MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF NOVEMBER 14, 2013

The New York University Faculty Senators Council (FSC) met at noon on Thursday, November 14, 2013 in Room 905/907 in the Kimmel Center for University Life.

In attendance were Senators Adelman, Allgood, Alter, Amkpa, Backus, Becker, Cappell, Carpenter, Chan, Cowin, Diner, Dinwiddie, Disotell, Dreyer, Goodwin, Jelinek, Kamer, Karl, McIlwain, Miller, Mincer, Morning, Rodwin, Stanhope, Sundaram, Uleman; Active Alternates Dasanayake and Stewart; Alternate Senators Billman (for Jacobs/Kane), Hill (for Rajagopal), Simon (for Stokes), Tannenbaum, and Thompson; Active Observer Iskander; and Immediate Past Chair Magder. FSC Former Chairs Al-Askari and Lebowitz attended as guests.

APPROVAL OF THE MINUTES OF THE MEETING HELD OCTOBER 10, 2013

Upon a motion duly made and seconded, the minutes of the October 10, 2013 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: RAGHU SUNDARAM

Clarifications from Provost

Chairperson Sundaram reported on a few clarifications received from Provost McLaughlin on questions from the last FSC meeting. Regarding the UAW union and representation of graduate students, the Provost clarified that graduate students teaching as adjuncts may vote to be represented by the UAW. Research Assistants would be excluded.

Regarding the East China Normal University (ECNU) joint hires, the Provost clarified that some will be joint with NYU Shanghai and NYU Washington Square and a very few will be joint with ECNU.

NYU Philippines Typhoon Relief

Sundaram reported the Student Senators Council, Administrative Management Council, Deans Council, and FSC sent out an email to the NYU community regarding NYU Aid for the Philippines. The Councils are working together with several offices and organizations on campus to form an All-University relief effort. More details will be sent shortly and additional information on the University’s initiatives can be found on the NYU Philippines Typhoon Relief website.

Board of Trustees Joint Committee of NYU Stakeholders

Sundaram stated he was asked by Board of Trustees (BOT) Chair Marty Lipton to co-chair the Joint Committee of NYU Stakeholders. The Committee met for the first time on November 1. One suggestion proposed was to expand the set of groups the BOT will be working with, including those that held votes of the no confidence and the Faculty Against the Sexton Plan (FASP). Sundaram commented the
Committee already has around 50 members, so becoming larger may be a challenge. The next meeting will take place sometime around February.

Executive Committee Meeting with President

NYU Shanghai

The EC and President Sexton discussed NYU Shanghai and the relationship with East China Normal University (ECNU). They also discussed the role of technology in education, and plan to discuss further at the next meeting.

Following the meeting, Sundaram sent the following questions to Jeffrey Lehman, Vice Chancellor of NYU Shanghai. Responses are italicized below.

Q & A with Jeffrey Lehman: November 14, 2013

Are curriculum matters decided by the portal campuses on their own or in collaboration with the respective departments at NYU?

New York departments and several curriculum committees drawn from NY (and in the case of foundations of science from Abu Dhabi) collaborated on planning the original NYU Shanghai curriculum. We now decide curriculum matters through our own curriculum committee and discipline-specific subcommittees that work in consultation with New York and Abu Dhabi.

Can the partner institutions/host governments object to certain courses or material being taught (in history courses for example or certain texts)?

No.

On the other side, can they insist on certain material being part of the curriculum (e.g., communist party ideology or related material)? (President Sexton mentioned to us that this requirement in the Chinese context is being handled very creatively by Professor Joanna Whaley-Cohen. If possible, could you provide us some details?)

No.

In Spring 2014 we will offer two courses in our core curriculum's "Social Science Perspectives on China" sequence: one politics and one economics. In other semesters we may well offer other courses that fulfill the requirement of a China-focused social science course that students must take at some point during their four-year undergraduate career.

A colleague also mentioned that he had been told that some of the hires in NYU-SH had been given primary appointments in ECNU. Is this correct?

No.

