MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF FEBRUARY 22, 2018

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, February 22, 2018 in in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Cappell, Duncombe, Economides, Fenton, Figlewski, Frankl, Hoffman, Irving, Jacobs, Kamer, Lapiner, Ling, Merritt, Mincer, Parekh, Shapley, Smoke, Van Devanter, Watson, Weinberg, Zagzag, and Zamir; Active Alternates Beckerman, Manuel, Nonken; Alternate Senators Alter, Reiss (for Uleman), Schlick (for Tranchina), Tannenbaum, and Tenenbein.

APPROVAL OF THE MINUTES OF THE MEETING HELD JANUARY 25, 2018

Upon a motion duly made and seconded, the minutes of the January 25, 2018 meeting were approved unanimously.

ANNOUNCEMENT OF THE LIST OF CANDIDATES

See attached Document A: Candidate Statements.

Senator Duncombe, on behalf of the Nominating Committee, announced the list of candidates for the positions of T-FSC Vice Chairperson and T-FSC Secretary 2018-2019. For the position of Vice Chairperson, the candidates include Nicholas Economides of the Stern School of Business and Darcey Merritt of the Silver School of Social Work. For the position of Secretary, the candidates include Robert Lapiner of the School of Professional Studies and Amanda Watson of the Division of Libraries. He asked for additional nominations from the floor. No additional nominations were made.

REPORT FROM THE CHAIRPERSON: WEN LING

Ad Hoc Committee on Tuition Remission and Portable Tuition

Chairperson Ling reported the Committee met and discussed the tax implications of receiving tuition remission and portable tuition benefits for dependent children. The Committee developed a few different models of the costs to the university based on the percentage of NYU’s tuition remission. These were sent to Marty Dorph for feedback. He asked of additional data on other institutions.

One concern of the committee was the impact on currently enrolled dependents. She reported the following outcomes: those individuals currently enrolled will be grandfathered in and there will be no change in the policy for academic year 2018-2019.

Educational Technologies

Ling reported that the Executive Committee (EC) met with Clay Shirky, Vice Provost for Educational Technologies, who is responsible for credit bearing and degree granting online programs at NYU. She
stated Shirky is focusing on consistency and quality control among programs. He is developing a template for new program development, which would also be used for existing credit-bearing and degree-granting online programs that NYU offers.

She noted that not every school offers online degree-granting programs, and the focus is on the following schools that do offer them: Steinhardt, School of Professional Studies, Tandon, and Stern. Shirky noted there are around thirty degree-granting programs and 3,000 online students.

One challenge is that NYU IT is not able to support all the online course offerings and degree programs. As a result, currently the University allows schools to identify partners to launch these online programs. These include companies such as 2U and HotChalk. Faculty members have expressed concerns about NYU as a not-for-profit institution working with these for-profit companies as partners.

Shirky reported that the University recognizes this potential conflict and is looking to move to compensating these companies for their services on a contractual basis only—not as partners but only as vendors to the schools.

A Senator asked if other universities also work with outside companies. Secretary Lapiner responded many universities do hire private companies for what they call course management systems as well as marketing support. The issue for NYU is that there is no university-wide approach. While the schools are fully able to develop their programs from an academic perspective, working individually schools are not likely to have the resources to build an adequate technological infrastructure and the specialized social media-dependent marketing vital for recruitment.

A Senator who serves on the Graduate Program Committee (GPC), which recently met with Shirky, noted that most of the vendors used by NYU have been tried and tested by other universities. He also noted at the recent GPC meeting, most of the new degree programs being proposed were online.

It was reported that Shirky plans to put forth a proposal outlining the oversight of these program and the partners.

A Senator noted that the Faculty Committee on the Future of Technology-Enhanced Education at NYU expressed concerns about who is responsible for admissions, evaluation, faculty involvement, curriculum, teaching loads, course, and program ownership.

Ling responded to the question about copyright ownership of courses. She stated Shirky reported there are different models. She noted at Stern, the faculty member still owns the course. However, it is her understanding that in the event the faculty member leaves NYU, the faculty member will not be allowed to teach the same course for a for-profit organization, but could do so at another non-profit university. She noted that at Steinhardt there is a question about who owns the copyright in the current relationships with 2U.

A Senator expressed concern regarding the online teaching training program and the ability of NYU to vet the instructors. She noted this is especially important in programs with fieldwork requirements. A representative of the committee noted there is a content mentor who oversees the students. There is also video feedback and scripts and a contact on-site that acts as a field supervisor in the school district.

Ling suggested inviting Clay Shirky to a future meeting to discuss these issues and the Council agreed by general consensus.

Faculty Representative on the University’s Retirement Funds Committee

Ling reported on the Provost response to the T-FSC and C-FSC resolutions regarding faculty representation on the University’s Retirement Funds Committee. See attached Document E, not distributed at the meeting.
The response stated the Charter of the Retirement Committee outlines its responsibilities in discharging a corporate fiduciary function by delegation of the Board. Given this, the Provost along with Executive Vice President Martin Dorph and University Secretary Terrance Nolan determined that the University should strengthen its commitment to involvement from the T-FSC and the C-FSC (as well as the AMC) with respect to benefits matters by regularizing the sharing of information about the work of the Committee, instead if membership on the Committee.

Ling also provided an update on the lawsuit regarding NYU’s management of faculty retirement funds. See the following link for more information. She reported the judge recently allowed the lawsuit to become a class action suit.

In regards to the Provost’s response to the FSC resolution calling for a faculty member to join the retirement committee, a Senator noted the Council’s intent was to have a faculty member serve in an advisory capacity—not as a voting member. Senators discussed whether recommending a non-voting member would relieve that individual from having fiduciary responsibility.

Senators expressed concern regarding the transparency of the information to be shared about the work of the Committee. A Senator noted that receiving a report is not the same as participating in the committee’s deliberations, understanding the issues and the options the University is facing.

A Senator clarified that our resolution supposed the participation of a faculty member with notable expertise in finance, investment, and retirement/pension funds, whose knowledge would contribute to the deliberations and decisions of the University Retirement Committee. It was not intended as T-FSC representation in a political sense. The Senator pointed out that because the C-FSC had submitted its own resolution that expressly called for voting representation, it may be that our resolution was interpreted to have had the same intent.

In the meantime, Ling summarized the next steps as 1) identifying a Stern faculty member with expertise in the field of retirement funds and benefits who could act as a consultant to the T-FSC Benefits Committee, 2) having a conversation with the Provost to clarify the objective of our resolution and 3) in the event, our request will be re-considered, ascertaining officially whether a non-voting member of this committee would have legal and fiduciary responsibility.

PRESENTATION, DISCUSSION, AND VOTE

Tenure Clock Stoppage: Sharon Weinberg

See attached Document B.

Senator Weinberg reported the Provost was concerned following complaints from various deans that NYU’s tenure clock stoppage policy was not well aligned with peer institutions. The Provost Office invited the T-FSC to review particular aspects of the University’s policy on Tenure Clock Stoppage for Personal Reasons.

Weinberg reported a T-FSC Taskforce was formed to review the issue and conduct a comprehensive study. The Taskforce met with Elizabeth Morrison, Vice Dean of Faculty at Stern, who shared her benchmarking data, which clearly showed that NYU was an outlier. Unlike other universities, NYU only allowed one such eligible event. Other universities allow two events and many allow unlimited numbers. After meeting with Vice Dean Morrison, the Committee met with vice deans from 14 schools at the university. There was unanimous agreement to recommend increasing the number to two eligible events. After sharing the results of canvassing counterparts at other peer universities, there was further agreement to recommend extending the clock by one year.

The Committee also noted a research study that showed negative consequences of having this policy be gender neutral. Among institutions which had adopted a gender neutral tenure-clock stoppage, it was
discovered that the probability of achieving tenure increased by 22 percentage points for men, whereas for women it decreased by 19 percentage points. As a result, the Committee recommended that when NYU revises its policy, outcomes must be closely monitored; furthermore, it was also recommended to review and perhaps clarify and tighten the definition of what it means to be a primary caregiver.

The Committee met with Lisa Coleman, Chief Diversity Officer to share their findings. She concurred with the recommendation to increase the number of eligible events to two, and to maintain a close monitoring of its implementation, especially as it relates to the definition of being a primary caregiver.

In short, Weinberg reported that the Committee recommends the NYU should: 1) extend the tenure clock stoppage policy to allow for two eligible events, 2) closely examine and consider tightening the definition of primary caregiver, and 3) systematically review the impact of a revised policy, to assure that it is functioning equitably. It was also recommended to conduct a review of the workload relief policy—which would also be affected by any changes to the definition of primary caregiver.

These recommendations were passed by unanimous vote of the Council.

**Best Practices suggestions for course directors using software: Carol Reiss**

*See attached Document C.*

Alternate Senator Reiss reported the subcommittee on best practices, in response to issues of privacy and intellectual property of students developed a set of guidelines to be disseminated to faculty members. These guidelines recommend that when faculty choose specific software packages required for courses, faculty consider whether their students’ intellectual property and privacy might be at risk by the wrong choice.

Clay Shirky will be administering and disseminating these guidelines to the faculty.

**C-FSC Proposed Resolution Regarding Additional Language to the “Disciplinary Procedures” Section: Stephen Duncombe & Robert Shapley**

*See attached Document D, page 4.*

Senator Duncombe introduced the C-FSC resolution, which addresses the issue that the Faculty Handbook, in the Disciplinary Procedures section, does not mention possible complaints against administrative officers who hold no faculty appointments but who are charged with supervising Full-Time Continuing Contract faculty or part-time faculty.

The Governance Committee reviewed this resolution and asks for the Council’s support of the resolution.

The Council’s support of this resolution was passed by vote of the Council.

