MINUTES OF THE C-FACULTY SENATORS COUNCIL MEETING OF MARCH 28, 2017

The New York University Continuing Contract Faculty Senators Council (C-FSC) met at noon on Tuesday, March 28, 2017 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Carl, Celik, Ferguson, Gold-Von Simson, Halpin, Howard-Spink, Jahangiri, Joachim, Killilea, Kim, Mooney, Slater, Steeves, Stehlik, Stewart, Watkins, White, Ying, and Youngerman; Alternate Senators Casey, Cohen, Funk, Gershman (for Elcott), Lee (for Borowiec), Mirabito, Renzi, Rickert, and Ritter.

APPROVAL OF THE AGENDA

Upon a motion duly made and seconded, the meeting agenda was approved unanimously.

APPROVAL OF THE MINUTES OF THE MEETING HELD MARCH 2, 2017

Upon a motion duly made and seconded, the minutes of the March 2, 2017 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: FRED CARL

See attached Document A: C-FSC Chair Update

Welcome

Chairperson Carl welcomed Aysan Celik of NYU Abu Dhabi to the first C-FSC meeting she has been able to attend in person.

2017 NYU Distinguished Teaching Awards

Chairperson Carl congratulated the 6 recipients of the 2017 Distinguished Teaching Award, 5 of whom are continuing contract faculty members, including C-FSC Senators Heidi White (Liberal Studies), John Gershman (Wagner), and John Halpin (FAS).

Joint C-FSC and T-FSC Survey on Local Shared Governance at NYU

The Governance Committees of the T-FSC and C-FSC will distribute a survey on local shared governance at NYU, which will attempt to uncover how effectively shared governance is operating at the local, school level. Results will be published on the C-FSC and T-FSC websites.

It was recommended that Senators reach out to faculty members in their schools to remind them to complete the survey.
The Chair’s Report was accepted into the minutes.

**COMMITTEE REPORTS**

See attached Document B: Committee Reports

**Discussion/Questions on the following submitted reports:**

**Senate SCOG: Larry Slater**

Senator Slater noted SCOG has not yet met on the student resolution regarding student representation on the Board of Trustees. The students are presenting their resolution to the Councils, and will present today to the C-FSC.

**Faculty Committee on NYU’s Global Network: Sam Howard-Spink**

A Senator inquired on the eligibility for participation of c-faculty program heads at the portals to contribute to a tenure review. They would not be eligible to vote, but they discussed opportunities for participation, such as involvement with review discussions or inclusions in the review procedure.

Chairperson Carl stated the Steering Committee met with the Dean’s Council last week, and they discussed the need for developing University-wide best practices involving c-faculty hiring.

A Senator mentioned the Academic Priorities Committee discussed the inequities between workloads of faculty that teach core courses.

Senators discussed the online recruiting system through NYU Home.

**Undergraduate Program Committee: John Halpin**

Senator Halpin reported the Undergraduate Program Committee met this morning and discussed a proposal for a major at Abu Dhabi in interactive media.

**Affordability Steering Committee: Susan Stehlik**

A Senator asked about the proposal regarding the twelve month calendar and expressed concern over intensifying workloads.

Senator Stehlik responded this concern was part of the discussion and the number of courses, etc. was discussed.

**Senate Academic Affairs: Ben Stewart**

A Senator asked about data collected regarding grade inflation, particularly comparing courses taught by tenured/tenure track faculty (t-faculty) and continuing contract faculty (c-faculty).

Senator Stewart responded there is some data on specific schools and broader data would be interesting and useful.

**No Discussion/Questions on the following submitted reports:**

Administration and Technology
Communications: Vicky Steeves
Educational Policies and Faculty/Student Relations: Ben Stewart
Faculty Benefits and Housing: Vince Renzi
The reports were accepted into the minutes.

**PRESENTATION ON REVISING STUDENT CODE OF CONDUCT**

Craig Jolley, J.D., Director, Student Conduct and Community Standards

Craig Jolley introduced his role as Director of the Student Conduct Office at NYU. He stated his office is currently working on updating the policies and procedures of the University related to student conduct, which have not been updated in almost forty years. The two major documents include the Rules for Maintenance of Public Order, written in 1969, and the University Policy on Student Conduct, written in 1978.

At the beginning of this academic year, his office assembled a working group with the goal of creating a new student conduct process and updated rules. He noted one of the major updates is addressing the changes to the campus. Forty years ago, NYU did not have a significant residential campus or campuses across the globe. Schools were also smaller and they handled their own disciplinary issues. When an incident occurred involving students from different schools, the issue was handled under a different process. His working group’s goal is to create one consistent policy for the whole university, while still allowing some school autonomy on enforcing or addressing the policy. He noted the policy also needs to be updated to address issues of mental health, disruption on campus, campus shootings, the internet, etc.

In the fall semester, a working group with representation from all schools was convened to review and update the policies. This spring semester the group merged with the University Senate Judicial Board Committee which has representatives from the SSC, T-FSC, C-FSC, and AMC. The group drafted a new NYU non-academic student misconduct policy. There are other policies that cover academic misconduct by school and university-wide policies on discrimination, technology, alcohol and drugs, weapons, and sexual misconduct. This policy addresses all items outside that scope, and addresses items such as bullying and harassment over social media and protest and dissent. He noted NYU does not intervene in most off-campus incidents, unless if it involves an incident between university community members.

The policy also contains updated language regarding demonstration and protest.

The policy allows some school autonomy. Schools can adopt their own rules and have their own student conduct process for their students or they can use this centralized process.

The timeline for the policy is to present the draft to the University Senate at their first meeting of academic year 2017-2018. Jolley stated he is visiting each of the Councils to field any initial inquiries and questions.

A Senator asked if they received student feedback on the policy. Jolley noted there are Student Senators Council (SSC) representatives on the Committee. He has also presented to the SSC and received feedback.

A Senator inquired on listening sessions. Jolley responded his office will organize in the fall and work with the Office of Residential Life and Housing Services.

A Senator asked about confidentiality, specifically related to violent activity. Jolley responded procedures are being written to address this, specifically when the School Dean should be notified.

A Senator asked about the process and resources for students to file grievances. Jolley noted there is a student grievance procedure, which is handled through the Chief of Staff Office and through the University Senate Judicial Board Committee.
A Senator asked for more details on the language regarding protests and demonstrations in the policy. Jolley noted it generally reaffirms the university’s commitment to valuing protests and demonstration, but if there is a destruction of property, assault, or university operations are forced to shut down there may be disciplinary consequences. These will be treated on a case-to-case basis.

Jolley stated the final policy will be brought to the Senate in October and then final review by November 2017.

PRESENTATION ON RESOLUTION FROM STUDENT SENATORS COUNCIL

Creation of Elected Student Board of Trustee (BOT) Members

See attached Document C: SSC Resolution.

Student representatives Drew Weber, a member of the Student Labor Action Movement (SLAM), and Hüsiyiye Cogur, a member of SLAM and the Student Senators Council (SSC) presented on the resolution passed by the SSC regarding the creation of student BOT members. This resolution will next be brought to the University Senate.

Weber discussed the transparency and accountability of NYU’s Board of Trustees as compared to other universities. He noted on the Board of Trustees’ website of many other universities, in addition to a list of all members, the websites provide information on what committees members serve on, contact information, minutes, and open meeting schedules. NYU’s site does not provide this level of information.

Weber reported on the primary backgrounds of NYU’s Trustees and stated the overwhelming portion come from finance and then real estate and law. He commented while the students believe there need to be Board members with significant financial expertise, they feel there is a lack in a wide array of perspectives that is being brought to the governance of the University, particularly as it applies to the perspectives of students.

Cogur reported 70.8% of public universities have student trustees on their board, some of them mandated by state law. 20.1% of private universities have student trustees on their board. The students examined research in this area, particularly research done on four decades of student trustees at University of Massachusetts which showed that the student trustees provide a unique perspective that offers meaningful contributions to the discourse and decision making processes of university boards.

The resolution proposes that each year one graduate student and one undergraduate student be elected by their respective student bodies in an instant run off process. These student trustees will serve two year terms. The first year they would serve as observers, and the second year they would serve as voting members. The resolution also supports the creation of a Student Life and Transparency Committee to facilitate greater communication between the Board and the student body. The resolution requires that student trustees attend different action zone trainings and sit on the Senate Ad hoc Task Force on Equity, Diversity, and Inclusion, as well as attend Board of Trustees committee meetings.

A Senator asked how many times a year the Board of Trustees meets.

Chairperson Carl reported the BOT meets multiple times a year. There are also committee meetings.

A Senator commented she supports student representation, but in a limited role, because there are confidential issues that cannot be discussed in the presence of students. She noted there is a legal issue because an individual under a certain age cannot sign a contract to comply with confidentiality. She also noted at the schools they named with trustees, these are either state universities or land-grant universities, which have different regulations than private universities. She suggested the students ask for involvement on BOT committees.
Weber responded that members of BOT committees are BOT members. He noted he is working with the General Counsel at Cornell University to receive more information on the legal questions regarding confidentiality.

A Senator noted that Directors and Officers Liability Insurance (D&O) does not cover individuals under the age of 21. She also commented it is important to examine why the SSC believes their role in University Governance does not meet their goals for communication with the BOT.

Cogur stated the SSC has been refused the chance to present directly to the Board of Trustees. She offered the example of the Divestment resolution, which the SSC did not have the opportunity to present to the BOT.

A Senator suggested in the resolution the SSC recommends the student trustee have one semester of observation rather than a full year.

A Senator suggested separating the transparency issue from the proposal, and instead creating two proposals, one on representation and one on transparency.

Weber commented the reason the resolution fuses the concepts of transparency and representation is because in order to uphold transparency, representation is needed.

A Senator mentioned there are board members who are alumni. Weber stated the SSC believes there is a distinction between an alumni and a student being elected from this particular constituency of the university.

A Senator asked about the fiduciary responsibility of Board members and how a student member would handle this responsibility. Weber responded this is a question he is bringing to the Cornell General Counsel.

A Senator asked if they considered a formal engagement between this student representative and Abu Dhabi and Shanghai. Weber stated this is an opportunity they will look into.

The Council thanked the students for their presentation.

PRESENTATION, DISCUSSION AND VOTE ON DRAFT OF C-FSC FINANCE AND BUDGET POLICY COMMITTEE: SUSAN STEHLIK


Senator Stehlik reported the Committee included the following issues in their report and review of the faculty budget 2017-2018 including total compensation packages, comparison of salaries of New York City public school teachers versus faculty members, compression issues, reasonable base salaries, housing/work life balance, revenue sharing, new courses and cross school initiatives, equity participation and new ventures, and alumni engagement.

The Committee then focused on the concept of merit, particularly on its definition and determination.

The Committee also recommended a third party consulting firm pursue a comprehensive review of compensation and benefits.

The Committee recommended an annual merit increase of 5% base budget with an additional allocation for Professional Development and a separate budget to address specific issues related to compression, inequity and a reasonable minimum wage.

Lastly the report asks for more transparency and communication on the process.

