MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF OCTOBER 12, 2017

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, October 12, 2017 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Economides, Harvey, Irving, Jacobs, Kamer, Lapiner, Ling, Longuenesse, Maniatakos, Merritt, Rajagopal, Shapley, Tranchina, Van Devanter, Waltzman, Watson, Weinberg, and Zagzag, and Zamir; Active Alternates Manuel and Regaignon; Alternate Senators Alter, Block (for Mincer), Gunsalus (for Cappell), Ompad (for Parekh), Ralph (for Fenton), Reiss (for Uleman), Selesnick (for Frankl), Schlick, Tannenbaum, and Velasco (for Duncombe). Former Member Moskowitz attended as a guest.

APPROVAL OF THE MINUTES OF THE MEETING HELD SEPTEMBER 14, 2017

Upon a motion duly made and seconded, the minutes of the September 14, 2017 meeting were approved unanimously.

CALL FOR NOMINATIONS: CANDIDATES FOR T-FSC CHAIRPERSON, 2018-2019

Senator Shapley, on behalf of the Nominating Committee, called for nominations for the position of T-FSC Chairperson, 2018-2019. There were two nominations from the floor. Senator Kamer and Alternate Senator Reiss nominated current Chair Wen Ling.

REPORT FROM THE CHAIRPERSON: WEN LING

New Faculty Welcome Reception

Chairperson Ling reported the Council welcomed new faculty at the reception of September 19. A photo gallery of the event is available on the T-FSC website.

Executive Committee (EC) Meeting with Members of Provost Office

The EC met with Carol Morrow, Ulrich Baer, and Ellen Schall on September 20. The EC informed them of the Tenure Clock Stoppage Ad Hoc Committee, chaired by Sharon Weinberg, to review particular aspects of the University’s policy on Tenure Clock Stoppage for Personal Reasons.

They also discussed strategies to increase faculty diversity and to examine faculty salary equity.

They approached the topic of university finances. Ling noted that the Senate Financial Affairs Committee met in early October; the report can be found in the meeting binder. See attached Document B: Committee Reports.
Faculty Retirement Funds

Ling noted that she sent the Council a document regarding the class action lawsuit filed against NYU and its management of faculty retirement funds, dated August 9, 2016. She also forwarded an August 2017 article in Bloomberg News regarding the latest developments in this lawsuit. (The article includes a hyperlink to the full text of the judge’s decision.)

Ling reminded the Council that representatives from campus Human Resources will be presenting later in our meeting an overview of changes to NYU’s retirement program.

Visa Denials

With regard to the widespread concern about UAE’s denial of visas to two NYU New York-based tenured faculty members who had been invited to teach at the NYU Abu Dhabi campus, Ling explained that she had asked T-FSC Global Network University Committee to examine the issue.

Identity Evropa Flyers Discovered in Kimmel

Ling reported on flyers posted in Kimmel by Identity Evropa, a white nationalist organization, which had rented space at Kimmel. It was learned that the Kimmel Center usually accommodates on average 52,000 events per year, of which fewer than 0.5% are held by outside groups unaffiliated with NYU. As a result of this incident, the Administration immediately adopted a regulation that NYU will no longer allow any group without formal evidence of an NYU affiliation to rent space to hold events on campus.

PRESENTATION, DISCUSSION, AND VOTE

Personnel Policies & Tenure Modifications: Co-Chairs Phyllis Frankl & Nancy Van Deaverter

Recommendations regarding Faculty of Arts and Science (FAS) Policies and Procedures Recruitment of New Faculty: Language Lecturer and Senior Language Lecturer Appointments

See attached Document A.

Senator Van Deaverter presented the Committee’s recommendations.

A Senator asked about recommendation 3: Add “course load may not exceed three per semester without negotiated additional compensation.” He questioned if “negotiated” could be construed to involve the individual having a one-off negotiation or whether the framework for exceptions would be part of an established FAS compensation for overload policy.

Van Deaverter noted that a FAS faculty member reviewed and confirmed that renegotiations can take place during the academic year with both parties participating. She noted it’s not a one way decision.

A Senator raised concerns about the policy not aligning with the current practices in place at FAS, concerning the full-time contract faculty who teach in the expository writing program; they comprise one third of language lecturers at FAS.

She noted a tension in the proposed policy between there being no obligation to conduct research and no possibility for including evidence of research, scholarly or creative activity in the annual review, and yet there is the possibility of including that material when the contract faculty member is up for reappointment or promotion.
Moreover, she also noted the stipulations in the policy regarding the requisite number of T/TT faculty to serve on the review committee could not be met for the language lecturers in the expository writing program--because that would require the only T/TT faculty member (the Director), to participate in all 20-30 reviews per year.

The Senator will send in writing the additional language to include in the recommendations.

The recommendations, with the additional language, were approved by vote of the Council.

SPECIAL PRESENTATION

NYU Retirement Program Update

See attached Document C.

The following special guests presented on the NYU Retirement Program Update: Patricia Halley, Senior Director, Global Benefits and Mark Petti, Assistant Director, Retirement Plans and Global Benefits. They were joined by Jesse Morris, a representative from Cammack Retirement Group, who serves as the consultant to the NYU retirement committee.

