MEMORANDUM

DATE: May 30, 2014

TO: President John Sexton

FROM: Raghu Sundaram
Chairperson, Faculty Senators Council
A/Y 2014-2015

RE: Faculty Senators Council Letter regarding labor practices at NYU-Abu Dhabi

Please find the attached letter from the FSC Executive Committee, on behalf of the Faculty Senators Council.

CC: Ted Magder, Immediate Past FSC Chair
Awam Amkpa, FSC Vice Chairperson
Allen Mincer, FSC Vice Chairperson-Elect
Charlton McIlwain, FSC Secretary
Mitchell Kane, FSC Secretary-Elect

Richard S. Baum, Chief of Staff to the President
Diane Yu, Deputy President

Alfred Bloom, Vice Chancellor, NYU Abu Dhabi
Jeffrey Lehman, Vice Chancellor of NYU Shanghai
Linda Mills, Vice Chancellor for Global Programs and University Life
Dear President Sexton:

We write to you as members of the Faculty Senators Council to express our deep concern over the recent reports in The New York Times regarding labor practices at NYU-Abu Dhabi. As reported, these would stand in clear violation of the Statement of Labor Practices agreed to by NYU and the Executive Affairs Authority (EAA) of Abu Dhabi. We are encouraged by the statement in your memorandum of May 19th that the University will be investigating the reported charges vigorously. The purpose of this letter is to share with you faculty sentiment regarding the extent and range of those investigations, as well as faculty views regarding compliance matters for the Global Network University (GNU).

The allegations in The New York Times reports are a compelling reminder of the challenges in crafting a GNU spanning six continents that is committed to the principles and practices of a liberal education. We will inevitably encounter situations where our values and broad educational principles have to engage and negotiate difficult contexts. The mission of the GNU can be accomplished only if the University remains, at all times, relentless in the pursuit of the ideals for which we stand. We anticipate that the soon-to-be-released reports of the FSC's GNU Committee and the Faculty Advisory Committee on NYU's Global Network will offer comprehensive recommendations regarding the academic life of the GNU and the relationship between NYU Washington Square, the portal campuses in Abu Dhabi and Shanghai, and the multiple study abroad campuses. For now, we will focus our remarks on the issue of labor standards and practices.

The reports regarding abusive labor practices at NYU-AD are, if substantiated, cause for alarm. We understand that implementing the values embodied in the Statement of Labor Practices would reflect a substantial improvement over extant conditions at construction sites in the U.A.E. generally. We can also accept that conditions at the NYU-AD construction site may well, in the aggregate, have been superior to prevailing conditions at other sites in the U.A.E. None of this, however, absolves the University of its abiding obligation to ensure that every effort has been taken to ensure compliance with the agreed Statement of Labor Practices. To fall short in executing that obligation would be substantially damaging for both the broader mission of the GNU and the core humanistic principles of our educational mission.

**Investigation of Alleged Violations of the Statement of Labor Practices**

We request that the investigation the University will be undertaking in this matter cover, at the least, the following points.

1. Mott MacDonald has provided in its 2013 compliance report an overview of the institutional arrangements for monitoring and verification of labor practices. The logic behind the chosen organizational structure is unclear. Mott MacDonald appears to function both as a monitor appointed by Tamkeen (an arm of the EAA) and as overall independent verifier reviewing the compliance efforts of Mubadala (also a subdivision of the Abu Dhabi government), NYU-AD, and Tamkeen. What was the process that went into the selection of Mott MacDonald as overall independent verifier? What role did the
University play in that selection process? What assurances did the University receive of Mott MacDonald’s independent status? Was there a conflict of interest for Mott MacDonald in its role in this project given its involvement in other projects in the Emirates and the Middle East? Why was this organizational structure adopted?

2. The worker interviews form a key part of the compliance and monitoring arrangement. What questions in particular were asked of the workers? Where (in terms of physical location) did the interviews take place? How did the monitors handle issues of language, translation, and literacy? What general assurances did the University receive that interviewed workers understood the content of the questions they were being asked?

3. The worker interviews took place in a fraught environment where workers very likely would have feared reprisals, ranging from non-payment to loss of employment to deportation. The Mott MacDonald 2013 compliance report indicates that the interviews were conducted on a private one-to-one basis and that workers were assured of confidentiality. What assurances did the University receive that workers understood and trusted the confidential nature of their interviews?

4. To what extent did the monitors engage in unannounced spot checks of work sites and worker accommodations?

5. Should the reports in The New York Times article be substantiated, how did our monitors fail to detect such specific deviations as uncovered by investigative journalists?

We also request that the University issue a written report detailing the nature of its investigative efforts and findings in a timely manner, preferably no later than the fall of 2014. Should the allegations be proven, we further request the University to include in its report a section on possible remedial solutions. We recognize that there may be difficulties in providing compensatory remedies to employees of third party contractors, particularly in situations where the production and verification of evidence will present challenges. These difficulties, however, ought not to absolve the University of its duty to explore and think creatively about possible remedies for any proven labor practices violations on its NYU-AD campus.

**Compliance Matters in the GNU Generally**

Although the primary construction of the permanent campus of NYU-AD on Saadiyat Island is now complete, ongoing compliance issues regarding labor practices are of general import, and affect nearly all operational aspects of the GNU. NYU employees across the GNU — such as in maintenance, public security, and food services — should benefit from high standards in wages, benefits, working conditions, and health and safety. The University has already declared and demonstrated a commitment to these standards with respect to the employees at the NYU-AD temporary campus.

To ensure that these standards are maintained, we request that the University establish dedicated mechanisms to monitor labor and employee standards across the GNU. These mechanisms should include the use of outside auditors and compliance firms, where necessary, as
well as the preparation and circulation of an annual report.

The EC of the FSC looks forward to meeting with you to discuss the concerns voiced in this letter and our ideas about how this investigation might best address these concerns.

Sincerely,

On behalf of the Faculty Senators Council:

Raghu Sundaram (Chair)
Ted Magder (Immediate Past Chair)
Awam Amkpa (Vice Chair)
Allen Mincer (Vice Chair-Elect)
Charlton McIlwain (Secretary)
Mitchell Kane (Secretary-Elect)