The New York University Faculty Senators Council (FSC) met at noon on Thursday, September 19, 2013 in Room 905/907 in the Kimmel Center for University Life.

In attendance were Senators Allgood, Alter, Amkpa, Backus, Becker, Carpenter, Chan, Cowin, Diner, Dinwiddie, Disotell, Goodwin, Jacobs, Jelinek, Kamer, Kane, Karl, Ludomirsky, McIlwain, Morning, Simoncelli, Stanhope, Stokes, Sundaram, Uleman, Wisniewski; Active Alternates Dasanayake and Stewart; Alternate Senators Dehejia (for Rodwin), Jerschow (for Mincer), Hill (for Rajagopal), Samuels (for Dreyer), Pearce, and Tannenbaum; Active Observer Iskander; and Immediate Past Chair Magder. FSC Former Chairs Al-Askari and Former Members Moskowitz and Raiken attended as guests.

APPROVAL OF THE MINUTES OF THE MEETING HELD MAY 2, 2013

Upon a motion duly made and seconded, the minutes of the May 2, 2013 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: RAGHU SUNDARAM

Chairperson Sundaram stated the Executive Committee (EC) looks forward to a productive year and is committed to advancing the faculty’s interests, focusing on what is important to faculty, and being transparent in EC decisions.

Executive Committee with Deputy President Diane Yu, Associate Provost Carol Morrow, and Chief of Staff to the President Richard Baum

On September 9 the EC met with Diane Yu, Carol Morrow, and Richard Baum. They discussed the issue of non-tenure track faculty (NTTF). The University is in the process of developing the first set of guidelines, which will serve as minimal standards each school must follow in terms of renewal, hiring, grievance, etc. With the pressure faced from contracts coming up for renewal, the Tisch School of the Arts developed interim Guidelines for Arts Professors: Appointments, Renewals, Promotions. Faculty at Tisch are allowed to renew their contract under these interim guidelines or wait until end of the year when the guidelines are finalized. The Personnel Policies and Tenure Modifications Committee is reviewing these guidelines and will present at the October FSC meeting.

In regards to the Joint Committee of Trustees and NYU Stakeholders, the EC was informed the faculty representatives on the Committees will be chosen at the school level by representative bodies. Sundaram estimates there will be between 25-35 faculty representatives proportional to each school.
Meetings with President Sexton and Question Time at University Senate

On September 16, the EC met with President Sexton. The main discussion item was the status of tenure in the Global Network University.

On September 17, the Senate Executive Committee met and discussed the memo from the Board of Trustees. Another meeting has been scheduled to discuss the issue of NTTF representation.

The "President’s Question Time" is on the agenda for the first University Senate meeting. The President asks each Council to submit up to two questions.

Special Meeting on University Space Priorities Working Group

Sundaram also addressed the question of why the University Space Priorities Working Group discussion with working group representatives was scheduled after the retreat. He stated the Council did not have the opportunity last year to devote significant meeting time to the topic and this was an opportunity to have a special meeting on the issue. He reminded Senators to send their questions to pass along to the committee.

University Committees

The Executive Committee nominated two FSC representatives to the Steinhardt Dean Search Committee: Senator Arvind Rajagopal and Alternate Senator Jennifer Hill.

Alternates Committees and Attending Meetings

Sundaram addressed the topic of Alternates serving on FSC committees. He stated each Senator was given their first committee preference. The EC also appreciates the involvement of Alternates interested in being active on committees and honored the requests of all Alternates. He noted that committees such as the GNU have become large and suggested capping the membership of this committee at 15.

The question of Alternates attending FSC meetings was discussed. It was suggested that Alternates be invited to meetings with special presentations. In this case, different space options would be explored.

FSC COMMITTEE REPORTS

Executive Committee: Chairperson Sundaram

Committees and committee assignments

See attached Document A: FSC Committee Changes, proposed by the Executive Committee

It was noted that changes to standing committees as they appear in the FSC rules, would require a 2/3 vote. The Executive Committee suggests this change only take effect for the current academic year and then be reexamined.

