MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF NOVEMBER 20, 2012

The New York University Faculty Senators Council (FSC) met at noon on Thursday, November 20, 2012 in Room 905/907 in the Kimmel Center for University Life.

In attendance were Senators Adelman, Alter, Anton, Cappell, Carpenter, Harrington, Hutchins, Jacobs, Jelinek, Jones, Kamer, Karl, Ling, Ludomirsky, Magder, McIlwain, Mincer, Monaco, Nelson, Nolan, Raiken, Sternhell, Stokes, Sundaram, Thurston, Uleman, and Van Devanter, Active Alternates Azmitia, Dehejia, Tannenbaum, and Tuzhilin, and Alternate Senators Pearce, Simon, Thompson, and Reiss. FSC Advisor Lebowitz attended as a guest. President Sexton and Executive Vice President Berne attended as Special Guests.

REPORT FROM THE CHAIRPERSON: TED MAGDER

Update on University Committee FSC Representation

Chairperson Magder announced the following FSC members will serve on the Online Teaching Technology Committee: Nancy Van Devanter, Mark Alter, and Carol Hutchins. He is working with Nancy Van Devanter to identify a FSC member to serve on the Undergraduate Curriculum Advisory Committee. Paul Horn asked the EC to identify three representatives to serve on the Intellectual Property Policy Committee and Magder requested nominations, including self, to be sent by next week. Horn is also putting together a Conflict of Interest (COI) Committee to review the new COI policy. In addition, Ted Magder and Molly Nolan will serve on the Committee on Non Tenure-Track Faculty (NTTF) Guidelines. As of now, this committee will not include NTTF from the School of Medicine.

Tisch Asia Closing

The EC had a discussion with President about the closing of Tisch Asia. Magder drew attention to the “Procedures for Termination or Reorganization of Academic Programs in the Faculty Handbook, which outlined a consultative procedure involving faculty, with the final decision on any program termination or reorganization the prerogative of the President. Tisch Asia may not qualify as a separate program since it grants the same degrees as Tisch NYC. Faculty and students at Tisch Asia were informed of the closure and given a rationale. Since Tisch Asia relies on a large number of contract faculty and this event once again raises is the importance of clear procedures for NTTF. At Tisch Asia, the University intends to honor all contracts for the duration of their term. A Senator questioned what is legally and contractually binding in the Faculty Handbook and how new provisions effect those hired in the past, a topic the Chair would like FSC to address in the near future.

Tenure / Tenure-Track Faculty Contracts at AD & Shanghai

Magder reported the Provost added further clarification to the contracts at Abu Dhabi and Shanghai. Faculty are tenured at those portal sites, but in the event locations close, the University would make every effort to relocate those tenured faculty at the Square.
FSC COMMITTEE REPORTS

Governance: Senator Harrington

Senator Harrington presented the Resolution of Agreement with University Administration Designees on Joint Shared Governance Resolution. See attached Document A. She stated these revised principles were discussed with the following members of the administration: Linda Mills, Diane Yu, and Katie Fleming. Upon a motion duly made and seconded, the resolution was approved unanimously.

OLD BUSINESS

Faculty Handbook Amendments: Senator Jelinek

Senator Jelinek presented the memo created by the Governance Committee in response to the administration’s memo on amending the faculty handbook, sent July 12. See attached Document B and Document C. The memo contains detailed documentation of the past review of the handbook. It was suggested to update language to state the faculty handbook is reviewed and approved by the Faculty Senators Council, not just Governance Committee, to encompass items that do not go through the Governance Committee.

Upon a motion duly made and seconded, the memo to the administration was approved.

Jelinek presented the Resolution on Procedure for Amending the Faculty Handbook. See attached Document D. It was proposed to make the following changes:

Change 1:

WHEREAS the new, 2012 Faculty Handbook was not reviewed by and accepted by the full Faculty Senators Council; and

Change 2:

Unlike the prior edition (2008) of the NYU Faculty Handbook, the new (2012) online and PDF versions of the NYU Faculty Handbook have not yet been presented by the administration for review by and acceptance by the Faculty Senators Council.

Upon a motion duly made and seconded, the resolution was approved with these minor changes.

PRESENTATIONS BY PRESIDENT SEXTON and EXECUTIVE VICE PRESIDENT BOB BERNE

Superstorm Sandy

Executive Vice President Bob Berne discussed the damage to the Medical Center. He addressed the decision regarding evacuation, based on the prediction of a 9-10 foot maximum storm surge. The hospital was built to withstand a 12 foot storm surge. Evacuation is always a major challenge and during Hurricane Irene the Center was evacuated, but it was not necessary. The storm surge was much worse than expected and water in lower levels overcame the protections in place, resulting in damage to electrical, heating, and clinical equipment.
In terms of recovery, all classroom education was back within 1-2 weeks. 85% of ambulatory clinical care is back and in-patient facilities will open in phases starting between Thanksgiving and Christmas.

