MINUTES OF THE N/C-FACULTY SENATORS COUNCIL MEETING OF NOVEMBER 20, 2014

The New York University Full-Time Non-Tenure Track/Contract Track Faculty Senators Council (N/C-FSC) met at noon on Thursday, November 20, 2014 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Becker (by phone), Borowiec, Carl, Carter, Cittadino, Elcott, Fefferman, Gurrin, Halpin, Mauro, Mowry, Rainey, Sacks, Stehlik, Stewart, Williams, and Ying; Active Alternate Derrington; Alternate Senators Bianco, Celik (by phone, for Burt), Cummings, Cunningham, Herman (for Slater), Lee, McClelland (for Youngerman), Mirabito (for Morton), Renzi, Ritter, and White. Board of Trustees member Shelby White attended as a Special Guest.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES OF THE MEETING HELD OCTOBER 7 AND OCTOBER 30, 2014

Upon a motion duly made and seconded, the minutes of the October 7, 2014 meeting and October 30, 2014 were approved unanimously.

SPECIAL GUEST: BOARD OF TRUSTEES MEMBER SHELBY WHITE

Chairperson Mauro welcomed Board of Trustees (BOT) member Shelby White. She opened the floor to questions from the Council.

A Senator inquired regarding the status of the Presidential Search Committee’s search process.

Ms. White responded regarding the job description is posted. She stated the Search Committee is composed of trustees, faculty, deans, alums, and students, and the Committee has secured the services of the search firm Isaacson, Miller, which is a preeminent search firm in the academic world. The Committee has met several times this semester and discussed qualifications for the new president. The Committee is currently reviewing names, including a list of recommendations to the committee and a list of names assembled by the search firm.

REPORT FROM THE CHAIRPERSON: ANN MARIE MAURO

See attached Document A: N/C-FSC Chair Update

In her report, Chairperson Mauro offered more information on the Ad hoc Committee on Sexual Misconduct, and noted its combination with the University Security Advisory Committee. The President Position profile is posted online and she provided a link to the Search Committee’s work in the report. The report was accepted into the minutes.
QUESTIONS ON COMMITTEE REPORTS DISTRIBUTED

The reports were accepted into the minutes.

A Senator asked about distribution of reports and other materials.

Chairperson Mauro clarified that draft documents should not be distributed. Approved reports, minutes, etc. will be posted on the N/C-FSC website, and Senators are encouraged to send links to the website reports when distributing information.

OLD BUSINESS

Report & discussion on review/comment on documents from the Provost: Co-Chairs Carl & Halpin

Faculty Handbook

See attached Document G: Recommendations of the N/C-FSC Task Force for changes to the Faculty Handbook and the University Guidelines, plus Appendix A: Minority Report

A member of the Task Force and author of the minority report offered a brief summary:

Both the Committee recommendations and minority report favor the inclusion of the new bylaws that have already been approved by the Board of Trustees, and both approaches also recommend the inclusion of new passages that describe the university history. Both reports ask that the grievance committee for appeals be constituted by senior contract faculty members chosen by the N/C-FSC rather than tenured faculty members chosen by the Tenured/Tenure Track Faculty Senators Council (T-FSC).

The difference between the two is the minority report maintains that the current Faculty Handbook already applies to full-time non-tenure track/contract faculty (FTNTT/CF) and the best course of action is to call for its preservation rather than fight for the restoration of rights on every point. The minority report recommends opposing any weakening of FTNTT/CF rights under the current Faculty Handbook, and recommends sending a statement to this effect to the Board of Trustees (BOT).

She stated all proposed changes that affect FTNTT/CF rights in the new Handbook turn out to be places where FTNTT/CF lose rights.

She believes it is the Council’s duty to oppose adoption of the revised Faculty Handbook, because a serious weakening of FTNTT/CF rights takes place in the new handbook and in the new guidelines, and if rights are given away, they will be hard to recover. She stated she would rather have FTNTT/CF included in the Handbook as they have been included for the last 40 years.

It was clarified for the record that the official position of the provost is that from an administrative perspective, FTNTT/CF were not included in the Faculty Handbook. It was recognized that there are faculty who feel the Faculty Handbook does apply to FTNTT/CF and cases have been made to this effect.

Co-Chair Carl stated the rationale behind the Committee’s recommendations is rather than assume that FTNTT/CF have always been covered by the Handbook, to state explicitly they are now covered by the Handbook and to review specific areas that are vague or seem to not apply to FTNTT/CF, for instance comparable disciplinary proceedings in regards to grievance procedures.

A Senator asked the Committee of their impression of the receptivity of the administration to the review process of the Committee and to future continued revisions to the Handbook.

Carl stated the Committee presented on most items in the recommendations during their meetings with the members of the administration. He does not see the recommendations as the final communication. He stated
the Handbook is continually revised, with both major and minor changes, and will be revisited as new issues arise.

A Senator asked if the Task Force interpreted equality across the board between tenured/tenure track faculty and FTNTT/CF other than the issue of tenure. Task Force members responded it is a complicated issue. In some ways FTNTT/CF may be viewed as University employees. But it may be argued that FTNTT/CF are not like other employees and there is a need to have specific disciplinary procedures.

It was mentioned that the HR procedures for disciplinary action apply to FTNTT/CF rather than the Handbook.

A member commented that the Provost requested comments and feedback from the Council be sent in time for the BOT review in December. He suggested not delaying the comments if the issue concerns grievance as the conversation concerning grievance can be continued.

A Senator stated his concern regarding the premise that the University’s position is that FTNTT/CF are not covered by the Handbook. He commented this would mean more than half of the faculty at New York University have no academic freedom, job security, or a handbook that applies to them.

A Senator stated the Provost’s initiation of changes to the handbook and development of guidelines, regarding FTNTT/CF reveals an understanding of the need to clarify rights and responsibilities.

A Senator commented it seems the revisions of the handbook and guidelines create a two tiered faculty system and suggested the Council not accept the Handbook or Guidelines.

A Senator stated this is an opportunity to be explicitly covered in the Handbook and have written rights.

A Senator asked if there was a formal mechanism outlined by the Provost by which the Council can continue to suggest revisions to the Handbook. A member stated it was his understanding that the Council may make a request to amend or revise the Handbook or any policy.

A Senator asked about the upcoming schedule for Board of Trustees meetings. A member responded there is a meeting in December, February, and June.

A Senator suggested passing a resolution stating FTNTT/CF will have the same rights as non-tenured faculty on the tenure-track. He also called for more time to deliberate on this document.

A Senator recommended getting legal advice on the document.

A member stated in reviewing the Handbook archives, it does mention contract faculty, just not using the term. Terms used include “not on the tenure track”, “lecturers”, “master teachers”, etc. She also stated the changes in the recent past have been very minor amendments, and there have been many years without any changes, so she does not see revision as an ongoing process.

She asked for the minority report to be an amendment or addition to the resolution.

Carl offered points of information: 1) the recommendations recommend that the grievance procedures be included in the handbook, not separate from the handbook; 2) to the extent that an argument is being made that FTNTT/CF have always been faculty because they are listed as “faculty” in the Handbook, the Faculty Senators Council is also consistently described as the elected group for “faculty” in university governance. But, at his school FTNTT/CF have never been allowed to vote for faculty senators, therefore they don’t have the rights of “faculty”.

Carl commented that it has not been settled nationally whether faculty handbooks are legally binding documents or are guidelines. He stated the American Association of University Professors (AAUP) produces a list of faculty handbook legal questions and issues. In reviewing the New York State issues of last year, it is not clearly defined whether faculty handbooks are considered legally binding documents in New York State.
The names of Alternates serving in place of Senators with full voting privileges at the meeting of November 20
were read aloud: Aysan Celik for John Burt, Neal Herman for Larry Slater, Matthew McClelland for Ethan
Youngerman, and Diane Mirabito for Peggy Morton.

At the conclusion of the discussion, the recommendations regarding the Faculty Handbook revisions were
approved by vote of 16 senators in favor and 3 senators opposed, with 2 abstentions.

**University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments**

See attached Document G: Recommendations of the N/C-FSC Task Force for changes to the Faculty
Handbook and the University Guidelines, plus Appendix A: Minority Report

Task Force Co-Chair Carl stated he views these Guidelines as a starting point towards the full incorporation of
FTNTT/CF into the university. He commented there are some deficiencies in the guidelines as they are currently
written, mainly because the document was written before the N/C-FSC existed.

A Senator expressed, similar to the minority report, his concern regarding the language in section III on Title and
Terms of Employment, Written Contracts: “By signing the contract, appointees acknowledge that they have
received adequate notice of their termination date. Thus, reappointment can be achieved only by a school's
taking affirmative action to do so.” And under Reappointment and Promotion: “Even in those cases in which a
candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be
impacted by curricular and structural changes and improvements in academic programs”. He asked for this
language to be modified.

A Senator responded this language is standard in any employment under contract, so it would be difficult to
modify. She stated the grievance procedure should be the focus.

A Senator commented the university needs to write rules on how FTNTT/CF’s positions end, because they do
not have tenure.

A Senator noted that health sciences are not covered by these guidelines, but guidelines are expected to be
adopted with language in the spirit of these guidelines, taking into account difference between schools.

At the conclusion of the discussion, the recommendations regarding the University Guidelines were approved by
vote of 22 senators in favor with 2 abstentions.

**Guidelines for communication with schools and colleges**

See attached Document K: Draft N/C-FSC Communication Guidelines

Chairperson Mauro stated the draft communication guidelines were developed based on Council discussions
and Steering Committee discussions. The guidelines speak to the Council’s responsibility as stated in the
bylaws as an elected body to represent its constituency. The guidelines encourage constituents to visit the N/C-
FSC website for information and encourage senators to engage in frequent and informed communication with
schools and colleges.