Chairperson Sundaram explained the EC’s suggested changes:
The Administration & Technology Committee is a renaming of the Administrative Issues Committee to include the additional focus on technology issues, such as Google +, online directories, social media policy, and massive open online course (MOOCs).

The combination of Faculty Benefits and Housing takes into account the connection between salaries, benefits, and housing as overall compensation for faculty members. Salaries have gone up less than the rate of inflation, while benefits have gone down and rent has increased. Sundaram noted this committee could have two parts, one focusing on benefits and one on housing, at the discretion of the Chair.

The decision to join the Personnel Policies and Tenure Modifications Committee was based on their work together on issues in the past. The term affirmative action was updated to inclusion, diversity, and equity.

A Senator questioned, with major changes in benefits and housing, if enough attention will be focused on both issues. She commented on the effective and productive process in the past of Benefits office members meeting with the Benefits Committee, and questioned whether this would change with the increased size and additional charge of the committee.

Sundaram suggested the committee chair, Senator Chan, make the decision on how best to organize this committee. Chan suggested appointing a co-chair to focus on Housing issues.

A Senator recommended that if committees are divided into sub-committees, that these sub-committee reports also be made available.

The changes to the FSC Committees were approved by consensus vote of the Council. These changes will be effect for the academic year and will be revisited at the May meeting.

Letter from the Special Committee of the NYU Board of Trustees (BOT)


Chairperson Sundaram reported the letter from the Special Committee of the BOT discussed the issues of faculty involvement in the presidential search, the housing policy, selection of membership on University-wide Faculty Committees, and resolving the issue of representation for full-time, non-tenure-track faculty.

The Executive Committee proposed the following response:

Proposed Resolution:

With respect to the Letter to the University Community from the Special Committee of the Board of Trustees, dated August 14, 2013:

The Faculty Senators Council welcomes and appreciates the initiatives from the Special Committee and its call for establishment of a Joint Committee of Trustees and NYU Stakeholders to facilitate direct and regular communication on university matters. We also welcome the Special Committee’s proposal that at least half of the membership of University-wide faculty committees be chosen by representative faculty bodies, and note the Board’s commitment to provide faculty with a clear role in the presidential search process. We look forward to working with the Board on these initiatives to further the spirit of shared governance.
This addresses the joint committee, university membership being chosen by representative faculty bodies, and the faculty role in the presidential search process.

A Senator commented the resolution only repeats back the language used in the memo, and suggested making more demands, using a term to better describe faculty other than stakeholders, and adding a note on transparency. He also stated the faculty’s role in the presidential search process is not clear.

Another Senator commented the best next move might be to acknowledge their gesture in an effort to build a good relationship and then make a request or demand.

A Senator commented the FSC never voted no confidence and the expressions of discontent have come from other bodies of faculty members. And, therefore, he feels comfortable asking for more and making demands.

A Senator presented suggested additional language:

After first paragraph:

To this end, we would like to request that the Board consider the addition of faculty representatives to the Board of Trustees, as is the practice at any universities. We would also like to propose that all members of University-wide faculty committees be chosen by representative faculty bodies, unless there are special considerations that lead to a temporary suspension of this rule by such bodies. Finally, we would like respectfully to remind the Board that faculty are not just another “stakeholder” within the university community, but, together with the Trustees and the administration, one of the three groups that jointly governs the university.

A Senator questioned how the FSC, as the personnel council of the faculty, would be represented on the joint committee. As the elected members of the faculty, they should represent the faculty on this committee.

A Senator stated that the Faculty of Arts and Science has been asked to select two representatives in humanities, two representatives in science, and two representative in social science. It is not clear how the FSC senators will be involved.

The Chair stated we cannot claim to be the only representatives of the faculty and if the FSC finds issues with the organization of this committee, the FSC can voice this opinion at that point.

The following amendment to the motion was moved and seconded.

Primary Amendment to Main Motion

Replace with one sentence:

The FSC looks forward to working with the Board of Trustees on initiatives to realize the goal of shared governance at NYU.