A Senator asked in doing a comprehensive review of compensation and benefits, if that includes t-faculty or only c-faculty. Stehlik responded the focus is on c-faculty, noting they are in a different employment relationship than t-faculty.
Senators discussed analyzing t-faculty versus c-faculty. A Senator stated the importance of comparing both because of the inequity between the salaries of t-faculty versus c-faculty. She also noted analyzing the assistant professor level will not capture the different ranges.

A Senator noted because of the huge umbrella of continuing contract faculty there is a huge range in compensation. It was noted the Faculty of Arts and Science (FAS) equity report reviewed the starting salary at each level, including language lecturer, senior language lecture, clinical associate, and full, and then a breakdown by gender and underrepresenting minorities.

A Senator noted the challenge of comparing t-faculty versus c-faculty salaries because a large portion of t-faculty salary is through grants. Senators discussed the broad categories of faculty and the variations and different salary structures across categories and within categories.

A Senator suggested recommending a base salary of $65,000.

The amendment to change the recommendation regarding the targeted minimum wage from $60,000 to $65,000 was moved, seconded, and approved by vote of the Council.

Stehlik confirmed the timeline of sending the C-FSC recommendation to the Senate Finance Committee by March 31.

A Senator inquired on the meaning of equity and if this only included compression issues, but also equity regarding gender and race.

Stehlik stated equity usually focuses on job responsibility and pay, but the Committee could also discuss the adverse impact of compensation policies to various groups based on gender, race, and age.

Senators supported the idea of a third party consultant firm to examine these issues discussed.

The recommendation, with amendment, was approved by vote of the Council.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
C-FSC—Chair’s Report
Chairperson Fred Carl

Report as of March 24, 2017

1. Welcome

We welcome Aysan Celik to the first C-FSC meeting she has been able to attend.

2. 2017 NYU Distinguished Teaching Awards

I am sure you join me in congratulating the 6 recipients of the 2107 Distinguished Teaching Award, 5 of whom are continuing contract faculty members, including C-FSC Senators Heidi White (Liberal Studies), John Gershman (Wagner), and John Halpin (FAS).

3. Lunches with Bill Berkley

Many of the members of the Steering Committee attended one of two lunches hosted by NYU Board of Trustees Chair Bill Berkley, along with selected faculty governance body representatives from many Schools for the first in what are envisioned to be regular meetings with Bill, President Hamilton and many members of the Board. At each meeting many issues of relevance for continuing contract faculty were openly and frankly discussed. We look forward to future meetings as a way for the Board of Trustees to hear from us in a face-to-face manner.

4. Steering Committee at the Deans Council Meeting

On Wednesday, March 22, 2017, the Steering Committee was invited to a Deans Council meeting, which allowed all of us to “put faces to names” and, more importantly, allowed us to present to the Deans some of our concerns, including continuing contract faculty full participation in school governance, term of contract, the need for clear data to identify and remedy salaries at the lowest end (such as those identified in the 2014 FAS Gender and Equity Report), our suggestions for a set of best practices for continuing contract searches and hires, as well as several other issues. This is, hopefully, the first of regular meetings with the Deans Council and will allow for us to find areas where we can work collaboratively.

5. Steering Committee Meeting with the Personnel Policies and Contract Issues Committee
On Friday, March 24, 2017, 3 members of the Steering Committee met with 2 members of the PPCI committee to discuss and reach consensus on communications with the Office of the Provost to clarify responses to our recommendations to school policies. The Steering Committee will present those recommendations to the Provost in their next regularly scheduled meeting with the Provost’s Office on Thursday, March 30, 2017.

6. Resolution from the Student Senators Council

Hüsniye Cogur, an SSC Senator-at-Large, sent the Steering Committee an approved resolution from the Student Senators Council (attached) recommending student representation on the NYU Board of Trustees. This resolution has been forwarded to SCOG. We have invited Hüsniye and other student representatives to give a short presentation, from 12:40-12:55, at your upcoming C-FSC meeting.

7. Joint C- and T-FSC Survey on Local Shared Governance at NYU

The Governance Committees of the T- and C-FSC will distribute a Survey on Local Shared Governance at NYU which will attempt to uncover how effectively shard governance is operating at the local, school level.

8. Presentation by Craig Jolley on Plans to Revise the NYU Student Code of Conduct

We have invited Craig Jolley, J.D., Director: Student Conduct and Community Standards, to discuss plans to revise the Student Code of Conduct from 12:55pm-1:10pm at our next C-FSC meeting.

9. Presentation, Discussion and Vote on Draft Report of C-FSC Finance Committee Recommendations

Susan Stehlik, Finance Committee Chair, will present and facilitate discussion of the Draft Report of the committee’s recommendations from 1:10pm-1:30pm, with plans for a vote on approval of the recommendations.

10. Presentation of C-FSC Newsletter

Communications Committee Chair Vicky Steeves will present the committee’s draft of the new C-FSC Newsletter at our upcoming March 28th meeting, 1:30pm-1:45pm.

11. May 2017 C-FSC Meeting
Given that there are real concerns about Schools completing elections for open seats before our scheduled April 25, 2017 meeting, Karyn has sent out a Poll to determine a time for a May 11, 2017 meeting.

12. Retreat and End of the Year Celebration

As you all know, our 2017 Retreat is scheduled for Wednesday, May 24, 2017, from 10:00am-4:00pm, in Kimmel 405/406.

Our End of the Year Celebration is scheduled for Wednesday, April 26, 2017, in Kimmel 912-913, with drinks at 6:00pm and dinner at 7:00pm.

Thank you!
Administration/Technology Committee Report

C-FSC Present: Antonius Wiriaadjaja and Vicky Steeves

We met on 3/15/17 to review drafts of both the Social Media Policy and Guidelines. Specific minor edits were suggested to both documents. We decided to generalize the names of specific platforms used, as these are dynamic and change frequently. We also considered how China (where the Shanghai campus is located) has a policy forbidding foreigners to stream live and how that intersects with our guidelines and policy work. We also discussed ADA accessibility in use of social media, which should also be a concern for Institutional uses of Social Media.

We are hoping the attached policy and guidelines will be considered for approval by end of academic year.
New York University
University Guidelines for Use of Social Media

Title: University Guidelines for Use of Social Media

Effective Date: _____________, 2017

Supersedes: Not Applicable

Issuing Authority: Senior Vice President for University Relations and Public Affairs

Responsible Officer: Vice President for Public Affairs

Background

New York University (the “University”), including the schools, colleges, institutes, and other administrative units of NYU, NYU’s global sites, and all University affiliates, as each term is defined in NYU’s Policy on Policies (together, “NYU”), supports and encourages open discourse by members of the University Community through the use of Social Media, while at the same time seeking to address the concerns associated with such use. NYU University recognizes the importance and benefits of communicating through Social Media. Social Media are powerful vehicles through which NYU may disseminate relevant news. At the same time, Social Media raises many challenges in defining appropriate methods of communication that are consistent with the overall responsibilities members of the University Community have to each other and beyond. Navigating the world of Social Media also can be confusing with constant changes in platforms, technologies, and communities. This can pose a challenge for traditionally organized departments within higher education.

Purpose of these Guidelines

These guidelines are intended to provide tools to communicate effectively through Social Media. However, existing legal responsibilities and University policies remain in place when NYU employees use Social Media, and these guidelines do not supplant or restrict any policy in force.
These Guidelines:

- Help implement NYU’s Electronic Communications and Social Media Policy
- Promote awareness within the University Community regarding the benefits and risks (including privacy-related risks) of Social Media;
- Help create a safe learning and working environment at NYU;
- Reinforce that use of Social Media, like any other types of communications and media, is governed by a number of NYU policies and procedures.

Scope of these Guidelines

These Guidelines apply to all members of the University Community with respect to their utilization of Social Media. Other pertinent NYU policies also apply to Social Media, some of which are referenced in the Associated Policies and Documents section below. NYU schools, colleges, institutes, other units, University global sites, and University affiliates may supplement these Guidelines, provided that such supplementary policies are consistent with the Electronic Communications and Social Media Policy and are in accordance with the NYU Policy on Developing University Policies.

I. Appropriate Uses of Social Media

Social Media must be used in accordance with applicable laws and NYU policies, including NYU’s Code of Ethical Conduct. NYU encourages members of the University Community to use Social Media consistent with the following best practices and guidelines:

- Respect Others. Social Media provides a place to foster community and conversation. Adding value is good when on topic and in moderation. Positive and negative content are legitimate parts of any conversation. The manner in which we behave and treat each other through Social Media should be no different than through email, public speech, classroom lecture, or conversation with friends or peers. Anything considered inappropriate offline is likely also inappropriate online.
- Respect the Property and Rights of Others. Follow copyright, fair use and intellectual property rights. [link to NYU’s Fair Use policy] In some cases, content posted to a Social Media site may become the property of (or licensed to) the platform or app. Understand the full import of a platform’s terms of use.
- Be accurate. Take the time and effort to get the facts straight before posting them on Social Media sites. When possible, link back to an original source. If you make an error, correct it quickly and visibly.
- Be Smart. Users of Social Media also should be aware of the “terms of use” that may be imposed on users by certain apps or vendors involved in specific Social Media platforms,
including Social Media accounts. In particular, members of the University Community are urged to carefully review the “terms and conditions” and the importance such terms may have for rights of privacy, copyright and other personal rights or information you may have or control (e.g., geolocation information, personal contacts, financial and economic information).

- Be Authentic. Be honest about your identity (e.g., with avatars, screen names) and do not misrepresent another person. Consider that you are in an academic environment and the implications of utilizing an NYU-provided platform that automatically identifies you in your role at NYU. If you identify yourself as an NYU faculty or staff member in a personal post, also make clear that your views are your own that that you are not formally representing NYU. A common practice among individuals who blog or comment on a controversial topic is to include a disclaimer on their site.

- Respect Confidential Information. Be careful not to reveal confidential or proprietary information through Social Media about NYU students, employees or alumni. Adhere to all applicable University, federal and National Collegiate Athletic Association (NCAA) privacy and confidentiality policies. All employees of NYU are subject to the Family Education Rights and Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPAA), and other laws mandating the nondisclosure of certain personally identified or personally identifiable information.