In terms of the financial implications, funding will come from FEMA, NIH, insurance, and the gap will be covered by the Medical Center’s resources. The President stated there will not be a diversion of resources from the Square to the Medical Center.

A Senator asked about the deficit at the Medical Center a decade ago and what portion was related to the failed merger with Mt. Sinai. Berne stated during the merger many functions were combined and losses at the School of Medicine were not included in the merger. The deficit in 2001 related to the School, not the hospital.

A Senator inquired about alterations to the current plans based on these financial issues. Berne stated the expectation is the main effect will be timing. The plans for the co-generation plant and the renovations to Tisch Hospital are moving forward. The timing of the two new projects of the clinical pavilion and science building might be affected. President Sexton stated plans might be adjusted but not undermined.

A Senator from the School of Medicine stated the faculty feel the issues from Sandy are being effectively addressed. This was expressed in a letter of support to the Dean. Evacuations efforts were also praised. Another Senator from the SOM stated President Obama contacted Dean Grossman offering his support. Berne stated the consultants who visited the Center expressed positive opinions on the expedited attention and presentations by FEMA. President Sexton stated he is grateful for the positive spirit and thanked the community for their support.

A Senator from Dentistry asked that the College of Dentistry be included when additional preventive measures are put into place.

A Senator asked about the implications for those with NYU doctors. Berne stated doctors have alternative arrangements and some have admitting privileges in other hospitals.

**Tisch Asia**

President Sexton discussed the closing of Tisch Asia and stated the closure highlighted the importance of having a network that provides the advantages of a general program with basic minimum safeguards.

He stated Tisch Asia started as a school program and has never been a University program. Over the years, it has been an artistic and academic success, but there have been financial challenges. Thus, about two years ago the program asked for assistance by the University. One issue was Tisch Asia was not exempt from the 7% sales tax, as the NYU Law School program there is; the Law School gains this exemption because of its connection with the National University of Singapore. The Tisch Program has no such affiliation. As this issue was investigated, irregularities in the Tisch budget were discovered. There is currently a personnel issue in litigation.

The administration tried for most of last year to work a pathway to give Tisch Asia a chance to continue. In the end it required a significant subsidy from the government of Singapore, which was not offered. The decision was made to honor all contracts and see students through to the end of their degrees and close the campus over the next couple of years, but no earlier than summer 2014.

**Global Network University**

As a general matter, the portal sites of Abu Dhabi and Shanghai make contributions to the Square. The 12 study away network sites operate as a group and, as a whole, they work at a budget surplus. There are other sites not in-network, which must offer academic reasons to not be in network. Roger Bagnell’s dig is an example.
A Senator from Tisch stated that Tisch faculty did have concerns about Tisch Asia and this incident demonstrates the need for University involvement.

A Senator asked about quotas the departments have to follow for the number of students at study away sites. Sexton clarified that departments are encouraged to create pathways that will enable students to study away. There is a great interest among students in studying away; however, if the students can do so only by using elective courses, it limits their capacity to experience this NYU advantage. Currently about 60% of students will want to study away and the University needs to look for ways to reach this demand. And, by developing pathways that build on site personalities, departments can enrich their academic offerings.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
TO: FSC

FROM: FSC - Governance Committee

Pamela Cowin pamela.cowin@nyumc.org
Christine Harrington christine.harrington@nyu.edu (chair)
Warren Jelinek jelinw01@nyumc.org
Carl Lebowitz carl.lebowitz@nyu.edu
Charlton McIlwain charlton.mcilwain@nyu.edu
Eric Simon eric.simon@nyu.edu
Jim Uleman jim.uleman@nyu.edu
Daniel Zwanziger daniel.zwanziger@nyu.edu

RE: Resolution of Agreement with University Administration Designees on Joint Shared Governance Resolution

WHEREAS: the Faculty Senators Council adopted on May 5, 2011 five Resolutions Regarding Shared Governance, and

WHEREAS: representatives of the Faculty Senators Council and designees of the New York University Administration reached mutual agreement on the language of these five Resolutions, it is

RESOLVED: That the five principles of shared governance listed below shall be followed:

1. Representation

The Faculty Senators Council (FSC) will have a representative (from the FSC or its designee), on university Committees, Taskforces, or other university-wide bodies that are convened by the university administration to advise on matters that affect faculty in educational and administrative policy [NYU Bylaw 63a].
2. Information

Transparency with respect to information regarding matters that affect faculty in educational and administrative policy is the norm. The use of “deliberative privilege” is the exception to this norm, requested only in circumstances wherein an individual(s) or the university’s interests would be harmed by public disclosure. In such instances, the university administration will provide appropriate reasons for invoking “deliberative privilege”.