Halley noted this is a preview of the retirement program update and a robust communications campaign will begin at the end of January 2018. The changes are being made to improve and simplify the participant’s retirement planning experience. The changes will go into effect in April 2018.

She reported that one of the important improvements will be that many of the investment funds that are currently offered will have lower management fees; this affects 55 of the 70 Vanguard funds available through NYU.

She explained the two major changes. The NYU Retirement Plans and NYU Supplemental Tax Deferred Annuity Plan (STDA) plan will be merged. The NYU retirement plan is the plan in which NYU contributes 5% to full time faculty, administrators and researchers and matches up to 5%. The STDA plan provides for additional voluntary salary deferrals. For example, if faculty members or employees are contributing 7% today, they are putting 5% to the retirement plan, receiving their match from NYU, and then contributing the additional 2% to the STDA plan.

When these plans merge into one in April, account balances will be combined, with the advantage of increasing the funds that would be available to borrow against for loans. Currently only the STDA plan has a loan feature available. With the merging of the plans, all employee deferrals will be eligible for loans, in keeping with whatever Federal guidelines apply.

An auto enrollment feature will also be implemented for newly hired faculty and employees. When new faculty members join the University, they will receive a communication letting them know they will be enrolled in the plan at 5% and that they have 60 days to opt out or to change the election. NYU contributions will begin after one-year or waived if they are eligible.

Another advantage of combining the plans is instead of receiving separate communications for the retirement plan and the STDA plan, users will receive one communication.

An additional and related change is especially important: the decision to move from two record keepers, TIAA and Vanguard, to one record keeper, TIAA. The accounts will not be affected in any way, and employees can continue to choose freely between Vanguard and TIAA. But as of April, plan-holders will
only have to consult one record-keeper; and all documentation we receive will be comprehensive, reporting about all investment activities.

The enrollment process, currently in PeopleSync will be moved to TIAA as well. Faculty and employees will have a TIAA account where they can make deferral actions, access account balances, access statements, choose both from TIAA and Vanguard investments, identify beneficiaries for the plans, all in one consolidated place. It will be accessible via NYU Home.

In addition the options for deferral elections will be expanded to include percentages of pay, fixed amounts, and a max out option where users will be able to identify that they want to maximize employee deferrals for a calendar year and receive the full NYU matching contributions accordingly.

Halley reminded the Senators that TIAA has an office at 4th and Lafayette, open 300 days a year, where users are able to make individual appointments in person or by phone. Such appointments are opportunities to learn about the various investment options (including Vanguard), to receive help with fund selections, and other plan-related questions. TIAA also has a wealth management service for more complex financial planning, including trusts and estates. These services are free to the NYU community.

As part of its negotiation with TIAA, the University has insisted that there will be improved TIAA customer service, including evaluating and training TIAA personnel, and then continuously monitoring TIAA personnel for the quality of their services to the NYU community. The call center staff, the financial advisers on site near NYU, and the wealth managers who are assigned individually will all be expected to meet high standards of service.

Halley explained that a variety of different groups and people, both in and outside the NYU community provided assistance and expertise in designing the original RFP to improve the management and administration of the retirement plans, and in the ultimate decision process that led to the merging of the plans and the selection of TIAA as the single official record-keeper.

With regard to the roll-out of information to the NYU community, Halley informed the T-FSC that an announcement email will be going out in late January after the start of the spring semester. A formal transition guide will be mailed to account holder’s homes with information about the changes. Town Hall meetings will be held in the first part of March at various schools.

On April 2, the changes will be made and users will make elections, access accounts, and other information through the TIAA website.

Q & A

A Senator asked about the lower fees, specifically why they have been higher until the present, and why there are still 15 of the 70 Vanguard funds for which the management fees have not been adjusted.

Jesse Morris of the Cammack Retirement Group responded. He explained that the fees are determined based on the assets investment within a given fund. So when his firm was engaged to examine the Vanguard funds, they were able to ascertain that NYU employee investments had reached the threshold that qualified for the lower institutional shared class rate in 55 of the 70. And so the Retirement Committee made sure that Vanguard adjusted the fees accordingly. Morris added that with regard to the TIAA funds, NYU is already benefiting from the lowest management fee available because of the volume of investment.

The Senator asked to explain why that despite NYU being such a large investor overall, the University couldn’t bargain on the basis of the total size of resources placed with Vanguard.
Halley responded that the fees are determined with respect to individual funds, not the total of all funds. There is an asset threshold that determines the lowest shared class available. And based on the investment elections that faculty and employees have made, NYU has not always met that threshold in an individual fund that would result in moving the management fee to that lower class.

Morris stated, however, that some of the investments are moving to “admiral”—the most advantageous management fee class. For example, Vanguard Windsor is currently an investor share class that charges thirty basis points; as it will have reached the investment pool that qualifies for the admiral shared class, the fees will be 10 basis points lower, or 20. There are going to be other situations such as the Vanguard Total Bond Market index, that’s currently an investor share class, that will be even cheaper than admiral. This fund’s management fees will be dropping from 15 basis points to only four (4).

