MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF FEBRUARY 3, 2011

The New York University Faculty Senators Council (FSC) met at noon on Thursday, February 3, 2011 in Room 405 in the Kimmel Center for University Life.

In attendance were Senators Anton, Bogart, Capan, Cappell, David, Economides, Fernandez, Gale, Goldman, Hammack, Harrington, Hutchins, John, Jones, Karl, Kovner, Lebowitz, Magder, Monaco, Moran, Nolan, Phillips, Raiken, Schacht, Simon, Sternhell, Sundaram, Thompson, Tranchina, Van Devanter, Vernillo, Wachtel, and Zwanziger and Alternate Senators Deneys-Tunney, Newman, and Tannenbaum. FSC Consultant/Advisor Black attended as a guest.

APPROVAL OF THE MINUTES OF THE MEETING HELD DECEMBER 9, 2010

Upon a motion duly made and seconded, the minutes of the December 9, 2010 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: ROBERT SCHACHT

Chairperson Schacht stated the FSC Executive Committee (EC) met with Provost McLaughlin. The Provost informed the EC the Shanghai portal is approved by the Chinese government. Senator Karl confirmed it was approved by the Ministry of Education in Beijing.

Schacht reported the FSC Spring Reception at the Torch Club on Feb. 1 was a success and reminded the Council of Faculty Family Day on Sunday, Feb. 13. See attached Document A.

FSC COMMITTEE REPORTS

Educational Policies: Teaching Excellence: Senator Moran

Senator Moran referred to the report by the Teaching Excellence Committee regarding recommendations for improving and rewarding teaching excellence at NYU. See attached Document B. Moran encouraged senators to review the recommendations and give feedback. Senator Raiken also urged senators to look at this proposal and support the reestablishment of the teaching excellence program.

Communications: Secretary Hutchins

Secretary Hutchins discussed the Committee’s communication guidelines. See attached Document C. The Committee created these guidelines to summarize the ways the Council communicates resolutions, meeting minutes and summaries, event announcements, and newsletters to faculty. This will be handed out to incoming members of the Council as part of the retreat package. Hutchins discussed the Committee's proposal regarding faculty senators’ access to NYU School faculty email distribution lists. See attached Document D. This is intended to help
senators better represent and communicate to their colleagues and it is proposed this will be sent to the Provost for action. Hutchins stated the proposed resolution:

Whereas, The current elected senators of the Faculty Senators Council do not uniformly have the authority to send emails to all faculty members of their school;

Resolved, That all current elected senators of the Faculty Senators Council have the access and authority to send emails regarding Council matters to their school’s faculty members by means of their respective school’s faculty email distribution list.

Senator Bogart inquired why the Council does not send emails to every faculty member of the institution. Coordinator Ridder clarified that the Council does maintain a listserv of all faculty email addresses and, as outlined in the communications guidelines, uses the list to send emails regarding FSC events and newsletters. Senator Harrington mentioned the Governance Committee wished to use the FSC listserv to send out the resolution regarding letters of agreement at the School of Medicine. Hutchins responded that the Communications Committee held a discussion the typical pattern of emails sent using the FSC’s listserv. Certain documents, including resolution and minutes, are sent to senators to communicate in turn to their faculty rather than sent via FSC’s facility. Hutchins added this resolution focuses on the ability of individual school senators to send emails to their school’s faculty members.

Senator Nolan commented that she expects the proposed resolution will be met with resistance by the administration. As an example, she stated the Faculty of Arts and Science (FAS) senators asked the FAS dean for access to FAS faculty emails and they were informed they could use email direct [http://www.nyu.edu/its/emaildirect/] which allows only two emails per semester.

Senator Tranchina remarked the administration may foresee an issue if senators from the same school have access to the faculty listserv and all send out the same message. Zwanziger added that this assumes there is only one distribution list at the School and questioned if these lists include non-tenure track faculty. Hutchins responded this would be coordinated at each school and among the senators. Consultant/Advisor Black reminded the Council that the FSC emailed news bulletins in addition to the paper newsletter in the past. She stated this resolution is a way to formalize the senators’ ability to communicate to their school’s faculty members. Magder, suggested a few amendments to the proposed resolution including the addition of the phrases “without any limit to the number of emails” and “the FSC ensures the administration that we will use this in a reasonable and responsible manner”.

