MINUTES OF THE C-FACULTY SENATORS COUNCIL MEETING OF APRIL 30, 2015

The New York University Full-Time Non-Tenure Track/Contract Track Faculty Senators Council (C-FSC) met at noon on Thursday, April 30, 2015 in in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Grand Hall.

In attendance were Senators Becker (by phone), Borowiec, Burt, Carl, Carter, Cittadino, Gurrin, Halpin, Killilea, Mauro, Mooney, Mowry, Rainey, Sacks, Slater, Stehlik, Stewart, Williams, Ying, and Youngerman; Alternate Senators Bianco, Cunningham, Derrington, Lee, Mirabito (for Morton), Renzi, Ritter, Sahin, and White.

APPROVAL OF THE AGENDA

Upon a motion duly made and seconded, the meeting agenda was approved unanimously.

APPROVAL OF THE MINUTES OF THE MEETING HELD MARCH 24, 2015

Upon a motion duly made and seconded, the minutes of the March 24, 2015 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: ANN MARIE MAURO

See attached Document A: C-FSC Chair Report.

Chairperson Mauro added to her report a reminder that the nominations and election for her vacant seat on the Steering Committee will take place at the May 14 Council meeting. She encouraged Senators to consider if they are interested in serving and stated Senators may self-nominate or may nominate fellow Senators with their permission. Alternates may also nominate fellow Senators. She noted Senators do not need to be present to be nominated, but only those present at the meeting may vote. A written reminder will be sent prior to the meeting.

Mauro noted the Council’s End of the Year Celebration is on Wednesday evening, May 13, and she encouraged Council members to respond if they have not done so already. She commented this is an opportunity to collectively celebrate the Council’s good work this year. She noted members of the Planning Committee, Administration, Board of Trustees, Student Senators Council, and Administrative Management Council were also invited. So far, there are 41 attendees.

Mauro reported the Steering Committee met with Provost Dave McLaughlin and discussed the agenda items listed in the Chair’s Report. She noted the Provost is looking into the process of the official re-naming of the Council and will report back.

The report was accepted into the minutes.
Nardello Report 4/16/15 – Update from Senator John Burt

Senator John Burt of Abu Dhabi presented on the Nardello Report. He offered a brief history on the Abu Dhabi campus, stating NYU first started discussions with the government in 2007, which was 3 years before the campus officially opened. NYU at that time had set up compliance measures in terms of the contracts and labor standards. He stated there are two types of contracts: operational contracts and construction contracts. NYU was not functionally involved in the construction of the project itself, this was handled by the government partners. NYU added measures to its guidelines to enhance the working life of the individuals building the campus. Burt stated for the most part, these were adhered to. 65% of the workers benefited from the guidelines and there were marked increases in both the standard of living in terms of their housing as well as salaries. However, in about a third of the cases it turns out that there was noncompliance and loopholes in the regulations themselves. Any contracts that were less than 31 days or less than a million dollars in value initially were seen as small contracts. He offered the example of workers hanging white boards, which might take a week of work, so instead of costing these small companies tens of thousands of dollars to put in this framework, these projects were divided into smaller contracts. So instead of having one large contract for 6 months, it would be a series of smaller contracts.

He stated what functionally happened in the end is about 1/3 of the workers did not get the benefits that came with the structure that NYU had put in place. This issue came to light with the New York Times and Guardian articles. NYU then hired Nardello to provide an independent assessment. He noted the full Nardello report provides all the details.

He stated, in summary, Nardello pointed out that there was a gap in compliance. As a result, NYU is offering cash payments, in the amount they would have received, to those workers not protected by the framework in place.

He stated on the AD campus there are a number of different committees and groups, including student advocacy groups that are working on this issue. There is also now a NYU Abu Dhabi supplier code of conduct for people that are working who are not on the construction side but on the operational side of the university. For the years NYU has been running the campus there has been functionally 100% compliance. He stated there is a NYU Abu Dhabi Labor Migration seminar series that was started this year, monthly seminars, and domestic employment initiatives. There is a task force on adult education, so that workers may have educational opportunities, and there is a committee on labor and social responsibility, which includes a number of faculty members.

In summary, he stated while the faculty are not entirely pleased with the results of the report, for those protected, there was a measureable increase in the standard of living compared to what normally happens in Abu Dhabi on construction projects and the University is compensating those people that were not protected in the way they should have been.

An Alternate Senator asked how the compensation process will be monitored and enforced, particularly with the number of people no longer in the UAE. Burt stated he is not fully aware of all the details, but he does know the University has already begun the process of reaching out to all the various contractors. Since there was a background security component of the hiring process, the University does have locational information for many of the contractors, and he assumes once word spreads around the community, people will also be reaching out themselves.

A Senator asked about the record of reimbursement and if a statement will be sent with a list of names of those reimbursed.

Burt noted the compliance monitoring team fully documented everything so he expects this information will be made public with sensitivity for private information. They are making efforts to try and maintain the framework and there is regular monitoring and reporting on a monthly basis to the NYU Abu Dhabi community.

He noted, as highlighted in the Nardello report, there is still a gap is the reporting of recruitment fees since this involved paying a middle man.
He noted this issue has not been resolved yet and an institute within NYU Abu Dhabi is setting up a research program to try to develop a certification system regarding these middle men. But the challenge is there is no evidence of exactly how much people were paid.

A Senator asked if NYU can face legal liability if these workers were to organize themselves. Burt stated this question has not come up so he cannot provide an answer.

A Senator asked for the dollar amount of the recruitment fee and the daily, weekly, or monthly wages for these workers. He noted the report indicated that people would have to work for a prolonged period of time in order to pay off the recruitment fee.

Burt responded he does not know the average salaries on campus, only that they are in the 90th percentile or higher compared to people at similar scales. He stated general laborers may earn on the order of $700-$1200 dollars a month. Recruitment fees are on the order of $2,000 to $2,500.

A Senator asked Burt on his general perspective as a faculty member in Abu Dhabi about what this means in terms of NYU’s relationship with the government, given that it was government contractors that exploited these loopholes, and what this means for the academic and institutional relationship.

Burt responded the University has been working closely with a number of different government partners. He noted the closest government partner is Tankim and they have very involved in this whole process and very supportive of achieving compliance. He noted various other institutions that are moving into Abu Dhabi have approached NYU to ask advice on the process and how they can adopt similar practices at their own institution as they approach the construction phase of their projects.

**QUESTIONS ON COMMITTEE REPORTS DISTRIBUTED**

*See attached Document B: Committee Reports*

The reports were accepted into the minutes.

**OLD BUSINESS**

**Governance: Committee Chair Ezra Sacks**

*Recommendations for C-FSC Elections and Term Rotations*

Senator Sacks reported on the Governance Committee’s recommendations for C-FSC elections and term rotations. The Committee examined balancing the need to rotate one third of the Council membership off every year with the differing number of Senators from the various schools. Schools with a number of Senators divisible by 3, were asked to decide which Senator(s) would have the one year term, two year term, and three year term.

All other Senators were sent a memo asking them for their preference on serving a one year term, two year term, or three year term. Everyone responded and 10 Senators asked to serve one year, so this will be the first year’s rotation group. The Committee meets one more time before the May 14 Council meeting to work on the two year and three year term groups. If needed, there will be a lottery system.

He stated the one year terms will end August 31, 2016, two year terms in 2017, and three year terms in 2018. The new Operating Procedures encourage school elections to happen by April 15. It was noted there is therefore some overlap with Senators/Alternates-Elect and current Senators/Alternates.

It was also noted Senators and Alternates are paired so their terms end at the same time.
Chairperson Mauro asked Senator Becker of Shanghai if her seat is only for one year. Becker clarified she will serve for two years. Mauro mentioned there are several schools with open Alternate slots, for instance the Division of Libraries which also has an open Senator slot. Schools with open slots may fill these slots at the next election.

Senators mentioned the Council may want to be flexible with the date of April 15, noting some schools have not yet hosted elections. It was noted the April 15 date is a suggestion and schools may hold their elections later. But schools may miss the opportunity for their incoming representatives to serve on the Steering Committee. The Steering Committee election takes place at the May meeting. If School elections take place closer to Commencement, representatives will not be seated in time of the Steering Committee election. It was noted the T-FSC is also encouraging school elections to be completed around this date for these same reasons.

Working Group on Personnel Policies: Committee Chair Fred Carl

Tisch Teacher Policy recommendations from joint committee

See attached Document C: Tisch Teacher Policy Documents:

- Provost Request for review on Tisch Teacher Policy
- Tisch Teacher Policy
- Recommendations of C-FSC
- Recommendations of T-FSC
- Joint Recommendations of C-FSC and T-FSC

Senator Carl presented on the Tisch Teacher policy recommendations from the joint working group, which consisted of C-FSC members Fred Carl, John Halpin, Martha Caprio, and Andy Williams, and the T-FSC Personnel Policies Committee Co-Chairs Warren Jelinek and Wen Ling, and members Mark Adelman, Hasia Diner, Jo Labanyi, Herb Samuels, and Dan Zwanziger.

He noted the handouts include the Provost Request for review on Tisch Teacher Policy, Tisch Teacher Policy, Recommendations of C-FSC, Recommendations of T-FSC, and Joint Recommendations of C-FSC and T-FSC.

He offered a brief history of the Tisch Teacher policy, stating the policy was in development for three years by a faculty standing committee at Tisch: the Faculty Welfare and Governance Committee. The Committee had extensive conversations with Teachers in the School and the draft policy was brought to the full faculty three times. At the December 9, 2014 faculty meeting of the Tisch School of the Arts, the Teacher Policy was approved unanimously, with three abstentions.

He noted the C-FSC and T-FSC Committees developed their own recommendations separately and then met to discuss. The Joint Committee decided to make a joint recommendation that essentially combined the two sets of recommendations. He noted the T-FSC meets on May 7 to discuss the joint recommendation and the C-FSC will wait for their decision before forwarding their decision to the Provost office.

Carl clarified if the C-FSC approves and T-FSC does not approve then he would suggest the C-FSC submits as a separate recommendation, which he assumes would be the case if the C-FSC does not approve and T-FSC does approve. If both approve, it would be submitted as a joint recommendation.

Carl noted he thought the process of meeting separately, allowing the opportunity for each Council's Committee to develop their own recommendation and then meeting jointly, worked well.

A Senator asked if “Tisch Teacher” is the title of a faculty rank in the school?

Carl clarified there are four ranks of faculty at Tisch. The full-time ranks include: Tenured/Tenure-Track faculty, Arts Professors, and Teachers and the part-time rank includes Adjuncts.
He noted the Teacher rank was developed when the Adjuncts were about to go on strike. The Dean and administration of Tisch at the time created the category of Teacher and made this a full-time position.

The Faculty Welfare and Governance Committee started developing a set of guidelines for the Arts Professors, which was then approved by the faculty and adopted by the Provost Office.

A Senator commented the fundamental reason for drafting this document was that the Teachers came into existence to deal with the immediate problem and this was an attempt to analyze the contract and to move teachers to a more stable three year contract, versus one year contract. In this process, the Arts professor document was used as a model. It was noted the Teachers in Tisch support the document.

It was clarified that documents such as these are sent from the Provost office for review and comment by the T-FSC and now C-FSC as well.

A Senator commented the policy is consistent with the overall university wide policy for reappointment in so far as it prefers three year contracts. He asked the reason the one department chose to only offer one year contracts. It was clarified this was because of the GNU and it allowed for one year contracts for faculty replacements of those in NYU Abu Dhabi for one year.

A Senator asked for Carl to develop a memo highlighting major issues faculty should look out for in the review of their School’s own policies.

