MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF OCTOBER 13, 2011

The New York University Faculty Senators Council (FSC) met at noon on Thursday, October 13, 2011 in Room 802 in the Kimmel Center for University Life.

In attendance were Senators Adelman, Amkpa, Cappell, Carpenter, Cowin, Economides, Fernandez, Goldman, Hammack, Harrington, Hutchins, Jelinek, Jones, Lebowitz, Ling, Magder, Monaco, Nolan, Phillips, Sternhell, Sundaram, Tranchina, and Zwanziger and Alternate Senators Borowsky, Dehejia, Kallenbach, Kleiner, Nass, Reiss, and Tannenbaum. FSC Advisors Al-Askari and Moskowitz attended as guests.

APPROVAL OF THE MINUTES OF THE MEETING HELD SEPTEMBER 15, 2011

Upon a motion duly made and seconded, the minutes of the September 15, 2011 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: TED MAGDER

Chairperson Magder reported the EC appointed Shamoon Zamir of NYU Abu Dhabi (AD) as Senator-at-Large. After this decision, the EC consulted with the Governance Committee and came to the conclusion that since Abu Dhabi is not officially recognized as a designated NYU school, a member from AD should not serve as a voting member of the FSC. A new Senator-at-Large and Alternate Senator-at-Large, term ending 2014, will be appointed. The EC proposed extending Shamoon Zamir observer status at FSC meetings for the coming year. As an observer, he would have an open invitation to attend FSC meetings but would have no voting privileges. Senators asked if observer status would be offered to NYU Poly and if the Council is voting on creating an observer status for other institutes, campuses, etc. Magder clarified the EC’s proposal does not focus on the individual election of Zamir as an observer or the creation of observer status. He restated the proposed resolution to invite faculty of NYU AD to identify a faculty member to be an observer at FSC meetings for this academic year. Upon a motion duly made and seconded the resolution was approved unanimously by a vote of 29 senators in favor.

Magder stated the EC met with President John Sexton on Tuesday, Oct. 11. At the meeting, they discussed the financial horizons of NYU, top priorities of the Board of Trustees (BOT), the Center for Urban Science and Progress (CUSP) plans, and updates on portal campuses.

In regards to the financial outlook, the EC and President focused on items from Senior Vice President for Development & Alumni Relations Debra LaMorte’s Oct. 6 University Senate meeting report. The President stated he is not overly concerned about potential changes to charitable tax deductions and the charitable status of university, and does not believe a simplified tax code would eliminate this deduction. He did express concern over the large per-capita endowment universities’ influence on congressional thinking, and argued the difference between these institutions and tuition-driven and lower per-capita endowment universities such as NYU. In regards to NYU’s tax-exempt status, Sexton stated his concern that NYC may introduce payments in lieu of taxes (PILOT) for municipal services rendered, as other cities
have. He noted that at study away sites in Europe and elsewhere NYU has been to careful make arrangements to maintain value-added tax exempt status.

The EC asked the President about the effects of placing a limit on annual tuition increases. He stated an attempt to place a ceiling on tuition would be detrimental because the tuition costs include subsidies for those students unable to pay the full tuition rate. There is also the effect on quality if tuition rates are lowered. The Senators asked for a breakdown of university expenses, particularly faculty versus administration cost. Magder stated he would follow up with the President on this data. The EC and President also discussed revenue generating opportunities, such as for-profit satellite campuses. Senators asked about the possibility of online or virtual campuses. In response, Senators mentioned NYU’s for-profit online course project of ten years ago, which no longer operates.

In regards to priorities for the BOT, Sexton stated financial matters are a top priority. He also stated that the Trustees understand the faculty-centric nature of NYU’s brand. Magder stated he was able to attend the Oct. 12 meeting of the Board of Trustees as an observer.

Sexton updated the EC on the Shanghai campus and reported the Chinese government will provide large subsidies to both Chinese and foreign students.

In regards to the Center for Urban Science and Progress (CUSP), NYU plans to pursue this partnership with University of Toronto, Carnegie Mellon, Warwick, and Indian Institute of Technology regardless if the city grants land to build a 250,000 square foot property. The research focus will be on urban living and sustainable cities and urban engineering, bio engineering, and electric engineering will be the core areas of interest.