**COMMITTEE REPORTS**

**Inclusion, Equity, & Diversity: Co-Chairs Niyati Parekh & Jennifer Manuel**

Senator Parekh reported the Committee met with Lisa Coleman. She noted the data from the Climate Survey is being analyzed and the plan is to have preliminary data out in April and in the fall will develop priorities and begin coordinating with the various units. Parekh noted the tenured/tenure track faculty had the highest response rate across all stakeholders at NYU.
Governance: Co-Chairs Stephen Duncombe & Robert Shapley

Senator Duncombe noted the Council’s resolution on faculty representation on the Board of Trustees will be presented at the next University Senate meeting as a coordinated, not combined, presentation with the Student Senators Council (SSC) and Full-Time Continuing Contract Faculty Senators Council (C-FSC).

Other Reports

There was no discussion or questions on the following other Council, University Senate, and University Committees submitted reports:

Finance and Policy Planning: Co-Chairs Nick Economides & Maurizio Porfiri
Nominating: Chair Stephen Duncombe
Judicial Board
Oversight Committee for the Personal Digital Content policy

NEW BUSINESS

March for Science

Alternate Senator Reiss announced, following permit approval, the March for Science in New York City will take place in Washington Square Park on April 14 from 10 am-12 pm.

ADJOURNMENT

The meeting adjourned at 2:00 PM.
Dear Colleagues:

I am honored to be a nominee for the position of T-FSC Vice Chair.

I am a professor of economics at the Stern School of Business specializing in high technology industries, antitrust and public policy issues.

I have served at the T-FSC on and off for over 15 years. I have been head of the Finance Committee for a number of years, and I have also served in the Tenure Modification Committee, the Housing Committee, and the University Judicial Board. Earlier, I served at the Stern Faculty Council.

The “shared governance” regime at NYU has afforded a special role to tenured faculty to shape the university’s direction. Sometimes we (T-FSC) were able to play our role effectively, other times we failed. In my opinion, the key factor of success was how effective and efficient our leadership was in the Executive Committee and the other T-FSC committees. Time at the full Council meetings is very limited and should be used wisely to deal with issues that cannot be resolved in committees.

NYU, very heavily tuition-based, faces significant financial challenges in the next five years. In the last couple of years, it has become clear that future tuition increases will be limited. Nevertheless, NYU has embarked on an ambitious investment plan that will require extensive borrowing in an era of upward-tending interest rates. Very tight supervision of finances and increased transparency will be necessary. In this environment, it will be crucial to preserve and enhance the key role of NYU tenured and tenure track faculty in cutting edge research and teaching as a top priority, and reduce other spending. I hope that the T-FSC will emphasize this, whether I am elected or not.

Best regards,

Nick

Nicholas Economides
Stern School of Business
www.stern.nyu.edu/networks/
Fellow Colleagues and Senators:

I am delighted to have been nominated to serve as T-FSC Vice-Chair. I am an Associate Professor at NYU Silver School of Social Work and a Faculty Fellow at the school’s McSilver Institute for Poverty Policy and Research. I have extensive experience as a practitioner in the private and public child welfare systems, and as a researcher with interests including child maltreatment prevention; maltreatment type definitional issues; neighborhood structural impact on parenting; and experiences of those served by public child welfare systems. I have served on the Tenure/Tenure-Track Faculty Senate for the past two years, as co-chair of the Inclusion, Equity and Diversity committee, and a member of the Housing and Benefits committee.

In light of an ever-changing and volatile political and economic environment, our university is vulnerable to a host of consequences threatening our flexibility in providing rigorous academic programs within our national and global reach. I believe the Senate Executive Committee in concert with our more focused committees is uniquely positioned to represent our faculty at large in the spirit of shared governance in ways that honor our collective commitment to innovative and rigorous research, excellence in education and pedagogy, and leadership in mitigating inequities and inequality in higher educational settings. There are many moving pieces that complicate our best intentions and I believe faculty senate representatives are best suited to advocate for balance and transparency while maintaining our overall mission for academic and humanistic excellence as first priorities. Given, NYU’s commendable national and global reach, as a prospective Vice-Chair, I propose three points of proactive focus: advocacy regarding immigration issues and our DACA students; social justice initiatives in higher education spaces; and the protection of portable academic freedom.

I would welcome the opportunity to represent my colleagues in the leadership capacity of Vice-Chair of the T-FSC. I very much appreciate your consideration of my candidacy.

Respectfully,
Darcey Merritt, MSW, Ph.D.
Silver School of Social Work
Candidate Statement for T-FSC Secretary, AY2018-19

Robert Lapiner

I would be honored to be able to continue to serve you for a second year as Secretary for our Council

Robust shared governance is foundational for sustaining excellence in the University’s missions of teaching, research, knowledge-creation, and institutional social responsibility. Especially during this unsettled period in our external environment, partnering with and paying heed to the voice and the diverse expertise of the faculty must be advocated at every turn. As a member of the executive committee, I share our Chair’s vigilance to make sure that we are consulted, heard--and effective.

Working to reciprocal benefit between the two cultures of administration and faculty has been fundamental to my experience as both a faculty member and former administrator at NYU and at UCLA. And a formative earlier career in cultural diplomacy and international higher education was dedicated to achieve academic cooperation among institutions in more than a dozen countries, often in the face of ostensibly conflicting goals--not to mention political and ideological differences among my interlocutors.

These experiences forged the listening and problem-solving skills and collegial temperament that I would bring in service to the work of our Council and our members if, as I hope, I am able to have your ongoing support.
Candidate Statement for T-FSC Secretary 2018-19

Amanda Watson

Dear colleagues,

I am honored to be a nominee for Secretary of the Tenured and Tenure-track Faculty Senators Council.

I’m the subject librarian for English and Comparative Literature, a position that involves numerous outreach responsibilities and brings me into contact with faculty, staff, and students from all over the university. I began serving on the T-FSC in 2016, representing the Division of Libraries; I currently serve on the Administration and Technology Committee and the T-FSC Nominating Committee. In 2013-14 I was secretary for the NYU Libraries’ faculty body; I have also served in a similar capacity on executive committees for within the Modern Language Association and the Association of College and Research Libraries. I would bring all of this experience to this position.

In an external political and social environment in which the values and relevance of higher education are regularly challenged, it is more and more important for faculty to have a voice in the governance of our university. As a member of the Executive Committee, I would facilitate the committee's work and advocate for the interests of the faculty. It would be my honor to serve in this position, and I thank you for considering my candidancy.
Memo To: Tenured and Tenure-Track Faculty Senators Council (T-FSC)
From: T-FSC Task Force on Tenure Clock Stoppage
       Sharon L. Weinberg, Chair
       Nancy Van Devanter
       James Uleman
       Aaron Tenenbein
       Niyati Parekh
Re: Recommended Revisions to NYU’s Current Tenure Clock Stoppage Policy
Date: February 9, 2018

The Executive Committee of the T-FSC established the Task Force on Tenure Clock Stoppage in September, 2017 on the recommendation of Nancy Van Devanter, chair of the Personnel Policies and Tenure Modifications (PPTM) Committee. Although the PPTM initially had been given the responsibility of reviewing NYU’s current tenure clock stoppage policy, Professor Van Devanter and her committee believed that such review was better suited to a task force whose sole focus was to study the current policy and propose revisions as appropriate.

The specific policy issues to be studied were outlined by Carol Morrow in her January 30, 2017 memorandum to Allen Mincer, then Chairperson of the T-FSC (see Appendix A). As noted in Appendix A, the specific issues to be reviewed were “whether NYU policy with respect to ‘eligible events’ fairly meets the needs of the tenure-track faculty, advances the University’s commitment to work/life balance, strengthens our ability to recruit and retain faculty, and is aligned with policies at other universities; and to consider whether NYU should provide tenure clock stoppage for a second ‘eligible event’. This task will lead to considering automatic stoppage vs. stoppage upon review; distinguishing or dismissing differences among birth mothers, other mothers, and fathers; and considering the total number of stoppages appropriate for all personal reasons and ‘eligible events.’” In considering these issues, the Task Force sought specifically to address whether NYU’s current policy was in line with such policies at peer institutions and if not, to propose revisions to the policy as appropriate for our institution.

The Task Force met with Elizabeth Morrison, Vice Dean of Faculty at the Stern School, on October 12, 2017 to review the benchmarking data she had collected on the current gender-neutral tenure clock stoppage policies at NYU’s peer business institutions (See Appendix B). Of the 16 institutions surveyed, four allowed stoppage for two eligible events (UC Berkeley, MIT, Northwestern, UCLA), four allowed stoppage for three eligible events (Yale, Columbia, UPenn, and Stanford), and seven had no limits on the number of eligible events (Duke, U Chicago, Harvard, UVA, Cornell, Dartmouth, and the London School of Business). By allowing faculty to stop the tenure clock for up to one year for only one eligible event, NYU is a clear outlier with respect to this aspect of the policy. With respect to the other aspects of this policy (e.g., allowing stoppage upon review, and being inclusive with respect to mothers, other mothers, and fathers, and with respect to personal reasons, other than those related to the birth of child), NYU is not an outlier, as our policy is consistent in all material respects with these other institutions.

