MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF NOVEMBER 6, 2014

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, November 6, 2014 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Grand Hall.

In attendance were Senators Allgood, Alter, Amkpa, Antoon, Backus, Becker, Chan, Disotell, Economides, Goodwin, Jacobs, Jelinek, Kane, Ling, Miller, Mincer, Pearce, Porfiri, Rajagopal, Stanhope, Sundaram, Uleman, Van Devanter, Zwanziger; Active Alternates Archer and Pearce; Alternate Senators Azmitia (for Diner), Ospina (for Smith), Samuels (for Adelman), Swislocki (by phone, for Klimke), Reiss, and Tannenbaum; and Past Chair Magder. FSC Former Chairs Al-Askari and Lebowitz; Former member Raiken attended as a guest.

APPROVAL OF THE MINUTES OF THE MEETING HELD OCTOBER 16, 2014

Upon a motion duly made and seconded, the minutes of the October 16, 2014 meeting were approved as corrected.

NOMINATING COMMITTEE

The Nominating Committee for election of Chairperson, Vice Chairperson, and Secretary 2015-2016 will be appointed by the Executive Committee and announced at the December Council meeting along with the call for nominations.

REPORT FROM THE CHAIRPERSON: RAGHU SUNDARAM

Presidential Search

Chairperson Sundaram reported the Presidential Search Committee has received more than 175 nominations from the university community. The next step in the process is soliciting interest from potential candidates. Sundaram encouraged anyone with additional names to send them by November 7. After this date, the process will be confidential.

Acting Chair

If needed, Vice Chair Mincer has agreed to serve as Acting Chair, January-March, due to Chairperson Sundaram’s increased workload during this time.

Committee on Tenure and Economic Security

Sundaram reported a committee of the FSC was appointed to study the topic of economic security, after changes in policies at the School of Medicine were brought to the attention of the FSC several years ago.
The Committee did not report back to the Council. Last spring, the Executive Committee appointed another committee to study the issue. He noted, particularly with these reporting delays, it is important for this issue to be addressed as soon as possible.

This Committee submitted an interim report for discussion at the meeting, but the report had not been agreed on by all the members of the committee, so the topic will be moved to the December meeting.

In the letter appointing the committee last year, the T-FSC asked the Committee to review the following sentence in the Faculty Handbook and consider the broader question of its meaning in practice:

Title 1, III:
The Case for Academic Tenure: Academic tenure is a means to certain ends, specifically: (1) freedom of teaching and research; and (2) a sufficient degree of economic security to make the profession of teaching attractive to men and women of ability.

Sundaram commented that tenure is an attractive institution in that it implicitly recognizes fluctuations in productivity so contracts are not based entirely on recent activity.

But, he stated, tenure is a two sided obligation and believes there is an implicit contract tenured faculty members are called upon to honor when joining the profession, which is to maintain a level of productivity versus, for instance, deciding at a young age to pursue other alternatives outside the profession.

A question Sundaram raised to the committee is how to measure performance, and offered the example of a faculty member who brings in a 25 million dollar grant at the beginning of his/her career and then never again versus the faculty member who brings in 2 million dollars a year, every year.

The questions he highlighted for discussion at the December meeting: What should economic security mean?; How should we view it?; What is one’s obligation to colleagues and the University?; What is the University’s obligation to us?

He also stated the Executive Committee may re-think the composition of the committee appointed last year, as two members are no longer Senators.

**FSC COMMITTEE REPORTS**

**Personnel Policies & Tenure Modifications: Co-Chairs Warren Jelinek & Wen Ling**

*Revision of Appointments, Promotion, and Tenure Document for Dentistry and Nursing*

*See attached Document A: Recommendations: Revision of Appointments, Promotion, and Tenure Document for Dentistry and Nursing*

Senator Jelinek stated the recommendations were discussed at the October meeting, but a formal vote did not take place. The recommendations have been sent by the Executive Committee to the Office of the Provost.

The recommendation was approved by unanimous vote of the Council.

**Coles Redevelopment Project: Committee representative Arvind Rajagopal**

*See attached Document B: Proposed resolution regarding Coles Redevelopment*

Senator Rajagopal reported the Committee met over the summer and he served as the faculty representative. There was also a Contract faculty member, Vincent Renzi, on the committee, representing
the NYU alumni. He noted faculty representation on the Committee should be increased when discussing the construction project and disruption issues.

The Committee discussed various options for interim facilities while Coles is under construction. He reported the recent update that the administration purchased 404 Lafayette Street, which is currently occupied by a Crunch gym on the bottom two floors. Crunch will remove their equipment, but locker rooms and shower facilities will be ready to use. NYU will bring its own fitness equipment. The anticipation is that the fitness needs will be served between Palladium and this new space at 404 Lafayette Street.

There was some discussion about occupying 25 West 4th street with fitness facilities, but he did not have further details.

Rajagopal stated the Crunch facility does not have a pool and noted this is an issue for the many faculty and families that use the pool, especially for swim instruction.

Rajagopal presented the proposed resolution, which addresses the issue of not having access to Coles’ swimming facilities during construction, particularly for families with children involved in swim instruction.

He mentioned the Committee has considered corporate rate discounts, group packages, etc. for local club membership and providing a $200 subsidy to those who prefer to choose a club membership.

A Senator mentioned the usage fee for Coles includes access to facilities such as the pool, squash courts, basketball courts, sauna, etc. He asked if Crunch only has a gym, if the usage fee will be significantly lower. Rajagopal stated the anticipation is that fees at area clubs will be higher. More details will be reviewed at the next meeting.

A Senator mentioned corporate deals are already in place, for instance at New York Sports Club.

The following resolution was approved by unanimous vote of the Council:

**Resolution:**

RESOLVED, That

The T-FSC considers swim instruction to be an issue of fundamental safety. This is especially the case for children, as drowning is the second most common cause of unintentional injury death among children, according to the CDC (after motor vehicles). The T-FSC also notes that at present, other children's swim instruction options near Faculty Housing are considerably more expensive than the offerings at Coles. Accordingly, the T-FSC respectfully requests that:

1. NYU continue to make swimming lessons available on an affordable basis to the university community after the closure of Coles, either by direct offering of classes or by subsidizing third party classes.

2. NYU consider moving the current swim instruction program at Coles to the Palladium to the extent that the facilities at the Palladium can be rendered appropriate and safe for children.

3. Alternatively, to the extent that NYU does not move swim instruction to the Palladium, NYU provide some meaningful subsidy towards swim instruction at non-NYU facilities.

Administration & Technology: Co-Chairs Arthur Miller & Carol Reiss

*Revised Electronic Communications and Social Media Policy*
See attached Document C: Electronic Communications and Social Media Policy: marked

Reiss stated the marked document reflects the comments made by the committee. The Committee recommends approving the document.

A Senator asked about II.C. NYU Name, Marks, and Logos, and how a faculty member is to know when he/she is in violation.

Senator Miller stated the inclusion of a statement such as this is designed to say NYU is trying to protect and police the mark. Whether they actually do or not, this is the announced policy.

Another Senator asked for consistency in the wording regarding ‘acting in a personal capacity’ in this document and the document the Committee will present in December: NYU Policy on University Access to Electronic Information. Reiss stated she will bring this up at the next meeting.

A Senator stated his concern regarding enforcement and that faculty who violate this policy may be subject to disciplinary action up to and including termination. He asked who determines that a violation has been made, which group convenes to decide what the disciplinary action should be, and is that action grievable to the faculty grievance committee and ultimately the university grievance committee.

The presenters stated this is not detailed in the Social Media document, or in every document, because the Faculty Handbook makes it clear that the grievance procedures for tenured/tenure track faculty apply in all instances.

The presenters stated the NYU Policy on University Access to Electronic Communications includes details on the procedures that the officers may follow, and an oversight committee, which will annually do an auditing of all requirements of the university to access electronic data and monitor its use. This includes subpoenas from outside or on disciplinary proceedings from within the university.