Carl comments certain items come up in certain documents and not in others. Mauro clarified that the Working Group on Personnel Policies will be reviewing other documents over the summer and noted this is a core group of Council members reviewing documents while understanding the unique cultures of the schools. Representatives from the schools are invited to comment to help inform their discussion.

An Alternate Senator pointed out a typographical error.

A Senator inquired about Policy 5.4, which includes student evaluations of teaching as one of the materials to be examined in the review. He commented the Faculty of Arts and Science (FAS) has had substantial conversations about the use of student evaluations in promotion and tenure review as well. The School has also re-made the student course evaluation document partly to focusing less on teaching and more on the course and the course outcomes. He stated there is language in the promotion and tenure guidelines in FAS which is not repeated in the contract faculty guidelines about the care which needs to be exercised in using raw student evaluations. He commented this presents an opportunity for the Council to take a stand on this because there is currently no statement that says that any kind of special care should be used in the use of raw student teaching evaluations. He recommended this be added to the next academic year’s agenda and suggested working with the T-FSC on the issue. It was agreed to add to the next year's agenda.

A Senator asked about the difference between the Continuing Faculty’s review and the Tenured/Tenure-Track Faculty’s review.

Carl responded the Continuing Faculty’s review had some inconsistencies with the Tenured Faculty’s review in terms of the description of service. In the document, there is a reference to a department policy regarding what equals service and what equals professional activity. Sometimes the definition of service was just committee work and the position of the Personnel Policies Committee is if there are a limited number of committees and limited number of seats it may be challenging to complete this level of service. Another section stated the department chair makes the decision and the Committee pointed out the department policy defines it and it is not just written by the Chair.

A Senator commented on the importance of Senators reviewing other School’s policies to gain an understanding of what they will be dealing with in their own School’s policies. She requested the Liberal Studies Policy be sent to all Senators. It was agreed it would be sent to all Senators.
The joint recommendations of the Working Group, with the correction of minor typographical errors, were approved by unanimous consent of the Council.

It was noted that if the T-FSC does not approve the joint recommendations, they would be sent as the recommendations of the C-FSC and not the C-FSC and T-FSC.

NEW BUSINESS

2015-2016 C-FSC meeting schedule

Chairperson Mauro discussed the potential meeting schedule for next academic year and the options of 9:00-11:00 a.m. on Thursdays and 12:00-2:00 p.m. on Thursdays.

Senator Burt of Abu Dhabi stated his preference for the morning slot on Tuesdays, because the weekend begins on Friday in Abu Dhabi.

A poll will be sent to all Council members to determine Senators and Alternates availability in various time slots. Proposed dates will be distributed at the May meeting.

Discussion on Divestment

See attached Document D: Divestment Documents:

- Discussion/Reflection on whether the University should divest from fossil fuel investments from Susan Stehlil
- Memorandum regarding Coal Divestment and Fossil Fuel Divestment from the T-FSC Subcommittee on Fossil Fuels
- Motion by the SSC regarding Fossil Fuel Divestment
- Motion by the AMC regarding Fossil Fuel Divestment

Chairperson Mauro stated the issue of divestment will be brought before today's University Senate meeting.

The Steering Committee asked a sub-group of C-FSC members: Mary Killilea, Susan Stehlil, Jamie Skye Bianco, and Tommy Lee, to examine the issue. The sub-group did not submit a recommendation, but instead an informational overview on the different points of view to inform the Council on the issues.

Mauro stated, as a point of parliamentary procedure, if a vote comes up at the University Senate, it will be a vote to accept the report; it is not an actionable item in terms of divestment itself. If the report is accepted, it will go to the Board of Trustees, who acts on such matters. She noted that President Sexton, as Chair of the meeting, determines which resolutions are allowed to the floor for discussion.

Senator Killilea explained the sub-group did not develop their own resolution, based on not having consensus on the Committee. It was also noted due to the meeting timing, the Council could not have submitted a resolution for the University Senate meeting.

It was clarified that the document the T-FSC submitted was not discussed or voted on by the full T-FSC. The Student Senators Council resolution and the Administrative Management Council were both voted on and passed by the respective Councils. These documents are all in the Senate binder.

It was noted any or all these, or any motion, may be put to vote by the University Senate, but if voted on these do not commit NYU to action. They would then travel to the Board of Trustees for consideration and advisement.

Alternate Senator Bianco explained the documents discussed several different categories. This includes divestment from the direct named holding, which consists of two stocks: Anadarko and Noble Energy. The University confirmed there would be no harm and no real procedure other than asking for divestment. The
second category includes the comingled funds that are managed. At the last University Senate meeting, Marty Dorph, Executive Vice President of Finance, stated there are 39 managers and approximately 2-5 managers that are turned over each year. The process is through recommendation by the Board of Trustees working with an area of Dorph’s office that focuses on management of the managers and the endowment investment. The sub-group did not receive any evidence that the University could prudently divest from the comingled accounts. Both of the standing voted resolutions have recommended divestment from the comingled funds, but in different terms: either over a period of years so that it is slow and responsible, or grandfathering current investments so that it would operate for investments moving forward.

The third item in which there has been some consensus is the idea that there needs to be a standing body, perhaps another set of committees across the different Councils that stays in direct communication with the Trustees and the Financial Office and monitors this process to promote transparency in reporting on how investments work, how the endowment is handled, and creates a communication link with the financial ongoing business that happens at the Trustee level.

Senator Stehlik encouraged Senators to read her report, which is her personal opinion. She stated she spent 22 years in finance and has knowledge of investments and advisory work. She stated President Sexton said the Trustees want a credible voice in the governance of the university. She stated this is a responsibility of senators, and she feels the faculty’s best work is done teaching, researching, and leading discussions on issues as powerful as this. And when she looks at any discussion like this, she think there is a common ground and everybody here cares about the environment, cares about where the University puts its money, and cares about its carbon footprints. She stated to take a reaction like this and to take the faculty voice into action she feels is premature. She stated it became very clear is that there are a lot of people that are not financially literate and they are making decisions with incomplete information. She stated this is a complicated issue and it has a lot of options.

She stated she feels the faculty have an intellectual footprint that needs to be paid attention to and feels there is a need for more discussion on this issue before voting on actions. She stated just because Harvard or another institution made the decision to do this, does not mean NYU must. She commented she thinks all opinions need to be surfaced and discussed before this is put to a vote. She noted at the bottom of the report she stated she would not vote for anything at this point, it is premature, but she does support transparency on every level.

Senator Ying presented his divestment diagram. See attached Document D, page 13. In this diagram he summarized: The working group has concluded that supporting divestment is primarily a political action or statement that expresses the University’s opposition to the fossil fuel industry’s role in global warming or climate change - and there is not sufficient justification for such an action or for enactment of a policy of the University. A minority of the members of the working group believes that divestment is justified in this instance. The working group unanimously agrees that it is not prudent to divest of investments in the fossil fuel 200 from comingled accounts. A minority of working group members do consider it prudent to divest of investments in the fossil fuel 200 in individually named accounts. He then laid out the three options on voting: voting no to divesting, voting yes, or voting no, but with stipulations. He stated this serves as a reminder to pay attention to what is on the table and what is being voted on.

A Senator stated the importance of NYU’s branding as a private university in the public service and how this is operationalized and the philosophical, moral, ethical underpinnings of NYU’s investment strategies. He stated this is the bigger question, which the University needs to deal with.

A Senator from Gallatin stated he communicated in detail the report and recommendation of the working committee to his Gallatin colleagues and they overwhelmingly disagreed with the recommendation of the working group. Most preferred divesting as soon as possible. He stated he believes this is an important political moment and NYU taking a stand on this issue is a very important. He stated he is in favor of the T-FSC Subcommittee on Fossil Fuel’s proposal.

An Alternate Senator from the Faculty of Arts and Science stated the faculty he has spoken with have the opposite opinion and expressed it is not at all clear how divestment from holdings and stocks with these
companies would have an effect. He stated the importance of transparency. He also stated the need for more clarity if this is a political statement.

Senator Stehlik clarified the 200 companies selected for divestment were based on how much they have in reserves. All have a high capacity for carbon emissions because they hold large amounts of reserves.

**ADJOURNMENT**

The meeting adjourned at 1:40 PM.
Continuing Faculty Senators Council  
Chair Ann Marie Mauro  

Report as of April 27, 2015

1. Nardello Report  
I trust that everyone has read the 4/16/2015 email communication from President Sexton on the Nardello & Co. Report on Construction on Saadiyat Island with its links to the full report and joint response from NYU and our Abu Dhabi partners. President Sexton held a special meeting with Nardello & Co. for the leadership of the faculty senators councils and faculty in Abu Dhabi later that afternoon where the discussion was the same as the information found in the report. The following C-FSC Steering Committee members were able to attend this meeting: Chair-Elect Fred Carl and Steering Committee members Mary Killilea and Patrick Yin, and me (via phone).

2. Meeting with President Designate Andrew Hamilton  
On 4/23/15, Vice-Chair Randy Mowry, Chair-Elect Fred Carl, and I met with President Designate Andy Hamilton at an informal breakfast meeting arranged by Ellen Schall that also included T-FSC Executive Committee members Ragu Sundaram, Alan Mincer, and Mitchell Kane. We also had the opportunity to meet Andy’s wife Jennie. Andy had spent a few days at NYU and met with the deans and other key University administrators and student leaders. Andy plans to spend a few days a month at NYU during this time of transition. We had a robust and positive discussion about issues of interest to the faculty, including, but not limited to: the integration of the global network sites and the various schools centrally while maintaining their unique cultures and autonomy; the need for transparency and communication; valuation of the continuing faculty; and the development of appointment, promotion, and grievance policies for continuing faculty across schools.

3. Continuing Faculty Policies – Tisch School of the Arts & Liberal Studies  
The joint T-FSC/C-FSC working group co-chaired by Warren Jelinek and Fred Carl has reviewed the Tisch Teacher Policy and its recommendations to the Provost are on the agenda for discussion and approval. C-FSC Senators John Halpin, Martha Caprio, and Andy Williams are also part of this working group. The working group will next review the Liberal Studies Policy, which we recently received from the Provost. As we receive these policies throughout the summer, Fred Carl will reach out to senators from the relevant schools for input to bring to the working group.

4. Meeting with Provost David McLaughlin  
The Steering Committee will be meeting with Provost McLaughlin on 4/29/15. The planned agenda includes: a) discussions about our council’s name change to the Continuing Faculty Senators Council,
b) the email policy related to council business and access to faculty lists within school for communications related to council business, c) the status of school level policies related to continuing faculty, d) technology issues related to global senator meeting attendance, and e) an update on academic freedom and travel restrictions.

5. **C-FSC Senator Elections & Term Rotation Schedule**
   All C-FSC senators should have received the poll from the Governance Committee regarding their preferences for senator elections and term rotations. Once the schedule is developed, alternate senator elections will follow the same schedule as their designated senator. Chair Ezra Sacks will give us an update at the meeting. If you have not already done so, please respond today.

6. **Divestment from Fossil Fuels Discussion**
   A C-FSC subgroup composed of Senators Mary Killilea (Chair) and Susan Stehlik, and Alternate Senators Tommy Lee and Jamie Skye Bianco discussed the report from the University Financial Affairs subcommittee on divestment from fossil fuels. The committee did not come to consensus on a recommendation. Therefore, we will have a discussion on this issue at our council meeting following brief comments from each subgroup member. Please review the related divestment documents in your packet.

7. **Proposed Policy on University Access to Personal Digital Content and draft oversight committee charter**
   C-FSC Senators Ben Stewart and Patrice Derrington have represented our council as observers on the T-FSC Administration and Technology Committee. The draft policy and oversight committee proposal were referred back to this committee for further revision following review by the deans, and will be brought forth for approval by the C-FSC at a later date.

