MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF MAY 3, 2018

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, May 3, 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, Irving, Jacobs, Kamer, Lapiner, Ling, Logan, Longuenesse, Maniatakos, Merritt, Mincer, Shapley, Smoke, Uleman, Van Devanter, Watson, Weinberg, Zagzag, and Zamir; Active Alternates Manuel, Nonken, and Schlick; Alternate Senators Ompad (for Parekh), and Reiss.

APPROVAL OF THE MINUTES OF THE MEETING HELD APRIL 12, 2018

Upon a motion duly made and seconded, the minutes of the April 12, 2018 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: WEN LING

Last Meeting of Academic Year

Chairperson Ling thanked all Council members for their participation and service this academic year.

Faculty Representation on the University’s Retirement Plan Committee

Ling reported Provost Fleming met with the Executive Committee on April 19. The Committee followed up on her written response, presenting the plan for a regular meeting between the T-FSC Benefits Committee and University HR to provide updates on the deliberations of the retirement committee. Furthermore, Fleming decided effective September 1, that both the T-FSC and C-FSC will have one non-voting representative from the Council invited to attend the non-confidential portion of the retirement plan committee’s quarterly meeting. Fleming stated the representative will be able to fully participate in the discussions and make proposals to the committee.

Ling has asked the Benefits Committee to assist in developing a process to select this representative.

In response to a question regarding what is considered confidential, Ling responded the logistics are being worked out, but the assumption is that a policy issue or the quality or projections for a specific fund would not be considered confidential.

Ling also stated the Committee confirmed with Patricia Halley that participation in the Retirement Committee’s quarterly meetings will not replace the quarterly meetings between the T-FSC Benefits Committee and University HR.

University Food Service
Ling reported Aramark’s contract is ending and the University is seeking proposals from different vendors. A Senator recommended that if there is a new vendor to encourage the re-hiring of current staff.

**Summer Committee**

Ling asked for volunteers to serve on a summer committee, in case agenda items arise over the summer months. Senators should contact Karyn Ridder if they are interested.

**PRESENTATION, DISCUSSION, AND VOTE**

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

*Meyers Policies and Procedures for Appointment, Promotion and Tenure of Tenured/Tenure Track Faculty*

See attached Document A.

Chairperson Van Devanter reported the Committee reviewed the policy from the Rory Meyers School of Nursing and developed two minor recommended modifications. She noted the Committee also received its policy on Continuing Contract Faculty and will work with the C-FSC to finalize review of this second policy.

A Senator asked if the policy included a reduction of a faculty member’s salary and/or a termination of a housing lease if not enough grant money is raised. Van Devanter confirmed it does not.

The recommendation regarding Meyers Policies and Procedures for Appointment, Promotion and Tenure of Tenured/Tenure Track Faculty was passed by vote of the Council.

*Amended Statement on “Professor Emerita; Professor Emeritus” in Faculty Handbook*

See attached Document B.

Van Devanter stated the Council was asked to review the proposed amended statement in the Faculty Handbook, incorporating the already approved amendment granting emeritus status to both tenured and full-time continuing contract faculty. This motion is to officially approve amending the Faculty Handbook to incorporate this approved amended statement.

The amendment to the Faculty Handbook was passed by vote of the Council.

**Administration & Technology: Co-Chairs Jim Jacobs & Carol Reiss**

*Review of Statement of Policy on Intellectual Property*

See attached Document C.

Alternate Senator Reiss presented the Committee’s review of the policy. She stated NYU is the most generous university in the USA when it comes to sharing patent income with faculty. The new document reinforces this and explicitly permits consulting and entrepreneurship by faculty and students.

A Senator asked if the review included a discussion of online courses or web based material developed for courses. Reiss clarified this policy relates to research or entrepreneurial intellectual property.

The Council voted its support of the policy.
SPECIAL PRESENTATION: SABRINA ELLIS, VICE PRESIDENT, HUMAN RESOURCES

Tuition Remission/Portable Tuition Task Force

See attached Document E: Follow-up responses to questions asked at meeting.

