MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF MARCH 12, 2015

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, March 12, 2015 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Grand Hall.

In attendance were Senators Allgood, Antoon, Appiah, Backus, Chan, Diner, Disotell, Jelinek, Kamer, Kane, Klimke (by phone), Ling, Ludomirsky, Mincer, Rajagopal, Smith, Stokes, Sundaram, Uleman, Van Devanter; Active Alternates Archer, Cappell, Drysdale, Ebsworth, Hawkins, Hill, Hurbis-Cherrier, and Pearce; Alternate Senators Borowiec (for Garabedian), Reiss, Samuels (for Thurston), and Tannenbaum. Former Members Moskowitz and Raiken attended as guests.

APPROVAL OF THE MINUTES OF THE MEETING HELD FEBRUARY 19, 2015

Upon a motion duly made and seconded, the minutes of the February 19, 2015 meeting were approved unanimously.

CALL FOR NOMINATIONS: T-FSC VICE CHAIRPERSON AND SECRETARY

Chairperson Sundaram, on behalf of the Nominating Committee members: Senators Backus, Porfiri, and Zwanzinger, announced the call for nominations for candidates for the positions of T-FSC Vice Chairperson and Secretary, 2015-2016. He encouraged Senators to send their nominations, including self-nominations, to Karyn Ridder.

He re-emphasized the important role of the incoming Executive Committee (EC), stating the University is in the midst of major changes, including an incoming new president and new Chair of the Board of Trustees, and the EC will have the opportunity to meet with this new leadership.

REPORT FROM THE CHAIRPERSON: RAGHU SUNDARAM

Committee Reports

Chairperson Sundaram expressed gratitude to the Committee Chairs for their work this year, specifically Alternate Senator Reiss’ work on the Social Media Policy and Personal Digital Content policy, Senators Chan and Stokes for their work on the Benefits & Housing Committee, and Senator Jelinek on the review of the Health Realignment.

Faculty Handbook

Sundaram recapped the discussion in the past involving the line in the Faculty Handbook (2008) which contains the following statement on its last page: "All of the material included in this Faculty Handbook has been reviewed by and accepted by the Faculty Senators Council of New York University," which was later removed.
The Governance Committee suggested replacing “accepted” with “endorsed”. This suggestion was not incorporated.

Sundaram suggested urging the Board of Trustees (BOT) to reconsider the decision and explain the importance of the Faculty Handbook having the endorsement of the FSC. He noted this reconsideration would be by new members of the BOT and administration.

A Senator asked if any part of the Faculty Handbook is contractual.

A Senator stated in a past revision of the Handbook, the word contract was used in a draft, but removed from the final draft.

The discussion was postponed to the April meeting.

Meeting with Coles Architects and Redevelopment Interim Fitness and Athletics Plan

See attached Document E: Coles Redevelopment Interim Fitness and Athletics Plan.

Sundaram reported the Executive Committee and the Non-Tenure Track/Contract Faculty Senators Council Steering Committee met with the architects for the Coles site.

He also noted Document E, which details the Coles Redevelopment Interim Fitness and Athletics Plan.

Dean’s Council

Sundaram announced he will be attending the April 15 meeting of the Dean’s Council and will discuss the request for Deans to share information and data regarding school finances, admissions, etc. with their school’s faculty members. He urged Senators, if access to this data is permitted, to use the data responsibly.

T-FSC COMMITTEE REPORTS

Faculty Benefits & Housing: Committee Co-Chairs Chan and Stokes

Housing Office Presentation

See attached Document A: Housing Presentation.

Senator Chan introduced the two special Guests: Erin Lynch, Director Faculty Housing Office & Residential Services and Alison Leary, Executive Vice President, Division of Operations.

Lynch reported the Faculty Housing Office leads a team that includes a number of groups within Operations: 1) the Facilities Management team maintains the apartments, buildings and grounds; 2) the Office of Construction Management manages the turnover of vacated apartments; 3) Cushman and Wakefield is a contract and service provider supporting lease administration and renewals, and 4) the Client Services Center generates all of the work orders within faculty housing. Within the Faculty Housing Office, there are 4 members who are dedicated solely to supporting the schools in the successful recruitment and retention of faculty.

She outlined a few major policies within faculty housing.
To best utilize limited housing resources, the University has established priorities for new housing assignments. The highest priority is to house tenured and tenure track faculty who will be joining NYU and do not have housing in the metropolitan area. Almost equal priority is given to existing faculty who are of high retention importance; the next priority is to try and respond to requests to move to different or larger apartments from faculty who are already in NYU’s rental housing. Housing requests are considered and prioritized in a manner designed to support, recruit and retain full time faculty as determined by the Deans in partnership with the Office of the Provost.

The Vacancy Rent is the rent charged when a new affiliate tenant moves into an apartment (either as a new arrival or when relocating from another apartment in Faculty Housing). The Vacancy Rent is determined by the overall base rent for the portfolio plus factors that take into consideration the building location, orientation and other such amenities. The Vacancy Rent, determined annually, will increase by 2.9% for FY15 new tenant move ins.

The Renewal Rent is the rent charged when an affiliate lease expires (typically every 3 years) and is renewed. The Renewal Rent is dependent on the gap between the calculated Vacancy Rent for an apartment and the actual current rent paid by the affiliate tenant. The larger the gap, the larger the percentage increase, subject to a maximum increase that is established in an effort to balance expenses and minimize adverse undue impact to residents. The range of Renewal Rents for the FY15 through FY17 3-year renewal cycle will be an average of 9.6% and a maximum increase of 10.9%.

The Housing Office makes every effort to provide larger apartments to faculty with children. Lynch listed the typical family size requirements: studios are for one person, one bedrooms for 1-2 people, two bedrooms for 1-2 adults and 1-2 children, 3 bedrooms for 1-2 adults and 2-3 children, and 4 bedrooms for 1-2 adults and 3+ children.

The Retirement Housing Policy states those considering retirement may be eligible to downsize to a studio apartment. The faculty member (or their partner) cannot directly or indirectly own any residential property anywhere else and must be 60 years of age or older with 10 or more years of full-time service at the university. The Housing Office asks those considering retirement studios to contact the Office 120 days in advance of their retirement, and the move would need to take place prior to the retirement date.

Lynch provided a list of contact information for the various groups and individuals supporting faculty housing.

She announced this year’s launch of the Apartment Improvement Program, which is available to all eligible NYU affiliated and non-affiliated tenants residing in NYU owned housing. The program was worked on by the Benefits & Housing Committee and Faculty Housing Office. There is a menu of apartment improvement options to choose from, which will remain consistent through the three years. NYU funds the first and most expensive option. This is currently in the installation phase and year 2 will be launched in the renewal packets going out the first week of May.

Approximately 1/3 of residents are eligible each year during the 3 year pilot. The pool of eligible affiliates and non-affiliates is 602, with 324 eligible affiliate participants and 278 non-affiliate eligible participants. 100% of non-affiliates are eligible in Year 1 due to lease renewal frequency. There were 236 requests, with 223 active participants and approximately 27% of those participants are non-affiliates. 20% of participants opted for more than one improvement, prompting a monthly payment for affiliates or a monthly rent increase in perpetuity for non-affiliates. Four contractors have been awarded, installation within apartments began the week of February 16, 2015. The volume is expected to roll out through the spring with completion expected in time for Year 2 rollout.

Lynch showed a slide with the portfolio breakdown by unit type (studio, one bedroom, two bedrooms, three bedrooms, and 4 bedrooms) across the various buildings within the portfolio. Two-thirds of the portfolio is located within the two super blocks of Washington Square Village (WSV) and Silver Towers (ST). Next, she showed the portfolio breakdown by tenant type. Graduate students, retirees and post docs are primarily within the studio apartments. Faculty account for 54.2% of the population. There has
been a steady increase in faculty and a decrease in rent controlled stabilized tenants. The vacancy number is about 6% right now. Lynch presented a breakdown of the vacancy as well as historical vacancy rates noting the steady decline since FY12.

She presented the Faculty Housing Proforma FY14: operating revenue is just over $42 million, the total operating expenses account for $65 million, so technically housing is running at a $22 million loss.

The common activity charge represents Faculty Housing’s allocated share of central University administrative overhead costs (e.g. Public Safety, ITS, Liability and Property Insurance). Expenses shown do not include apartment improvement program of $3 million, or WSV/ST window replacement of $45 million.

Lynch presented a graph of the length of occupancy for faculty in 2+ bedroom units: 20% of faculty in 2 bedrooms have been there for 20+ years, and faculty occupy 69% of the two bedrooms within the portfolio. 21% of faculty in 3 bedrooms have been there for 20+ years and they account for 84% of 3 bedrooms. And 31% of faculty in 4 bedrooms have been there for 20+ years and faculty occupy 79% of 4 bedrooms.

The availability of 2 and 3 bedroom apartments is extremely limited and the wait can be a year or more. The current queue for internal moves is more than 10 faculty members waiting on an offer. The current retiree policy has become a disincentive to retire leaving a population of empty nesters choosing to remain in their larger apartments rather than downsize to a studio.

She presented a slide on apartments relinquished by alternative housing programs. There are 4 programs that have been in place. In 2001, there was the Fixed Term Lease Program, which included cash payments for nonrenewable time limited leases. 10 apartments were relinquished. HOP 1 is the Home Ownership Program launched in 2006 with 9 apartments relinquished. HOP 2 was in 2009-2011, which included lifetime 0% shared appreciation mortgage loans and 13 apartments were relinquished. The Riverwalk Loan Program was a building on Roosevelt Island with units for sale. There was an opportunity for those living within housing to apply for a 0% interest shared appreciation loan. 13 apartments were relinquished for this program.

Senator Chan noted the remaining slides were compiled by the Benefits & Housing Committee. She presented on the history of rent renewals. She noted these refer to three year increases, for example, the 2008-2010 averages of 14% equal 4.5% each year for the next three years.

She commented historically there have been large rent increases experienced by the faculty, but the increases have stabilized since 2012. The plan for the coming three years: for this year and the following two years the average increase will be 9.6% which is equivalent to 3.2% annual. She commented the main point from the graph is that there have been larger rent increases for bigger apartments, because the rent per square foot is much lower for the bigger units. The goal is to eventually get these numbers to be exactly the same.

Chan stated one question frequently asked is how the faculty housing rent increases compare with the market. The graph shows the considerable market fluctuations and with a longer time series, there is tremendous variation up and down from year to year. Given that faculty housing does not use market rent in any of its rent models nor is there a desire to mirror the market because of these kinds of fluctuations, the Committee did not find it to be a useful comparison. Instead the Committee focused on the increase experienced by rent stabilized apartments. In New York City, about half the rental units are rent stabilized. Newer buildings are typically not rent stabilized, but some of them have chosen to participate in exchange for tax abatements. But the vast majority of the older buildings that predate 1974 were involuntarily rent stabilized. The graph shows that since 2004, faculty housing rents have increased by 43% on average, compared with 38% for rent stabilized units. Most of this gap was generated in those years with high increases in faculty housing.

The next graph shows an example of three cases of faculty members in identical units.
In Case #1, the faculty member moved into the apartment in 2012 with a rent of $3,000 dollars. He is up for renewal this year and will experience a rate of increase of 9%.

In Case #2, the faculty member has lived in the apartment for a while and in 2012, her rent was set at $2,500 dollars, which is $500 dollars below the vacancy rent. In which case, when she is up for renewal, she will experience a “catch-up rate” increase of 10.9%. With these parameters, she will not reach the vacancy rent until 2045.

In Case #3, the faculty member started at a rent of $2,750 and will also experience a “catch-up rate” increase of 10.9% and will hit vacancy rent in 2027, 12 years from now. He will then switch back to the regular rate.

Chan stated the plan going forward is that people will either get an increase of 9% if they are at the vacancy rent, or an increase of 10.9% if they are in the catch-up pool.

It was noted, later in the conversation, that the catch-up rate was set at 10.9%, versus a higher percent such as 20%, because faculty are not getting large raises every year. This creates a slower transition, but the faculty salaries for the old tenants are starting at a lower level and not increasing as fast.

