MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF DECEMBER 15, 2011

The New York University Faculty Senators Council (FSC) met at noon on Thursday, December 15, 2011 in Room 905/907 in the Kimmel Center for University Life.

In attendance were Senators Adelman, Economides, Fernandez, Gale, Goldman, Hammack, Harrington, Hutchins, Jelinek, Jones, Lebowitz, Ling, Magder, Monaco, Phillips, Raiken, Rodwin, Schacht, Sternhell, Tranchina, Uleman, Van Devanter, Zamir, and Zwanziger and Alternate Senators Borowsky, Kallenbach, Kleiner, Reiss, Tannenbaum, and Tuzhilin. FSC Advisors Al-Askari and Moskowitz attended as guests. Executive VP Robert Berne attended as a Special Guest.

APPROVAL OF THE MINUTES OF THE MEETING HELD NOVEMBER 17, 2011

Upon a motion duly made and seconded, the minutes of the November 17, 2011 meeting were approved unanimously.

PRESENTATION BY SPECIAL GUEST ROBERT BERNE (EXECUTIVE VP HEALTH)

EVP of Health Berne discussed updates concerning the NYU Langone Medical Center. He addressed current transformations, including a major reform of the curriculum which mixes clinical education with basic science and increased use of simulation and other computer-based learning. In terms of research, he stated over the last 3-4 years the growth in NIH funding has been among the highest in the country. In addition, measures of clinical quality have improved and NYU continues to attract great physicians. The financial future is also strong and new building projects are underway.

Berne provided information on the recent announcement concerning a discussion about a possible affiliation or partnership between Continuum Health Partners and NYU Langone Medical Center. Continuum Health Partners, Inc. is a non-profit hospital system comprised of Beth Israel Medical Center, St. Luke's-Roosevelt Hospital, and New York Eye & Ear. Berne stated currently NYU and Continuum are in a preliminary discussion about a possible affiliation or merger. A confidentiality agreement has been signed and consultants have been hired to review data and examine physician networks, finances, capital issues, the physical plant, teaching, and relationships with physicians, among other issues.

Berne stated the potential merger is being discussed in face of health care reform and the challenges of risk and reimbursement. In addition, cut-backs are possible at the VA and public hospitals, and currently NYU’s teaching takes place at Bellevue and Veterans Affairs New York Harbor Healthcare System. Continuum offers potential teaching opportunities in many areas of ambulatory care which is growing dramatically. Continuum also offers top specialties such as ophthalmology at New York Eye & Ear, which would be beneficial to NYU. Berne stated between the two systems there appear to be positive relationships and potential synergies among the physicians, management team, and boards.

Berne noted if a new combined entity is created; NYU would be the academic home to faculty and residency programs. Over time, clinical faculty would become faculty of NYU and we expect that all Continuum residences would migrate to NYU. Berne also commented this potential merger does not involve the complex challenge of combining two medical schools.
Berne explained the possible time frame. Phase 1 will end in the late spring and then the next step involves the boards signing a non-binding agreement and examining the possible organization, and then no sooner than the end of the calendar year, a decision might be made to move ahead.

Senators inquired about hospital debt and how the university would be involved. Berne replied this would be primarily a hospital merger and any hospital debt does not involve the university’s credits and could involve separate debt structures.

A Senator asked how the merger would benefit Continuum. Berne responded Continuum has a large network of hospitals and primary care physicians, and in looking ahead at the future of healthcare and their increased risk, Continuum in a potential affiliation with NYULMC is better positioned to assume risk. In addition, they have capital needs and a combination with NYU could assist with these goals. NYU is allocating funds towards its IT development and has made large investments in clinical processes, all of which could be applicable to Continuum. The strong academic orientation of NYULMC may also be attractive to Continuum.

A Senator asked how the merger will affect students and residents. Berne replied, while it is too soon to accurately project, there has been pressure at a national level to increase class size and this may offer this opportunity.

A Senator asked if the hospital would continue to provide financial support to the medical school. Berne replied he does not believe the approach to the School of Medicine would change and NYU will continue to look for ways to narrow the deficit of the School.