Finally, Provost McLaughlin mentioned to us the provisions in faculty contracts that protect them against visa problems or other site-related issues (viz., that they are given two years of salary in that case). Have any faculty members or students in your experience had such problems? If so, what was done?

No faculty members or students have had such problems to date.
Where does tenure happen? (At NYU in general, or at one of the portal campuses in particular? In the case of NYU-SH, can it be at ECNU?) Who decides? Is it just the portal campus faculty or are NYU-NY faculty also involved? In the case of NYU-SH, is ECNU part of the decision apparatus?

ECNU plays no role in tenure at NYU SH. When NYU SH has a large enough tenured faculty to conduct reviews all on its own, it will construct tenure committees from its own tenured faculty, and tenure cases will flow from there to the NYU Shanghai provost, to the provost of NYU, to the NYU Board of Trustees. While our faculty remains small, NYU SH will construct ad hoc tenure committees, drawing on senior faculty from New York, and the process will flow onward from there.

A Senator mentioned her contacts at ECNU have been involved in the curricular issues in Shanghai. A Senator expressed issues between Poly and Abu Dhabi, specifically being asked to take AD under own accreditation. These issues will be explored by the GNU Committee.

External presentations at FSC meetings

Sundaram stated the EC receives requests from other groups to meet with the FSC. The EC suggests first passing requests along to the relevant FSC committee(s) to meet with group, report back to the FSC, and decide if the matter should also be presented to the FSC.

Meeting with other Councils

The EC suggested inviting the Executive Committee of the Student and Dean Councils, one to the February and one to the March FSC meeting. The Council agreed and suggested extending the meeting from 2:00-2:15 pm to accommodate these sessions.

Inviting portal faculty

The EC also suggested inviting portal faculty from NYU Shanghai and Abu Dhabi as guests to FSC meeting(s) to understand their concerns. The Council agreed.

FSC COMMITTEE REPORTS

Academic Conflict of Interest and Conflict of Commitment: Secretary McIlwain

Secretary McIlwain reported he represented the FSC last year on a Provost Committee that examined the Academic Conflict of Interest and Conflict of Commitment, which is in the process of implementation in February. The Provost office recommended a change in the policy regarding the definition of remuneration. Under the former policy, if a faculty member traveled in his/her professional duties, he/she would have to report the money paid to travel. The change in policy would exempt faculty members from reporting this travel information. McIlwain will let the Provost office know that the FSC has been informed and approves of this change.

Undergraduate Academic Affairs Committee: Senator Karl

Senator Karl reported the Committee is discussing the issue of teaching evaluations and their presence online. Students currently fill in evaluations online and at some schools the information, excluding comments, are posted online. Based on the FSC resolution of May 3, 2012, now all schools are moving towards posting the evaluation results online on a NYU-password protected site. The comments would
Only be viewed by TAs and the professors, and tenure and promotion committees would have access to the entire file.

Karl reported the online format has led to concerns that the mask of social media allows for harsher and defamatory comments. Some schools have oppositions to posting results online.

She stated the rating scales used by Schools are not comparative, for example they range from 5 to 10 point scales.

Karl suggested Senators write directly to her with comments, questions, and concerns. She stated the Undergraduate Academic Affairs Committee is also reviewing the topics of writing support, technology in classrooms, and internships.

**Administration & Technology and Educational Policies & Faculty/Student Relations: Senators Disotell & Dinwiddie**

*Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials*

See attached Document A: *Review of Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials*

Senator Disotell reported the Administration & Technology Committee and Educational Policies Committee met to review the *Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials*.

After a thorough review, the FSC Educational Policies Committee and Administration & Technology Committee endorsed its contents and guidelines. Some of the specific legal strictures and categories governing fair use might be unclear and unknown to faculty. To address this possibility, the Committees’ recommendation is that a document be prepared by the Provost's Office with bullet points for faculty to more easily reference the applicable rules governing the use of copyrighted materials.

The Council approved this recommendation and it will be sent to the Provost Office.