The presenters stated this Social Media policy is one document in a group of documents that already exist or are emerging with respect to IT, data storage, data use, etc. On the last two pages of the Social Media Policy is a list of links to the other related policies and procedures.

Magder noted the Committee has been working with the University on this policy for about a year. The Committee has pushed for the adoption of the oversight committee, with faculty and student representation, that will annually review IT monitoring and issue a report to the Senate and entire University community.

Senator Disotell read the statement from the NYU Policy on University Access to Personal Digital Content, which will be discussed at the December meeting.

This policy, its implementation, and instances of access under this policy will be subject to review by an oversight committee to be constituted by the Provost annually, which will include representatives (or their designees) from each council of the University Senate and appropriate senior administrators. The oversight committee will also make periodic reports to the University Senate on the implementation of this policy.

It was clarified the oversight committee would not serve as a tribunal. The Committee is designed to review annually what has been undertaken in this area of IT storage, monitoring, user responses to subpoenas from outside the university, internal complaints, etc. No faculty member, student, or any other member of the University would stand before it and be judged.

The discussion concluded with two proposals for the presenters to bring back to the Committee:
1) Provide clarity on who has the authority to decide violations and take action, and if this is at the University level or the school level.

2) Clearly state the review process by the Oversight Committee, not only of the University Access policy, but all of the University’s monitoring activities in the area of IT.

Governance: Co-Chairs Mitchell Kane & Jim Uleman

**Proposed changes to the Faculty Handbook**

*See attached Document E: Proposed Faculty Handbook and FSC Rules changes*

Senator Uleman stated the Faculty Handbook, Draft September 11, 2014, version 5 has been reviewed and discussed several times over the summer by Senators Jelinek, McIlwain, and Uleman with Carol Morrow, Senior Associate Provost and Chief of Staff to the Provost and Peter Gonzalez, Assistant Provost for Academic Appointments; and within the Governance Committee this fall. The substantive recommended by the Committee are as follows:

A. On the first page, insert “and endorsed” into the first paragraph under the titles. It used to say the Handbook was reviewed and adopted by the FSC, but Bonnie Brier (Senior VP, General Counsel and Secretary in the Office of the President) objected that only the Board of Trustees can “adopt” this document. So “endorsed” is offered to clarify the results of our review.

B. On p. 11 under ORGANIZATION AND ADMINISTRATION (15th page of document), the FSC-GC recommends that an organizational chart of NYU should be linked to this section. We recommend that Carol Morrow undertake this task. The chart should include links to web pages that list the names of the people involved, and go from the Board of Trustees at the top down to the level of departments and programs within schools, include the portals and study-away centers, and go down to major offices, divisions, and standing and ad hoc committees within the administration and governance structure.

C. On p. 16 (20th page in the document), the entire section on Principles of Joint Shared Governance should be moved to the next page, to follow the section on “The Full-Time Non-Tenure Track/Contract Faculty” and precede the section on “The Deans Council.”

D. On p. 24 (28th page in the document), delete “as a matter of academic courtesy” to make this less optional. This requires a change in the Bylaw 86 too.

E. On p. 28 (32nd page in the document), the change in wording softens this recommendation for faculty on self-identification in the media from “should clearly” to “may want to.” This is based on a recent Administrative Law Judge ruling in a case involving the NLRB. The ruling said that on social media, an employee is not required to make a disclaimer that he/she does not speak for the company, but only for him/herself, when identifying as an employee of said company. If the current text applies to “Other Faculty” including the unionized adjunct faculty, as this section’s heading implies, it violates that ruling and NLRB policy. This general area of the law is in flux.

F. On p. 35 (39th page in the document) under Housing for Faculty, “About equal...” is changed to “The next highest priority is given to existing faculty,” to clarify the priorities.

The recommendations were approved by unanimous vote of the Council.
Proposed changes to the Rules and Procedures of the Faculty Senators Council

Uleman stated Chairperson Sundaram proposed two changes to the Governance Committee to increase the continuity in the Executive Committee (EC).

First, advance the chair election (in February) by a month or more so s/he can join the current EC well before assuming office in May.

Second, have the immediate past chair, vice-chair, and secretary (rather than just the chair) serve for a year without vote on the succeeding EC.

The Governance Committee proposed changes to the Rules of Procedure that would advance the elections of officers by two months, and have immediate past officers serve for a year without vote on the succeeding EC.

Furthermore, in the event that a Senator is elected to the EC in his/her third year, his/her term on the T-FSC would be automatically extended by one year. This would reduce new representation from his/her school on the T-FSC by one seat for that fourth year, so that T-FSC membership remains constant. It was noted in the earlier version of the rules, those in their third term could not run for Vice Chair or Secretary, which limited the pool of candidates.

A Senator asked if a Senator in his/her third term is elected for Vice Chair or Secretary, does that force the school to have a second election.

Uleman responded that schools would already know if a Senator was elected as Vice Chair or Secretary by the time the school elections took place.

A Senator asked if a Senator could continue to serve consecutive terms as Vice Chair or Secretary, therefore denying their school an election for their seat.

Uleman responded there is a limit of two consecutive terms for the Chairperson, but no limit is set for Vice Chair or Secretary.

A Senator noted in this reading of the rules, if a Senator in his/her third term is elected as Chair and then serves as a second term as Chair, he/she serves as a five year term as Senator. For Vice Chairperson or Secretary the term could be even longer.

A Senator suggested changing the phrase to “Officer” to set a term limit for all Executive Committee positions.

Uleman said the Governance Committee would discuss and bring back to the Council.

Subcommittee on Fossil Fuels: Chair Jeff Goodwin

See attached Document H: Memo from FSC Subcommittee on Fossil Fuels

Goodwin stated there is a growing amount of information on the issue, not just on climate change but on how universities are dealing with this issue in terms of investment in the fossil fuel industry.

He encouraged Senators to send any pertinent documents to him for committee members to continue discussion on the pros and cons of different kinds of divestment.
He reported the subcommittee was formed after the NYU student group called NYU Divest made a presentation before the body. President Sexton has since set up a University Senate subcommittee of the Senate Financial Affairs Committee named the Divestment Working Group. Senator Backus and Smith, co-chairs of the T-FSC Finance and Policy Planning Committee and members of the Senate Financial Affairs Committee serve on this Senate subcommittee.

It was decided to operate as a separate T-FSC Committee, continue to explore this issue, and by the end of next semester, plan to put out a motion before the T-FSC.

It was suggested by Chairperson Sundaram that Goodwin replace either Senator Backus or Smith on the Divestment Working Group. All agreed.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
Recommendations of the Faculty Senators Council in regard to:

NYU College of Dentistry NYU College of Nursing Policies and Procedures for Appointment, Promotion and Tenure of Full Time Faculty and Appointment and Promotion of Faculty Who Serve on a Full-Time Basis

Background

Charles Bertolami, Dean of the College of Dentistry, completed a process within the College of Dentistry, including the College of Nursing, to modestly amend its Appointments, Promotions, and Tenure (AP&T) document, with the aim of clarifying the current relationship between the College of Dentistry and the College of Nursing.

The process of review within the colleges included:

- distributing the amended document to the entire faculty and posting at http://nyu.edu/dental/intranet/apttrackchanges.pdf;
- the Colleges’ AP&T committee unanimously recommended the revisions as proposed;
- three open faculty meetings to discuss the changes were held on April 10, April 11 and April 16 at the College of Dentistry and on April 14 at the College of Nursing;
- the College of Dentistry Faculty Council held an online vote of all full-time faculty in the Colleges of Dentistry and Nursing regarding the proposed changes in which 52 votes were cast by tenure and tenure-track faculty and full-time non-tenure track faculty, all of whom approved the amendments.