3. Consultation

Except under rare, extraordinary circumstances, the university administration will provide a reasonable length of time for FSC consultation and input on all matters that affect faculty in educational and administrative policy. This means that the administration must plan in advance to allow enough time for at least one regularly-scheduled FSC meeting to occur before the consultation period comes to a close on any particular matter. For urgent decisions, such as decisions that must be taken during the summer or winter holiday, when the FSC is not in session, the FSC will establish a “provisional review committee” and a set of procedures for timely consultation and input regarding university administration decisions on matters that affect faculty in educational and administrative policy. All decisions reached by FSC’s provisional review committee are subject to full FSC review and approval. The FSC will promptly convey its final decision on the matter to the administration, which in turn will reconsider the provisional policy, based on new or additional advice provided by the FSC. The administration will then promptly convey its final decision to the FSC.

4. Reasoned Justification

When the FSC submits advice in writing to the university administration and the administration does not agree with or accept FSC’s advice, the administration will provide its reasons for not accepting the FSC’s advice to the FSC in writing and in a timely manner.

5. Communication

Predicated on the understanding that communications will pertain to Senate-related matters relevant to faculty colleagues within the Senators’ schools, and that communication systems will be used in a reasonable and responsible manner consistent with the norms of civility, the Deans will enable Senators to send emails to faculty colleagues within their schools. Such communications will clearly convey whether its content is an official FSC communication or if it reflects the personal view(s) of the author(s) [Provost Memo dated March 3, 2011].
Memorandum

September 24, 2012

To: Bonnie Brier, General Counsel
    Carol Morrow, Chief of Staff to the Provost
    Diane Yu, Chief of Staff and Deputy to the President

From:

Cc: John Sexton, President
    David McLaughlin, Provost

Re: Faculty Handbook - Amendments

Thank you for your July 12, 2012 memo with proposed language on how to amend New York University’s Faculty Handbook (FH). Some such language should be included in the 2012 online and downloadable pdf edition of the FH. However, the Faculty Senators Council (FSC) recommends the language below under the heading, **Language Proposed by Faculty Senators Council**.

We must also call your attention to the fact that, contrary to past practices at NYU and minimal requirements of shared governance, the FSC was bypassed in revising the 2012 FH. As NYU’s elected faculty representatives, FSC must be consulted prior to posting any FH changes, as was done for previous FH revisions (e.g., 1999 and 2008). We document these past practices below under the heading, **Procedure Followed by Faculty Senators Council for Amending the 1999 FH**.

Consultation should follow the established and customary procedure used to amend the FH: Amendments that the administration proposes are sent to FSC’s Executive Committee, which then requests an initial evaluation from the appropriate committees. For your 2012 proposals, this is the FSC’s Governance Committee (see Faculty Senators Council Rules of Procedure, Section VI. 1. g.). They then should be discussed and approved by the full FSC. See **Procedure Followed by Faculty Senators Council for Amending the 2008 FH**.

In this past year, the following changes were made and posted to the Spring 2012 online and pdf edition of the FH by the administration without prior full review and approval by the FSC:

- The sentence, “All of the material included in this Faculty Handbook has been reviewed by and accepted by the Faculty Senators Council of New York University,” which appears at the end of the 2008 edition of the Handbook and in the updated Spring 2012 “strikeout” and “clean” versions of the Handbook distributed to Christine Harrington, Molly Nolan and Warren Jelinek at the January 27, 2012 meeting with
Carol Morrow, Peter Gonzalez and Julie Adams was removed from the 2012 online and downloadable pdf edition of the Handbook.

- In addition, changes to the Intellectual Property and Conflict of Interest policies were incorporated, as clickable links, into the 2012 online and downloadable pdf edition of the Handbook, absent full review by the Faculty Senators Council. Complying with a request for urgency from the administration, the Faculty Council Summer Committee did a preliminary and incomplete review of the current Intellectual Property and Conflict of Interest and Conflict of Commitment policies, and asked for more time for a complete review. This request was ignored. Instead, new versions of these policies were unilaterally incorporated into the 2012 edition of the Handbook by the administration — versions that differ from those given to the FSC Summer Committee for its review, and that do not incorporate the few changes it suggested. Thus these changes were a) not reviewed by the Summer Committee, b) not reviewed by the Governance Committee, and c) not accepted by the Faculty Senators Council. In the case of the Intellectual Property policy, the number of changes was substantial.

The Faculty Senators Council objects to, and cannot support unilateral changes to the Faculty Handbook. Such changes are serious breaches of the principles of shared governance, precedence, and trust between the faculty and administration. The Faculty Senators Council considers it essential that established procedures for amending the Faculty Handbook be made explicit and followed.