8. **C-FSC 2015-2016 Meeting Calendar**
   A proposed calendar for next year will be discussed, including a recommendation to meet on Thursdays from 9am-11am the week before the University Senate meetings when possible to accommodate the global senators participation.

9. **End of Year Celebration**
   We hope all will attend the celebration on Wed 5/13/15 from 6pm-9pm in Kimmel 912 and 914! Please join us for excellent music, food, drinks, and company.

10. **Next C-FSC Meeting on Thursday, May 14th, 2015 at 12pm in the Colloquium Room.**
Administration and Technology Committee
N/C-FSC members: Patrice Derrington, Ben Stewart
Report Submitted by Ben Stewart: April 26th, 2015

Although the T-FSC approved the policy on “University Access to Personal Digital Content” (PDC), when the Dean’s Council reviewed the document, they had significant concerns about its lack of explicitness with regard to what kind of urgency allows a university official to override due process. Due to these concerns, the Administration and Technology committee will meet on May 26th to further review and revise the policy.
NYU T-FSC Finance and Planning Committee Meeting Report

Date: Thursday, April 16, 2015; 10:30am – 11:30pm

Attending from the C-FTFC: Joseph Carter, Tommy Lee, Susan Stehlik,

Chair: Raghu Sundarum

Discussion items:

• Deans support for being more transparent with budgets within each school
• Encouragement for the Senators to have more confidential discussion on revenues and expenses within each school.
• Dave Backus from Stern offered to share his template for analyzing budgets.
• Questions/Concerns:
  o Faculty Financial literacy: is it appropriate to have some kind of training for faculty?
  o Can you be assured discussions won’t go public?
  o Should we have some kind of organized communication strategy?
  o Are Faculty Councils in each school the best forum for discussion when some schools don’t allow Continuing FT Faculty a vote?

NOTE: This is the last meeting of this Committee for the academic year 2014-15. New members may be selected in May.
Report of Representatives to the T-FSC Global Network University Committee
April 23, 2015, 9:00 a.m. EDT

Present: Awam Amkpa (co-chair, via video from Abu Dhabi), Arvind Rajagopal (co-chair, via video from Berlin), Martin Klimke (via video from Abu Dhabi), Amy Becker (via audio from Shanghai, until 10:00 a.m.), Vincent Renzi (until 10:10 a.m.), Sylvain Cappell (after 9:45 a.m.), Jeff Goodwin.

The committee discussed the draft report authored by Awam and Arvind. Amy spoke to the need in the report to distinguish differences in labor laws and practices between Abu Dhabi and China. Martin reported on town hall meetings recently held at Abu Dhabi concerning the report by Nardello & Co. on labor conditions there. He and Awam will revise the committee’s draft report to incorporate a response to the Nardello investigation.

The Nardello report is available at—


Respectfully submitted,

Vincent Renzi
TO: Full-Time Non-Tenure Track/Contract Faculty Senators Council
FROM: Susan Stehilik, Stern Senator
DATE: April 21, 2015
RE: Summary Report of the Ad Hoc Sexual Misconduct Committee

Members of the Committee:

| Chair: Gabrielle Starr <gabrielle.starr@nyu.edu>, Andrew W Williams <andrew.williams@nyu.edu>, Arthur C Tannenbaum <arthur.tannenbaum@nyu.edu>, Barbara Augustin <baugustin@nyu.edu>, Carolyn Cole <cjc648@nyu.edu>, Christine Janick <cbj200@nyu.edu>, Daniel Holub <daniel.holub@nyu.edu>, Diane Yu <diane.yu@nyu.edu>, "Gold-Von Simson, Gabrielle" Gabrielle.Gold-VonSimson@nyumc.org, Jeremy D Lakin <jdl480@nyu.edu>, Jessica Hawk <jlh548@nyu.edu>, | Acting Secretary: Craig Jolley <craig.jolley@nyu.edu>, Kevin L Jones <klj270@nyu.edu>, Malina J Webb <malinawebb@nyu.edu>, Masha Leonov <ml3398@stern.nyu.edu>, Nancy L Van Devanter <nvd2@nyu.edu>, Sinan Antoon <sinan.antoon@nyu.edu>, Susan Stehilik <sstehlik@stern.nyu.edu>, Thomas Grace <thomas.grace@nyu.edu>, Victoria Stanhope <victoria.stanhope@nyu.edu>, William H Miller <william.miller@nyu.edu>, William J Belknap <wjb269@nyu.edu>, Zoe Ragouzeos <zr1@nyu.edu> |

The Committee met to discuss sanctions regarding sexual misconduct of which there were 10:

1. Warning
2. Censure
3. Disciplinary Probation
4. Restitution
5. Monetary fine
6. Suspension of Privileges
7. Suspension from the University
8. No contact directive
9. Dismissal from the University
10. Transcript Notation

The consensus was to focus on the community standard we wish to maintain at NYU and support that standard. While the complaint process was generally agreed to be effective there was no one that said they were completely satisfied in these most difficult situations. We will meet again in a month to discuss which if any of these sanctions should be appropriate and how the deciding panel should be educated as well as informed by the investigators, who do make a decision as to whether there is a preponderance of evidence.

Note: Much of the information can be found at the following url: [http://www.nyu.edu/life/safety-health-wellness/sexual-respect.html](http://www.nyu.edu/life/safety-health-wellness/sexual-respect.html)
Special Committee on Implementation of the MSCHE Report

Larry Z. Slater, PhD, RN-BC, CCRN

College of Nursing

Senator, College of Dentistry and College of Nursing

Continuing Faculty Senators Council

The Committee finalized the draft of the response to the MSCHE Report, which was then sent out to all Continuing Faculty Senators and Alternate Senators. Feedback was received from three senators, and that feedback was taken to the final committee meeting which occurred on Monday, April 27. At that meeting, the committee approved the final report as amended for submission to the Provost and the President, who will be charged with implementation.
March 16, 2015

Memorandum to: Ann Marie Mauro, Chair, N/C Faculty Senators Council
Raghu Sundaram, Chair, T-Faculty Senators Council

From: David W. McLaughlin, Provost

Subject: Tisch School of the Arts, Teacher Policy

The Tisch School of the Arts has completed a process within the school and with its faculty to revise its appointment policy for Teachers, and has submitted its Teacher Policy. My office together with the Office of General Counsel worked iteratively on these revisions with the school. Most recently, the document was edited to be consistent with the University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments (revised and effective March 1, 2015).

As part of the process of finalizing the TSOA policy and in accordance with the Guidelines, I am asking the N/C Faculty Senators Council and the T-Faculty Senators Council to review and comment on this document. I understand that each Council may wish to submit a separate response. It also would be useful and would accelerate the review process if the Councils were able to submit a coordinated response, to the extent possible. As is our practice I will consider the Councils’ comments in consultation with the Tisch School, before finalizing the document.

I am attaching the Teacher Policy, which Associate Dean Louis Scheeder transmitted to me on March 6, 2015. If you have questions about the document, please feel free to consult him or Dean Allyson Green.

Thank you for your prompt attention to this proposal. Please let me know if you have questions or concerns that we can address to facilitate your review.

Copy to: Allyson Green
Louis Scheeder
Carol Morrow
Ulrich Baer
Karyn Ridder

Attachment
TISCH SCHOOL OF THE ARTS
Teacher Policy

1. Introduction

1.1 The purpose of this document (Policy) is to outline the policies and procedures governing the appointment, review and reappointment of full-time, non-tenure track contract faculty holding the rank of “Teacher” (individually and collectively, TSOA Teacher), as defined in Section 1.4 below, at the Tisch School of the Arts (TSOA or School). As experienced practitioners, teachers, and artists in their respective fields, TSOA Teachers make significant contributions to the distinct excellence of the School and enhance its reputation for teaching excellence.

1.2 This Policy manifests the School’s commitment to all TSOA Teachers and provides a clear statement of the expectations, responsibilities and privileges accompanying their employment.

1.3 The guidelines for the appointment, review and reappointment of TSOA Teachers in this Policy are intended to be general. Every department is expected to supplement this Policy with its own written policies and procedures (individually and collectively, Department Policies) that are tailored to its academic needs and culture, and which conform to the general principles outlined in this Policy. For the avoidance of doubt, all references to department(s) shall be construed to include academic programs that function similarly to departments at the School. In the event of a conflict between the Teacher Policy and Department Policies, the Teacher Policy then in effect will control.

1.4 This Policy applies to all (i) full-time, non-tenure track contract faculty appointed to the ranks of Associate Teacher and Teacher before the effective date of this Policy and (ii) full–time non-tenure track/contract faculty appointed to the rank of Teacher after the effective date of this Policy. Henceforth, the two-tiered appointment structure for Associate Teachers and Teachers will no longer apply. All TSOA Teachers will hereafter hold the rank of “Teacher.” The working designation of Teacher of {Discipline} may be used with the permission of the Department Chair.

1.5 This Policy is being implemented to supplement New York University (NYU) Policies and Bylaws¹ (individually and collectively NYU Policies) applicable to full time non–tenure track/contract faculty, which includes TSOA Teachers. The formulation and implementation of this Policy shall conform to the New York

¹ University Bylaws Effective 9012014.pdf
University Guidelines for Full-Time, Non-Tenure Track/Contract Faculty Appointments (University Guidelines) and the general principles set forth therein. The Policy shall also conform to applicable policies and provisions in the Faculty Handbook as amended to incorporate the University Bylaws effective September 1, 2014. For the avoidance of doubt, all references to NYU Policies in this Policy will be construed to include the University Guidelines and the Faculty Handbook.

1.6 TSOA Teachers have the following rights and responsibilities: academic freedom, teaching including, but not limited to classroom instruction, student advising, service on department, School and University Committees, additional academic roles and administrative responsibilities that contribute to the department’s, School’s or University’s missions, avoidance of conflicts of interest/commitment, eligibility to apply for School funds, and where eligible, for University administered funds, health care benefits, retirement benefits, and adherence to ethical behavioral standards. TSOA Teachers are not eligible for tenure.

1.7 If any part of this Policy is found to be inconsistent with NYU Policies, the NYU Policies then in effect will control and this Policy will be automatically amended to be consistent with it.

1.8 Any amendment to this Policy must be in writing, submitted to the TSOA full-time faculty for discussion and vote at a TSOA faculty meeting, and follow NYU and School policies for compliance with laws, consistency among policies, and guidelines for amending. As with all University and School policies, this Policy, or any provision thereof, is subject to change and it is the policies in effect at the time of an action that will apply to that action.

2. Appointment Parameters and Expectations

2.1 All TSOA Teacher appointments shall reflect the School’s commitment to excellence and adhere to department, School and University academic appointment policies and procedures. The academic appointment policies established by every department must conform to School and University academic appointment policies and procedures.

2.2 Every department is required to establish performance standards for faculty members of all titles, and where applicable, ranks in its Department Policies. Although faculty roles and responsibilities may vary by department and by discipline, all TSOA Teachers are expected to engage in (a) teaching of the highest caliber and (b) service activities at the department, School and University levels. (By contrast, all TSOA Arts Professors, regardless of department or discipline, are expected to engage in (a) teaching of the highest caliber, (b)
professional activity in their specialized fields, and (c) service activities at the
department, School and University levels and to their profession).

Teaching, broadly defined, encompasses classroom, workshop, seminar and
studio instruction, independent study, production lab and project oversight,
curriculum review, student advisement and mentorship. Service, broadly defined,
encompasses committee participation at the department, School and University
levels, administrative program oversight and management, and other
responsibilities as designated by the Department Chair.