A Senator requested draft documents be labeled as “draft”. He also asked how committee reports are
distributed.

It was clarified once minutes are approved, they are posted on the N/C-FSC website, along with the reports and
handouts from the meeting, as one PDF document. It was noted that reports only list N/C-FSC members of
Committees and are not official reports of the Committees outside the Council.
A Senator commented that keeping draft documents confidential contradicts principle 2 of the shared governance principles [in the Faculty Handbook] by placing senators in a constant state of deliberative privilege:

"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".

She also stated there are people who have expertise in specific areas who might be able to offer advice, but it would be a challenge to discuss without being able to show the document.

It was noted the principles of Shared Governance were passed by T-FSC prior to the creation of the N/C-FSC.

Mauro stated, in terms of confidentiality, having conversations about the topic is permissible, and distribution refers to email, postings, etc. The guidelines would allow for topics to be discussed and review of passages of a draft document, but not allow public distribution of draft documents.

A Senator stated the importance of transparency, but this does not mean documents that have not been approved should become public.

At the conclusion of the discussion, the resolution regarding Communication Guidelines was approved by unanimous vote of the Council.

**Committee report & discussion on review/comment on Social Media Guidelines: Committee Chair Elcott**

*See attached Document L: Task Force on Social Media Policy Report*

Committee Chair Elcott stated the report lists concerns and clarification requests of the Committee. The Committee examined the basis for the University to determine what is reasonable and what is not reasonable regarding social media activity, the steps taken to determine whether the university has a right to use, prosecute, or penalize, and the type of body which determines an infraction has taken place.

Another concern addressed regards classroom purposes, specifically asking students to sign up for a third party application or social media platform outside of university control that may be involved in data harvesting or tracking. The Committee advocated that there should be a right of refusal on the part of the student in order to limit or minimize their digital footprint and also to ensure their privacy.

A Senator added an example from the School of Medicine involving faculty asked to sign on to a particular social media site used for ranking of particular physicians in medical centers. He recommended in addition to stating no student should be required to access a third party site, no faculty member should be required.

A Senator offered a point of clarification that another document is under review regarding University access to electronic information.

A Senator asked if this policy covered text messaging between faculty and students.

It was clarified this document covers any hardware funded by the University, use of any University network, and any account that is embedded in the university.

Senators asked for further clarification on the definition of social media and who determines what is reasonable and what is not reasonable regarding social media activity.

A motion was moved and seconded to postpone discussion of the Social Media Policy and any comments or concerns be emailed to the Committee Chair, David Elcott. The motion carried.
**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
Our council membership has been very busy these past few weeks!

1. **Steering Committee (SC) Updates** - Our Steering Committee met on 11/14/14 to plan this week’s 11/20/14 council meeting agenda, which includes greetings and a brief Q&A with Board of Trustees Chair Martin Lipton and member Shelby White. The SC will meet again on 11/25/14 to plan the 12/4/14 council meeting agenda. Please send any agenda item requests to Ann Marie Mauro and Karyn Ridder by 11/24.

   a) **Meetings with Provost McLaughlin**
      - The Steering Committee met with Provost McLaughlin, Senior Associate Provost/Chief of Staff Carol Morrow, and Deputy President Diane Yu on 11/5/14. We had a productive meeting and discussed our progress to date in addition to ways to foster participation in governance by our global senators. Subsequently, a special Shanghai calling number was provided to Senator Amy Becker.

      - Provost McLaughlin spoke with Chair Ann Marie Mauro and Vice-Chair Randy Mowry on 11/14/14 as a follow up to his email message on 11/12/14 to all FTNTT/CF regarding the proposed Faculty Handbook revisions and the FTNTT/CF Appointment Guidelines. The Provost emphasized that the Faculty Handbook will require ongoing updates and the revision process is dynamic. The Provost said our council may take as much time as it needs to review both the Faculty Handbook and the interim FTNTT/CF Appointment Guidelines. However, the Provost hopes that our council will provide recommendations regarding the current proposed Faculty Handbook revisions so he can bring them to the Board of Trustees at its December meeting.

   b) **Coordinating Committee** – Has been meeting with the T-FSC Coordinating Committee. The discussions have been very positive. Some possible proposals are in development and will be discussed at a future meeting.

   c) **Additional Committee Appointments** – The SC continues to be appreciative of our members’ response to serve on various committees. The following appointments have been made in response to requests from the T-FSC, with the associated rationale listed regarding articulation between committees:

      - **N/C-FSC Governance Committee** (additional member; total members = 5)
        - Fred Carl (TSOA) – Co-Chair Task Force on FTNTT/CF Guidelines & Faculty Handbook; Coordinating Committee member

      - **T-FSC Governance Committee**
        - Fred Carl (TSOA) – Co-Chair Task Force on FTNTT/CF Guidelines & Faculty Handbook; Coordinating Committee member
        - Ezra Sacks (TSOA) – N/C-FSC Governance Committee Chair (FAS)

      - **T-FSC Educational Policies and Faculty-Student Relations Committee**
        - Ben Stewart (FAS) – Senate Academic Affairs Committee member

   d) **Future Meetings Planned** – The SC has several meetings planned in the upcoming weeks with the following groups:
2. **Action Items on 11/15/14 Council Meeting Agenda** – Please review the related meeting materials in advance in preparation for votes on the following from these respective committees:
   a) **Task Force on Faculty Handbook & FTNTT/CF Appointment Guidelines** – Results of their review and their proposed recommendations
      - The task force has had multiple meetings, including meetings with members of the administration and university counsel.
   b) **Steering Committee** – Proposed communication guidelines
   c) **Task Force on Social Media Policy** – Results of their review and proposed recommendations

3. **Presidential Search Committee Update** – Ann Marie Mauro attended the committee meeting on 11/17/14 by phone from Chicago. The NYU President position profile has been developed based on the feedback received and will be released shortly. Nominations and feedback may be sent to the committee at nyupresident.search.committee@nyu.edu and will be kept confidential. The lists of prospects and nominees has been reviewed and further refined. The committee will meet on 12/15/14 and hopes to schedule interviews in February with approximately 8-20 finalists. The candidates and selection process must be kept strictly confidential due to the nature of the search and the high profiles of the candidates. Information about the search can be found on the committee website at: [https://www.nyu.edu/about/leadership-university-administration/board-of-trustees/the-presidential-search/committee-membership.html](https://www.nyu.edu/about/leadership-university-administration/board-of-trustees/the-presidential-search/committee-membership.html)

4. **Senate Executive Committee:**
   The Senate Executive Committee has confirmed the appointments of N/C-FSC Senators Gabrielle Gold-von Simson, Susan Stehlik, and Andrew Williams to the newly formed *Senate Ad Hoc Advisory Committee on Sexual Misconduct*. The appointment is for the academic year 2014-15 and the committee’s role is to assist the University in several ways to assess and offer feedback on the new policy and procedures approved by the University Senate last month. The federal government - from the White House to the Departments of Education and Justice - announced a number of initiatives and regulations earlier this year that required revisions to our policy and procedures for handling instances of sexual misconduct, relationship violence, and stalking. Given the tight regulatory timetable, there was limited time to consult with the NYU community about the revisions. The decision to form this committee was made to allow students, faculty, administrators, and staff the opportunity to review the new policy and procedures and offer input and ideas during this academic year.

   **Charge to the Ad Hoc Advisory Committee on Sexual Misconduct**

   With respect to the implementation of NYU’s Policy on Sexual Misconduct, Relationship Violence, and Stalking and related procedures, support services, training, and preventive measures (“policy and procedures”), the Senate Ad Hoc Advisory Committee on Sexual Misconduct will:

   - Provide advice and input to the University and solicit feedback and suggestions from their respective constituents in the University community on the policy and procedures
• Consider the effects, with support from legal experts in the area of sexual misconduct, of subsequently issued Federal measures in this area on the NYU policy and procedures
• Provide advice on efforts to inform and educate the NYU community on ways to reduce incidents of sexual misconduct, relationship violence, and stalking, and to better understand the policy and procedures in place, in consultation with a work group already established in Student Affairs comprised of students and staff and with the Prevention team from the new Center on Sexual Misconduct Supportive Services
• Advise the University Administration in preparing necessary or desired revisions to the policy and procedures that will be submitted to the University Senate for review and approval during 2015.

In addition, in compliance with certain related requirements of section 6431 of the New York Education Law (a state law that requires universities to have a committee that reviews a broad range of campus security related issues), the Advisory Committee will have responsibility for reviewing, and making recommendations for the improvement of, the policy and procedures for:

• "educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence and stalking offenses...;" and
• "reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations..."

The above elements of the state law mandatory review are very similar to the roles the Senate Executive Committee intended the Ad Hoc Advisory Committee to undertake. Rather than form an additional committee, it made sense to the Senate Executive Committee to fold in the sexual assault, domestic violence and stalking-related requirements under section 6431 into the charge for the Ad Hoc Advisory Committee. In this regard, the Ad Hoc Advisory Committee will have a relationship with the Senate Public Affairs Committee, the University's main committee that currently oversees campus security issues, and/or any general campus security advisory committee that may be established in the future in compliance with the broader campus security requirements of section 6431.

The Senate Executive Committee had already determined that there be 3 co-chairs - a student, faculty member, and administrator, and has appointed CAS Dean G. Gabrielle Start and student Jeremy Lakin as co-chairs. At the suggestion of the chairs of the Tenured/Tenure Track Faculty Senators Council (T-FSC) and the Full-Time Non-Tenure Track/Contract Faculty Council (N/C-FSC), the 6 faculty members will choose from their ranks the faculty member who will serve as the third co-chair. Attached is a roster of the full committee.