Chan mentioned the ongoing issue the Committee is examining this semester is the shortage of 2 to 3 bedroom apartments and the empty nesters that do not face adequate incentive to vacate. The Committee is putting together a survey of residents and former residents of faculty housing to examine the extent of the problem and gather information on potential solutions.

Stokes commented on the governance issues within the Washington Square Village Tenants Association, including a lack of bylaws, agendas at meetings, published minutes, follow-up from meetings, and clear information on voting rights. He stated the faculty and administration members involved are trying to find a way to open up the process, encourage a more public election, and send more public notifications.

A Senator asked if there is a solution to the issue of a new recruit who needs a larger apartment, but there is no apartment large enough to accommodate him/her. A Senator responded his school has received rejection letters based exactly on this issue.

The Housing Office responded these requests increase the wait for internal moves (i.e. for requests for a larger apartment due to change in family size).

It was clarified that every request sent to the Housing Office first goes through the School’s Dean’s Office.

A Senator asked about the cash incentives for people who relinquish their apartment.

Lynch stated that was a limited-time program and there is no current plan for a cash payment program. She stated this is part of the discussion with the Benefits & Housing Committee, particularly regarding the cost benefit. One of the goals of the survey is to try and assess what people want and make a recommendation based on these findings.

A Senator offered his personal experience of renovating his apartment 8 years ago. He commented on the issue of the short lists of people who can bid on construction contracts and detailed his experience with lack of bidding competition, outrageous bids, poor quality, etc.

Leary commented on the improvement over the 10 years in the remodeling process. She noted New York City construction costs are still high. There are also the contributing factors of the University’s use of union labor and strict work rules for doing work in NYU buildings to try and minimize the impact to residents.
She noted the recent positive feedback received regarding the window replacement in Washington Square Village.

The Senator asked if anything has changed in terms of competitiveness of the bidding.

Leary responded it is a high priority for the Office of Construction Management to try and bring on new contractors. The smaller work within a single apartment or a small group of apartments has proven difficult in being able to widen the net of contractors, but the Office is absolutely vetting any recommended contractors.

A Senator argued for changing the policies on home ownership so that people can finance their own homes. For example, in allowing faculty to stay in housing for 10 years after purchasing a house, the faculty member could rent out the house and use the rent to pay the mortgage while they continue to live in NYU housing for a fixed period of time. This would make it more attractive to leave.

Administration & Technology: Committee Co-Chair Reiss

University Access to Personal Digital Content Policy

See attached Document B: University Access to Personal Digital Content Policy Draft and Hypothetical Scenarios Covered.

Alternate Senator Reiss listed the members who have participated actively in this discussion over the last year: Senators Backus and Archer, N/C-FSC members Patrice Derrington and Ben Stewart, Mark Righter of the Office of General Counsel, Marilyn McMillan and Kitty Bridges from Information Technology Services (ITS), Norma Kenigsberg from ITS and the Administrative Management Council (AMC), and Thomas Grace, Director Of Community Standards and Compliance.

She stated the University Access to Personal Digital Content policy was derived from the group’s discussions on the Social Media Policy (SMP). She noted the SMP will be discussed later in the semester. She noted the handouts include hypothetical scenarios for when it would be important to invoke this University Access to Personal Digital Content policy. The handouts also include the suggested recommendation to be sent to Provost McLaughlin.

She clarified this is a new policy. The scenarios are not part of the policy, are only for the basis of discussion, and all are examples in which the University would have access to personal digital content.

A Senator asked about accessing text messages or other activity on personal cell phones. Reiss responded there are some University members who have devices provided by the university. In the case of clear and present danger, the University might have to go through Verizon or ATT to access information on personal phones.

A Senator asked if the employee is legally obligated to give the University permission to access information and inquired about the Dean’s decision to access information.

Reiss stated there is going to be record keeping of the process and the policy states there will be annual reporting of these incidents.

The recommendation by the T-FSC Advisory on Electronic Access Policy regarding the Creation of a Senate Access to Personal Data Content Oversight Committee was approved by unanimous vote of the Council:

The T-FSC recommends that University encourages Senate to take the necessary steps to establish the Oversight Committee as described in the new policy on University Access to Personal Data Content (PDC) before the end of the 2014/2015 academic year.
Without limiting the committee’s discretion to pursue its charge, we also recommend that it address the following issues that have been raised during the drafting of the PDC policy.

1. Make available to the University community a detailed description of the distinction between data and metadata, with clear examples of each.

2. Make available to the University community a detailed description of how standard encryption procedures may or may not shield either data or metadata from monitoring.

3. Make available to the University community a detailed description of when and how non-NYU email accounts, devices or networks used by University members could be monitored.

4. Make available to the University community a detailed description of how NYU is obligated to respond to lawful requests for information from external authorities, including how these obligations may differ across the GNU.

Personnel Policies & Tenure Modifications: Committee Co-Chairs Jelinek and Ling

Proposed Recommendations with Respect to Tenured and Tenure Eligible Faculty Who May Join the College of Global Public Health/Faculty of Health

See attached Document C: Proposed Recommendations of the T-Faculty Senators Council with Respect to Tenured and Tenure Eligible Faculty Who May Join the College of Global Public Health/Faculty of Health.

Special Guests Cheryl Healton, Director of the NYU Global Institute of Public Health and Dean of Global Public Health and Bob Berne, Executive Vice President for Health attended this segment of the meeting and asked for any questions from Council members.

A Senator asked how many full-time faculty are currently located within the Global Institute of Public Health.

Berne responded the there are approximately 10 tenured faculty within the Global Institute of Public Health who are joint faculty and 7-8 full-time non-tenure track/contract faculty.

A Senator stated with the new organization of the College of Global Public Health it is her understanding there will be 6 faculty members who are tenured from Steinhardt that are moving into Global Public Health. She asked what will happen to these faculty members under the Global Public Health promotion and tenure policies and if there will be a Faculty of Health Promotion and Tenure Committee that controls the three separate units.

Berne stated the College of Global Public Health will develop its own standards and appropriate processes for tenure and promotion, which would be within the College of Global Public Health. Currently there is a joint committee in Nursing and Dentistry, and he stated he would envision that the Faculty of Health would have a joint committee among all three of the colleges. In terms of the expectations regarding promotion and tenure of the faculty members moving over from Steinhardt, he noted all are tenured. He added he believes there would be an open, collaborative process in terms of making sure that no one is disadvantaged in the change.

The Senator clarified her understanding is there will be a two tiered process within the Faculty of Health: one tier being the individual college level promotion and tenure committee and the other tier being the Faculty of Health Promotion and Tenure joint committee with membership of three tenured professors representing each of the three colleges.
Berne confirmed that this is what he would expect.

Berne confirmed his statement from the meeting on 1/29/15 that the Faculty of Health would follow the Washington Square model regarding teaching and research and not the School of Medicine model.

A Senator asked if the three colleges are under the School of Medicine.

Berne clarified the three colleges will not be under the School of Medicine but under the Faculty of Health. He noted the academic synergies that can be achieved at that Faculty of Health level in terms of joint grants, joint teaching, shared courses, and the administrative synergies in terms of grants management, IT technology, human resources, finance, etc. He noted their similarities: all three schools are National Institutes of Health (NIH) heavily funded schools, have a mix of clinical and tenured/tenure-track faculty, and have an interest not only in clinical care but also in public health.

The Senator asked if these commonalities would also exist with the School of Medicine.

Berne stated the population health group in the School of Medicine is very active in public health and there is a good partnership there. But he noted for a variety of reasons, Nursing, Dentistry and Public Health, generally speaking, exist outside of medicine, based partly on size, emphasis on social sciences, etc.

The discussion turned to the proposed recommendations of the Personnel Policies & Tenure Modifications Committee with respect to tenured and tenure eligible faculty who may join the College of Global Public Health/Faculty of Health.

A Senator commented that the proposal has been sent to the other Councils, who endorsed the principle of setting up the College of Global Public Health, subject to concerns raised in the form of follow up questions. He stated those from the involved Schools have shown their support and suggested the Council approve in principle, taking into account the Council’s concerns.

A Senator clarified it is her understanding the College of Nursing and College of Dentistry are strongly in support but the Steinhardt faculty are not.

She stated the Steinhardt faculty members are concerned that the College of Global Public Health will follow the School of Medicine model regarding teaching and research. Their second concern is over joint appointments with Public Health and what the promotion and tenure policy will be in the College of Public Health.

A Senator stated the recommendations address concerns in stating: "current faculty members must not be pressured to move their primary appointment from their current schools to the College of Global Public Health or to accept joint appointments."

It was suggested that perhaps this be stronger than a recommendation, and instead a contingency for the Council’s support.

The Senators discussed approving the formation of the College of Global Public Health, subject to these concerns being met.

The recommendations, with the inclusion of language to be drafted by Senator Jelinek [regarding the stipulations that the Faculty of Health follow the Washington Square model in which faculty have nine month appointments and fund their summers with outside funding or extra teaching, and that the Faculty of Health will not follow the School of Medicine model in which research faculty are on 12 month contracts with an expectation to raise roughly 60% of their salary, even though there will be strong encouragement for faculty in the Faculty of Health to raise research funding, and the recommendations of the T-FSC indicated below regarding current Tenured and Tenure Eligible Faculty who may join the College of Global Public Health/Faculty of Health are followed], were approved by general consensus of the Council.
ADJOURNMENT

The meeting adjourned at 2:00 PM.
Faculty Senate Housing & Benefits Committee

March 12, 2015
Office of Faculty Housing and Residential Services
Division of Operations
1. Introduction to Faculty Housing and description of services
2. Housing Policy Overview
3. Organizational Structure/Contact Information
4. Apartment Improvement Program
5. Portfolio Breakdown by Unit Type
6. Portfolio Breakdown by Tenant Type
7. Vacancy Breakdown
8. Faculty Housing Proforma
9. Length of Occupancy for Faculty in 2+ Bedroom units
10. Apartments Relinquished by Alternative Housing Programs
11. Faculty Housing Rent Renewal History
12. Average Renewal Increase by Apartment Size
The Office of Faculty Housing leads a team that includes a number of work groups within Operations who deliver services to faculty housing, including Facilities & Construction Management, Public Safety, Cushman and Wakefield, CBS and the Client Services Center. The core team in Leasing & Residential Services is comprised of four members whose focus is dedicated to supporting the successful recruitment and retention of faculty and other mission critical initiatives.

- **Facilities Management** maintains the apartments, buildings and grounds within the Faculty Housing portfolio
- **Office of Construction Management** manages the turnover of vacated apartments within the Faculty Housing portfolio
- **Cushman and Wakefield** is a contracted service provider supporting lease administration and renewals
- **Client Services Center** generates all work requests for Faculty Housing and dispatches to the Facilities team to address accordingly with building staff
Apartment Allocations
To best utilize limited housing resources, the University has established priorities for new housing assignments. The highest priority is to house tenured and tenure track faculty who will be joining NYU and do not have housing in the metropolitan area. Almost equal priority is given to existing faculty who are of high retention importance; the next priority is to try and respond to requests to move to different or larger apartments from faculty who are already in NYU’s rental housing. Housing requests are considered and prioritized in a manner designed to support, recruit and retain full time faculty as determined by the Deans in partnership with the Office of the Provost.

http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/faculty-housing-policy.html

Rent Setting
The Vacancy Rent is the rent charged when a new affiliate tenant moves into an apartment (either as a new arrival or when relocating from another apartment in Faculty Housing). The Vacancy Rent is determined by the overall base rent for the portfolio plus factors that take into consideration the building location, orientation and other such amenities. The Vacancy Rent, determined annually, will increase by 2.9% for FY15 new tenant move ins.

