MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF DECEMBER 9, 2010

The New York University Faculty Senators Council (FSC) met at noon on Thursday, December 9, 2010 in Room 405 in the Kimmel Center for University Life.

In attendance were Senators Bogart, Capan, Cappell, David, Economides, Gale, Goldman, Hammack, Harrington, Hutchins, John, Jones, Karl, Kovner, Lebowitz, Magder, Monaco, Moran, Nolan, Phillips, Raiken, Schacht, Simon, Tanis, Tranchina, Van Devanter, Vernillo, and Zwanziger and Alternate Senators Deneys-Tunney, Hurvich, Reiss, Tannenbaum, and Tuzhilin. FSC Consultant/Advisor Al-Askari attended as a guest and President Sexton attended as a special guest.

APPROVAL OF THE MINUTES OF THE MEETING HELD NOVEMBER 18, 2010

Upon a motion duly made and seconded, the minutes of the November 18, 2010 meeting were approved unanimously.

PRESENTATION BY SPECIAL GUEST PRESIDENT JOHN SEXTON

President Sexton opened the discussion with brief observations on the Global Network University based on his recent Reflection. He also commented on higher education policy in the U.S. and the potential negative effect of political goals on the content and meaning of the bachelor’s degree. He then opened the floor to questions from the Council.

Senator Vernillo mentioned the recent news concerning tuition increases in the UK and commented on access to higher education in the UK. Sexton responded by stating the importance of access and mentioning that access need not compete with excellence and merit. He noted a recent statement by Mayor Bloomberg about education as an economic driver. Sexton stated the importance of encouraging each student as far down the path of education as possible, the importance of educating students on their options, and finding the type of education that works best for the individual.

Senator Kovner inquired on the President’s views on the Faculty Senators Council’s role in shared governance at the university. Sexton responded by first stating the importance that the leadership of the university is comprised of faculty members. He described NYU, one of the 3 or 4 largest employers in New York City, as a complex matrix providing a range of functions within a global environment. He mentioned the need for the leadership to be out in the university community, both informally and formally. Sexton stated the FSC is a formal input device for the faculty. He remarked on the importance of ‘notice and comment’ on certain matters, developing formal committees, and trusted delegation. He stated the administration takes all input into account and makes a decision based on the factors and risks involved.

Senator Karl asked Sexton to elaborate on the adjunct contract negotiations. She distributed a document Senator Nolan and she created comparing the current New School adjunct contract and the current NYU adjunct contract. See attached Document A. She noted the seeming contradiction between this document and Sexton’s statement at the University Senate meeting.
regarding the NYU contract being better than the New School’s contract. Sexton explained he was speaking about the financial piece of the offer being the best pay package. The information in this document is from the contract offer 6 years ago, not the current offer. Sexton indicated that he had not heard of the union proposing an agreement at NYU based on the economic terms of the New School agreement.

Alternate Senator Tannenbaum stated many people feel that the Council is not invited, or not invited early enough, into the conversations on many topics that affect faculty. In addition, when representatives from the FSC do serve on task forces they must follow a code of silence. Sexton replied that he meets with the FSC Executive Committee (EC) several times per semester. The conversation is wide ranging and is an opportunity for the EC to be informed on issues that may interest faculty. He noted in some cases deliberative privilege is necessary. This includes examples such as a Dean’s search, early negotiations concerning new campuses/partnerships, projects involving donations, etc. which can not be openly advertised to all faculty during certain stages. He noted the conversation concerning benefits was a very public conversation with websites and collections of comments. He mentioned the communication of the change in age limit for tuition remission. While reports stated the conformity to the IRS change, based on the FSC’s resolution, a one year adjustment was made for the 14 student immediately effected.

Senator Harrington asked about Sexton’s understanding of the FSC’s advisory role. Sexton responded the voice of the FSC is the formal voice of the faculty and receives extraordinary weight. It is not the only channel but it is the first group consulted.