Recommendations

Substantive issues:

Note:
The TFSC recommendation for the six occurrences listed in item 1 is given following the identification of all six occurrences.

1. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   Research-Scholar Track
   Assistant Professor (page 6)
   Second Paragraph
   “Although the promotion and tenure process may be initiated at any time, a full-time Assistant Professor in the College of Dentistry or the College of Nursing who is not promoted and granted tenure at the expiration of the ten year probationary period must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

   Associate Professor (page 6)
   Second Paragraph continuing on page 7)
“Although the promotion and tenure process may be initiated at any time, a full-time Associate Professor in either of the colleges who is not granted tenure at the expiration of five years if initially appointed as an Associate Professor, or ten years in the combined ranks of Assistant and Associate Professor, must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

Professor (page 7)
Fourth Paragraph
“Although the tenure process may be initiated at any time, a full-time Professor in either college who is not granted tenure at the expiration of three years' service if initially appointed as Professor must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

Clinical-Scholar Track
Assistant Professor (page 8)
Second Full Paragraph
“A full-time Assistant Professor in the College of Dentistry or the College of Nursing who is not promoted and granted tenure at the expiration of the ten-year probationary period must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

Associate Professor (page 8)
Second Full Paragraph
"A full-time Associate Professor in either of the colleges’ who is not granted tenure at the expiration of five years, if initially appointed as an Associate Professor or ten years in the combined ranks of Assistant and Associate Professor, must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

Professor (begins on page 8)
First Full Paragraph on page 9
“A full-time Professor in the College who is not granted tenure at the expiration of three years’ service if initially appointed as Professor must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

Recommendation:

Consider deleting all instances of “must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment,” and replacing it with the provision of Bylaw 86 (b) “... will be ineligible for further full-time appointment in the University”, as Bylaw 86 (b) does not include the phrase: “must be removed from the tenure track and except in exceptional
circumstances, will be ineligible for any future full-time appointment” and Bylaw 86 (b) does not allow for “exceptional circumstances”.

2. The following requirement for notification of intention not to reappoint appears in the NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME CONTRACT FACULTY APPOINTMENTS (which does not apply to either the College of Dentistry or the College of Nursing):

Schools may have different administrative calendars; however, all schools shall provide adequate notice for individuals to pursue alternative employment in the event of a negative decision [to reappoint]. Normally, a contract faculty member must be notified of the intention not to be reappointed no later than March 1st of the final year of the contract, if the appointment is to be terminated on August 31st. Normally, a contract faculty member whose period of appointment is due to terminate on a date other than August 31st must be notified of the intention not to be reappointed no later than 180 days prior to the termination date;

• Grounds for stopping the contract clock for reasonable cause (e.g., medical, personal, or maternity leave, or by contractual stipulation or negotiation); and
• The grounds for grievance and appeal as laid out in this document (below, Section V.).

Likewise, a time limit for notification not to reappoint Non-Tenured Faculty Members on the Tenure-Track is specified in the Faculty Handbook:

Title II: Appointment and Notification of Appointment
   XI. Notification of Non-Tenured Faculty Members on the Tenure-Track
      2. Notice of intention not to reappoint a full-time assistant professor, associate professor, or professor shall be sent to the individual affected according to the following schedule:

      a) Not later than March 1 of the first year of academic service, if the appointment is to be terminated on August 31.

      b) Not later than December 15 of the second year of academic service, if the appointment is to be terminated on August 31.

      c) In all other cases, not later than August 31, if the appointment is to be terminated on the following August 31, or not later than one year before the termination of the appointment.

Recommendation:

As Title II; XI; 2 provides time frames for notification of intention not to reappoint Non-Tenured Faculty Members on the Tenure Track, adherence to Title II; XI; 2 will ensure timely notification of intention not to reappoint Non-Tenured Faculty on the Tenure Track in the Colleges of Dentistry and Nursing.
As NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME CONTRACT FACULTY APPOINTMENTS provides timeframes for notification of intention not to reappoint Non-Tenured Faculty Members not on the Tenure Track so as to allow sufficient time for such Faculty to seek employment elsewhere, it is recommended that the NYU College of Dentistry NYU College of Nursing Policies and Procedures for Appointment, Promotion and Tenure of Full Time Faculty and Appointment and Promotion of Faculty Who Serve on a Full-Time Basis include similar timeframes for notification of intention not to reappoint Non-Tenured Faculty Members not on the Tenure-Track in the Colleges of Dentistry and Nursing.

Minor editorial issues:

1. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   A. Tenure Track, Full-Time, Faculty Titles (page 5)
      Third Sentence:
      “Since the College of Nursing is not organized by departments, …”

      Recommendation:

      Consider replacing “Since” with “As”, as “since” refers in its first definition to time

2. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
      B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
      Clinical and Clinical Educator Tracks
      Clinical Assistant Professor
      First paragraph (page 10)
      Second sentence
      “Assistant Professors are expected to show promise of continuing development with clear evidence of future potential to significantly advance their field.”

      Recommendation:

      It appears that this sentence should read:
      “Clinical Assistant Professors are expected to show promise of continuing development with clear evidence of future potential to significantly advance their field.

3. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
      B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
      Clinical and Clinical Educator Tracks
      Clinical Associate Professor
First paragraph (page 10)
“The rank of Clinical Associate Professor may be granted to those members of the faculty who have served as Assistant Professors at NYU or elsewhere, who demonstrate excellence in their clinical discipline and teaching activities ...”

Recommendation:

It appears that this sentence should read:
“The rank of Clinical Associate Professor may be granted to those members of the faculty who have served as Clinical Assistant Professors at NYU or elsewhere, who demonstrate excellence in their clinical discipline and teaching activities ...”

An alternate interpretation absent the word “Clinical” is that this Section of the document encompasses a change of track from a Tenure Track to a Non Tenure-Track. Consider clarifying if this is the intent. If it is the intent, then it becomes a substantial issue that the TFSC wishes to consider further.

4. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
   B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
   Clinical and Clinical Educator Tracks
   Clinical Professor
   First paragraph (page 10)
   “The rank of Clinical Professor may be granted to those members of the faculty who have served as Associate Professors of Clinical or its equivalent at NYU or other institutions and ...”

Recommendation:

The meaning of “Associate Professors of Clinical” is not clear -- “Clinical” is an adjective, a noun is required

Consider rephrasing, e.g.:

“The rank of Clinical Professor may be granted to those members of the faculty who have served in a position that includes in its title “Associate Professor of Clinical” or its equivalent at NYU or other institutions and ...”

5. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
   B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
   Clinical and Clinical Educator Tracks
   Clinical Professor
   Second full paragraph (page 11)
“Appointment as Professor carries with it the possibility, but no presumption, of annual reappointment.”

Recommendation:

It appears that this sentence should read:
“Appointment as Clinical Professor carries with it the possibility, but no presumption, of annual reappointment.”

An alternate interpretation absent the word “Clinical” is that this Section of the document encompasses a change of track. Consider clarifying if this is the intent. If it is the intent, then it becomes a substantial issue that the TFSC wishes to consider further.

6. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
  Research Track
  Research Assistant Professor
First paragraph
Second sentence (page 12)
  “Assistant Professors are expected to show promise of continuing, ...”

Recommendation:

It appears that this sentence should read:
“Research Assistant Professors are expected to show promise of continuing, ...”

7. Section VI. POLICIES OF ADMINISTRATION
C. Charges to and Composition of the Appointment, Promotion and Tenure Committees
C1. Charge to the AP&T Committees
Third paragraph (page 15)
  “All votes by the college’s Committee, by the Nursing AP&T Committee, and by the full-time tenure and tenure track faculty of the College on these matters must be by closed ballot.”

The meaning of “college’s Committee” is unclear.