A Senator asked a question regarding the interest rates for taking out a loan.

Petti clarified that according to Federal guidelines, the user is actually borrowing money from his own account at TIAA. At the time a loan is processed, TIAA will determine the interest rate, which will stay the same for the duration of the loan.

A Senator asked about the precious metal fund.

Halley stated the precious metal fund was removed from the investment lineup. The T-FSC Benefits Committee had expressed interest in taking another look at that and this request will be brought to the next Retirement Committee meeting for consideration.

A Senator asked about TIAA offering mortgages. Petti noted that TIAA mortgage services fall outside of the Retirement plans, and is part of their institutional banking services for its clients. He recommended contacting a TIAA advisor for more information.

Petti clarified loans versus withdrawals. He stated a loan is where users borrow money from themselves and pay themselves back. There is no tax event in a loan. There are terms to the loan, where over a period of up to 60 months users would borrow money, but there is a requirement to pay back on a monthly basis, through TIAA. Loans currently are available only out of the STDA plan. With the merger of the plans, users will be able to take out loans from their deferrals made to the STDA plan and to the retirement plan.

As for a withdrawal transaction, under IRS regulations, users can access money without penalty after 59 and a half. Users can get access to money for a withdrawal before then, under a hardship withdrawal, and must meet certain criteria. There is a tax penalty for that type of withdrawal.

A Senator asked about the financial advisors who choose the funds that NYU approves.

Halley stated the responsibility for the choice of the investment funds that are made available is the responsibility of the Retirement Plan Committee, which consists of nine individuals: Five from NYU, including the VP of Human Resources, Assistant Vice President of Global Benefits, the Chief Financial Officer, Chief Investment Officer, and the Provost. From NYU Langone, it is the Associate VP of Benefits, VP of Human Resources, the Senior Vice President of Finance, and the Vice President of Finance. Cammack serves as their advisors and co-fiduciaries.

The Senator asked how the Committee assesses which funds to drop.

Halley responded there are a certain number of quarters that they will put a fund on watch. Cammack reports every quarter to the Retirement Committee if a fund is on watch and how it is progressing. Referring back to the question about the precious metals fund, for example, she explained
that the fund had been on the watch list for a year before the decision was made to eliminate it as an option offered through NYU.

A Senator asked whether the TIAA financial advisors will have expertise on the Vanguard funds, and will be able to provide information about them without prejudice.

Petti responded TIAA has been expanding their record keeping services and their advisory services to the Higher Educations community and NYU’s peer institutions, including Yale and Princeton. They have been working with those communities and do have a knowledge of Vanguard funds.

A Senator asked for an update on the class action lawsuit by a group of faculty and administrators of NYU against NYU. Halley stated she cannot address this matter because it is an active litigation. The public information she can report is that seven counts have been dismissed but the suit is still in active litigation.

She noted the Benefits committee did communicate the importance of getting information to the faculty and she will speak to the Office of General Counsel on the possibility of providing an interim update.

In response to a question on getting information on funds, she stated the TIAA website will post this information. She also noted a whole section of the guide is dedicated to the funds and what the expense ratio was prior to implementation and after.

In response to questions regarding the Retirement Committee she noted the Committee serves as planning administrators and fiduciaries of the plans for both Langone and NYU. The roster for the Retirement Committee is decided by the Board of Trustees.

A Senator affirmed the importance of transparency and faculty involvement with the Retirement Committee.

T-FSC COMMITTEE REPORTS

The following Council Committees submitted reports:

Administration & Technology: Co-Chairs Jim Jacobs & Carol Reiss
Finance and Policy Planning: Co-Chairs Nick Economides & Maurizio Porfiri
Governance Committee: Co-Chairs Stephen Duncombe & Robert Shapley

There was no discussion or questions on the submitted reports.

UNIVERSITY SENATE COMMITTEE REPORTS

The following Senate Committees submitted reports:

Judicial Board

There was no discussion or questions on the submitted report.

OLD BUSINESS

Motion to Propose the Inclusion of a Faculty Member on the NYU Retirement Committee
A Senator introduced the motion to propose the inclusion of a faculty member with appropriate expertise on the committee that oversees retirement funds, tabled at the September meeting to the October.

The specific language will be developed by the Executive Committee.

The resolution was passed by unanimous vote of the Council.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
February 17, 2017

FAS Policies and Procedures

Recruitment of New Faculty

1.6 Language Lecturer and Senior Language Lecturer Appointments

This document supplements NYU policies applicable to full-time continuing contract faculty. If any part of this document is inconsistent with NYU policies, the NYU policies then in effect will control. As with all NYU and FAS policies, this document is subject to change, and the policies in effect at the time of an action will apply to that action.

Introduction

Language Lecturers (LL) and Senior Language Lecturers (SLL) are full-time continuing contract faculty positions that provide coordination, continuity, and consistency in instruction and/or administration. Appointees must be experienced in their particular fields and, where relevant, have had experience in language acquisition and curriculum development. Appointees should possess relevant advanced degree or scholarly or professional credentials, which may vary by discipline and department, as developed in consultation with the Divisional Dean.