Language Proposed by Faculty Senators Council:

NOTE: This section should be included in the body of the FH and referenced in the Table of Contents as “Procedure for Amending this Faculty Handbook.” As currently presented online, this section is not included in the downloadable FH.

The Faculty Handbook is a guide to the Faculty and is designed to present general information about New York University, and some of the more important University policies and practices as they apply to the Faculty of the University. The Handbook is maintained by the Office of the Provost. It has been compiled from a number of sources. Significant portions of the Handbook have been adopted by, or reflect actions of, the University’s Board of Trustees, including: the excerpted portions of the University’s Charter and Bylaws; matters involving the Faculty such as with respect to academic freedom and tenure, appointment of faculty, faculty grievance procedures, and organization of the Faculty, among others; the establishment of University Councils and Commissions; and key policies, including the NYU Code of Ethical Conduct, Policy on Academic Conflict of Interest and Conflict of Commitment, and Statement of Policy on Intellectual Property, among others. Certain portions of the Handbook provide an overview of the University and its administrative offices, libraries and student affairs. The Handbook also provides links to Selected University Policies, which represent a broad array of policies, including policies that principally affect faculty and policies that may be of interest to faculty but that apply broadly throughout the University community.
The Handbook is meant to inform and serve members of the University Community.

Where a University Council, Dean or Faculty of a School (which includes a College or equivalent institute for purposes of this Handbook) seeks to propose changes to the Faculty Handbook, the body or person should contact the Provost (or his or her designee). The process for considering changes varies depending on the nature of the issue and whether the matter falls within the purview of the Board of Trustees or another body outside of the Office of the Provost. Where a matter is within the purview of the Board of Trustees, the Provost (or his or her designee) is responsible for making a recommendation to the President of the University as to whether the President should present the matter to the Board. This recommendation may be based upon prior consideration and approval of the proposed change by one of the elected Councils that comprise the University Senate. To clarify the history of a policy, all policies should designate the body or bodies of origin, the dates of approval and the body or bodies approving and date effective, as well as the office and individual responsible for the policy. The body or bodies of origin and approval should review any changes to be made.

Where changes to the Faculty Handbook principally affect Faculty, the Office of the Provost strives to assure that faculty are engaged in consideration of the changes and/or have an opportunity to review, comment and approve, which may be through established channels such as representatives of the Faculty Senators Council and committees of the University Senate that include faculty.

All changes to the Faculty Handbook are reviewed by the Governance Committee of the Faculty Senators Council and approved by the Faculty Senators Council before inclusion in the Faculty Handbook, including changes to policies provided only by clickable links. If a change to the Faculty Handbook must be made before the Faculty Senators Council is able to review and accept such change, it shall be noted in the table of contents and in the changed text that the change was made administratively until the Faculty Senators Council is able to review and accept the change.

The policies outlined in the Faculty Handbook at the time of hire form part of the essential employment understandings (contract) between a member of the Faculty and the University. Policies beyond those referenced in the Handbook are available here. In addition, schools and units have their own internal rules, procedures and policies, such as school statements on faculty appointment policies and procedures, particularly those concerning promotion and tenure criteria and review procedures, which may supplement but do not supersede or replace policies outlined in this Faculty Handbook.
Procedure followed by Faculty Senators Council for amending the 2008 FH

1. The Faculty Senators Council received an edited version of the FH from the administration (Sharon Weinberg, Vice Provost for Faculty Affairs and Peter Gonzalez, Director of Academic Appointments).

2. A comparison was made between the amended version and the existing FH. Copies were distributed to all the members of the FSC. While the comparison revealed that most of the changes made were well delineated, one was not.

3. The Governance Committee reviewed the entire handbook and presented its recommendations to the Faculty Senators Council for action (see appended January 30, 2006 summary letter to Sharon Weinberg and Peter Gonzales from Virginia Black and the recommendations for review of the FH referred to therein). The Faculty Senators Council received the entire FH, with changes presented as strikeouts and underlines, as well as the letter summarizing the Governance Committee’s recommendations prior to taking action. The Faculty Senators Council discussed and approved the recommendations and the letter.

4. Subsequently, changes were proposed by the administration, coming primarily via Pierre Hohenberg.

5. Virginia Black, the Chair of the Governance Committee, sent E. Frances White, who had replaced Sharon Weinberg, the appended recommendations for review and arranged a meeting with the Governance Committee.

6. The Governance Committee met with E. Frances White, Peter Gonzalez and/or Pierre Hohenberg to review all parts of the FH that pertained to the Faculty, focusing on, but not limited to, the sections on “Responsibilities of the Faculty Member” and “Guidelines for Sponsored Research,” as well as some changes to the section dealing with titles for non-tenure track faculty. Changes were recommended on the basis of those meetings.