Sabrina Ellis, Chair of the Task Force, reported on the deliberations and recommendations of the Committee. She stated two surveys were sent to all faculty members and administrators. The first asked for feedback regarding university benefits and the second for feedback regarding tuition remission benefits.

The surveys showed that overall administrators are satisfied with the current structure of the NYU tuition benefits plan, while faculty are less satisfied.

The surveys revealed that faculty are worried that the benefit might be taken away; administrators asked that the tuition remission benefit be increased from 90 to 100%. Both groups wanted to see an increase in the portable tuition program, and both groups felt the tuition benefit program needed to be consistent with what is offered by NYU’s peer institutions.

The Committee did examine benefits at the peer institutions against which the University benchmarks routinely. It discovered that NYU is among the top third of universities with regard to spousal tuition benefits and dependent benefits in general.

Ellis explained the three governing principles underlying the Committee’s charge: 1) tuition remission is important to being able to attract top faculty and administrators; 2) any changes to policies should be resource-neutral; and 3) any changes should be minimally disruptive.

After this background overview, Ellis shared the Committee’s recommendations. They are:

1. For undergraduate or graduate degrees earned at NYU, to increase employee tuition remission from 90 to 100% for eligible administrators, researchers, or faculty who earn less than $100,000 a year, for themselves or their qualifying dependents. The Committee received strong feedback to support this recommendation, and pointed out that research showed a higher retention rate among all employees who elected this benefit.

2. To introduce a 529 savings plan, a tax free savings account that would allow employees to defer a portion of their salary to be used to offset the tuition cost for themselves, their children, or their grandchildren to attend another institution. A question was raised whether the income put into such an account were still subject to state and city taxes. Please see attached Document E.

3. To increase training programs for all employees about tuition benefits, as the surveys revealed evidence that many employees do not understand the tuition benefit programs the University offers.

4. To phase out graduate tuition for spouses, but not to do so until the fall of 2020, so that those currently pursuing their degrees can continue their studies in the intervening two years.

5. To modify tuition remission to allow for need-based aid. This change has already gone into effect, so if a dependent of a faculty member wishes to apply for need-based aid and the household composition and finances meet the criteria for need-based aid, the dependent would be eligible to receive that aid.
A Senator asked if there was consideration to adjust the age limit for tuition remission to allow students to take time between high school and college enrollment. Another Senator recommended exceptions for the age limit, particularly for military service, Teach for America, or other civic opportunities. Ellis stated she will bring these concerns to the Committee for deliberation. Ellis will also clarify the tax implications related to students’ age.

Ellis stated the survey showed overwhelmingly support from faculty and administrators to increase the funding for portable tuition support—when dependents study outside of NYU. The authorized amount has not kept pace with rising fees. As a result, the Committee made a recommendation to increase portable tuition going forward using a 1.5% inflator index. Because NYU’s own tuition would be going up 2.7% this year, it was recommended that the initial increase for portable tuition would go up by that percentage plus the additional 1.5%. She noted the constraint that Committee recommendations must balance within the current University budget.

Ellis reminded the Council that there had been a proposal in Congress to tax all tuition remission benefits. Though it was not adopted, the Committee took into account the risk of passage in the future. In balancing our resources and the uncertain legislative environment, the Committee felt that a modest increase of 4.2% in 2018 would be both affordable within the University’s budget and still keep a low profile for this benefit.

Ellis acknowledged that the issue of portable tuition was a major preoccupation of the Committee.

In response to questions about the participant pool, she reported that in 2017-18, 90 dependents of faculty attended NYU and about 120 dependents of faculty attended other institutions. Because the number of dependents attending another institution is increasing, the Committee discussed a more aggressive plan to enhance the portable benefit. However, she explained that to increase the portable benefit to $15,000-$16,000, for example, NYU tuition remission would need to be decreased by almost half. She also pointed out that one of the financial challenges of portable tuition benefits is that receiving schools reduce the need-based aid they might otherwise allocate by the portable tuition remission amount. So if the benefit is $16,000, the need-based aid is decreased by $16,000. While the effect on the family may be the same, it also means that NYU’s contribution frees up financial assistance from better endowed institutions that might have otherwise been available to the student in any case.