On November 2, 2017, the Task Force met with the Vice Deans for Faculty from each of the schools at NYU (New York campus) to review NYU’s current policy in conjunction with these benchmarking data, to learn about the frequency of requests for tenure clock stoppage from each
of the schools as well as their personal experience with implementing the current policy within their own schools. Although the deans reported that typically only one or two faculty members per year requested tenure clock stoppage, there was consensus among them to recommend that NYU’s tenure clock stoppage policy be more in line with those of these other universities, and, in particular, that NYU increase the number of eligible events that faculty may be allowed to stop the tenure clock from one to two. They also agreed that the policy should be evaluated periodically to determine whether the additional allowable eligible event is sufficient to meet the work/life balance needs of our faculty. Although the benchmarking data were gathered from universities that have business schools viewed to be Stern’s peers, in all cases these tenure clock stoppage policies were university-level policies. As such, they applied uniformly to all schools within each of the universities sampled. Despite this, the deans decided that additional benchmarking data from each of their own school’s peer institutions would be useful. Kirk Lawson, School of Medicine, volunteered to draft a core set of questions and several other participants agreed to reach out to colleagues in similar positions at peer institutions. The questionnaire that the deans agreed to send out is in Appendix C. Responses to this questionnaire were received back from four NYU schools, Medicine, FAS, Steinhardt and Law. Their benchmarking data are given, respectively in Appendices D, E, F, and G. The new information contained in these data agreed, in general, with the earlier benchmarking data reviewed by the full complement of deans. With respect to the number of eligible events allowed for stopping the tenure clock, by allowing only one eligible event for up to one year, NYU remains an outlier. After reviewing their own benchmarking data, the deans from Medicine, FAS, Steinhardt, and Law agreed that it continued to make sense to recommend one additional eligible event of one year for a maximum of two years.

At the meeting on November 2, 2017 with the deans, the Task Force called attention to the results of a recently-published report by the Institute for the Study of Labor (IZA, Bonn, Switzerland), "Equal but Inequitable: Who Benefits from Gender-Neutral Tenure Clock Stopping Policies?" (Antecol, Bedard, & Stearns; 2016), based on an analysis of data from assistant professors’ academic career trajectories in 50 top economics departments in the United States from 1985-2004. Simply stated, the results of this report suggest that there are unintended negative consequences of such gender-neutral tenure clock stoppage policies, at least in departments of economics -- that females actually do worse under these policies than males in terms of gaining tenure. The actual figures presented were quite startling. After such gender-neutral policies were adopted at the institutions studied, on average, the probability of attaining tenure for women decreased by 22 percentage points, while for men it increased by 19 percentage points.

Although more studies of the impact of these policies are clearly needed from the last decade where these policies have evolved (as the study’s endpoint is 2004), based on the information from this study, the deans agreed that the recommended revision in the tenure clock stoppage policy would need to be monitored closely to avoid the occurrence of this result or any other results that arose from applying the policy in a way that was not intended. They also agreed that a more stringent criterion for what it means to be a primary caregiver would need to be developed. According to NYU’s current tenure clock stoppage policy, in order to be eligible to apply for tenure clock stoppage, “an applicant must have primary responsibility for the care of a child/parent/spouse/same sex domestic partner for a substantial portion of the period.” This definition and the method of certification used for compliance should be reviewed and possibly revised and made more stringent.
On December 14, 2017, the Task Force met with Chief Diversity Officer (CDO) Lisa Coleman, to get her feedback on the recommendation to revise NYU’s tenure clock stoppage policy to be in sync with those of its peer institutions, and on suggestions for how NYU might more closely monitor the policy with particular attention on evaluating the extent to which an applicant truly is the primary caregiver. CDO Coleman concurred with our recommendation to increase the number of eligible events to two, and to maintain a close monitoring of its implementation, especially as it relates to the definition of being a primary caregiver.

Stopping the tenure clock is not the only consideration given to full-time faculty who are primary caregivers. Such faculty also are eligible to apply for workload relief under NYU’s Workload Relief Policy (Appendix H). According to at least one of the deans with whom the Task Force spoke, it is not uncommon for faculty who affirm they are primary caregivers, and who apply for workload relief, to also apply for tenure clock stoppage. Given the close relationship between these two policies, the Task Force believes, and CDO Lisa Coleman concurs, that it would be appropriate at this time also to conduct a review of the Workload Relief Policy, with particular attention paid to the assessment of what it means to be a primary caregiver, and again how the current definition and means of certification might be revised.

To facilitate such a review of NYU’s Workload Relief Policy, the Task Force recommends that NYU’s Office of Institutional Research begin by collecting benchmarking data from NYU’s peer institutions regarding the policies they have in place that are akin to NYU’s Workload Relief Policy. Among the questions the Task Force believes would be important to address are the following:

1. Which faculty employees are eligible?
2. Is the policy gender-neutral?
3. Must the person be the primary caregiver?
4. If so, how is primary caregiver defined and certified?
5. What is the nature of the relief with respect to the faculty member’s reduction in duties, when it can be taken, and length of time?
6. How is the faculty member’s compensation affected, if at all?
7. What is the policy if both parents are faculty employees at the university?
8. What is the approval process?
9. What is the limit on the number of times this may be used?
10. What is the link of this policy to your tenure clock stoppage policy? Is it automatic or does it require a separate request and set of approvals?

In summary, the Task Force on Tenure Clock Stoppage recommends that to be in better conformity with other peer universities, NYU should allow its tenure-track faculty to stop the tenure clock for one year for each of two eligible events, rather than only one eligible event as stipulated in the current policy. In so doing, from our discussions with the Deans of Faculty from the different schools at the New York campus and with CDO Lisa Coleman, and from our own analysis, we believe that in aligning the tenure clock stoppage policy with those of other universities, NYU will better meet the needs of its tenure-track faculty, show a greater commitment to work/life balance, and strengthen its ability to recruit and retain the best faculty.
APPENDICES

Appendix A: MEMO FROM CAROL MORROW

January 30, 2017

Memorandum to: Allen Mincer, Chairperson, T- Faculty Senators Council
Wen Ling, Chairperson-Elect, T- Faculty Senators Council

From: Carol Morrow

Subject: NYU Tenure Clock Stoppage Policy

I am writing to invite the T-FSC to review particular aspects of the University’s policy on Tenure Clock Stoppage for Personal Reasons.

NYU policy since 2007 provides, “Tenure clock stoppage may be granted automatically for a maximum of two semesters during the probationary period” for one or a combination of enumerated personal reasons. The policy also states, “Tenure clock stoppage for up to two semesters will be granted automatically in the case of a parent primarily responsible for the care of a newborn child, newly adopted child, new foster care or guardianship placement, or newly-established legal custodial care, [hereafter “eligible event”] upon notification to the Chair of the Department or, in the case of Schools without departmental organization, the Dean.” NYU policy provides automatic stoppage for one “eligible event;” since total stoppages for all reasons are limited to two semesters, stoppage is not available for a second “eligible event.”

I am asking the T-FSC to assess whether NYU policy with respect to “eligible events” fairly meets the needs of the tenure-track faculty, advances the University’s commitment to work/life balance, strengthens our ability to recruit and retain faculty, and is aligned with policies at other universities; and to consider whether NYU should provide tenure clock stoppage for a second “eligible event.” This task will lead to considering automatic stoppage vs. stoppage upon review; distinguishing or dismissing differences among birth mothers, other mothers, and fathers; and considering the total number of stoppages appropriate for all personal reasons and “eligible events.”

To assist your review, I am providing reprints of relevant policies at other universities. I am also attaching Yale University’s 2016 Report on Parental Policies (which has a wider scope than our focus on tenure clock stoppage). I encourage you to consult with our colleague in the Stern School, Elizabeth Morrison, Vice Dean of Faculty, who brought these matters to my attention with respect to Stern faculty. Peter Gonzalez, Julie Boden Adams and I are also available to consult with the Senators who take on this assignment.

We would like your recommendations to be practicable and, of course, respectful of applicable employment law and non-discrimination law. Please let us hear from you by the end of the spring semester, so that the Provost can consider your findings and recommendations for possible implementation in 2017-18. Thank you for your advice on these matters.

Cc: Katherine E. Fleming, Provost
Peter Gonzalez, Assistant Provost, Academic Appointments
Julie Boden Adams, Associate General Counsel
Elizabeth Morrison, Vice Dean of Faculty, Stern School of Business

**Appendix B: BENCHMARKING DATA ON TENURE CLOCK STOPPAGE (FROM STERN)**

<table>
<thead>
<tr>
<th>School</th>
<th>Length of Tenure Clock</th>
<th>Max stops (yrs)</th>
<th>University policy</th>
<th>Additional Notes</th>
</tr>
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<tbody>
<tr>
<td>NYU (Stern)</td>
<td>8</td>
<td>1</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>UC Berkeley</td>
<td>8</td>
<td>2</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>MIT (Sloan)</td>
<td>8</td>
<td>2</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Northwestern (Kellogg)</td>
<td>6</td>
<td>2</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>UCLA</td>
<td>8</td>
<td>2</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Harvard (HBS)</td>
<td>9</td>
<td>3</td>
<td>Y</td>
<td>Can add time to clock if it would make substantive difference</td>
</tr>
<tr>
<td>Yale (SOM)</td>
<td>9</td>
<td>3</td>
<td>Y</td>
<td>Twice for parental, can also extend once for a LOA</td>
</tr>
<tr>
<td>Columbia</td>
<td>7</td>
<td>3</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Penn (Wharton)</td>
<td>6</td>
<td>3</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Stanford</td>
<td>7</td>
<td>3</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Duke (Fuqua)</td>
<td>7</td>
<td>No limit</td>
<td>Y</td>
<td>Can wait until terminal year if it would make substantive difference</td>
</tr>
<tr>
<td>Univ. of Chicago (Booth)</td>
<td>9</td>
<td>No limit</td>
<td>Y</td>
<td></td>
</tr>
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<td>U. of Virginia (Darden)</td>
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<td>No limit</td>
<td>Y</td>
<td>Men can extend only for one year regardless of number of babies</td>
</tr>
<tr>
<td>Cornell</td>
<td>8</td>
<td>No limit</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Dartmouth</td>
<td>7</td>
<td>No limit</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>London Business School</td>
<td>7</td>
<td>No limit</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>
Appendix C: QUESTIONNAIRE DRAFTED BY VICE DEAN KIRK LAWSON, SCHOOL OF MEDICINE

At NYU, we have a one-year single event Tenure Clock Stoppage for the birth/adoption of a child which we offer to either parent who is the primary caregiver. In an effort to learn about the practice at other research institutions, could you please provide us with answers to the following five questions:

- Do you have a tenure clock stoppage policy?
- How many times can a faculty member take advantage of that policy over the life of their career within your institution?
- What is the length of the clock stoppage and is there any flexibility in the duration?
- What is your definition for eligibility?
- Is the procedure automatic if eligibility is met or is there an approval process even if eligibility is met? If there is an approval process, could you please briefly describe it.
Appendix D: BENCHMARKING DATA ON TENURE CLOCK STOPPAGE POLICIES (FROM MEDICINE)

NOTE from Vice Dean Kirk Lawson: We did reach out to the AAMC to find out what other peer institutions are doing.