**Executive Committee/SCOG/Governance: Chairperson Sundaram and Senator Uleman**

*Representation of Full-time Contract Faculty in the Senate*

See attached Document B: *SCOG Communications on Representation of Full-time Contract Faculty in the Senate* and Document C: *EC Recommendation on FTCF Representation Issue*

Chairperson Sundaram presented the Executive Committee’s recommendation regarding representation of the Full-time Contract Faculty (FTCF). They examined the questions: 1) should the Senate be expanded and, if so, by how much? 2) should total faculty representation be frozen at the current percentage? and 3) what form of representation should the FTCF follow: the AMC, SSC, FSC model?

One recommendation by SCOG is to use the same model as the FSC. Since the number of FTCF equals the number of tenured/tenure-track faculty, this would mean they receive a similar 36 senators. This would increase the percentage of faculty on the Senate to 60%, which will likely be an issue for other Councils. The Student Senators Council passed a resolution recommending: “The Faculty” representative structure(s) should not increase the total Faculty voting power on the University Senate beyond its current 41%.
The EC suggested the FSC could advocate for the SSC model for the FTCF and have some increases in the others to keep their proportions roughly the same.

It was noted that ten years ago the contract faculty were half the size they are now, and if they continue to grow tenured/tenure-track faculty will become a smaller percentage of the Senate.

Senator Uleman discussed the Governance Committee’s proposal, which follows the FSC model. FTCF representatives from each school would be elected following current formulas for numbers of faculty representatives, i.e., based on the number of FTCF in each school. This would increase the size of the Senate by 36 seats and increase the overall proportion of combined faculty. The Committee is under the assumption the number of seats would be frozen at 36 and they would recommend as a two-year pilot.

Uleman stated it is important the number of tenured/tenure-track faculty is not diluted on the Senate. Faculty have a unique position in the governance of the university. Tenured/tenure track faculty are responsible for the development of the future of the academic fields.

Uleman read a statement from Senator Jacobs, who was unable to attending meeting:

My preference is for the FSC to revisit the option of incorporating contract faculty into the FSC, thereby leaving the size of Senate the same. Compared to reducing the tenured faculty’s proportion of the Senate from 41 to 24, the merged faculty option may seem more attractive than it previously appeared. Another advantage is it would not define the faculty as two constituencies with divided interests.

A Senator expressed his agreement with this statement and commented there is commonality between the two groups of faculty. Separating into two separate councils makes it seem the faculty are divided. He stated if the faculty councils have two separate positions on one matter, the administration can decide which faculty advice to choose.

A Senator expressed his concern with having FTCF part of the Council and stated the small numbers would be tokenism.

Another Senator stated there is a difference in the ability of tenured/tenure-track faculty and FTCF to speak openly to the administration. Another Senator stated within a Council, it is challenging for tenured/tenure-track faculty to speak frankly about concerns.

It was stated that the FTCF have been surveyed and 73% voted in favor of having their own Council.

A Senator stated that if the number of senate seats is based on number of faculty, the number will not be kept constant; as the FTCF numbers increase, they will ask for an increase in their seats on the Senate.

It was stated adding 36 seats, but not additional seats to other Councils, would increase faculty representation on the University Senate to over half. Other Councils will reject this model.

A Senator stated the contract faculty have different roles within the group. A Senator suggested setting a guidelines of who should be involved in governance, such as a minimum number of years at NYU.

It was recommended to have a representative from the FSC serve as an observer on the FTCF Council and a representative on the FTCF to serve as a observer on the FSC.

Chairperson Sundaram asked if Senators wished to revisit the issue of FTCF being part of the FSC. This issue was moved off the table.
The three models were presented:

**Model 1:** The Full-time Contract Faculty (FTCF) would receive an equal number of Senate seats as the Faculty Senators Council: 36 seats. The number of seats of the other Councils should stay the same. University Senate would increase to 125 seats.

4 Senators voted in favor.

**Model 2:** The Full-time Contract Faculty (FTCF) would follow the student model of roughly one per school. Other Councils would increase. For example, FTCF: 15, Deans: 16, Students: 30, AMC: 6, Officer of the University: 5=108 seats

8 Senators voted in favor.

**Model 3:** Same as Model 2, except the other Councils would remain the same. The size of the Senate would be increased from 84 voting members to 99 voting members, of which FTCF will receive 15 seats.