II. Misuses of Social Media

Misuses of Social Media may subject members of the University Community to disciplinary action pursuant to relevant NYU policies. The list below, which is not exhaustive, provides examples of misuses of Social Media:

- Engaging in behaviors that by virtue of their intensity and/or repetitiveness compromise the health, safety or well-being of an individual University Community member or of the general University Community including, but not limited to:
  i. Threatening, tormenting, mocking, defaming, bullying, intimidating, or performing similar acts that a reasonable person would consider objectionable by the severity, pervasiveness, and/or persistence; or
  ii. Exploiting a person's known psychological or physical vulnerabilities or impairments.
- Unreasonably and substantially interfering with a person's academic or work performance, opportunities or benefits;
- Engaging in a course of conduct, such as publishing or transmitting content, that reasonably causes or could be expected to reasonably cause a person to
fear bodily injury or experience substantial emotional distress, including stalking (via Social Media or other electronic communications) another person;

• Unreasonably disrupting NYU operations or creating a foreseeable risk of doing so (including, for example, organizing a demonstration that seeks to materially impair entry to or exit from University premises or events; or attempting to disable or interfere with, through malware or otherwise, University electronic resources or operations);

• Disseminating, streaming, or posting pictures or video of another person in a state of undress or of a sexual nature without the person’s affirmative or explicit consent;

• Publishing offensive content, including slurs, epithets, jokes, or images, that insults, mocks, degrades, threatens, or ridicules an individual or class of individuals based on membership or perceived membership in a Legally Protected Class that a reasonable person would consider creates an intimidating, hostile, or offensive learning, working, or living environment;

• Illegally discriminating on the basis of a Legally Protected Class, or perceived membership in such classification;

• Inciting or attempting to incite violence;

• Jeopardizing or potentially jeopardizing the health or safety of a child (including viewing, downloading, or transmitting child pornography);

• Violating the intellectual property or related rights of NYU or others (which may include, for example, plagiarism, failure to attribute properly, or failure to obtain necessary consent);

• Disclosing without authorization or unlawfully the confidential or proprietary information of NYU or members of the University Community (including, but not limited to, patient and student information protected under the HIPAA Privacy Rule or FERPA);

• Impersonating, including but not limited to misrepresenting the University Community member's capacity or authority;

• Sending unauthorized bulk email (spam) or otherwise transmitting mass messages in violation of applicable NYU policies (including Appropriate Use of Email at New York University Policy, http://www.nyu.edu/its/policies/email.html), unless authorized by NYU;

• Engaging in electioneering prohibited by applicable law or that could jeopardize NYU's tax exemptions; and

• Engaging in any other conduct prohibited by local, state, federal, or other
applicable law or NYU policy.

Actions described in the above list also may violate NYU's Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students, Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees, Sexual Misconduct, Relationship Violence, and Stalking Policy, or other NYU policies.

III. Authority Relationships and Social Media

Maintaining a Social Media account requires careful assessment of the implications of inviting a person to be a “friend” or “connection” or the equivalent or accepting such an invitation from another person. This is particularly true where there is an authority relationship (such as faculty-student, doctor-patient, or supervisor-subordinate) between inviter and invitee; the presence of such an authority relationship necessitates close consideration of the implications of sending and accepting an invitation.

Supervisors are expected to exercise good judgment and caution when inviting subordinates to be a “friend” or “connection” or the equivalent using Social Media; if a supervisor believes there is a possibility a reasonable person similarly situated to the subordinate in question would find an invitation to be inappropriate, the supervisor should not send that invitation. Supervisors should consider whether it is appropriate to decline invitations they receive from subordinates. These cautions also are applicable in other cases involving authority relationships.

IV. Outside Service Providers

Members of the University Community should exercise caution and act within their authority when entering into contractual agreements (including click-through agreements) on behalf of NYU for services related to Institutional Social Media Accounts or distribution of University-generated content over Social Media (e.g., through AddThis or ShareThis). Members of the University Community are urged to carefully review the “terms and conditions” and the importance such terms may have for rights of privacy, copyright and other personal rights or information you may have or control (e.g., geolocation information, personal contacts, financial and economic information)(link to Guidelines – to be created)

V. Social Media and Teaching

It is recommended that institutional Social Media accounts created by faculty to support courses of instruction include a clear statement on expectations for use of such Social Media by instructors and students. For example, if desired by a faculty member, the statement might provide that students are prohibited from using the account for any purpose other than their activities for the course and that no content from the account may be copied or distributed by any student for any other purpose. It also is recommended that the statement note that all Social Media should be used in an appropriate manner and include a link to the Electronic
Communications and Social Media Policy, these Guidelines, and the New York University Code of Ethical Conduct.

**Guideline Definitions**

“Electronic Communications” means any electronic transfer of information between one or more electronic devices and/or electronic networks/systems relating to such devices. Electronic Communications encompass Social Media.

“Legally Protected Class” means race, gender, gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, and any other class or status that is protected under applicable laws.

“NYU” means the schools, colleges, institutes, and other administrative units of NYU, NYU’s global sites, and all University affiliates, as each term is defined in NYU’s Policy on Developing University Policies.

“Social Media” means Electronic Communications that provide the user the ability to distribute content quickly to a broad audience, including but not limited to social networking sites (e.g., Facebook, Twitter, LinkedIn, Instagram, MySpace, YouTube, Google+, Snapchat, Meetup, tumblr, Flickr, SlideShare, Pinterest), live streaming sites (e.g., Facebook Live), blogging and microblogging, wikis, website creation, website postings and comments, mass text and multimedia messaging, and mass emailing, and includes future forms of such communication.

“University Community” means the following persons associated with the University and its domestic and international subsidiaries and affiliated entities: (a) the Board of Trustees, (b) all full-time and part-time employees, including but not limited to faculty members, instructors and researchers, (c) volunteers, (d) fellows, trainees and postdoctoral appointees, (e) students, and (t) others who are performing activities or providing services, including but not limited to consultants, vendors and contractors.

**Related Policies and Documents**

General Conduct
- Affirmative Action/Equal Opportunity Policy
- Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students
- Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees
- Code of Ethical Conduct
- Compliance Complaint Policy
- Faculty Handbook
- Interaction with Government Officials
DRAFT: March 21, 2017

- University Student Non-Academic Misconduct Policy\(^1\)-Sexual Misconduct, Relationship Violence, and Stalking Policy

Information Privacy
- Family Educational Rights and Privacy Act (FERPA)
- Health Insurance Portability and Accountability Act (HIPAA) Policies
- Policy on Personal Identification Numbers

Information Technology
- Data Classification at NYU
- Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials
- Policy on Responsible Use of NYU Computers and Data
- World Wide Web Policies and Procedures

\(^1\) Note: to be implemented in Fall 2017
New York University
University Policies

Title: Electronic Communications and Social Media Policy

Effective Date: ____________, 2017

Supersedes: Not Applicable

Issuing Authority: Senior Vice President for University Relations and Public Affairs

Responsible Officer: Vice President for Public Affairs

Policy

New York University (the “University”), including the schools, colleges, institutes, and other administrative units of NYU, NYU’s global sites, and all University affiliates, as each term is defined in NYU’s Policy on Developing University Policies (together, “NYU”), supports and encourages open discourse by members of the University Community through the use of Electronic Communications, which encompasses Social Media, while at the same time seeking to address the concerns associated with such use.

Purpose of this Policy

This policy:

- Promotes awareness within the University Community regarding the benefits and risks (including privacy-related risks) of Electronic Communications;
- Helps create a safe learning and working environment at NYU;
- Helps to ensure the confidentiality of personally identified or personally identifiable information in accordance with applicable laws, regulations, and NYU policies;
- Strives to protect NYU Marks (i.e., NYU’s name, logos, trademarks, service marks, or graphics) and NYU’s reputation;
- Sets certain rules for the use of Electronic Communications for NYU purposes; and
- Reinforces that NYU policies apply to Electronic Communications, as they do to any other types of communications and media, and that such other policies must be consistent with this policy.
Scope of this Policy

This policy applies to all members of the University Community with respect to their utilization of Electronic Communications. Other pertinent NYU policies also apply to Electronic Communications, some of which are referenced in the Related Policies section below. NYU schools, colleges, institutes, other units, global sites, and University affiliates may supplement this policy, provided that such supplementary policies are consistent with this policy in accordance with the NYU Policy on Developing University Policies.

I. General Principles of Electronic Communications

   a. Freedom of Expression and the Academic Community

   NYU is committed to the principle of academic freedom, as described more fully in the Statement in Regard to Academic Freedom and Tenure in the Faculty Handbook and the University Policy on Student Conduct. Nothing in this policy is intended to abridge or interfere with those rights and responsibilities. This policy is intended to support and encourage NYU’s academic mission and specifically NYU’s commitment to a research, teaching, and learning environment that is open, robust, and diverse. In addition, nothing in this policy is intended to abridge or interfere with the right of NYU employees to speak about the terms and conditions of their employment pursuant to Section 7 of the National Labor Relations Act.

   b. Criminal and Civil Liability with Respect to Electronic Communications

   Members of the University Community are always subject to the jurisdiction of applicable local and national governments when they are using Electronic Communications. In addition to the consequences addressed in the Enforcement section below, violations of applicable laws through the use of Electronic Communications can lead to criminal and/or civil sanctions, as well as to private law suits by persons claiming injury. Members of the University Community also should be mindful of local customs, norms, and practices with respect to Electronic Communications.

   c. Limited Expectations of Anonymity and Privacy

   Members of the University Community should not assume that Electronic Communications, including Social Media, are anonymous or private. When composing an Electronic Communication, the author may want to assess the risk and the consequences of communications becoming public. Electronic Communications often are forwarded, posted, or otherwise distributed without the approval or knowledge of the author. There is rarely any guarantee of anonymity in visiting or searching websites or
Social Media sites. Members of the University Community should carefully review “terms of use” and privacy settings, and are encouraged to monitor these terms of use and privacy settings on Social Media accounts, and privacy policies on Social Media sites, to maximize their privacy to the extent desired and feasible. Electronic Communications, including emails, also can be subject to disclosure, for example in litigation, to regulatory bodies or other persons in connection with NYU business operations, and in response to subpoena.

Pressing the “delete” key does not mean that an Electronic Communication is unrecoverable even where all recipients have “deleted” it. In addition, Internet Protocol addresses (known as IP addresses) normally can be traced to their source (e.g., to NYU) and often to a specific computing device.

NYU reserves the right to monitor and record activity on NYU devices, networks, and systems related to Electronic Communications in accordance with the protections for privacy of such communications as set forth in relevant NYU policies and procedures (including Responsible Use of NYU Computers and Data Policy, http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/responsible-use-of-nyu-computers-and-data-policy-on.html), and in accordance with applicable laws.

d. Appropriate Uses of Electronic Communications

Electronic Communications must be used in accordance with applicable laws and NYU policies, including the Code of Ethical Conduct. Abuses and misuses of Social Media can result in the violation of many existing university policies, including those listed in the Related Policies section of this policy. NYU has published Guidelines (link) for use of Social Media that are intended to guide members of the University Community in a manner that complies with obligations under all applicable university policies.

e. NYU Name, Marks, and Logos

Use of NYU Marks must (1) be for official NYU business or otherwise have been approved in writing by NYU’s Office of Digital Communications (“DigiComm”), digital.communications@nyu.edu, and (2) follow all NYU rules and policies; provided, however, that members of the University Community may reference their NYU affiliation for identification purposes (e.g., an NYU faculty member or an NYU student), but where it is not clear, they must make it clear that they are acting in a personal capacity and not for or under the auspices of NYU. Members of the University Community do not have the authority to alter or create their own versions of NYU Marks for use in Electronic Communications.