As you may know, 15 years ago in order to proactively provide more of a window to achieve tenure NYU SOM extended the probationary period from 7 to 10 years. We allow for 1 extension of 1 year, creating a total 11-year period.

Our survey showed that the majority of Medical schools have a 7-year clock. Many allow 2 and a few even 3 stoppages, allowing for a total window of 9 or 10 years.

Based on our findings, we are comfortable with 1 extension of 1 year for a maximum of two years.
**Appendix E: BENCHMARKING DATA ON TENURE CLOCK STOPPAGE (FROM FAS)**

NOTE from Vice Dean Jonathan Lipman: Attached is a short survey of six peer institutions on tenure clock stoppage policies in their Schools of Arts and Sciences.

I am on board with the recommendation of two eligible events of up to one year each, for a total of two years.

<table>
<thead>
<tr>
<th>School</th>
<th>Do you have a tenure clock stoppage policy?</th>
<th>How many times can a faculty member take advantage of that policy over the life of their career?</th>
<th>What is the length of the clock stoppage and is there any flexibility in the duration?</th>
<th>What is your definition for eligibility?</th>
<th>Is the procedure automatic if eligibility is met or is there an approval process even if eligibility is met?</th>
<th>What is the length of your standard tenure clock?</th>
<th>Link to handbook if applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity College of Arts and Science - Duke University</td>
<td>Yes</td>
<td>3 year total, with the exception of having a child which is unlimited.</td>
<td>one or two semesters at a time; 1 year flexible.</td>
<td>new child, serious health issues for oneself or one they are the primary caretaker for, death of a parent, child, partner (one semester relief), catastrophic residential property loss.</td>
<td>Automatic</td>
<td>8 years: two 4-year terms, tenure review in 5 unless the clock has been extended.</td>
<td>[<a href="https://poverty.duke.edu/sites/all/files/PH">https://poverty.duke.edu/sites/all/files/PH</a> Rc_Hap_4.pdf](<a href="https://poverty.duke.edu/sites/all/files/PH">https://poverty.duke.edu/sites/all/files/PH</a> Rc_Hap_4.pdf)</td>
</tr>
<tr>
<td>Columbia Faculty of Arts and Science</td>
<td>Yes</td>
<td>There is no stated limit, but they can only take the leave once per child.</td>
<td>It is either a half a year or a full year clock stoppage.</td>
<td>FMLA guidelines: 1. the birth, adoption, or foster placement of a child; 2. a medical disability; 3. a serious illness of a spouse, child, or parent; or 4. a qualifying exigency, as defined by the federal Department of Labor, arising from a spouse, child, or parent serving on or being called to active military duty.</td>
<td>There is still an approval process that the faculty must adhere to. They are to submit a request to their department with specific information. Once approval is received from their department chair it must then be approved by the Executive Vice President of the Arts and Sciences, and finally it must be approved by the Provost.</td>
<td>A standard tenure clock is 8 years, but tenure reviews should be conducted no later than the 7th year.</td>
<td><a href="http://www.columbia.edu/cu/oap/Handbook/instruction.html#leaves">http://www.columbia.edu/cu/oap/Handbook/instruction.html#leaves</a></td>
</tr>
<tr>
<td>Cornell University - College of Arts and Science</td>
<td>Yes (tenure clock is extended for two semesters)</td>
<td>No limit.</td>
<td>The standard is two semesters.</td>
<td>For a parent of a newborn or during an adopted or foster child’s first year in the household, when duties as primary or coequal care-giving parent call tenure-track faculty members away from their work, Cornell will provide, on notification, an automatic extension of the tenure clock for two semesters. Similarly, in situations beyond those of primary or coequal care-giving parent where parenting duties interfere substantially with progress in the academic program, tenure-clock extensions may be requested.</td>
<td>Automatic if eligibility is met.</td>
<td>6 years: New assistant professors are hired for three years, if that goes well they are appointed for three years. Their tenure review occurs during their fifth year, if that goes well, then they are granted tenure and promoted to associate professor at the end of their sixth year.</td>
<td><a href="https://blogs.cornell.edu/openofffacy/files/2015/12/Chapter-1_201601.pdf">https://blogs.cornell.edu/openofffacy/files/2015/12/Chapter-1_201601.pdf</a></td>
</tr>
<tr>
<td>Faculty of Arts and Science - Harvard University</td>
<td>Yes</td>
<td>Ordinarily, a maximum of two one-year appointment extensions and two one-year review postponements, regardless of the reason, are possible over the course of tenure-track faculty appointments. Tenure-track faculty may make a request for a third appointment extension and review postponement in the event of a birth or adoption of a third child</td>
<td>One year–flexible</td>
<td>new child, serious health issues for oneself or one they are the primary caretaker for; eligible for the provisions of Family Medical Leave Act of 1993 (FMLA) if they have held at least half-time appointment in the FAS for three consecutive months or more.</td>
<td>Requests for leaves related to family, medical, or personal situations are submitted directly to the assistant dean for the appropriate division and are subject to the approval of the Dean.</td>
<td>8 years, review in penultimate months.</td>
<td>[<a href="https://academic-appointments">https://academic-appointments</a> fas.harvard.edu/g/other-leaves-family-maternity-parental-medical-and-personal-leave.pdf](<a href="https://academic-appointments">https://academic-appointments</a> fas.harvard.edu/g/other-leaves-family-maternity-parental-medical-and-personal-leave.pdf)</td>
</tr>
<tr>
<td>UCLA - College of Letters and Science</td>
<td>Yes</td>
<td>Maximum of two years</td>
<td>Two years: We have a one year off the clock option faculty can take for paternal or family care needs. To be used, they can be requested preternaturally. These are approved by the Vice Chancellor of Academic Affairs.</td>
<td>New child, serious health issues for oneself or one they are the primary caretaker for, death of a parent, child, partner (one semester relief), catastrophic residential property loss.</td>
<td>Approval Process</td>
<td>8 years: Twenty-four (24) complete quarters; or sixteen (16) complete semesters; or a combination of these two with one semester equal to one and one-half quarters.</td>
<td><a href="http://www.ucla.edu/academic-personnel-programs/programs-and-initatives/faculty-resources/appointments-promotions-handbook.html">http://www.ucla.edu/academic-personnel-programs/programs-and-initatives/faculty-resources/appointments-promotions-handbook.html</a></td>
</tr>
<tr>
<td>Brown University</td>
<td>Yes</td>
<td>not specified</td>
<td>Maximum of two years</td>
<td>care of a newborn or newly adopted young child, or for extraordinary circumstances.</td>
<td>Approval Process</td>
<td>8 years</td>
<td><a href="https://www.brown.edu/about/admissions-and-aid/academic-information/academic-standards/academic-administration/Chapter-15/appointments-promotions-and-tenure-review">https://www.brown.edu/about/admissions-and-aid/academic-information/academic-standards/academic-administration/Chapter-15/appointments-promotions-and-tenure-review</a></td>
</tr>
</tbody>
</table>
NOTE from Vice Dean Pamela Morris: We researched the policies from the top schools of education (those ranked higher (better) than NYU) in the USNEWS grad schools of education rankings. The table attached summarized what we found. It also includes a link to the actual policies we researched in case that is helpful, since some are more complicated than it appears from this table.

In short, all institutions have policies. Most are 1 year in length, but many can be extended for 2 years. In some cases, the policies mention an extension but in others the policies mention the availability of both consecutive and nonconsecutive leaves, implying that they allow for more than one leave.

Given my review of Ed Schools, the recommendation of 1 extension of 1 year for a maximum of two years makes good sense to me.