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Apartment/Family Size Requirements
In assigning particular apartments to faculty, family size is a contributing factor, and we make every effort to provide larger apartments to faculty with children consistent with housing allocation priority. Typical family size requirements are as follows:
Studio = 1 person
1BR = 1 person or 2 people
2BR = 1-2 adults and 1-2 children
3BR = 1-2 adults and 2-3 children
4BR = 1-2 adults and 3+ children

Retirement Housing
Faculty in housing who are considering retirement may be eligible for a retirement studio. Eligibility requirements for a retirement studio are as follows:

(i) Tenant or his or her spouse or domestic partner does not directly or indirectly own or rent other residential property, within the region or elsewhere, and
(ii) Tenant is sixty (60) years of age or older with ten or more years of full-time service at the University

The move to the studio must take place prior to the retirement date. It’s advised they contact our office four months in advance of the retirement to view options A retirement affidavit affirming eligibility would be attached to the lease for the studio and must be re-executed at each renewal.
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</table>
Partnering with the Faculty Senators Council’s Housing & Benefits Committee to develop this program, this three year pilot was launched in the summer of 2014, available to all eligible NYU-affiliated and non-affiliated tenants residing in NYU owned housing. Residents have been given the opportunity to elect from a menu of options including new kitchen cabinets, stainless steel appliances, stone countertops, tile backsplash, bathroom fixture packages and tile floor overlays. Working within the existing funding envelope, NYU will fund the first and most expensive option and the resident may opt to self fund additional options to be amortized over the term of their lease. Installation is expected to run through the spring of 2015 and feedback from residents has been positive and enthusiastic. Year 2 will be communicated to all eligible residents via their lease renewal packets, which are distributed the first week in May.

- As part of the triannual lease renewal process, approximately one third of residents will be eligible each year during the three year pilot.

- The pool of eligible affiliates and non-affiliates is 602, with 324 eligible affiliate participants and 278 non-affiliate eligible participants. 100% of non-affiliates are eligible in Year 1 due to lease renewal frequency.

- There were 236 requests, with 223 active participants and approximately 27% of those participants are non-affiliates.

- 20% of participants opted for more than one improvement, prompting a monthly payment for affiliates or a monthly rent increase in perpetuity for non-affiliates.

- Four contractors have been awarded, installation within apartments began the week of February 16, 2015, the volume is expected to roll out through the spring with completion expected in time for Year 2 rollout.
New York University
UNIVERSITY POLICIES

Title: University Access to Personal Digital Content
Effective Date: [date], 2014
Supersedes: New Policy
Issuing Authority: Executive Vice President, Finance and Information Technology
Responsible Officer: Vice President, Information Technology and Chief Information Technology Officer

Policy

It is the policy of New York University, including its Schools and other units, Global Network University sites, and all University Affiliates (together “NYU”), that NYU limits the circumstances under which NYU will access, disseminate, and use Personal Digital Content, or “PDC” (as defined in this policy) of NYU faculty, students, and staff, and that NYU be transparent about those circumstances and its related procedures.

NYU recognizes that as faculty, students, and staff increasingly create, receive, use, transmit, and store information in digital form — as opposed to traditional media (e.g., print materials, file cabinets, etc.) — there is growing concern that such information may be more vulnerable to unintended or inappropriate use. At the same time, NYU appreciates and affirms that NYU faculty, students, and staff have an expectation of privacy. Such privacy is a necessary part of fulfilling NYU’s commitment to academic freedom (as set forth in the Faculty Handbook), and its commitment to respect in its relationships with faculty, students, and staff (as set forth in the New York University Code of Ethical Conduct).

Purpose of this Policy

The purpose of this policy is to establish internal standards and procedures governing NYU’s access to, and dissemination and use of, PDC to achieve the above-stated policy objectives. This policy is grounded on six important principles:

- Access to, and dissemination and use of, PDC of NYU faculty, students, and staff will be authorized only by an appropriate and accountable person, pursuant to NYU’s Policy on Requests to Information Technology (NYU IT) to Support Investigations, and through a specific and formal process.
- Access to, and dissemination and use of, PDC of NYU faculty, students, and staff will occur only for a legitimate NYU purpose, as set forth in this policy.
• Except as provided in this policy, there is a presumption that notice pursuant to the Notice section of this policy will be given to affected NYU faculty, students, and/or staff when their PDC will be, or has been, accessed.
• Access to, and dissemination and use of, PDC of NYU faculty, students, and staff will be limited in scope to the information needed to accomplish the purpose.
• NYU will maintain sufficient records to enable appropriate review of compliance with this policy.
• Access to, and dissemination and use of, PDC will be subject to ongoing, independent oversight by an NYU Committee that will issue regular reports to the University Senate.

This policy does not create rights in any individual or entity to seek legal redress for action inconsistent with the policy.

Scope of this Policy

This policy affords protections to faculty, students, and staff of NYU with respect to their Personal Digital Content and sets forth NYU’s commitment and processes to effectuate those protections.

Procedures for Implementation

Background

NYU faculty, students, and staff rely on technology in multiple aspects of their work, teaching, research, study, and other activities. In doing so, they often use electronic systems, networks, and devices that NYU owns, provides, or administers. These NYU Systems assist NYU in carrying out certain activities. As used in this policy, “NYU Systems” means all information technology services, networks, and devices owned, provided, or administered by any unit of NYU, such as email services, internet access, file servers, voice message servers, hardware and cloud-based storage devices and/or services, laptop, tablet, desktop, and other computers, phones or other mobile devices, and other outsourced information technology services (e.g., Google NYU Mail or Google Apps for Education).

This policy provides protections to NYU faculty, students, and staff with respect to their “Personal Digital Content” or “PDC,” which means the following content and its associated metadata to the extent stored in files and/or accounts on, or transmitted through, NYU Systems and that are associated with a specific NYU faculty member, student, or staff member:

(a) digital documents and communications of NYU faculty, students, and staff, such as emails, voice mails, text messages, audio and video files;
(b) internet search records and internet sites visited for specific NYU faculty, students, or staff;
(c) manuscripts and other similar works of authorship by NYU faculty, students, or staff that are not publicly available; and
(d) other scholarly content of NYU faculty, students, and staff that comprises “Traditional Works of Scholarship” under NYU’s Statement of Policy on Intellectual Property, except to the extent such works also qualify as “Instructional Media” under that policy.
Examples of content that are not included within the definition of PDC include: (a) logs or records of access, including video files, to NYU facilities or equipment; (b) “Research Data” as defined in NYU’s Policy on Retention of and Access to Research Data; (c) personal information needed for management of NYU records, such as financial, human resource, and student information system records; and (d) routine uses of NYU instructional management systems, such as [e.g., the statistics section of NYU Classes]. If members of the university community have a question about whether specific data is included within the definition of PDC, they should consult with their Dean or Director who, together with the Responsible Officer for this policy, will provide guidance.

**Reasons for Access**

NYU does not routinely monitor the PDC of a specific NYU faculty member, student, or staff member. NYU may obtain access to such PDC in some circumstances, but only for a legitimate institutional purpose, as set forth in this policy. The paragraphs below describe certain purposes for which NYU may access such information. While this list is expected to cover most instances of access, the list is not intended to be exhaustive. NYU may access the PDC of NYU faculty, students, and staff for other comparable reasons that advance a legitimate institutional purpose, as determined by a person designated to authorize access pursuant to this policy, and subject to review by the oversight committee as described below. In evaluating the institutional purpose, the person designated to authorize access should in each case weigh not only the stated reasons for access but also the possible effect of access on NYU values such as academic freedom and internal trust and confidence.

**A. System Protection, Maintenance, and Management**

NYU Systems require ongoing management, maintenance and inspection to ensure that they are operating properly; to implement new systems; to protect against threats such as attacks, malware, and viruses; and to protect the integrity and security of information. For example, system logs, also known as log files, are created during system operation and contain information about system events that are needed for specific business reasons or to satisfy legal requirements. Business reasons include, but are not limited to, deploying new software, troubleshooting, system testing, collecting metrics on system performance and usage, billing, documentation, electronic discovery, and forensic investigation. No routine network scans of faculty, students, or staff are done that examine content.

**B. Business Continuity**

NYU may access PDC of NYU faculty, students, and staff for the purpose of ensuring continuity in its business operations where the information in question is material to conducting business operations, and where it is reasonably determined that there is no better practicable alternative under the circumstances. This need can arise, for example, if an employee who typically has access to the files or business information in question is unavailable for the time period when the files or information is needed.

**C. Safety Matters**

NYU may access PDC of NYU faculty, students, and staff to deal with exigent situations presenting a threat to campus safety or the life, health, or safety of any person.
D. Legal and Regulatory Process and Litigation

NYU may access PDC of NYU faculty, students, and staff in connection with pending litigation or a bona fide threat of litigation (as determined by the Office of General Counsel), and to respond to subpoenas and similar lawful requests for information in relevant law enforcement investigations, other government investigations and regulatory processes, and legal and regulatory processes, and as otherwise required by law.

E. Internal Investigations and Audits

NYU may access PDC of NYU faculty, students, and staff: a) in connection with investigations under any applicable NYU policies (such as, for example, claims of discrimination, harassment, sexual misconduct, research misconduct, financial misconduct); b) for purposes of internal audits and audits by NYU’s public accounting firm; and c) in connection with claims relating to public safety, including allegations of criminal conduct, and other circumstances as outlined in policies such as Electronic Communications and Social Media Policy, Missing Student Notification Policy, Use of Email, and Terms of Use. Access may be authorized only when the authorizing person has determined that the investigation advances a legitimate institutional purpose and that there is a sufficient basis for it.

Authorization of Access

Access to PDC of NYU faculty, students, and staff must be authorized by an appropriate person, pursuant to NYU’s Policy on Requests to Information Technology Services (NYU IT) to Support Investigations.

Any authorization of access will apply only to the particular situation and specific NYU faculty, students, and/or staff. Any other situation must be separately authorized.

No independent authorization is required for information technology personnel to conduct routine system protection, maintenance, or management in accord with internal protocols and processes. Likewise, requests for access in connection with litigation, legal and regulatory processes, or requirements, or law enforcement investigations, or to preserve PDC for possible subsequent access in accordance with this policy, need no independent authorization if made by the Office of General Counsel.

In exigent situations involving a threat to campus safety or the life, health, or safety of any person where there is no other governing policy, access may be authorized by the Office of General Counsel. If emergency conditions do not allow for prior authorization, the matter will be reported to the Office of General Counsel as promptly as possible.

Presumption Notice Will be Provided

When NYU intends to access PDC of current NYU faculty, staff, and students, and except as otherwise provided in this policy, there is a presumption that notice will be given to the affected party or parties. All reasonable efforts should be made to give notice at the time of access or as soon thereafter as reasonably possible. The following are examples of situations where notice is not required:
A. System protection, maintenance, and management — Individual notice is not required for ordinary system protection, maintenance, or management as described in this policy. Notice should be given if the access relates specifically to the activity of an individual faculty member, student, or staff member, unless troubleshooting the individual user’s problem with a system based on a report from the user.

B. Business continuity — Individual notice normally is not required for access to PDC for purposes of business continuity, in accordance with this policy and established NYU practice, and the common understanding is that individual notice in such cases typically is not practicable.

C. Legal restrictions — Individual notice is not required where NYU is subject to legal constraints, or with requests by law enforcement or regulators, or similar constraints on NYU’s ability to give notice.

D. Emergencies and other extraordinary cases — Contemporaneous individual notice is not required in cases where there is insufficient time, where giving notice could otherwise interfere with an effective response to an emergency or other compelling need (e.g., at a stage of an internal investigation where giving notice could compromise the investigation, or in exigent situations presenting a threat to campus safety, or the life, health, or safety of any person), or where it is impracticable. The decision not to give contemporaneous notice to an NYU faculty member, student or staff member must be made by the person designated by this policy to authorize the access. In such cases, notice will ordinarily be given as soon as practical.

The person designated by this policy and under NYU’s Policy on Requests to Information Technology Services (NYU IT) to Support Investigations to authorize access may decide not to give notice. Any such decision, and the grounds for overcoming the presumption set forth in this policy, will be documented, and available for review by the oversight committee, as set forth in this policy.