Recommendation:

Consider, for clarity, rephrasing to specify that all votes of the College of Dentistry AP&T Committee, the College of Nursing AP&T Committee, the combined Committee comprised of the College of Dentistry AP&T Committee and the College of Nursing AP&T Committee, and the full-time tenure and tenure track faculty of the Colleges of Dentistry and Nursing must be by a closed ballot.
8. Section VI. POLICIES OF ADMINISTRATION  
C. Charges to and Composition of the Appointment, Promotion and Tenure Committees  
C2. Membership  
First paragraph (page 15)  
“The Dean of the College of Dentistry, in consultation with the Dean of the College of Nursing will appoint seven tenured faculty, including the Committee’s Chair, for three year terms.”

It is unclear to which committee the Dean of the College of Dentistry, in consultation with the Dean of the College of Nursing, will appoint members.

It seems logical that the Dean of the College of Dentistry would appoint members of the Dentistry AP&T Committee. If this is not the meaning, then the meaning is obscure to the naïve reader, and further clarification is required.

Recommendation:

Consider, for clarity, rephrasing to specify to which committee the Dean of the College of Dentistry will appoint members.

For clarity, consider adding an explicit definition of the composition of the “combined college’s AP&T Committee in C1, e.g. “The combined college’s AP&T Committee will be comprised of the seven members of the College of Dentistry AP&T Committee and the five members of the College of Nursing AP&T Committee”, or whatever is the correct composition of the “combined college’s AP&T Committee”.

It is difficult to understand how many AP&T committees are extant at the College of Dentistry. Throughout the document six different word phrases are used to describe the College of Dentistry AP&T Committee(s): Colleges’ combined Appointment, Promotion and Tenure (AP&T) Committee, AP&T Committee, colleges’ AP&T committee, standing AP&T committee, College’s AP&T Committee, combined colleges’ AP&T Committee. Consider, for clarity, using one word phrase throughout.

In the last paragraph of C1, the correct terminology is “colleges’” if the intent is to refer to a committee that represents both Colleges.
Proposed T-FSC Resolution Regarding Coles Redevelopment

Presented for consideration
at the T-Faculty Senators Council Meeting, 11/6/14

Resolution:

RESOLVED, That

The T-FSC considers swim instruction to be an issue of fundamental safety. This is especially the case for children, as drowning is the second most common cause of unintentional injury death among children up to age 19, according to the CDC (after motor vehicles). The T-FSC also notes that at present, other children's swim instruction options near Faculty Housing are considerably more expensive than the offerings at Coles. Accordingly, the T-FSC respectfully requests that:

1. NYU continue to make swimming lessons available on an affordable basis to the university community after the closure of Coles, either by direct offering of classes or by subsidizing third party classes.

2. NYU consider moving the current swim instruction program at Coles to the Palladium to the extent that the facilities at the Palladium can be rendered appropriate and safe for children.

3. Alternatively, to the extent that NYU does not move swim instruction to the Palladium, NYU provide some meaningful subsidy towards swim instruction at non-NYU facilities.
Note: We have addressed a number of the issues raised. A few general comments relating to certain issues raised: (1) our policies (other than Sexual Misconduct subject to a specific government mandate) do not speak to processes for dealing with a violation; the regular processes apply (e.g., T-Faculty violations are handled in accordance with the Faculty Handbook); (2) the Issuing Authority must be a member of the Senior Team and while this Policy intersects with a number of areas, the Issuing Authority and Responsible Officer are logical choices as social media fall under them (and they will coordinate with others as applicable); (3) the Policy is substantially in “Policy on Policies” format; (4) there are other related policies and they are shown at the end of the Policy, which is consistent with the Policy on Policies; (5) the Policy was revised substantially at the behest of the T-Faculty last winter, including a clear delineation between the aspirational parts of the policy, which we view as particularly important to help educate students (overwhelmingly the issues involve students), and the mandatory portions of the policy; and (6) the University has whatever rights it legally has in its own intellectual property, and can determine whether to assert or not assert those rights; we do not view the Policy as creating any additional rights.

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) when using Electronic Communications, to write in a manner that is knowledgeable, accurate, truthful, and professional; when using Electronic Communications, and to promptly correct errors where appropriate. 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;
- Engaging in conduct that unreasonably and substantially interferes with a person’s academic or work performance, opportunities or benefits, or a person’s mental, emotional, or physical well-being;
- Engaging in conduct that exploits a person’s known psychological or physical vulnerabilities or impairments;
- Engaging in conduct that publishing content that reasonably causes or could be expected to reasonably cause a person to fear for his or her physical safety;
- Engaging in conduct that unreasonably disrupts NYU operations or creates 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);
- Using Electronic Communications to publishing unauthorized 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 depicting another as insults, mocks, degrades, threatens, or ridicules embarrass, socially ridicule, or defame that person 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;
- Engaging in conduct that jeopardizes or potentially could jeopardize the health or safety of a child (including viewing, downloading, or transmitting child pornography);
- Misusing or violating the intellectual property or related rights of NYU or others (which may include, for example, plagiarism, including failure to attribute properly, attribute 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 own identity, 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 prohibited 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 Statement and Response Guidelines on Bullying, Threatening, and Other Forms of Disruptive Behavior, http://www.nyu.edu/content/dam/nyu/compliance/documents/StudentAffairs.StatementAndResponseGuidelinesBullyingDisruptiveBehavior.8.15.13.pdf, 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 (and not official NYU)-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

Members of the University Community must not use Social Media or other Electronic Communications to (1) search for or screen out candidates for employment at NYU on the basis of any Legally Protected Class or (2) make any pre-employment inquiries otherwise prohibited by law. For example, 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
- Anti-Harassment Policy and Complaint Procedures
- 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
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

Background: This has been reviewed and discussed several times over the summer (by Carol Morrow, Senior Associate Provost and Chief of Staff to the Provost; Peter Gonzalez, Ass’t. Provost for Academic Appointments; and senators Warren Jelinek, Charlton McIlwain, and Jim Uleman) and within the FSC Governance Committee this fall (Jim Uleman and Mitchell Kane, co-chairs, and senators Awam Amkpa, Adam Becker, Michael Garabedian, Warren Jelinek, and Victoria Stanhope). Here are the substantive changes we recommend.

A. On the first page, insert “and endorsed” into the first paragraph under the titles. It used to say the Handbook was reviewed and adopted by the FSC, but Bonnie Brier (Senior VP, General Counsel and Secretary in the Office of the President) objected that only the Board of Trustees can “adopt” this document. So “endorsed” is offered to clarify the results of our review.

B. On p. 11 under ORGANIZATION AND ADMINISTRATION (15th page of document), the FSC-GC recommends that an organizational chart of NYU should be linked to this section. We recommend that Carol Morrow undertake this task. The chart should include links to web pages that list the names of the people involved, and go from the Board of Trustees at the top down to the level of departments and programs within schools, include the portals and study-away centers, and go down to major offices, divisions, and standing and ad hoc committees within the administration and governance structure.

C. On p. 16 (20th page in the document), the entire section on Principles of Joint Shared Governance should be moved to the next page, to follow the section on “The Full-Time Non-Tenure Track/Contract Faculty” and precede the section on “The Deans Council.”

D. On p. 24 (28th page in the document), delete “as a matter of academic courtesy” to make this less optional. This requires a change in the Bylaw 86 too.

E. On p. 28 (32nd page in the document), the change in wording softens this recommendation for faculty on self-identification in the media from “should clearly” to “may want to.” This is based on a recent Administrative Law Judge ruling in a case involving the NLRB. The ruling said that on social media an employee is not required to make a disclaimer that he/she does not speak for the company, but only for him/herself, when identifying as an employee of said company. If the current text applies to “Other Faculty” including the unionized adjunct faculty, as this section’s heading implies, it violates that ruling and NLRB policy. This general area of the law is in flux.

F. On p. 35 (39th page in the document) under Housing for Faculty, “About equal…” is changed to “The next highest priority is given to existing faculty,” to clarify the priorities.