2.3 Prior to the commencement of employment, every TSOA Teacher receives a letter
of appointment (Appointment Contract) that includes the following terms: start
date and end date of the appointment, eligibility to be considered for
reappointment, compensation, academic and non-academic responsibilities and
obligations, calendar for department-level and decanal reviews, and agreement to
be bound by applicable University policies.

2.4 The honorific title of “Distinguished Teacher” may be conferred on a TSOA
Teacher in recognition of his or her record of excellence and sustained
contributions in the areas of teaching and service. Cumulative length of service is
not the sole justification for the bestowal of this title. This title, which is awarded
on the recommendation of the Department Chair and the TSOA Dean, remains
with the TSOA Teacher for the length of his or her appointment at rank. This title
has no necessary implications for salary, duties, and privileges.

2.5 All TSOA Teachers are appointed for a period of one (1) year or three (3) years.
Every department is required to adopt a fixed one-year or three-year contract
length for its TSOA Teachers by a consensus of its full-time faculty comprised of
Tenured/Tenure-Track Faculty (TTF) and Full-Time Non-Tenure Track /Contract
Faculty (FTNTT/CF). Departments that adopt a fixed one-year contract must
provide a written justification based on programmatic and academic
considerations. All TSOA Teachers in a three-year contract are subject to a
probationary review at the end of the first year.

2.6 All TSOA Teachers are eligible to stop the contract clock for reasonable cause
(e.g., illness, disability personal as primary caregiver for child, spouse, parent
same-sex domestic partner disability, parental leave, other compelling personal
reason or to pursue professional work) after their Third Year Review, which is
defined in Section 4.5 below. All requests must be submitted in writing to the
Associate Dean of Faculty who conveys the request to the TSOA Dean for
consideration. For all approved personal leaves of one semester or more, the
length of the TSOA Teacher’s contract is extended by a minimum of one
semester.

4 All references to full-time faculty in this Policy shall include TTF and FTNTT/CF faculty, unless otherwise noted
3. **Search and Hiring Procedures**

3.1 The guidelines in this section apply to all TSOA Teacher searches and appointments at the School. All TSOA searches are handled through the annual faculty staffing process in which a Department Chair requests to fill an existing line that is vacant, or to add an incremental line. All TSOA Teacher searches require prior authorization from the TSOA Dean’s Office. All TSOA Teacher appointments and reappointments require the TSOA Dean’s approval. All TSOA Teacher non-reappointments require the review and approval of the TSOA Dean.

3.2 All TSOA Teacher appointments are based upon careful consideration of the candidate’s accomplishments and his/her promise. Search and hiring procedures for TSOA Teachers follow University and the School guidelines for full-time faculty searches, and are carried out in accordance with the policies and practices established by the TSOA Office of Faculty.

3.3 Henceforth, a rigorous and comprehensive search is conducted for all new TSOA Teacher appointments. The Department Chair convenes a Search Committee, appoints a Committee Chair and charges the Search Committee to carry out the search. Search Committees are typically comprised of full-time faculty members from the department carrying out the search. In the case of smaller departments, full-time faculty from other departments may be included.

3.4 The Search Committee conducts the search and identifies finalists. The Department Chair advances the top candidates from the pool of finalists to the TSOA Dean who selects the top candidate and makes an offer.

4. **Review Process for TSOA Teachers in a One-Year Contract/Notification of Reappointment/Non-Reappointment**

4.1 A TSOA Teacher appointed to a one-year contract may be eligible for reappointment. The Department Chair conducts an annual review of all TSOA Teachers during the initial and subsequent appointments. The purpose of the annual review is to provide the TSOA Teacher with substantial feedback and guidance in regard to his/her progress towards meeting the department’s expectations for success. The Department Chair provides every TSOA Teacher with a written performance evaluation as part of the annual review.

4.2 A TSOA Teacher’s eligibility to be considered for reappointment does not guarantee reappointment. Even when the TSOA Teacher satisfies the performance standards set by his/her department, the decision to reappoint may be impacted by curricular/structural changes and improvements in academic programs that substantially alter the nature of the teaching assignment.

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5 Every department is expected to include FTNTT/CF in the hiring process for full-time contract faculty, including TSOA Teachers.
4.3 Every TSOA Teacher receives a minimum of ninety (90) days notice of the annual review. The criteria used to evaluate the TSOA Teacher’s performance follows the annual review guidelines adopted by the department. Departmental criteria will be reexamined every 5 years. The materials which form the basis of the annual review include: (i) Teaching: teaching self-evaluations, student written evaluations and curricular materials such as class syllabi and course materials; and (ii) Service: reports on committee participation at the department, School and University levels, and self-reports on program, lab, workshop and area oversight and administration (individually and collectively, Review Materials).

4.4 In the event of a decision to reappoint, the TSOA Teacher completes the remainder of the one-year term and is reappointed for another one-year term. In the event of a decision to not reappoint, the TSOA Teacher is notified of the intention to not reappoint by March 31st if the appointment is to be terminated on August 31st. A TSOA Teacher who is not reappointed shall complete the remainder of the one-year appointment. A TSOA Teacher whose term of appointment is due to terminate on a date other than August 31st must be notified of intention not to be reappointed no later than 180 days prior to the termination date.

4.5 In the first semester of the third year of continuous one-year appointments, the TSOA Teacher undergoes a formal review comparable to the review of TSOA Teachers with three-year contracts Third Year Review. TSOA Teachers are notified of their Third-Year Review via letter in the spring semester prior to the review. Every TSOA Teacher is assigned a “guide” from the department to act as a resource. In smaller departments in which a “guide” is not available, the Chair shall, in consultation with the Associate Dean of Faculty, choose a “guide” from another department.

4.6 All Third-Year Reviews of TSOA Teachers are conducted by a Departmental Review Committee (Review Committee) of three full-time faculty members. The Review Committee shall consist of: Arts Professors of all ranks, TTF and at least one TSOA Teacher. If the department does not have a TSOA Teacher to sit on the Review Committee, a TSOA Teacher from another department may be drawn. Smaller departments may rely on ad hoc committees while larger departments may rely on a standing committee. The Review Committee is appointed and charged by the Department Chair. In conducting the review, it is the responsibility of the Review Committee to uphold the highest principles of professional responsibility, fairness and non-discrimination.

4.7 As with the case of TSOA Teachers in a one-year contract, the decision to reappoint after the Third Year Review may be impacted by curricular/structural changes and improvements in academic programs that substantially alter the nature of the teaching assignment. In such event, the review would focus on whether the TSOA Teacher would be able to teach in the new revised curriculum and/or academic structure and if so, in what capacity.
5. Review Process for TSOA Teachers in a Three-Year Contract/
Notification of Reappointment/Non-Reappointment

5.1 All TSOA Teachers appointed to a three-year contract may be eligible for
reappointment. A TSOA Teacher’s eligibility to be considered for reappointment
does not guarantee reappointment. Even when the TSOA Teacher satisfies the
standards of achievement set by his/her department; the decision to reappoint may
be impacted by curricular/structural changes and improvements in academic
programs that substantially alter the nature of the teaching assignment. In such
event, the review would focus on whether the TSOA Teacher would be able to
teach in the new revised curriculum and/or academic structure and if so, in what
capacity.

5.2 All reviews of a TSOA Teacher in a three-year contract are conducted by a
Review Committee of three full-time faculty members. The Review Committee
shall consist of Arts Professors of all ranks, TTF and at least one TSOA Teacher.
If the department does not have a TSOA Teacher to sit on a Review Committee, a
TSOA Teacher from another department may be drawn. Smaller departments may
rely on ad hoc committees while larger departments may rely on a standing
committee. The Review Committee is appointed and charged by the Department
Chair. In conducting the review, it is the responsibility of the Review Committee
to uphold the highest principles of professional responsibility, fairness and non-
discrimination

5.3 Review for reappointment/non-reappointment is conducted in the penultimate
year of the appointment and is completed by the end of that penultimate year. The
TSOA Teacher is notified of his/her review via letter in the semester prior to the
review. Every TSOA Teacher is assigned a “guide” from the department to act as
a resource. In smaller departments in which a “guide” is not available, the
Department Chair shall, in consultation with the Associate Dean of Faculty,
choose a “guide” from another department.

5.4 The Committee’s assessment is guided by the performance standards established
in the Department Policies, and consists of a thorough review of the TSOA
Teacher’s Docket, which includes following:

Materials Submitted by the TSOA Teacher

1. Current CV;
2. Assessment of Teaching Performance and Potential:
   (i) Personal Statement of Teaching and Service;
   (ii) Student Evaluations of Teaching;
   (iii) Syllabi and Course Materials
Materials Compiled by the Review Committee

1. Classroom observation report
2. Committee interview report.

The Review Committee evaluates the TSOA Teacher’s Docket and submits its recommendation to the Department Chair. The Department Chair reviews the Review Committee’s recommendation and submits to the TSOA Office of Faculty for the TSOA Dean’s consideration.

In the event of a decision to reappoint, the TSOA Teacher completes the third year of the appointment and is reappointed, normally, for another three-year term. In the event of a decision to not reappoint, the TSOA Teacher is notified of the intention to not reappoint no later than August 31 of the penultimate year and continues under contract for the third and final year.

6. Grievance Process and Procedures

6.1 A TSOA Teacher who is not eligible for reappointment cannot grieve a decision not to reappoint. TSOA Teachers on three-year contracts who are eligible for reappointment and subject to a review process to determine whether they are to be reappointed have the right to grieve the process in the following cases: (i) in the event the review leads to a decision not to reappoint; and (ii) reappointment is denied without a review. TSOA Teachers on continuous one-year appointments are entitled to grieve the process as follows: (a) in the event that the Third-Year Review process leads to a negative decision; and (b) in the event they are not reappointed after a third year of continuous service when a review has been explicitly promised in connection with the possibility of reappointment subject to it, but was not undertaken.

6.2 Grievances related to reappointment are restricted to allegations of procedural defects and irregularities. Outcomes of the review process or decisions reached through the review process can be grieved only to the extent that they involve violation of University-protected rights of faculty members. Thus, a grievance must allege that i) the procedures used to reach the decision were improper, or that the case received inadequate consideration; or ii) that the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant.

6.3 All grievances are expected to be settled informally at the department level. In the event that the grievance is not settled informally, the TSOA Teacher may appeal to the TSOA Dean to convocate the School’s Grievance Committee, which shall -- for grievances brought by TSOA Teachers—be expanded to include at least one senior full-time non-tenure track/contract faculty member. The TSOA Dean shall convocate the Grievance Committee within fifteen business days of receiving the TSOA Teacher’s appeal. In the event that the TSOA Dean does not convocate the
Grievance Committee within said time, the TSOA Teacher has the right to bring it to the attention of the Office of the Provost.

6.4 The Grievance Committee does not judge the professional merits of the case and considers the appeal based on the grounds specified above (Section 6.3). After deliberation, the Grievance Committee advises the TSOA Dean of its recommendation. The TSOA Dean reviews the Grievance Committee’s recommendation and notifies the TSOA Teacher and the Grievance Committee in writing of his/her decision, together with reasons therefore, and if applicable, information on the procedures for appeal.

6.6 If the decision is not satisfactory to the TSOA Teacher, he or she may, within 15 days of receipt, appeal to the Provost (or his/her designee) specifying all grounds for and materials in support of the appeal. The appeal process shall follow the procedures outlined in Section V (e) of the University Guidelines.