Language Lecturer and Senior Language Lecturer appointments are primarily teaching positions, but may include some administrative and/or supervisory responsibilities. Research is not part of the LL or SLL faculty’s formal obligations. Although LL and SLL appointments are without tenure, they are typically multi-year appointments. LL and SLL faculty members are protected by academic freedom. They receive the same health, retirement and tuition remission benefits as tenured and tenure track faculty. LLs and SLLs are ineligible for NYU faculty housing and sabbaticals.

Titles and Qualifications

Language Lecturer – Teaching experience, minimum of M.A. in foreign language teaching or other appropriate advanced degree and professional attainment in relevant teaching.

Senior Language Lecturer – minimum of M.A. in foreign language teaching; or other appropriate advanced degree; demonstrated excellence in teaching and instruction; and at least six years of teaching and related professional experience at NYU or elsewhere, evidence of supervisory experience (where relevant); superior contributions to the teaching program, as well as recognition for excellence in the professional field.

1. RECOMMENDATION: Define “recognition for excellence in the professional field”.

“All but degree” doctoral candidates currently enrolled at NYU are not eligible to be considered for Language Lecturer or Senior Language Lecturer positions.
Continuing contract faculty also include Clinical Assistant Professors, Clinical Associate Professors, and Clinical Professors, who are addressed separately under

2.RECOMMENDATION: Describe the differences between Clinical Faculty and Language Lecturers responsibilities.

Areas of Responsibilities – Responsibilities include some, but not necessarily all of the following, and need not be restricted to them:

- **Teaching** - the normal course load for Language Lecturers and Senior Language Lecturers is three courses per term. This load may be reduced depending on other assigned duties or responsibilities. With the approval of the relevant Divisional and School deans, administrative and professional duties and other professional activities that serve FAS may, if comparable in time demands to one or more courses, substitute for such courses.

3.RECOMMENDATION: Add “course load may not exceed three per semester without negotiated additional compensation.”

- **Service** - participation on departmental committees involving language instruction is expected. Language Lecturers and Senior Language Lecturers are also expected to be available to provide advice to the department Chair or Director of Undergraduate Studies or Director of Graduate Studies regarding curriculum, teaching assignments, and any other matters related to their area of instruction.

- **Research** - Although there is no obligation to conduct research, Language Lecturers and Senior Language Lecturers may be eligible to be principal investigators on curriculum grants, training and teaching grants and other non-research grants in accordance with University policy. Approval to serve as principal investigator on research-related grants will be considered on a case by case basis in accordance with University policy.

- **Administrative** - In some cases, Language Lecturers and Senior Language Lecturers will have program-related administrative duties, including but not limited to: curriculum development, selection of textbooks and instructional methodologies, implementation of technologies, class schedules, student advisement, supervision of laboratories (if applicable), supervision and training of language faculty and adjuncts, and program management.

Terms of Appointment

- Unless stipulated otherwise in an appointment letter, Language Lecturers and Senior Language Lecturers are appointed for the academic year (September to May) and paid over twelve months (starting October 1). If appointed mid-year, the term of the appointment should be aligned to include the partial year and subsequent full academic year (i.e., the initial appointment would be for at least 1.5 years).

- Summer teaching appointments are optional and are made, subject to curricular needs and the faculty member’s desire to teach, with additional compensation. Administrative duties that carry over beyond the nine-month academic year and require service during the summer may carry additional summer compensation.
• **Length of Appointment** – **Language Lecturers**: the initial appointment can be made for one to three years. Subsequent reappointment can be made for one to three years. Appointments in this rank cannot be made for more than a total of six years. A Language Lecturer who is not promoted to Senior Language Lecturer at the expiration of six years shall be ineligible for reappointment as a Language Lecturer in FAS.

3. **RECOMMENDATION**: NYU Guidelines for clinical faculty state “wherever possible schools are encouraged to reduce reliance on one year contracts.” Suggest including this language above and below.

• **Senior Language Lecturers**: the initial appointment is for one to three years. The subsequent reappointment(s) can be made for one to five years. There is no limit to the number of terms that a Senior Language Lecturer can be reappointed.

• One-year appointments are typically reserved to address temporary programmatic needs (e.g., a leave or resignation). There is no expectation of renewal, though appointments may be renewed on an annual basis on the recommendation of the Chair or Director.

• In rare instances, a one-semester appointment as a Language Lecturer may be made to meet an immediate short-term gap in teaching coverage. In these instances there is no expectation of renewal.

• Appointments automatically terminate at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.

**Annual Review**

Language Lecturers and Senior Language Lecturers are subject to the annual merit increase (AMI) review, conducted for all full-time faculty members by the department chair or program director, with input from the appropriate faculty committee, as per department or program procedure. Language Lecturers and Senior Language Lecturers will submit an Annual Faculty Personnel Record Supplement, usually in January of each academic year, to report on their teaching and service. This report will be used in the annual merit review, which typically considers the faculty member’s teaching performance, contribution to the effectiveness of the program or department, and relevant administrative performance. Note that additional weight will be given to the performance of administrative duties for faculty whose duties are primarily administrative.