13 Senators voted in favor.

A final vote was take on Model 3 and approved by vote of 21 senators in favor and 2 senators opposed, with 2 abstentions of the Council.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
Memorandum

Date: November 12, 2013

To: Raghu Sundaram, Chair, Faculty Senators Council

From: Michael Dinwiddie, Chair, Educational Policies Committee

Re: Review of the document on Use of Copyrighted Materials Meeting

On Thursday, November 7, 2013, at 4:00pm in Room 910 of the Kimmel Center, Todd Disotell, Chair of the Administrative and Technical Committee, Ann J. Morning and I met to review the “Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials” as forwarded by the Provost’s office. After a thorough review we were able to endorse its contents and guidelines.

Some of the specific legal strictures and categories governing fair use might be unclear and unknown to faculty. To address this possibility, our recommendation is that a document be prepared by the Provost’s Office with bullet points for faculty to more easily reference the applicable rules governing the use of copyrighted materials.

MDD
DATE: 7 October 2013

TO: The Councils of the NYU Senate

FROM: The NYU Senate Committee on Organization and Governance

SUBJECT: Representation of NYU Poly and the Full-time Contract Faculty in the Senate

In accordance with its charge, the Senate Committee on Organization and Governance (SCOG) will make recommendations to the Senate on how to achieve representation for NYU Poly and the Non-Tenure Track Faculty (hereafter referred to as “Full-time Contract Faculty” or “FTCF”) in the Senate. SCOG requests the Senate Councils’ views on the Senate’s size and allocation of Seats. SCOG will also consult with a soon-to-be formed “Planning Committee” comprised of FTCF elected in each School to seek input regarding their desired model of representation.

This letter provides background information and asks the Councils, in light of the background information below, to consider three questions:

1. How large can/should the Senate be in order to be effective?
2. How much, if at all, should the current proportion of representation from each council (e.g., students, faculty, AMC, etc.) be maintained in the Senate overall and on its Standing Committees?
3. What is the best model for representation to achieve desired balance and size?

**Background: Current size and proportional representation of the Senate**

The Senate currently comprises 84 members, as show in the table below.

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<th>Council</th>
<th>Number of Council Members</th>
<th>Number of Senators* (%)</th>
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<td>Faculty Senators Council</td>
<td>36 (33 elected in Schools + 3 at-large)</td>
<td>36 (42.8)</td>
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<td>23 (1 per School except 2 each from Tisch and Steinhardt + 8 at-large)</td>
<td>23 (27.4)</td>
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<tr>
<td>Administrative Management Council</td>
<td>120</td>
<td>5 ( 5.9)</td>
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<td>Officers of the University</td>
<td>5</td>
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<td>TOTAL</td>
<td>84</td>
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* Section 59, NYU Bylaws (September 1, 2011)
**Background: NYU Poly representation**

NYU Poly will become the NYU School of Engineering on January 1, 2014, or soon thereafter. SCOG proposes to add new members from the School of Engineering to the Senate, according to now-current paradigms of representation, for the interim between the time when NYU Poly becomes a School and the Bylaws of the University are amended to include representation for the FTCF in the University Senate, which is expected to occur at the June 2014 meeting of the Board of Trustees. At that time, the School of Engineering will be represented according to the then-extant procedures of representation.

SCOG anticipates recommending as an interim measure the addition of one new member to the Faculty Senators Council from the School of Engineering, two new members to the Student Senators Council from the School of Engineering, and the Dean of the School of Engineering to the Deans Council. This would add four new members to the Senate, bringing the total size of the Senate to 88 members until such time as the Bylaws are further amended.

**Background: NTTF representation**

In his 14 August 2013 *Memo to the University Community*, Trustee Chair, Martin Lipton, asked the Senate to develop its proposal for Senate representation of FTCF in time for the Board of Trustees to enact appropriate changes to the University Bylaws at the Board’s June 2014 meeting. To meet that timetable, the proposal would need to be approved by the Senate no later than the final meeting of the Senate for the AY 2013-14, which is April 17, 2014.