6.7 Grievances concerning matters such as duties, salaries, perquisites, and working conditions are expected to be settled at the department level. In the event that the dispute is not settled informally at a level below the TSOA Dean, the TSOA Teacher may appeal to the TSOA Dean to convene the school’s Grievance Committee, which shall—for grievances brought by TSOA Teachers—be expanded to include at least one senior full-time non-tenure track/contract faculty member. The TSOA Dean shall convene the Grievance Committee within fifteen business days of receiving the TSOA Teacher’s appeal. In the event that the TSOA Dean does not convene the Grievance Committee within said time, the TSOA Teacher has the right to bring it to the attention of the Office of the Provost.
Recommendations of the Continuing Faculty Senators Council in regard to:

TISCH SCHOOL OF THE ARTS
Teacher Policy

Background

At the December 9, 2014 faculty meeting of the Tisch School of the Arts, the Faculty Welfare and Governance Committee, a standing committee of the school, presented to the faculty for a vote the Tisch School of the Arts (TSOA) Teacher Policy. The Teacher Policy was approved unanimously, with three abstentions.

The purpose of the Teacher Policy is to outline the policies and procedures governing the appointment, review and reappointment of full-time, non-tenure track contract faculty holding the rank of “Teacher.”

The policy applies to all (i) full-time, non-tenure track contract faculty appointed to the ranks of Associate Teacher and Teacher before the effective date of this Policy and (ii) full-time, non-tenure track contract faculty appointed to the rank of Teacher after the effective date of this Policy. Henceforth, the two-tiered appointment structure for Associate Teachers and Teachers will no longer apply. All TSOA Teachers will hereafter hold the rank of “Teacher.”

Recommendations

1. Page 2, Footnote 2:

   Recommendation
   Update the reference to March 1, 2015.

2. Section 1.6, first sentence:
   “TSOA Teachers have the following fights and responsibilities: academic freedom, teaching including, but not limited to classroom instruction, student advising, service on department, School and University Committees, additional academic roles and….”

   Recommendation 1
   Clarify that “service” is not solely defined by service on department, school and university committees, but is more fully enumerated in each Department Policy. (See Paragraph 2.2: Every department is required to establish performance standards for faculty members of all titles, and where applicable, ranks in its Department Policies.)

   Recommendation 2
   Reorder sentence so that rights and responsibilities are listed in that order, including the clarification recommended for “service” above, e.g.:
“TSOA Teachers have the following rights and responsibilities: academic freedom, eligibility to apply for School funds, and where eligible, for University administered funds, health care benefits, retirement benefits, teaching including, but not limited to classroom instruction, student advising, service on department, School and University Committees, additional academic roles and responsibilities that contribute to the department’s, School’s or University’s missions, avoidance of conflicts of interest/commitment, and adherence to ethical standards.

3. Section 2.2, second paragraph, second sentence: “Service, broadly defined, encompasses committee participation at the department, School and University levels, administrative program oversight and management, and other responsibilities as designated by the Department Chair.”

Recommendation
As with Recommendation #2, clarify that what constitutes service is fully enumerated by Department Policies, not by Department Chair.

4. Section 2.3, first sentence:

Recommendation
Change language to: Prior to the commencement of employment, every TSOA Teacher shall receive a letter of....

5. Section 2.4, last sentence:

Recommendation
Change language to: This title has no necessary implications for salary, duties, or privileges.

6. Section 2.5, third sentence: “Departments that adopt a fixed one-year contract must provide a written justification based on programmatic and academic considerations.”

Recommendation
Clarify to whom this justification must be provided.

7. Section 2.5, second sentence: “For all approved personal leaves of one semester or more, the length of the TSOA Teacher’s contract is extended by a minimum of one semester.”
Recommendation
Clarify whether it is the case that if the approved leave is for more than one semester, the Teacher’s contract may be extended by more than one semester.

8. Section 2.6, first sentence:
“All TSOA Teachers are eligible to stop the contract clock for reasonable cause (e.g., illness, disability personal as primary caregiver for child, spouse, parent same-sex domestic partner disability, parental leave, other compelling personal reason or to pursue professional work)....

Recommendation
Clarify the parenthetical as follows:

“All TSOA Teachers are eligible to stop the contract clock for reasonable cause (e.g., illness, disability, personal care as primary caregiver for child, spouse, parent or same-sex domestic partner disability, parental leave, other compelling personal reason or to pursue professional work)....

9. Section 3.3, Footnote 5:

Recommendation
Include Footnote 5 ("Every department is expected to include FTNTT/CF in the hiring process for full-time contract faculty, including TSOA Teachers.") as the penultimate sentence of Section 3.3.

10. Section 4.2:

Recommendation
Add language as a third and final sentence to this Section 4.2 similar to that in Section 4.7, second sentence, and Section 5.1, fourth sentence, allowing for consideration of whether the TSOA Teacher would be able to teach in the new revised curriculum.

11. Section 4.3, first sentence:

Recommendation
Change language by adding the words prior to:
Every TSOA Teacher receives a minimum of a ninety (90) day notice prior to the annual review.
12. Section 4.5, third line:

**Recommendation**
Place parenthesis around *(Third Year Review)*

13. Section 4.5:

**Recommendation**
Add language similar to Section 5.4 clarifying what materials are required to be compiled and submitted by Teachers on continuous one-year appointments for the Third Year Review.

14. Section 4.6, second sentence:

**Recommendation**
Clarify and simplify language describing the three-member review committee, for example:

The Review Committee shall consist of one Arts Professor of any rank, one Tenure/Tenure Track faculty member, and one Teacher.

15. Section 4.6:

**Recommendation**
Add language similar to Section 5.4, paragraph 2, describing the process of the Review Committee.

16. Section 4.7, first sentence:

**Recommendation**
Clarify by the addition of language:

As with the case of TSOA Teachers in a one-year contract, the decision to reappoint a Teacher on a one-year contract after the Third Year Review....

17. Section 5.2, second sentence:

**Recommendation**
Clarify and simplify language describing the three-member review committee, for example:

The Review Committee shall consist of one Arts Professor of any rank, one Tenure/Tenure Track faculty member, and one Teacher.
18. Section 6.3

Recommendation
Clarify the process of grieving at the departmental level (e.g., to whom is the grievance submitted and what is the process of grieving at that level).

Minor Typos

Section 2.6, line 4: delete extra space between “or to pursue”; delete extra space between “professional work) after their”

Section 3.3, last sentence: change semicolon to a comma
“In the case of smaller departments, full-time faculty from other departments may be included.”

Section 3.4, last line: add a comma after “TSOA Dean, who selects the top candidate and makes an offer.”

Section 5.4, third line: add the word the
“Teacher’s Docket, which includes the following:”

Section 6.4, second line: change parenthetical reference number to (Section 6.2)
Recommendations of the Tenure Faculty Senators Council in regard to:
TISCH SCHOOL OF THE ARTS
Teacher Policy

Background

The purpose of the Tisch School of the Arts (TSOA) Teacher Policy is to outline the policies and procedures governing the appointment, review and reappointment of full-time, non-tenure track contract faculty holding the rank of “Teacher”.

The TSOA Teacher Policy applies to all (i) full-time, non-tenure track contract faculty appointed to the ranks of Associate Teacher and Teacher before the effective date of the Teacher Policy and (ii) full-time non-tenure track/contract faculty appointed to the rank of Teacher after the effective date of the Teacher Policy. Henceforth, the two-tiered appointment structure for Associate Teachers and Teachers will no longer apply. All TSOA Teachers will hereafter hold the rank of “Teacher.”

TSOA Teachers have the following rights and responsibilities: academic freedom, teaching including, but not limited to classroom instruction, student advising, service on department, School and University Committees, additional academic roles and administrative responsibilities that contribute to the department’s, School’s or University’s missions, avoidance of conflicts of interest/commitment, eligibility to apply for School funds, and where eligible, for University administered funds, health care benefits, retirement benefits, and adherence to ethical behavioral standards. TSOA Teachers are not eligible for tenure.

Recommendations

Substantive issues:

1. item 2.6, third sentence:
   For all approved personal leaves of one semester or more, the length of the TSOA Teacher’s contract is extended by a minimum of one semester.

   This language allows for the possibility of a contract extension of only one semester, even if the length of an approved personal leave is greater than one semester. Consider modifying the language to explicitly indicate that if an approved personal leave is greater than one semester the contract extension may also be greater than one semester, if that is the intent.

2. item 4.2, second sentence:
   Even when the TSOA Teacher satisfies the performance standards set by his/her department, the decision to reappoint may be impacted by curricular/structural changes and improvements in academic programs that substantially alter the nature of the teaching assignment.

   As included in 4.7 (and in 5.1 for TSOA Teachers on three-year contracts), consider including the stipulation: In such event, the review would focus on whether the TSOA
Teacher would be able to teach in the new revised curriculum and/or academic structure and if so, in what capacity.

3. item 4.3, first sentence:
Every TSOA Teacher receives a minimum of ninety (90) days notice of the annual review

Consider amending to increase clarity and to make parallel with 4.5 by including the word “prior”, e.g., Every TSOA Teacher receives a minimum of ninety (90) days notice prior to the annual review.

4. item 4.6:
Consider adding after 4.6:

The Committee’s assessment is guided by the performance standards established in the Department Policies, and consists of a thorough review of the TSOA Teacher’s Docket, which includes the following:

Materials Submitted by the TSOA Teacher
1. Current CV:
2. Assessment of Teaching Performance and Potential:
   (i) Personal Statement of Teaching and Service:
   (ii) Student Evaluations of Teaching:
   (iii) Syllabi and Course Materials

Materials Compiled by the Review Committee
1. Classroom observation report
2. Committee interview report.

so the materials submitted by Teachers with one-year contracts are consistent with those submitted by Teachers with 3-year contracts as indicated in item 5.4.

Also, consider adding, for consistency with item 5.4, the description regarding the decision making process of reappointment:

The Review Committee evaluates the TSOA Teacher’s Docket and submits its recommendation to the Department Chair. The Department Chair reviews the Review Committee’s recommendation makes his/her recommendation and submits to the TSOA Office of Faculty for the TSOA Dean’s consideration.

5. item 6.3, first sentence:
All grievances are expected to be settled informally at the department level.

Consider specifying, to whom, at the department level, a grievant should submit a grievance, and perhaps also some guidance regarding a procedure at the department level.
6. item 6.7, second sentence:

Teacher may appeal to the TSOA Dean to convoke the school’s Grievance Committee, which shall --for grievances brought by TSOA Teachers—be expanded to include at least one senior full-time non-tenure track/contract faculty member.

Consider expanding the school’s Grievance Committee for grievances brought by TSOA Teachers with a TSOA Teacher, to include a viewpoint of a more closely related peer of the grievant.

Minor editorial issues:

1. item 4.4, second sentence:

In the event of a decision to not reappoint, the TSOA Teacher is notified of the intention to not reappoint by March 31st if the appointment is to be terminated on August 31st.

Rephrase so as not to split the infinitive: In the event of a decision not to reappoint, the TSOA Teacher is notified of the intention not to reappoint by March 31st if the appointment is to be terminated on August 31st.

2. item 4.5, first sentence:

In the first semester of the third year of continuous one-year appointments, the TSOA Teacher undergoes a formal review comparable to the review of TSOA Teachers with three-year contracts Third Year Review

Add brackets around "Third Year Review", i.e., (Third Year Review).

3. item 4.7, first sentence:

As with the case of TSOA Teachers in a one-year contract, the decision to reappoint after the Third Year Review may be impacted by curricular/structural changes and improvements in academic programs that substantially alter the nature of the teaching assignment.

As 4.7 refers to the Third Year Review of TSOA Teachers in continuous one-year contracts, consider modifying this sentence to: As in the case of one-year reviews of TSOA Teachers in one-year contracts, the decision to reappoint Teachers in continuous one-year contracts after the Third Year Review may be impacted by curricular/structural changes and improvements in academic programs that substantially alter the nature of the teaching assignment.