II. Institutional Social Media Accounts
a. Establishment

Members of the University Community must notify DigiComm, digital.communications@nyu.edu, prior to activating an Institutional Social Media Account. Administrators of existing Institutional Social Media Accounts activated prior to the Effective Date of this policy must promptly notify DigiComm if they have not previously done so.

b. Access, Maintenance, and Ownership

For each Institutional Social Media Account, where allowed by law, at all times at least two NYU employees must serve as the Administrators of that Account who have appropriate account access credentials (including usernames, passwords, and answers to security questions) and who have been provided or expressly delegated the authority to administer the account (including editing account settings and content). The personal information of a member of the University Community should not be incorporated into the account access credentials of an Institutional Social Media Account. Anyone who administers such accounts should maintain passwords and all other relevant information necessary to access such accounts in a safe and secure location.

NYU may have an ownership or other interest in the information, files, or data contained in an Institutional Social Media Account; if so, NYU may have the right to control the distribution or publication of that information, separate from any right NYU may have to access the account as described above.

NYU reserves the right to take steps to “freeze” any Institutional Social Media Account that violates this policy or other NYU policies.

c. Guidelines for Administrators

Administrators of Institutional Social Media Accounts should monitor and/or moderate postings on a frequent basis to ensure compliance with this policy and other applicable NYU policies.

d. Public Affairs

As with any form of communication that may appear to represent NYU, members of the University Community should exercise good judgment in determining whether an Electronic Communication should be approved in writing by NYU’s Office of Public Affairs prior to transmission through an Institutional Social Media Account.

NYU employees must notify NYU’s Office of Public Affairs if contacted by a media representative about an Institutional Social Media Account, and employees must not
respond to a request for information by such a representative without first consulting with NYU’s Office of Public Affairs.

e. Accessibility

Members of the University Community establishing Institutional Social Media Accounts should work closely with DigiComm to ensure that any such site complies with NYU’s expectations and obligations with regard to the accessibility of the site.

III. Use of Social Media in an Employment Context

a. Screening Candidates for Employment

The Equal Employment Opportunity Commission (“the EEOC”) has cautioned that personal information, such as that gleaned from Social Media postings, may not be used to make employment decisions on prohibited bases, such as race, gender, sexual orientation, national origin, color, religion, age, disability, or genetic information. To ensure compliance with legal requirements, members of the University Community intending to use Social Media to screen employee candidates should consult with their Human Resources representatives for guidance.

b. Reviewing Employee Performance

Members of the University Community in their capacity as supervisors should not use Social Media to comment on or display information concerning the work performance of their subordinates. Faculty who are asked to evaluate other colleagues or subordinates should not use Social Media to comment or display information concerning their performance. Formal performance reviews and/or recommendations related to the work performance of subordinates should not be made using Social Media without the explicit consent of such employee. Before supervisors make any informal communications about the job performance of their subordinates using Social Media, supervisors must exercise judgment and discretion and consider whether there is a need to obtain the approval of any colleagues or supervisors.

c. Authority Relationships and Social Media

Maintaining a Social Media account requires careful assessment of the implications of inviting a person to be a “friend” or “connection” or the equivalent, or accepting such an invitation from another person. This is particularly true where there is an authority relationship (such as faculty-student, doctor-patient, or supervisor-subordinate) between inviter and invitee; the presence of such an authority relationship necessitates close consideration of the implications of sending and accepting an invitation.

Supervisors are expected to exercise good judgment and caution when inviting
subordinates to be a “friend” or “connection” or the equivalent using Social Media; if a supervisor believes there is a possibility a reasonable person similarly situated to the subordinate in question would find an invitation to be inappropriate, the supervisor should not send that invitation. Supervisors should consider whether it is appropriate to decline invitations they receive from subordinates. These cautions also are applicable in other cases involving authority relationships.

d. Protecting Confidential Information

In using Social Media and other Electronic Communications, members of the University Community must ensure the confidentiality of personally identified and personally identifiable information and other NYU sensitive information in accordance with applicable laws and NYU policies, including, but not limited to, those related to HIPAA, FERPA, and personal identification numbers (see, e.g., the Related Policies section below). Before uploading or sending student, patient, or other NYU information through Social Media, members of the University Community must ensure that such actions are in compliance with applicable laws and NYU policies.

e. Outside Service Providers

Members of the University Community should exercise caution and act within their authority when entering into contractual agreements (including click-through agreements) on behalf of NYU for services related to Institutional Social Media Accounts or distribution of University-generated content over Electronic Communications (e.g., through AddThis or ShareThis). Members of the University Community should pay particularly close attention to the privacy policies of potential service providers. See also (link to guidelines on best practices).

f. Endorsements and Testimonials

When making an endorsement or a testimonial in one’s NYU capacity, members of the University Community must comply with the Federal Trade Commission’s Guides Concerning the Use of Endorsements and Testimonials in Advertising.

g. Social Media and Teaching

Where Social Media accounts are required by a course, it should be expressly identified in the course description and should account for any cultural or geographic restrictions or limitations on the use of any such Social Media service. Further, it is recommended that institutional Social Media accounts created by faculty to support courses of instruction include a clear statement on expectations for use of such Social Media by instructors and students. For example, if desired by a faculty member, the statement might provide that students are prohibited from using the account for any purpose other than their activities for the course, and that no content from the account may be copied or distributed by any
student for any other purpose. It also is recommended that the statement note that all Social Media should be used in an appropriate manner and include a link to this policy and to the New York University Code of Ethical Conduct.

**h. Disclaimers**

If others could reasonably be confused as to whether a publicly-available Electronic Communication by an employee or member of the University Community represents the position of NYU when in actuality the Electronic Communication does not do so, the Electronic Communication should be accompanied by a disclaimer such as the following: “The views expressed herein are mine alone and do not represent the views or opinions of New York University.”

**IV. Enforcement**

Employees, including faculty, who violate this policy may be subject to disciplinary action up to and including termination in accordance with applicable NYU policies and, where applicable, the Faculty Handbook. Students who violate this policy may be subject to disciplinary action up to and including expulsion, in accordance with the disciplinary rules and procedures of NYU and the relevant school, college, and/or other unit. Other members of the University Community who violate this policy, including but not limited to consultants, vendors and contractors, may be subject to termination of their relationship with NYU.

**V. Policy Definitions**

“Electronic Communications” means any electronic transfer of information between one or more electronic devices and/or electronic networks/systems relating to such devices. Electronic Communications encompass Social Media.

“Institutional Social Media Account” means a Social Media site or account appearing to represent or be associated with NYU regardless of whether the site or account is hosted by NYU (e.g., NYU Wikis or NYU Blogs) or a third party, including any site or account using an NYU Mark; provided, however, that where the only association with NYU is that members of the University Community have referenced their NYU affiliation for identification purposes, the site or account is not an Institutional Social Media Account so long as it is clear that the members of the NYU Community are acting in a personal (and not official NYU) capacity.

“Legally Protected Class” means race, gender, gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, and any other class or status that is protected under applicable laws.
“NYU” means the schools, colleges, institutes, and other administrative units of NYU, NYU’s global sites, and all University affiliates, as each term is defined in NYU’s Policy on Developing University Policies.

“NYU Marks” means NYU’s name, logos, trademarks, service marks, or graphics.

“Social Media” means Electronic Communications that provide the user the ability to distribute content quickly to a broad audience, including but not limited to social networking sites (e.g., Facebook, Twitter, LinkedIn, Instagram, MySpace, YouTube, Google+, Snapchat, Meetup, tumblr, Flickr, SlideShare, Pinterest), livestreaming sites (e.g., Facebook Live) blogging and microblogging, wikis, website creation, website postings and comments, mass text and multimedia messaging, and mass emailing, and includes future forms of such communication.

“University Community” means the following persons associated with the University and its domestic and international subsidiaries and affiliated entities: (a) the Board of Trustees, (b) all full-time and part-time employees, including but not limited to faculty members, instructors and researchers, (c) volunteers, (d) fellows, trainees and post-doctoral appointees, (e) students, and (f) others who are performing activities or providing services, including but not limited to consultants, vendors and contractors.

Related Policies

General Conduct
- Affirmative Action/Equal Opportunity Policy
- Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students
- Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees
- Code of Ethical Conduct
- Compliance Complaint Policy
- Developing University Policies
- Faculty Handbook
- Interaction with Government Officials
- University Policy on Student Conduct
- Sexual Misconduct, Relationship Violence, and Stalking Policy

Information Privacy
- Family Educational Rights and Privacy Act (FERPA)
- Health Insurance Portability and Accountability Act (HIPAA) Policies
- Policy on Personal Identification Numbers
Information Technology

- Data Classification at NYU
- Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials
- Policy on Responsible Use of NYU Computers and Data
- World Wide Web Policies and Procedures
The Communications Committee met on March 7, 2017. All members were present. The Committee reviewed the discussions from the last Council meeting and make the following recommendations:

- **Timing:** The newsletter should be sent once every other month. After a year, the Committee will review the analytics on user interaction, and decide to increase or decrease distribution.

- **Audience:** The newsletter should be for all NYU continuing contract faculty. There will be one “end of the year” report published to the public outlining what the Council has done and outstanding accomplishments within the continuing contract faculty community.

- **Submission Guidelines:** We will collect the following types of submissions (suggested but not limited to) for the newsletter:
  - Council - Major events, decisions, actions
  - Chair’s report
  - Schedule of C-FSC meetings
    - Guest Pass advertisement with information and policy on how to obtain one
  - CC Faculty - grants, accomplishments, major events, promotions
  - Current Issues (in wider NYU community)
  - Inter CC Collaborations -- academic work done with other CC faculty, or invitations for collaborations on work with other CC faculty.
  - Featured Events -- new faculty reception, CC receptions, etc.
  - Relevant Data -- e.g., our survey data accompanied by graphs, any interesting national data?
  - Editorials

Submitted respectfully,

Vicky Steeves, chair
Educational Policies Committee Report
March 28th, 2017
Members Present: Brian Mooney, Deborah Smith, Ben Stewart (chair)

The Educational Policies Committee last met on Wednesday, March 15th. At that meeting, we discussed possible ways of responding to the gradual rollout of University’s evaluation system. We’ve identified several concerns that we want to take up; additionally, in order to refine our approach, we’d also like to have a discussion of those issues at our March 28th meeting. We’ve attached a draft report here that includes our concerns, principles for developing and evaluating questions, and samples of the survey.

Respectfully submitted by Ben Stewart
Committee on Faculty Benefits and Housing

(1) Update on Meetings with Benefits Providers: The C-FSC, T-FSC, and AMC Benefits Committees met jointly with representatives from United Health Care on March 21, 2017. A meeting with CVS/Caremark is scheduled for April 11th.

(2) Update on Retirement Single Recordkeeper Initiative: The University is currently in negotiations with a finalist, and an announcement of the selection is expected shortly.

(3) Update of Tuition Remission Benefits: The Tuition Benefits Committee met on Wednesday, March 22nd, to discuss results from the recent survey. A final report on this year’s activities should be ready for release at the final spring Senate meeting, on April 27th.

(4) Update on faculty seeking to use employee tuition benefits for degree study: The committee is drafting a request from the Council asking the Provost to establish a policy on implementation of University Bylaw 81 (c), which prohibits faculty from studying toward degrees-in-course, but which also contemplates exceptions to this prohibition. We are hopeful T-FSC will collaborate in this, and to have a draft ready for the meeting on May 11th.