Scope of Access

NYU will adopt reasonable steps, whenever practicable, to limit access, dissemination, and use of PDC of NYU faculty, students, and staff obtained under this policy to the content that is related to NYU’s documented purpose in obtaining access. These steps will vary depending on the circumstances of the search. Participation in the search, and access to, and dissemination and use of, the PDC in question should be limited to those personnel with a reasonable need to be involved.

Records of Process

Any person who authorizes access to PDC of NYU faculty, students or staff will provide that reasonable records of the process are preserved, including who requested the access, the purpose for which the access was requested, who undertook any investigation, the process undertaken, and any decision reached.

In all instances of access under this policy, records should be maintained that are adequate to permit effective review as described in the Oversight section of this policy. Records will be maintained for a period of time that is consistent with all legal obligations and with custom and practice.
Compliance with Laws

There are numerous international, federal and state laws related to data privacy, data security, and data transfer. This policy should be understood in light of those laws, including the Family Educational Rights and Privacy Act of 1974, the Electronic Communications Decency Act of 1986, the Healthcare Insurance Portability and Accountability Act of 1996.

Oversight Committee

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 be provided at least annually with a report by NYU IT that categorizes the number of incidents where PDC of NYU faculty, students, and staff was accessed, and for each incident, the date, position of the individual(s) whose data was accessed (i.e., faculty, student, staff), the academic or administrative unit that requested access purpose for the access, whether there was notice provided, and whether such access, dissemination and use was in compliance with this policy and with NYU’s Policy on Requests to Information Technology Services (NYU IT) to Support Investigations. The report will not contain any actual PDC, and will not directly or indirectly identify individuals whose PDC was accessed. The oversight committee will meet at least annually to discuss the report and may make recommendations to the Provost as to the processes set forth in this policy and possible amendments to the policy. The oversight committee will also make periodic reports to the University Senate on the implementation of this policy.

Policy Definitions

“Personal Digital Content” or “PDC” means the following content, and its associated metadata, to the extent stored in files and/or accounts on, or transmitted through, NYU Systems and that are associated with a specific NYU faculty member, student, or staff member:

(a) digital documents and communications of NYU faculty, students, and staff, such as emails, voice mails, text messages, and their associated audio and video files or visual content and metadata;
(b) internet usage and/or search records and internet sites visited for specific NYU faculty, students, or staff;
(c) manuscripts and other similar works of authorship by NYU faculty, students, or staff that are not publicly available; and
(d) other scholarly content of NYU faculty, students, and staff that comprises “Traditional Works of Scholarship” under NYU’s Statement of Policy on Intellectual Property, except to the extent such works also qualify as “Instructional Media” under that policy.

“NYU” means Schools and other units of NYU, NYU’s Global Network University sites, and all University Affiliates.

“NYU Systems” means all information technology services, networks, and devices owned, provided, or administered by any unit of NYU, such as email services, internet access, file servers, voice message servers, hardware and cloud-based storage devices and/or services, laptop, tablet, desktop,
and other computers, phones or other mobile devices, and other outsourced information technology services (e.g., Google NYU Mail or Google Apps for Education).

“School” means each NYU school, college, and institute that functions similarly to a school or college (e.g., IFA, ISAW, Courant, and CUSP), each NYU portal campus (e.g., New York and Abu Dhabi), and may include for purposes of this policy other global sites as designated by the Provost.

“University Affiliates” consist of those entities controlled, directly or indirectly, by the University through (a) ownership of more than 50% of the ownership interests in the entity or (b) the power to appoint or elect a majority of the organization’s governing body (e.g., directors or trustees)

Related Policies

- Family Educational Rights and Privacy Act (FERPA)
- HIPAA Policies
- Policy on Personal Identification Numbers
- 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
- Electronic Communications and Social Media Policy
- Missing Student Policy
Hypothetical Scenarios Covered

University Access to Personal Digital Content Policy

1. Business Continuity Scenarios
   a. The University’s Controller is on an international flight; management requires access to third party reports that were emailed to the Controller, and are contained an attachment to an email.
   b. Faculty member is on an unplanned extended medical leave of absence and is essentially unavailable; graduate students assert it is necessary to access faculty’s emails to access research data in order to maintain the progress of research under a critical grant.

2. Internal Investigations
   a. NYU Faculty member A files a scientific misconduct complaint with Provost alleging that NYU faculty member B’s data for a recent publication is stolen from faculty member A, and that the publication amounts to plagiarism and fabrication of data. Faculty member A asserts that the proof for the data being stolen will be found in faculty member B’s files stored on the NYU network, as credibly reported by graduate assistants of faculty member B.
   b. Post Doc alleges that faculty member has falsified data regarding efficacy of new cancer fighting composition of matter. Faculty member has started a company to commercialize the technology, and company is on the eve of closing a multi-million dollar investment round where investors have relied upon the promising data. Post Doc indicates that proof of the fraudulent data is contained in the faculty member’s emails, and data stored on NYU’s network.
   c. Student files a complaint with faculty member that her lab partner logged on to system with Student’s password to misappropriate lab data to use in his own report. Student and faculty seek assistance from IT in obtaining information on lab partner’s log in information, filing dates, and other potentially incriminating digital evidence of plagiarism.

3. Legal Processes Scenarios
   a. University receives a subpoena in criminal investigation regarding child porn images and email exchanges allegedly conducted by a graduate student using an NYU email account; subpoena seeks access to last 6 months’ email history and hard drive storage, and access to, and usage history for student’s cloud based accounts.
   b. University receives a letter from outside counsel for a major corporation that it believes a faculty member has misappropriated confidential software code it shared with faculty member during a brief consultancy, and that faculty member is using it in university-sponsored research he is conducting for the key competitor of corporation. Corporation has demanded that the University access and freeze all such data and files, and share with corporation.
4. **Scenarios involving HR issues, and involving University policy violations**

   a. University receives two separate sexual harassment complaints from students, each independently claiming that a faculty member has been sending very inappropriate and graphic emails to students late at night. University would like to examine the faculty member’s email account to determine whether this is the “tip of the iceberg.”

   b. A recent NYU alumnus, who still uses an NYU email account, participates in an NYU faculty-led literature group, and sends very caustic racial “hate mail” to two members of the group. The faculty member leading the group seeks to access the email account in order to verify the source of the email, and to preserve the communications, and determine whether there are other instances of such hate mail.

   c. Student A posts on the “App” “NYU Crush” that he has a crush on Student B. The App is a new startup partnering with Facebook that encourages students to anonymously “post” about students for whom they have a romantic crush. Student B initially finds the form of flattery “sweet,” but Student A continues to pursue the student through e-stalking of this nature, that become increasingly invasive and aggressive in nature, including lurid emails from a gmail account. Student B contacts NYU Crush and convinces NYU Crush to provide the identity of the poster, Student A, even though the company informs Student B that it is technically against its use policies. Student B then contacts NYU’s IT department to gain any information that may verify that Student A is the source of the posts and emails. Student B states she only wishes to ask Student A to stop the harassment, and she does not wish to pursue any charges.

5. **Health and Safety Emergencies**

   a. Student informs University that his roommate has threatened to commit suicide, and has been missing for 4 hours. There is a reasonable belief that reviewing the web browsing history and emails for the roommate may provide valuable information to locate the roommate.

   b. Faculty member is engaged in archaeological research in a remote section of Egypt. His research crew alerts University that he went out for supplies 8 hours ago and has not come back. They report he was only running for supplies and was to be back in 45 minutes. They want to access emails, texts, and other mobile device usage to assure his safety.

6. **Academic Oversight Scenarios**

   a. A Department Head accesses the NYU Classes database to determine whether a faculty member is diligently interacting with students, and whether there are backlogs of requests from students, and long delays in test results.

   b. A faculty member accesses the NYU Classes database to determine the same things with regard to a teaching assistant.
c. A faculty member checks log information for a student, to determine whether a paper was turned in on time, as claimed by the student.

7. **Administrative Oversight Scenarios**

a. A Department Head contacts ITS seeking access to a faculty member’s web searching logs to determine whether the faculty member is spending too much time on social media sites and conducting personal business for a company the faculty member runs on the side.

b. An institute Director seeks information from ITS and Security regarding anyone who “swiped” access to a particular lab facility over the weekend, as well as any related digital video footage from the hallways, because there was significant damage done to an expensive piece of federally funded equipment over the weekend.

c. Key University administrators contact ITS looking to access the email accounts of two Deans and several Department Heads looking to determine who leaked to the press certain highly confidential information about the University’s plans to open a portal campus in Tokyo, which leaks scuttled the potential development.
I. Draft Committee Charter

I. PURPOSE

The purpose of this Committee is to make recommendations to the Provost on the policies and procedures for, and under what circumstances a member of the University community may, access the electronic communications (including email) of another member of the university community. The Subcommittee will examine: a) the adequacy of, and transparency of, current University policies and procedures governing such access; b) the safeguards in place regarding the privacy interests of the University community; c) the University’s obligation to document and report on instances of access; and d) the extent to which there should be an ongoing oversight process for such access.

II. STRUCTURE AND OPERATION

The Provost will have the authority for the appointment and removal of Committee members and leadership, and for the procedures governing Committee meetings. The Committee will meet at least two times each academic year, and as otherwise determined by the Committee leadership. The Committee will coordinate its recommendations with any other University standing committees designated by the Provost as having responsibility for electronic communications.

III. RESPONSIBILITIES

In furtherance of its purpose, the Committee has the authority and responsibilities to make recommendations to the Provost (and any other committees designated by the Provost) regarding a policy that addresses the following:

1. When it is appropriate for the University to access Electronic Communications, including:
   a. Are there different standards for different types of information
      i. Business records
      ii. Faculty-owned scholarly works
      iii. Personnel records
   b. Are there different standards for different members of university community
      i. Administrators
      ii. Faculty
      iii. Students
2. Who must approve the access;
3. When, and under what circumstances, is lack of prior notice of access justified
   a. whether there should be a presumption that notice is required
4. Who is entitled to access the information
5. What additional dissemination or sharing of the accessed information is warranted
6. What documentation is required regarding the access
7. Issues arising with the departure of members of University community, including:
   a. Issues of continuing access, storage, and who else can access, for:
      i. Administrative staff
      ii. Faculty
      iii. Non-amicable terminations
iv. Deceased employee
v. Students
T-FSC Advisory on Electronic Access Policy
To: David McLaughlin, Provost
From: Raghu, Allen, Mitchel and the T-FSC
Date: TBD

Re: Creation of a Senate Access to Personal Data Content Oversight Committee

The FSC recommends that University encourages Senate to take the necessary steps to establish the Oversight Committee as described in the new policy on University Access to Personal Data Content (PDC) before the end of the 2014/2015 academic year.

Without limiting the committee’s discretion to pursue its charge, we also recommend that it address the following issues that have been raised during the drafting of the PDC policy.

1. Make available to the University community a detailed description of the distinction between data and metadata, with clear examples of each

2. Make available to the University community a detailed description of how standard encryption procedures may or may not shield either data or metadata from monitoring.

3. Make available to the University community a detailed description of when and how non-NYU email accounts, devices or networks used by University members could be monitored.

4. Make available to the University community a detailed description of how NYU is obligated to respond to lawful requests for information from external authorities, including how these obligations may differ across the GNU.
Proposed Recommendations of the T-Faculty Senators Council with Respect to Tenured and Tenure Eligible Faculty Who May Join the College of Global Public Health/Faculty of Health

Background

Health Realignment at NYU

*Structure*
A Faculty of Health will be created, comprised of the extant College of Dentistry and College of Nursing, which will no longer reside within the College of Dentistry, and, as an outgrowth of the extant Global Institute of Public Health, a newly created College of Global Public Health.

Each of the three constituent Colleges of the Faculty of Health will be at the level of “school-college” within the NYU lexicon and will maintain appropriate autonomy. Each will have a Dean.

The Faculty of Health will have a Dean, identified by a national search led by a Faculty-Majority Search Committee, and modest staffing to provide oversight and support in areas that include strategic planning, budget/finance, faculty recruitment, retention and promotion, human resources, research and grant management, and IT.