4. item 5.4, first sentence:

The Committee’s assessment is guided by the performance standards established in the Department Policies, and consists of a thorough review of the TSOA Teacher’s Docket, which includes following:

Insert “the” before “following”
5. item 5.4, last sentence:
   In the event of a decision to not reappoint, the TSOA Teacher is notified of the intention to
   not reappoint no later than August 31 of the penultimate year and continues under
   contract for the third and final year.

   Rephrase so as not to split the infinitive: *In the event of a decision not to reappoint, the
   TSOA Teacher is notified of the intention not to reappoint no later than August 31 of the
   penultimate year and continues under contract for the third and final year.*

6. item 6.4, first sentence:
   *The Grievance Committee does not judge the professional merits of the case and considers
   the appeal based on the grounds specified above (Section 6.3).*

   Replace “6.3” with “6.2”, as Section 6.2 specifies the grounds for consideration by the
   Grievance Committee:
   *The Grievance Committee does not judge the professional merits of the case and considers
   the appeal based on the grounds specified above (Section 6.2).*
Joint Recommendations Of The Continuing Faculty Senators Council 
And 
The Tenure Faculty Senators Council In Regard To:

TISCH SCHOOL OF THE ARTS 
Teacher Policy

Background

The purpose of the Tisch School of the Arts (TSOA) Teacher Policy is to outline the policies and procedures governing the appointment, review and reappointment of full-time, non-tenure track contract faculty holding the rank of “Teacher”.

At the December 9, 2014 faculty meeting of the Tisch School of the Arts, the Faculty Welfare and Governance Committee, a standing committee of the school, presented to the faculty for a vote the Tisch School of the Arts (TSOA) Teacher Policy. The Teacher Policy was approved unanimously, with three abstentions.

The TSOA Teacher Policy applies to all (i) full-time, non-tenure track contract faculty appointed to the ranks of Associate Teacher and Teacher before the effective date of the Teacher Policy and (ii) full-time non-tenure track/contract faculty appointed to the rank of Teacher after the effective date of the Teacher Policy. Henceforth, the two-tiered appointment structure for Associate Teachers and Teachers will no longer apply. All TSOA Teachers will hereafter hold the rank of “Teacher.”

Recommendations

Substantive issues:

1. Section 1.6, first sentence:
   “TSOA Teachers have the following rights and responsibilities: academic freedom, teaching including, but not limited to classroom instruction, student advising, service on department, School and University Committees, additional academic roles and....”

Recommendation
Clarify that "service" is not solely defined by service in department, school and university committees, but is more fully enumerated in each Department Policy. (See Paragraph 2.2: Every department is required to establish performance standards for faculty members of all titles, and where applicable, ranks in its Department Policies.)

Reorder the sentence so that rights and responsibilities are listed in that order, including the clarification recommended for "service" above, e.g.:
“TSOA Teachers have the following rights and responsibilities: academic freedom, eligibility to apply for School funds, and where eligible, for University administered funds, health care benefits, retirement benefits, teaching including, but not limited to classroom instruction, student advising, service on department, School and University Committees, additional academic roles and responsibilities that contribute to the department’s, School’s or University’s
missions, avoidance of conflicts of interest/commitment, and adherence to ethical standards.”

2. Section 2.2, second paragraph, second sentence:
   “Service, broadly defined, encompasses committee participation at the department, School and University levels, administrative program oversight and management, and other responsibilities as designated by the Department Chair.”

   Recommendation
   As with Recommendation #2, clarify that what constitutes service is fully enumerated by Department Policies, not by the Department Chair.

3. Section 2.3, first sentence:
   “Prior to the commencement of employment, every TSOA Teacher receives a letter of appointment (Appointment Contract)....”

   Recommendation
   Change language to:
   “Prior to the commencement of employment, every TSOA Teacher shall receive a letter of appointment (Appointment Contract). ...”

4. Section 2.5, third sentence:
   “Departments that adopt a fixed one-year contract must provide a written justification based on programmatic and academic considerations.”

   Recommendation
   Clarify to whom this justification must be provided.

5. Section 2.5, final sentence:
   “All TSOA Teachers in a three-year contract are subject to a probationary review at the end of the first year”

   Recommendation
   The language suggests that the Teacher is subject to a probationary review at the end of the first year of each three-year contract.

   Clarify that a probationary review occurs only during the initial three-year contract as follows:
   “All TSOA Teachers on three-year contracts are subject to a probationary review at the end of the first year of their initial contract”

6. Section 2.6, first sentence:
   “All TSOA Teachers are eligible to stop the contract clock for reasonable cause (e.g., illness, disability personal as primary caregiver for child, spouse, parent same-sex domestic partner disability, parental leave, other compelling personal reason or to pursue professional work) after their Third Year Review, which is defined in Section 4.5 below.”
Recommendation
Clarify the parenthetical as follows:

“All TSOA Teachers are eligible to stop the contract clock for reasonable cause (e.g., illness, disability, personal care as primary caregiver for child, spouse, parent or same-sex domestic partner disability, parental leave, other compelling personal reason or to pursue professional work) after their Third Year Review, which is defined in Section 4.5 below.”

7. Section 2.6, third sentence:
“For all approved personal leaves of one semester or more, the length of the TSOA Teacher’s contract is extended by a minimum of one semester.”

Recommendation
Clarify whether it is the case that if the approved leave is for more than one semester, the Teacher’s contract may be extended by more than one semester.

8. Section 3.3, Footnote 5:
Include Footnote 5 (“Every department is expected to include FTNTT/CF in the hiring process for full-time contract faculty, including TSOA Teachers.”) as the penultimate sentence of Section 3.3.

9. Section 4.2:
“A TSOA Teacher’s eligibility to be considered for reappointment does not guarantee reappointment. Even when the TSOA Teacher satisfies the performance standards set by his/her department, the decision to reappoint may be impacted by curricular/structural changes and improvements in academic programs that substantially alter the nature of the teaching assignment.”

Recommendation
Add language as a third and final sentence to this Section 4.2 similar to that in Section 4.7, second sentence, and Section 5.1, fourth sentence, allowing for consideration of whether the TSOA Teacher would be able to teach in the new revised curriculum.

10. Section 4.3, first sentence:
“Every TSOA Teacher receives a minimum of ninety (90) days notice of the annual review.”

Change language by adding the words prior to.
“Every TSOA Teacher receives a minimum of a ninety (90) day notice prior to the annual review.”

11. Section 4.5:

Recommendation
Add language similar to Section 5.4 clarifying what materials are required to be compiled and submitted by Teachers on continuous one-year appointments for the Third Year Review.

12. Section 4.6, second sentence:
“The Review Committee shall consist of: Arts Professors of all ranks, TTF and at least one TSOA
Recommendation
Clarify and simplify language describing the three-member review committee, for example: “The Review Committee shall consist of one Arts Professor of any rank, one Tenure/Tenure Track faculty member, and one Teacher.”

13. Section 4.6:

Recommendation
Add language similar to Section 5.4, paragraph 2, describing the process of the Review Committee

14. Section 4.7, first sentence:
“As with the case of TSOA Teachers in a one-year contract, the decision to reappoint after the Third Year Review may be impacted by curricular/structural changes and improvements in academic programs that substantially alter the nature of the teaching assignment.”

Recommendation
Clarify by the addition of language:
“As with the case of TSOA Teachers in a one-year contract, the decision to reappoint a Teacher on a one-year contract after the Third Year Review may be impacted by curricular/structural changes and improvements in academic programs that substantially alter the nature of the teaching assignment.”

15. Section 5.2, second sentence:
“The Review Committee shall consist of Arts Professors of all ranks, TTF and at least one TSOA Teacher.”

Recommendation
Clarify and simplify language describing the three-member review committee, for example: “The Review Committee shall consist of one Arts Professor of any rank, one Tenure/Tenure Track faculty member, and one Teacher.”

16. Section 6.3:

Recommendation
Clarify the process of grieving at the departmental level (e.g., to whom is the grievance submitted and what is the process of grieving at that level).

17. Section 6.7, second sentence:
“In the event that the dispute is not settled informally at a level below the TSOA Dean, the TSOA Teacher may appeal to the TSOA Dean to convolve the school’s Grievance Committee, which shall— for grievances brought by TSOA Teachers—be expanded to include at least one senior full-time non-tenure track/contract faculty member.”
Recommendation

Consider expanding the school’s Grievance Committee for grievances brought by TSOA Teachers to include a TSOA Teacher, so as to include a viewpoint of a more closely related peer of the grievant.

Minor editorial issues:

1. Page 2, Footnote 2:

   Update the reference to the University Guidelines for Full-Time, Non-Tenure Track/Contract Faculty Appointments (University Guidelines). Change “from 2014” to “March 1, 2015”.

2. Section 2.4, last sentence:

   “This title has no necessary implications for salary, duties, and privileges.”

   Recommendation

   Change language to:

   “This title has no necessary implications for salary, duties, or privileges.”

3. Section 2.6, line 4:

   delete extra space between “or to pursue’’;
   delete extra space between “professional work)” and “after their”

4. Section 3.3, last sentence:

   change semicolon to a comma

   “In the case of smaller departments, full-time faculty from other departments may be included.”

5. Section 3.4, last line:

   add a comma after “TSOA Dean, who selects the top candidate and makes an offer.”

6. Section 4.4, second sentence:

   “In the event of a decision to not reappoint, the TSOA Teacher is notified of the intention to not reappoint by March 31st if the appointment is to be terminated on August 31st”

   Rephrase so as not to split the infinitive:

   “In the event of a decision not to reappoint, the TSOA Teacher is notified of the intention not to reappoint by March 31st if the appointment is to be terminated on August 31st.”

7. Section 4.5, first sentence:

   “In the first semester of the third year of continuous one-year appointments, the TSOA Teacher undergoes a formal review comparable to the review of TSOA Teachers with three-year contracts Third Year Review”
Add parentheses around "Third Year Review", i.e., (Third Year Review).

8. Section 5.4, first sentence:
   “The Committee’s assessment is guided by the performance standards established in the Department Policies, and consists of a thorough review of the TSOA Teacher’s Docket, which includes following."

   Insert “the” before “following”

9. Section 5.4, last sentence:
   “In the event of a decision to not reappoint, the TSOA Teacher is notified of the intention to not reappoint no later than August 31 of the penultimate year and continues under contract for the third and final year”

   Rephrase so as not to split the infinitive
   “In the event of a decision not to reappoint, the TSOA Teacher is notified of the intention not to reappoint no later than August 31 of the penultimate year and continues under contract for the third and final year.”

10. Section 6.4, first sentence:
    “The Grievance Committee does not judge the professional merits of the case and considers the appeal based on the grounds specified above (Section 6.3)”.  

    Change parenthetical number to (Section 6.2)
Susan J. Stehlik, Clinical Associate Professor
Management Communication
sstehlik@stern.nyu.edu
cell: 917.544.4300

TO: Senators and Alternate Senators of the Continuing Faculty Senators Council
FROM: Susan J. Stehlik, Clinical Associate Professor, Mgt. Communication,
C-FSC Senator, NYU Stern School of Business

RE: Discussion/Reflection on whether the University should divest from fossil fuel investments
revised and updated April 24, 2015

I have participated in numerous discussions over the last month with faculty and students in all of my roles in the university. Before what I anticipate will be a vote on the divestment issue at our next full faculty Senate meeting, I wish to outline some of the findings, opinions and options. My intent is not to persuade, but rather, in a summary, give voice to many of the positions and offer some clarity on the financial aspects related to divestment.

In the many discussions over the last month, numerous views have surfaced about divestment of fossil fuel investments by the University, specifically in the endowment fund, which holds about $3.2 billion in total; $770,000 is in directly held investments that could be considered specifically fossil fuel related as defined by the Carbon Tracker 200 list.