Ellis noted the University Senate made a recommendation to examine dividing the entire pool of dependent tuition funding by the number of dependents who need the benefit. She noted that because these numbers change year to year, it is difficult to know how many dependents will be taking advantage of the benefit—and the recommendation was thus not practicable.

Senators pointed out faculty concerns over dependents not being accepted into NYU, particularly with NYU’s increasing competitiveness. Senators noted for some, choosing another school is a choice, but for others it is the only option because a dependent did not get accepted into NYU. In that case the only benefit they are eligible for is portable tuition.

In response, Ellis clarified that the survey showed that for two-thirds of the faculty who took the survey and who had a dependent attending another institution, their dependent had applied and been accepted to NYU.

In conclusion, Ellis reiterated that the main principle driving the work of the Committee was enhancing our ability to recruit and retain faculty and administrators, while trying to introduce needed changes that would be minimally disruptive. Because trends change over time, it is important to re-examine policies, resources and faculty and administrator expectations and needs regularly. That’s what was done in coming up with the current recommendations, as they were informed by the available comparative information from our ‘basket’ of competitive schools, our own institutional data about the size and patterns of the beneficiaries of the existing policies, and the feedback solicited from the surveys.
OLD BUSINESS

Discussion of the Shared Governance Survey report

Senator Uleman stated the Governance Committee circulated their report on the Shared Governance survey at the April Council meeting and received strong support. Since then, the C-FSC called attention to concerns over disclosure of identities in the reporting of full quotations in the report. The Committee will work with the C-FSC to address this issue.

ADJOURNMENT

The meeting adjourned at 2:00 PM.
NYU
Rory Meyers College of Nursing (NYU Meyers)
Policies and Procedures for Appointment, Promotion and Tenure of Tenured/Tenure Track Faculty

I. APPOINTMENT AS A MEMBER OF THE FACULTY

II. GENERAL CRITERIA FOR APPOINTMENTS, PROMOTION, AND TENURE

III. PROCESSES AND SPECIFIC CRITERIA FOR FACULTY TITLES
   A. Full-Time, Tenure-Track or Tenured Faculty
      Assistant Professor
      Associate Professor
      Professor

IV. POLICIES OF ADMINISTRATION
   A. General Policies
   B. Summary of Procedures for Appointment, Promotion and Tenure for the Tenure Track
      B1. Procedures Related to Promotion and Tenure of Cross Appointments
   C. Charge to the APT Committee
   D. Grievance Procedures Regarding Appointment, Promotion, and Tenure

This document supplements NYU policies applicable to Tenured and Tenure Track-Faculty. If any part of this document is inconsistent with NYU policies, the NYU policies then in effect will supersede them. As with all NYU and Meyers College of Nursing (hereafter NYU Meyers) policies, this document is subject to change, and the policies in effect at the time of an action will apply to that action.
I. APPOINTMENT AS A MEMBER OF THE FACULTY


Appointment as a member of the faculty at NYU Meyers, regardless of title and rank, is considered a mark of distinction and a privilege. All members are entitled to the respect afforded by their appointments and all members are expected to teach and contribute to its community of scholars as outlined below.

II. GENERAL CRITERIA FOR APPOINTMENTS, PROMOTION, AND TENURE

The criteria for appointment, promotion and tenure are specified in the Faculty Handbook of New York University. The criteria that follow are offered as clarifications of those criteria that specifically relate to the needs of NYU Meyers, and contribute to the stature of NYU. In addition to research and scholarly activities, all tenured and tenure-track faculty members are required to participate in, and demonstrate a high level of effectiveness in teaching (i.e., classroom, small discussion groups, seminars, laboratories, and supervision of undergraduate and graduate, pre-doctoral students and postdoctoral fellows). Every faculty member should maintain a teaching portfolio that contains information regarding this aspect of his/her career. In addition to major efforts in research and teaching, tenured and tenure-track faculty members are also expected to contribute to NYU Meyers in a service capacity. They can fulfill this obligation by participating in committee work, internal governance at the college and university level and/or leadership in professional and community organizations.