During the 2012-2013 Academic Year, SCOG surveyed the FTCF to determine its preferred Senate representation and whether the FTCF wished to be represented by its own council. The majority of respondents favored representation by an FTCF Council in the Senate.

If the FTCF faculty were represented in the Senate in the same proportions currently in effect for the Faculty Senators Council, approximately 38-40 representatives would be added to the Senate. This would bring the total Senate size to approximately 130 members.

**Possible models for FTCF representation in the Senate**

1. *Representation according to the Faculty Senators Council (FSC) model.* FTCF representatives from each school would be elected following current formulas for numbers of faculty representatives, i.e., based on the number of FTCF in each school. This would increase the size of the Senate as noted above, and greatly increase the overall proportion of combined faculty to other groups (students, deans, administrators).
2. *Representation that maintains the current overall proportion of faculty.* The total number of faculty seats in the Senate would be divided proportionally between tenure/tenure-track faculty and full time contract faculty based on numbers in each school. Each would form a separate council. (The FSC has recommended that the two groups not be incorporated together into the FSC.)
3. **Representation following the Administrative Management Council model in which a subset of elected Council members serves as Senators.** The AMC is a university-wide body of 120 members, represented in the Senate by five elected members.

4. **Representation following the Student Senators Council (SSC) model in which there is only one representative from most schools plus at-large members.** The SSC also oversees a University Committee on Student Life, which has broader representation for various School-based councils and provides input to the Council. *This model maintains a school-based orientation while containing the size of the SSC.*

**SCOG asks each Council to consider** how these models or another model it may wish to propose would affect the Senate and participation of the Councils in university governance. SCOG seeks comments from each Council, in writing or via the Council’s representative to SCOG, by 15 November 2013. If Council members wish to convey their views individually they may do so by e-mail to scog@nyu.edu. Thank you for your input.
MEMORANDUM

TO: Senate Committee on Organization and Governance

FROM: Mariam Ehrari
Chairperson, Student Senators Council
A/Y 2013-2014

RE: Student Senators Council Resolutions regarding Full-Time Contract Faculty Representation on the University Senate

At the October 31, 2013 meeting of the Student Senators Council, the attached resolution was resolved unanimously.

CC: John Sexton
Bonnie Brier
Mariam Ehrari
Raghu Sundaram
Lynn Videja
David Vogelsang
Laura Russo
Cara Terzulli
Diane Yu
Full-Time Contract Faculty Representation on the University Senate Resolutions
Resolved Unanimously on 10/31/2013

IT IS RESOLVED: That the Full-Time Contract Faculty should be eligible for representation in University Governance.

IT IS RESOLVED: That the Student Senators Council maintains that Tenure Track Faculty, Tenured Faculty, and Full-Time Contract Faculty are collectively categorized as “The Faculty”, regardless of representative structure.

IT IS RESOLVED: That “The Faculty” representative structure(s) should not increase the total Faculty voting power on the University Senate beyond its current 41%.
DATE: October 7, 2013

TO: The Full-time Contract Faculty Planning Committee (Planning Committee)

FROM: The NYU Senate Committee on Organization and Governance

SUBJECT: Representation of the Full-time Contract Faculty in the Senate

We ask the Planning Committee, over the next few months, to provide advice and counsel to the Senate Committee on Organization and Governance (SCOG) in developing a proposal for representation of the Full-time Contract Faculty (FTCF) as a Council of the University Senate. We seek a plan that is likely to be approved by the Senate and that SCOG can bring before the Senate no later than the Senate’s March 4, 2014 meeting.

SCOG’s anticipates recommending to the Senate a proposal for the structure of the Senate that includes representation of the FTCF.

SCOG is pleased to serve as a resource to the Planning Committee by explaining the procedure for becoming a Council of the Senate and the rights and responsibilities of a University Council. SCOG will try to answer questions by e-mail and is willing to meet with members of the Planning Committee once it is formed.