Upon a motion duly made and seconded the following resolution was approved unanimously by a vote of 33 senators in favor:

Whereas, The current elected senators of the Faculty Senators Council do not uniformly have the authority to send emails to all faculty members of their school;

Resolved, That all current elected senators of the Faculty Senators Council have the access and authority to send emails regarding Council matters to their school’s faculty members by means of their respective school’s faculty email distribution list, to be used in a reasonable and responsible manner without limit to the number of emails sent.

Faculty Benefits: Senator Jones

Senator Jones announced that the Benefits Committee was informed there will be a new retiree medical plan. The new plan will not affect current retirees or active faculty 50 years of age or over at the time it goes into effect. It will affect all new hires regardless of age and those under 50 at the time. She stated it is expected to go into effect this month. Jones described the change as moving from a defined benefit to a defined contribution. NYU will set up an account for each retiree with a certain amount of money to purchase insurance, such as Medigap insurance. She
stated the amount of money is determined by taking the amount spent on retiree medical benefits including administration costs and dividing by the number receiving the medical accounts. Jones stated each year it may be increased by the consumer price index up to 3% or the actual increase in costs. Jones stated Katie Casey (Vice President for Human Resources) and Linda Woodruff (Associate VP, Global Compensation & Benefits & Deputy of HR) attended the Benefits Committee meeting at the end of last semester to discuss the process. The discussion at that time was thorough and the FSC voiced its concerns, including its connection to Obama’s healthcare plans and the challenges of NYC doctors not accepting Medicare. Casey and Woodruff sent a memo to Jones to make sure the FSC concerns were correctly presented and stated they would pass the FSC’s remarks to the Board of Trustees.

Jones stated the message given to the Benefits Committee is the decision was a trustee-driven effort. An outside company was engaged to determine how to save a defined amount of money on the retirement plan. Alternate Senator Tannenbaum asked if the person who would be presenting to the Trustees on the FSC’s behalf was identified. Jones responded she would inquire. Senator Harrington asked if the changes were done using the faculty’s advice. Jones responded the Committee was told their concerns would be communicated to the Board of Trustees, but did not receive confirmation that they were communicated. The Benefits Committee was not tasked with coming up with the proposal. Karl stated the benefit plan proposals were submitted by the outside company.

Vice Chair Zwanziger asked if the effect on faculty recruitment was discussed. Karl stated they responded that similar changes to retirement plans are being implemented at peer institutions.

Harrington stated this is an important point for further discussion and it should be determined how the Council will respond to the corporatization of these decisions and trustee-driven efforts.

Jones referred to the December meeting at which President Sexton discussed the issue regarding the Medical School and his reference to Senator Cappell’s representation of the FSC in terms of the salary reduction. Jones took this to mean that Sexton used a conversation with FSC leadership as the voice of the FSC, rather than referencing official communications.

Senator Magder commented on Sexton’s point of highlighting that NYU is a faculty-driven institution at the senior administrative level. The concern is that this proposal is trustee-driven, not faculty-driven. Magder asked how the Council can communicate directly with the trustees.

Senator Monaco added, at the School of Medicine, faculty members developed a plan to cut benefits but it was not taken into consideration by the administration.

Senator Magder stated his proposed resolution to this matter:

The Faculty Senators Council deeply regrets that significant changes to the faculty benefits plan are now being undertaken at the request of the Board of Trustees with no meaningful faculty consultation. We urge the senior executive officers of the university to request the BOT show greater respect for faculty governance now and in the future.

Senator Harrington suggested adding the terms “faculty-driven” and “shared governance”. Cappell, recommended including the administration and not just focusing on the Board of Trustees.