The amendment was approved by vote of 19 senators in favor and 11 senators opposed, with 1 abstention.

A motion to include additional language was moved, seconded, and approved by unanimous vote of the Council; the final approved resolution reads:

Final Resolution:
With respect to the Letter to the University Community from the Special Committee of the Board of Trustees, dated August 14, 2013:

The Faculty Senators Council welcomes and appreciates the opportunity to establish a joint committee to facilitate direct and regular communication on university matters with the Board of Trustees. We note the Board's commitment to provide faculty with a clear role in the presidential search process. The FSC looks forward to working with the Board on these initiatives to realize the goal of shared governance at NYU.

NEW BUSINESS

Non-tenure track faculty (NTTF) Representation: Senator Jelinek

Jelinek reported the Senate Committee on Organization and Governance (SCOG) asked NTTF to propose their own ideas for a separate Council. The FSC resolution of January 26, 2012 reflected that NTTF should have representation and should have their own Council.

SCOG will send memos to each Council (AMC, SSC, FSC) to offer their ideas on representation of NTTF, including having a separate Council and the possible size and organization.

SCOG conducted a survey of NTTF last academic year asking if they want representation and if they wanted their own Council. There were complaints the survey was invalid because there was not an option to become part of the FSC. This was not listed as an option because the FSC already passed a resolution that stated NTTF should have their own Council, instead of being part of the FSC.

There is an assumption that NTTF will request representation similar to the FSC. If NTTF receive similar proportions to the FSC, the Senate could grow to a size of 120 senators.

The NTTF responded to SCOG over the summer with a list of 20 members of a self-organized steering committee. They requested a list of all contract faculty email addresses, which they have not yet received. The Executive Committee recommended, in regards to faculty contact lists, that NTTF have the same rights as tenure-track/tenured faculty at each school.

A letter will be sent from the Senate Executive Committee to all Deans asking each School to appoint members to a steering committee to implement the organization of NTTF representation.

ADJOURNMENT

The meeting adjourned at 2:00 PM.
Faculty Senators Council Committee Changes
Presented by the Executive Committee for consideration
at the Faculty Senators Council Meeting, 9/19/13

Administration & Technology: examines administrative issues which affect faculty, including technology-related issues such as technology-enhanced education.

This is mainly a renaming of the committee. Under current FSC rules, there is a standing "Administration" committee of the FSC which examines administrative issues. There is no standing "Technology" committee.

Faculty Benefits & Housing: reviews and makes recommendations with regard to faculty benefits; discusses issues related to housing for faculty; monitors University policies and practices that affect faculty in University housing.

It is the EC’s view that faculty renumeration, benefits, and housing are all closely-linked issues that should be viewed as a whole in evaluating the state of overall faculty compensation. From that standpoint, merging the benefits and housing committees appears to the EC to allow for better information flow in discussing issues with the University.

Personnel Policies & Tenure Modifications: reviews University personnel policies and practices, including inclusion, equity & diversity, which affect the faculty; considers any proposals affecting tenure; examines problems experienced under tenure rules and considers alternative solutions.

Currently, there are two standing committees "Personnel and Affirmative Action" that reviews University personnel policies and practices, including affirmative action, which affect the faculty, and "Tenure Modifications" which considers any proposals affecting tenure, examines problems experienced under tenure rules, and considers alternative solutions. The work of these two committees is obviously closely linked, and, indeed, the committees have worked together on certain issues in the past. It is the ECs view that the working of both committees can be enhanced by merging them, thereby enabling a holistic view of personnel policies, affirmative action, and tenure decisions affecting all tenured and tenure-track faculty.

Educational Policies & Faculty/Student Relations: acts as the Faculty Senators Council counterpart to the Academic Affairs Committee of the University Senate; interacts with the NYU Center for Teaching Excellence; proposes, develops, and implements new programs to enhance faculty participation in campus and student life.