<table>
<thead>
<tr>
<th>US News Rank</th>
<th>University</th>
<th>Tenure Clock Stoppage Policy</th>
<th>Length of Clock Stoppage</th>
<th>Stoppage Automatic</th>
<th>Number of Times Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Harvard University</td>
<td>Yes</td>
<td>1 year</td>
<td>Yes</td>
<td>maximum duration of any extension is 2 academic years</td>
</tr>
<tr>
<td>2</td>
<td>Stanford University</td>
<td>Yes</td>
<td>1 year</td>
<td>No, upon request</td>
<td>7 year tenure clock and shall not exceed 10 year tenure clock</td>
</tr>
<tr>
<td>3</td>
<td>University of California - Los Angeles</td>
<td>Yes</td>
<td>2 years</td>
<td>No, upon request</td>
<td>no more than total of 2 years</td>
</tr>
<tr>
<td>3</td>
<td>University of Pennsylvania</td>
<td>Yes</td>
<td>(seems to depend on which policy is)</td>
<td>No</td>
<td>for child leave see HR policy and/or Faculty Parental Policy</td>
</tr>
<tr>
<td>3</td>
<td>University of Wisconsin - Madison</td>
<td>Yes</td>
<td>1 year</td>
<td>Yes</td>
<td>possible extension for additional year</td>
</tr>
<tr>
<td>6</td>
<td>John Hopkins University</td>
<td>Was not able to School of Education Faculty Policies online</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Teachers College, Columbia University</td>
<td>Yes</td>
<td>1 year</td>
<td>Yes</td>
<td>possible extension for up to 2 years</td>
</tr>
<tr>
<td>7</td>
<td>Vanderbilt University (Peabody)</td>
<td>Yes</td>
<td>1 year</td>
<td>Yes</td>
<td>maximum duration of any extension is 2 academic years</td>
</tr>
<tr>
<td>9</td>
<td>University of Washington</td>
<td>Yes</td>
<td>1 year</td>
<td>Yes</td>
<td>possible extension for additional year</td>
</tr>
<tr>
<td>10</td>
<td>Northwestern University</td>
<td>Yes</td>
<td>1 year</td>
<td>Yes</td>
<td>maximum duration of any extension is 2 academic years</td>
</tr>
<tr>
<td>11</td>
<td>Arizona State University</td>
<td>Yes</td>
<td>1 year</td>
<td>No, upon request</td>
<td>Not specified</td>
</tr>
<tr>
<td>11</td>
<td>University of Texas - Austin</td>
<td>Yes</td>
<td>1 year</td>
<td>No, upon request</td>
<td>maximum duration of any extension is 2 academic years</td>
</tr>
</tbody>
</table>
Appendix G: BENCHMARKING DATA ON TENURE CLOCK STOPPAGE (FROM LAW SCHOOL)

NOTE from Vice Dean Lisa Waldman: The Law School did circulate the provided tenure clock stoppage questions to a number of our peer schools. After following up several times since we did the initial outreach, we have still only heard back from Stanford, Columbia, and Penn. All three Law Schools have confirmed that they rely on their respective university-level faculty handbook, which I believe, from the meeting earlier this year, NYU has already obtained from a number of institutions. Nevertheless, we have provided a brief summary of our findings, below.

I am comfortable with the recommendation of 1 extension of 1 year for a maximum of two years.

Summary

All three schools provide more than a one-year tenure clock stoppage. These schools seem to all allow a one-year delay per child and not in total.

Penn:

Penn has provided the attached excerpt from their Faculty Handbook (Policy II.E.3. Policy on Extensions of the Probationary Periods that Apply to Granting of Tenure or Promotion to Associate Professor). It is one year allowed for each child.

Columbia:

The following excerpt from Columbia's Faculty Handbook, by which the Law School abides, provides the answers to the questions.

Under Section §71c(2) of the University Statutes, the Provost may stop the tenure clock of nontenured faculty if they assume the primary responsibility for the care of a child less than a year old, even if they do not take a leave of absence for that purpose or participate in the University’s workload relief program. (See “Leaves of Absence,” below.) An officer is considered the “primary parent” if she or he is a single parent or, where there are two parents, if the other is working full-time or is enrolled as a full-time student. Faculty may employ a day-care provider and still qualify for this exclusion. When both parents work at the University, only one may be considered primary at any given time.

Faculty may have the tenure clock stopped in this manner for up to one year of appointment for each of two children. To be eligible for an exclusion under these provisions, officers of instruction must be the primary parent for a minimum of three months. If they take a child care leave or participate in the parental workload relief program, the maximum time that can be excluded from the tenure count for any combination of those options and these statutory provisions is one year for each child.

All leaves must be approved by the Provost's Office.

Stanford:

The tenure clock is seven years. The parent (whichever parent) can take a one year tenure clock stoppage up to three times (thus for three children) for a total potential extension of the tenure clock to be up to 10 years. The faculty member has to fill out a form, which (per their description) never seems to be rejected.
**Appendix H: WORKLOAD RELIEF POLICY (excerpted from the NYU Faculty Handbook)**

In order to provide relief to faculty members faced with the additional demands of being the primary care-giver to a newborn child, newly adopted child, new foster care or guardianship placement, or newly-established legal custodial care, New York University’s workload relief policy grants one (1) semester of workload relief from classroom teaching and administrative committee work or two (2) semesters of half relief from such duties based on the individual’s normal yearly workload at full salary. Workload relief is not considered a leave as faculty members are expected to make themselves available to the extent reasonable and practicable for their customary responsibilities of research, student consultation and advising.

Individuals eligible for workload relief benefits include all full-time (code 102) faculty. To qualify for workload relief, the faculty member must be the parent primarily responsible for the care of a newborn child, newly adopted child, new foster care or guardianship placement, or newly-established legal custodial care. In all circumstances, only one (1) parent may be considered primarily responsible for the care of the child. If both parents could be eligible under this policy because they are both code 102 faculty, each such eligible faculty member could qualify sequentially for a half semester if the designation of primary responsible parent changed, but the total amount of workload relief would not increase.

Tenure clock stoppage will be granted for a cumulative maximum of two semesters during the probationary period to a faculty member who is the primary caregiver of a child whether or not the faculty member avails herself or himself of workload relief. The one (1) full semester of relief or two half semesters of relief will count as credit toward a faculty member’s sabbatical leave.
Date: February 12, 2018  
To: NYU Senate Councils  
From: Carol Shoshkes Reiss, Chair,  
Joint Senate Committee on Administration and Technology  
Re: Best Practices suggestions for course directors using software

Our committee is forwarding this document for discussion to each of the NYU Senate Councils for consideration. This set of recommendations grew out of discussions by the committee over the course of a year. Our goals are to protect both the privacy and the intellectual property of students.

We are requesting that your councils include discussion of the recommendations. Please inform me of your consensus. The committee will forward the recommendations to the Provost, Katherine Fleming, for implementation in courses beginning Fall, 2018. Clay Shirky, Vice Provost for Educational Technology, has already reviewed and approved this document.

Membership of joint senate committee:
T-FSC: James, Jacobs (co-chair, Law), Frank Upham (Law), Amanda Watson (Libraries), Thomas Wisniewski (Medical) & Carol Shoshkes Reiss (chair, FAS)  
C-FSC: Mitchell Joachim (Gallatin), Edward Kleinert (SPS), Jung Kim (Medical) Vicky Steeves (co-chair, Libraries), Antonius Oktaviano Wiriadjaja (NYU-SH)  
AMC: Norma Kenigsberg (ITS)  
SSC: Jacob Abbott, Christine Dah-In Chung (NYU-AD), Karan Ganta (S18)  
DC: Carol Mandel (Libraries)  
Student Affairs: Craig Jolley  
General Counsel’s office: Mark Righter  
Public Safety: Heba Nassef Gore  
ITS: Kitty Bridges, Jim Robertson (also Public Affairs)

Subcommittee that drafted recommendations:  
Co-chairs: Vicky Steeves, Edward Kleinert  
Members: Jim Jacobs, Norma Kenigsberg, Antonius Wiriadjaja & Jim Robertson
Considerations for the Use of Social Media and non-NYU Third-Party Digital Platforms for Teaching and Learning

Purpose:
Social media provides powerful ways to communicate and have re-defined human interactions in the 21st century. When faculty assign social media use for a course, it can help engage students in expression or discussion of their ideas. However, when we require students to register for, post, upload, or otherwise communicate via a software platform not licensed by New York University, it can raise concerns about privacy, accessibility, and equity.

These risks are particularly acute considering our global university; our community members are teaching, learning, and working in nations where laws and norms are different or are interpreted differently than in the United States, and where students are often experimenting with identities and expressions in class that they would never share with the people at home.

Though faculty have the right to teach in the manner appropriate to our classes, we should assess the possible risks when we require social media use on non-NYU platforms, either as a class assignment, or in our own interactions with students. The intersection of personal and professional digital environments (aka the accounts we create from email to Amazon) creates challenges for our university members.

Faculty and staff at NYU have opportunities to use social media and third-party platforms to advance teaching, learning, and scholarship. Just as students have the right, under FERPA, to opt-out of allowing NYU to share directory information, they should have the right not to enter use of social media that generates public disclosure of their contact information or other personal details. And faculty and staff have a responsibility to ensure that the user of such services does not compromise NYU policies and values at the heart of teacher-student and mentor-mentee relationships.

These guidelines are aimed at NYU faculty and staff to guide their interactions with students, when these interactions take place on third-party platforms like Facebook, Twitter, Wikipedia, Wordpress, or Github. (Hereafter, these are referred to collectively as social media.) This can take the form of a requirement for the course itself, as with students being asked to edit something on Wikipedia or post on Instagram, or as a communications tool in the class itself, as with the use of Slack or Facebook to communicate with the students.

Faculty Responsibilities:
If a course requires students to use social media or third-party web tools, faculty should specify that at registration time, in the course description. This will minimize the disruption to any students deciding to request accommodations or decline to enroll upon hearing these expectations. The expectations should be in the form of written guidance posted on the course’s class site and
delivered in a soft and hard copy form to the students, ideally in the syllabus. The course syllabus is the first contact between the instructor and the learners and so sets the tone for the course. It also serves as a de facto contract between faculty and the students, so it is important that it be clear and accurate.

Sample Syllabus Language:

During this class, students will be required to use [list app/software] as a part of course studies, and thus, will be required to agree to the “terms of use” associated with such [app/software]. [Choose applicable sentence:] These services do not require you to create an account. OR These services require you to create an account, but it can be a pseudonym. OR These services require you to create or use an account identifying you personally.

You should read carefully those terms of use regarding the impact on your privacy rights and intellectual property rights. If you have any questions regarding those terms of use or the impact on the class, you are encouraged to ask the instructor prior to enrollment.

Unless the course topic is the study of social media or third-party sites, faculty should use such sites only as secondary or tertiary channels for instruction. Students should always be given an alternative channel to access instructional content and interaction. Students should be given the option of posting under a pseudonym. (This recommendation makes it hard to use sites with ‘Real Names’ policies like Facebook or WeChat.) Students should not be required to create an account to view class activities on social media.