5. **Website** – Karyn Ridder has done a tremendous job in developing our website!
   a) Please take some time to review the various links at: https://www.nyu.edu/about/leadership-university-administration/university-senate/membership/councils/ft-non-tenure-track-contract-faculty-senators-council.html
   b) Photos of the Steering Committee members were taken last week.
   c) Group photos of our Senators and Alternate Senators will be taken immediately following our 11/20/14 council meeting on the Skirball Center steps so please mark your calendars! We hope to have a good turnout for the meeting and the photos!
## Ad Hoc Advisory Committee on Sexual Misconduct

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<tr>
<th>Name</th>
<th>Council</th>
<th>School</th>
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<tr>
<td>Sinan Antoon 3</td>
<td>T-FSC</td>
<td>Gallatin</td>
<td><a href="mailto:sinan.antoon@nyu.edu">sinan.antoon@nyu.edu</a></td>
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<tr>
<td>John Belknap 2</td>
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<td>Gallatin (UG)</td>
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<tr>
<td>Carolyn Cole 1,2</td>
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<tr>
<td>Gabrielle Gold-von Simson 1,3</td>
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<td><a href="mailto:andrew.williams@nyu.edu">andrew.williams@nyu.edu</a></td>
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*Co-Chairs*

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<tr>
<td>Number of Females: 10 (56%)</td>
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<td>Number of Students: 6 (33%)</td>
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<td>Number of Faculty: 6 (33%)</td>
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Co-chair from the T-FSC or N/C-FSC?
# N/C-FSC Committee Membership: A/Y 2014-2015

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Report of the N/C-FSC Governance Committee

The meeting was held on November 5, 2014. All members were in attendance (Ron Rainey, Joe Borowiec, David Elcott, Ezra Sacks)

Using the TT-FSC model as a guide (why re-invent the wheel?)

The committee would like Council members to comment on the following two proposals for terms of office and rotating elections.

Scenario 1
Each member now serving would serve for a minimum of two years (including the current year.)

At the end of two years (Spring, 2016) one-third of the council members would stand for re-election. The following year (Spring, 2017) another third of the council would stand for re-election, and the year after that (Spring, 2018) the last third of the original council would stand for re-election.

Thereafter, all members would have three-year terms with one-third of the council elected each spring.

Scenario 2
As above, but initial elections would not take place until the spring of the third year.

Scenario 1 guarantees each current member a minimum two-year term of service. Scenario 2 guarantees each current member a minimum of a three-year term of service.

In both cases, members may elect to run again. The initial division of the council into “thirds” for rotational purposes would be chosen randomly.
NYU T-FSC Finance Committee Meeting Report

Date: Friday, November 7. 2014; 2:00 – 3:30pm

Attending from the NTT-FTCF Council: Joseph Carter, Tommy Lee, Susan Stehlik, Ethan Youngerman

Not attending: Jamie Bianco

Chair: Martin Dorph

Discussion items:

- Our representatives were welcomed.
- Recap of previous meetings’ topics included concern for rates of tuition to salary, University budget, Affordable Care Act (goes to benefits committee), faculty housing, facilities, NYU Classes
- Everyone was asked to suggest topics of concern going forward, but was advised not to get into School by School issues; rather stay focused on understanding the standards of governing a budget.

- Significant discussion on appropriate action for NYU DIVEST student group that is asking the University to divest of all fossil fuel investments. There is a sub-committee looking into the student proposal and reported the following:
  - the top two questions to be answered included:
    1. Is divestment an appropriate policy question for the university
    2. If a decision was taken would it be appropriate from a fiduciary responsibility perspective
- The sub-committee heard from the NYU-Divest (NYU students as part of a national group); the student perspective details why NYU needs to divest and identified the 200 companies we should divest from
- NYU Facilities - to understand how green the university is and how divestment and not using fossil fuels would impact our fuel requirements;
- we are waiting for the NYU finance group to speak on divestment of the 200 companies, how this may impact on our investments and how can we divest if we are tied to a fund and not to individual companies.
- Link to the divestment subcommittee group is: https://wikis.nyu.edu/display/DivestmentWorkingGroup

- A presentation and Discussion on some of the budget highlights centered on terms of tuition and financial aid in relationship to other schools. A point was made that NYU is trying to help students in need more than in the past and NYU is admitting more students of diverse financial backgrounds, i.e. 1 in 5 is a Pell eligible grant student.
Report of Representatives to the T-FSC Global Network University Committee  
November 13, 2014  

Present:  Awam Amkpa (co-chair), Arvind Rajagopal (co-chair), Mark Alter, Sylvain  
Cappell, Nancy Van Devanter, Martin Klimke (Skype from Abu Dhabi), Vincent Renzi,  
Amy Becker (phone from Shanghai).  
Guests:  Linda Mills, Matthew Santirocco, Nancy Morrison.  

The committee received a briefing from Vice Chancellor Linda Mills, Senior Vice  
Provost Matthew Santirocco, and Vice President Nancy Morrison.  A copy of the  
PowerPoint presentation is attached.  

The presentation focused on the creation and implementation of Site Specific Advisory  
Committees for each of the global academic centers.  These committees are made up of  
faculty from schools, departments, and programs that are partnered with or affiliated with  
the several sites.  Vice Chancellor Mills emphasized that these committees were set up as  
the result of a “listening tour” undertaken to hear input from these constituencies, and  
that they represented a commitment to faculty control of curricular planning,  
notwithstanding the need for resource allocation decisions to be made with the  
involvement of deans and University administration.  

In the discussion, the committee was reluctant to accept the assertion that the Site  
Specific Advisory Committees represented structures of faculty governance in the global  
network.  At best, it was felt, they are a first step to nurturing the creation of such  
governance structures.  In addition, it was felt that more could be done to distinguish the  
organization of the global network administration’s organizational reporting lines, from  
the question of what structures of faculty governance should be created to oversee the  
global network (in particular, with regard to issues of faculty appointments), and both of  
these from the practical matter of how curricular and program planning is to be driven by  
a faculty-led process.  

The committee asked that when next they are in New York, a meeting be arranged to  
include the provosts of NYU-AD and NYU-SH, in order to explore issues of faculty  
appointments and articulation with NYU-NY.  

Respectfully submitted,  

Vincent Renzi
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*Does not include Tisch Professional Track Programs

^ AY 2012-2013 was the final year of the Liberal Studies Freshman program in Shanghai

• Fall 2012: Sydney and Washington, DC centers open
History – the “Listening Tour”

Fall 2012/Spring 2013 - Global Programs/Provost’s Office met with deans, faculty, students, site staff, trustees, the Faculty Committee on the Global Network (FC-GNU) and the Global Network University Committee of the Faculty Senators Council (FSC-GNU) to solicit feedback on the global network. Common themes emerged:

• While many faculty were involved in developing sites previously, they served primarily in an individual capacity and not as representatives of their schools and departments.

• Faculty would like to be more actively involved with the Global Sites, as representatives of their schools and departments, not only by approving course syllabi and instructors, as they do now, but by engaging in deeper conversations about curriculum planning and site identity.

• No forum existed to discuss academic programs or cross-department/school interests at the Global Sites.

Spring/Summer/Fall 2013 - Global Programs/Provost’s Office continues conversations with Deans, Schools/Departments and the FC-GNU to improve global administration. With the schools, we begin to identify departments and affiliations and develop the Site-Specific Advisory Committees.

October 2013 - Ten Site-Specific Advisory Committees are held between October 4th and October 10th, with representation from partner departments/schools and site faculty.
Partnerships and Affiliations

A **partnership** indicates that a department or school has a significant scholarly and curricular stake in a given global site, currently offers or is developing coursework there and is willing to take an active role in determining the site’s academic direction through participation on the Site-Specific Advisory Committee.

An **affiliation** means that a department or school currently offers or plans to offer at least one course at that site. An affiliation may give rise to occasional participation on a Site-Specific Advisory Committee.
# Partnerships and Faculty Representatives

## Accra
- **NYU New York**
  - Gbenga Ogedegbe (Chair, GIPH)
  - James Fraser (Steinhardt)
  - Rosalind Fredericks (Gallatin)
  - John Gershman (Wagner)
  - Mike Gomez (FAS - History)
  - Renee Blake (FAS - SCA)
  - Mark Sanders (FAS - Comparative Literature)
- **On Sabbatical**
  - John Singler (FAS - Linguistics)
  - Yaw Nyarko (Africa House)
- **NYU Abu Dhabi**
  - Hannah Bruckner
  - Carlos Guedes
- **NYU Accra**
  - Akosua Anyidoho
  - Esi Sutherland-Addy

## Berlin
- **NYU New York**
  - Karen Hornick (Chair, Gallatin)
  - Jesse Bransford (Steinhardt)
  - Tom Ertman (FAS - Sociology)
  - Christiane Frey/Eckart Goebel (FAS - German)
  - Jason King (Tisch)
  - Kevin Kuhlke (Tisch)
  - Chris Schlottmann (FAS - Environmental Studies)
- **NYU New York**
  - Karen Hornick (Chair, Gallatin)
  - Lisa Gitelman (Co-chair, Steinhardt)
  - Bernadette Boden-Albala (GIPH)
  - Florencia Marotta-Wurgler (Law)
  - Georgina Dopico-Black (FAS - Spanish/Portuguese)
  - Madeline Naegle (Nursing)
- **NYU Abu Dhabi**
  - Lucas Siga
  - Cyrus Patell
- **NYU Buenos Aires**
  - Anna Kazumi Stahl
  - David Oubina

## Buenos Aires
- **NYU New York**
  - Alejandro Velasco (Co-chair, Gallatin)
  - Lisa Gitelman (Co-chair, Steinhardt)
  - Florencia Marotta-Wurgler (Law)
- **NYU Abu Dhabi**
  - Lucas Siga
  - Cyrus Patell
- **NYU Buenos Aires**
  - Anna Kazumi Stahl
  - David Oubina

## Florence
- **NYU New York**
  - Chris Flinn (Chair, FAS – Economics)
  - Virginia Cox (FAS – Italian Studies)
  - David Darts (Steinhardt)
  - Hallie Franks (Gallatin)
  - Gail Segal (Tisch)
  - Brendan Hogan (Liberal Studies)
  - Delia Baldassarri (FAS – Sociology)
  - Mosette Broderick (FAS – Art History)
  - Josh Tucker (FAS – Politics)
  - Deb Willis (Tisch)
- **NYU Abu Dhabi**
  - Shamoon Zamir
  - Rebecca Morton
- **NYU Florence**
  - Ellyn Toscano
  - Bruce Edelstein
  - Giampiero Gallo
# Partnerships and Faculty Representatives

<table>
<thead>
<tr>
<th><strong>London</strong></th>
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<td>Paul Wachtel (Co-chair, Stern)</td>
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<td>Tom McIntyre</td>
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Site-Specific Advisory Committees

The 11 Site Specific Advisory Committees (SSACs) convened for their fourth meeting in September/October 2014 and are currently in the fifth round of meetings.