This is the bringing together of the "Educational Policies" committee and the "Faculty/Student Relations" Committee.
In April, the NYU Board established a special committee that met with seventeen groups of NYU stakeholders and spoke with countless other individuals. The stated purpose was to consider how we might "create better ways for the constituent voices at NYU to be heard" and to improve the University’s procedures and processes for governance and communication. After reviewing the input received at the meetings, the Special Committee submitted a progress report to the full Board on May 31, outlining the Committee’s sense of the concerns that had been raised. On June 19, we circulated that report to the University community.

As we indicated then, the Special Committee and the Board have been working with the University Administration to develop proposals that would be responsive to the concerns of the community.

We are writing you now, in advance of the start of the fall semester, to share some initial plans and to advance some proposals under consideration, so that we can begin a dialogue early in this academic year.

We should start by joining in President Sexton’s view, as expressed in a memo last January, regarding faculty involvement in the University:

Faculty – in their roles as scholars and teachers – are at the heart and soul of the research university. NYU will never reach its full potential unless its faculty has a central function and, as importantly, feels it has a central function in shaping its directions.

With that underlying assumption as a foundation, the challenge for all of us is to find a balance that will enable the Administration to operate efficiently in resolving the broad spectrum of complex issues and in launching the timely new initiatives necessary for a large research University while, at the same time, incorporating the expertise and opinions of the faculty during both the development and implementation of initiatives.

Last year, the Administration undertook important initial steps to address the appropriate balance. This memo endeavors to use the input from our meetings and discussions with NYU stakeholders to project the next steps.

Creation of a Joint Committee of Trustees and NYU Stakeholders

As a starting point, it is vital that we establish mechanisms through which the Board and the constituencies at NYU can communicate with each other. The Board will benefit from the added viewpoints as it considers policy options; the stakeholders will benefit from understanding the deliberations of the Board. With this in mind, we propose to establish a Joint Committee of the Board with membership to be filled by board members and representatives of the key constituencies in the NYU community. The committee will meet several times each year and will
report regularly to the Board on its discussions, with particular focus on the community’s viewpoints and concerns regarding the University’s policies and directions.

We will be asking the schools, through their individual, established representative bodies, to choose faculty representatives who will sit on the Joint Committee. The Joint Committee will also include the Executive Committee of the Faculty Senators Council, as well as the chairs of the Student Senators Council and the Administrative Management Council. While we believe that this will provide the Joint Committee with a good, representative cross section of University constituencies, we consider the composition of the Joint Committee to be a pilot that the members of the Committee and the NYU community can assess at the end of next year.

**Faculty Participation in the Presidential Search Process**

The Special Committee notes that the Board is extremely satisfied with the direction and leadership of the University. John Sexton’s agreement with the University to serve as President extends to 2016 and he has made clear that he will not serve beyond that.

With that as a backdrop, sometime within the next three years the Board will begin a search for a new president. That process will include faculty and student representation on the search committee. It is premature to establish the precise procedures for the search, but a clear role for the faculty and the student communities is something to which the Board is fully committed.

**Loans and Housing Assistance**

As the Special Committee met with various faculty groups, a topic that frequently came up is the policies and practices relating to housing assistance by the University and its schools. Accordingly, we will address the home loan programs here.

The primary purpose of the home loan programs is straightforward: Recruiting and retaining the best possible faculty (98% of these loans have gone to faculty); offering the advantages of home ownership to our faculty; increasing the availability of university apartments for faculty rental. We are not unique in this regard. Other universities – particularly ones in expensive metropolitan areas – similarly assist their faculty. Since these are universities against which we frequently compete for faculty, we often find ourselves in the position of having to address the housing assistance that recruits are receiving at the universities from which they are coming.

To these ends, in recent decades the University and its schools have developed a number of housing options, including loan programs. Some of the loans are designed to assist families living in university rental housing to move to home ownership, thereby making their University apartments available for others; other loans are tailored to specific needs in the context of recruitment and retention.