A Senator inquired about the potential downsizing in staff and faculty. Berne responded this is always a possibility but he sees it as far in the future. There might be some duplication of jobs and consolidation, but at the same time there may be significant growth in clinical care and associated staffing. At this time, there is not an expectation of fewer faculty members.

**FSC COMMITTEE REPORTS**

**Teaching Excellence: Senator Nancy Van Devanter**

Senator Van Devanter stated the Committee met with Senior Vice Provost Ron Robin and Executive Director of Faculty Affairs Debra Szybinski concerning the Center for Teaching Excellence (CTE) [http://www.nyu.edu/cte] and the programs they offer faculty. It became apparent during the discussion that there is no formal input from faculty or students on these programs. The Committee agreed it was important to have faculty advisement and that more collaboration between the FSC and CTE would be beneficial.

Van Devanter presented the Committee’s proposed resolution regarding the creation of an advisory Committee to the Center for Teaching Excellence. *See attached Document A.*

A Senator commented that this supports the Governance Committees’ notion of shared governance. Another Senator added it is an important resolution particularly because of the current status of the CTE, which is underfunded, underappreciated, and does not had a director with faculty status, as it did in the past.

Upon a motion duly made and seconded the following resolution was approved unanimously by a vote of 28 senators in favor.
WHEREAS: The Faculty Senators Council (FSC) has a long history of support and collaboration with the Center for Teaching Excellence and wishes to resume and strengthen that collaboration; and

WHEREAS: The FSC also supports the importance of student consultation and feedback regarding the programs and initiatives of the Center for Teaching Excellence;

IT IS RESOLVED: That an advisory committee to the Center for Teaching Excellence (CTE) composed of faculty and students be established and that the FSC work with the Student Senators Council (SSC) and CTE in the creation of this advisory committee.

Governance: Senator Christine Harrington

Senator Harrington reminded the Council of the resolution passed in May regarding shared governance principles and the incorporation of these principles in the FSC rules and procedures in October. See attached Documents B and C. The Committee supports also incorporating the language on shared governance into the Faculty Handbook. Harrington presented the Committee’s proposed resolution regarding implementing shared governance principles and including in Faculty Senators Council section of the Faculty Handbook. See attached Document D.

Senators discussed the resolution text and decided on a shorter version and the inclusion of a link to the full FSC rules and procedures.

Harrington stated the Committee has been unable to receive an answer on the procedure for amending the Faculty Handbook. Senators discussed if this was a decision to be made by SCOG or the Board of Trustees. [UPDATE: In January, FSC members will meet with Carol Morrow (Associate Provost for Academic Operations), Peter Gonzalez (Assistant Provost for Academic Appointments), and Julie Boden Adams (Associate General Counsel) to discuss revisions to the Faculty Handbook.]

Upon a motion duly made and seconded the following resolution was approved by a vote of 27 senators in favor and 1 senator opposed:

The FSC proposes that the revised text below be inserted into The Faculty Handbook (on p.12, under the section heading "University Councils and Commissions", subsection “The Faculty Senators Council”):

University Councils and Commissions

The Faculty Senators Council

Each of the faculties, according to its size, has one or more representatives on the Faculty Senators Council, a University-wide body of elected professors. University Bylaw 63 (a) provides that “The Faculty Senators Council may consider any matters of educational and administrative policy and will function as the Faculty Personnel Committee of the Senate. It will designate representatives on the other standing committees, and in appropriate instances on the ad hoc committees, of the Senate. It may bring to the attention of the various committees of the Senate any matters that it believes should be presented to the entire Senate. It may bring to the attention of the President and Chancellor any matters that it wishes to discuss with him or her. It will perform such other educational functions as are assigned to it by the President and Chancellor or by the Board.” The Faculty Senators Council, in accordance with the rules and procedures it adopted, adheres to the principles of shared governance.

Tenure Modifications: Senator Marie Monaco

Senator Monaco reported the Committee met to discuss proposed revisions to the Policies and Procedures for Appointment, Promotion and Tenure at the School of Medicine. The revisions incorporate the establishment of a full-time non-tenure track for librarians. The Committee is looking into several issues and will meet again in January and will consult with the Personnel and Affirmative Action Committee (PAAC) on its deliberations.