*Purpose*
The joining of the three Colleges within the Faculty of Health will establish academic and administrative synergies to take advantage of inter-professional and inter-disciplinary opportunities and to establish a distinctive edge in the increasing competitiveness in health-related disciplines.

The formation of the Faculty of Health will facilitate interactions with other health schools and programs at NYU and beyond.

Significant economies of scale might be achieved that will place the Faculty of Health at an advantage in securing faculty, students, and research funding.

*Faculty*
The current Master of Global Public Health program will move from the Steinhardt School of Culture, Education, and Human Development to the newly created College of Global Public Health.

It is anticipated that six tenure/tenure track faculty in public health in the Steinhardt School will choose to move to the College of Global Public Health.
The expectation is that 50 percent of faculty appointments in the College of Global Public Health will be jointly held between collaborating schools.

Regarding decisions taken on the granting of tenure, the preliminary idea is for each College to have its own Committee, which will provide recommendations to a single Faculty of Health Committee. The Faculty of Health Committee will submit to the Dean of the Faculty of Health who will then make recommendations to the Executive Vice President for Health/Provost.

Executive Vice President for Health Robert Berne attended the January 29, 2015 meeting of the Tenure Faculty Senators Council (T-FSC) and was provided a set of written questions from the T-FSC Personnel Policy and Tenure Modifications Committee in advance of that meeting. During the meeting EVP for Health Robert Berne discussed the creation of the proposed College of Global Public Health and Faculty of Health and responded to the written questions and questions from the floor. He was asked to respond in writing to the written questions, which he did on February 2, 2015. Those responses are attached herein as Appendix A and the relevant section of the minutes of the January 29, 2015 meeting of the T-FSC that reflect the discussion with Executive Vice President for Health Robert Berne are attached as Appendix B.

Recommendations

At this point in time the proposal for the creation of a College of Global Public Health and a Faculty of Health is sufficiently lacking in detail so as to preclude a robust review and comment on the specifics of their definition. Additionally, the relative prospect for success and sustainability versus the risk of failure and termination are unknown quantities. However, acting in its role as Faculty Personnel Committee of the Senate with respect to the Tenured/Tenure Track Faculty and with the expectation that at the appropriate time the Tenure Faculty Senators Council will have the opportunity to review and comment on the appointment, promotion and tenure policies of the School of Global Public Health and the Faculty of Health, as well as those of the Colleges of Dentistry and Nursing should they be amended to accommodate the inclusion of those Colleges in the Faculty of Health, the Tenure Faculty Senators Council, at this time, makes the following recommendations regarding Tenured and Tenure-Eligible Faculty who may join the College of Global Public Health, which, as specified in the proposal, shall reside within the Faculty of Health, as will the College of Dentistry and the College of Nursing:

- Current faculty members must not be pressured to move their primary appointment from their current schools to the College of Global Public Health or to accept joint appointments.
• If a faculty member is asked to move his or her primary appointment from his or her current school and declines to move, he or she must not experience repercussions by the administration in his or her current school for declining to move nor must his or her status in his or her current school be diminished or restricted in any manner.

• If a tenured faculty member moves his or her primary appointment from his or her current school to the College of Global Public Health there must be, prior to the faculty member’s agreement to move, a mutual understanding between the faculty member and the administration of the administration’s expectations/requirements of the faculty member in the College of Global Public Health and the expectations of the faculty member of his/her status and rights in the College of Global Public Health, and the responsibilities of the University toward him/her in the College of Global Public Health.

• As the College of Global Public Health will become a new entity whose sustainability will remain untested and unknown for several years, there must be established, prior to any tenured faculty member moving his or her primary appointment from his or her current school to the College of Global Public Health, a policy that specifies the University’s responsibilities toward tenured faculty who complete such a move if the College of Global Public Health were to fail or to be terminated or reorganized such that a tenured faculty member’s position were to be eliminated. An example of such a policy is exemplified by Section C of the resolution on Termination and Reorganization of Programs adopted by the New York University Senate at its meeting of May 10, 1979, the text of which is attached below as Appendix C.

• If a tenure-eligible faculty member moves his or her primary appointment from his or her current school to the College of Global Public Health there must be, prior to the faculty member’s agreement to move, a mutual understanding between the faculty member and the administration of the administration’s expectations/requirements of the faculty member in the College of Global Public Health and the expectations of the faculty member of his/her status and rights, and the responsibilities of the University toward him/her in the College of Global Public Health. Such a mutual understanding must include any new requirements of a tenure-eligible faculty member by the administration for the attainment of tenure. If the pre-tenure probationary period is different in the College of Global Public Health than that currently in effect in a tenure-eligible faculty member’s current school, the tenure-eligible faculty member must be given a choice, prior to moving his or her primary appointment from his or her current school to the College of Global Public Health, to either remain in the pre-tenure probationary timeframe of his or her current school or
change to the pre-tenure probationary timeframe of the College of Global Public Health.

Appendix A.
Questions for Executive Vice President of Health Robert Berne regarding the creation of a College of Global Public Health and a Faculty of Health at NYU, 2/2/15

General
Why do you expect the proposed realignment will make NYU much more competitive for MPH applicants and for those who decide to matriculate compared to our competitors? The major players in public health are schools, not programs and the schools we compete with use our program status against us. We compete directly with Columbia, Yale and Boston University and we know that they use our lack of school status against us. We presume that others do as well. Many students and parents are surprised to learn that MPH programs exist outside of schools of public health. Conforming with applicants’ expectations will almost certainly enhance the success of the NYU global public health enterprise.

Why is this moment in time considered the most propitious for creation of the College of Global Public Health/Faculty of Health? The momentum is significant in public health and while I thought it would take longer for a school conversation to surface, it did so last academic year. Were we to wait at this time, our student and faculty recruitment as well as our reputation would suffer—as might our prospects for significant philanthropy. Further, there are certain federal grants that are available only to schools of public health. I believe that NYU is the oldest program that is not a school.

What is the advantage of creating the Faculty of Health, which will have its own Dean and administrative structure? Why not more simply establish an independent College of Global Public Health? If an umbrella organization is desired, could it not be comprised of the three Deans of the College of Dentistry, Nursing and Global Public Health, who would report directly to the Executive Vice President for Health? The umbrella organization has both academic and organizational advantages. Academically, the level of collaboration is likely to be higher among faculty in their teaching and research roles, and student movement among classes is likely to be greater. On the fiscal side, there is the potential for efficiencies in many administrative areas, given the similarity of the issues facing the three units. Plus, the added dean will save us from expanding my office with one or two senior positions. All three schools seek funding from the NIH and health-related foundations; the Faculty of Health can leverage and coordinate funding efforts and collaborations in ways that other places cannot. This will advantage the involved colleges both individually and collectively, especially given the increase value inter-disciplinary and inter-professional projects. Each of the colleges will be independently ranked with regard to NIH funding. Dental and Nursing already are, now Public Health will be also.

Will the faculty of the Colleges of Dentistry and Nursing, and the faculty who are current members of the Global Institute of Public Health be consulted – by an online poll – regarding their opinions on the creation of the Faculty of Health and will their opinions be considered in the creation of the structure/administration of
the Faculty of Health? Not by an online poll. There have already been separate school discussions, I have appeared at faculty meetings, deans have consulted with their faculty councils, and we have the recommendation of a working group consisting of both faculty and deans from the involved schools as well as from all other interested NYU schools. These have been considered the appropriate consultative settings to discuss and shape the ideas as one does in the course of academic discourse. For the small number of faculty members being potentially transferred to the College of Global Public Health from Steinhardt, they have indicated that they plan to move to the new college.

The current organization of the College of Dentistry and the College of Nursing is somewhat similar to that proposed for the Faculty of Health. Have lessons been learned, either positive or negative outcomes, from the creation of that organization that could usefully inform the creation of the Faculty of Health? Yes, as we try to balance the ideas of synergies across the colleges and the need for autonomy, we will draw on the Dental-Nursing experience. There is also a tie-in with my office where I can function more effectively with the presence of a dean of the Faculty of Health.

Will the College of Global Public Health/Faculty of Health be financially self-sustaining? Each college will have certain financial objectives that need to be met, as will the Faculty of Health. The College of Global Public Health will likely be in a growth mode for a while, as was the College of Nursing when it was initiated.

Will its success or its sustainability hinge on its ability to garner extramural grant funding? All three units are in fields where grant support is correlated with success and that will be the case here. I expect that within a reasonable period of time, our College of Global Public Health will be in the top ten in NIH funding. However, sustainability goes beyond research funding alone. As with the Colleges of Dentistry and Nursing, teaching and tuition revenue play a significant role in their continuing success. The same will very likely be true in the case of the College of Global Public Health.

Concerns for Faculty
Regarding the six Tenure-Track Faculty from Steinhardt, will their tenure clock (pre-tenure probationary period) and current requirements to attain tenure be preserved when (if) they move to the new College of Global Public Health? Will they change their physical location? There are currently no faculty who are tenure track but not tenured, to my knowledge

Where will other faculty for the new College of Global Public Health come from, other Schools? The College of Global Public Health will certainly continue to rely on associate and affiliated faculty, of which there are already nearly 100. In addition, the College of Global Public Health will have a core faculty. This model is typical of schools of public health which are intensely inter-professional and inter-disciplinary. current Global Institute of Public Health yes, new hires, (how many, we will need to examine the GIPH plan and adjust it accordingly with the parameters of a college and accreditation standards for schools of public health. and will the current tenure clocks


and current requirements to attain tenure be maintained for current faculty who change their primary appointments from their current schools to the new College of Global Public Health? I do not know of any untenured tenure track faculty who would be affected, but each case will be dealt with in a collaborative and sensitive fashion. Will they change their physical location? The plan is for GIPH’s new home to be in the Forbes Building. Once a decision is made on a college and faculty, space decisions will follow. Down the road I could envision a physical presence for global public health at the Square as well as near Nursing and Dentistry but it is premature as space decisions follow academics and structure.

Will all members of the current Global Institute of Public Health be allowed/required to join the College of Global Public Health, and in what capacity, change of school, adjunct appointment, etc.? It is anticipated that virtually all GIPH current faculty will be faculty of the College of Global Public Health in their current status (affiliate, associate) while Steinhardt faculty who are key to the MPH and PhD program of GIPH will transfer. There are several joint appointments and these will need to be reviewed with each faculty member and home units.

Regarding the faculty in the College of Dentistry and the College of Nursing, how will expectations of the tenure-eligible faculty for attaining tenure be affected, and will the faculty (clinical, tenure-eligible, and tenured) have new responsibilities/requirements imposed by their inclusion in the Faculty of Health? There is already a well-functioning appointments and promotion committee in the College of Dentistry that covers Dentistry and Nursing, and I would expect this would evolve to the Faculty of Health with balanced inclusion for dental, nursing and public health. We would always be sensitive to faculty who are far along in the tenure process. Generally, responsibilities are determined at the college level and I would expect that to continue.

Will all current faculty in the College of Nursing and the College of Dentistry become faculty in the Faculty of Health? My expectation is yes in addition to maintaining their faculty home in one or more of the three colleges.

What will be the University’s responsibility to the faculty of the College of Global Public Health, particularly to those faculty whose primary appointments change from their current schools to the College of Global Public Health, if the College of Global Public Health/Faculty of Health fails/is dissolved? The university has rules on the meaning of tenure in relationship to an academic unit. Dean Brewer and I are discussing the Steinhardt faculty who move but I do not expect this new venture to be anything but a huge success.

Appendix B.

Excerpt from T-FSC Minutes of 1/29/15
Special Guest: Bob Berne, Executive Vice President For Health
Health Realignment
Bob Berne, Executive Vice President for Health presented on the proposal regarding the creation of a College of Global Public Health and a Faculty of Health at NYU. He reported on the consultation process around the University. The Working Group convened in the fall, met three times in the fall semester, and developed a resolution.

Berne stated the resolution calls for the creation of a college of global public health, take nursing out of the College of Dentistry and make it an equivalent college, and place the three colleges: Dentistry, Nursing and Global Public Health under an overarching umbrella organization called the Faculty of Health.

