MINUTES OF THE FACULTY SENATORS COUNCIL MEETING OF SEPTEMBER 13, 2012

The New York University Faculty Senators Council (FSC) met at noon on Thursday, September 13, 2012 in Room 905/907 in the Kimmel Center for University Life.

In attendance were Senators Alter, Amkpa, Anton, Cappell, Carpenter, Chan, Gale, Harrington, Hutchins, Jacobs, Jelinek, Jones, Karl, Kinnally, Ling, Magder, McIlwain, Mincer, Monaco, Nelson, Nolan, Raiken, Sternhell, Stokes, Sundaram, Thurston, Uleman, and Van Devanter, Active Alternates Chan, and Tuzhilin and Alternate Senators Costello, Dinwiddie, Simon, and Thompson. FSC Advisors Al-Askari, Lebowitz, and Moskowitz attended as guests.

APPROVAL OF THE MINUTES OF THE MEETING HELD MAY 3, 2012

Upon a motion duly made and seconded, the minutes of the May 3, 2012 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: TED MAGDER

Chairperson Magder reviewed the agenda items from the Sept. 9 FSC retreat.

SCPS Senate Representation

SCPS was to hold an election in Spring 2011 to replace its outgoing senator. No election took place. At present, the School only has one faculty member eligible to serve on the Council. An invitation was sent in April for him to serve on the Council; to date no response has been received.

The Senators discussed the proposal to extend an invitation to the most recent SCPS senator to serve on the Council for a one-year term. It was questioned whether this would be as a voting member. The Executive Committee will investigate if a retired faculty member can serve as an eligible voting member. A Senator asked why SCPS would participate in the FSC if they do not have tenured or tenure-track faculty eligible to serve. A Senator noted when non-tenure track faculty (NTTF) form their own Council, they will have representation. Another Senator noted that not having a SCPS representative on FSC reduces the number of schools on the Council. A Senator asked if the eligible Senator from SCPS formally declined. Magder responded he has not replied to the invitation sent out in April.

A Senator asked to discuss, in general, allowing retired faculty members to remain active on Council. Another Senator cautioned against this and commented that the administration is already turning to other bodies for faculty representation, and adding retired voting members to the Council might fuel their reasoning. It was noted the proposed resolution is not setting a general policy because it is only extending a one year term.

Upon a motion duly made and seconded the following resolution was approved by vote of the Council:
The Faculty Senators Council will extend an invitation to the most recent School of Continuing and Professional Studies (SCPS) senator, Carl Lebowitz, to serve on the Council for a one year term.

Representation on University Space Priorities Working Group

Magder discussed the email from Diane Yu requesting the FSC send two names of FSC representatives to serve on the University Space Priorities Working Group, first circulated and discussed at the FSC retreat. The mandates of the committee were listed in Yu’s email:

- Solicit input from other FSC members and faculty within the NYU community;
- Explore ways to increase the efficiency and usage of existing and future space;
- Develop principles to determine what future academic needs are important to locate in and near the Core neighborhood and what needs could be accommodated in other locations further away;
- Offer advice on NYU’s proposals for improving open space;
- Advise the University, using resources allocated for mitigation purposes, on mitigation measures to minimize the impact of construction;
- Develop criteria to be used in the future to consider how to take advantage of the spatial endowment made possible by the ULURP process;
- Provide general advice on the criteria to consider in the selection of an architect and general advice on a process for commentary on designs as the project proceeds.

In addition, Yu provided the following clarification:

In addition, pursuant to the memorandum we sent to your special committee last spring regarding the FSC governance resolutions, we do not expect the Working Group process to be one where "deliberative privilege" will need to be constantly invoked. In fact, we would anticipate and encourage the Working Group members to interact and communicate with their colleagues for further input.

Finally, we do foresee that a degree of ‘confidentiality’ will be a necessary component of the Working Group, but employed to benefit the process rather than to limit any of the feedback mechanisms. From an external perspective, there will likely be some instances where confidentiality will be critically important to avoid the chance of revealing proprietary or sensitive information which could be disadvantageous in tipping the University's strategic or economic hand to vendors, architects, builders, and other external people. We will be very clear when that circumstance is necessary.

Magder reported department chairs have been approached to send faculty representatives and the group should consist of 25 or so members, including representative from the Administrative Management Council (AMC) and Student Senators Council (SSC). Senators discussed the following questions, 1) should the FSC participate? and 2) if the FSC does participate, should conditions/requests be sent regarding what the FSC expects from the administration?

Senators expressed concerns over the administration’s lack of response on resolutions against 2031 passes by departments. A Senator added this is an opportunity to present concerns and expectations. Others commented they do not feel this group will be decision-making and therefore the FSC should not participate. Others commented the FSC’s commitment to shared governance includes requests to serve on committees and therefore the FSC should accept. If the FSC does not accept the invitation, the FSC will have no official knowledge of the work of this committee.

Upon a motion duly made and seconded it was approved by a vote of 22 in favor, 6 opposed, and 1 abstention, for the FSC to send representatives to serve on the University Space Priorities Working Group.
Senators then discussed whether to send conditions/expectations concerning the work of the committee. Possible expectations included, a formal response from President and/or Provost on the resolutions against 2031 sent from departments, a request that construction would not begin before committee’s work is finalized presumably in April or May 2012, and deliberative privilege not be evoked. The possibility of sending a minority report was also discussed.

Upon a motion duly made and seconded the following resolution was denied by a vote of 10 in favor, 16 opposed, and 0 abstentions, to send the name of the representatives to the University Space Priorities Working Group without pre-conditions or understandings.

Upon a motion duly made and seconded it was approved by a vote the Council to forward the following requests to the administration, in addition to the names of the representatives:

- Formal response from President and/or Provost on the resolutions against 2031 sent from departments
- Request that construction would not begin before committee’s work is finalized presumably in April or May 2012
- Deliberative privilege not be evoked

Magder reminded Senators that minutes are created for all FSC meetings and approved at the following meeting. Senators are encouraged to send the approved summaries and minutes to their constituencies.

Magder reported he was asked to consider being chair of the University Space Priorities Working Group. He responded he would not consider until the FSC met and a decision was made on the question of sending representatives to the committee. Senators discussed if Magder serving as both FSC chair and chair of the Working Group, could be considered a conflict of interest. Senators cautioned that if the FSC chair also chairs this committee it would be seen by the faculty as an endorsement of the 2031 plan. Others Senators described this as an opportunity to be involved in governance and to support and represent the faculty interests.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.