NYU-provided services (e.g., NYU Classes, NYU Box, NYU WordPress, Google Drive) have typically been vetted by NYU Office of General Counsel and NYU IT office of Policy and Compliance for privacy, FERPA, and HIPAA compliance. For instance, in 2011, NYU negotiated with Google regarding the university’s use of Google Apps for Education suite (NYU Email, NYU Calendar, NYU Drive, NYU Groups, etc.), which stipulates that -- while Google can monitor traffic and usage patterns to optimize and customize the user experience -- Google will not monetize information captured in these apps (i.e., via advertising targeting and demographic sharing). Forwarding NYU email to your personal email account exposes those emails to “regular” Google Terms of Use -- with less protection than NYU has negotiated and allows the monetization of your personal data. The major risk in using social media or third-party web tools to provide instruction is the lack of such protections.

Remember: the typical business model of free social media and third-party sites is the demographics and data mining these companies conduct on their users, which they then can sell without restriction. As such, be careful when giving away your personal information to a third party, and careful about asking students to do so, as you do not know how and when this would be used.
Considerations:

The key to being safe online is common sense.

- Follow NYU IT Security updates and news -- [https://wp.nyu.edu/itsecurity/](https://wp.nyu.edu/itsecurity/)
- Think through creating friend/fan/follower connections where authority relationships exist (e.g., faculty/student, boss/employee, etc.). Many times you cannot control someone sharing your content or adding you to their connections, thereby gaining visibility to your content.
- Check the default setting when using third party software. Set it to “non-public” if at all possible.
- The Terms of Service Agreement is mainly used for legal purposes by organizations which provide software or services, such as browsers, e-commerce, or search engines. A legitimate terms-of-service agreement is legally binding and may be subject to change. [TOSBack.org](http://TOSBack.org), supported by the Electronic Frontier Foundation, lists changes in terms and policies.

As voice-based services become more popular (e.g., Siri, Amazon Echo, Facebook app on your mobile device), be aware that these services may be “always on,” “listening” in the background, and sending what it hears back to corporate headquarters for analysis. Be thoughtful in requiring or recommending voice-based services as a channel for communication between/among faculty and students.

To access the internet, students and faculty at NYU global locations are urged to use a VPN or connect from an NYU campus; this provides better, safer access than from an Internet cafe or from home. Additionally, students and faculty should take care to follow [best practices](#) when scraping data from third party websites using an Application Programming Interface (API).

Individual NYU schools may offer school-based tools and services. The NYU IT Office of Information Security is available to help schools assess and vet such tools. We urge schools and individual faculty members to avail themselves of this consultation.
Scenarios:

The following examples are meant to describe the landscape where these best practices might apply:

- A student(s) is encouraged to post data about their grades, projects, past education, jobs, or written articles to an academic social networking site such as Research Gate, Academia.edu, and/or LinkedIn, which may compromise privacy and confidentiality. A faculty member may ask or try to require students to join Twitter to scrape data for classwork or to observe social connections.

- A student(s) or faculty member may need data controlled by for-profit companies for their research. Is there an agreement or ‘Terms of Use’ (not entered into by NYU) related to access to the data, which may impact the ability of the student or researcher to publish the findings?

- A student(s) or faculty member (or staff) is asked to establish a “friend” or “follow” between one another on social media which they may object to.

- A student(s) and/or researcher(s) using Google Glass are required to sign/accept Google’s Terms of Use, which may restrict their ability to conduct and publish research and novel inventions based on this platform.

- A student(s) and/or researcher(s) may want to create a satire or parody account of real people in certain social media for their creative practice.

References & Resources:

- NYU Social Media Best Practices
- NYU Digital Respect initiative
- Education Law Insights. “Are Emails, Texts, Tweets, And Other Digital Communications Student Records Under FERPA And State Law?” February 20, 2013
- Terms of Use for NYU Google Apps for Education
- Tips from Social Media for Educators: Strategies and Best Practices
- 8 Things You Should Know Before Using Social Media in Your Course
- Learning in Bursts: Microlearning with Social Media
- FERPA and Social Media
- Is Your Use of Social Media FERPA Compliant?
- Pros and Cons of Social Media in the Classroom
- Consenting Adults? Privacy in an Age of Liberated Learning Data
- Overcoming Hurdles to Social Media in Education
- Facebook 'real name' policy stirs questions around identity
Report of the TFSC finance committee by Nicholas Economides 2/7/18

The Senate Financial Affairs Committee met on 2/7/18. Among others, we had a chance to hear Tony Jiga, representing NYU, discuss two crucial issues, the impact of tax changes on NYU, and the impact of changing financial conditions on NYU borrowing. Below is a summary of these remarks.

A. Impact of tax changes on NYU

The tax changes have minor effects on NYU compared to what NYU worried they might have.

Specific impact

1. Imposition of excise tax on NYU administrators paid more than $1 million per year. NYU estimates that the extra cost to NYU will be $300,000 per year. [Nicholas Economides notes that the new tax is 21% on the amount exceeding $1 million for administrative employees of a non-profit with compensation over $1 million, see https://www.mwe.com/en/thought-leadership/publications/2017/12/tax-reform-bill-becomes-law. This implies that such employees at NYU have compensation exceeding $1 million by approximately $1.428 million in total, so that, when applying the 21% tax rate, the resulting tax cost to NYU is $300,000.]

2. Imposition of "unrelated business tax" on NYU activities, that is, "not related to its primary mission," such as bookstore sales and rental of rooms to non-affiliates. New tax law imposes tax liability on profits from these, but likely to have small impact because NYU collects tax charges on these activities anyway.

3. Employer (NYU) must pay tax on employee benefits distributed through WageWorks.

4. Moving expenses paid by the university are not tax exempt anymore.

5. Philanthropic contributions to NYU might decrease because fewer tax payers will itemize in their tax returns because of the increase of the “standard” deduction. Although it is extremely hard to predict the effect on NYU, it may be up to 5% of contributions, likely less. [Nicholas Economides: Large donors itemize taxes anyway and should not be affected. Small donors who used to itemize but do not anymore, may give less because their deduction may not be deductible, or may bunch transactions and give them in one year when they itemize. This is also facilitated by “Donor Advised Funds” offered by Vanguard and many large brokers that allow contributions to be made and deducted from taxes in a particular year even though the donor can assign them in any portion to charities in the future.]

B. Impact of financial conditions on issuing new debt

On issuing debt, Tony Jiga stated that there are no immediate plans to issue debt. However, it is clear that a significant debt issue will be needed in the next 2-3 years to finance the Mercer and other investment projects. Presently, NYU has borrowed by issuing bonds at 3.5%. Going forward, because interest rates are increasing across the board, NYU will have to pay 4.5%. In terms of the exact timing of
the debt issue, NYU will try to balance the benefit of lower rates if it borrows immediately with the extra cost of paying interest for 1-2 years on moneys it does not immediately need. Exact timing of new substantial borrowing has not been decided. [Nicholas Economides comments that the 0.5% higher interest rate (from 4% to 4.5% since borrowing was delayed from 2017 to 2018) on a $2 billion loan will add to the servicing cost of the loan $10 million per year. Our December report expected a yearly borrowing cost of $370 million per year. Now it is expected to be $380 million per year.]
T-FSC Governance Committee
February 2018 Report

The Governance Committee met on February 16, 2018 and discussed the following items:

1) C-FSC Proposed Resolution Regarding Additional Language to the “Disciplinary Procedures Section”

Currently the NYU Faculty Handbook stipulates that any student, faculty member, staff or officer of the university may file a complaint against “a member of the Full-Time Continuing Contract Faculty.” Given the increase in supervisory administrators who do not hold faculty lines, the C-FSC are proposing additional language to make it clear that grievances can be filed against “an administrative officer charged with supervising Full-Time Continuing Contract faculty or part-time faculty.” (See Appendix.)

The T-FSC Governance Committee approved of the additional language and will recommend to the T-FSC to support the proposed change in the by-laws.

2) Application of Principles of Shared Governance Survey

Analysis of T-FSC and C-FSC generated survey administered last year has begun. Ideally it will be completed and reported upon by the end of the Spring semester.

3) Resolution on Faculty Representation on the NYU Board of Trustees

The Governance Committee has requested that T-FSC’s resolution regarding Faculty representation on the NYU Board of Trustees be put on the agenda for the March University Senate Meeting. This has taken longer than expected because we are coordinating our presentation with similar resolutions produced by the Student Senators Council (passed) and the C-FSC (to be voted upon at their next meeting on March 2).

4) General Disciplinary Regulations in the Faculty Handbook

It had been brought to the attention of the T-FSC Governance Committee that the language regarding “General Disciplinary Regulations” in the Faculty Handbook is overly broad and vague and, perhaps, needs to be re-considered and re-drafted. (See Appendix.)

Upon examination, the Governance committee found phrases such as “Disciplinary action may also follow when the faculty member engages in other conduct unbecoming a member of the faculty” with qualifiers “such as” and including “any other conduct prejudicial to the teaching, research or welfare of the University, and so forth.” to be, yes, overly broad and vague.

The T-FSC Governance Committee plans on further researching this issue.
C-FSC Proposed Resolution Regarding Additional Language to the “Disciplinary Procedures” Section of the “Faculty Policies Applicable to Full-Time Continuing Contract Faculty,” NYU Faculty Handbook

WHEREAS the current “Faculty Policies Applicable to Full-Time Continuing Contract Faculty” of the NYU Faculty Handbook includes a section on Disciplinary Procedures (p. 59) and states that “any member of the faculty or staff, or any student may file a complaint against a member of the Full-Time Continuing Contract faculty”;

WHEREAS this same passage of the Faculty Handbook does not mention possible complaints against administrative officers who hold no faculty appointments and who are charged, nevertheless, with supervising Full-Time Continuing Contract faculty or part-time faculty;

WHEREAS there are some units at NYU that have administrative officers charged with supervising Full-Time Continuing Contract faculty or part-time faculty and who, nevertheless, hold neither tenured/tenure-track positions nor contract faculty positions;

RESOLVED the following bolded passage should be inserted into page 59 of the NYU Faculty Handbook, under “Disciplinary Procedures,” no. 1, as indicated here:

[Who may file a complaint] Any officer of the University, any member of the faculty or staff, or any student may file a complaint against a member of the Full-Time Continuing Contract faculty (or against any administrative officer charged with supervising Full-Time Continuing Contract faculty or part-time faculty) for conduct prohibited by the rules and regulations of the University, or its schools, colleges, and departments.