II. Proposed changes to the Rules and Procedures of the Faculty Senators Council

Background: Raghu proposed two changes to the Governance Committee to increase the continuity in the FSC Executive Committee. First, advance the chair election (in February) by a month or more so s/he can join the current Exec. Comm. well before assuming office in May.
Second, have the immediate past chair, vice-chair, and secretary (rather than just the chair) serve for a year without vote on the succeeding Exec. Comm.

The Governance Committee therefore proposes the following changes in our Rules of Procedure. They would advance the elections of officers by two months, and have immediate past officers serve for a year without vote on the succeeding Exec. Comm. Furthermore, in the event that a Senator is elected to the Exec. Comm. in his/her third year, his/her term on the FSC would be automatically extended by one year. This would reduce new representation from his/her school on the FSC by one seat for that fourth year, so that FSC membership remains constant.

Here are the relevant sections of our Rules of Procedure and the proposed changes.

III. Officers

2. Nominations

(a) Nominating Committee: The Executive Committee shall appoint a Nominating Committee at the start of the fall semester to consist of 3 members of the Council in the second year of their current terms or the first or second year of any successive terms.

(c) The Nominating Committee should make every effort to prepare a list of at least two candidates for the position of Chair-elect. The list of candidates will be announced in the notice prior to the November January meeting.

(d) The Nominating Committee should make every effort to prepare a list of at least two candidates for the position of Vice Chair and Secretary. The list of candidates will be announced in the notice prior to the February April meeting.

(e) FSC members in any year of their term are eligible for election to the position of Chair, Vice Chair, or Secretary. In the rare instance that the Chair-elect or Vice Chair-elect or Secretary-elect is in his/her third year of the his/her three year Senatorial term and runs for re-election for one of these offices (with its one-year term), but is not reelected as Senator in his/her school, then his/her Senatorial term will be automatically extended to a fourth year he/she would be nominated to serve one three-year term as Senator-at-Large, according to the procedures stipulated in section I.2.a of the Rules of Procedure, and the election for his/her replacement on the FSC will be postponed for a year.

(f) Only FSC members who will hold a seat for the coming academic year are eligible for election to the positions of Vice Chair and Secretary.
(a) The Chair-elect shall be elected by secret ballot at the November-February meeting and will sit with the Executive Committee thereafter.

(b) The Vice Chair and the Secretary shall be elected by secret ballot at the March-May meeting.

4. Terms of Service.

(a) The Chair-elect, Vice Chair-elect, and Secretary-elect will assume their offices become Chair following the May meeting of the Council and serve until the following May.

(b) To ensure continuity, if the Chair, Vice Chair, and Secretary will continue to serve on the Executive Committee without voting privileges for one year, even if they have completed their elected terms of office as Faculty Senators. If the Chair serves a second consecutive term, the Past Chair may remain in office.

(b) The Vice Chair and the Secretary will take office following the May meeting of the Council and serve until the following May.
MEMO

FROM: FSC Subcommittee on Fossil Fuels (Jeff Goodwin, chair; Adam Becker; Allen Mincer; Maurizio Porfiri; Arvind Rajgopal; and Jim Uleman)

TO: Faculty Senators Council

DATE: October 30, 2014

The subcommittee was charged with making a recommendation to the FSC on possible university divestment from fossil-fuel companies, as urged by the student organization NYU Divest before the FSC last spring. At this point, we continue to study the issue, to gather information, and to consider the pros and cons of divestment, whether from coal companies or from fossil-fuel companies generally.

In the meantime, we would urge faculty senators to read the attached material which bears on this issue, although it is of course just a small (but we think important) sample of relevant documents. For more information on the science of climate change, we recommend a book by NYU Professor of Biology Tyler Volk, CO2 Rising: The World’s Greatest Environmental Challenge (MIT Press, 2008).

Of course, if faculty senators know of pertinent materials on this issue which they would like the subcommittee to consider, please send them to subcommittee chair Jeff Goodwin (jg9@nyu.edu).

Attached documents:

1. “Confronting climate change,” by Harvard President Drew Faust (April 7, 2014)
2. Harvard Faculty for Divestment’s Open Letter (April 10, 2014)
3. Announcement of Stanford’s divestment from coal companies (Stanford Report, May 6, 2014)
4. NYU Divest’s Open Letter on Fossil Fuel Divestment (May 21, 2014)
Office of the President

Confronting climate change

April 7, 2014
Cambridge, Mass.
Dear Members of the Harvard Community,

Worldwide scientific consensus has clearly established that climate change poses a serious threat to our future—and increasingly to our present. Universities like ours have produced much of the research supporting that consensus, as well as many of the emerging ideas helping us to begin confronting that challenge. Yet we have far more work ahead to chart the path from societies and economies fundamentally dependent on fossil fuels to a system of sustainable and renewable energy. We must devote ourselves to enabling and accelerating that transition—by developing the technologies, policies and practices that would make it possible—if we are to mitigate the damage that rising greenhouse gas levels are inflicting on the planet.

Harvard has a vital leadership role to play in this work. As a university, it has a special obligation and accountability to the future, to the long view needed to anticipate and alter the trajectory and impact of climate change. Harvard also possesses the wide range of capacities across fields and disciplines that must be mobilized and conjoined in order to create effective solutions. Ideas, innovation, discovery and rigorous independent thought will serve as indispensable elements in combatting the climate threat; these are the special province of universities.

Already we support research at the vanguard of energy and climate science—from new technologies for energy storage, to solar ovens in the developing world, to an “artificial leaf” that mimics photosynthesis to produce renewable fuel, to give just three examples. Our faculty are deeply engaged as well in informing the development of law and policy to advance sustainability and to address the hazards of climate change worldwide, from advancing climate agreements, to fashioning legal frameworks for regulating shale extraction, to designing models for sustainable businesses. The Harvard University Center for the Environment engages more than 200 faculty sharing their insights and their commitment to these urgent issues. And our educational programs, with some 250 courses across the University focusing on aspects of environmental sustainability, will prepare leaders with the insight and foresight to safeguard our environment in the years and decades to come.

Harvard has the opportunity and the responsibility to help create the path to a sustainable future. We can and must galvanize the deep commitment of students, faculty, staff and alumni to work together to move us closer to a world founded on renewable energy. Today I would like to highlight three areas in which we are focusing special attention as part of our obligation to our planet and our collective future.

First, and at the heart of our mission as a university, is research. Our research across Harvard—in climate science, engineering, law, public health, policy, design and business—has an unparalleled capacity to accelerate the progression from nonrenewable to renewable sources of energy. The Harvard Campaign has identified energy and environment as a priority, and we have already raised $120 million to support activities in this area. As part of this broader campaign focus, I intend to catalyze the aspects of that research specifically focused on shaping and accelerating the transition to a sustainable energy system.

I challenge our talented and dedicated faculty and students to identify how their efforts can propel societies and individuals along this path. And I challenge our alumni and friends to assist me in raising $20 million for a fund that will seed and spur innovative approaches to
confronting climate change, as an element of our broader campaign efforts in energy and environment. To launch this new Climate Change Solutions Fund, I will immediately make available $1 million in grants to be allocated at the outset of the coming academic year. (Please see here for further information on this fund and the application process.)

*

Second. Harvard must model an institutional pathway toward a more sustainable future. We have the opportunity to serve as a living laboratory for strategies and initiatives that reduce energy consumption and greenhouse gas (GHG) emissions in the ways we live and work. In 2008, the University set an ambitious goal of achieving a 30 percent reduction in our GHG emissions from our 2006 baseline by 2016, including growth. Thanks to the leadership of our GHG reduction executive committee and our Office for Sustainability, and the dedicated efforts of individuals across Harvard, we have so far achieved a reduction of 21 percent, when we include the effects of growth and renovation in our physical plant, and 31 percent, when we do not. (For details on how we have joined as One Harvard to accomplish this, please see here.)