(4) Update on Work-Life Issues: The Work-Life survey has now been distributed. The committee is scheduled to meet on April 4th to begin to review results.

Respectfully submitted,

Vincent Renzi,
chair
Senate Academic Affairs Committee Report
March 28th, 2017

Committee Members: Peggy Morton, Ezra Sacks, Ben Stewart (Chair)

The Senate Academic Affairs Committee last met on Friday, March 10th. At that meeting, we discussed the calendar issues that have arisen with the Fall 2020 calendar, issues that have mainly come from the lab sciences. The committee felt strongly that we should not proceed without consulting those parties in a more substantial way. As such, we invite representatives of the lab sciences to a working group that will discuss the Fall 2020 calendar. In the meantime, we have submitted the 2018-2020 calendars to the Senate for approval.

Respectfully submitted by Ben Stewart
Senate Committee on Organization and Governance
John Gershman, Brian Mooney, Vincent Renzi, Larry Slater

SCOG has not had a meeting since the last C-FSC meeting. There are several meetings planned next week:

1) 3/28 - Meeting with President Hamilton to discuss Senate processes, including committee reports and bringing topics for discussion before the Senate
2) 3/29 - Meeting with Ellen Schall to discuss relationships with the Board of Trustees
3) 3/30 - SCOG Meeting to debrief after meetings and begin drafting of recommendations for Senate functioning
Report of Faculty Committee on the Global Network
Submitted by Sam Howard-Spink on 3/24/17

At the University Faculty Committee on the Global Network meeting on March 21, the only matter discussed was a draft report on Coordinated Hiring and Review across the Global Network, dealing specifically with tenure-track searches and hiring between the Square and NYU Abu Dhabi and Shanghai. The only aspect impacting Contract Faculty was the “eligibility for participation” of C-Faculty program heads at the portals, and whether or not they should be invited to contribute to a tenure review (although under no circumstances are they to exercise a vote on a tenure case).
The Undergraduate Program Committee has not met since the last Council meeting. The next meeting is scheduled for March 28, 2017.

Respectfully submitted by John Halpin
FROM:  Susan Stehlik, Stern Senator  
DATE:  March 22, 2017

Focus on two questions:
    What’s the work for next year?
    What’s the work at the school level?

What are the bigger academic ideas to continue exploring?
- 12 month calendar.
- reduction of duplicated courses (statistics example).
- Engage faculty in the bigger questions; do we need funds to incent faculty to research it?
- Should we be thinking competency based rather than credit based?
- January start date?
- More use of technology
- Evan Chesler ran momentum campaign, chair of FAS board; just as we have students spend a year abroad. Spend a year at home, online, and free up beds and seats here.
- maybe finish up last semester online while doing job search etc.
- J term: Not as many as you’d think. Partly an economic thing, and partly do we want to have a full calendar.
- in one online they we have four starts a year, so continuously enrolling. It is the same price.

Best for us to have something of a synthetic approach and simultaneously have an agnostic approach. For everything that’s been raised, more than half of them are probably just not practical. Three broad categories of things:
    1) Somehow getting benefits of nyu while not being physically present
    2) Physically present at NYU, using our resources more efficiently somehow
    3) Figuring out ways to spread out an NYU education across full calendar rather than standard academic calendar.

Shared purchasing, bigger leverage because you have more people, former president of a university is putting together a cross-university collaborative on purchasing. We should also think about a different way we do business on administrative side, not academic side.

We talk about affordability for a student, but do we have a minimum salary for faculty? Global network university, teaching 8 or 10 students in a class earn the same as faculty here teaching 40. Conversations are getting heated - seeing the same thing at expository writing program

How do we manage the perception of layoffs?

Summer project: look at how to engage faculty and be more public about all the information. Focus on engaging alumni; and understand what it means to be successful at a University. Yale had an amazing weekend of going back to school, come back as students. Wouldn’t that be a much more interesting alumni day.
Last question - triangle - (Affordability, Success/Employability, Access -> Value) how do we get this out? What more proof points do we need?
FROM: Susan Stehlik, Stern Senator
DATE: March 23, 2017

Committee members were asked for final comments on Sexual Misconduct Policy. I presented the following comments:

This is still tough to read and fully interpret. I get the ultimate intent and think it is specific enough for our recommendation to the executive committee. I am going to offer a few suggestions, mostly cosmetic, because I do believe in making is easily accessible for the average reader, and some word considerations.

So, here is where I get hiccups:

- We sometimes hire undergrad teaching fellows for undergrad courses at Stern; I worry more about the intimidation factor that I might not see. I have enough experience from my business background, but I doubt faculty would think to "prewarn" their teaching fellows that this is a policy with serious consequences if not followed.
- The use of the word "opportunities" in the first sentence infers future prospects to me; could we add a word that includes current status? For example, a faculty member has the power to influence grades and can show bias in the discussion section of the classroom, which would affect participation credit. Maybe that's too nitpicky, but just thinking here. Could we say something like has the power or authority over another's academic or employment opportunities and ability to perform in an optimum manner, compromises with the University opportunities.
- The length of that first sentence is already at 54 words and difficult to parse out unless you are comfortable with legal language. Here's a suggestion to streamline the read:

  Entering into a sexual, dating or romantic relationship ("Intimate Relationship") when one individual has power or authority over another's academic or employment opportunities and ability to perform in an optimum manner could have the following consequences:

  - compromising freely given consent,
  - putting the academic and professional development of the individuals at risk, and
  - seriously undermining the foundation of trust and fairness that is essential to our academic mission

  Because Intimate Relationships in situations where one individual has greater power or authority over another frequently result in claims of harassment and perceptions of favoritism, they are prohibited.

- Using the terms "manager/supervisor" to me are limiting. Later on the paragraph explains the managerial/supervisory relationship. It should be clear that manager/supervisor includes deans and chairs as well as administrative personnel. Again I prefer to break it out visually.

  The following examples, while not exhaustive, illustrate for whom it is prohibited to enter into an intimate relationship:

  - For Faculty:
    - with any undergraduate student
    - with a graduate student in the same discipline
  - For an academic or faculty advisor:
    - with an advisee
  - For a Teaching Assistant:
    - with a student in the teaching assistant’s class,
  - For a Coach:
    - with a student athlete
  - For anyone in a managerial or supervisory role, whether academic or administrative:
    - with an employee over whom he or she has supervisory authority.

  Supervisory authority in this context means the ability to affect or impact an employee’s terms, conditions, or privileges of employment because the manager/supervisor can take or impact action such as hiring, firing, promoting, disciplining, scheduling, training, or deciding how to compensate that employee.
TO: Continuing Contract Faculty Council  
FROM: Susan Stehlík, Stern Senator (Did not attend this meeting)  
DATE: March 24, 2017  
RE: Summary Report of the Provost’s Committee on Academic Priorities meeting of March 21, 2017

Presentations from representatives of the NYU Abu Dhabi and Singapore campuses stimulated discussions of difference and equity. Of concern for continuing faculty is the idea of equity: how to compare job responsibilities and delivery at these campuses versus the Washington Square. Discussion centered on censorship, class size, quality and pay equity for comparable job responsibilities.

Serious discussion prompted questions of what it means to be a global university and a global professor.
Creation of Elected Student Board of Trustee Members
Resolution of the Student Senators Council

WHEREAS, the Board of Trustees of New York University act as the primary steward in the effective implementation
and usage of University funds, policies, and development;

WHEREAS, minutes for Board of Trustees meetings are not publically released by New York University;

WHEREAS, in a 2010 survey by the Association of Governing Boards of Universities and Colleges, 20.1% of private
educational institutions included at least one student as a member on their Board of Trustees, a voting member for
close to half of these schools, these schools include Duke University, Cornell University, University of Miami, and
Cooper Union;

WHEREAS, the current structure of New York University is insufficient in representing the needs and concerns of the
student body as demonstrated from the past year of recentering the university on questions of equity among other
principles;

WHEREAS, the concerns moved through the pre-established representative bodies of the Student Senators Council
and the University Senate have not been adequately addressed by the Board of Trustees;

THEREFORE, BE IT RESOLVED, the Student Senators Council requests that the NYU student body elect, each
year, two students on the NYU Board of Trustees who will serve two-year terms;

FURTHER, BE IT RESOLVED, the elections will be organized through the Student Senators Council Elections
Commission;

FURTHER, BE IT RESOLVED, each year one graduate student will be elected by the graduate student body, and
one undergraduate student will be elected by the undergraduate student body through an instant runoff process;

FURTHER, BE IT RESOLVED, the student trustees will spend their first year as an observer and their second year
as a voting member;

FURTHER, BE IT RESOLVED, the Board of Trustees shall create the Student Life and Transparency committee that
shall facilitate greater communication between the Board of Trustees and the student body by hosting a Town Hall
each semester in which the committee will present on the state of the Board and hear directly from the student body;

FURTHER, BE IT RESOLVED, the student trustees shall attend safe zone, diversity zone, and disability zone trainings
and sit on the The Senate Ad Hoc Advisory Task Force on Equity, Diversity, and Inclusion as well as it be
recommended that they attend the Student Senators Council Diversity Committee meetings;

FURTHER, BE IT RESOLVED, the student trustees shall have responsibilities that will include, but are not limited to:
1) sitting as members of the Board of Trustee committees; and 2) serving on the newly created Student Life and
Transparency Committee;
FURTHER, BE IT RESOLVED, the student trustees will have the responsibility through student outreach to represent the perspectives of the student body while still acting in the interest of the university as a whole and all its stakeholders;

FURTHER, BE IT RESOLVED, minutes will be published from the full meetings of the Board of Trustees.

As Proposed By Senator Husniye Cogur, drafted in coordination with NYU Student Labor Action Movement. Proposed October 26, 2016

Addendum

ELECTION PROCESS

- Candidates for the Student Board of Trustee position shall submit a petition of candidacy with 300 signatures from their respective student body (i.e. undergraduate and graduate)
- Candidates must be studying on the New York campus during the fall and spring semester for both years of their tenure. An exception will be made for students in 2 year programs who intend on living in the New York City metro area post graduation for the remaining year of their term. This situation will be indicated on the ballot.
- Candidates must be able to commit to attending required Board and committee meetings, along with being able to hold weekly office hours once inaugurated
- Candidates are required to submit a statement regarding their candidacy to be included on the online ballot
- Candidates may not serve on the Elections Commission during the course of the election
- The Election Commission will be charged with setting up a debate between the eligible candidates open to the student body and livestreamed through the appropriate channels
- Student trustees, once their term begins, may only serve exclusively in university governance as a member of the Board of Trustees
- If a student trustee leaves their position part way through their term, their replacement shall be chosen by the Student Senators Council.
TO:        NYU Faculty Senate Finance Committee

From:   NYU Full Time Continuing Contract Faculty Senators Council

Prepared by: CFSC Committee Members
Susan Stehlik, Chair, Stern
Jamie Skye Bianco, Steinhardt
Leila Jahangiri, School of Dentistry
Tommy Lee, Tandon School of Engineering
Jon Ritter, Faculty of Arts and Science

Date: March 20, 2017

Re: Report and Comments on Faculty Budget for 2017-18

As requested by the Committee, our Council submits the following comments on the 2017-18 budget.