Over 120 faculty members, representing 88 school/departmental partnerships were engaged, including:

- 13 local faculty members
- 11 Site Directors
- 21 faculty members from NYUAD

Affiliate representatives participated in the Buenos Aires and Berlin meetings. There are currently over 117 affiliate departments.

Portal-specific committees are currently being finalized. The Abu Dhabi committee will meet in November and the Shanghai committee in the next few months.

All 11 of the site committees have Faculty Chairs/Convenors.
Site-Specific Advisory Committees

Over the course of four meetings, topics discussed include:

- Complete curriculum review (with each department school that sponsors courses)
- Site History
- Enrollment data – by school, site major, minor, etc.
- Facilities
- Student demographics
- Student life
- Courses and course enrollments
- Site identity
- Local partnerships
- Advising
- Course evaluations
- Local faculty
- Academic Pathways
- Cross-site collaborations
- Technology at the sites
- Experiential learning and internships
- Research at the sites
- Faculty visits to the sites
- Language requirements
- Horizon planning
- Technology and networked courses
- Course approval process

The current round meetings, occurring between Nov 6 - 20, cover:

- Compilation of advising ideas from all of the October SSAC meetings
- A more in depth look at course enrollments, including:
  - Fall 14 Course Enrollments – by school, primary major and academic level
  - Fall 14 Course Enrollment - by primary major
- Process for proposing new courses and pathways
- Preview of a revised global programs homepage and academic planning tool
Global School Liaisons

24 senior administrators/faculty in NYUNY's schools facilitate academic and horizon planning for each school, working closely with the NYU Office of Global Programs.

- Over the past two years, meetings with the Office of Global Programs have covered academic planning, advising, opportunities for faculty at the global sites, overview of site identity, graduate programs, course evaluations, site evaluations, cross-site and cross-school collaborations, calendar alignment and curriculum reviews.

- Global Liaisons are kept up to date of the site-specific committees and observed the current round of meetings.

- The December meeting will take an in depth look at summer programs; summer program directors have been invited to participate.
<table>
<thead>
<tr>
<th>Global Site</th>
<th>Site Director</th>
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</table>
| Accra       | Akosua Anyidoho  
|             | Appointed in 2004  
|             | • Affiliated faculty with the Department of Social and Cultural Analysis |
| Berlin      | Gabriella Etmektsoglou  
|             | Appointed in 2010  
|             | • Affiliated faculty with the Center for European and Mediterranean Studies and with the Gallatin School for Individualized Study |
| Buenos Aires | Anna Kazumi Stahl  
|             | Appointed in 2013  
|             | • Affiliated faculty with the Gallatin School for Individualized Study |
| Florence    | Ellyn Toscano  
|             | Appointed in 2004 |
| London      | Gary Slapper  
|             | Appointed in 2011  
|             | • Affiliated faculty with the Center for European and Mediterranean Studies |
| Madrid      | Robert Lubar  
|             | Appointed in 2014  
|             | • Associate Professor, Institute of Fine Arts |
| Paris       | John Moran  
|             | Appointed in 2014  
|             | • Clinical Associate Professor, Department of French |
|             | Benoit Bolduc (beginning in AY 15/16)  
|             | • Associate Professor and Chair, Department of French |
| Prague      | Jiri Pehe  
|             | Appointed in 1999  
|             | • Affiliated faculty with the Center for European and Mediterranean Studies |
| Sydney      | Malcolm Semple  
|             | Appointed in 2012  
|             | • Professor, Center for Neural Science |
| Tel Aviv    | Benjamin Hary  
|             | Appointed in 2013  
|             | • Visiting Professor, Department of Hebrew and Judaic Studies |
| Washington, D.C. | Michael Ulrich  
|             | Appointed in 2012 |
Administrative Structure of the Global Network

In addition to primary reporting lines presented here, all positions have close working relationships with one another.

Diagram:
- President/Chancellor NYU
  - NYU Shanghai Chancellor
  - NYU Abu Dhabi Vice Chancellor
  - NYU Provost
    - NYU Shanghai Provost
    - NYU Abu Dhabi Provost
    - Deputy Provost and Vice Chancellor, Europe
    - Senior Vice Provost for Academic Affairs
  - NYU Provost
    - New York School Deans
  - Vice Chancellor for Global Programs and University Life
  - Vice Chancellor for Strategic Planning
    - Vice President for Global Programs
      - Site Directors
  - NYU Shanghai Deans
  - NYU Abu Dhabi Deans
  - Deputy Vice Chancellor of NYU Abu Dhabi
  - Senior Vice Provost for Global Faculty Development
ADMINISTRATIVE LEADERSHIP, NYU’S GLOBAL NETWORK
ACADEMIC YEAR 2014-2015

President/Chancellor of NYU: John Sexton
NYU Provost: David W. McLaughlin
NYU Abu Dhabi Vice Chancellor: Alfred Bloom
NYU Abu Dhabi Provost: Fabio Piano
NYU Shanghai Vice Chancellor: Jeffrey S. Lehman
NYU Shanghai Provost: Joanna Waley-Cohen
NYU Shanghai Chancellor: Yu Lizhong
Vice Chancellor for Global Programs and University Life: Linda G. Mills
Vice President for Global Programs (Operations): Nancy Morrison
Senior Vice Provost for Academic Affairs: Matthew Santirocco
Vice Chancellor for Strategic Planning: Richard Foley
Deputy Provost/Vice Chancellor, Europe: Katherine E. Fleming
Senior Vice Provost for Global Faculty Development: Ron Robin
Deputy Vice Chancellor of NYU Abu Dhabi: Hilary Ballon
Superblock Stewardship Advisory Committee

Tuesday, November 4, 2014

Brief Report of the N/C-FSC representative

- The entire committee convened at 12:30PM in the President’s Conference Room – Bobst
- Comments from the Chair
- Gym relocation update

Discussion centered around the acquisition of a new building at 404 Lafayette Street, which potentially may house gym facilities. The issue was raised that with the unexpected increase of available square footage, maybe consideration could be given to reduce the size of the proposed structure replacing the Coles facility. All are eagerly awaiting the architect’s formal presentation, before addressing such concerns, as some feel they may possibly present justification for a smaller building for other reasons.

- The group then split up into the component subcommittees

- **Construction/Mitigation**
  - Review of independent consultant proposals
  - Next steps for independent consultant selection

- **Stewardship** (N/C-FSC represented on this subcommittee)
  - Inventory of current use and issues associated with various open spaces on the superblocks

A review of all the outdoor spaces in the “superblock” designation, both public and NYU owned, was conducted. Issues and concerns both from the University’s and community’s points of view were presented and examined. The timetable of the 2031 Plan was discussed, with Coles as the initial project planned to begin in 2015, but other phases not commencing until at least 2018, then again in 2022.

Respectfully submitted,

Neal G. Herman
Recommendations of the Full-time Non-Tenure Track/Contract Faculty Senators’ Council Task Force in regard to:

FACULTY HANDBOOK and UNIVERSITY GUIDELINES FOR FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY APPOINTMENTS

Background
On October 2, 2014 the Provost, in a memorandum, stated: “The Faculty Handbook is updated from time to time, typically to incorporate amendments in University Bylaws. This past summer, my office and the Office of General Counsel, in consultation with the Governance Committee of the Tenured/Tenure Track Faculty Senators Council, undertook to update the Handbook to incorporate the Bylaws approved in June 2014 and effective as of September 1, 2014…. At this time, I invite the Full-Time Non-Tenure Track/Contract Faculty (FTNTT/CF) Senators Council to comment on the draft, for my consideration.”

Also on October 2, 2014 the Provost, in a memorandum, stated: “As you know, beginning in fall 2012, the University undertook to develop general University appointment guidelines for full-time non-tenure track/contract faculty (FTNTT/CF). Guidelines were drafted by an advisory committee consisting primarily of FTNTT/CF with representatives from the Faculty Senators Council, the Faculty Advisory Committee on Academic Priorities, the Provost’s Office, and the Office of General Counsel. The draft Guidelines were reviewed iteratively by the Deans, the (Tenured/Tenure Track) Faculty Senators Council and within the Provost’s Office…. At this time, I invite the FTNTT/CF Senators Council to comment on the Guidelines, for my consideration.”