As we recognize our remarkable progress, we must also recommit to the work ahead. I have accepted the recommendations of the task force empaneled to review Harvard’s progress toward its GHG reduction goal. Co-chaired by Jeremy Bloxham, Dean of Science in the Faculty of Arts and Sciences; Robert S. Kaplan, Professor of Management Practice at Harvard Business School; and Katie Lapp, Executive Vice President, the task force has proposed, and I have agreed, to the following:

- We will continue to explore and exhaust all on-campus efficiency and reduction projects to the maximum extent possible.
- We recognize, as we did when we set our goal in 2008, that even after our aggressive on-campus efficiency efforts, a gap will likely remain to achieve our goal of 30 percent reduction (including growth) by 2016, requiring us to explore complementary mechanisms, including offsets. We will establish an advisory group of faculty, students and staff to evaluate and recommend complementary off-campus emissions reduction options that are additive and real.
- We will create a sustainability committee led by senior faculty to shape the next generation of sustainability solutions and strategy on our campus.

*

Third, in addition to our academic work and our greenhouse gas reduction efforts, Harvard has a role to play as a long-term investor. Last fall, I wrote on behalf of the Corporation to affirm our judgment that divestment from the fossil fuel industry would not be wise or effective as a means for the University to advance progress towards addressing climate change. I also noted that, with the arrival of a first-ever vice president for sustainable investing at Harvard Management Company, we would strengthen our approach to how we consider material environmental, social and governance factors as we seek robust investment returns to support our academic mission.

Today I am pleased to report that we have decided to become a signatory to two organizations internationally recognized as leaders in developing best-practice guidelines for investors and in driving corporate disclosure to inform and promote sustainable investment.

Specifically, Harvard’s endowment will become a signatory to the United Nations-supported Principles for Responsible Investment (PRI). The PRI joins together a network of international investors working to implement a set of voluntary principles that provide a framework for integrating environmental, social and governance factors into investment analysis and ownership practices aligned with investors’ fiduciary duties. Harvard Management Company will manage Harvard’s endowment consistent with these principles.

In addition, we will become a signatory to the Carbon Disclosure Project’s (CDP) climate change program. The CDP is an international nonprofit organization that works with investors to request that portfolio companies account for and disclose information on greenhouse gas emissions, energy use and carbon risks associated with their business activities in order to increase transparency and encourage action.

Both these significant steps underscore our growing efforts to consider environmental, social and governance issues among the many factors that inform our investment decision-making, with a paramount concern for how the endowment can best support the academic aspirations and educational opportunities that define our distinctive purposes as a university.

*

As we take these steps forward—supporting innovative research focused on climate change solutions, reducing our own carbon footprint, advancing our commitments as a long-term investor—we should also step back and see the bigger picture. In the broad domain of energy and environment, as in many other fields, people at Harvard make extraordinary contributions, in myriad ways, to generating the
knowledge, ideas and tools that in time can help society’s most complex and intractable problems seem amenable to effective solutions. Ultimately, Harvard will contribute to confronting climate change not through presidential pronouncements, and not through a sudden burst of eureka moments, but through the steadfast, unrelenting commitment of faculty, students, staff and alumni who train their minds on hard questions, combine their imagination with rigorous analysis and convert their insights into effective action.

Whatever your own particular academic interests, I hope you will take the time to learn more about our collective efforts in energy and environment, highlighted here and elsewhere. More than that, whatever part of Harvard you inhabit, I hope you will count yourself among the thousands of people across the University who increasingly embrace a concern for environmental sustainability as an integral part of our academic work, our institutional practices and our daily lives.

Sincerely,
Drew Faust

Harvard University
Cambridge, MA 02138
617.495.1000 | Feedback

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An Open Letter

Faculty of Harvard University to the President and Fellows

April 10, 2014

TOTAL: 164 signers

Our University invests in the fossil fuel industry: this is for us the central issue.
We now know that fossil fuels cause climate change of unprecedented destructive potential. We also know that many in this industry spend large sums of money to mislead the public, deny climate science, control legislation and regulation, and suppress alternative energy sources.

We are therefore disappointed in the statements on divestment made by President Faust on October 3, 2013 and April 7, 2014. They appear to misconstrue the purposes and effectiveness of divestment. We believe that the Corporation is making a decision that in the long run will not serve the University well.

Our sense of urgency in signing this Letter cannot be overstated. Humanity’s reliance on burning fossil fuels is leading to a marked warming of the Earth’s surface, a melting of ice the world over, a rise in sea levels, acidification of the oceans, and an extreme, wildly fluctuating, and unstable global climate. These physical and chemical changes, some of which are expected to last hundreds, if not thousands, of years are already threatening the survival of countless species on all continents. And because of their effects on food production, water availability, air pollution, and the emergence and spread of human infectious diseases, they pose unparalleled risks to human health and life.

The World Health Organization estimated in 2005 that climate change caused some 150,000 deaths worldwide each year. The heads of the American College of Physicians and the Royal College of Physicians of London in 2009 joined leaders of medical colleges from 12 other countries in calling climate change “the biggest global health threat of the 21st century.”

Divestment is an act of ethical responsibility, a protest against current practices that cannot be altered as quickly or effectively by other means. The University either invests in fossil fuel corporations, or it divests. If the Corporation regards divestment as “political,” then its continued investment is a similarly political act, one that finances present corporate activities and calculates profit from them.
The only way to remain “neutral” in such circumstances is to bracket ethical principles even while being deeply concerned about consequences. Slavery was once an investment issue, as were apartheid and the harm caused by smoking.

In the past, the University did divest from certain industries on ethical grounds. Harvard’s leadership—initiated by faculty, students, and alumni—is credited with making campaigns against apartheid and smoking far more effective.

* * *

Financially, no evidence exists that planned divestment would damage Harvard. As awareness grows that burning known fossil fuel reserves will accelerate climate change to a catastrophic degree, and as fossil fuel consumption moderates, planned divestment will, in fact, strengthen the portfolio of the University. A number of studies, including one by S&P Capital IQ, demonstrate that over the last ten years, for example, an endowment reflecting the S&P 500 without targeted fossil fuel companies would have outpaced one with them. Moreover, study of fossil fuel divestment suggests it need not lower the overall value of investors’ holdings, and that “those that commit to divestment should consider re-directing investment to renewable energy alternatives” (Atif Ansar, Ben Caldecott, James Tilbury, “Stranded assets and the fossil fuel divestment campaign: what does divestment mean for the valuation of fossil fuel assets?” Smith School of Enterprise and the Environment, University of Oxford, 2013, pp. 71-72).

Recent pronouncements from authoritative quarters support our call for action. Christiana Figueres, Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC) states that the “continued and dangerous rise in greenhouse gases . . . is in large part the direct result of past investments in . . . fossil fuels.” She warns that “institutional investors who ignore climate risk face being increasingly seen as blatantly in breach of their fiduciary duty.” (January 15, 2014)
World Bank President Jim Yong Kim, Harvard Medical School graduate, and former Professor and Chairman of HMS's Department of Global Health and Social Medicine, even includes divestment as a legitimate tactic: “The good news is that there is action we all can take . . . we can divest and tax that which we don’t want, the carbon that threatens development gains over the last 20 years.” He goes on to urge: “Be the first mover. Use smart due diligence. Rethink what fiduciary responsibility means in this changing world.” (January 24, 2014)

* * *

If any doubt remains about long-term plans of fossil fuel corporations, consider the signature statement of the American Petroleum Institute: “a secure energy future for generations to come.” API corporations are determined to produce more of the same “for generations”: more fossil fuel extraction, more sales, more denial or evasion of science. Coal companies, similarly, proclaim plans to continue mining for hundreds of years.

* * *

The aim of divestment is not to drive these corporations out of business. It was never the intention of Harvard’s South African or tobacco related divestments to eliminate industries.