**Governance**

Full Faculty meeting attendance and voting rights can be found under University Bylaw 82 (c). FAS practice is to hold joint full faculty meetings inclusive of continuing contract faculty, including Language Lecturers, Senior Language Lecturers, and tenure/tenure track faculty. Language Lecturers and Senior Language Lecturers are also eligible to participate and vote in the FAS Faculty Assembly.

At the department level, continuing contract faculty, including Language Lecturers and Senior Language Lecturers, may participate as members of the department faculty in department governance, with the exclusion of matters related to promotion and tenure, and hiring of tenured
and tenure-track faculty, and matters directly or indirectly affecting the individual’s candidacy for a degree, or matters affecting his or her status on the faculty of NYU.

**Procedures for Recruitment and Appointment**

As part of the Annual Planning Report, the Chair/Director forwards to the Divisional Dean a Faculty Staffing Plan outlining requests for new faculty hiring. In particular, the request should include a justification that there is an important teaching need, and that this need can best be met with a Language Lecturer or Senior Language Lecturer. Detailed procedures for recruitment of new full time faculty, including Language Lecturers and Senior Language Lecturers, are available online at [http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment](http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment).

Appointment letters specifying the terms and length of employment are issued by the Divisional Dean.

**Procedures for Reappointment**

**General Considerations:**

Appointment processes for continuing contract faculty, including Language Lecturers and Senior Language Lecturers, shall reflect the University’s overriding commitment to enhance academic excellence and to provide students with the best available educational experience. Thus, each continuing contract faculty appointment and reappointment shall be evaluated in the light of the contribution it makes to the distinct excellence of the school, including its educational and training programs, and shall exemplify the University’s commitment to appoint and retain the best faculty in all disciplines.

Reappointment is based on departmental criteria of overall performance as a teacher and, if applicable, as an administrator. In addition, reappointment is subject to the academic and curricular needs of FAS and the University; thus, review for reappointment and promotion shall consider curricular or structural changes and improvements in academic programs. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvement in academic programs. In this case, the basis for non-reappointment will be clearly stated in the notice given to the faculty member.

**Reappointment for Multi-Year Contracts of Three Years or More, and/or Promotion**

University guidelines require continuing contract faculty, including Language Lecturers and Senior Language Lecturers, to be reviewed in the penultimate year of a multi-year contract. Penultimate year reviews must be submitted by the department or program to the appropriate Divisional Dean by March 15. If the department has any concerns that a Language Lecturer or Senior Language Lecturer is not fulfilling the requirements of the position or that the position may not be needed to fulfill the teaching mission of the department or program, these should be clearly outlined in the report submitted to the Divisional Dean. Any reservations must be shared in writing and in person with the faculty member, who is obliged to acknowledge receipt of this information by countersigning the report on a summary of the report, so that he or she is under no misunderstanding regarding the expectations for him or her. The Chair or Director must
submit a written report to the Divisional Dean that includes the substance of the review and a recommendation for reappointment, promotion or termination. In the event of a decision to reappoint the faculty member shall complete the remainder of his/her term and shall be reappointed, normally, for another multi-year term.

Following a review, if the decision is not to offer a reappointment, the faculty member shall be notified of the decision no later than August 31st of the penultimate year, and shall continue to be under contract for the final year.

Upon request, the timing of a review may be delayed by stopping the contract clock for reasonable cause that has been approved by the Divisional Dean, e.g., medical, personal, as primary caregiver for child, spouse, parent, same sex domestic partner, or by contractual stipulation or negotiation.

When a position is to be eliminated at the end of the contract term and there is no similar position open, there is no reappointment process; however, the faculty member may request a performance review for career development.

For faculty whose responsibilities are primarily administrative, greater weight will be given to performance in both multi-year appointments and recommendations for promotion.

4. RECOMMENDATION: Clarify this statement. To what aspect of performance will be given additional weight be given.

Reappointment for Continuous Service on One-Year or Two-Year Contracts

In addition to contracts of three years or more, Language Lecturers and Senior Language Lecturers may be recommended by the Department Chair or Director to a series of one-year or two-year full time contracts. Notification of reappointment decisions should be made to the Divisional Dean by March 15th. In the third year of continuous appointments, the faculty member shall be subject to formal review comparable to those to which faculty members on longer multi-year contacts are subject.

5. RECOMMENDATION: A “series of one-year or two year contracts” described above is inconsistent with NYU guidelines for Contract faculty. See Recommendation 3 above.

Formal Review Processes

The review, whether for renewal and/or promotion is undertaken by a committee appointed by the department Chair or Director, consisting of three to five full-time faculty, with a minimum of two tenured or tenure-track faculty and at least one contract faculty member. In the case of promotion to Senior Language Lecturer, Language Lecturers are not eligible to serve. In any event, the committee shall not include a Language Lecturer or Senior Language under review for reappointment that year. Any deviation from this configuration of the committee must be approved by the Divisional Dean.

I. PROMOTION
If the review packet is for promotion, it also must describe how the candidate meets the qualifications for Senior Language Lecturer as prescribed by the “Titles and Qualifications” section of this document. A review for promotion to Senior Language Lecturer is mandatory in the sixth year of service.

In addition to the consideration of teaching, administration, and service activities, recommendations regarding promotion also may be based on a prognosis of the faculty member’s future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of FAS.