Summary of Request and Concerns

We are requesting a formal review of total compensation and benefits for the continuing contract faculty in all schools.

Rationale and Context: Historically, the Annual Merit Increase (AMI) has been a budget item tied to inflation and various other issues and concerns. However, this process has a twofold gap:

- Its focus is solely on base compensation, rather than considering compensation as a comprehensive package of salary, core benefits and fringe benefits.
- The definition of “merit” and the process for rewarding “merit” are not clearly defined

The result of this gap is that problems with compression, inequity and competitive positioning do not get adequately addressed in an increasingly competitive market where school ranking matters. If, as we have heard frequently, our University is committed to attracting and retaining the best quality faculty, especially those that are primarily in the classroom and labs face to face with our students, we need a more comprehensive and effective review and response process in place.

Last year we conducted a survey\(^1\) within NYU that identified a number of concerns with our continuing contract faculty; this year, we have discovered additional survey data within the US and Metropolitan NYC area that supports our initial findings and suggests we take a serious look at how our compensation policies and practices align with NYU’s goals and quality of delivering education.

Several years ago, former Stern Dean Sally Blount led a study of benefits at NYU. The result of that study produced numerous cost effective changes. Equally as important were the discussions, town halls and conversations that provided transparency around issues that affected everyone. Today we can actually calculate, per person, exactly what the University spends on each of us towards benefits. What we don’t have is an equally transparent process for clarifying and communicating the criteria for determining compensation. And, given the survey data attached to this request, it appears the concerns are escalating, particularly for those faculty members at the lowest end of the spectrum.

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\(^1\) Exhibit B: collected 851 responses or about 32% of all continuing faculty, including Shanghai and Abu Dhabi, and close to 40% or more from most of the schools.
Our objective is to have a comprehensive compensation and benefits study that would support a more substantive review of the following concerns:

1. **Competitive base salary within the current market: most of this data is a mystery in many schools**
   a. Ranges of compensation within rank by school
   b. Minimum salary within minimum teaching loads
   c. Compression issues particularly with graduate students and new hires
   d. Equity issues that persist by gender

2. **Related policy issues that affect quality of teaching/performance and compensation:**
   a. Criteria for AMI related to merit, i.e. increases are frequently given without explanation or review
   b. Access to teaching overloads, i.e. in some schools faculty are discouraged.
   c. Support for cross school teaching, i.e., frequently faculty are discouraged because the credit payment system is described as “complicated”
   d. Professional Development Funds, i.e., these funds are expected to be provided in each school, but the disparity between schools is wide
   e. Access to external projects or teaching, i.e., mixed communication from school to school about who can teach where and when outside of the NYU system

3. **Competitive Benefits that affect work/life balance and ability to participate in the NYU community:**
   - What are the benefits that have become standard in our marketplace? Are any of the following a possibility at NYU to make us more competitive?
     a. Transportation subsidies for faculty that live off campus, commute long distances and regularly participate in community activities at NYU
     b. Housing assistance in finding, negotiating and working with the City Admin. to find more affordable housing, especially for families.
     c. Health benefits as a percentage of salary – are they competitive?
     d. Retiree benefits – what do other schools offer?
     e. Child care – are we competitive with other universities?
     f. Tuition Remission – Is it competitive and administered equitably?

Overall more communication about opportunities, benefits and policies would be welcomed. As NYU adopted third party vendors to service our benefits, we gained efficiency and lost touch. Many faculty discover benefits on an as need basis; more pro-active communication and open comparison of the competitive factor would support attracting and retaining our faculty. How can we better utilize the local HR teams? What are other universities doing?

With hard data in hand we hope to engage in a dialogue that would lead to a plan for keeping our faculty compensated according to market. In that same conversation we would intend to address potential operational efficiencies to offset any increased costs. Here are a few examples:

- Developing monetary incentives for CCFaculty derived from more revenue-producing experiential learning opportunities;
  - Incubator labs and Entrepreneurial Competitions award students in their new ventures; frequently our faculty coach, lead and support the student successes. Innovative policies could offer equity participation in these ventures for the faculty that engage in them. Our university could take advantage of equity participation in these ventures as well. Currently many support programs are one-way awards without sufficient follow-up.
Alumni engagement can encourage faculty to participate and be rewarded for their efforts; students appreciate the personal contact with former faculty. Incentives could be developed for our faculty.

Experiential learning is becoming the new creative edge for universities to compete; encouraging our faculty with incentives to develop such projects would have a two fold effect on financial reward and creative acknowledgement.

Grant Writing

New Programs

Offset increases with savings: In the spirit of the charge to our committee, we support discovery of potential reductions in other expenses by collaborating with the Administrative Council. Inherent to this process is having more detailed information on expenses and processes. Here are some of our concerns:

- Processes for acquiring simple supplies can be extraordinarily cumbersome and administratively costly; engage faculty to find savings and offer incentives for those savings.
- Coordinate a productivity study in each of the schools to examine cost saving opportunities

To support our assessment/recommendation we offer the following data:

- Exhibit A: Faculty earning less than $60,000 (TBD)
- Exhibit B: 2016 CCF$ survey
- Exhibit C: 2014 FAS survey
- Exhibit D: AAUP 2016 annual faculty survey
- Exhibit E: Current CUNY and SUNY surveys
- Exhibit F: Current NYC Public School teacher salary survey
- Exhibit G: Compression pressure points between postgraduate students and new hires
- Exhibit H: Policies at Medical/Dental Schools exhibiting creative and transparent opportunities for incentives

*to be added later*
Preface:

2 years ago, we stated an overriding principle to guide our process of reviewing budget matters. We would like to reiterate its relevance:

> As continuing contract faculty under various contract terms and status, we feel that any Annual Merit Increase factors referenced in determining the increase, such as productivity measurements or administrative responsibilities, should be directly correlated with sound and competitive pedagogical guidelines that sustain and expand the reputation of this global University in all of its Schools.

> In the spirit of transparency we request that these AMI and Professional Development Fund allocations be communicated to all of the faculty as well as the rationale for their per capita distribution.

Recommendations:

1. Annual Merit Increase: 5% base budget with an additional allocation for Professional Development and a separate budget to address specific issues related to compression, inequity and a reasonable minimum wage.

Exhibit B: CCF Survey Summary (attached): Two years ago we recommended a formula for AMI directly related to inflation and cost of living, along with a review for compression issues. Last year we faced the same concerns. For the benefit of our new President and Provost, we wish to reiterate our concerns, based on the survey, and also that the definition of a “merit” based salary increase seems unclear and ill-defined across the university. Additionally, faculty are not satisfied with their current base compensation. 48% expressed dissatisfaction and only 31% expressed satisfaction, with the remainder being neutral. 52% of faculty believe there is or may be a compression problem. A majority 53% felt the AMI did not adequately compensate them on an annual basis.

The majority responded that the following factors should be considered in the annual merit review process:

- 83% Collaborative work
- 82% Service to the University
- 80% Administrative responsibilities
- 80% Creative additions to course content and delivery
- 68% Research activity
- 66% Outside activities that promote the School/university
- 57% Student evaluations
- 57% Student engagement
- 50% Peer evaluations

Competitive Salaries: This year we reviewed 5 salary surveys (Exhibits C, D, E, F) within our own FAS, the CUNY/SUNY system, AAUP and NYC public school teachers. Each of these surveys has a warning bell that we are edging on noncompetitive salaries. When we add the number of faculty earning below a reasonable minimum salary of $60,000² for full time faculty, the bell gets louder. We would need much more data to do a complete analysis of competitive salaries within the University, as well as outside of the University to offer a definitive conclusion. Based on these points, we are requesting

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² The actual number of continuing faculty earning below $60,000 on a comparative basis is not available as of this writing. Estimates are over 100 but comparative data on teaching load and salary schedule of 10 or 12 months has not been determined.
a comprehensive review of compensation and benefits by a recognized third party consulting firm in collaboration with our own Administration and Councils.

A few examples may serve to illustrate our point:

**Exhibit C: FAS Equity Study from 2014:**³ With respect to compensation of Continuing Faculty ("CF"), at all ranks, even when controlled by department, and length of service, women are undercompensated (Tables 12 and 13); however, for new hires, there was no salary differential (Tables 14 and 15). This is not the only concern. Starting and continuing salaries for CF are low in comparison to School Public/Private Starting Salaries.

- CUNY Public Lecturer $43,018 in the 2010 contract + negotiated increase
- Rutgers Public Instructor $44,963 2014
- Brown Private Lecturer $70,500
- 2014/15 median salary data Columbia Private Lecturer $53,000

Email from chair, Latin American & Iberian Cultures NYC Public Secondary MS degree, and no experience $54,459.

FAS Master Teachers (LS) and Language Lecturers are paid less than other NYU FAS CF, even considering the recent establishment of a $50,000 floor.

Low salaries may contribute to the high turnover and also to a diminished competitiveness with other employers. This is a serious concern, and among our action items.

**Table 14: Mean starting salary by gender, minority status, and underrepresented minority status (contract faculty)**

<table>
<thead>
<tr>
<th></th>
<th>Gender</th>
<th>Minority</th>
<th>Underrepresented Minority</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Yes</td>
</tr>
<tr>
<td>2009 to 2014</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clin. Assistant</td>
<td>63,799</td>
<td>68,808</td>
<td>67,417</td>
</tr>
<tr>
<td></td>
<td>(7,620)**</td>
<td>(7,526)**</td>
<td>(4,565)</td>
</tr>
<tr>
<td>Clin. Associate</td>
<td></td>
<td></td>
<td>45,193</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(6,178)</td>
</tr>
<tr>
<td>Clin. Professor</td>
<td></td>
<td></td>
<td>57,246</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2,246)</td>
</tr>
<tr>
<td>Lang. Lect.</td>
<td>45,643</td>
<td>44,822</td>
<td>45,380</td>
</tr>
<tr>
<td></td>
<td>(6,900)</td>
<td>(6,178)</td>
<td>(6,815)</td>
</tr>
<tr>
<td>Master Teacher</td>
<td>57,246</td>
<td>56,364</td>
<td>41,983</td>
</tr>
<tr>
<td></td>
<td>(2,246)</td>
<td>(2,248)</td>
<td>(3,620)**</td>
</tr>
<tr>
<td>2003 to 2008</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clin. Assistant</td>
<td>62,444</td>
<td>59,173</td>
<td>43,746</td>
</tr>
<tr>
<td></td>
<td>(12,837)</td>
<td>(16,112)</td>
<td>(3,217)**</td>
</tr>
<tr>
<td>Clin. Associate</td>
<td></td>
<td></td>
<td>41,983</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(3,620)**</td>
</tr>
<tr>
<td>Clin. Professor</td>
<td></td>
<td></td>
<td>53,215</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(3,144)</td>
</tr>
</tbody>
</table>

³ [http://as.nyu.edu/docs/IO/13742/2014EquityStudy.pdf](http://as.nyu.edu/docs/IO/13742/2014EquityStudy.pdf)