He stated the creation of the College of Global Health is a result of the momentum building at NYU around public health. He noted the hiring of Cheryl Healton as Dean of Global Public Health and Director, NYU Global Institute of Public Health. Berne reported there are around 100 affiliated faculty from around the university with associated or affiliated appointments with the Global Institute of Public Health. He noted the downside of being an Institute rather than a School/College, including loss of competitive edge with other institutions and the inability to receive a number of federal grants. He noted Nursing will gain stature and reputation by moving out of the College of Dentistry and the College of Dentistry will become part of a larger unit.

The three colleges would work together academically and also operationally. The academic synergies would occur in all 3 areas of research. He noted emerging work among the units, including in oral cancer, diabetes, and outreach programs. There are currently joint appointments between public health and both nursing and dentistry.

In addition, Berne stated he believes there will be significant operational and fiscal advantages to the creation of the Faculty of Health. Given the similarities among the units in terms of faculty composition and presence in the health field, this is an opportunity to bring units such as IT, research support, HR, and finance together and create efficiencies. He also commented on the advantages in terms of collaborative grants, joint appointments, and student recruitment.

He discussed the Faculty of Health’s model regarding teaching and research. The model at Washington Square is a nine month appointment, in which faculty fund their summers with outside funding or extra teaching. In contrast, in the School of Medicine (SOM) model research faculty are on 12 month contracts with an expectation to raise roughly 60% of their salary.

He stated the Faculty of Health would not move to the SOM model and would follow the Washington Square model. He noted these are all areas where the reputation of the unit is highly correlated with the amount of research funding, so there will be strong encouragement for people to raise research funding.

A Senator asked about number of faculty members in the College of Public Health. Berne stated he expects the number of faculty members to be about 25-30.

A Senator asked about the planned infrastructure. Berne responded the infrastructure of the Faculty of Health will be relatively small and draw upon the administrative structures and collaboration between the three units.

A Senator asked why the schools are not connecting directly to the School of Medicine, and mentioned Columbia University’s model that connects dentistry, nursing, public health and the medical school into one large complex. The Senator noted the advantages in terms of scientific and academic connections.

Berne responded there are ties with each of these units and medicine, which will continue. He stated the answer is partly based on size and the notion that the three units of dentistry, nursing, and public health might get lost in the much larger unit of the medical school complex. He
commented this allows 3 units that are an important part of NYU and on a growth trajectory in
terms of reputation and academics, to continue that momentum while still coordinating with
Medicine, Wagner and Social Work.

A Senator asked about the tenure clock for the tenure-track Steinhardt faculty members in public
health who will presumably move to the new College of Global Public Health. Berne stated this
group of faculty members are all tenured.

A Senator asked about gauging the success of the new alignment. Berne stated the metrics in all
three areas will be looked at carefully. For public health, there will be certain metrics NYU uses
for new units regarding enrollment, research grants, etc. He commented on the current popularity
in the undergraduate combined majors, strong enrollment numbers in the master’s program, and
large number of PhD applications.

A Senator asked about the process of collecting feedback on the realignment.

Berne mentioned the Working Group with representatives from each college, and presentations
at faculty meetings. He noted the six tenured/tenure track faculty in public health in Steinhardt
were given the choice to move to the new College of Global Public Health.

A Senator asked about cost-savings.

Berne noted the savings with these collaborative endeavors, including administrative costs.

A Senator asked about role of the Dean of Faculty of Health. Berne mentioned a macro-
management role involving policy decisions, fundraising, strategy, etc.

Berne noted the three schools are hiring more people who are interdisciplinary. All three units
have an interest in bioengineering.

A Senator asked about representation in governance. Berne noted the general recommendation
of the Working Group is that each of the three colleges will be at the school-college level in the
NYU lexicon. Therefore, he envisions each school having representation on the Faculty Senators
Councils, Student Senators Council, and Deans Council.

A Senator asked if the tenure process will be aligned between the three units in terms of tenure
clock.

Berne responded this is a decision that needs to be made. Currently there are no tenure
appointments in public health. Dentistry and Nursing have moved to the ten year tenure clock and
there is some discussion that public health would move to that tenure clock as well.

APPENDIX C.

New York University Senate Resolution on Termination and
Reorganization of Programs
Adopted May 10, 1979

C. Procedures for Treatment of Faculty Following Program Termination and Reorganization.

As described below, the University accepts responsibility for deploying its resources in support of tenured faculty members whose positions are in jeopardy. If termination or reorganization might lead to dismissal of tenured faculty, it is expected that such faculty shall be accommodated in other parts of the University where reasonably possible. The Dean of the school in which the faculty member has his or her appointment and the Vice President for Academic Affairs shall be responsible for investigating the possible option(s) and for making the offer(s) to the faculty member. In cases where this is clearly impossible, the University shall support the terminated faculty member at full pay for five years until he or she finds employment (in a faculty or professional position), whichever comes earlier. During the period of unemployment, the University shall continue the terminated faculty member's fringe benefit coverage, including contributions to TIAA/CREF. If the faculty member enters into other employment during this five year period, the University's responsibility would be correspondingly reduced.

During a five year period following termination, if a comparable position opens at the University, such position shall first be offered to the terminated faculty member. If several terminated faculty are eligible, the offer of re-employment shall be made to the most capable terminated faculty member, with the proviso that if two or more candidates are equally capable, the position goes to the persons with the greatest previous length of service at the University.

In the event that a faculty member believes that a reasonable accommodation has not been made, the faculty member may enter his/her grievance with the Dean of the school of his/her original appointment, if the grievance is within the school, or with the Vice President for Academic Affairs, if

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1 Parts A and B (not reproduced here) were adopted by the NYU Board of Trustees on December 10, 1979 and incorporated in the NYU Faculty Handbook. Part C was not adopted by the NYU Board of Trustees.
the grievance lies in any other school than that of his/her original appointment. If the grievance cannot be settled informally, the Dean shall call the Grievance Committee of the school or the Vice President for Academic Affairs shall call the Faculty Council Grievance Committee to consider the case, in accordance with the Faculty Grievance Procedures, in each case acting as the Grievance resort of the first instance.

In the event that financial exigency has been declared, the obligations of the University shall be limited to the obligations adopted as part of the program of the University under financial exigency.
Coles Redevelopment
Interim Fitness and Athletics Plan

I. INTRODUCTION

Background
NYU is proceeding with the planning to redevelop the site of the Jerome S. Coles Sports and Recreation Center, the current home of NYU Athletics and one of three fitness centers for students (including the Palladium and Brooklyn Athletic Facilities), as well as for over 3,000 paying members—the overwhelming majority of whom are members of the NYU and/or neighboring community. Since the Coles Redevelopment will take a sports and recreation facility out of commission for several years, NYU plans to make provisions to ensure continued, high-quality experiences for current fitness users and student athletes during the interim period. During the New York City approvals process—known as the Uniform Land Use Review Procedure or “ULURP”—the City Planning Commission eliminated a proposed temporary gymnasium, which would have served many of these needs on a site within the superblocks. The University recognizes that the inconvenience caused by a multi-faceted gym replacement strategy is a significant disruption for users, but is confident that the new facility will represent a significant improvement and benefit to users in the long run.

Objectives/Guiding Principles
In the absence of one of its sports and recreation facilities, the University aims to:
1. Provide high-quality and convenient athletic facility alternatives in a cost effective manner for those who use Coles for recreation, fitness, and non-intercollegiate sports;
2. Continue to provide a full, robust athletics program for students and a home for intercollegiate teams; and
3. Attempt, to the extent possible, to minimize disruption for employees of the Athletics Department.

Methodology
A working group composed of administrators with related expertise—in real estate, athletics, facilities planning, contract negotiation, design and construction, etc.—began assessing needs and developing an interim plan in March 2014. This group considered hundreds of ideas and facilities, assessing options for meeting the goals listed above against four major criteria: 1) quality; 2) accessibility; 3) affordability; and 4) acceptability to users.

In May 2014, a Coles Advisory Committee was formed to provide input and lend its expertise to the effort to provide interim athletic facilities. The Committee—comprised of faculty, administrators, and students (many of whom are Coles users)—actively offered input in this process and helped to shape this plan.
Areas of Need
The following discrete areas of need were identified:

- **General Fitness:** equipment-based strength and cardio exercise; recreation classes conducted in studios (e.g. dance, yoga, Pilates, spinning)
- **Specialty Fitness:** court- or pool-based exercise (e.g. racquetball, squash, tennis, and basketball); track-based running, jogging, and walking
- **Varsity and Club Intercollegiate Athletics:** courts for men’s and women’s volleyball and basketball practices and competitions; training and competition spaces for wrestling and fencing; and indoor training and community spaces for all student-athletes
- **Intramural Sports:** courts for intramural basketball and volleyball
- **Office Space and Continued Employment for Athletics Department Administration/Staff/Students:** provide office space for Department administration, staff, and coaches

### II. STRATEGY

NYU’s plan includes the following:

**General Fitness**

General fitness users will have access to a robust network of three NYU-owned and operated facilities: a new temporary athletic facility at 404 Lafayette Street, the Palladium Athletic Facility, and the Brooklyn Athletic Facility. A key component of this network is the building at 404 Lafayette Street, which previously housed a Crunch gym. NYU also plans to increase the operating hours at Palladium and in Brooklyn, and will continue to make enhancements to the Brooklyn Facility (expected to be completed in 2015). See Table 1 for a summary of the expected fitness offerings at each NYU facility.

<table>
<thead>
<tr>
<th>404 Lafayette Street</th>
<th>Palladium Athletic Facility</th>
<th>Brooklyn Athletic Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strength Training</td>
<td>Strength Training</td>
<td>Strength Training</td>
</tr>
<tr>
<td>Cardio Exercise</td>
<td>Cardio Exercise</td>
<td>Cardio Exercise</td>
</tr>
<tr>
<td>Recreation Classes</td>
<td>Recreation Classes</td>
<td>Recreation Classes</td>
</tr>
<tr>
<td>Locker Rooms</td>
<td>Free Play on Court(s)</td>
<td>Free Play on Court</td>
</tr>
<tr>
<td></td>
<td>Swimming and Diving Pool</td>
<td>Locker Rooms</td>
</tr>
<tr>
<td></td>
<td>Locker Rooms</td>
<td></td>
</tr>
</tbody>
</table>

For students: Students will have access to all three facilities—the temporary athletic facility will serve as a *de facto* replacement for the Coles Center during the interim period; no additional cost or action is needed on the part of matriculated students.

For paying members: Those who currently pay a membership fee to access existing NYU fitness facilities (including, but not limited to, faculty, staff, administrators, alumni, and their families, as well as non-matriculated students and student families) will be able to
purchase membership to these three facilities for 20% less than the current price of *Coles/Palladium/Brooklyn* (See Table 2). Membership will continue to be offered each year, just as it is currently.

**Table 2. NYU Network Annual Membership Rates for Non-Students**

<table>
<thead>
<tr>
<th>Group</th>
<th>Current Rate</th>
<th>Discounted Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alumni</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alumni Regular</td>
<td>$608*</td>
<td>$516*</td>
</tr>
<tr>
<td>Alumni Family Member</td>
<td>$231</td>
<td>$185</td>
</tr>
<tr>
<td>Alumni Family Full Use</td>
<td>$729*</td>
<td>$613*</td>
</tr>
<tr>
<td>Administrators</td>
<td>$458</td>
<td>$366</td>
</tr>
<tr>
<td>Faculty</td>
<td>$458</td>
<td>$366</td>
</tr>
<tr>
<td>Employee Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PT Employee Family</td>
<td>$458</td>
<td>$366</td>
</tr>
<tr>
<td>FT Employee Family</td>
<td>$160</td>
<td>$128</td>
</tr>
<tr>
<td>Retirees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retiree</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Retiree Family</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Staff</td>
<td>$163</td>
<td>$130</td>
</tr>
<tr>
<td>Students &amp; Families</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student (matriculation fee)</td>
<td>$268</td>
<td>$214</td>
</tr>
<tr>
<td>FT Student Family Member</td>
<td>$160</td>
<td>$128</td>
</tr>
<tr>
<td>PT Student Family Member</td>
<td>$458</td>
<td>$366</td>
</tr>
</tbody>
</table>

*Includes $150 donation to NYU. The 20% discount applies to the annual membership fee, not the $150 contribution (which will remain the same).