**FSC COMMITTEE REPORTS**

**Governance: Senator Christine Harrington**

Senator Harrington presented the Committee’s proposed resolution to incorporate the FSC’s shared governance resolution into the FSC’s rules and procedures. See attached Documents A and B. Upon a motion duly made and seconded the following resolution was approved unanimously by a vote of 29 senators in favor:

*Background: FSC’s Shared Governance Resolutions, passed by a unanimous vote on May 5, 2011, are basic principles that constitute our understanding of Shared Governance. We have begun to implement them as we carry out our duties. For example, at FSC’s first meeting this Fall, Senators seeking advice on “deliberative privilege” requests put forth by the Administration were counseled to following FSC’s Shared Governance Resolution on this point. WHEREAS: The FSC Shared Governance Resolutions are guidelines we follow as we consult with the Administration, IT IS RESOLVED: That FSC’s Shared Governance Resolutions will be incorporated as part of the appendix to FSC’s Rules and Procedures.*

**Personnel and Affirmative Action: Senator Molly Nolan**

Senator Nolan reported the Committee discussed the question of non-tenure track faculty (NTTF) representation. They examined figures received from the administration on the numbers of non-tenure track faculty (NTTF) and tenure/tenure track faculty (TTF) by school by year since 2000-2001 and addressed three questions: 1) Should they have representation?; 2) Should they be represented as part of the FSC or in a separate a council?; 3) How would you structure elections to the FSC or a separate Council? She stated the Committee members agreed that NTTF should be represented but did not come to an agreement on how they should be represented. Nolan outlined reasons for NTTF to become part of
the FSC and reasons for NTTF to form their own council. Reasons to become part of the FSC included: 1) in terms of teaching they do much of the same work of tenured and tenure-track faculty (TTF) and in some schools they administer programs and run departments; 2) their interests are similar; 3) arguments of fairness; and 4) if NTTF numbers continue to grow, without NTTF FSC members, the FSC would have less power. Reasons for a separate NTTF Council included: 1) if NTTF were part of the FSC they would have merely token representation, having only 3-4 senators in the models discussed; 2) as members of the FSC they would be excluded from some discussions relating to tenure and could not serve on certain committees; 3) NTTF have separate interests which would be a better advocated if they organize on a university wide basis; and 4) given the differences between NTTF issues and concerns at each school, a separate Council would allow each school to have at least one representative.

School of Medicine (SOM) Senators commented on the changes at the SOM and the different interests of these groups. Some clinical departments will eventually have no tenured faculty. One Senator commented he encountered situations when clinical faculty felt they needed to vote a certain way on matters to protect their job security. A Senator replied that most of the issues involving tenure and faculty status are resolved in departments and at the school level, not by the University Senate. The Senate only focuses on issues that affect all schools and does not focus on internal school concerns. A Senator commented different schools have made some decisions on how to incorporate NTTF into school governance. For instance at Stern and Steinhardt NTTF participate and vote in faculty council meetings.

A senator stated that while NTTF may have different credentials and responsibilities, since they are a growing portion of the faculty, by working together and incorporating NTTF into the Council the FSC’s voice would be stronger.

An Alternate Senator noted that in the 2008 FSC report (available on the FSC website: www.nyu.edu/fsc) the FSC recommended that NTTF form their own council. The issue is being revisited because the administration has asked the FSC to review. A Senator commented the FSC should take this opportunity to provide ideas and not wait another year to offer their recommendations. The Senator stated she strongly advocates for a separate NTTF Council and mentioned the AMC model. She commented contract faculty are the only NYU employees without representation. They have different concerns from tenured and tenure track faculty and different concerns between school, and therefore every school should be represented in a Council. They should be encouraged to make their own decision on representation. A Senator suggested NTTF pursue representation, as the AMC did in the past, and form a self-organized and self-determined separate body for greater visibility and voice. Another Senator agreed that there is an overwhelming demand for representation, NTTF should have representation at the senate level, and their needs should not be conflated with those of TF/TTF.

Senators commented that the University Senate is a ceremonial body that is too diverse to have shared interests. It has become a vehicle to represent all groups, rather than focus on the academic endeavors of the university. The FSC is able to focus on shared interests and can act in a decisive way. By incorporating with another group with different interests, the FSC would be unable to operate as a cohesive body.

Chairperson Magder reminded the Council that the FSC’s recommendations will be brought to the Senate Committee on Organization and Governance (SCOG) for review and he encouraged Senators to contact Senator Nolan with models, ideas, and suggestions.

NEW BUSINESS

Alternate Senator Reiss, chair of the 2031 Committee, announced the spring Town Halls on 2031: Friday, March 9 from 10 am-12 pm and Friday, April 20 from 2-4 pm. Updates are also on the 2031 website: http://www.nyu.edu/nyu2031/nyuinnyc/
Senator Goldman, chair of the Administrative Issues Committee, stated the committee members will meet with John Beckman (Vice President for Public Affairs), James Robertson (the University’s Director of Web Services), and Eric Bross (the head of the Office of Web Communications) concerning the NYU website’s search engine/directory. This semester, the Committee will also be reviewing issues concerning Coles gym and facilities.