The review of both the draft of the Faculty Handbook and the University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments was performed by a 5-member Task Force established for this purpose by the FTNTT/CF Steering Committee, co-chaired by John Halpin (FAS) and Fred Carl (TSOA), joined by Heidi White (FAS), Tommy Lee (NYU-Poly) and John Burt (NYUAD). The Task Force, as part of its work, met as a committee and also with members of the Office of the Provost and the Office of General Counsel.

It is our expectation that the FTNTT/CF Faculty Senators Council will continue to offer amendments and revisions to the Faculty Handbook and the University Guidelines on Full-Time Non-Tenure Track/Contract Faculty as it determines it is necessary. In particular, our council will continue to review issues involving regulations concerning disciplinary procedures and grievance and appeals procedures for FTNTT/CF. We recommend that the FTNTT/CF Faculty Senators Council take time to develop procedures tailored to the specific needs of FTNTT/CF, and to present these no later than the early Spring 2015. In the interim, we recommend that policies be put in place for FTNTT/CF that mirror those currently in place for TTF.

While our Task Force worked collaboratively, we did not reach unanimity on developing these recommendations. There was a minority opinion held by one
member of the Task Force, recommending “that the FTNTT/CF should oppose all changes to the existing Handbook,” that “the existing academic-freedom protections in the current, unrevised Handbook, specifically, Title IV and the ‘Faculty Grievance Procedures’ already apply to us,” and, with regard to the Guidelines, “our council should oppose anything in the Guidelines that diminishes” “many additional rights...that are already guaranteed to us in the current Faculty Handbook.” (Following the Recommendations, see Appendix A, “Minority Opinion in regard to: Faculty Handbook and University Guidelines for Full-time Non-Tenure Track/Contract Faculty Appointments”)

The Recommendations supported by the majority of the Task Force will be in two parts: first, A. Recommendations to the Faculty Handbook, and B. Recommendations to the New York University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments.

A. Recommendations to the Faculty Handbook

1. Forward: Amending the Faculty Handbook, final sentence of Paragraph 1: “Nothing in this Handbook constrains the Board of Trustees from making changes to this Handbook with respect to any matter, and in the manner, it finds appropriate in carrying out its duties; and administration will notify the Executive Committee of the Faculty Senators Council if the Board of Trustees makes any change to the Faculty Handbook.”

   Recommendation:
   Add “and the Steering Committee of the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after “Faculty Senators Council”.

2. Forward, Amending the Faculty Handbook, Paragraph 3:

   Recommendation:
   Similarly to the above Recommendation, add “and the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after every mention of the “Faculty Senators Council” (lines 1, 6, 7, 9, 12); and add “and the Steering Committee of the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after “Faculty Senators Council” (line 11). Or, simply add an “s” to every mention of Faculty Senators Council, as in “Faculty Senators Councils.”

3. Forward, Footnote 2:

   Recommendation:
   Similar to the above Recommendation, add “and the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after every mention of
the “Faculty Senators Council” (lines 9, 11, 13); and add “and the
Steering Committee of the Full-Time Non-Tenure Track/Contract
Faculty Senators Council” after “Faculty Senators Council” (line 10).

4. Forward, Important Additional Information

The first sentence states “schools and colleges will supplement this text
With information on local procedures and day-to-day operations.”

Recommendation:
In first sentence, clarify that “schools and colleges will supplement this text
with information on local procedures and day-to-day operations,” and
add “but they cannot contradict policies in the Faculty Handbook.”

5. Page 16, Items 1-5

Recommendation
Clarify that these Five Principles of Joint Shared Governance apply at
present to both the T-FSC and the FTNTT/CF FSC, either by repeating
them, with the appropriate Council name change, in the section on this
page for the FTNTT/CF Senate Council, or create a new section clearly
stating that the Principles apply to both faculty senate councils.

6. Section heading: FACULTY POLICIES APPLICABLE TO ALL OR MOST
MEMBERS OF THE FACULTY INCLUDING....

Recommendation
Delete the words “OR MOST” since the heading specifies the three
defined categories of faculty.

7. Page 29, Teaching and Research Assignments for Full-Time Faculty, line
4, final full sentence:

Recommendation
Clarify explicitly that some school policies do not require all full-time faculty
to be engaged during the summer in “scholarly activity for professional
growth.”

8. Page 35, Term of Administrative Appointments [Bylaw 77]:
“Appointment to an administrative office, including but not limited to the
office of executive dean, dean, vice dean, associate dean, assistant dean,
director, secretary, department head, and department chair, will be without
limit of time, unless otherwise specified, but may be terminated at any time
without prejudice to any rights of the officer as holder of a
professorship....”
**Recommendation**

Clarify that the word “professorship” is a general term, and therefore applies to both tenured/tenure track faculty and full-time non-tenure-track/contract faculty.

9. Page 37, under heading **POLICIES APPLICABLE TO TENURED AND TENURE TRACK FACULTY, Title I, Section I, II and IV**

**Recommendation**

For clarity, since the references to academic freedom stated here apply to both tenured/tenure track faculty (hereinafter referred to as “TTF”) and non-tenure track/contract faculty (hereinafter referred to as “NTT/CF”), begin this section with those policies (see Page 28, paragraph 6: “Tenured faculty members are also entitled to other protections related to tenure and academic freedom, discussed in more detail….”) that refer only to TTF, e.g., Title I, Section III, V-IX.

10. Page 51, **Title IV, General Disciplinary Regulations Applicable to Both Tenured and Non-Tenured Faculty Members on the Tenure Track**

**Recommendation**

As there is no set of general disciplinary regulations applicable explicitly to FTNTT/CF in the Faculty Handbook or the Guidelines (see below), a set of regulations and policies that mirror those set forth here in *Disciplinary Procedures*, Sections B. 5 through B. 10 for TTF must be developed that explicitly apply to FTNTT/CF. There should be a sense of urgency to the development of those regulations, but, most importantly, they should be guided by parallelism when compared to those set forth here for TTF.

Those regulations should reiterate explicitly that language such as that stated in Title IV, #1 [General obligations], #2. [Particular obligation]. *Disciplinary Procedures*, Section A, Section B.1, B. 2, B. 3, B. 4 apply to all faculty, regardless of tenure or contract status.

In the interim, it should note in the Handbook that the immediately above-mentioned sections do, in fact, apply to all faculty.

11. Page 54, **Sabbatical Leave, Eligibility**, paragraph 1, first sentence

**Recommendation**

Add clarifying language, such as: *Except where permitted by school policies that permit FTNTT/CF sabbatical leaves*, eligibility for a sabbatical leave is limited to full-time members of the faculty who have achieved tenure rights….” Or “Eligibility for a sabbatical leave is limited…full-time service as members of the faculty at New York University
and, when permitted by specific school policies, to FTNTT/CF, according to those policies."

12. Page 60, FACULTY POLICIES APPLICABLE TO FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY

Recommendation
Following the suggestion in the Memorandum to Provost David W. McLaughlin, dated October 13, 2013, “University Guidelines for Full-Time Contract Faculty Appointments,” from Jules Coleman and Carol Morrow, we recommend that the grievance procedures for FTNTT/CF (see below for our specific recommendations related to the Guidelines) be incorporated into the Faculty Handbook.

B. Recommendations to the New York University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments

1. Introduction, first sentence:

   Recommendation
   Change “represent a distinct and important part…” to “are a distinct and important part....”

2. Page 1, II. Formulation of School Policies, first sentence:

   Recommendation
   Since the Guidelines are broad enough to allow for the unique cultures of all of the Schools and the two portal campuses, we recommend the following language: Each school and the two portal campuses are governed by these Guidelines and are required to establish their own policies governing the appointment, review, and reappointment of full-time non-tenure track/contract faculty.

   We further recommend changing the language of Footnote 2 to the following: NYU’s health professional schools (Medicine, Dentistry, and Nursing) and NYU’s portal campuses in Shanghai and Abu Dhabi are expected to embrace the spirit and values reflected in these guidelines, and to adopt policies accordingly.

3. Page 3, Participation in School Governance, paragraph 3:

   Recommendation
   Change the sentence that is paragraph 2 to read: Schools are expected to include FTNTT/CF on committees, except for those involving tenure decisions or those otherwise set aside by University Bylaws as falling within the exclusive domain of tenured and tenure track faculty.
4. Page 4, Hiring Plan and Process, a. Duration of Contracts, paragraph 1, 4th line, last full sentence:

**Recommendation**
Change the last sentence of paragraph 1 to read (additions in **bold**):
However, in addition to providing schools with an essential degree of flexibility, one-year contracts **may be** programmatically and academically desirable in a number of schools and academic programs, and, in **those cases**, should be justified accordingly **to the Provost**.

5. Page 4, Hiring Plan and Process, b. Hiring Practices, 3rd line, 3rd sentence:

**Recommendation**
Sentence should read: Schools are **expected** to include FTNTT/CF in the hiring process for FTNTT/CF. [Delete the last sentence—if the expectation is that FTNTT/CF are part of the governance structure of the University and the schools, there should be no instances where FTNTT/CF are precluded from involvement in school procedures.]

6. Page 7, V. GRIEVANCES RELATED TO REAPPOINTMENT AND PROMOTION OF FTNTT/CF, A. Principles, Paragraph 2, Line 4

**Recommendation**
As a new sentence 3, to go between the existing 2nd and 3rd sentences, add language for school grievance committee formation for cases involving FTNTT/CF that mirrors the language found in the Faculty Handbook, Page 57, #4, with the suggested changes (here in **bold**):

“Each school or faculty shall establish a faculty committee to hear grievance cases in order to advise the dean. This grievance committee shall be elected by the voting members of the faculty and shall be a standing committee of the school or faculty. A majority of the committee shall be **senior FTNTT/CF**. It shall not include departmental chairpersons or department heads or any faculty member whose primary assignment is administrative.”