Common Ground: we care about our environment - how do we save it?
I think we can all agree that significant scientific evidence shows the stresses on our earth and its surrounding environment. The urgency to reverse the damage is paramount and everyone who lives and breathes on this planet must consider accepting responsibility. Who should lead this response and how to respond seem to be the most perplexing questions.

Who should lead the response:
- Individuals through awareness, personal behavior and peer pressure
- Experts with scientific evidence, education and advocacy
- Private and Public companies who are directly and indirectly involved in the multiple processes that damage our environment

How can the response be effective:
- Education and advocacy to create a movement that affects everyone’s behavior change?
- Action from regulatory authorities who monitor and fine bad behavior?
- Any person or group who has monetary influence from customer to investor?

The University position: Do we lead the conversation from all perspectives?
The question of divestment seems to be narrowly framed within the bigger issues of our environment. As an educational organizational with a global community of participants, what is our responsibility?
Our mission statement reads as follows:

New York University's mission is to be a top quality international center of scholarship, teaching and research. This involves retaining and attracting outstanding faculty who are leaders in their fields, encouraging them to create programs that draw outstanding students, and providing an intellectually rich environment. NYU seeks to take academic and cultural advantage of its location and to embrace diversity among faculty, staff and students to ensure a wide range of perspectives, including international perspectives, in the educational experience.  

https://www.nyu.edu/about.html#below

Point 1: Stay consistent with our mission. YES/NO
The mission implies freedom of speech that goes with “embracing diversity....to ensure a wide range of perspectives, including international perspectives, in the educational experience.” Does divesting come in conflict with this statement? Yes, if you think that divesting is judging and infringing on the freedom to invest in enterprises that engage in fracking, and other means of extraction to find coal, oil and other fossil fuels. And, yes, if our students choose to prepare for careers in those industries and enterprises. And, no, if you think those industries are infringing more on our freedom to sustain life. Isn’t life sustaining clearly a bigger question? But, what about companies that are actually trying to change their processes? Do we hold them hostage to a defined timeline? And, if we divest, do we also put our students in a disadvantage if they wish to work for these firms....firms who may want to transition from their current strategies?

Point 2: Is it financially prudent to divest? YES, if...
At the last Senate meeting it was noted that our Trustees have a fiduciary responsibility to invest funds in a manner that is consistent with the “prudent man/person” rule, which is,

“A legal maxim restricting the discretion in a client’s account to investments that a prudent person seeking reasonable income and preservation of capital might buy for his or her own portfolio.”

Neither investing in or divesting from fossil fuels would affect any obligation under the prudent person rule unless the replacement investments altered the overall “risk” of the portfolio.

Investment strategies typically have a stated goal and balance investments to achieve that goal, i.e., growth or income. In a balanced portfolio the question is whether the fossil fuel investments represent a significant portion of the total portfolio, and/or whether divesting of them would represent any significant change in losses or gains or income. Even if divestment did represent a significant change, the better question is what can replace these investments to maintain or better place the risk level as the past.

In my research this prudent man rule can be met easily by a rebalancing of the portfolio to exclude fossil fuels and not affect performance.

The report, Climate Proofing your Investments, produced with 350.org and Market Forces, ran simulations of share prices on the ASX 200 since 2003.
It found annual returns of 13.36 per cent for the overall market fell to only 13.22 per cent when fossil-fuel extractors and companies with downstream exposure were ditched.

Richard Denniss, executive director of The Australia Institute, said the results might surprise investors who might overestimate the financial risks of excluding coal, oil and gas companies from portfolios.

“Our findings show that fossil-free investment portfolios cannot only provide similar returns on investment but they also help mitigate the risk of an 'unburnable carbon' bubble bust,” Dr Denniss said.


Even more recently another report compared a sample portfolio that divested all energy stocks and considered the timing of divestment with long term objectives of a fund like an endowment. Their conclusion was:

Our investment analysis suggests that removing energy stocks from a well-diversified portfolio may have a small to moderate impact on investment risk; however, the magnitude of the impact is very much a function of the investor’s time horizon. Endowments with a multi-decade time horizon are likely to be much better equipped to weather near-term volatility than an individual investor nearing retirement.

The question of reinvestment is equally important, and risk and reward associated with divestment are intricately linked to the decision about how to reinvest. As with the original divestment question, time horizon plays a critical role influencing the success or failure of a given strategy.


Chart 1: Divestment Appears to Have Limited Overall Impact

Chart compares S&P500 excluding energy stocks to the S&P500. 1989-2013
Point 3: Does Divestment Work for a university?

A piece written by a Harvard student, Eric Hendey, argues that American universities have a responsibility to shape “the public debate on energy policy and climate change.” And while shaping the argument may have tremendous social impact, it may not have financial impact. Consider the case of divestment in S. Africa:

In a 1999 study, Ivo Welch and C. Paul Wazzan examined the impact of divestment from banks and corporations active in South Africa and found that these campaigns had almost no impact on public market valuations:

Despite the prominence and publicity of the boycott and the multitude of divesting companies, the financial markets’ valuations of targeted companies or even the South African financial markets themselves were not easily visibly affected. The sanctions may have been effective in raising the public moral standards or public awareness of South Africa’s apartheid repression, but it appears that financial markets managed to avoid the brunt of the sanctions.

Welch and Wazzan argue that companies targeted by the campaign experienced no discernible financial pressure, as shares were simply reallocated from “socially responsible” to more indifferent investors. When funds were pressured to sell off the stock of companies active in South Africa, other buyers generally stepped in to pick up the pieces.

However, the divestment campaign likely had a different, non-financial impact. Divestment greatly increased public visibility surrounding the injustices of South Africa’s apartheid government. It is almost certain that worldwide popular opposition in the 1980s contributed to the decline of apartheid, and divestment was an important piece of this puzzle. [15] http://www.iop.harvard.edu/does-divestment-work

Point 4: Can a shareholder’s voice have more impact than a non-shareholder?

Activist shareholders are having considerably more influence on corporations than in the past. Transparency and integrated reporting on corporate social responsibility, carbon footprints and philanthropy are making it more difficult to hide and/or continue to behave badly. And the voices of activists are gaining momentum. On March 19, 2015, Mary Jo White, Chair of the Securities Exchange Commission addressed Tulane University Law Schools 27th Corporate Law Institute and centered her speech on shareholder activism. While parts of her comments were critical of hedge fund activity, the majority of the comments supported individual shareholder-to-shareholder communication. By divesting we give up the shareholder voice.

Here are a few of her comments:

- Increasingly, companies are talking to their shareholders, including so-called activist ones. That, in my view, is generally a very good thing. Increased engagement is important and a growing necessity for many companies today.
- The activism landscape in 2015 continues to evolve. While activists traditionally focused on small and significantly underperforming companies, many of them today are also targeting larger issuers that are not necessarily poor performers. Campaigns also appear to be experiencing greater success. Activist investors secured at least one board seat in roughly 73% of all proxy fights in 2014, up from the previous year’s record of 63%. And the campaign objectives appear to be shifting, with breakups, a review of strategic alternatives, and corporate control transactions featuring more prominently, and governance issues arising less frequently.
- Exchange Act Rule 14a-8 enables shareholders meeting certain requirements to have their proposal included in a company’s proxy materials. And shareholders often take advantage of this option. By one count, over 400 shareholder proposals were voted on at U.S. companies in 2014.[15] The total number of shareholder proposals submitted to companies was undoubtedly much higher as this tally does not reflect the proposals

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Discussion on whether the University should divest from fossil fuel investments
that may have been submitted and withdrawn as a result of negotiations between companies and their shareholders, or that may have been excluded under our shareholder proposal rule.


**What is the current sentiment on investments in fossil fuels globally and at NYU**

1) Individual and Institutional divestment in fossil fuels is building momentum

The trend of divesting continues with such prestigious institutions as the World Bank.

In recent months, the World Bank, Syracuse University and the city of Minneapolis have joined a group of more than 200 institutions opting to divest fossil-fuel investments, 350.org says. That includes more than 20 U.S. universities and more than 30 U.S. cities with pension plans. [http://blogs.wsj.com/moneybeat/2015/04/20/debate-on-fossil-fuel-investing-continues-to-burn/](http://blogs.wsj.com/moneybeat/2015/04/20/debate-on-fossil-fuel-investing-continues-to-burn/)

Academic institutions are seeing more sit-ins by students asking for divestment.

2) Trend of socially responsible investments is growing with many options

While divestment remains a hot topic, the broader investment strategy looks at socially responsible investing. The [Forum for Sustainable and Responsible Investing](http://www.ussif.org/) publishes an annual report on these trends. The most recent is from 2014: [http://www.ussif.org/Files/Publications/SIF_Trends_14.F.ES.pdf](http://www.ussif.org/Files/Publications/SIF_Trends_14.F.ES.pdf)

From their Executive Summary:

US sustainable, responsible and impact investing (SRI) has grown substantially over the past two years.

The total US-domiciled assets under management using SRI strategies expanded from $3.74 trillion at the start of 2012 to $6.57 trillion at the start of 2014, an increase of 76 percent. These assets now account for more than one out of every six dollars under professional management in the United States.

The individuals, institutions, investment companies, money managers and financial institutions that practice SRI seek to achieve long-term competitive financial returns together with positive societal impact. SRI strategies can be applied across asset classes to promote stronger corporate social responsibility, build long-term value for companies and their stakeholders, and foster businesses or introduce products that will yield community and environmental benefits.

Through information requests and research undertaken in 2014, the US SIF Foundation identified:

- **$6.20 trillion in US-domiciled assets at the beginning of 2014 held by 480 institutional investors, 308 money managers and 880 community investment institutions that apply various environmental, social and governance (ESG) criteria in their investment analysis and portfolio selection, and**

- **$1.72 trillion in US-domiciled assets at the beginning of 2014 held by 202 institutional investors or money managers that filed or co-filed shareholder resolutions on ESG issues**
at publicly traded companies from 2012 through 2014. After eliminating double-counting for assets involved in both strategies, the overall total of SRI assets at the beginning of 2014 was $6.57 trillion. Throughout this report, the terms sustainable and responsible investing, sustainable investing, responsible investing, impact investing and SRI are used interchangeably to describe these investment practices.

**The Sub-Committee of the Continuing Full Time Faculty Council met and does not have a recommendation**

Mary Killilea, Tommy Lee, Jamie Skye, and Susan Stehlik met on Thursday, April 14, 2015 to explore a reasonable position for the CFSC to take on this issue of divestment of fossil fuels. Our essential questions became:

- Do we join hands with either of the proposed draft resolutions from the other Councils?
- Do we create our own draft resolution?
- Do we vote as independent voices at the full faculty council?

**Joining Hands with other Councils**

Joining hands with any other resolution would offer an assurance of action, whether an action would represent the majority opinion, or a well-informed opinion is a question.

The SSC resolution includes a strategy that calls for immediate divestment, a concern for a longer term view that asks for a 5-year strategy and a communication strategy to report on progress of the University Endowment Fund. The issue with their resolution is more about how it is worded.

- Asking for a cease in future investments in fossil fuels for our directly held accounts seems easy enough. Defining those investments becomes more difficult.
- Divestment of all fossil fuel companies in directly held accounts would probably gain a lot of support.
- “Ensuring” that none of the investments hold equities or bonds related to fossil fuels is almost impossible - As Tommy pointed out, even ConEd has coal plants. Do we divest from ConEd?
- The wording on future investments as an intent is a worthy goal, and asking for more transparency is equally appealing. I think most people would agree with that goal, but the wording is hard to sell. It’s limiting and demanding.