Instead, divestment aims to expose corporate attitudes and change corporate behavior. And indeed, the most comprehensive study of divestment to date, published by the Smith School of Enterprise and the Environment at the University of Oxford and cited above, indicates that past divestment strategies forced changes in corporate behavior, government regulation, legal statutes, and even share prices, that would not otherwise have been accomplished.

* * *
It seems self-contradictory to argue that Harvard owns a very small percentage of shares in a group of stocks (shares that, moreover, represent a small percentage of its own holdings) yet can nevertheless exert greater influence on corporate behavior by retaining rather than selling that stock as protest. If Harvard were a major shareholder, that argument might make sense, but Harvard is not.

The President and Fellows are working assiduously to reduce the University's greenhouse emissions, while maintaining investments that promote their increase locally and worldwide. The President and Fellows are right to be concerned about the “troubling inconsistency” of these investments.

* * *

As the statements of October 3, 2013 and April 7, 2014 indicate, the Harvard Corporation wishes to influence corporate behaviors in the fossil fuel and energy sectors. We therefore ask:

How, exactly, will the University “encourage” fossil fuel corporations in “addressing pressing environmental imperatives”? Will Harvard initiate or support shareholder resolutions? Will it divest from coal companies? Will it ask questions at shareholder meetings? Will it set standards analogous to the Sullivan Principles? Will it conduct private meetings?

In short, how long will Business As Usual continue?

The questions in this section are not rhetorical. They require answers.

* * *

We know that fossil fuel use must decrease. To achieve this goal, not only must research and education be pursued with vigor, pressure must also be exerted. If
there is no pressure, then grievous harm due to climate change will accelerate and entrench itself for a span of time that will make the history of Harvard look short.

We the undersigned are faculty and officers of the University, many with knowledge and research in climate science, energy, business management, ethics, and the effects of climate change on health, prosperity, and biodiversity. Many are alumni and donors. We appeal to our colleagues, fellow alumni, and donors to join us in signing this statement, as an act of conscience and fiscal responsibility, and in asking the Corporation to divest, as soon as possible, its holdings in fossil fuel corporations.

Signed:

James G. Anderson
Philip S. Weld Professor of Atmospheric Chemistry
Department of Chemistry & Chemical Biology

_____

David Armitage
Lloyd C. Blankfein Professor of History
Faculty of Arts and Sciences

_____

Carmen Arnold-Biucchi
Damarete Curator of Ancient Coins, Division of Asian and Mediterranean Art
Harvard Art Museum
Lecturer on the Classics
Faculty of Arts and Sciences
President of the INC
Stanford to divest from coal companies

Acting on a recommendation of Stanford’s Advisory Panel on Investment Responsibility and Licensing, the Board of Trustees announced that Stanford will not make direct investments in coal mining companies. The move reflects the availability of alternate energy sources with lower greenhouse gas emissions than coal.

Stanford University will not make direct investments of endowment funds in publicly traded companies whose principal business is the mining of coal for use in energy generation, the Stanford Board of Trustees decided today.

In taking the action, the trustees endorsed the recommendation of the university’s Advisory Panel on Investment Responsibility and Licensing (APIRL). This panel, which includes representatives of students, faculty, staff and alumni, conducted an extensive review over the last several months of the social and environmental implications of investment in fossil fuel companies.

Stanford’s Statement on Investment Responsibility, originally adopted in 1971, states that the trustees’ primary obligation in investing endowment assets is to maximize the financial return of those assets to support the university. In addition, it states that when the trustees judge that "corporate policies or practices create substantial social injury," they may include this factor in their investment decisions.

The analysis of investment in coal was undertaken through this policy lens. In particular, the Board of Trustees concurred with the university’s advisory panel that divesting from coal is consistent with this policy given the current availability of alternatives to coal that have less harmful environmental impacts.

"Stanford has a responsibility as a global citizen to promote sustainability for our planet, and we work intensively to do so through our research, our educational programs and our campus operations," said Stanford President John Hennessy. "The university's review has concluded that coal is one of the most carbon-intensive methods of energy generation and that other sources can be readily substituted for it. Moving away from coal in the investment context is a small, but constructive, step while work continues, at Stanford and elsewhere, to develop broadly viable sustainable energy solutions for the future."
The resolution means that Stanford will not directly invest in approximately 100 publicly traded companies for which coal extraction is the primary business, and will divest of any current direct holdings in such companies. Stanford also will recommend to its external investment managers, who invest in wide ranges of securities on behalf of the university, that they avoid investments in these public companies as well.

A student-led organization known as Fossil Free Stanford petitioned the university last year to divest from 200 fossil-fuel extraction companies as part of a national divestment campaign. The request by Fossil Free Stanford was reviewed over the last several months by APIRL's Environmental Sustainability Subcommittee, which met with the group, conducted its own extensive research and took input from other constituencies.

The subcommittee's recommendation was subsequently approved by the full APIRL, the Trustees' Special Committee on Investment Responsibility and the Board of Trustees.

"Fossil Free Stanford catalyzed an important discussion, and the university has pursued a careful, research-based evaluation of the issues," said Steven A. Denning, chairman of the Stanford Board of Trustees. "We believe this action provides leadership on a critical matter facing our world and is an appropriate application of the university's investment responsibility policy."

"We are proud that our university is responding to student calls for action on climate by demonstrating leadership," the Fossil Free Stanford group said in a statement. "Stanford’s commitment to coal divestment is a major victory for the climate movement and for our generation."

In its review, the APIRL acknowledged the findings of the U.N. Intergovernmental Panel on Climate Change regarding the role of fossil fuels in contributing to changes in the global climate system. The APIRL also noted that the use of coal for electricity production generates higher greenhouse gas emissions per unit of energy generated than other fossil fuels, such as natural gas, and that alternatives to coal are sufficiently available.

Replacing other fossil fuels with renewable energy sources also is a desirable goal, the APIRL said, but fewer alternatives are readily available for these other energy sources on the massive scale that will be required to replace them broadly in the global economy.

"The Board of Trustees greatly appreciates the thoughtful work of the students and of the Advisory Panel on Investment Responsibility and Licensing," said Deborah DeCotis, chair of the Trustees' Special Committee on Investment Responsibility. "This is a considered approach that is consistent with our institutional values and acknowledges the critical sustainability challenges facing our planet."

Stanford does not disclose specific investments in its portfolio nor their individual value, though it provides information on endowment holdings and performance by broad asset category. The total value of the endowment was $18.7 billion as of Aug. 31, 2013, the close of the 2012-13 fiscal year.

Stanford is active on many fronts in addressing the challenges of global climate change. The
university conducts an extensive array of research focused on sustainability and energy efficiency, including work at the School of Earth Sciences, the Stanford Woods Institute for the Environment, the Precourt Institute for Energy and elsewhere. Stanford faculty members have played a key role in the U.N. Intergovernmental Panel on Climate Change process.

The university currently is implementing the Stanford Energy System Innovations (SESI), a new energy system that will reduce campus carbon emissions by 50 percent and reduce water use by about 15 percent above the 21 percent reduction Stanford has already achieved over the last 15 years.

Stanford also has reduced employee drive-alone rates from 72 percent in 2002 to 47 percent today; developed campus facilities with state-of-the-art energy features, such as the Knight Management Center and the Jerry Yang and Akiko Yamazaki Environment and Energy Building; and launched an effort to accelerate water-recovery technologies at the William and Cloy Codiga Resource Recovery Center to be built on campus.

In the investment context, in addition to the action on coal, Stanford's existing proxy voting guidelines adopted earlier by the Board of Trustees mandate that the university vote "yes" on proxy resolutions asking companies to adopt sustainability principles, reduce greenhouse gas emissions and increase the energy efficiency of their operations.