7. Page 8, V. Grievances Related to Reappointment and Promotion of FTNTT/CF, c. Who Can Grieve:

**Recommendation**
This section refers explicitly to FTNTT/CF grievances related to reappointment and promotion; however, it does not provide for any situation of a faculty member whose contract is not renewable filing a grievance for a violation of academic freedom, assuming that said
grievance is compelling. Language protecting the faculty member in that case should be included.

8. Page 9, e. Appeal from a Dean’s Decision on Appointment, Reappointment, or Promotion

Recommendation
Appeal’s from a dean’s decision for FTNTT/CF should mirror those set forth for TTF, again following a principle of parallelism referred to in Handbook Recommendations, #10, first paragraph. To that end, please see the following page for a comparison between TTF and FTNTT/CF appeals processes with recommendations for new language.

Comparison of Appeals Procedures for TTF and FTNTT/CF, with Recommendations for New Language and Procedures

<table>
<thead>
<tr>
<th>Faculty Handbook</th>
<th>Interim FT/NTTCF Guidelines</th>
<th>Recommended Guidelines Language</th>
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<tr>
<td>2. A faculty member intending to make an appeal shall indicate such intention in writing to the Provost within 15 days after receiving written notification of the dean’s decision. An exception to this may be made only with the consent of the grievant, the dean, and the Provost. (Pg. 57)</td>
<td>The faculty member, after receiving written notification of the dean’s decision, has fifteen days to appeal to the Provost, which appeal must be in writing, specifying all grounds for and materials in support of the appeal, and received at the Office of the Provost within the fifteen-day period. (Pg. 9)</td>
<td>A faculty member intending to make an appeal shall indicate such intention in writing to the Provost within 15 days after receiving written notification of the dean’s decision. An exception to this may be made only with the consent of the grievant, the dean, and the Provost.</td>
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<td>3. Where such an appeal is made, the dean shall transmit to the Provost a report of the proceedings in the case at its earlier stages. The Provost shall in each case obtain the advice of a standing committee of no less than three tenured faculty members selected by the Tenured/Tenure Track Faculty Council but not necessarily members of that body. This committee shall be called the Faculty Council Grievance Committee. (Pg. 57)</td>
<td>Where such an appeal is made, the dean shall transmit to the Provost a report of the proceedings in the case at its earlier stages. Upon receiving the transmittal, the Provost shall form an advisory committee to advise him or her about the merits of the case. The advisory committee shall consist of at least 1) one member of the appropriate University Faculty Senators Council, 2) one senior full-time contract faculty member not from the grievant’s school, and 3) one additional member who may be a senior administrator or senior tenured faculty or senior full-time contract faculty member not from the grievant’s school. The Provost shall constitute the advisory committee for a particular appeal by drawing on a standing committee he or she shall establish, whose job shall be to advise the</td>
<td>Where such an appeal is made, the dean shall transmit to the Provost a report of the proceedings in the case at its earlier stages. The Provost shall in each case obtain the advice of an advisory committee drawn from a larger standing committee selected by the Full-Time Non-Tenure Track/Contract Faculty Council but not necessarily members of that body; the advisory committee shall consist of no less than three senior FTNTT/CF faculty members, at least two of whom are not from the grievant’s school. This advisory committee shall be called the Full-Time Non-Tenure Track/Contract Faculty Council Grievance Committee.</td>
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<td>Provost on appeals from a dean’s decision about appointment, reappointment, and promotion. The standing committee shall be comprised of two members of the appropriate Faculty Senators Council(s), five senior full-time contract faculty members drawn from five schools, and three who are either senior school administrators or senior tenured faculty members from three different schools.</td>
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<td>4. The Tenured/Tenure Track Faculty Council Grievance Committee shall hold a hearing and shall complete its deliberations and notify the Provost of its recommendations, preferably within 30 days of the close of the hearing, but in any case within 60 days. (Pg. 57-58)</td>
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<td>The appeal committee shall hold a hearing and shall complete its deliberations and report its recommendation to the Provost preferably within thirty days of the close of the hearing, but in any case within sixty days. (Pg. 9)</td>
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<tr>
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<td>5. The Committee shall not judge professional merits, but only ascertain whether procedural safeguards have been observed. Evidence that a decision appealed from is so arbitrary that it has no rational foundation may be considered on the issue of “inadequate consideration” (B-1-a above). (Pg. 58)</td>
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<td><strong>6.</strong> The Committee shall at all times follow the requisites of a fair and equitable hearing, but it is not to be restricted by the technical rules of evidence or the formality of the adversary proceeding as in a court trial. In each case the Committee shall determine its own procedure, adapting the requirements of the particular case to the equity of the situation. This shall include, for example, the question of a record of the hearing, the examination of witnesses, the schedule and public nature of meetings, etc. The grievant, however, may determine whether he or she shall have the aid of an advisor or counsel.  (Pg. 58)</td>
<td><strong>The Full-Time Non-Tenure Track/Contract Faculty Council Grievance Committee shall at all times follow the requisites of a fair and equitable hearing, but it is not to be restricted by the technical rules of evidence or the formality of the adversary proceeding as in a court trial. In each case the Committee shall determine its own procedure, adapting the requirements of the particular case to the equity of the situation. This shall include, for example, the question of a record of the hearing, the examination of witnesses, the schedule and public nature of meetings, etc. The grievant, however, may determine whether he or she shall have the aid of an advisor or counsel.</strong></td>
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<td><strong>7.</strong> After receiving the advice of the Faculty Council Committee, the President and the Chancellor of the University and Executive Vice President for Academic Affairs shall decide the case and notify the grievant, the dean, and the Chairperson of the Faculty Council Committee. If the advice of the latter is not followed, the reasons shall be reported with the decision.</td>
<td><strong>After receiving the advice of the committee the Provost shall decide the case, and notify the grievant and the dean. The Provost’s judgment is final and subject to no further review.</strong></td>
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<tr>
<td><strong>8.</strong> If the dean’s decision is favorable to the faculty member and hence is not appealed and the Office of the Chancellor of the University and Executive Vice President for Academic Affairs reverses that decision without seeking the advice of the Faculty Council Grievance Committee as described in B-1 through 7, the faculty member may then invoke the appeal procedure. (Pg. 58)</td>
<td><strong>If the dean’s decision is favorable to the faculty member and hence is not appealed and Provost reverses that decision without seeking the advice of the Full-Time Non-Tenure Track/Contract Faculty Council Grievance Committee as described above, the faculty member may then invoke the appeal procedure.</strong></td>
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Appendix A

Minority Opinion in regard to:

FACULTY HANDBOOK and UNIVERSITY GUIDELINES FOR FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY APPOINTMENTS

1. Recommendations for the Faculty Handbook

Concerning revisions to the Faculty Handbook, we should express approval of:

1. The inclusion of passages from the university’s new bylaws that became effective on Sept. 1, and

2. Other revisions to the Handbook that have no bearing on the rights of faculty members (such as remarks on the university’s history).

As to the contractual rights of the non-tenure-track faculty, however, we should oppose all changes to the existing Handbook, which has been in force since April, 2014. (The only exception should be an adjustment to the “Faculty Grievance Procedures,” approved by the Trustees in 1973, that would allow our council, rather than the old Faculty Senators Council, to select the members of a standing Faculty Grievance Committee.)

Our senate council should also ask that an expression of our opposition be conveyed to the Trustees, because all changes to our rights turn out to be places where we lose rights.

Rationale

The new changes to the Handbook give us significantly weaker academic-freedom protections than are traditional at NYU, especially when compared with the old Handbook’s “Faculty Grievance Procedures” and with Title IV in the statement on academic freedom.

Moreover, the administration’s only justification for giving us these weaker rights seems to rest on a false hypothesis—namely, that the contract faculty has never had any such rights to begin with, because members of the contract faculty were never included as “faculty members” in older versions of the Handbook, when the crucial academic-freedom protections were established.

This assertion is factually untrue, and before we act as senators, we are especially obligated to determine whether it is true.

A faculty colleague has pointed out that earlier versions of the NYU Faculty Handbook are, in fact, easily available on line, and they go all the way back to 1972. All these earlier versions of the Handbook refer explicitly to “master teachers,” “clinical professors,” “adjunct professors,” and other “non-tenure positions”—the same people we now denominate with the expression “contract faculty”—and all these earlier versions of the Handbook say explicitly that those holding such appointments are “faculty members.”
It follows that the existing academic-freedom protections in the current, unrevised Handbook—specifically, Title IV and the “Faculty Grievance Procedures”—already apply to us as contract-faculty members, because these protections were established after 1972.

More generally, before we give away important legal rights that belong to our constituents, we should insist on the relevant documentary research. And before we go forward to approve anything that has been placed before us for review, we should remember the ancient maxim, “First, do no harm.”

2. Recommendations for the Guidelines

The Guidelines contain a commendable suggestion—that full-time contract faculty members receive multi-year contracts, of three years or more. But the Guidelines, if valid, would also contradict many additional rights, especially appellate rights that are already guaranteed to us in the current Faculty Handbook, as approved by the university Trustees in April, 2014 (and going back to 1973).

Our council should oppose anything in the Guidelines that diminishes these rights. If these rights are already guaranteed to us under the Handbook of April, then much of section V of the Guidelines will need to be deleted. The council should convey its strong opposition to the Guidelines, as currently written, to the Trustees.

Rationale

As far as the contract faculty is concerned, all significant changes in the new Faculty Handbook—including the Provost’s new Guidelines For Contract-Faculty Appointments, which are included by a hyperlink—boil down to one thing: They weaken the safeguards for protecting academic freedom.