Alternate Senator Tannenbaum advised Magder send his proposal to the Executive Committee and then pass on to the Council via email for the vote, rather than voting on a resolution proposed at the meeting.

Upon a motion duly made and seconded the following resolution was approved unanimously by a vote of 33 senators in favor:

...
Whereas, The FSC objects that significant changes to the Faculty Retirement Plan have been undertaken with no meaningful faculty consultation;

Resolved, That we urge the Senior Executive Officers and the Board of Trustees to show greater respect for shared governance, now and in the future.

Jones also reported that the members of the Benefits Committee asked if a written statement could be produced confirming the promise that the 10% co-pay for tuition remission would remain in effect and not be considered for increase until 2015. Woodruff sent the link to a frequently asked questions site in which this statement was confirmed in Question 19.

Housing: Laurin Raiken

Senator Raiken announced, with Nick Economides on sabbatical, he will be chairing the Housing Committee this spring. He encouraged all senators to email him recommendations, concerns, and issues regarding housing.

Tenure Modifications: Marie Monaco

Senator Monaco reported at the Dec. 6 meeting of the School of Medicine (SOM) Faculty Council a resolution was put forward regarding the FSC’s resolution: "Faculty Senators Council Resolution concerning Letters of Agreement at the School of Medicine". See attached Documents E and F. It was voted on and failed. Monaco stated the same resolution is being voted on again. She noted that Bob Berne (Executive Vice President for Health) stated that the FSC SOM senators have the right to bring items to the FSC that have not been discussed and approved by the SOM because the FSC is a university-wide Council.

Consultant/Advisor Black stated it is clear the issue is the administration never brought the issue of the letters of agreement to the SOM Council.

Senator Cappell stated, in retrospect, the FSC should have asked the SOM Council to present their reviews before the resolution was passed.

Monaco concluded by stating the resolution the FSC passed allows those faculty members who signed the letters of agreement the right to take action and be supported by the resolution.

ADJOURNMENT

The meeting adjourned at 1:50 PM.
FACULTY FAMILY DAY AT COLES

NYU FSC

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
For more information, contact the FSC office at faculty.senators.council@nyu.edu or (212) 998-2230
No RSVP required

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No RSVP required
To: University Faculty Senators Council  
From: Education Policies: Teaching Excellence Committee  
Subject: Report of our first meeting, 20 October 2010

The committee met and examined the results for the Teaching Excellence Section of the FSC Faculty Survey Data, Spring 2010. Based upon our discussions of these results, we wish to make the following recommendations for improving and rewarding teaching excellence at New York University:

1. All schools at NYU should establish annual Teaching Excellence Awards with the monetary portion of the award added to the base salary of the recipients.

2. All schools should establish and/or enhance on-going systems for the mentoring of junior faculty by their tenured colleagues in the area of teaching excellence.

3. All faculty should be involved in the advising/mentoring of our students in an organized and on-going endeavor.

4. The Center for Teaching Excellence needs to become more pro-active and accessible in its communication with and mentoring of all faculty.

5. All faculty would benefit from improved communication about and training for faculty in the use of advanced instructional technology.

Respectfully submitted by  
Susan Anton, Sylvain Cappell, Raphael David, James Fernandez, Terence Moran (Chair), Laurin Raiken, and Anthony Vernillo
Communications Guidelines

Resolutions
- Once approved by vote of the council, FSC resolutions are sent to the appropriate members of University administration.
- A copy of the memo and resolution is posted on the homepage of the FSC website and on the ‘Reports & Recommendations’ section of the website.
- Past resolutions, reports, and recommendations are listed on the website, dating back to 2005.
- A copy of the memo and resolution is emailed to all FSC senators to communicate to their school’s faculty members.

Meeting Minutes and Summary
- Once approved by vote of the council, FSC meeting minutes and summaries are posted on the ‘Meeting Summaries’ section of the FSC website.
- Past meeting minutes and summaries are listed on the website, dating back to the prior academic year.
- Final approved minutes and summaries are emailed to all FSC senators to communicate to their school’s faculty members.