Excellence in research and scholarship is a requirement for all those achieving tenured academic appointments; evidence of high quality research and/or other scholarship is necessary for advancement. Evidence of scholarly achievement must include publication of major peer-reviewed papers. Books and/or chapters that integrate, synthesize, summarize and extend the existing literature are also considered evidence of scholarly productivity. Other types of activities are generally recognized as demonstrative of an individual’s stature in research or scholarship. Many of these activities are manifestations of peer recognition and may include: invitations to lecture nationally and internationally; invitations to contribute to major scientific meetings and publications; membership on editorial boards of prominent journals; membership on scientific and professional advisory committees nationally and/or internationally; membership on research peer review committees; receipt of honors for scientific or scholarly achievements; election or selection to membership and/or leadership positions in professional organizations; funding from national peer-reviewed funding agencies in the Government as well as national or international foundations, the private sector (e.g., corporate funding), or other high quality and highly competitive funding sources (such as State Health Departments and major regional...
Foundations); and the attraction and training of productive undergraduate, graduate and pre-doctoral students and post-doctoral fellows. Effectiveness in teaching is a prerequisite for tenure at NYU Meyers. The tenure review process assesses the candidate’s portfolio in comparison with other individuals at similar points in their careers.

III. PROCESSES AND SPECIFIC CRITERIA FOR FACULTY TITLES

A. Full-Time, Tenure-Track or Tenured Faculty

Awarding of tenure at NYU Meyers must be considered within the first 9 years as a member of the full-time faculty in the rank and/or ranks of Assistant Professor, Associate Professor or Professor. Prior service at another educational institution or promotion to Associate Professor at Year 5 may decrease the probationary tenure timetable. Promotion to the rank of Associate Professor, with or without the granting of tenure, can occur at any time during the ten-year probationary period, if warranted. The process leading to promotion (with or without tenure) for faculty on the tenure track includes review by the NYU Meyers APT Committee as described below and as excerpted from the NYU Faculty Handbook (http://www.nyu.edu/content/dam/nyu/provost/documents/facultyHandbook/FacultyHandbookMay2013.pdf).

Tenure is to be awarded following review of the faculty member’s academic contributions by the NYU Meyers Appointment, Promotion, and Tenure (APT) Committee.

**Assistant Professor**

The rank of Assistant Professor may be granted to those who have earned a terminal degree (or its equivalent) appropriate to their field, have demonstrated their accomplishments as investigators and provided evidence of character and productive scholarship. Assistant Professors are expected to show promise of continuing development with clear evidence of future potential to advance significantly their field of research. They should also be well qualified to teach at NYU Meyers and its programs.

Appointment as Assistant Professor carries with it the possibility, but no presumption, of annual reappointment or the right to permanent tenure, or to further appointment or promotion to any higher rank. Although the promotion and tenure process may be initiated at any time, a full-time Assistant Professor at NYU Meyers-Nursing who does not have previous service credit and is not promoted and granted tenure at the expiration of the ten-year probationary period will be ineligible for future full-time appointment in the University. If sufficient service has been attained elsewhere, then year 7 is the terminal year, with review occurring in year 6.

**Recommendation:** Suggest clarification of opportunities to apply for available appropriate clinical track position at Meyers of other NYU schools as outlined in Section 4 of this document. Is prior clinical service considered in evaluation of the candidate?
TFSC Recommendations

Associate Professor

The rank of Associate Professor may be granted to those who, in addition to all the qualifications for Assistant Professor, have continued to demonstrate productivity and research excellence as independent investigators. This must be documented by first or senior authorship of high quality papers in peer-reviewed journals, and by success in obtaining and maintaining external funding from national or other peer reviewed science, highly-competitive agencies to support their research. Associate Professors must be recognized nationally for their research contributions to the advancement of their disciplines. They must demonstrate effective contributions to the teaching programs and to the service responsibilities of the NYU Meyers.