Discounts will not be offered for Non-NYU affiliates (excluding family members of students and employees but including CB2 residents and students from neighboring institutions) to the temporary facility at 404 Lafayette Street.

**Specialty Fitness**

Accommodations for specialty fitness users presents the most significant challenge, as the availability of large athletic spaces—like courts and pools—is very limited in the neighborhood, as well as in the five boroughs more broadly. Those who primarily use these facilities are likely to face the most acute temporary hardship.

It is important to note that, while the number and availability of courts will decrease during the interim period, NYU still owns and operates basketball courts (at Palladium and in Brooklyn), and a swimming pool and a diving pool (at Palladium). The University will make these facilities available to fitness users as much as possible, with limited exceptions for certain team practices during specified weeks of the year.

The University will, unfortunately, not be able to provide: racquetball courts; squash courts (Students will continue to be able to join the Squash Club, which competes on the Upper East Side); tennis courts; or a running track until the new sports center is built.
Recognizing the hardship for specialty fitness users whose needs are not satisfactorily met through the interim measures and facilities, NYU has negotiated corporate memberships to local external fitness centers available to all employees:

- New York Sports Clubs: $708 (regional network)
- New York Health and Racquet Club: $924 (city-wide network)
- YMCA Citywide Network: $936 (for individuals; additional discounts for families)
- David Barton Gym: $990
- Chelsea Piers: $1,380

Please note that initiation fees may apply. Further information is available from Human Resources or by visiting [http://www.nyu.edu/faculty/life-wellness/discounts.html](http://www.nyu.edu/faculty/life-wellness/discounts.html)

The 20% discount to the network of three NYU-owned fitness facilities is intended to partially account for the loss of some specialty fitness offerings and the resulting discount (the difference between the current Coles/Palladium/Brooklyn price and the discounted rate) can be applied to the purchase of other offerings at the discretion of the individual member. In addition, a list of nearby facilities with various specialty fitness offerings and prices will be made available (See Appendix A).

**Recreation Classes**

NYU will continue to offer as many recreation classes as demand and facilities allow. Some recreation classes, camps, and other supplemental fitness programs that are currently offered in pools and on courts at Coles, however, will likely need to be temporarily suspended during the interim period.

**Accommodations for Swimmers**

Recognizing that the NYU temporary facilities will not provide the near-continuous access to a swimming pool that existing users have come to expect, knowing that swimmers make up the largest group of specialty fitness users, and responding to faculty recommendations, the University will help to defray the cost of access to the local YMCA network (the McBurney and Chinatown facilities) in two ways for employees and their families:

1. **Swimming Lessons for Children at the YMCA***:
   a. NYU will provide a partial reimbursement of up to $85 per child per year, the cost of swimming lessons purchased at local YMCA branches (McBurney and Chinatown). Note that NYU faculty, staff, and administrators are eligible to purchase aquatics classes at the member price at the McBurney and Chinatown facilities, regardless of whether s/he is a member.
   b. Only those children of faculty, administrators, and staff who belong to the NYU fitness facilities will be eligible to receive reimbursement.
   c. When the $85 subsidy is considered in combination with the $55 cost that would have been spent on swimming lessons at Coles, the effective additional cost of swimming lessons at the YMCA would $0 per child per class ($140 - ($85+$55) = $0).
*With regard to swimming lessons, NYU hopes to offer as many non-beginner level aquatic classes at the Palladium pool—subject to safety, enrollment/demand, and availability—as possible for $55 per session (the current price of lessons at Coles).

2. **Full YMCA Membership:**
   a. NYU will provide a partial reimbursement to help defray the additional cost of YMCA full membership to the McBurney and/or Chinatown facilities as follows, with the amount reimbursed depending on the type of membership purchased:
      i. Individual membership = $200 reimbursement
      ii. Family I (1 adult with children) = $350 reimbursement
      iii. Family II (2 adults with children) = $450 reimbursement
   b. Only those individuals or families (faculty, administrators, staff, and their families) who belonged to the current NYU facilities as of January 1, 2015 and who purchase memberships to the local YMCA branches will be eligible. New hires to the University will also be eligible to receive reimbursement following satisfactory proof of hire date (e.g., appointment letter).

<table>
<thead>
<tr>
<th></th>
<th>Current NYU Rate</th>
<th>YMCA Rate</th>
<th>NYU Subsidy</th>
<th>Price Difference per adult member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Adult Member</td>
<td>$458</td>
<td>$936</td>
<td>$200</td>
<td>+$278 / person</td>
</tr>
<tr>
<td>1 Adult plus children</td>
<td>$458</td>
<td>$1,092</td>
<td>$350</td>
<td>+$284 / person</td>
</tr>
<tr>
<td>2 Adults plus children</td>
<td>$643</td>
<td>$1,656</td>
<td>$450</td>
<td>+$282 / person</td>
</tr>
</tbody>
</table>

Reimbursement will be provided only after the submission of a valid receipt to the Athletics Membership Office.

**Varsity and Club Intercollegiate Athletics**

The Palladium Athletic Facility will become the new “hub” for student athletes. Through a series of enhancements, including expanding space available to the Athletic Department on the C2 level, Palladium will accommodate the following uses that will be relocated from Coles:

- Varsity Performance Center
- Laundry and equipment distribution
- Sports medicine
- Team meeting rooms
- Golf training room

In addition, Auxiliary Gyms “A” & “B” on the C1 will be reconfigured to accommodate wrestling and fencing, as well as some recreation classes. The court on the C2 level will be made available for free play as much as possible. The Palladium will also serve as the point of departure for all athletic teams that currently travel away from campus for practices and/or competitions.
In addition, the needs of intercollegiate athletes who currently practice and compete in Coles will be primarily met in two ways:

1. For men’s and women’s basketball and volleyball, which require courts and spectator spaces, NYU has entered into long-term agreements with Baruch College (CUNY), Hunter College (CUNY), and Pace University-Downtown. NYU has purchased discrete blocks of time from each school and teams will practice and compete at these facilities. NYU will temporarily brand the gyms (much as is done for soccer and other games held at non-NYU facilities) to create an NYU home game experience for athletes and fans.

2. Wrestling and fencing will be accommodated with internal facilities, including the Palladium and Brooklyn athletic facilities. Practice and training spaces will be created as part of the enhancements at the Palladium.

NYU is committed to continuing to provide for a robust intercollegiate athletic program and does not anticipate eliminating any clubs as a result of the closure of Coles. In addition, due to the significant scheduling challenges and constraints presented by the use of external facilities, the University will encourage faculty and academic administrators to help student athletes overcome course-scheduling issues that preclude an affected team’s ability to practice or compete as a group.

**Intramural Sports**

Intramural sports that are currently hosted in Coles—primarily basketball and volleyball—will be accommodated through an extension of NYU’s existing agreement with Chelsea Piers. Intramural basketball and volleyball games, which are held mostly in the evening, will be played on courts at Chelsea Piers; NYU will have exclusive use of these courts during the times when games are played. Intramural sports that are currently played at locations other than Coles will not be affected. The Palladium will serve as the point of distribution for any necessary equipment and departure of NYU transportation (where applicable).

**Office Space and Continued Employment for Athletics Department Administration/Staff**

Athletic Department office needs are classified in three main groups: 1) Department administration, 2) Academic Affairs, coaches, and their support staff, and 3) fitness facility management.

The Athletic Department administrative suite will be accommodated at 404 Lafayette Street. Every effort will be made to minimize any effect that this office space may have on the ability to offer a full complement of fitness offerings.

The offices for those involved in managing the temporary fitness facility at 404 Lafayette Street will be located within the temporary fitness center there. Those involved in managing the Palladium and Brooklyn facilities will continue to be primarily located in those facilities. And, beginning in Fall 2015, coaches’ offices will relocate to University Hall, which is in close proximity to the Palladium Athletic Facility that will serve as the temporary hub for student athletes. The Academic Affairs office will move to Palladium Hall.
The University expects to maintain the current levels of staffing (for students, staff, and administrators) in order to manage the temporary and existing facilities (with modifications to schedule and offerings) and maintain the operations of the Athletics program during the interim period.
Appendix A
Listing of Nearby Specialty Fitness Facilities

Swimming Pools
Must be a member to use, but the public can purchase memberships:

  - Asser Levy Pool (Manhattan)
  - Chelsea Pool (Manhattan)
  - Gertrude Ederle Pool (Manhattan)
  - Hansborough Pool (Manhattan)
  - Recreation Center 54 Pool (Manhattan)
  - Tony Dapolito Pool (Manhattan)
  - Brownsville Pool (Brooklyn)
  - Metropolitan Pool (Brooklyn)
  - St. John’s Pool (Brooklyn)
  - Flushing Meadows Corona Park Pool (Queens)
  - Roy Wilkins Pool (Queens)
  - St. Mary’s Pool (Bronx)

- JCC
  - NYC – Upper West Side: 334 Amsterdam, Manhattan http://www.jccmanhattan.org/aquatics
  - Staten Island: 1414 Manor Rd, Staten Island http://sijcc.org/

- Equinox Fitness Club http://www.equinox.com/
  - 97 Greenwich Ave, Manhattan
  - 13 Greenwich Ave, Manhattan
  - Lexington at 63rd St, Manhattan
  - 54th St: Second Ave, Manhattan
  - Columbus Circle at 60th St, Manhattan

- Manhattan Plaza Health Club: 482 W 43rd St, Manhattan http://www.mphc.com/facilities/pool/

- YWHA
  - Kings Bay: 3495 Nostrand Ave, Brooklyn http://www.kingsbayy.org/teens-sports-swim/schedules
  - Central Queens: 6709 108th St, Queens http://www.cqy.org/

- New York Health & Racquet Clubs - http://nyhrc.com 8 sites with pools
  - 13th Street (Manhattan)
  - 21st Street (Manhattan)
  - 23rd Street (Manhattan)
  - 45th Street (Manhattan)
  - 76th Street (Manhattan)
  - 50th Street (Manhattan)
  - 56th Street (Manhattan)
- Whitehall Street (Manhattan)
- Sports Club LA - http://www1.equinox.com/contact/promo
- Chelsea Piers (Manhattan) – www.chelseapiers.com
- Athletic and Swim Club at the Equitable Center: 787 Seventh Ave, Manhattan http://www.clubcorp.com/Clubs/The-Athletic-Swim-Club-at-Equitable-Center/Fitness-Swimming/Swimming
- Downtown Community Center – Manhattan Youth: 120 Warren St, Manhattan http://www.manhattanyouth.org/aquatics/pool-schedule-and-open-swim.aspx
- Seahorse Swim Club: 69 Columbia St, Manhattan http://www.seahorseswimclub.com/Rates.html
- Asphalt Green - Battery Park: 212 North End Ave, Manhattan https://www.asphaltgreen.org/ues/programs/aquatics/
- Sports Park Roosevelt Island: 250 Main St, Roosevelt Island http://rioc.ny.gov/Sportspark.htm
- Lenox Hill Neighborhood House: 331 E 70th St, Manhattan http://www.lenoxhill.org/content/who-we-help/fitness-and-aquatics.html
- New York Sports Clubs - http://www.mysportclubs.com/ 4 sites with pools
  - 34th & 2nd (Manhattan)
  - 49th & Broadway (Manhattan)
  - 91st & 3rd (Manhattan)
  - Morris Park (Bronx)
- YMCA: www.ymcanyc.org 19 locations with pools:
  - Bedford-Stuyvesant (Brooklyn)
  - Bronx (Bronx)
  - Chinatown (Manhattan)
  - Coney Island (Brooklyn)
  - Cross Island (Queens)
  - Dodge (Brooklyn)
  - Flushing (Queens)
  - Greenpoint (Brooklyn)
  - Harlem (Manhattan)
  - Jamaica (Queens)
  - Long Island City (Manhattan)
  - McBurney (Manhattan)
  - North Brooklyn (Brooklyn)
  - Prospect Park (Brooklyn)
  - Rockaway (Queens)
  - Staten Island Broadway
- Staten Island South Shore
- Vanderbilt (Manhattan)
- West Side (Manhattan)