**Susan Stehlik opinion: opt for a longer term strategy of Socially Responsible Investing**

I have no idea how the full faculty senate meeting is going to offer this item on the agenda. If it goes for a full vote, none of these proposed solutions seem to take a long term strategy into view, and, worse, seem like tactical responses.

I teach social responsibility within the Stern undergrad core curriculum and the concept of social responsibility and criteria for good corporate citizenship gets scrutinized in all of our classes. We study the evolving nature of these concepts in all companies and how social pressure is
increasing for companies to move in a conscientious manner for the good of all. I am encouraged that the progress is ramping up. To attack individual companies that may be trying to change seems wrong. To accept others views of who is on the best/worst list also seems like we haven’t done our homework as a university. Should we tell our students not to work for these companies?

Other options exist for our portfolio to move towards socially responsible investing without targeting specific companies. Our voice within the university to continue what we do best in research and learning about the environment and using our voice in print and public to point in a better direction and hold companies accountable for their decisions will encourage more change than divesting of a few investments.

If the question were to be called and a vote held tomorrow, I would not vote for any of the recommendations as they are currently worded. If we could come up with a more inclusive proposal, I would gladly work on it. But, would that just fraction us more? And would nothing get passed? I don’t think we have the right proposal on the table yet.
MEMO

FROM: T-FSC Subcommittee on Fossil Fuels (Jeff Goodwin, chair; Allen Mincer; Maurizio Porfiri; Arvind Rajogopal [on leave]; George Thurston; and Jim Uleman)

TO: University Senate

DATE: April 22, 2015

[Note: A version of this memo was previously submitted to the T-FSC and will be discussed at the T-FSC meeting on May 7. We understand that our subcommittee does not have standing to introduce resolutions before the University Senate which have not been approved by the T-FSC. However, we feel this memo may be of interest to the University Senate as it considers the divestment issue. We offer it for informational purposes only.—Jeff Goodwin, chair]

This memo has two parts:

Part 1. Coal divestment resolution
Part 2. Two additional resolutions on fossil-fuel divestment

Part 1. The T-FSC Subcommittee on Fossil Fuels was created last spring (2014), following a presentation to the senators by the student organization NYU Divest, and charged with making a recommendation to the T-FSC on possible university divestment from fossil-fuels corporations (“the Carbon Underground 200” or the “CU200”).

The University has indicated that the exposure of NYU’s $3.4 billion endowment to the CU200 is approximately 4.0 percent (3.3 percent in oil & gas and 0.7 percent in coal). This translates into $115 million in oil & gas and $24 million in coal (as of September 30, 2014).

The subcommittee would like to propose for discussion a resolution calling on the University to divest its directly held investments in coal companies. Here is the text of that resolution, which spells out the rationale for coal divestment:

Coal Divestment Resolution:

Whereas, sixty-five percent of all of the globe’s carbon holdings are in coal reserves, and, because of its high carbon intensity, burning coal results in a far greater climate change risk than any other energy source, on a per BTU basis;

Whereas, a recent survey of American Thoracic Society of U.S. physicians found that a majority of those physicians are already seeing the effects of climate change in their medical practices and indicated that policy action is needed to mitigate these effects;
Whereas, setting a precedent of environmental health responsibility and integrity is consistent with New York University’s increasing role as a world leader in global education;

Whereas, in many developed world markets, thermal coal is likely to be heavily taxed via carbon-based taxes, or significantly replaced by alternative fuel sources, resulting in an expected deterioration in the value of companies that derive a significant portion of their revenues from coal;

Whereas, many funds that have divested from fossil fuels have outperformed the market in general, in the past 5 years (e.g., https://www.businessspectator.com.au/article/2015/2/16/energy-markets/divestment-outperforms-conventional-portfolios-past-5-years);

Whereas, only 0.7% of NYU’s $3.4 billion Endowment is in the Carbon Underground 200 (CU200), making the screening of coal investments from NYU’s investments both practical and of minimal financial risk to the university’s endowment;

Whereas, New York University should not participate in the global mass human morbidity and mortality presently being caused by the especially health damaging air pollution resulting from coal burning in the US and around the world;

Whereas, fossil fuel divestment is at the same time a powerful tool for communication of leadership and, increasingly, a sound long-term financial decision;

It is resolved that New York University should divest all directly held investments in any publicly listed company whose principal business is the mining of coal for use in energy generation.

Part 2. In light of the recent report of the University Senate’s Fossil Fuel Divestment Working Group, we would also like to propose the following two resolutions for consideration:

Resolutions:

1. The University should divest its direct investments of approximately $700,000, held in NYU’s own name, in fossil fuel corporations (the CU200) as quickly as can be done in a financially prudent way. [Note: $700,000 represents 0.02 percent of NYU’s $3.4 billion endowment.]

2. The University should begin a gradual and financially prudent divestment, extending over a period of no more than 10 years, of its investments in fossil fuel corporations (approximately $139 million) in commingled accounts controlled by fund managers.

To be clear, with these three resolutions, in total, we are inviting a discussion of three options: We can call on the Trustees to (1) divest NYU’s direct investments in coal corporations (as per the subcommittee’s initial resolution) AND/OR (2) divest its direct investments in all fossil fuel...
corporations AND/OR (3) begin a gradual divestment of its investments in fossil fuel corporations in comingled accounts controlled by fund managers.

Rationale:

The University Senate’s Fossil Fuel Divestment Working Group did not recommend divesting from fossil fuel corporations. As we understand their report, this decision was not based on a rejection of the scientific studies which have shown that fossil fuels cause considerable environmental and social harm. Instead, the decision rests primarily on considerations of financial prudence—although the Working Group was split on the question of divesting NYU’s direct investments in fossil fuel corporations.

Accordingly, the resolutions we are proposing call upon the University to divest in a financially prudent way. Nothing in the Working Group’s report, as we read it, suggests that divestment cannot be done thoughtfully and prudently.* To be sure, the report does suggest that divesting from comingled accounts controlled by fund managers may be a complex process that will require considerable effort to complete. This is why we are proposing a 10-year period to complete the divestment process. Many proponents of divestment are likely to regard this period as unnecessarily long and frankly irresponsible. We propose it in a spirit of compromise.

*A number of universities have announced that they are divesting from fossil fuel corporations, including the New School, Syracuse University, the University of Glasgow, Hampshire College, and Pitzer College. Stanford University and the University of Maine have announced that they are divesting from coal companies.
NYU SSC RESOLUTION FOR FOSSIL FUEL DIVESTMENT

WHEREAS, the New York University Student Senators Council acknowledges that global climate change, caused primarily by humans through usage of fossil fuels and other processes, is a critical issue of our time and urgent steps must be taken for it to be addressed.

WHEREAS, New York University has taken a strong, principled stand to be environmentally sustainable in its practices, as demonstrated by prior commitments such as the 2006 Climate Action Plan.

WHEREAS, there is a global movement of universities, municipalities, and pension funds to divest their holdings from fossil fuel companies and companies which profit from the continued emission of greenhouse gases.

WHEREAS, for the purposes of this resolution, a “fossil fuel company” shall be defined as any of the 200 publicly traded companies with the largest coal, oil, and natural gas reserves as reported by the Carbon Tracker Initiative.

WHEREAS, divestment from direct fossil fuel holdings would be financially prudent and viable for the University, as stated by its Investment Office.

BE IT RESOLVED, the Student Senators Council is in favor of NYU staying true to its sustainability principles and urges the President and Board of Trustees to immediately cease any new investments in fossil fuel companies in its directly held accounts.

BE IT RESOLVED, the SSC urges the President and Board of Trustees to grandfather current directly held and commingled investments in public equities and corporate bonds with holdings in fossil fuel companies and to ensure that no future directly held and commingled investments as of May 2015 include public equities and corporate bonds with holdings in fossil fuel companies.

BE IT RESOLVED, that the SSC urges the President and Board of Trustees to prepare a report and options for investing the endowment in a way that maximizes the positive impact of the fund by seeking out investments in companies that demonstrate a commitment to mitigate the effects of burning fossil fuels.
Topic: Resolution Regarding New York University Divestment from Fossil Fuel Investments

Sponsors: Senators of the Administrative Management Council

The New York University Senate,

Reminding all members of the university community that as NYU is an enduring institution both "in and of the city" and "in and of the world" with a responsibility to balance present considerations with long term goals, and those long term goals include maintaining the future quality of our environment,

Noting that significant progress toward Sustainability at NYU has been made in recent years, including the achievement of New York City's Mayoral Challenge Targets of energy use reductions four years ahead of schedule, the increase of recycling levels to 30% of waste, and the support of scores of innovative programs through the Green Grants program,

Recognizing the ongoing research work of NYU's many programs and centers that continue, with respect to the environment, to redefine the boundaries of what is possible in the areas of clean technology (The NYC Accelerator for a Clean and Renewable Economy), construction (The Center for the Sustainable Built Environment), and public policy (The Center on Environmental and Land Use Law), and of what is implementable or measurable as large-scale improvements are considered (The Center for Urban Science and Progress),

Understanding that shifts in the University's investment allocations, when not made with financial performance as the primary goal, may likely lead to financial underperformance, an outcome that will reduce the resources available to the University in achieving its goals of research and education, including a potential loss of resources needed for financial aid

1. Requests that the Trustees and Officers of the University establish a reasonable schedule of divestment from securities, held individually in NYU's name, that represent direct ownership of shares in the top 200 publicly-traded coal, oil, and natural gas companies.

2. Requests that the Trustees and Officers of the University further establish a policy that any future new fund investments, wherein a diverse portfolio of investments is managed for a group of investors rather than NYU alone, be made in funds where the guidelines clearly state that investments will not be placed in the top 200 publicly-traded coal, oil, and natural gas companies. The 39 already existing investments in commingled funds would not be affected by this policy.
The working group has concluded that supporting divestment is primarily a political action or statement that expresses the University’s opposition to the fossil fuel industry’s role in global warming or climate change - and there is not sufficient justification for such an action or for enactment of a policy of the University.

A minority of the members of the working group believes that divestment is justified in this instance.

The working group unanimously agrees that it is not prudent to divest of investments in the fossil fuel 200 from comingled accounts.

A minority of working group members do consider it prudent to divest of investments in the fossil fuel 200 in individually named accounts.

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**Divest – No, but**

Universities need to move from defensive — fending off divestment campaigns — to a more affirmative approach, exploring how to generate solid financial returns while rewarding long-term, sustainable business practices. To maximize their impact, those with the largest endowments should join together to develop common standards and metrics by which they will determine which companies merit their investments.

Universities should also commit to applying the same environmental and human rights standards to their own procurement and operations. These schools spend hundreds of billions of dollars each year on construction, the purchase of supplies and equipment, and service contracts.

-Michael Posner
Center for Business and Human Rights
Stern School of Business

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**Divest - Yes**

**Divestment Options**

1. Direct Investments
   - $700,000 0.02% Endowment
2. No new investments
   - 2-5 managers ~$68-170M ~2-5% Endowment
3. Comingled Funds
   - $139M - 4% Endowment in Funds worth $1.3B in 38% Endowment over 5-10 years, "prudently"
4. Coal
   - $24M - 0.7% Endowment

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**Divest - No**

The funds in the endowment have been given to us by generous benefactors over many years to advance academic aims, not to serve other purposes, however worthy. As such, we maintain a strong presumption against divesting investment assets for reasons unrelated to the endowment’s financial strength and its ability to advance our academic goals.

We should, moreover, be very wary of steps intended to instrumentalize our endowment in ways that would appear to position the University as a political actor rather than an academic institution. Conceiving of the endowment not as an economic resource, but as a tool to inject the University into the political process or as a lever to exert economic pressure for social purposes, can entail serious risks to the independence of the academic enterprise. The endowment is a resource, not an instrument to impel social or political change.

-Drew Faust, President, Harvard