**Exhibit D: AAUP Salary data** from March-April 2016 looking at salary alone in Private-Independent schools from a low of $50,917 for an Instructor with a Bachelor’s degree to
$158,080 for a Professor with a Doctorate. The average for an Assistant Professor with a Master’s degree in the same category was $66,551. Salary increases for this same category of Assistant Professor last year were 4.2%. Additionally, the differentials between men and women in the same category showed women earning 2% less than men. If we expand our data to look at regions, the average salary for an assistant professor in the Middle Atlantic region with a Master’s degree is $69,712. If we look at competitive rank and consider the average salary for the same category in schools ranked in the 80th percentile or above, the range of salary is between $74,000 and $82,000. Clearly faculty making less than $60,000 per year is cause for concern. Consider the following table which compares Assistant Professors with doctorate degrees:

| Institution Name | Avg. Salary Assistant Professors | Avg. Change Continuing Assistant Professors | Count Assistant Professors | Avg. Total Compensation Assistant Professors | Salary Equity Assistant Professors |
|------------------|----------------------------------|---------------------------------------------|---------------------------|-----------------------------------------------|-------------------------------- | New York at New Paltz  
| Master’s | NEW YORK | $62,500 | 2.8% | 97 | $85,200 | 96.6 |
| St John’s U-New York  
| Doctoral | NEW YORK | $98,300 | 3.1% | 129 | $121,500 | 94.1 |
| New York U  
| Doctoral | NEW YORK | $115,000 | 3.9% | 286 | $152,100 | 88.6 |
| Pace U-New York  
| Doctoral | NEW YORK | $79,900 | 2.6% | 121 | $102,800 | 101.0 |
| Columbia U in the City New York  
| Doctoral | NEW YORK | $121,500 | 5.9% | 205 | $146,200 | 99.7 |

Reviewing this data shows that any of our Assistant Professors at or below $60,000 per annum is a cause for concern. Most importantly is the Average change from last year which is shown to be from 2.8% to 5.9%. These kinds of variable increases may infer a more volatile labor market.

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Exhibit E: 2010-17 CUNY Collective Bargaining Agreement\(^5\) shows an Assistant Professor in April 2017 earns between $47,340 and $90,149 depending on level and year of service. SUNY Professional salaries can be comparable.\(^6\)

![ASSISTANT PROFESSOR](image)

Exhibit F: Current NYC Public School teacher salary schedule\(^7\): effective May 1, 2016, a teacher with 5 years of experience and a Master’s degree earns between $60,959 and $67,369, depending on extra credits of education and/or trade license.

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\(^5\) [http://www.psc-cuny.org/sites/default/files/Full-TimeFaculty.pdf](http://www.psc-cuny.org/sites/default/files/Full-TimeFaculty.pdf)

\(^6\) [https://www.suny.edu/media/suny/content-assets/documents/hr/UUP_2011-2017_ProfessionalSalarySchedule.pdf](https://www.suny.edu/media/suny/content-assets/documents/hr/UUP_2011-2017_ProfessionalSalarySchedule.pdf)

\(^7\) [http://schools.nyc.gov/nr/rdonlyres/eddb658c-be7f-4314-85c0-03f5a00b8a0b/0/salary.pdf](http://schools.nyc.gov/nr/rdonlyres/eddb658c-be7f-4314-85c0-03f5a00b8a0b/0/salary.pdf)
2. Recommendation: Based on these findings we are requesting a 5% annual increase budget with an additional specific allocation for professional development and a special budget to address compression, equity and a targeted minimum wage of $60,000. Noting the most important issue as being competitive, we strongly recommend a comprehensive review of our compensation and benefits policies and distributions of same. We are concerned that we are facing a repeat of the issues brought up 2 years ago.

Given the wide range and distribution of professional development funds available in all the schools, switching to a percentage basis would provide equity in the administration of these funds, and lend a clearer definition to the policy for the use of these funds. The professional development fund could be further defined by allocating a portion for well-defined merit factors or achievements tied to job descriptions and contract terms; we recommend adding a remaining portion for equal distribution at a minimum level to support excellence in performing at the highest standard expected by the Schools. These professional funds would also save the University the required benefit costs associated with a similar salary increase.

There are many creative avenues to achieving a competitive compensation program, even in the current budget crunch and pressure we face as a tuition-driven University. It is for that reason that we as a Council would like to participate in the process of uncovering more creative incentives for our Continuing Contract Faculty so that we can achieve a base level of income that is reasonable and competitive within our academic community.

2. Request for Professional Development: specific budget, policy, procedure and transparency**

Two years ago we recommended a specific budget for professional development. Last year, the survey results suggested we needed a clearer commitment to professional development.

- While 45% of the CCS indicated they had a professional development budget, 7% said they didn’t have one and 45% indicated they “didn’t know if they had a budget” for professional development.
- Over 60% of the faculty did not know if there was a budget to reimburse them for any necessary updating of professional credentials.
- 42% indicated sufficient resources to do their best in the classroom; 26% indicated they were not.
- 58% felt they were given full support to be intellectually challenged in their work.

Last year we described the situation as follows:

If our faculty feel they work in an intellectually challenging and supportive environment, how can we best support their professional development in a way that is meaningful, tangible and public? If we are in a competitive environment as a global university, how can we best support our faculty to continually update their thinking and teaching strategies?

We strongly reiterate last year’s request to specifically allocate a budget for professional development in all schools and to fully explain the budget, how funds may be used, who is

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eligible and for how much. This should be a fully transparent policy and procedure for all faculty.

The CCF faculty is clearly engaged, but need to be more comprehensively informed. By specifically allocating a professional development fund for each NYU school, we can dispel the perception that some faculty are valued over others.

These same issues persist and we wish to put them on the table again.

**Continuing Faculty Senators Council Voice**

As we approach the end of our third year as a Council, we view the opportunity to share best practices with each other and offer our voice in the governance of the University to be a golden opportunity for managing this ever complex, global university. It is in this spirit that we offer our recommendations for consideration for the 2017-18 budget.
Continuing Faculty Senate (C-FSC) Recommendations
On Student Evaluations

Report Prepared by the C-FSC Educational Policies and Faculty/Student Relations Committee
Committee Members:
Ben Stewart, Chair, Faculty of Arts and Science
Spiros Frangos, School of Medicine
Neal Herman, College of Dentistry
Brian Mooney, School of Professional Studies
Deborah Smith, School of Professional Studies

Introduction

The evaluation of teaching poses a range of problems, not least of which is that assessing a teacher’s classroom performance with precision comes with high overhead costs. Moreover, when assessing the performance of full-time, non-tenured faculty, this problem is especially acute. Whereas tenured faculty assessments tend to rely on scholarship as a measure of performance, the performance of continuing/contract faculty has no equivalent avenue of assessment. For continuing/contract faculty, the obvious, easily-available measure for the assessment of teaching is student evaluations.

However, a number of studies (Anderson and Miller 1997; Basow 1995; Boring, Ottoboni, and Stark 2016; Cramer and Alexitch 2000; Stark and Freishtat 2014) have questioned the validity of student evaluation of teachers (SET). These studies suggest that SET exhibit a range of student biases with respect to gender, ethnicity, and age. Some of these distortions are complexly layered. For instance, Basow (1995) finds evidence that the gender of the student is significant, as is the academic division in which evaluations take place:

male faculty are perceived and evaluated similarly by their male and female students, whereas female faculty tend to be evaluated differently, depending on the divisional affiliation of the course. Female faculty tend to be rated highly by their female students, especially in the humanities, but less positively by their male students, especially in the social sciences (664).

These issues may be further complicated as a result of biases that emerge out of the relations between teachers and students.

For example, Wolfgang Stroebe (2016) outlines a possible cause of such bias. Stroebe theorizes that, because student evaluations are such important “determinants of academic personnel
decisions” (801), teachers may exchange leniency (in the form of inflated grades) for higher student evaluations. In support of his claim, he primarily cites a number of psychological studies that suggest students’ inclination to give teachers lower evaluation scores when they receive lower-than-expected grades. To the extent that teachers make their classes more lenient as a result of their concerns about evaluation scores, high evaluation scores “reflect[] a bias rather than teaching effectiveness” (800).

We are certain that some teachers (both tenured and non-tenured) do inflate grades in the interests of receiving higher student evaluations. That outcome is an obvious problem with the incentive structure established as a function of the importance of student evaluations. However, we are not so certain that grade inflation is a problem among continuing faculty. In fact, we are concerned that NYU’s continuing faculty may be giving grades that are lower than NYU students’ average grades. To the extent that this is so, those faculty’s teaching practices may be in tension with their reappointment interests (even as those teachers’ interests are likely aligned with the goal of establishing a rigorous classroom). In this regard, we should consider the importance of students’ general grade expectations—i.e., not the expectations that students have in particular classes, but the ones they acquire as part of their sense of their particular university’s norms.

As noted above, higher evaluations may not be an accurate signal for the kinds of teaching that are conducive to the acquisition of knowledge that will benefit students over the long term. For instance, the results Carrell and West’s (2010) seven-year-long study, which looked at multiple years of evaluations from 10,534 students, suggested “that evaluations reward professors who increase achievement in the contemporaneous course being taught, not those who increase deep learning” (430). As continuing faculty, we want to encourage the kinds of teaching that have larger payoffs down the road, not only for our students, but also for the teachers who will interact and engage with those students in the future.

Given that NYU is currently in the process of transitioning to a University-wide evaluation system, it’s an especially important time to establish procedures around that system’s revision, assessment, and use for purposes other than providing feedback to individual teachers.

The concerns described above raise issues on four different fronts for continuing faculty:

I. The assessment of NYU’s SET system
II. The development, at the School level, of the customizable portion of the evaluation (i.e., how to ensure continuing faculty involvement in those questions’ development).
III. Evaluation-related recommendations for teachers who are up for reappointment and/or promotion.
IV. Recommendations for the use of evaluations in reappointment and promotion processes.
I. Recommendations for the Assessment of NYU’s SET system

Given the various forms of bias to which student evaluations are prone—and especially given those forms’ potential to interfere with NYU’s desire for diverse and inclusive classrooms—we feel that it is important for NYU to assess its evaluation system. We therefore recommend that NYU’s office of institutional research undertake a longitudinal study in order to examine the following:

1. The extent to which the gender, age, and race of teachers and students has effects on student evaluations.
2. The extent to which students’ longer-term educational outcomes correlate to their evaluations of their teachers. (WITHOUT RANDOMLY ASSIGNING STUDENTS TO CLASSES, THIS ONE IS TRICKY)
3. The extent to which the NYU evaluation’s global measures (questions 1 and 2: “Overall evaluation of the instructor(s),” and “Overall evaluation of the course.”) correlate with students’ answers to its more specific questions.1 See Appendix A for surveys from NYU Shanghai, The College of Arts and Science, and The School of Professional Studies.
4. The relations between the grades that continuing faculty give and average NYU grades (COMMENT: NOT SURE WE SHOULD PUSH FOR THIS ONE).