Current representation in the Senate

The University Senate is made up of four Councils and five officers of the University, including the President and Chancellor, the Provost, the Executive Vice President, the Executive Vice President for Health, the Secretary and General Council. The Bylaws of New York University authorize the Senate (Chapter VII, page 27) and its Councils (Chapter VIII, page 29). Councils are defined by their respective purposes and function in university governance, their criteria for membership, their procedures for nomination and election of members and officers, rules, etc.

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* Section 59, NYU Bylaws (September 1, 2011); when NYU-Poly becomes a school (January 1, 2014) the Faculty Senators Council will gain one new member, the Student Senators Council will gain two new members and the Deans Council will gain one new member.
Possible models for Full-Time Contract Faculty (FTCF) representation in the Senate

1. **Representation according to the Faculty Senators Council (FSC) model.** FTCF representatives from each school would be elected following current formulas for numbers of faculty representatives, i.e., based on the number of FTCF in each school. This would increase the size of the Senate by approximately 36-38 members, and greatly increase the overall proportion of combined faculty to other groups (students, deans, administrators).

2. **Representation that maintains the current overall proportion of faculty.** The total number of faculty seats in the Senate would be divided proportionally between tenure/tenure-track faculty and full time contract faculty based on numbers in each school. Each would form a separate council. (The FSC has recommended that the two groups not be incorporated together into the FSC. For the report of the FSC Personnel and Affirmative Action Committee see [Representation of Non-Tenure Track Full-time Faculty](#).)

3. **Representation following the Administrative Management Council (AMC) model in which a subset of elected Council members serves as Senators.** The AMC is a university-wide body of 120 members, represented in the Senate by five elected members.

4. **Representation following the Student Senators Council (SSC) model in which there is only one representative from most schools plus at-large members.** The SSC also oversees a University Committee on Student Life, which has broader representation for various School-based councils and [provides input to the Council](#). This model maintains a school-based orientation.

5. **Other model(s).** During discussions a more preferable model(s) than those indicated in 1-4 may arise and is/are welcome for consideration.

SCOG looks forward to collaborating with the Planning Committee in the establishment of its Council of the Senate and proposes the following to help facilitate the process:

- To meet its deadline for presenting a recommendation to the University Senate at the Senate’s March 4, 2014 meeting, SCOG asks the Planning Committee to convey to SCOG no later than February 10, 2014 the Planning Committee’s proposal for the number of members in its Council, and the procedure used to determine that number, i.e., the mechanism for determining how many members are to be elected.

- SCOG asks that the Planning Committee keep SCOG informed as to its progress during the course of its deliberations.

- SCOG offers to meet with members of the Planning Committee, as the Planning Committee desires and by whatever mechanism the Planning Committee wishes.

- A contact person who will be able to provide limited administrative support to the Planning Committee, e.g., securing rooms in which to meet, will be identified.
The FTCF Representation Issue: The SCOG questions raise many related issues, but separated, there are essentially two questions:

1. Should the Senate be expanded and if so by how much?
2. Should total faculty representation be frozen at the current percentage? (So FSC plus FTCF together will share the FSC’s current representation.)

There are sub-questions regarding the form of FTCF representation (all of which would involve expanding the Senate size to varying degrees): Should it take

   a. The FSC model (proportional representation by school)?
   b. The AMC model (general representation)?
   c. The SSC model (one per school + at-larges)?

The SSC has already voted that “total” faculty representation should be frozen at current levels.

The EC is strongly in favor of an expanded Senate. On the question of what form this expansion should take, there are many options.

For example, we could simply recommend the FTCF model for the FTCF, in which case the total senate size would increase to about 125 of which “total” faculty would be about 75 (or 60%, up from the current 42%).

Or we could advocate the SSC model for the FTCF (and have some increases in the others to keep their proportions roughly the same). For instance, something like:

- TTF: 36
- FTCF: 15
- Deans: 16
- Students: 30
- AMC: 6
- Officers of the University: 5
- Total: 108