FSC listserv
- The FSC listserv contains the NYU email addresses of all NYU faculty including tenured, tenure-track, and non-tenure track faculty from all schools.
- This list is obtained at the beginning of the academic year from the Office of Academic Appointments. The list of School of Medicine faculty members is obtained from the SOM and/or SOM senators.
- Listserv members have the ability to unsubscribe.

Event Announcements and Forums
- Announcements regarding events and forums are sent to all faculty via the FSC listserv.

Newsletter
- The Fall and Spring FSC newsletter is mailed to all faculty and sent electronically via the FSC listserv at the end of the semester.
- It is posted on the ‘Newsletters’ section of the FSC website.
- The newsletter contains a message from the FSC Chair, updates from FSC committees, information on our projects and events, and contact information for the senators.

FSC Website
The website contains the following information:
- Welcome message from the chair and updates on recent resolutions, reports, and events
- Description of FSC, FSC Committees, University Senate, and Senate Committees
- Contact information for senators and membership of committees
- Copies of recent newsletters
- FSC minutes and meeting summaries and senate minutes
- Reports, recommendations, and resolutions dating back to 2005
- Event announcements and photos
- Links to other NYU websites which might of interest to faculty
Proposed Communications Projects

The Communications Committee has discussed plans for the new website, which is expected to be implemented in late spring 2011. One goal of the new site is to increase the interactivity of FSC communications. This includes installing a ‘comment box’ for visitors to post comments, questions, or concerns which will be sent to the FSC office and distributed to the appropriate committee(s) for action. The Communications Committee is also investigating an automated alert which would be emailed to all faculty members when a new resolution, etc. is posted on the website. Members of the FSC listserv would be automatically subscribed to this feature, but would have the option to unsubscribe.

Another project under discussion is an electronic newsletter. An example of this format is the ‘NYU Community Passport’ sent by the office of NYU Government and Community Affairs: [https://app.e2ma.net/app/view:CampaignPublic/id:25242.8841924319/rid:084604352f5bd84b8b37d276504e0357]. This would offer more up-to-date information on recent events, projects, resolutions, etc. It would be emailed to the FSC listserv and would replace the print and PDF version of the newsletter.
Proposed Resolution Regarding Faculty Senators’ Access to NYU School Faculty Email Distribution Lists

Presented by the Communications Committee for consideration at the Faculty Senators Council Meeting, 2/3/11

Background:

It has come to the attention of the Faculty Senators Council (FSC) that not all current elected faculty senators have the authority to send emails regarding Council matters to their constituencies; i.e. the faculty members at their school. This creates a disparity in the ability of faculty senators to communicate Council updates, including resolutions, FSC minutes and summaries, and other important FSC business.

Resolution:

Whereas, The current elected senators of the Faculty Senators Council do not uniformly have the authority to send emails to all faculty members of their school;

Resolved, That all current elected senators of the Faculty Senators Council have the access and authority to send emails regarding Council matters to their school’s faculty members by means of their respective school’s faculty email distribution list.
Dec. 6, 2010

Resolution

Whereas:
The recent resolution termed the “Faculty Senators Council Resolution Concerning Letters of Agreement at the School of Medicine” that was passed by the faculty senate was not discussed, considered or approved by the NYULMC Faculty Council.

The NYULMC Faculty Council believes that the NYU Faculty Senate must seek guidance and approval from the NYULMC Faculty Council in its deliberation on matters that pertain specifically to the Medical Center before these are approved and passed onto the leadership of the University.

The NYULMC will consider the topic of this resolution through our standard procedures and will recommend whatever action we feel is appropriate after a careful, fair and thorough discussion.

Resolved:
1. We urge the leadership of the university to disregard the resolution
2. We urge the NYU Faculty Senate to rescind the resolution
3. We urge the NYU Faculty Senate not to approve any future resolutions directed at the medical center without prior council and approval of the NYULMC Faculty Council.

Voted on and failed.
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 Handbook¹, 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.