Evidence of ongoing productivity must include publishing high quality papers in peer-reviewed journals, and by a combination of evidence that would include: (a) obtaining external funding from agencies conducting peer reviewed science especially from federal funding agencies such as the National Institute of Health (NIH) or equivalent funding sources including foundations with peer reviewed science mechanisms; (b) publishing books, book chapters, major literature review articles, and/or other scholarly contributions to the professional literature; (c) leading, co-leading and/or participating in research studies in significant roles; (d) developing innovative conceptualizations or novel solutions to health care problems; and/or, (e) performing patient care-related activities in a manner that extends well beyond excellent patient management.

Appointment as Associate Professor carries with it the possibility, but no presumption, of annual reappointment or the right to permanent tenure, or to further appointment or promotion to any higher rank. Although the promotion and tenure process may be initiated at any time, a full-time Associate Professor who is not granted tenure at the expiration of five years as an Associate Professor, or ten years in the combined ranks of Assistant and Associate Professor, will be ineligible for further full-time appointment in the University. If sufficient service has been attained elsewhere then year 4 is the terminal year, with review occurring in year 3.

Professor

The rank of Professor may be granted only after careful consideration of the individual’s character, scholarship, productivity, teaching ability, and national and international reputation among peers in his or her own field. The rank of Professor may be granted only to faculty members who have made exceptional, original and innovative discoveries and for whom there is reasonable certainty that they will continue to make outstanding contributions throughout the remainder of their working years.

The rank of Professor may be granted to those who, in addition to all the qualifications for Associate Professorship, have continued to demonstrate productivity and research excellence as independent investigators. This must be documented by accomplishments achieved since attaining the rank of Associate Professor, including first or senior authorship of high quality papers in peer-reviewed journals, and by success in obtaining and maintaining external funding from national or other highly-competitive agencies to
TFSC Recommendations

support their research. Professors must continue to be recognized nationally and internationally for their research and scholarly contributions to the advancement of their disciplines. They must demonstrate continued effective contributions to the teaching programs and to the service responsibilities of the college and profession.

The rank should never be granted as a reward for seniority and should be reserved as a mark of distinction in the field of scholarship and instruction. Notable academic achievements, such as awards and prizes and membership in prestigious scientific professional societies and advisory groups should attest to this distinction. Professorial rank should never be granted only as recognition of service in administration.

Although the tenure process may be initiated at any time, a full-time Professor who is not granted tenure at the expiration of three years’ service will be ineligible for further full-time appointment in the University. Review for tenure will occur in year 2.

IV. POLICIES OF ADMINISTRATION

A. General Policies

In order to implement the system of management of faculty appointments, titles, promotions and tenure, the following procedures are required. The following elements of administration will be adhered to by NYU Meyers, and affirmed by the Dean, as requirements of NYU Meyers system of administration for promotion and tenure. This document and its administration will in no way change the requirements for tenure as stated in the New York University Faculty Handbook.

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

NYU Meyers

1. A candidate may be proposed for tenure at any time considered appropriate for the individual member of the Faculty. This may be at any point from hire through the ninth year of continuous full-time service, with extensions available as stated in the NYU Faculty Handbook.

2. Every Assistant Professor on the tenure-track will have a mandatory, formal review by the NYU Meyers APT Committee in the third year of service. In addition, a formal review by the NYU Meyers APT Committee will be made in the sixth year of service if permanent tenure has not already been awarded. The Executive Vice Dean (EVD) will notify the faculty member and the NYU Meyers APT Committee of the due date for these reviews. The APT Committee’s review, and recommendation, as well as the review by the EVD, and all documents submitted to the APT Committee will be sent to the Dean. A candidate for 3rd year review is expected to show evidence of scholarly activity including movement toward being an independent investigator.