7. Each of the revised sections was then presented to the Faculty Senators Council with all changes marked in strikeouts and underlines. After all the recommended changes were discussed at a Faculty Senators Council meeting, the Faculty Senators Council voted to approve these amendments in March of 2007.

8. Very late in July 2007, the Faculty Senators Council received a plea from Pierre Hohenberg for changes in the section on “research misconduct” that he felt were necessary to review and approve in order to comply with new NIH requirements. Some communication problems regarding the changes to be made and the late date of the request meant that the Governance Committee and the Faculty Senators Council could not review the changes in a timely fashion. Furthermore, since the Senate originally approved the policy, the changes would have to be ratified by the Senate.

9. Yet still, FSC’s Governance Committee and Executive Committee drafted a letter to members of the Council identifying the changes requested, noting the irregular procedure in hopes that it would not recur in the future, and only requested a “provisional approval” from Council members. However, the decision was made to enter the changes into the FH, noting in the index and in the text of this policy that the amendment was “administrative”.

4
10. Subsequently, FSC’s Governance Committee reviewed the administratively amended “research misconduct” policy at two of its full Council meetings (October and November of 2007) and submitted some points for consideration to Pierre for the final policy.

11. Following this, the Faculty Senators Council received the IP and Copyright policies, which Pierre Hohenberg had worked on with large committees. Both policies were also reviewed by FSC’s Governance Committee, suggestions were made and most were incorporated, all prior to the Governance Committee recommending the policy for presentation to and approval by the FSC. FSC requested outside legal review of one particular point. This was done, a few changes were made in response to that outside legal review, and subsequently the policy was approved by the full Council in 2009.

Procedure Followed by Faculty Senators Council for Amending the 1999 FH

Supporting Documents:

MEMO, January 30, 2006

TO: Sharon L. Weinberg, Vice Provost for Faculty Affairs
    Peter Gonzalez, Director of Academic Appointments

CC: E. Frances White, Vice Provost for Faculty Affairs
    Pierre Hohenberg, Senior Vice Provost for Research

FROM: Virginia H. Black
    Chair, FSC Governance Committee

RE: Changes to the NYU Faculty Handbook

The Faculty Senators Council, after being given the opportunity to review the draft Faculty Handbook and the recommendations of the Governance Committee, at its meeting on January 19, 2006, approved the well-demarcated proposed changes (deletions struck over, additions underlined) in the draft Faculty Handbook that the Governance Committee had received in October, with the exception of the deleted cross-references and with the provisions noted below.

The Faculty Senators Council had approved the language inserted under *The Faculty V. Academic Tenure* regarding the tenure extension to ten years by the Leonard N. Stern School of Business in 2004 and the Board of Trustees also passed the changes to *Bylaw 72* in 2004. The Workload Relief Policy inserted under *Other Faculty Policies, Leave of Absence*, was approved by the Faculty Senators Council and the University Senate in 2004 and passed by the NYU Board of Trustees.

The Faculty Senators Council also approved changes in Faculty Titles, Non-tenure Positions for Tisch School of the Arts. However, the Council noted, that revision in the descriptions of the Teaching Associate, as well as those of Teaching, Graduate and Research Assistant Titles in the section on *Other Faculty Policies, Faculty Titles, Further Information on Selected Non-tenure Position Titles*, although well delineated, were made without prior consultation with the Faculty Senators Council.

Although it is our understanding that the usual practice has been to include at least the Chairs of the Governance Committee and Tenure Modification Committee, as well as the Chair of the Faculty Senators Council, when changes in the Faculty Handbook are being discussed, particularly when policy changes that impact the faculty are being contemplated, these latter changes were approved in order for them to be made in a timely manner.

One set of changes, not well delineated, was also approved. In the section under *Other
Faculty Policies, Responsibilities of the Faculty Member, the sub-section title Academic Responsibilities of the Faculty Member’ (p 55) had been eliminated and the paragraphs in that sub-section had been reshuffled, without any change in wording, to follow a new paragraph (p 52) inserted at the beginning of the section on Responsibilities. The first paragraph of Teaching Assignments was been placed at end of this initial section under Responsibilities. The rest of the paragraphs from Teaching Assignments remained under a new title Teaching Load Assignments (p 53).

These changes were approved, despite the fact that they had not been properly delineated, because there had been no change in the wording.

In addition to the delineated items, the Faculty Senators Council found in its review the following problems that need correction prior to publication:

GENERAL- Structural:
The Index is incorrect

The Table of Contents should come before the introductory pages. The dates of policy adoption and the footnote regarding these should be included as in the 1999 edition.