Faculty/Student Relations: Senator Carol Sternhell

Senator Sternhell reported the Committee met with students on Dec. 5. The main issues discussed included faculty accessibility, course evaluations and their public posting, and ideas for social events and a lecture series. Sternhell stated she plans to attend the upcoming University Committee on Student Life (UCSL) meetings. A Senator mentioned, in regards to course evaluations, that they are posted publicly at the College of Arts and Science, but there is not a uniform process across schools. She stated the Academic Priorities Committee, chaired by Matthew Santirocco, discussed this issue and determined a uniform process could not be created due to the difference between schools, departments, and courses.

On another a note, a Senator mentioned the importance of NYU creating a central online calendar of events.

Chairperson Magder announced the student council’s request for a faculty team to participate in the All-University Games on Friday, February 24.

Global Network University: Senator Floyd Hammack

Senator Hammack announced the Committee met with Ron Robin to discuss current issues of NYU Abu Dhabi (AD). The Committee was informed of the breakdown of faculty: 1/3 are rotating faculty based mostly on Square and teach a course for a semester or year in AD, 1/3 are standing faculty based in Abu AD and spend some time at the Square, and 1/3 are visiting faculty. In addition the branch campuses and study away sites are to become specialized in certain academic fields. There is a plan to connect with the academic fields of the Center for Urban Science and Progress (CUSP). Hammack also reported the Executive Board of NYU AD faculty has been formed and they consult with the AD administration. In terms of faculty hiring, NYU Square departments participate in hiring decisions. There is a need for more mentoring of junior faculty. The Committee was also informed of a few personnel matters. Matthew Santirocco (Vice Provost for Undergraduate Academic Affairs) is in charge of the undergraduate curriculum of NYU Shanghai and Richard Foley (Vice Chancellor for Strategic Planning) is focusing on broad oversight for planning and logistics of the GNU. The Committee plans on meeting with both in the spring and including faculty members from the Square who have taught in AD at several meetings.

Housing Committee: Senator Laurin Raiken

Senator Raiken asked the Council to review the Housing report. [Update: The Housing Q & A is now posted online: http://www.nyu.edu/about/leadership-university-administration/university-senate/faculty-senators-council/senators-committees/committee-reports/housing.html]

ADJOURNMENT

The meeting adjourned at 2:00 PM.
Proposed Resolution regarding the Creation of an Advisory Committee to the Center for Teaching Excellence

Presented by the Teaching Excellence Committee for consideration at the Faculty Senators Council Meeting, 12/15/11

Background:

On December 6, 2011, the FSC Teaching Excellence Committee met with Senior Vice Provost Ron Robin, administrative liaison to the Teaching Excellence Committee, and Debra Szybinski, the Executive Director of the Office of Faculty Resources, regarding the programs and initiatives of the Center for Teaching Excellence (CTE), which is part of the Office of Faculty Resources. During the course of the meeting it was learned that the CTE currently has no formal mechanism for systematic input from faculty regarding the programs and plans for the CTE, but both Vice Provost Robin and Executive Director Szybinski welcomed the idea of such input.

Resolution:

WHEREAS: The Faculty Senators Council (FSC) has a long history of support and collaboration with the Center for Teaching Excellence and wishes to resume and strengthen that collaboration; and

WHEREAS: The FSC also supports the importance of student consultation and feedback regarding the programs and initiatives of the Center for Teaching Excellence;

IT IS RESOLVED: That an advisory committee to the Center for Teaching Excellence composed of faculty and students be established and that the FSC work with the Student Senators Council (SSC) in the creation of this advisory committee.
MEMORANDUM

TO: President John Sexton
    Provost David McLaughlin
    Executive Vice President Michael Alfano

FROM: Robert Schacht
    Chairperson, Faculty Senators Council
    A/Y 2010-2011

RE: Faculty Senators Council Resolutions regarding Shared Governance

At the May 5, 2011 meeting of the Faculty Senators Council, the attached resolutions were approved.