If academic freedom is worth protecting for anyone, it is certainly worth protecting for the majority of full-time teachers at NYU, the contract faculty. Indeed, academic freedom is so fundamental to the university’s mission that it is hard to see how there can be any rationale, or any excuse, for setting up two different sets of safeguards, a stronger set for tenure-track faculty and a weaker set for contract faculty. The administration has offered no rationale for this disparity.

It is telling that this attempt to weaken the vital safeguards of academic freedom should now come immediately—and in great haste—as the first order of business for the new contract-faculty senate. We owe it to our constituents to resist this attempt to rush us, and if our constituents later learn that we did not resist, our record as a council will be badly tarnished.

Our council needs to take a strong stand. We need to urge the Trustees to reject these new Guidelines, to apply exactly the same safeguards that now protect the tenure-track faculty to the contract faculty, and also to restore the original wording of Title IV of the university’s academic-freedom protections—so that administrators on renewable contracts are just as bound to follow the rules as anyone else.
In addition, the Guidelines appear to be issued on the Provost’s own authority, and for that reason, the Guidelines also seem to be amendable on the Provost’s authority—without further action by the Trustees. This is a dangerous precedent for the protection of academic freedom. Academic freedom rights should always be contained in the Handbook itself, specifically adopted by the Trustees and never subject to change by other officers.

3. General Observations

The new Guidelines and the new Faculty Handbook weaken the safeguards that protect academic freedom in many ways:

- There is no mention of how the grievance committee of a school is constituted for contract faculty appeals. (The current Handbook states that the faculty elects the members from their peers.)

- We will have no explicitly recognized right to an attorney at an appeal hearing in case we are let go. (Tenure-track faculty do have such a right, even if they are untenured.)

- We will have no right to the reasons for denying us reappointment, in case the administration overrules a finding in our favor by the faculty advisory committee. (Tenure-track faculty do have this right.)

- We will have no right of appeal to a faculty advisory committee at all—except one that is handpicked by the administration. And the faculty advisory committee includes a senior administrator. (For tenure-track faculty, the advisory committee is appointed by the elected Faculty Senator's Council and does not include administrators.)

- By signing our contracts under the new Guidelines, we will already “acknowledge that [we] have received adequate notice of [our] termination date.” Language is thus already in place for our termination as soon as we are employed.

- Under the new Guidelines, we can apparently be let go at the end of our contracts, without explanation, even if we have performed our jobs superlatively: “Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs.”

On the whole, as faculty members, we ought to be viewed from the start as people who are qualified to hold their positions when they are hired and who ought not to be denied reappointment except for good reasons. If we are to be denied reappointment, the burden of proof ought to be on the administration rather than the other way around, and our academic freedom ought to be protected as a vital check on abuse.

Finally, there are still many places in the proposed, revised Handbook where an explicit reference to our council has been overlooked, and where the text merely reads “Faculty Senators Council.” These omissions still need to be corrected.
4. Proposed Resolution

The council should consider adopting the following resolution:

WHEREAS, the contract faculty have always been specifically named as “faculty members” in every version of the NYU Faculty Handbook since 1972, and

WHEREAS, the rights of such faculty members have always included access to the Faculty Grievance Procedures approved by the Trustees in 1973, and

WHEREAS, Title IV has always applied to all faculty members, including deans holding academic appointments, and has therefore provided protection from unlawful retaliation, in violation of the university’s academic-freedom guarantees, from any university officer on a renewable academic contract, whether a dean or a regular teacher, and

WHEREAS, the new Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments, issued on June 12, 2014, significantly weaken the appellate rights of the contract faculty in cases where faculty members are denied reappointment in violation of their academic freedom, and

WHEREAS, the same new Guidelines omit the longstanding requirement that school grievance committees are to be elected by the faculty rather than appointed by administrators, and

WHEREAS, the same new Guidelines have been issued on the Provost’s authority and are changeable on the Provost’s authority, and are thus unlike all earlier university safeguards protecting academic freedom, which could not be changed except by affirmative action of the Trustees; therefore,

RESOLVED, that the Full-Time Non-Tenure Track/Contract Faculty Senators Council strongly opposes adoption of the revised Faculty Handbook, dated September 11, 2014, and any other revised version that would weaken the rights already guaranteed to faculty members in the existing Handbook of April 2014, and the Council also believes that the Guidelines of June 12 should be regarded as void in all cases where they contradict the existing Handbook of April, 2014.
October 2, 2014

Memorandum to: Steering Committee, Full-time Non-Tenure Track/Contract Faculty Senators Council

From: David W. McLaughlin, Provost

Re: Faculty Handbook

The Faculty Handbook is updated from time, typically to incorporate amendments in University Bylaws. This past summer, my office and the Office of General Counsel, in consultation with the Governance Committee of the Tenured/Tenure Track Faculty Senators Council, undertook to update the Handbook to incorporate the Bylaws approved in June 2014 and effective as of September 1, 2014.

The draft updated Handbook is presently under review by the Deans and by the T-FSC. At this time, I also invite the Full-Time Non-Tenure Track/Contract Faculty (FTNTT/CF) Senators Council to comment on the draft, for my consideration. I recognize that the Council is presently establishing its organizational structure and priorities for its first year. However, since the Handbook will be presented to the University Trustees for review at its December meeting, I would like to receive any comments you may have by December 1. I would also be pleased to discuss this with you at one of our designated meeting times this fall.

The most important updates to the Handbook that are triggered by the new Bylaws are to define faculty membership, faculty meetings, and faculty titles; establish a new Senators Council for FTNTT/CF; clarify academic policies that apply to each category of faculty; and update certain aspects of University organization and administration. I am attaching a tracked version of the draft Handbook that shows proposed updates to the current April 2014 edition, and a clean version that accepts all the changes. (All amendments to the Handbook are retained in an on-line Archive that was developed and is maintained by Provost’s Office as stipulated in the Foreword to the Handbook, “Amending the Faculty Handbook.”)

Please let me know if my office can facilitate your review. I recommend that the Council invite General Counsel and Secretary of the University Bonnie Brier and Senior Associate Provost Carol Morrow to brief you on the proposed updates, highlight their import, and provide additional background information.

Steering Committee:
Ann Marie Mauro, Chair
Randolph Mowry, Vice Chair
Mary Killilea
Patrick Ying
Susan Stehlik
Fred Carl
David Elcott

Cc: Carol Morrow
    Bonnie Brier
    Karyn Ridder
Memorandum to: Steering Committee, Full-time Non-Tenure Track/Contract Faculty Senators Council

From: David W. McLaughlin, Provost

Re: University Guidelines for Full-time Non-Tenure Track/Contract Faculty Appointments

As you know, beginning in fall 2012, the University undertook to develop general University appointment guidelines for full-time non-tenure track/contract faculty (FTNTT/CF). Guidelines were drafted by an advisory committee consisting primarily of FTNTT/CF with representatives from the Faculty Senators Council, the Faculty Advisory Committee on Academic Priorities, the Provost’s Office, and the Office of General Counsel. The draft Guidelines were reviewed iteratively by the Deans, the (Tenured/Tenure Track) Faculty Senators Council and within the Provost’s Office. This process dovetailed with Senate deliberations about representation of FTNTT/CF in University governance, and with the process of amending University Bylaws with respect to the FTNTT/CF. Immediately following Trustee approval of the amended Bylaws on June 11, I wrote the Deans to issue the Guidelines, noting that the FTNTT/CF Senators Council, when constituted, would have an opportunity to review and comment on them.

At this time, I invite the FTNTT/CF Senators Council to comment on the Guidelines, for my consideration. I am confident you will appreciate the work that has gone into creating these Guidelines, to which a number of Council members contributed; and I recognize you may have suggestions that will further improve them. See NYU Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments or follow links from the Provost’s Policies and Procedures page.

The Guidelines are an important first step in embodying principles appropriate to the rights, obligations, and expectations of the schools and the FTNTT/CF. I hope you agree that these Guidelines substantially advance our recognition of the importance of the FTNTT/CF to our academic community.

Since the Guidelines have been issued (subject to Council review) and are posted, and since the Council is occupied in establishing its organizational structure, you may feel that this does not require your immediate attention. In any event, I look forward to receiving your suggestions.

If you have questions that we can address to help facilitate your review, please do not hesitate to contact me, or my colleagues, Senior Associate Provost Carol Morrow and Deputy General Counsel Terrance Nolan, who can meet with the Council to discuss the Guidelines and the background leading up to them.

Steering Committee:
Ann Marie Mauro, Chair
Randolph Mowry, Vice Chair
Mary Killilea
Patrick Ying

Cc: Carol Morrow, Terry Nolan, Karyn Ridder
New York University
Full-Time Non-Tenure Track/Contract Faculty Senators Council

DRAFT Communication Guidelines

As elected representatives of our respective schools within New York University, we are committed to the principles of shared governance, strong communication, and our responsibility to bring a credible voice to the discussions and decisions surrounding policies, procedures, and issues of our university. According to the University Bylaws, our council’s responsibilities include:

- Considering any matters of educational and administrative policy
- Functioning as the Faculty Personnel Committee of the Senate with respect to the Full-Time Non-Tenure Track/Contract Faculty

In support of our responsibilities to the University and our constituents we agree that while communication processes may be different as appropriate within each school, a consistency of deliverable content is prudent. Therefore, we have adopted the following guidelines for all communication.

1. Maintaining a public website as the official resource for all approved documents
   Our council website is open to the public and is the official site for information related to our work, including all council approved documents, such as official statements on current issues, reports, and meeting minutes. Approved council meeting minutes will include topics discussed, issues raised, and actions taken as well as related attachments.