The formatting is uneven. For example fonts are not uniform for the different section, e.g. ‘Ethical Commitment’ on second page of Introduction should be bolded as in ‘Letter From The President” on the previous page.

There are too many blank spaces. The text should be tightened up, re-paginated and re-indexed.

Cross-references should be reinstated for ease of use

SPECIFIC:

Minor:
p 2, para 4, line 6. ‘School of Education’ should read ‘Steinhardt School of Education’

p 3. last para The phrase ‘took flight’ should be changed. We would suggest ‘began’ or omit the whole sentence in which the phrase is found, substituting ‘…for the next stage in its development. In 1981, Dr. Brademas came to NYU after a distinguished 22-year career in the U.S. Congress. Under his leadership, the…….’

p 5. Numbers are missing in para 1

p 9 and throughout. The title ‘chancellor’ is used, but we do not currently have a chancellor

p 3 vs 13. There is a discrepancy in the name attached to the School of Social Work
p 25. We suggest that, until a section on use of the handbook can be written (see below),
the information in the sidebar on p 25 in the 1999 edition be reinstated at the beginning of
this section and that a sentence be added advising faculty that there may be additional, but
not substitute, School bylaws, policies and procedures relevant to their positions.

p 34. The footnote regarding third and/or six year reviews should reflect the changes in the
Leonard N. Stern School of Business.

p 57, para 3, line 4. Suggest using ‘is paid’ rather than ‘will receive’.

p 57, para 5, line 1. There is a typo: ‘mont’ should be ‘month’

p 64. If items 5 and 6 of the section Faculty Grievance Procedures, Faculty Grievances,
General, are on the same page one footnote, referenced twice will suffice.

p 80. Names are not current

p 89, para 7, line 4. There is a typo: The phrase “and/or Mt. Sinai health systems” it
should read “and/or Mt. Sinai Health Systems’

p 97. In G, ‘section _____’ has been left blank

Major

p 2 & 13. The changes in the College of Dentistry and Division of Nursing are not
reflected.

p 11. The AMC was approved as a separate Council of the University Senate, by action of
the Senate in 2002. This change needs to be reflected in the By-Laws as well as in the
Faculty Handbook.

Policies: The Equal Opportunity and Anti-Discrimination Policy, Affirmative Action
Policy, and Policy on Sexual Harassment have all been revised and the revisions approved
by the University Senate. They should be included in the Faculty Handbook as revised.

The Code of Ethical Conduct should be included in the Faculty Handbook and referred to
in the Introduction, in paragraph on Ethical Conduct.

I would be happy to go over these aspects with you, if that would be helpful.

In addition to the above, we would like to formally submit recommendations made by the
Governance Committee in April of 2005 (please see attached memo), as modified and
updated at the December 15, 2005 meeting of the Faculty Senators Council. The
Governance Committee and Faculty Senators Council plan to undertake the tasks of
changing the organization and indexing of the Faculty Handbook to make it more user friendly and writing a section on “How to use the Handbook”. We would appreciate it if the administration could provide a Table of Organization to accompany the Handbook, as this would help faculty members in understanding the University structure and in directing questions or issues. As noted, the University Charter and Bylaws should accompany the Faculty Handbook, in all venues, printed, CD and on-line.

We thank you for the opportunity to review the changes in the Faculty Handbook in toto and look forward to working with your office on the new endeavors, as well as future updating of the Faculty Handbook.
New York University
A private university in the public service

Faculty Senators Council
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New York, NY 10012-1502
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April 1, 2005
Modified December 15, 2005

RECOMMENDATIONS
FROM THE FSC GOVERNANCE COMMITTEE, 2004-2005
REGARDING THE NYU FACULTY HANDBOOK

1. The Faculty Handbook should be revised to reflect changes in the University's structure since 1999 to assist new faculty in understanding the policies that relate to them and how changes affect faculty hired prior to a revised edition.

2. Several changes to the format would make the Handbook more usable, including:
   a. A comprehensive index;
   b. A Table of Organization of the University to accompany the Faculty Handbook;
   c. An introductory statement that explains how faculty should use the Bylaws, policies and procedures compiled in the Faculty Handbook and an advisory note to faculty that there may be School bylaws, policies, and procedures relevant to their positions in the faculty;
   d. CD-ROM and online access (pdf version only) that correspond to printed and paginated archival copies of the Faculty Handbook;
   e. The University Charter and Bylaws should accompany the Faculty Handbook.