II. DEPARTMENT

The candidate should submit a personal statement, curriculum vitae, course syllabi, and teaching evaluations to the Chair or Director of the Department; for candidates on multi-year appointments, this should be submitted on or before February 1 of the penultimate year of their current appointment. These materials are to be made available to the review committee for their evaluation. The review committee should prepare a report of their evaluation and recommendation, which has been read, approved and signed by all committee members. The committee report should represent a collective judgment of the committee or, in the case of a divided opinion, a majority of the committee. If there is a division, the dissenting opinion should be appended to the majority review. The committee report may be supplemented by input from other members of the department. The committee report and supporting materials must be made available to and discussed by the eligible faculty. Faculty members in the department may propose amendments to the report.

The departmental committee must present its final recommendations to the faculty for a vote. The recommendation must take the form of a written report. In the case of reappointment of a Language Lecturer, all tenure-track and tenured faculty members and Senior Language Lecturers are eligible to vote. For promotion to, or reappointment as Senior Language Lecturer, only tenure-track and tenured faculty members and Senior Language Lecturers are eligible to vote. There should be an open discussion among the eligible faculty members in advance of a vote, which must be conducted by secret ballot. Faculty not present at the discussion should be invited to submit a vote and opinion in writing; these votes and opinions must be recorded separately from those who attended the discussion.

The review packet to be presented to the faculty should normally include:

- An up-to-date curriculum vitae of the candidate
- A description of the candidate's teaching and administrative responsibilities
- A list of all courses taught since the last review
- Committee service
- An evaluation of teaching performance of the candidate, which should include:
  - Course evaluations (provided by the department administration)
  - Course syllabi (provided by the candidate)
  - Reports of classroom observation (provided by department administration or committee)
- An evaluation by the committee of the candidate's other contributions to the instructional program, for example, curriculum development
- If applicable, an evaluation of the candidate's administrative performance, including any
role in the training and supervising of adjunct instructors or other Language Lecturers.

- A personal statement from the candidate assessing his or her contributions
- If applicable, scholarship including, but not limited to, research and publications related to their specific discipline or field, to the pedagogy of their field, or to the work of the department/program/university.

The committee will consider all work activity, as listed above, since the last review, including materials from the ultimate year of the previous contract.

A summary of the review, prepared by the Chair or Director in the form of a letter, must be given to the candidate and discussed with him or her by the Chair or Director. The candidate must sign the letter to indicate that he or she has read it and discussed it with the Chair or Director. This summary must cover both strengths and weaknesses of the candidate's performance.

The summary letter to the candidate must include the recommendation that the evaluation committee is making to the Divisional Dean, including promotion, the length of reappointment (if that is the decision), and a signature block for the candidate. It must also include the following sentences: “Regardless of the merits for reappointment/promotion at this time, this letter does not constitute a guarantee of future reappointment.” “Candidates will be judged for reappointment/promotion in the future according to the conditions and standards in effect at the time of their next review.” “I have read this letter and understand its contents.”

A draft of the candidates summary letter should be forwarded to the Divisional Dean along with the review packet and the committee’s recommendation by March 15. Once approved by the Divisional Dean, the candidate’s summary letter must be signed by both the Chair and the candidate.

**III FAS DEAN’S OFFICE**

The Departmental Review and all relevant supporting materials will be reviewed by the relevant Divisional Dean. Additional input from the Dean of the College of Arts and Science, and the Dean of the Graduate School of Arts and Science may also be sought, as appropriate. The Deans may consult with faculty from academic departments other than the candidate's home department. If there are questions in any particular case, the chair of the department review committee may be asked to provide additional information to the Divisional Dean.

The Divisional Dean makes his or her recommendation to the Dean of Arts and Science. After receiving the Divisional Dean's advice, the Dean of Arts and Science will inform the Department Chair of the advice provided by the Divisional Dean as well as his or her own decision. If the decision of the Arts and Science Dean is contrary to that of the departmental evaluation committee, the Dean will provide the department chair with the reasons. The Chair or Director has an opportunity to respond to the Dean’s decision in writing and provide additional information within ten days.

Notice of intention not to reappoint shall be sent to the faculty member not later than August 31st of the penultimate year of the contract.
Faculty Grievances
Faculty Grievances are classified into two main types: 1) those connected with reappointment or promotion and 2) those concerned with other matters, such as duties, salaries, perquisites, and working conditions.

As per university guidelines, with respect to grievances related to reappointment and promotion, 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 of either type must allege that 1) the procedures used to reach the decision were improper, or that the case received inadequate consideration; or 2) that the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant.

- The decision not to undertake the reappointment process where a position is to be eliminated at the end of the contract term, and where no similar position is open, is not the basis for a grievance.

- A Language Lecturer or Senior Language Lecturer whose contract is non-renewable or who is not eligible for reappointment cannot grieve a decision not to reappoint.

- Individuals on multi-year contracts of three years or more who are subject to a review process to determine whether they are to be reappointed do have a right to grieve the process in the event it leads to a negative decision with respect to reappointment or promotion, under the same criteria as cited in the preceding paragraph.