**Must be a member to use (not sure if memberships are currently available):**
- Harmonie Club (Manhattan) https://www.harmonieclub.org/
- The River Club of NY (Manhattan) http://www.riverclubnyc.com/
Racquetball Courts

Must be a member to use, but the public can purchase memberships:
- New York Health & Racquet Clubs: 56th Street (Manhattan) http://nyhrc.com/find-club/56th-street
- New York Health & Racquet Clubs: Whitehall Street (Manhattan) http://nyhrc.com/find-club/whitehall-street
- New York Sports Clubs: Brooklyn Belt (Brooklyn); http://www.mysportclubs.com/clubsched/_clubdetail.htm?rg=NYSC&a=NYSC&c=164
- Pacplex (Brooklyn: 1500 Paerdegat Ave N) https://www.linkedin.com/company/pacplex
- LA Fitness - Staten Island - 3231 Richmond Ave https://www.lafitness.com/Pages/ClubHome.aspx?clubid=346
- YMCA (Manhattan: 5 W 63rd St) – 4 Indoor Courts http://www.ymcanyc.org/westside/preview/pages/Racquetball
Squash Courts

Must be a member to use, but the public can purchase memberships:

- North Shore Racquet & Tennis Club (Queens) - http://www.northshoretennisclub.com/
- Eastern Athletic Club (Brooklyn) http://easternathleticclubs.com/
- New York Health & Racquet Clubs: 50th Street (Manhattan) http://nyhrc.com/find-club/50th-street
- New York Health & Racquet Clubs: Whitehall Street (Manhattan) http://nyhrc.com/find-club/whitehall-street
- New York Athletic Club (Manhattan) – www.nyac.org
- Sports Club LA (Manhattan) - http://www1.equinox.com/contact/promo
- City View Racquet Club (Queens) www.cityviewracquet.com
- West Side YMCA (Manhattan) - http://www.ymcany.org/westside

Must be a member to use (not sure if memberships are currently available):

- Heights Casino & Annex (Brooklyn) http://www.heightscasino.com/
- Harmonie Club (Manhattan) https://www.harmonieclub.org/
- Racquet and Tennis Club – Park Ave (Manhattan) – men only. No website
- The River Club of NY (Manhattan) http://www.riverclubnyc.com/
- Union League Club (Manhattan) – www.unionleagueclub.org
- University Club (Manhattan) – www.universityclubny.org

Other:

- SquashRX (Manhattan) – squashrx.com – seems to be lessons only, no open court space
- Green Street Squash Center - www.streetsquash.org (is an afterschool program for kids)
Tennis Courts

Must be a member to use, but the public can purchase memberships:
- North Shore Racquet & Tennis Club (Queens) - http://www.northshoretennisclub.com/
- Racquet Club at Millennium UN Plaza Hotel (Manhattan: E 44th St bet 1st & 2nd Aves); 1 Indoor Hard Surface 
- City View Racquet Club (Queens) www.cityviewracquet.com
- Tennis In Manhattan - http://www.tennisinmanhattan.com - three clubs 
  o Vanderbilt Tennis Club
  o Sutton East Tennis Club
  o Yorkville Tennis Club

Must be a member to use (not sure if memberships are currently available):
- Heights Casino & Annex (Brooklyn) http://www.heightscasino.com/
- Racquet and Tennis Club – Park Ave (Manhattan) – men only. No website
- The River Club of NY (Manhattan) http://www.riverclubnyc.com/

Must have permit or single-play tennis ticket (but open to the public):
- New York City Parks Department - Indoor Courts 
  http://www.nycgovparks.org/facilities/tennis
  o Sporttime at Randall’s Island (Manhattan: Randall’s Island Park); 20 Indoor Hard Surface
  o Breakpoint Tennis Center in Bensonhurst (Brooklyn: 9000 Bay Pkwy); 8 Indoor Hard Surface
  o Alley Pond Tennis Club (Queens: Queens Village 79 – 20 Winchester Blvd); 11 Indoor Hard Surface
  o Cunningham Tennis Center (Queens: Fresh Meadows – 196-00 Union Turnpike); 5 Indoor Hard Surface
- New York City Parks Department - Outdoor Courts (Outdoor tennis courts are closed for the season. Weather permitting, courts will reopen in April )
  http://www.nycgovparks.org/facilities/tennis
  o Brian Watkins Tennis Center (Manhattan: Houston St & FDR Drive); 12 Outdoor Hard Surface
  o Central Park (Manhattan: 93rd St and West Drive); 4 Outdoor Hard Surface & 26 Outdoor Fast Dry
  o Fort Washington Park (Manhattan: Hudson River & 170t St); 10 Outdoor Hard Surface
  o Fredrick Johnson Playground (Manhattan: 151st St & 7th Ave) 8 Outdoor Hard Surface
- Inwood Hill Park (Manhattan: 207th St & Seaman Ave); 9 Outdoor Hard Surface
- Riverside Park (Manhattan: Riverside Drive & W 96th St); 10 Outdoor Clay & 10 Outdoor Hard Surface
- Washington Market Park (Manhattan: Chambers St & West St); 1 Outdoor Hard Surface
- Bensonhurst Park (Brooklyn: Cropsey Ave. & Bay Pkwy); 8 Outdoor Hard Surface
- Decatur Playground (Brooklyn: Decatur bet. Summer and Lewis Aves); 1 Outdoor Hard Surface
- Ft. Greene Park (Brooklyn: DeKalb & S Portland Aves); 6 Outdoor Hard Surface
- J.J. Carty (Brooklyn: 95 St & Fort Hamilton Pkwy); 10 Outdoor Hard Surface
- Jackie Robinson (Brooklyn: Malcolm X Blvd & Chauncey St); 4 Outdoor Hard Surface
- Joseph T. McGuire Park (Brooklyn: Ave W and Bergen); 3 Outdoor Hard Surface
- Kaiser Playground (Brooklyn: Neptune Ave & W 25th St); 12 Outdoor Hard Surface
- Kelly Playground (Brooklyn: Ave S & E 14th St); 7 Outdoor
- Leif Ericson Park (Brooklyn: 8th Ave & 66th St); 9 Outdoor Hard Surface
- Lincoln Terrace Park (Brooklyn: Buffalo & Rochester Ave); 11 Outdoor Hard Surface
- Lucille Ferrera Tennis Courts – Dyker Brach Park (Brooklyn: Cropsey Ave, Bay 8th St and Poly Pl); 9 Outdoor Hard Surface
- Manhattan Beach (Brooklyn: Oriental Blvd); 6 Outdoor Hard Surface
- Marine Park (Brooklyn: Fillmore Ave & Stuart St); 15 Outdoor Hard Surface
- McCarren Park (Brooklyn: N 13th St bet. Bedford and Berry); 8 Outdoor Hard Surface
- McDonald Avenue Playground (Brooklyn: McDonald Ave & Ave S); 7 Outdoor Hard Surface
- McKenley Park (Brooklyn: 7th Ave & 75th St); 8 Outdoor Hard Surface
- One Van Voorhees Park (Brooklyn: Pacific, Congress and Hicks St); 2 Outdoor Hard Surface
- Prospect Park Tennis Center (Brooklyn: Parkside Ave at the Parade Ground); 11 Outdoor Hard Surface
- Shore Road Playground (Brooklyn: Shore Rd & 95th St); 4 Outdoor Hard Surface
- South Oxford Park (Brooklyn: Cumberland St bet. Atlantic Commons & Atlantic Ave); 2 Outdoor Hard Surface
- Alley Pond Park (Queens: Union Turnpike, Grand Central Pkwy & Winchester Blvd); 16 Outdoor Hard Surface
- Astoria Park (Queens: 21st St & Hoyt Ave); 14 Outdoor Hard Surface
- Baisley Park (Queens: 155th St & 118th Ave); 4 Outdoor Hard Surface
- Baisley South (Queens: N Conduit Ave & 150th St); 4 Outdoor Hard Surface
- Broad Channel Park (Queens: Crossbay Blvd & E 16-E 18 Rds); 2 Outdoor Hard Surface
- Brookville Park (Queens: Brookville Blvd & Southern Pkwy); 6 Outdoor Hard Surface
- Crocheron Park (Queens: 215th Pl & 33rd Ave); 10 Outdoor Hard Surface
- Cunningham Park (Queens: Union Tpk & 193rd St); 20 Outdoor Hard Surface
- Det. Keith L. Williams Park (Queens: Liberty Ave & 173rd St); 10 Outdoor Hard Surface
- East Elmhurst (Queens: 25 Ave & 98th – 100th St); 1 Outdoor Hard Surface
- Flushing Fields Memorial (Queens: 149th St & 25th Ave); 8 Outdoor Hard Surface
- Flushing Meadows Corona Park (Queens: Flushing Meadows Corona Park); 11 Outdoor Hard Surface
- Forest Park (Queens: Park Lane S & 89th St); 14 Outdoor Hard Surface
- Highland Park (Queens: Elton St & Jamaica Ave); 18 Outdoor Hard Surface
- Juniper valley Park (Queens: 62nd Ave & 80th St); 8 Outdoor Hard Surface
- Kissena Park (Queens: Rose & Oak Aves); 4 Outdoor Hard Surface & 8 Outdoor Hard Surface
- Louis Pasteur Park (Queens: 52nd Ave & Marathon Pkwy); 2 Outdoor Hard Surface
- Maurice Park (Queens: Maurice Ave, LIE Service Rd, Westbound); 2 Outdoor Hard Surface
- Michaelis Bayswater Park (Queens: 32nd St & Dickens Ave); 6 Outdoor Hard Surface
- Police Officer Edward Byrne Park (Queens: N Conduit Ave & 134-135th St); 4 Outdoor Hard Surface
- Rockaway Community Park (Queens: Alamdea Ave bet B51 & B56); 3 Outdoor Hard Surface
- Roy Wilkins Park (Queens: Merrick Blvd & 119 Ave); 4 Outdoor Hard Surface
- Springfield Park (Queens: 147th and Springfield Aves); 2 Outdoor Hard Surface
- St. Albans Park (Queens: Merrick Blvd & 172nd St); 2 Outdoor Hard Surface
- Travers Park (Queens: 77th & 78th St, 34th Ave & Northern Blvd); 1 Outdoor Hard Surface
- Victor Hanson Community Center (Queens: Guy Brewer Blvd & 134th Ave); 6 Outdoor Hard Surface
- Bronx Park (Bronx: Bronx Park E & Brady Ave); 6 Outdoor Hard Surface
- Crotona Park (Bronx: E 173rd St & Crotona Ave); 20 Outdoor Hard Surface
- Governor Smith Playground (Bronx: Morris Ave bet E 151 & E 153 Sts); 3 Outdoor Hard Surface
- Haffen Park (Bronx: Hammersley, Ely & Gunther Aves); 6 Outdoor Hard Surface
- Mill Pond park (Bronx: Gateway Center Blvd & E 150th St); 12 Outdoor Hard Surface
- Orchard Beach (Bronx: 1 Orchard Beach Rd); 4 Outdoor Hard Surface
o Pelham Bay Park (Bronx: Bruckner Blvd & Middletown Rd); 10 Outdoor Hard Surface
o Seton Park (Bronx: W 232nd – 235th St, Palisade & Independence Aves); 6 Outdoor Hard Surface
o St. James Park (Bronx: Jerome Ave & E 193rd St); 8 Outdoor Hard Surface
o St. Mary’s Park (Bronx: E 145th St & Ann’s Ave); 2 Outdoor Hard Surface
o Van Cortlandt park (Bronx: Stadium – W 242nd St & Broadway); 10 Outdoor Hard Surface
o Williamsbridge Oval (Bronx: E 208th St & BainBridge Ave); 8 Outdoor Hard Surface