3. The Faculty Senators Council should vote on procedures for annual Faculty Handbook reviews so that it is an ongoing process.
   a. The Faculty Handbook Subcommittee of the FSC's Governance Committee should review potential revisions annually in April (after the last Senate meeting) to include information from:
      • Senate and Faculty Senate Council reviews of minutes/resolutions;
      • University structure changes;
      • Questions that have come up each year from faculty, Schools, and deans; and
      • New policies that impact faculty.
   b. A committee of the Faculty Senators Council including, at a minimum, the Chair of the Faculty Senators Council, the chair of the FSC Governance Committee, the Chair of the Tenure Modification Committee and/or a representative of those committees, should meet with the Director of Academic Appointments and the Vice Provost for Faculty Affairs in June of each year to discuss Handbook changes.

4. Printed archival copies of the Faculty Handbook, as well as School documents and policies that clarify terms of employment should be retained in the Faculty Senators Council Office, the Office of the Provost, the Office of the President, and the University Archives.
New York University
Interdepartmental Communication

July 15, 1999

MEMORANDUM TO: Professors Salah Al-Askari, H. Paul Gabriel, Judith Gilbride, Melvin Hausner, Clifford Jolly, Lynne McVeigh, Burt Shachter, and Paul Wachtel

FROM: Steering Committee
1999 Edition of the NYU Faculty Handbook

We are delighted to be able to send you a copy of the 1999 edition of NYU’s Faculty Handbook. With your good advice, and with the patient assistance of numerous administrators in our vice presidential areas, we finally have an updated version of our 1982 edition!

Early in September, the Handbook will be sent to all full-time faculty at the University who were on board in 1998-99. Copies will also be handed to new full-time faculty members by the various dean’s offices, i.e., to faculty whose appointments are effective September 1, 1999 or later.

Please note that the Handbook is being issued with a few out-of-date statements in the Bylaws because the University’s Board of Trustees has not yet made appropriate changes. However, all the non-substantive revisions in our formal rules (gender neutral changes and corrections) did not need to await Board approval and have therefore been incorporated throughout the 1999 edition.

We are most grateful for your excellent suggestions and your kind support during this long and complex project. Our special thanks to Lynne McVeigh and Judith Gilbride for shepherding the Handbook through the governance process. We hope very much that the 1999 Faculty Handbook will be useful to NYU’s faculty over the coming years.

[Signatures]

cc: President L. Jay Oliva
Memorandum

Date: July 12, 2012 (REVISED)

To: Ted Magder, Chair, Faculty Senators Council
Robert Schact, Immediate Past Chair, Faculty Senators Council
Marie Monaco, Vice Chair, Faculty Senators Council
Mary Ann Jones, Secretary, Faculty Senators Council

From: Bonnie Brier, General Counsel
Carol Morrow, Chief of Staff to the Provost
Diane Yu, Chief of Staff and Deputy to the President

Cc: John Sexton, President
David McLaughlin, Provost
Christine Harrington, Faculty Senators Council
Warren Jellinek, Faculty Senators Council

Re: Faculty Handbook - Amendments

As a follow up to our meeting earlier this semester with the FSC (Ted Magder, Christine Harrington and Warren Jellinek), we have per your request drafted language to include in the Faculty Handbook with respect to the process for amending it. You will see that our language is consistent with our June 28 memo to you about Governance Issues. Please review the proposed language, which we share with you on behalf of the Provost and the President, and let us know what you think. We appreciate it is the summer and this matter is not time sensitive. Accordingly, if you prefer to defer this matter to the fall semester that is perfectly acceptable from our standpoint.

Current Language (See http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook.html)

The Faculty Handbook is a guide to the faculty and is designed to present in a convenient form general information about New York University, and some of the more important University policies and practices as they apply to the faculty of the University. The Handbook has been compiled from a number of sources. Some parts quote those formulations that have a controlling effect throughout the University, such as the Charter granted by New York State, the University’s Bylaws, and various policy statements and procedures formally adopted by the Board of Trustees. A careful attempt has been made to set forth such passages in a way that will prevent their being confused with those statements that merely describe practices that have evolved or have been adopted administratively over the years. Matters that have a controlling effect are subject to reasonable interpretation by the officers charged by the Bylaws with that
responsibility, but can be changed only by action of the body or bodies that enacted them. Matters not in this category may be modified by administrative action from time to time as may prove advisable.

The policies included and referenced in the Handbook form part of the essential employment understandings between members of the faculty and the University. Other University policies and guidelines are available here. In addition, schools, including institutes and colleges for this purpose, and units have additional policies. For example, school statements on faculty appointment policies and procedures, particularly those concerning promotion and tenure criteria and review procedures, supplement policies outlined in this Faculty Handbook. The Handbook is meant to inform and serve members of the University Community.

