say as to the extent of our reliance on a lawyer in working through the M.O.A., and on identifying and attending to matters in the M.O.A. as they arise. Contact information for the Executive Council of the Old Westbury AAUP is included with this newsletter. You will be encouraged to have your say, as well, at upcoming general membership meetings.

AAUP at NYIT

By: Chris Moylan

In the last ten years or so, NYIT has become an increasingly cohesive institution, deploying technology and administrative resources to ensure that the different campuses communicate easily, share the expertise of faculty and bring some consistency to programs in the metro region and, to some degree, across the global system. The AAUP at NYIT has not followed suit. The By-laws, Constitutions and administrative structures of the union have remained static while all else has changed. As a matter of practicality and self-preservation, the structures, communication systems and tactical resources of the union should be evolving just as steadily as those of the larger institution.

It should be a given that the constitution and by-laws of the union are living documents, and that they should be adaptable to the changing dynamics and needs of the membership. If they are living documents, the sense that ‘we have always done things this way’, or ‘it says in the by-laws (or constitution) that we have to do it this way’ might, perhaps should, signal that it is time to handle these ways of doing things with a fresh approach, and to ask whether these established procedures leave us feeling empowered, included, informed and respected. The same applies to all of the established procedures and structures of the union.

In the coming months the Executive Committee in Old Westbury will be inviting faculty, you, to participate in open, wide-ranging discussions about the union and its future at NYIT. No proposal will be off the table, no possibility ruled out beforehand; quite the opposite. We will ask you to bracket the can we do it questions and begin with considering what would be better regardless of whether we can figure out right away how to make it happen. Imagine the union that you would like: its governance, structures, tactics, goals and so on. Above all, imagine the NYIT you would like since clearly the union must play a crucial role in developing the NYIT of the future.

Details on these meetings will be forthcoming.

Meantime, the Executive Committee at Old Westbury will be engaging in an internal review, with nothing held sacred. In fact, this review has begun. The Executive Committee is unanimous in its determination to fashion an open, responsive, efficient and resourceful form of advocacy for our membership.

Student Evaluations

By: Chris Moylan

Towards the end of the Fall semester a good many faculty members, perhaps all but a few, received an email from the administration with the advice that the response rate to the online process for student evaluation of faculty was below twenty per cent and suggesting, among other things, that a higher rate might still be possible if compliance were rewarded with points on the student’s term grade. The union has protested such rewards, really bribes, in the past. Be that as it may, it is time, past time, to consider whether it is practical, or even desirable, to conduct teacher evaluations, as I’ll refer to them, online and in the form they appear.

Research has demonstrated that student response on evaluations is influenced by factors such as gender, race, age, sexual orientation, language style and facility (speaking with an accent, say), and teacher attractiveness and charisma (see Calkins and Micari). Other studies, summarized in *The Chronicle of Higher Education*, indicate that “professors who want high ratings have learned that they must dumb down material, inflate grades, and keep students entertained” (Robin Wilson). Frick, Chada et al. have argued, based on empirical research and common sense, that: On a typical course

evaluation, low scores on global items or low scores on student satisfaction *“do not tell instructors anything about how to improve their teaching in ways that are likely to also improve student mastery of course objectives”* (p.10).

Perhaps, with all these limitations and problems, one should be glad that students have been reluctant to fill out these forms. As another safeguard against the problems with evaluations, the union negotiated for dividing the evaluation into a fairly objective of course procedures (showing up on time, grading tests promptly and so on), to be included in personnel files, and a more subjective set of questions to be shared by the department chair and the professor as a basis for discussing pedagogy. Obviously, a good deal of work, and faculty input, await if the evaluations at NYIT are to provide meaningful, valid feedback.

Blackboard at NYIT

By: Stan Silverman

Hurricane Sandy has placed additional focus on the use of Blackboard at NYIT. Many of our faculty used the existing shells that are created each semester to keep in touch with students, post and collect assignments and to have discussions. One of the first questions that is raised is do our students have access. The Pew research group in 2011 found that 96% of undergraduates and 99% of graduates have cell phones and 92% of undergraduates and 88% of graduates have internet on their phones or tablet/laptops. It is clear for these year old statistics that the answer to that question is ‘yes’.

The students have a clear expectation that the college will deploy strategies that take into account technologies they already use. Email to them is an ancient technology reserved for the “older” generation. The concept of paper handouts and submissions via paper are becoming an alien concept.

So what advantages are there to the faculty:

1. You can post your materials online once and the resources are available as long as you want them to be available. No longer will you have excuses that they were absent and didn’t get the handouts or that the dog ate the materials.
2. The use of Blackboard allows you to use recorded lectures and external videos that can be viewed by the students anytime and anywhere.
3. Discussion boards allow for extended discussions that can carry on past an individual class session.
4. Grade books are easy to maintain and grades can be made available immediately to students.
5. The built in testing system allows you to deploy and grade exams easily and to use test banks to help reduce cheating.

6. Papers submitted online can be automatically submitted for review to check for plagiarism.
7. You can flip your classroom and push readings and lectures online and have the students work in class on projects and discussions.

Many faculty believe that they have to put their entire courses online. That is certainly available but you can use it as well to create a blended course (mix of traditional meetings and online) or simply to use it as an extension of your regular meetings. There is substantial support offered through Center for Teaching and Learning, Technology Based Learning Systems (NYIT online) and Client Services Information Technology and Infrastructure to help you utilize the tools to enhance your approach to instruction.

Please talk to faculty who are already users to get a sense of how they have incorporated the tool into their specific courses. Also keep in mind that the CBA has a number of incentives for creating online courses and for starting to teach online and for teaching new courses online.

Contact Information:

Information, Technology and Infrastructure 516-686-7711

Center for Teaching and Learning 516-686-1288

Technology Based Learning Services (NYIT online) 631-348-3317