Senator Jones asked about deliberative privilege. She mentioned that during the last round in the benefit change taskforces, FSC representatives on the committees were not able to bring to the FSC issues in the final report until that report went to the public at large. Economides also mentioned this issue. Sexton stated this was a mistake, and believes the FSC should have received a pre-distribution of the report and a window for notice and comment before the report was sent to the public at large.

Senator Monaco, from the School of Medicine, commented on recommendations by the FSC that are not implemented by the administration. She affirmed the FSC is in an advisory position and faculty cannot unionize based on the Yeshiva decision. She stated that many feel in the past few years, faculty’s advice has not been taken unless it directly coincides with the administration’s plan. She stated individuals who run into issues with the administration may be better supported with a union behind them. Sexton referred to the Medical school as the part of the university that looks more like a business, which is true of medical schools around the world. He commented on the question of how close NYU will demand the medical center to conform with the norms of other medical schools, specifically the expectation that faculty produce 60-80% of their cost of compensation through external funding. He stated, in this debate, the FSC was very involved and produced recommendations. Senator Cappell stated the FSC recommended the medical school not use purely financial information or criteria to measure faculty productivity. The FSC also asked for enhanced retirement offers. Sexton stated the key strategic pieces of advice from the FSC were taken.

Sexton mentioned the disagreement between SOM senators of the FSC and the SOM Council in regards to the most recent resolution regarding letters of agreement. See attached Document B. He mentioned 8 of 18 members of the SOM council wanted the FSC to rescind the resolution.

Sexton explained the issue concerning a small number of faculty members who have not raised external funding to support their salaries in the last 10 years may have their salaries reduced if other opportunities are not pursued (teaching, etc.) or they have the opportunity to retire with three years salary. Senator Monaco replied that reduction could go down to zero. Senator Simon commented the issue was how it was handled, rather than the actual outcome. Senator Bogart agreed the major problem was not what was done; but the way it was done.
Sexton concluded by thanking the Council for inviting him as a special guest.

REPORT FROM THE CHAIRPERSON: ROBERT SCHACHT

Chairperson Schacht encouraged senators to invite their colleagues to the two upcoming February events of the FSC. See attached Documents C and D. This includes the Spring Faculty Reception on Tuesday, February 1, 2011 from 5:00-7:00 p.m. at The Torch Club, 18 Waverly Place and Faculty Family Day at Coles on Sunday, February 13, 2011 from 12:00-4:00 p.m. at Coles Sports Center, 181 Mercer Street.

Schacht also informed the Council that a nominating committee will be elected by the EC for the nomination of the Chair, Vice Chair, and Secretary. The Nominating Committee will prepare a slate of at least two candidates for the position of Chair and at least two candidates for the positions of Vice Chair and Secretary. The announcement of the slate of candidates for the Chair position will take place at the February FSC meeting and voted on at the March meeting. For the Vice Chair and Secretary, the slate of candidates will be announced at the April meeting and voted on at the May meeting.

ADJOURNMENT

The meeting adjourned at 2:05 PM.
New School Adjunct Contract

1. paid leave after 11 semesters
2. courses assigned by seniority
3. pay
   a. minimum pay $6-7 less per hour
   b. longevity pay adds $6-7 per hour
   c. more courses counted as higher paying credit courses
4. tuition benefits and can be banked into the next semester
5. 1 sick/emergency instance paid day per semester
6. course cancellation fee both before and after course starts and pegged to longevity
7. child care leave
8. contract covers all part time faculty
9. apparatus to help adjuncts who loose a course to find one across the university
10. one meeting per semester with provost re partetime participation in curriculum committee
11. can retain medical/dental benefits if loose course
12. insurance contribution increase capped at 9%/year
13. faculty input in method of evaluation and changes therein