FURTHER RESOLVED the C-FSC asks the T-FSC for support in the above resolution.
Faculty Handbook of New York University

https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook.html

p. 52

Title IV: General Disciplinary Regulations Applicable to Both Tenured and Non-Tenured Faculty Members on the Tenure Track

1. [General obligations] Quite apart from any question of tenure or the termination for cause of the service of a faculty member with tenure, 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.

2. [Particular obligation] In particular, the faculty member is obligated to live up to the standards of academic freedom as outlined in this statement. Disciplinary action may also 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, and so forth.

p. 68

General Disciplinary Regulations

General and Particular Obligations

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 this statement. 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, and so forth.
The Nominations Committee met on February 15, 2018.

The 2018 Spring Nominations Slate was assembled:

Vice Chair:
Nicholas Economides
Darcey Merritt

Secretary:
Robert Lapiner
Amanda Watson
The University Judicial Board met on Thursday February 15 after the Senate Meeting to discuss the next step on the heels of the vote to adopt the new Student Conduct Policy.

Up to this point, under the administrative leadership of Craig Jolley, when a case comes before the Judicial Board, a panel of four senators from each of the councils is assembled to adjudicate the matter, as per the Board’s charge.

As the Student Conduct policy now needs to be examined by the University Judicial Board annually, the Board should formally expand its mandate. In addition to establishing a procedure by which the Board will conduct the review, additional documents associated with the Judicial Board have come to light as policies in need of updating. These include:

- The Duties and Membership of the University Judicial Board as set forth in the Senate Rules and Procedures
- 1991 Guidelines Regarding Protest and Dissent
- Student Grievance Procedure

The University Judicial Board should continue to function both as a panel pool as well as a policy writing/amending body.

Respectfully submitted by,

David K Irving, Co-Chair University Judicial Board
f. University Judicial Board.

(1) Establishment. The New York University Student Disciplinary Procedures approved by the Senate on February 9, 1978 (the "Disciplinary Procedures") called for the creation of this group and specified its name, its status as a Standing Committee of the Senate, the form of its membership, and its duties. The Board shall serve in place of the previously created University Review Board wherever any rules of the University call for the participation of the University Review Board.

(2) Membership. The Board shall consist of eight students chosen by and from the Student Senators Council, six faculty members chosen by and from the Tenured/Tenure Track Faculty Senators Council, six members chosen by and from the Full-Time Continuing Contract Faculty Senators Council, six deans chosen by and from the Deans Council, and four members chosen by and from the Administrative Management Council. The size of the Board may be increased at the request of the Board. Hearings shall be conducted by panels of five Board members, one from each of its constituencies, in accordance with the provisions of the Disciplinary Procedures. The Board shall elect its own chairperson. All efforts shall be made to ensure that there are at least two representatives from each constituent council who shall be able to serve on the Board during the summer months.

(3) Duties. The Board shall hear and decide cases referred to it, directly and on appeal, in accordance with the provisions of the Disciplinary Procedures.

(4) Exception for Sexual Misconduct, Relationship Violence, and Stalking Policy. Notwithstanding anything to the contrary in the Disciplinary Procedures or in these Senate Rules of Procedure, violations of the New York University Policy on Sexual Misconduct, Relationship Violence, and Stalking (the "Sexual Misconduct Policy") shall be reviewed, investigated, heard, resolved, and fully handled and adjudicated, including with respect to sanctioning, in accordance with the procedures set forth in the Sexual Misconduct Policy.
Guidelines Regarding Protest and Dissent
(Approved by the University Senate May 2, 1991.)

A. Commitment and Responsibilities of the University.
New York University is committed to maintaining an environment where open, vigorous
debate and speech can occur. This commitment entails encouraging and assisting
University organizations that want to sponsor speakers as well as informing members of
the University community who seek guidance concerning forms of protest against
speakers. It may also involve paying for extraordinary security measures in connection
with a controversial speaker. Consistent with these obligations, the University
promulgates these Guidelines, which are intended to be applied without regard to the
content of any proposed speaker’s speech.

B. Application of Guidelines. These Guidelines apply to all meetings held at the University
which are not part of academic courses of instruction or regular University or school or
department administration to which speakers are invited.

C. Meetings to Be Designated as Open or Closed
1. The sponsoring organization may designate a meeting to which a speaker is
invited as “open” or “closed.” In either case, incidental University facilities such
as room and utilities may be used.

2. If a University organization or group uses University funds for other than
incidentalsthe meeting must be designated and treated as open. Use of room and
utilities is considered “incidental” and therefore available for a closed meeting; all
expenses of substance (e.g., a speaker’s travel expenses or provisions of more
than de minimus refreshments) are not considered “incidental,” and may only
be paid from University funds if the meeting is open. This requirement does not
apply to meetings for which University funds have been authorized to finance a
training event carried on by an organization designated by the Dean or appropriate
administrator as a University training organization (e.g., University clinical
organization or University journal).

3. Closed Meetings
   a. A meeting at which the sponsoring organization limits the attendance to
      membership in the organization or to invited or designated individuals or
      groups (including members of the press), and from which members of the
      University community not related to the sponsoring organization or to the
      meeting are excluded, shall be deemed closed. The meeting may not be
      closed on the basis of any category that is, or is a pretext for,
      discrimination in violation of the University’s published
      antidiscrimination policies.
   b. To the extent that a closed meeting is advertised to those who are not
      invited to attend, there must be clear disclosure that the meeting is closed.

4. Open Meetings
   a. A meeting is considered open even though the sponsoring organization
      limits the audience to members of the University community or to portions
      thereof (e.g., first-year graduate students) other than as provided in
      paragraph 3a.
b. At an open meeting, the sponsoring organization must provide that at least a majority of the seats be available to the University community or portion thereof, as the case may be.

c. The sponsoring organization must provide adequate and timely notice for an open meeting.

D. Identification

1. The sponsoring organization or University administration may require attendees to produce identification, so long as
   a. Advance notice is given as to what specific types of ID will be required.
   b. Identification procedures are enforced consistently and uniformly.

2. When required in an open meeting, identification and, when appropriate, press credentials should be checked by an official perceived to be neutral (e.g., an administrator or designated general student monitor), not by a member of the sponsoring organization or by any person perceived as partisan.

E. Dissent/Protest

1. General Principles
   The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. The speaker is entitled to communicate her or his message to the audience during her or his allotted time, and the audience is entitled to hear the message and see the speaker during that time. The dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker. When a meeting is closed, dissent by nonattendees is limited to activity outside the meeting that does not impede access to the meeting or substantially interfere with the communication inside. When a meeting is open, the acceptable form of dissent will depend on whether the dissenter is inside or outside the meeting, and on whether the dissenter is acting before or after the meeting.

2. Some Examples of Dissent
   The following guidelines, which are neither comprehensive nor absolute, suggest the limits of acceptable dissent:
   a. Picketing; literature. Picketing in an orderly way or distributing literature outside the meeting is acceptable so long as it does not impede access to the meeting. Distributing literature inside an open meeting is acceptable before the meeting is called to order and after the meeting is adjourned.
   b. Silent or symbolic protest. Protesting noiselessly, such as by displaying a sign, wearing clothing, gesturing, or standing, is acceptable so long as the protest does not interfere with the audience's view, or prevent the audience from paying attention to the speaker. Any use of signs, prolonged standing, or other activity likely to block the view of anyone in the audience should be confined to the back of the room.
   c. Noise. Responding vocally to the speaker, spontaneously and temporarily, is generally acceptable, especially if reaction against the speaker is similar in kind and degree to reaction in his or her favor. Chanting or making other sustained or repeated noise in a manner which substantially interferes with the speaker's communication is not permitted, whether inside or outside the meeting.
d. Force or violence. Using or threatening force or violence, such as defacing a sign or assaulting a speaker or a member of the audience, is never permitted. Any interference with freedom of movement, or with freedom from personal force and violence, is a serious violation of personal rights.

3. The Audience’s Responsibility
The audience, like the host and the speaker, must respect the right to dissent. A member of the audience or the host organization who substantially interferes with acceptable dissent is violating these guidelines in the same way as a dissenter who violates the rights of the speaker or audience.

4. Question and Answer Period in Open Meetings
In any open meeting the sponsoring organization is strongly encouraged to arrange with the speaker to assure a reasonable opportunity for a question and answer period.

F. Security
1. Senior University officials shall determine, either on their own initiative or after hearing from campus organizations or groups, whether the protection of free speech at an open meeting requires measures to provide security.

2. Upon making this determination that security measures are required, these University officials, acting in consultation with the University Department of Public Safety, will have and will exercise the responsibility to determine the nature and extent of security measures required and ensure their implementation in a way which will not unfairly discriminate against nor intimidate any participant. The University will fund these measures. They may include but are not limited to the following:
   a. Bags and other containers may be subject to search by University Public Safety officers, and may be required to be put in a checkroom before entrance to the event.
   b. Coats or outerwear may be required to be put in a checkroom before entrance.
   c. Videotaping, audiotaping, and/or photographing of the event may be done, with prior notice to the audience.