2. Encouraging regular, timely communication by representatives within their respective schools
   Council members are encouraged to engage in regular and timely communication with their constituents within their respective schools, and to be transparent about the topics and issues being discussed at our council meetings.

3. Ensuring confidentiality where appropriate
   Unless otherwise explicitly stated, the presumption is that draft documents are considered confidential to our council and should not be distributed until they have been approved.* The discussion of topics contained in draft documents is not confidential.

   *Rationale: Our council has been given the authority and accountability to consider educational, administrative, and personnel matters within the relevant context and background information needed to make an informed decision. Distribution of draft documents without this context and background may lead to confusion and miscommunication.

Proposed November 20th, 2014
On November 12, 2014, the N/C-FSC Taskforce on Social Media Policy met to review the NYU **Electronic Communications and Social Media Policy** (draft dated October 14, 2014).

Committee members present at meeting: David Elcott (Chair), Larry Slater, Jamie “Skye” Bianco; absent: Scott Rickert.

The following recommendations and considerations are submitted to the N/C-FSC Senate by Jamie “Skye” Bianco (Steinhardt) on behalf of Taskforce Chair, David Elcott (Wagner):

1. a. In response to Section II.b, “Misuses of Electronic Communications,” and its correlate references to Section IV, “Enforcement,” the Taskforce would recommend an explicit articulation of the process by which a determination of violation of the Social Media Policy would be assessed, particularly in cases where “reasonability” and “unreasonability” need to be determined.

   b. Further, determination of a violation of the Social Media Policy should be made prior to considerations provided by Section IV, “Enforcement,” by an oversight body drawn from the University Senate.

   c. Provision granting the right to counsel shall be added that includes processes overseeing the determination of violation and Enforcement.

2. a. In response to Section IV.g, “Social Media and Teaching,” the Taskforce would recommend students be provided a right of refusal to participate in publicly accessible and non-University administered Social Media platforms (i.e. Facebook, Twitter, etc). As these platforms are public, proprietary, require a user account, track data and user activity in a variety of electronic modes, and sell user data to third parties, Students may refuse to participate based on a range of privacy concerns, including, but not limited to, a desire not to produce a publicly networked digital footprint or concerns regarding personal stalking.

   b. Correlate to active student participation in Social Media in the classroom and for the same reasons stated above, students need be provided a right of refusal to participate in public and non-University administered Social Media platforms in order to access course content.
New York University
University Policies

Title: Electronic Communications and Social Media Policy

Effective Date: ____________, 2014

Supersedes: Not Applicable

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

Responsible Officer: Vice President for Public Affairs

Policy

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

Purpose of this Policy

This policy:

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

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

I. General Principles of Electronic Communications

a. Freedom of Expression and the Academic Community

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

b. Criminal and Civil Liability with Respect to Electronic Communications

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

c. Limited Expectations of Anonymity and Privacy

Members of the University Community should not assume that Electronic Communications, including Social Media, are anonymous or private. When composing an Electronic Communication, the author may want to assess the risk and the consequences of communications becoming public. Electronic Communications often are forwarded, posted, or otherwise distributed without the approval or knowledge of the author. Members of the University Community may want to monitor privacy settings on Social Media accounts to maximize their privacy to the extent desired and feasible. Electronic Communications, including e-mails, also can be subject to disclosure, for example in litigation, to regulatory bodies or other persons in connection with NYU business operations, and in response to subpoena.
Pressing the “delete” key does not mean that an Electronic Communication is unrecoverable even where all recipients have “deleted” it. In addition, Internet Protocol addresses (known as IP addresses) normally can be traced to their source (e.g., to NYU) and often to a specific computing device.

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

II. Social Media Overview

a. Appropriate Uses of Electronic Communications

Electronic Communications must be used in accordance with applicable laws and NYU policies, including the Code of Ethical Conduct. NYU encourages members of the University Community to use Electronic Communications in a manner that: (a) is consistent with NYU’s academic mission; (b) employs common sense; and (c) is knowledgeable, accurate, truthful, and professional. NYU also encourages members of the University Community to correct errors on a timely basis where appropriate. Users of Electronic Communications also should be aware of the terms of use that may be imposed on users by the vendors or others involved in specific Electronic Communications, including Social Media accounts.

b. Misuses of Electronic Communications

Misuses of Electronic Communications may subject members of the University Community to disciplinary action pursuant to the Enforcement section below. The list below, while not exhaustive, provides examples of misuses of Electronic Communications. Misuses of Electronic Communications include:

- Threatening, tormenting, defaming, bullying, intimidating, stalking, or performing similar acts that a reasonable person would consider objectionable by its severity, pervasiveness, and/or persistence;
- Unreasonably and substantially interfering with a person’s academic or work performance, opportunities or benefits, or a person’s mental, emotional, or physical well-being;
- Exploiting a person’s known psychological or physical vulnerabilities or impairments;
- Publishing content that reasonably causes or could be expected to reasonably cause a person to fear for his or her physical safety;
• Unreasonably disrupting NYU operations or creating a foreseeable risk of doing so (including, for example, organizing a demonstration that seeks to materially impair ingress to or egress from a University premises or event; or attempting to disable or interfere with, through malware or otherwise, University electronic resources or operations);
• Publishing content, including digital images or video files, that includes non-consensual use of another individual’s nudity or sexuality;
• Publishing offensive content, including slurs, epithets, jokes, or images, that insults, mocks, degrades, threatens, or ridicules an individual or class of individuals based on membership or perceived membership in a Legally Protected Class that a reasonable person would consider creates a hostile learning, working, or living environment;
• Illegally discriminating on the basis of a Legally Protected Class, or perceived membership in such classification;
• Inciting or attempting to incite violence;
• Jeopardizing or potentially jeopardizing the health or safety of a child (including viewing, downloading, or transmitting child pornography);
• Violating the intellectual property or related rights of NYU or others (which may include, for example, plagiarism, failure to attribute properly, or failure to obtain necessary consent);
• Disclosing without authorization or unlawfully the confidential or proprietary information of NYU or members of the University Community (including, but not limited to, patient and student information protected under the HIPAA Privacy Rule or the Family Education Rights and Privacy Act (FERPA));
• Impersonating, including but not limited to misrepresenting the University Community member’s capacity or authority;
• Sending unauthorized bulk e-mail (spam) or otherwise transmitting mass messages in violation of applicable NYU policies (including Appropriate Use of E-mail at New York University Policy, http://www.nyu.edu/its/policies/email.html), unless authorized by NYU;
• Engaging in electioneering prohibited by applicable law or that could jeopardize NYU’s tax exemptions; and
• Engaging in any other conduct prohibited by local, state, federal, or other applicable law or NYU policy.

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

c. NYU Name, Marks, and Logos

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

III. Institutional Social Media Accounts

   a. Establishment

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

   b. Access, Maintenance, and Ownership

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

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

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

   c. Guidelines for Administrators

Administrators of Institutional Social Media Accounts should monitor/moderate postings on a frequent basis in accordance with applicable response approaches/strategies to ensure compliance with this policy and other applicable NYU policies.
d. Public Affairs

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

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

IV. Use of Social Media in an Employment Context

a. Screening Candidates for Employment

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

b. Reviewing Employee Performance

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

c. Authority Relationships and Social Media

Maintaining a Social Media account requires careful assessment of the implications of inviting a person to be a “friend” or “connection” or the equivalent or accepting such an invitation from another person. This is particularly true where there is an authority relationship (such as faculty-student, doctor-patient, or supervisor-subordinate) between inviter and invitee; the presence of such an authority relationship necessitates close consideration of the implications of sending and accepting an invitation.
Supervisors should exercise good judgment and caution when inviting subordinates to be a “friend” or “connection” or the equivalent using Social Media; if a supervisor believes there is a possibility a reasonable person similarly situated to the subordinate in question would find an invitation to be inappropriate, the supervisor should not send that invitation. Supervisors should consider whether it is appropriate to decline invitations they receive from subordinates. These cautions also are applicable in other cases involving authority relationships.

d. Protecting Confidential Information

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

e. Outside Service Providers

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

f. Endorsements and Testimonials

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

g. Social Media and Teaching

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

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

Enforcement

As noted in Section II(b) Misuses of Electronic Communications above: (a) employees, including faculty, who violate this policy may be subject to disciplinary action up to and including termination in accordance with applicable NYU policies and, where applicable, the Faculty Handbook; (b) students who violate this policy may be subject to disciplinary action up to and including expulsion, in accordance with the disciplinary rules and procedures of NYU and the relevant school, college, and/or other unit; and (c) other members of the University Community who violate this policy, including but not limited to consultants, vendors and contractors, may be subject to termination of their relationship with NYU.

V. Review

In accordance with NYU’s Policy on Policy, every NYU policy is to be reviewed periodically, as necessary to assure that the policy reflects obligations imposed by current laws and best practices. Given the rapidly changing nature of electronic communications and social media, it is particularly important to review this policy periodically.

Policy Definitions

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

“Institutional Social Media Account” means a Social Media site or account appearing to represent or be associated with NYU regardless of whether the site or account is hosted by NYU (e.g., NYU Wikis or NYU Blogs) or a third party, including any site or account using an NYU Mark; provided, however, that where the only association with NYU is that members of the University Community have referenced their NYU affiliation for identification purposes, the site or account is not an Institutional Social Media Account so long as it is clear that the members of the NYU Community are acting in a personal (and not official NYU) capacity.
“Legally Protected Class” means race, gender, gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, and any other class or status that is protected under applicable laws.

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

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

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

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

Related Policies

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

Information Privacy
- Family Educational Rights and Privacy Act (FERPA)
- HIPAA Policies
• **Policy on Personal Identification Numbers**

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