Senator Economides announced Thomas Sargent, William R. Berkley Professor of Economics and Business of the Faculty of Arts & Science and the Stern School of Business, was recently awarded the 2011 Nobel Prize: http://www.stern.nyu.edu/experience-stern/news-events/sargent-nobel-prize-economics

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
October 10, 2011

TO: FSC

FROM: FSC Governance Committee

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Pamela Cowin pamela.cowin@nyumc.org
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RE: Incorporate FSC’s Shared Governance Resolution into FSC’s Rules and Procedures

Background:

FSC’s Shared Governance Resolutions, passed by a unanimous vote on May 5, 2011, are basic principles that constitute our understanding of Shared Governance. We have begun to implement them as we carry out our duties. For example, at FSC’s first meeting this Fall, Senators seeking advise on “deliberative privilege” requests put forth by the Administration were counseled to following FSC’s Shared Governance Resolution on this point.

WHEREAS: The FSC Shared Governance Resolutions are guidelines we follow as we consult with the Administration,

IT IS RESOLVED: That FSC’s Shared Governance Resolutions will be incorporated as part of the Foreword to FSC’s Rules and Procedures.
Resolutions of the Faculty Senators Council
Regarding Shared Governance
Approved 5/5/11

At the May 5, 2011 meeting of the Faculty Senators Council, the Council approved by a unanimous vote the following resolutions:

A. There are 5 basic features of shared governance:

1. Representation

WHEREAS: Shared governance means that input from the faculties’ duly elected representatives (FSC) is central to the process of “consulting with faculty”,

IT IS RESOLVED: That the Faculty’s Senate Council will have representatives, selected by the FSC, on University Committees, Taskforces, or other like bodies dealing with all matters that affect faculty and university policy.

2. Information

BACKGROUND: The Faculty Senators’ Council functions as the personnel committee for the faculty. As such, it is obligated to represent the faculty’s interest in dealing with the administration, and to insure that the faculty is informed on issues that pertain to them and impact their well-being. It has been common practice by the administration to impose a rule requiring confidentiality with respect to deliberations on certain topics, such as, but not limited to, benefits. This practice is referred to as “deliberative privilege”.

WHEREAS: This practice prevents the faculty from obtaining timely knowledge concerning issues that affect them, and

WHEREAS: This practice prevents the administration from obtaining valuable feedback from the FSC, and when appropriate, from the entire faculty,

IT IS RESOLVED: That the Faculty Senators’ Council does not support the practice of a code of confidentiality, also known as “deliberative privilege”, except in cases concerning information specific to individuals, whose privacy rights transcend the need for transparency, and cases involving university negotiating positions with external financial entities.
3. Consultation

WHEREAS: Shared governance means seeking and evaluating faculty input before decisions that affect faculty are made and adequately responding to faculty input,

IT IS RESOLVED: That when a decision is not pressing, a reasonable length of time for consultation must be provided (i.e., during semesters this means a few weeks in order to have at least one FSC meeting). During the summer when FSC is not in session, decisions should be postponed. If a decision is absolutely necessary during the period when the FSC is not in session, then all efforts must be made to communicate with the FSC Executive Committee, who will take appropriate actions to inform all Senators.

4. Reasoned Justifications

WHEREAS: Accountability is an important element of the consultation process,

IT IS RESOLVED: That when FSC advice is not taken, the Administration will provide, in writing, its reasons for not accepting the FSC’s advice developed through the process of consultation.

5. Communications

WHEREAS: Access to information is fundamental to policymaking,

IT IS RESOLVED: That FSC Senators will circulate, through their Schools and departments, the agreement FSC worked out with the Administration (see Memo from Provost McLaughlin, 3/3/2011), which allows Senators access to email addresses of all faculty for the purpose of communicating with the faculty (their constituents).

IT IS RESOLVED: That FSC Senators are obligated to keep their respective faculty informed on an ongoing basis.

B. Implementation Process:

In May 2011, the FSC-GC will assemble instructions for revising the Faculty Handbook so as to incorporate the text of the above Resolutions on Shared Governance. The FSC-GC will circulate copy-edited pages of the Faculty Handbook to all current Faculty Senators in June, request comments and edits from all Senators, incorporate these edits, and formally propose such revisions to the Faculty Handbook at the first FSC meeting in fall 2011.