CC: Ron Robin, Senior Vice Provost
    Carol Morrow, Associate Provost
    Diane Yu, Chief of Staff and Deputy to the President
    Daniel Zwanziger, FSC Vice Chairperson
    Carol Hutchins, FSC Secretary
    Floyd Hammack, FSC Immediate Past Chair
    Ted Magder, FSC Chair-Elect
    Christine Harrington, FSC Governance Committee Chair
At the May 5, 2011 meeting of the Faculty Senators Council, the Council approved by a unanimous vote the following resolutions:

A. There are 5 basic features of shared governance:

1. Representation

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

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

2. Information

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

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

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

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

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

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

4. Reasoned Justifications

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

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

5. Communications

WHEREAS: Access to information is fundamental to policymaking,

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

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

B. Implementation Process:

In May 2011, the FSC-GC will assemble instructions for revising the Faculty Handbook so as to incorporate the text of the above Resolutions on Shared Governance. The FSC-GC will circulate copy-edited pages of the Faculty Handbook to all current Faculty Senators in June, request comments and edits from all Senators, incorporate these edits, and formally propose such revisions to the Faculty Handbook at the first FSC meeting in fall 2011.
Resolution of the Faculty Senators Council
Regarding Incorporating FSC’s Shared Governance Resolution into FSC’s Rules and Procedures
Approved 10/13/11

At the October 13, 2011 meeting of the Faculty Senators Council, the Council approved the following resolution:

Amendment to The Rules of Procedure
Faculty Senators Council

Background:

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

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

IT IS RESOLVED: That FSC’s Shared Governance Resolutions will be incorporated as part of the Foreword to FSC’s Rules and Procedures.
December 15, 2011

TO: Faculty Senate Council

FROM: FSC- Governance Committee (FSC-GC)

Christine Harrington christine.harrington@nyu.edu, chair
Jennifer Carpenter jcarpen0@stern.nyu.edu
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RE: Report and Recommendation on Implementing FSC-Shared Governance

The FSC-Governance Committee recommends that FSC move forward with implementing our “Shared Governance Resolutions”, unanimously passed on May 5, 2011 and incorporated in the “Rules and Procedures, Faculty Senators Councils”, by proposing to the University Senate that the text in CAPs below be inserted into The Faculty Handbook (on p.12, under the section heading “University Councils and Commissions”, subsection “The Faculty Senators Council”).

University Councils and Commissions

The Faculty Senators Council

Each of the faculties, according to its size, has one or more representatives on the Faculty Senators Council, a University-wide body of elected professors. University Bylaw 41(c) provides that “the Faculty Council may consider any matters of educational and administrative policy and shall function as the Faculty Affairs Committee of the Senate. It shall designate representatives on the other standing committees, and in appropriate instances on the ad hoc committees, of the Senate. It may bring to the attention of the various committees of the Senate any matters that it believes should be presented to the entire Senate. It may bring to the attention of the President any matters that it wishes to discuss with him or her. It shall perform such other educational functions as are assigned to it by the President or by the Board.” TO FULFILL ITS FUNCTIONS IN CONSIDERING MATTERS OF EDUCATION AND ADMINISTRATIVE POLICY AND ITS RESPONSIBILITIES AS THE FACULTY PERSONNEL COMMITTEE OF THE SENATE, THE FACULTY SENATORS COUNCIL ADOPTED FIVE BASIC FEATURES OF SHARED GOVERNANCE TO DEFINE CONDITIONS APPROPORAITE AND NECESSARY TO PERFORM THESE FUNCTIONS AND

The Deans Council

The Deans Council is empowered to consider matters of educational and administrative policy and to make appropriate recommendations to the President and other University officers. It also performs other functions that are assigned to it by the President or the Board of Trustees. (See Bylaw 42(c).)

The Student Senators Council

The Student Senators Council is empowered to consider matters in which the interests, rights, or responsibilities of students are involved and to make recommendations to the Senate as part of the Committee on Student Life. It also performs other functions that are assigned to it by the President or the Board of Trustees.

The Administrative Management Council

The Administrative Management Council considers issues affecting the University community, the continued professional growth and development of its constituents, and University-sponsored community services.

Graduate Commission

Each school that offers graduate work is represented by its dean and one elected faculty member and one elected student as voting members on the Graduate Commission, which has power, subject to approval of the Senate, to recommend to the President and the Board of Trustees general policies respecting graduate study in the University leading to masters’ and doctors’ degrees in course except first professional degrees. The Chairperson of the Commission shall be the dean of the Graduate School of Arts and Science. (See Bylaw 44.)