II. Recommendations for the Customization of Evaluation Questions at the School Level:

1. Continuing/contract faculty should be represented on the School-level committees that develop and revise evaluation questions for the customizable portion of the NYU evaluation. These faculty should be elected faculty representatives (either from School- or University-level bodies).

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1 Gravestock and Gregor-Greenleaf (2008) argue that “Most attempts to identify particular characteristics of effective teaching stem from a belief that teaching should be measured according to multiple aspects or categories of teaching activity” (31). However, they also note disagreements about how to present overall measures of teaching—should measures of multiple dimensions be averaged, or is there value to questions that call for overall, global evaluations of teaching? While there is no consensus on the value or dangers of global questions end their discussion of that issue with a caution about questions such as those “that ask students if they would recommend the course to others” (32) and they also describe a change that the University of Minnesota made to their student evaluation: in 2007 (109), “the University of Minnesota decided to eliminate its global question, ‘How would you rate the instructor’s overall teaching ability?’ The committee charged with revising the instrument argued that this item was too often the only score evaluated in summative teaching assessment, that students have difficulty responding to the question, that the item is not diagnostic and that global questions such as these do not correlate with ratings on questions that review specific teaching characteristics” (32).
2. Quantitative questions should err on the side of asking about specific rather than general aspects of the class and the teaching (see footnote 1).

3. Qualitative (short answer) questions should be framed so as to encourage specificity in students’ answers. Consider the qualitative question on the customized portion of CAS evaluation: “Describe the best thing about the course/instructor that was effective in helping you learn.” On the one hand, that question encourages student to focus on a concrete skill that they took from the class. On the other hand, asking for “the best thing” might limit students’ ability to remember what they learned. Why not ask for the two or three things about the course/instructor that were effective in helping you learn?

III. Recommendations for Teachers Who Are Up for Reappointment and/or Promotion.

1. Faculty members should carefully review the evaluations and consider whether the responses suggest worthy changes in pedagogy.

2. We recommend that faculty consider evaluations in the context of longer-term patterns of response. While we know that the responses in any one class or for any one semester are not necessarily indicative of much, patterns that persist over time and across different courses are stronger indicators of areas for improvement.

3. Departments and programs should establish peer mentoring or other forms of peer support to cultivate faculty reflection on their evaluations, particularly in relation to reappointment. We recommend that these peer interactions include discussion of the advantages and disadvantages of including reflections on evaluations in reappointment and promotion documents (how much or how little to include, how best to frame those reflections, etc.).

IV. Recommendations for the Assessment of Teachers

1. Evaluations of faculty should avoid the use of quantitative data from student evaluations. At most, such numbers should be used to sensitize the reading of qualitative data.

2. To the extent the quantitative data is examined, it should only be examined longitudinally. The responses from any particular semester or any particular class are not statistically valid samples against which to measure teaching effectiveness. At best they can suggest a trend in teaching quality over a period of time.

3. Student evaluations are best examined holistically. The faculty member familiar with the course and with the students enrolled in it can often put student responses in context. Deans and administrators should be discouraged from looking at the student responses without discussing them with the faculty member; faculty should have an opportunity to explain the context for students’ responses. The faculty member is likely to have valuable insight into which of the student narrative responses are worthy of consideration.
and which ones are either incorrect or false claims, or are possibly motivated by some other personal reason.
Works Cited


Appendix A: Evaluations from Shanghai, CAS, and SPS

NYU Shanghai – Albert Course Evaluation

For the following questions (1) means “poor” and (5) means “excellent.”

<table>
<thead>
<tr>
<th>CORE</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Overall evaluation of the instructor.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Overall evaluation of the course.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For the following questions, (1) means “strongly disagree” and (5) means “strongly agree.”

<table>
<thead>
<tr>
<th>CORE</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. The instructor provided an environment that was conducive to learning.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. The instructor provided helpful feedback on assessed class components (e.g., exams, papers).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. The course objectives were clearly stated.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. The course was well organized.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. The course was intellectually stimulating.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COURSE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. My primary reason for taking this course</td>
<td>Drop Down Menu = Major Requirement, Other specific degree requirement, General interest, in subject matter, Non-degree requirement, Elective credits required for a degree, Minor requirement, Teacher reputation, Advisor recommendation, Peer recommendation</td>
</tr>
<tr>
<td>2. How many hours a week did you work on this course?</td>
<td>(open text response, answering is optional)</td>
</tr>
<tr>
<td>3. What grade do you expect to earn in this course?</td>
<td>(open text response, answering is optional)</td>
</tr>
<tr>
<td>4. What would you suggest to improve about this course?</td>
<td>(open text response, answering is optional)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INSTRUCTOR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What about the course or the instructor was effective in helping you learn.</td>
<td>(open text response, answering is optional)</td>
</tr>
</tbody>
</table>
# CAS Evaluation Questions

**Standard University Questions (all on a 5-point, Likert scale)**

<table>
<thead>
<tr>
<th></th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Overall evaluation of the instructor(s)</td>
</tr>
<tr>
<td>2</td>
<td>Overall evaluation of the course.</td>
</tr>
<tr>
<td>3</td>
<td>The instructor(s) provided an environment that was conducive to learning.</td>
</tr>
<tr>
<td>4</td>
<td>The instructor(s) provided helpful feedback on assessed class components (e.g., exams, papers).</td>
</tr>
<tr>
<td>5</td>
<td>The course objectives were clearly stated.</td>
</tr>
<tr>
<td>6</td>
<td>The course was well organized.</td>
</tr>
<tr>
<td>7</td>
<td>The course was intellectually stimulating.</td>
</tr>
</tbody>
</table>

**CAS Custom Questions (8-17 on a 5-point, Likert scale; 18 is a qualitative question)**

**Questions about the Course**

<table>
<thead>
<tr>
<th></th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>The course was effective at helping me learn.</td>
</tr>
<tr>
<td>9</td>
<td>The classes were informative.</td>
</tr>
<tr>
<td>10</td>
<td>The course was challenging.</td>
</tr>
<tr>
<td>11</td>
<td>The course increased my knowledge of the subject.</td>
</tr>
</tbody>
</table>

**Questions about the Instructor**

<table>
<thead>
<tr>
<th></th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>The instructor was effective at helping me learn.</td>
</tr>
<tr>
<td>13</td>
<td>The instructor encouraged student participation.</td>
</tr>
<tr>
<td>14</td>
<td>The instructor was effective at facilitating class discussion.</td>
</tr>
<tr>
<td>15</td>
<td>The instructor was open to students’ questions and multiple points of view.</td>
</tr>
<tr>
<td>16</td>
<td>The instructor was accessible to students (e.g., via e-mail and office hours).</td>
</tr>
<tr>
<td>17</td>
<td>The instructor created an environment that promoted the success of students with diverse backgrounds.</td>
</tr>
</tbody>
</table>

**Qualitative Question:**

<table>
<thead>
<tr>
<th></th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>Describe the best thing about the course/instructor that was effective in helping you learn.</td>
</tr>
</tbody>
</table>
School of Professional Studies

Standard University Questions

For the following questions (1) means “poor” and (5) means “excellent.”

<table>
<thead>
<tr>
<th>CORE</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Overall evaluation of the instructor.</td>
<td></td>
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<tr>
<td>2. Overall evaluation of the course.</td>
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</tbody>
</table>

For the following questions, (1) means “strongly disagree” and (5) means “strongly agree.”

<table>
<thead>
<tr>
<th>CORE</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
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</thead>
<tbody>
<tr>
<td>3. The instructor provided an environment that was conducive to learning.</td>
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<tr>
<td>4. The instructor provided helpful feedback on assessed class components (e.g., exams, papers).</td>
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<tr>
<td>5. The course objectives were clearly stated.</td>
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<td>6. The course was well organized.</td>
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<tr>
<td>7. The course was intellectually stimulating.</td>
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</tbody>
</table>

Additional SPS Questions

1. On average how many hours a week (other than scheduled class time) did you devote to this course?

2. What did the faculty member do to encourage your engagement in the course?

3. Comment on positive aspects that should be continued.

4. Suggest specific changes that the faculty member could make to improve the course.
NEW YORK UNIVERSITY
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

STUDENT CONDUCT POLICY MODERNIZATION

Presentation to the Full-Time Continuing Contract Faculty Senators Council
March 28, 2017

CURRENTLY IN EFFECT

Bylaw #80
Student Discipline
(Date unknown)

Rules for the
Maintenance
of Public Order (1969)

University Policy on
Student Conduct (1978)
STUDENT CONDUCT WORKING GROUP

• Commenced in Fall 2016 with monthly meetings
• The group was charged with developing a new University-wide student conduct policy
• Collaborators in the fall included Student Affairs Deans and Directors from most of the academic schools, the Office of Student Conduct, and the Office of General Counsel
• Representatives from the University Senate (SSC, T-FSC, C-FSC, and AMC) have now joined the group for the Spring semester

NYU NON-ACADEMIC STUDENT MISCONDUCT POLICY
NEW YORK UNIVERSITY
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

TYPES OF MISCONDUCT

Established through
SCHOOL-BASED POLICIES

ACADEMIC
Cheating
Duplicate Submission
Plagiarism
Falsifying Results
Collusion
Improper Use of Online Course Functions
Academic Misrepresentation
Failure to Comply with Instructor's Directives
Destruction of Lab Equipment or Materials
Failure to Meet Professional Standards

Established by
UNIVERSITY-WIDE POLICIES

DISCRIMINATION & HARASSMENT
INFO TECHNOLOGY
SEXUAL MISCONDUCT
SUBSTANCE ABUSE
WEAPONS

NON-ACADEMIC
Bullying/Threatening Behavior - Violence
Destruction of Property
Disorderly/Disruptive Conduct
Failure to Comply
Fire Safety
Guests and Visitors
Hazing
Misrepresentation (non-academic)
Theft
Misuse of University Property

NEW YORK UNIVERSITY
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

NEW NYU NON-ACADEMIC STUDENT MISCONDUCT POLICY

HIGHLIGHTS

A) Sets forth a logical, modern, and user-friendly code of conduct addressing contemporary campus issues with applicability to all students.

B) Replaces outdated policies to reflect current University structure, definitions, and campus climate.

C) Makes reference to other current existing NYU policies that require more detailed explanation (i.e. Sexual Misconduct, Substances, Weapons, Discrimination)
NEW YORK UNIVERSITY
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

NEW NYU NON-ACADEMIC STUDENT MISCONDUCT POLICY

HIGHLIGHTS

D) Updates the University's position regarding “off-campus” conduct to include online activity and social media.

E) Clarifies applicability to student organizations.

F) Updates language regarding "Demonstration and Protest", recognizing the essential right to engage in peaceful protest while clarifying that the standards of conduct still apply.

G) Allows for each school to develop and implement its own model for enforcement/adjudication OR elect to utilize (opt into) a centralized process administered under the Senior Vice-President for Student Affairs.
ANTICIPATED TIMELINE

March-April 2017
- Presentations to Senate Councils
- Working group continues meeting to finalize policy

October 2017
- Proposal shared at University Senate Meeting

November 2017
- Request for Approval by University Senate

Fall 2018
- New policy in effect

QUESTIONS AND COMMENTS

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