The first housing assistance mortgage program was created in 1991 by the Law Center Foundation (which supports the Law School) in part because the University was unable to provide University housing beyond what it had already allotted to the Law School. This housing assistance program was designed to attract and to retain high-caliber faculty in a very competitive market in which the Law School was competing not only against other law schools but also against top law firms. The program was very successful and was an important component in the Law School’s rise to the top echelon of law schools nationally.

The University’s housing assistance mortgage program was initiated in the mid-1990s. The program has been used to enable faculty to move from NYU rentals to homes they own and to recruit and to retain faculty. Again, these programs have been very successful, with over 140 faculty residing in homes they own.

The Board continuously monitors these programs and updates them regularly to reflect changes in the competitive landscape. The latest updates to the program that have been discussed by the Trustees for formal adoption by the Board at the next meeting are:

All mortgage assistance that the University or any of its schools (including the foundations supporting them) must be approved by the Compensation Committee of the Board; all are
reviewed by the Provost’s office to ensure that they are in line with our academic mission; and all must conform to current University standards, including the restriction that they be used only for primary residencies.

As usual, the Compensation Committee of the Board will continue reviewing the mortgage practices. The Administration will engage the Executive Committee of the University Senate in this process.

Beyond the issues that directly involve the Board, there is work to be done in assuring that all the constituent voices at NYU are afforded the proper opportunity for consultation in the direction of the University:

**Selection of Membership on University-wide Faculty Committees**
We believe that the faculty’s representative bodies at the University and school level can play an important role in the constitution of university-wide faculty committees. Therefore, the Special Committee would propose that, going forward, at least half of the membership of university-wide faculty committees should be chosen by representative faculty bodies.

**Resolving the Issue of Representation for Full-Time, Non-Tenure-Track Faculty**
The Special Committee joins in President Sexton’s longstanding view that the non-tenure-track faculty should be granted the right to be represented in NYU’s representative bodies. We appreciate that this has been an issue of debate for some time, and we are cognizant that the Senate Committee on Organization and Governance has been in discussion with the non-tenure-track faculty with regard to representation in the Senate. We are respectful of those deliberations and simply request that an agreement on representation be reached in time for the Board to enact the appropriate changes to the University bylaws at the Board’s June 2014 meeting.

It is similarly our view that the schools should allow non-tenure-track faculty to be represented in the respective school councils and bodies. This is a decision that the schools themselves will make. As they work on the issue, we commend for their consideration the basic observation that all University constituencies – administration, faculty, students, and board members – will give greater weight to viewpoints that represent the entire full-time faculty.

**Student Representation**
We will be asking the Student Senators Council to deliberate this year on the subject of student representation. We would welcome the Council’s thoughts on ways in which the student population could consult more effectively with the Administration and the faculty.

**Conclusion**
We close by noting that the topic of governing the University will always be a work in progress, requiring continuing and evolving dialogue. We, and the other members of the Board, believe we are all endeavoring -- with the best of intentions -- to find the equilibrium that brings together all voices in the best possible way in order to build an even greater university. We look forward to continuing this dialogue; please feel free to contact us or the Board by e-mail to mlipton@nyu.edu.

Thank you for all your efforts, and we wish you a productive academic year.

The members of the Special Committee:
Phyllis Putter Barasch
William R. Berkley
[1] We recognize that in some of the smaller schools, the faculty meets in plenary session rather than electing representatives.
Proposed Resolution Regarding Response to Board of Trustees’ Letter of August 14, 2013

Presented by the Executive Committee for consideration at the Faculty Senators Council Meeting, 9/19/13

Resolution:

With respect to the Letter to the University Community from the Special Committee of the Board of Trustees, dated August 14, 2013:

The Faculty Senators Council welcomes and appreciates the initiatives from the Special Committee and its call for establishment of a Joint Committee of Trustees and NYU Stakeholders to facilitate direct and regular communication on university matters. We also welcome the Special Committee's proposal that at least half of the membership of University-wide faculty committees be chosen by representative faculty bodies, and note the Board's commitment to provide faculty with a clear role in the presidential search process. We look forward to working with the Board on these initiatives to further the spirit of shared governance.