- Faculty on continuous one-year or two-year appointments are similarly entitled to grieve the process in the event the third year review process leads to a negative decision.

If a faculty member’s grievance is not settled informally at a level below the Dean, or by the Dean himself or herself, the faculty member may appeal to the Dean to convoke the FAS Continuing Contract Faculty Grievance Committee, to hear grievances in order to advise the Dean.

The following transitional structure for the Grievance Committee, approved April 16, 2015 by the Office of the Provost, is in place until otherwise amended: this committee is composed of 5 faculty members, consisting of 2 tenured faculty members elected to the standing FAS Grievance Committee and 3 senior members of the FAS Continuing Contract Faculty Senate or senior contract faculty members of the Faculty Assembly.

The Dean shall convoke the committee within fifteen working days of receiving the faculty member’s appeal.
Appeal

Following the review of the FAS Grievance Committee, in the event the decision of the Dean of Arts and Science is not to reappoint or promote, an appeal can be made to the Provost, following the procedures enumerated in the Faculty Handbook.

General Disciplinary Regulations

All faculty members have an obligation to comply with the rules and regulations of the University and its schools, colleges, and departments. These rules protect the rights and freedoms of all members of the academic community. In particular, the faculty member is obligated to comply with the standards of academic freedom as outlined in the Faculty Handbook.

Disciplinary action may follow when the faculty member engages in other conduct unbecoming a member of the faculty, such as violation of the New York University Rules for the Maintenance of Public Order, any action which interferes with the regular operations of the University or the rights of others, any serious violation of the law, or any other conduct prejudicial to the teaching, research, or welfare of the University as set forth in the Faculty Handbook.
The Joint Senate committee on Technology had its first meeting on 10/6/17. The committee discussed the need to develop a set of Best Practices on the use of 3rd party software for courses. We talked about the need to secure the privacy of the students, to protect their intellectual property, protect patient privacy. We talked about the EU policy of Opting In, rather than Opting Out of use. We talked about required vs. elective courses and the implications for student use of software.

Anecdotes of 1) Google glass donation to ITP/Tisch where a waiver was required, giving Google the IP developed by students and 2) Blackstone gift to Leslie eLab requiring use of an App (Ideator) that enabled the donor to have access to student IP.

We also discussed the changing Terms of Use that may take people unawares; Twitter is now mining data from users, while it previously protected those data.

The next meeting will be 10/26/17.

Carol Shoshkes Reiss
Finance Committees Report 10/6/17

The T-FSC Finance Committee met on October 4th, 2017. We discussed the finance template that we want faculty from all Schools to fill in. The template was presented at the T-FSC in May 2016 but we are not sure how many schools followed through with their faculty to share information accordingly. We believe that it is time to recommence this endeavor and encourage faculty to reach to the administration of their school with the template and its glossary and fill it out.

T-FSC faculty also participated in the SFAC that met on October 5th, 2017. Earlier in the semester, T-FSC had asked the administration to discuss and receive in writing this semester:
1. An update of “New York University Historical Financial Data Fiscal Years 2002 and 2014” (see https://www.nyu.edu/content/dam/nyu/facultyGovernance/documents/NYU%20Historical%20Financial%20Data2002-2014.pdf) that was given to T-FSC in 2015.
2. An up-to-date Capital Budget for NYU.
3. A monthly report on the progress of the finances of the major construction project at the former Coles site.
4. The issue of equity in faculty salaries in terms of years of service, rank, gender and race.

In response, the administration:
1. Promised that “prior to the November 2 meeting will distribute an updated report that compares 2007 and 2016 (a ten-year spread); prior to the February meeting will distribute an updated report that compares 2008 and 2017.”
2. Distributed Fiscal 2018 operating and capital budgets in the 10/5 meeting of the SFAC, available at http://www.stern.nyu.edu/networks/NYU_Fiscal_2018_Budget.pdf. The rating agencies’ reports were also distributed and are available at http://www.stern.nyu.edu/networks/Moodys_and_S&P_reports_on_NYU.pdf. [Note by the T-FSC: the rating agencies rate the debt of all NYU including the Medical School but excluding the Hospital. In contrast, the operating and capital budgets exclude both the Medical School and the Hospital.]
3. Promised that “the University will provide an annual update on the finances of the 181 Mercer project.”
4. On equity, after discussion, the administration agreed to discuss the issues we requested later this semester.
T-FSC Governance Committee
Meeting September 25, 2017
Minutes

Meeting came to order at 1:00pm. Present: Sylvain Cappell, Stephen Duncombe (co-chair), Bob Shapley (co-chair), Jim Uleman

Old Business

1) Principles of Shared Governance Survey.

Results from our university-wide survey at the end of last semester on the local application of Principles of Shared Governance are in…and need to be analyzed.

Action: Jim graciously, and with great enthusiasm, volunteered to do so.

2) Council Resolution on Faculty Representation on Board of Directors

Last year the T-FSC passed a resolution to include faculty members on the Board of Directors. WE now need to introduce this resolution to the Senate. We want to have this coincide with the Students’ and C-FSC’s similar resolutions.