**Media Contact**

Lisa Lapin, University Communications: (650) 725-8396, lapin@stanford.edu

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AN OPEN LETTER
FOSSIL FUEL DIVESTMENT AT NEW YORK UNIVERSITY
May, 21 2014
(Please click here for “References and Notes” supporting this letter.)

Dear President John Sexton,

Institutions must act now to limit the increase in global temperature to 2 degrees Celsius above pre-industrial levels, according to a report released by the Intergovernmental Panel on Climate Change on April 13, 2014. There is nothing more important today than taking decisive action—using the most powerful and just means at our disposal—to avoid dangerous consequences of further intensifying climate change, and, indeed, to reverse that trajectory.

The stated mission of our institution—the Global Network University—is “to create new knowledge through research and discovery and to pass on knowledge to the next generation.” We give our students the great opportunity to study all over the planet. As we educate the next generations to become “engaged and contributing citizens....in and of the world,” the knowledge that we pass on today about our world has weighty ramifications for their futures.

The research and teaching of NYU’s faculty addresses everything from the scientific and cultural causes and consequences of global climate change to possible and proper ethical, technological, artistic, economic and social responses, including climate justice. NYU sustainability initiatives to reduce greenhouse gas emissions and improve energy efficiency in our facilities are also commendable.

To be consistent with our commitments, NYU must divest our endowment from holdings in fossil fuels.

Burning fossil fuels is the key driver of ongoing global climate change. Moreover, we understand that a few corporations are stubbornly refusing to prioritize health over economic profit, and, as a result, are jeopardizing everyone’s well-being and happiness. Fossil fuel firms are still spending hundreds of billions of dollars a
year—about $650 billion in 2013—on exploration for more oil, gas, and coal to add to their reserves. They are doing so despite warnings from scientists that 80% of already proven reserves must stay in the ground if the world is to limit climate warming to the 2°C threshold. They are doing so despite warnings from financial analysts that the world’s financial markets are carrying a “carbon bubble.” As Archbishop Desmond Tutu said recently:

We live in a world dominated by greed. We have allowed the interests of capital to outweigh the interests of human beings and our Earth. It is clear [the companies] are not going to give up, they stand to make too much money.

It follows that part of NYU’s shared moral responsibility as members of our global university community, and, for that matter, of the entire world community, must be to break NYU’s ties with corporations that are profiting at everyone’s expense and compromising our unique mission.

We are glad that on May 12, 2014, you and NYU’s Chief Financial Officer, Martin Dorph, met personally with students, at their request, to discuss divestment of NYU’s endowment from fossil fuels. We support our students—the “next generation of change leaders”—who are skillfully organizing our community to act. The outcomes of that meeting were commitments to place fossil fuel divestment on the University Senate agenda at the start of the Fall 2014 term, and to immediately form a divestment working group, including students, who will communicate with the Senate’s Financial Affairs Committee chaired by Mr. Dorph. We trust that these next steps will indeed proceed swiftly, carrying NYU forward to divest responsibly, in the interest of planetary health and climate justice. We are grateful that you understand that your job as a dynamic leader, in your own words, is to “safeguard” the “integrity of the institution” sustaining the aforesaid mission that is embedded in a global system, the integrity of which is now critically endangered. We join with students and other community members around the world in urging him to act against further intensifying global climate change supported by business-as-usual fossil fuel investments.

According to the April 2014 IPCC Working Group III report, worldwide business-as-usual emissions of carbon dioxide and other greenhouse gases rose nearly twice as fast over the last decade than in the previous three. In 2010-2011, global emissions from burning fossil fuels grew by 3%. The percentage of carbon dioxide now in the atmosphere is greater than it has been in the past 800,000 years. This translates into intensifying storms like Sandy, which personally touched many within the NYU community in 2012, and to expanding droughts, heat waves, disease and pest irruptions, declines in food productivity, ocean acidification, and widespread extinctions of species and destruction of whole
ecosystems. The IPCC report states that to avoid even more dangerous levels of
global warming, societies must defund the fossil fuel industry by $30 billion a
year through 2030 and increase investments in renewable energy sources by
$147 billion annually if carbon emissions are to remain below the maximum 2
degree Celsius threshold.

It is both morally reprehensible and unreasonable to keep investing in companies
that are undermining NYU’s integrity, mission, and, moreover, worldwide future
possibilities for thriving. Not only is it morally necessary, therefore, to divest from
this industry, it is

also prudent to be a part—moreover an innovating agent—in the growing fossil
fuel divestment movement.

There is no evidence that divesting NYU’s holdings from the fossil fuel industry
will impair NYU’s mission. On the contrary, as it becomes increasingly clear that
our energy system must change rapidly, those who act on this awareness stand
to profit financially more than those who don’t. For example, an analysis
conducted for the Associated Press by S&P Capital IQ has shown that divesting
NYU’s endowment over the past decade from the top 200 fossil fuel companies
could have resulted in a gain of several hundreds of millions of dollars, enough to
fund hundreds of four-year scholarships.

In fact, worldwide, a growing host of governments, schools, public pension funds,
healthcare, insurance, and religious institutions are withdrawing support from the
fossil fuel industry. Eleven U.S. colleges and universities and twenty six cities
already are committed to divesting, as is the Church of Christ, and many more
institutions have divestment campaigns underway. The British Medical Journal
has endorsed fossil fuel divestment, viewing climate change as a human health
emergency. The government of Norway is doubling investments in renewable
energy and is considering defunding $80 billion in fossil fuel shares, while the
$74 billion Scandinavian asset manager, Storebrand, is liquidating coal stocks.

Meanwhile, there are increasing opportunities for re-investing our endowment in
companies advancing a clean energy transition. Investment firms like the Aperio
Group and non-profit organizations like the Responsible Endowments Coalition
offer to help institutions craft fossil-fuel free, economically just portfolios.
Middlebury College, for instance, has ramped up investments generating long-
term social, environmental and economic value to more than $25 million, while
Pitzer College just made ethical reinvestment part of their fossil fuel divestment
commitment. This May, Stanford University announced measures to divest their
$18.7 billion endowment from coal companies, as they continue considering also
divesting from other fossil fuels.
According to the most comprehensive study of divestment to date, published by the Smith School of Enterprise and the Environment at Oxford University, we are in the second wave of the fossil fuel divestment movement. As it happened in the historic tobacco and apartheid divestment movements, this is the phase when it can be expected that the participation of top universities, such as Stanford, Harvard, Johns Hopkins, and Columbia, herald a tipping point paving the way for others.

A question we have, then, for you, President Sexton, and for our Board of Trustees, is whether NYU—the Global Network University—will act as a mover or as a bystander waiting for the crowd to carry us along?

Either way, the strong action of fossil fuel divestment is necessary because it is not possible to keep burning fossil fuels and foster a healthy, just world—let alone a prospering university.

Finally, the argument that NYU’s holdings are not significant enough to matter to the fossil fuel industry ignores the Oxford study’s evidence supporting the far-reaching power of the stigmatization process. Past divestment strategies have been successful in transforming corporate behavior, influencing investors, lowering values of stock, and pressuring government legislation that would not otherwise have happened. Such indirect effects, which may include leveraging a carbon tax, would indeed have an economic consequence for the fossil fuel industry. Re-investment in renewable energy alternatives can disrupt business-as-usual and trigger urgently needed fossil free innovations.

We stress, again, that it is imprudent and, moreover, morally wrong to keep investing in fossil fuels. This is an industry that, by its very nature, so drastically alters planetary conditions that we jeopardize the integrity and mission of our Global Network University and the opportunities for the flourishing of future generations of life on Earth.

We, the undersigned faculty, appeal to our colleagues around the world to join us in signing this statement. Together we ask NYU—as an act of conscience and fiscal responsibility—to divest, as soon as possible, its holdings in fossil fuel corporations and to re-invest in entities generating long-term, social, environmental and economic value.

Signed:

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