NYU Adjunct Contract

1. no paid leave
2. courses not assigned by seniority. There is termination pay if taught 6 consecutive semesters.
3. pay
   a. minimum pay $6-7 more per hour
   b. no longevity pay
   c. more courses counted as non credit and differential pay between credit and non greater, up to nearly 50%
4. no tuition benefits
5. no sick day
6. course cancellation fee only after course starts and not pegged to longevity
7. no child care leave
8. contract covers only those with 42 or more contact hours
9. no such apparatus
10. no meeting
11. get medical/dental only with 84 contact hours
12. no cap
13. no equivalent
MEMORANDUM

TO: President John Sexton
   Provost David McLaughlin

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

RE: Faculty Senators Council Resolution Concerning Letters of Agreement at the School of Medicine

At the November 18, 2010 meeting of the Faculty Senators Council, the attached resolution was approved.

CC: Carol Morrow, Associate Provost
    Diane Yu, Chief of Staff and Deputy to the President
    Robert Schacht, FSC Chairperson
    Daniel Zwanziger, FSC Vice Chairperson
    Carol Hutchins, FSC Secretary
    Floyd Hammack, FSC Immediate Past Chair
    Marie Monaco, FSC Tenure Modifications Committee Chair
Resolution Concerning Letters of Agreement at the School of Medicine

**Background:** The NYU Promotion and Tenure Guidelines state that the guidelines for individual schools, “and any subsequent changes to them, must be presented to the Provost of New York University for approval, and the Provost should consult with the Faculty Senators’ Council (FSC) prior to making the final decision about such changes.”

On February 16, 2006, the FSC approved the following resolution in support of this guideline: “The Faculty Senators Council affirms that any proposed changes to a School’s procedures for promotion and tenure must be submitted to the Provost, who in consultation with the Faculty Senators Council, will review and approve them.”

In a resolution approved in 2008 the FSC stated: “The Council believes strongly that unilateral imposition of modifications of existing practices and obligations involving tenure or retroactively altering agreements regarding tenure and institutional salary undermine the mutual trust that has been the bedrock of this University’s remarkable growth and success, and that will be essential as the faculty and the administration together face the challenges of achieving greater excellence.”

In 2009 the FSC reiterated this position stating: “In particular, as we have stated before, it is our understanding of the provisions of the Faculty Handbook that tenure protect faculty members’ economic security.”

It has recently come to the attention of the Tenure Modifications Committee of the FSC that a subset of tenured faculty members at the School of Medicine have been asked to sign contracts, termed “Change of Responsibility” agreements that would appear to limit their tenure rights.

**Whereas:** The privileges and obligations of tenure as described in the Handbook\(^1\), include academic freedom and economic security; and

**Whereas:** New York University does not have a policy of post-tenure review that allows for the renegotiation of or reduction of salary. Therefore be it

**Resolved:** The current practice of the NYU School of Medicine to request that certain faculty members sign agreements limiting their tenure rights is in violation of the Handbook. We urge that the School of Medicine cease this practice, and that any alterations in the tenure guidelines outlined in the Handbook be subject to the appropriate procedures for instituting such changes. Let it be further noted that any changes to the tenure guarantees outlined in the Handbook will apply prospectively, and will not retroactively affect already tenured faculty.

All faculty are cordially invited for hors d’oeuvres, cocktails and conversation with colleagues.

Spring Semester
Faculty Reception

Tuesday, February 1, 2011
5:00 - 7:00 p.m.

The Torch Club
18 Waverly Place

Hosted by the NYU Faculty Senators Council.
For more information, contact the FSC office at faculty.senators.council@nyu.edu or (212) 998-2230.
No RSVP required.
FACULTY FAMILY DAY
AT COLES
NYU
Sunday, February 13, 2011
12:00–4:00 p.m.
Coles Sports Center
181 Mercer Street

NYU vs.
Carnegie Mellon University
Men's Basketball - 12:00 P.M.
Women's Basketball - 2:00 P.M.

Team spirit gifts for all and prizes for kids at half-time shoot-out!

★ Complimentary Buffet Lunch (between games)
★ Meet the Bobcat!

Sponsored by the NYU Faculty Senators Council
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