We also discussed what action we wanted the Senate to take and agreed we are asking them to forward our resolution (and hopefully the students’ and FSC’s) directly to the BoT so as not to get held up/bogged down in a Senate subcommittee tasked with revisions and consolidations.

Action: Steve will reach out to both Student Council and C-FSC to determine the status of their efforts.

New Business

We also discussed what pro-active measures we might take as a committee this year. We decided upon:

3) Joint Meeting with C-FSC and Student governance committees.

Action: to be scheduled

4) Review of faculty handbook policy on advisory committee for faculty grievances.

Faculty input above the school level is currently limited only to tenure cases. Should we press for more?
Action: Committee members will review relevant sections of the faculty handbook before next meeting and we will discuss. See Faculty Handbook pp. 39 and 48-50


5) Exploratory Overview of University Governance and Alternatives

Concerned that the current governing structure of the university does not adequately represent faculty views and voices, we’ve decided to take on a year-long exploration of current university governance and possible alternative models. The end result will not be a finished report rather a possible justification for, and outline of, a study that might be done in the future.

Action: To continue discussion.

Meeting was adjourned at 2:00pm

-- SD
The 2017-’18 T-FSC University Judicial Committee members are Professors Neville Kallenbach, James Jacobs, Susan Waltzman, Jennifer Manuel, Arvind Rajagopal, and David K Irving.

As members of the University Judicial Committee we were asked to alert the faculty to the fact that an updated or modernized Student Conduct Policy is in the works and will be presented for approval late this fall.

David K Irving
NYU Retirement Program Update

Presented to T-FSC

October 12, 2017
In April 2018, NYU will make improvements to its Retirement Program which will:

- Improve and simplify participants’ retirement planning experience
- Reduce fees for many investments currently available to NYU plan participants
  - 55 of 70 Vanguard funds will have lower investment fees. TIAA funds are already at the lowest fee level
What is changing?

NYU Retirement Plan + Supplemental Tax Deferred Annuity Plan → NYU Savings and Retirement Plan
Advantages of the NYU Savings and Retirement Plan

• Merging of employee deferrals provides participants:
  • Greater account balance available for loans
  • Increased access to withdraw money as an active faculty member or employee after attaining age 59 ½
• Auto enrollment of NYU new hires at 5% of pay beginning April 2018
What is changing?

- TIAA Recordkeeping Services and Investments
- Vanguard Recordkeeping Services and Investments

Result: TIAA Recordkeeping Services with both TIAA and Vanguard Investments
Why TIAA?

Enhanced TIAA customer service and program benefits including:

- Simplified enrollment, account management and investment election experiences for participants
- Access to all currently offered TIAA and Vanguard funds
- Expanded deferral election options:
  - Percent of pay
  - Fixed dollar amount
  - Maximize NYU contribution and defer money up to the IRS annual limit
- Enhanced, dedicated NYU customer service team. 844-NYU-TIAA
- Increased, on-site availability of TIAA investment advisors
How did NYU decide to make these changes?

• Collaborated and consulted with the Tenured/Tenure Track Faculty Senators Council, Full-Time Continuing Contract Faculty Senators Council, Administrative Management Council and NYU leadership

• Engaged an independent consultant to conduct a comprehensive review of NYU’s retirement plans and an RFP of service providers conducted in Fall 2016

• Peer institutions including NYU Langone, Yale University and Princeton University have successfully implemented these improvements

• Finalist Vendor Presentations with Senators Council representation held in January 2017

• Retirement Plan Committee Approval February 2017

• Cross-functional Project Team and Steering Committee formed for 12-month project, with anticipated implementation in April 2018
Communications Calendar

January

1  2  3  4  5
8  9 10 11 12
15 16 17 18 19
22 **23** 24 25 26
29 30 31

February

5  6  7  8  9
12 13 14 15 16
19 20 21 22 **23**
26 27 28

March

5  6  7  8  9
12 13 14 15 16
19 20 21 22 23
26 27 28 29 30

April

2  **3** 4  5  6
9 10 11 12 13
16 17 18 19 20
23 24 25 26 27
30 31

Announcement Email & Website update
TBD – Early February

Transition Guide Mailings & Website update
February 26

On-site Seminars, Information Desk, Departmental Meetings
March 1-15

1:1 Sessions / Continuing Education
Expanded support

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Announcement from New York University
- Information on upcoming changes
- Why changes are occurring
- What to expect next

Transition Guides.
- Details plan changes and next steps
- Review of new fund line-up & Vanguard mapping
- Emphasis on Seminars, Information Desk and 1:1 Sessions
- Blackout Notice (where applicable)

Topics to Include:
- High-level outline of plan changes and next steps
- Encourage advice
- Answer questions

- On-campus advice sessions
- On-going Communication, Education and Advice
Transition Guide will provide:

• Important dates and timeline of transition
• Specific information for:
  • Current TIAA only investors
  • Current investors with both TIAA and Vanguard
  • Current Vanguard only investors
• Messaging for retirees and former NYU faculty members and employees
• Information on all TIAA and Vanguard investment fund options by investment tier:
  • Target Date Funds
  • Passively managed index funds
  • Actively managed investments
  • Guaranteed options
Questions?