Proposed Language:
The Faculty Handbook is a guide to the faculty and is designed to present in a convenient form general information about New York University, and some of the more important University policies and practices as they apply to the faculty of the University. The Handbook is maintained by the Office of the Provost. It has been compiled from a number of sources. Significant portions of the Handbook have been adopted by, or reflect actions of, the University’s Board of Trustees, including: the excerpted portions of the University’s Charter and Bylaws; matters involving the Faculty such as those with respect to academic freedom and tenure, appointment of faculty, faculty grievance procedures, and organization of the faculty, among others; the establishment of University Councils and Commissions; and key policies, including the NYU Code of Ethical Conduct, Policy on Academic Conflict of Interest and Conflict of Commitment, and Statement of Policy on Intellectual Property, among others. Certain portions of the Handbook provide an overview of the University and its administrative offices, libraries and student affairs. The Handbook also provides links to Selected University Policies, which represent a broad array of policies, including policies that principally affect faculty and policies that may be of interest to faculty but that apply broadly throughout the University community. The Handbook is meant to inform and serve members of the University Community.

Where a University Council, dean or faculty of a school, which includes a college or equivalent institute or center for purposes of this Handbook, or other appropriate member of the University community seeks to propose changes to the Faculty Handbook, the body or person should contact the Provost (or his or her designee). The process for considering changes varies depending on the nature of the issue and whether the matter falls within the purview of the Board of Trustees or another body outside of the Office of the Provost. Where a matter is within the purview of the Board of Trustees, the Provost (or his or her designee) is responsible for making a recommendation to the President of the University as to whether the President should present the matter to the Board. Where changes to the Faculty Handbook principally affect faculty, the Office of the Provost strives to assure that faculty are engaged in consideration of the changes and/or have an opportunity for review and comment, which may be through established channels such as
representatives of the Faculty Senators Council or committees of the University that include faculty.

The policies of the University form part of the essential employment understandings between members of the faculty and the University. Policies beyond those referenced in the Handbook are available [here](#). In addition, school and units have additional policies. For example, school statements on faculty appointment policies and procedures, particularly those concerning promotion and tenure criteria and review procedures, supplement policies outlined in this Faculty Handbook.
October 25, 2012

TO: NYU’s Faculty Senate Council

FROM: FSC- Governance Committee (FSC-GC)

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RE: Proposed FSC Resolution on Procedure for Amending the Faculty Handbook

Background: During AY 2011-12 and the summer of 2012 several revisions were made by the Provost’s Office to the Faculty Handbook (FH) with no review or only an incomplete review by the full Faculty Senators Council. Examples include:

- Addition of a “Preamble,” which is a modified version of the “Foreword,” on the front page of the online version of the Spring 2012 FH edition;
- Alterations to the policies on Intellectual Property and Conflict of Interest.
- Removal of the sentence verifying FSC approval of FH revisions: “All of the material included in this Faculty Handbook has been reviewed by and accepted by the Faculty Senators Council of New York University.”

FSC’s principles of shared governance, along with past practices wherein the Faculty, the Administration and the Board of Trustees work collaboratively to reach mutually agreeable revisions of the FH, underscore the importance of consultation in an academic community.

Note: For more detailed background information on this Resolution see “Proposed FSC-GC Response to Adm FH Memo & Unilateral Revisions _ 10.13.12.docx”.

Resolution on Procedure for Amending the Faculty Handbook

WHEREAS the previous NYU Faculty Handbook (2008) contains the following statement on its last page – “All of the material included in this Faculty Handbook has been reviewed by and accepted by the Faculty Senators Council of New York University.” – and the new (2012) online and pdf versions omits this important provision; and
WHEREAS the new, 2012 Faculty Handbook was not reviewed by and accepted by the Faculty Senators Council; and

WHEREAS the new, 2012 Faculty Handbook contains recent amendments to important academic policies, such as the policy on “Intellectual Property” (patents, copyrights, and tangible research property) and on “Conflict of Interest and Conflict of Commitment,” which have not been reviewed by and accepted by the Faculty Senators Council;

RESOLVED that all changes to the New York University Faculty Handbook shall be reviewed and accepted by the Faculty Senators Council before such changes are included in the New York University Faculty Handbook, as has been the practice in the past. If a change to the Faculty Handbook must be made before the Faculty Senators Council is able to review and accept such change, it shall be noted in the Table of Contents and in the amended text that the “change was made administratively,” as occurred for the “Principles and Procedures for Dealing with Allegations of Research Misconduct” in the 2008 edition of the Faculty Handbook. This designation shall remain until the Faculty Senators Council has reviewed and accepted the proposed change; and

RESOLVED that the Faculty Senators Council will post the following statement on its website and widely publicize:
“Unlike the prior edition (2008) of the NYU Faculty Handbook, the new (2012) online and pdf versions of the NYU Faculty Handbook has not been reviewed by and accepted by the Faculty Senators Council.”