3. When a meeting is closed, the sponsoring organization will ordinarily be responsible for planning, obtaining, and funding its own security. Any provision for the use of force as a security measure will be planned with participation of the University Department of Public Safety. Only the Department of Public Safety or police officers may use force as a security measure.

G. Use of Moderator/Facilitator
1. Determination of Need
Senior officials may determine that the protection of free speech at an open meeting requires the use of a moderator/facilitator. If so, the meeting shall be held with a moderator/facilitator.

2. Selection
The moderator/facilitator will be selected by the sponsoring organization, subject to approval by the University administration. The person selected shall be perceived to be neutral and nonpartisan.

3. Role
The moderator/facilitator should make clear at the meeting that her/his role reflects no position for or against the views of the speaker or sponsoring organization. In any open meeting at which a moderator/facilitator has been assigned, he or she shall be empowered to preside over any question and answer period.

At the event, final decisions regarding balancing the rights of the speaker with the rights of those who disagree will be made by the moderator/facilitator. These decisions include, but are not limited to

a. Whether to eject a disrupter from the room.
b. Whether to suspend a speech temporarily if disruption occurs.
c. Whether to move an event because of disruption or security.
d. Whether to cancel an event because of security concerns.

The moderator/facilitator should take any of the above actions only as a necessary resort and, if possible, only after a good faith attempt to consult with the sponsoring organization.

H. Sanctions
Violation of the free speech rights of any person, as protected in these guidelines, will be treated seriously. Violators will be subject to the following sanctions:

1. Expulsion from the meeting or event.
2. Arrest or other legal action.
3. As to members of the University community, disciplinary procedures before the appropriate tribunal, which may impose any of the following sanctions:
   a. Warning
   b. Written reprimand
   c. Suspension
   d. Expulsion

Pursuant to existing procedures, these sanctions may be noted on a student’s transcript or employee’s personnel file and later reported to appropriate external officials.

I. Advisory Committee on Free Speech
The Committee on Organization and Governance of the University Senate shall maintain its oversight of this subject and should as appropriate

1. Advise the University administration concerning the further development and the enforcement of these guidelines through content-neutral policies related to time, place, and manner.
2. Review the effectiveness of these guidelines and proposals for change.
3. Development, recruitment, and training, if needed, of moderator/facilitators.

Inquiries concerning the application of these Guidelines or the use of a moderator/facilitator should be addressed to the Office of the Assistant Vice President for Student Life, Kimmel Center, 60 Washington Square South, Suite 601, 212-998-4411.
Student Grievance Procedure
Articles I, IV, V, VI, and VII below shall be applicable to all of the schools of New York University. Article II and Article III shall also be applicable to each school unless and until a school adopts and files with the Secretary's Office procedures for the equivalent stages. To ensure compliance with the law and integration with the final appeal level, the procedures adopted by a school shall meet the following requirements:

a. Any written document required by the procedures shall be filed with the Office of the Executive Assistant to the President, and the procedures shall provide that information regarding grievance procedures can be obtained there.

b. Each decision level shall render a decision to the grievant within fifteen (15) working days of the day when the matter was referred to that level, and the decision of the highest decision level shall be in writing.

c. A grievant shall provide the school's highest decision body, if he or she appeals to it, with a written complaint. The complaint shall state the written policy of the school or University that has allegedly been violated, describe the facts and evidence supporting the alleged violations, indicate what redress the grievant seeks, and provide a brief history of the attempts to resolve the grievance.

d. Every publication of the school's grievance procedures shall include this document.

I. Coverage.
These grievance procedures are available to any New York University student to resolve any grievance involving an alleged violation directly affecting that student, by any member of the University community while acting in an official capacity, of any of the written policies of the University or the school in which the student is enrolled.

II. Informal Resolution.
Students wishing to grieve an alleged violation of the University's policies shall first contact, within twenty (20) working days of any occurrence giving rise to the grievance or the time they could reasonably have learned of such occurrence, the person responsible for the matter being grieved (the respondent) and attempt to resolve the grievance informally. Students uncertain about how to proceed may consult the Office of the Executive Assistant to the President who shall identify the appropriate person.

At the request of the grievant or respondent, the ombudperson in the school in which the student is enrolled (if there is one, otherwise the Executive Assistant to the President) shall arrange for a meeting of the parties, attend such meeting(s), and attempt to aid in the resolution of the grievance.

III. Formal Complaint.
If the grievance is not resolved informally within fifteen (15) working days after the grievant contacted directly the appropriate person to attempt an informal resolution, a student may obtain review by submitting a written complaint within twenty (20) working days of the first direct contact to the Office of the Executive Assistant to the President, the respondent, and the appropriate University appeal officer. The complaint shall state the University policy that allegedly has been violated, describe the facts and evidence supporting the alleged violation, indicate what redress the grievant seeks, and provide a brief history of the attempts to resolve the grievance. The appeal officer, if the grievance arises out of a program or educational activity within a school, shall be the Dean of that school. Otherwise, the appeal officer shall be the highest-ranking University officer other
than the President responsible for the subject matter of the grievance. This will generally be the Vice President for Administration, External Affairs, Finance, or Student Affairs, but students in doubt should consult the Office of the Executive Assistant to the President, which shall determine the appropriate appeal officer.

The appeal officer shall meet with the complainant and with such other persons as he or she shall deem appropriate for the purpose of ascertaining the facts and attempting to resolve the complaint; the appeal officer shall render a written decision on the merits to the grievant, the respondent, and the Office of the Executive Assistant to the President.

IV. University Judicial Board.

The University Judicial Board is a standing committee of the University Senate. The Board consists of twenty-one members all of whom are members of the Senate including six students who are chosen by the Student Senators Council; six faculty members who are chosen by the Faculty Senators Council; six Deans who are chosen by the Deans Council; and three members chosen by the Administrative Management Council. Any case referred to the Board shall be heard and decided by a four-person panel consisting of one Senator from each constituency. Student and respondent may appeal the decision of the appeal officer, or the highest decision provided for by the school in which the student is enrolled, within ten (10) working days of receiving it, by submitting the decision and the complaint to the chairperson of the University Judicial Board.

The University Judicial Board may dismiss the complaint without a hearing if it determines that there would be no violation of University policy even if the facts alleged by the grievant were true. It shall conduct such proceeding as it deems appropriate, provided that

a. It shall not consider any matters not included in the written complaint. If the committee feels the grievant did not have access to the facts necessary to make his complaint complete when first submitted, the panel of the University Judicial Board may allow the grievant to submit an amended complaint.

b. Both parties shall have access to all documents submitted to the committee and shall have the right to question all witnesses.

c. It shall not hold public sessions unless both parties and a majority of the panel’s members agree to do so, and shall not do so without all members present.

d. The grievant may be accompanied by another person before the committee.

The Review Board shall render a written decision within thirty (30) working days of the day it was designated, with copies to the grievant, the respondent, the Office of the Executive Assistant to the President, and the President. The decision shall include findings of fact, a statement of the policy that is alleged to have been violated, an opinion on the validity of the grievance and, if appropriate, remedial recommendations.

V. Final Review by the President.

Any part of the University Judicial Board’s decision which calls for redress for the grievant shall be subject to review and change by the President. The President shall act on the remedial recommendations, if any, of the Judicial Board within fifteen (15) working days of receiving the decision.

The President’s decision as to the appropriate remedy and whether the Judicial Board has accurately determined University policy shall be in writing and final, and copies shall be sent to the grievant, the respondent, the chairperson of the University Judicial Board, and the Office of the Executive Assistant to the President.
VI. Time Limits.
The Office of the Executive Assistant to the President may grant extensions of the time limits under this grievance procedure of up to ten (10) working days.

VII. Record-keeping.
The Office of the Executive Assistant to the President shall retain a copy of the complaint, any amended complaint, any decision of the hearing committee, and any decision of the President for five full calendar years following the year in which the grievance is resolved.
Oversight Committee for the Personal Digital Content Policy

The Oversight committee for the Personal Digital Content policy met today with Carol Morrow, Kitty Bridges and Mark Righter. We received a report of the requests for access during the 16/17 AY, discussed the implementation of the policy, and the oversight committee's roles going forward.

One perceived systemic weakness is that although centrally, this policy is working very well at the university level, is that there are sometimes, independent servers with unique access in schools/collegesprograms. The Oversight committee is reaching out to Len Peters who is doing audits of all the schools IT systems, to make certain that these fall under the policy implementation.

Dennis Di Lorenzo, dean of SPS was selected as the oversight committee chair.

Submitted by Carol Reiss
Date: October 16, 2017

Memorandum to: Katherine Fleming, Provost

From: Wen Ling
Chairperson, T-Faculty Senators Council
A/Y 2017-2018

Subject: T-Faculty Senators Council Resolution

The T-Faculty Senators Council submits the attached resolution regarding Faculty Representation on the University Retirement Committee, passed at the October 12, 2017 Council meeting.

cc: Carol Morrow, Vice Provost
Ellen Schall, Senior Presidential Fellow
Ulrich Baer, Vice Provost for Faculty, Arts, Humanities & Diversity
Nicholas Economides, T-FSC Vice Chairperson
Robert Lapiner, T-FSC Secretary
Allen Mincer, T-FSC Immediate Past Chair
T-FSC Resolution regarding Faculty Representation on the 
University Retirement Committee

Approved 10/12/17

At the October 12, 2017 meeting of the T-Faculty Senators Council, the Council approved the following resolution:

Resolution:

WHEREAS faculty members have a distinctive perspective on the management of the retirement funds;
and

WHEREAS our faculty include members with notable expertise in finance, investment, and retirement/pension funds;

RESOLVED that the T-FSC (Tenured/Tenure Track Faculty Senators Council) proposes to the NYU Administration to add a NYU Faculty member to the University Retirement Committee to take part in the Committee's deliberations and decisions.