A candidate for third year review submits a CV, personal statement (no page limit) and teaching portfolio to the EVD on the date indicated on the annual schedule of APT due dates.
TFSC Recommendations

The chair of APT requests an evaluation of the candidates teaching from the EVD or the program director. The EVD submits a letter of recommendation to the APT Committee. The APT Committee reviews all material and recommends their assessment in writing to the Dean with copy to EVD. The EVD reviews materials and writes an assessment summary letter, that is sent to the candidate’s HR personnel file. The candidate meets with the Dean or EVD who shares the recommendation and/or summary letter with the candidate.

By the 6th year review, the candidate should provide evidence of substantial scholarly work and independent research. The candidate must also show evidence of being an effective teacher and active in NYU Meyers and NYU service activities.

A candidate for sixth year review provides the same material and follows the same procedures as the 3rd year review with the exception that the candidate for 6th year review provides the APT Committee with the names of 5 potential external reviewers that the APT Committee chair can use but does not have to use to select one external reviewer. The candidate for 6th year review must also include 3 publications.

3. If the likelihood of tenure is considered low, the Dean of NYU Meyers will so advise the faculty member and discuss options available at any time in the ten-year probationary review timeline. These options may include: 1) Offering the faculty member a one year terminal teaching contract as a Clinical Instructor, or 2) in extremely exceptional circumstances, offering the faculty member the opportunity to move to a renewable continuing contract faculty appointment except if the applicant has previously been on a continuing contract faculty line at NYU Meyers and if such a line is available, but not at the cost or loss, of the tenure track line, i.e., it is not permissible to convert the current tenure track line of that faculty member to a contract faculty line. Moving from a tenure track line to a contract faculty line requires approval of the Dean of NYU Meyers and NYU administration. Offering faculty a continuing contract faculty appointment must occur prior to the 7th year.

4. In an open and competitive search for a tenure track position, if a faculty member on a Continuing Contract Faculty appointment successfully obtains a tenure-track position, this faculty member may not hold a Continuing Contract Faculty position at NYU Meyers at any time in the future.

B. Procedures for Appointment, Promotion and Tenure for the Tenure Track

The APT Committee will conduct a formal review of all tenure and tenure track new appointments. After the candidate has agreed to accept the position the APT Committee will forward their review and recommendation to the Dean of NYU Meyers. This includes faculty who are on a continuing contract track and apply for an open position on the tenure-track. The APT Committee Chair will ask the EVD of NYU Meyers to notify him/her in writing when these formal reviews are due as mandated by this policy.
Candidates for tenure shall send the Chair of the APT Committee and the EVD a list of five (5) potential external independent referees, who the APT Chair may or may not contact. The Chair of the APT Committee shall solicit letters from at least five independent external reviewers, from universities comparable to NYU, who can provide letters of evaluation. External reviewers may not be anyone who has worked closely with or served as a mentor to the candidate. This includes anyone who has co-authored a manuscript within the past 5 years with the candidate or who has been a co-investigator with the candidate.

Recommendation: Committee members suggest that in a clinical profession it may be important to have a reference from an external reviewer that is familiar with the candidates work and reputation in the field.

Each candidate shall submit to the APT Committee a packet of materials a) current CV, b) teaching portfolio that includes evaluations by students and faculty, c) a personal statement, and d) five representative published papers. The APT Committee will review all the materials, make a recommendation and vote by closed ballot. The APT Committee’s tenure vote and recommendation are made available to all tenured faculty who review the materials and vote by closed ballot at a meeting of all tenured faculty. The APT Committee forwards to the Dean of NYU Meyers the review and recommendation of the APT Committee, APT vote, and tenured faculty vote. Only Professors vote on all applications for appointment or promotion to the rank of Professor.

If the APT Committee does not believe that it has adequate expertise to review a given candidate, it will consult with the Dean of NYU Meyers and advise the Dean on the appointment of an ad hoc group that may include NYU Meyers plus one or two additional NYU tenured faculty members from other NYU schools with requisite expertise. These faculty members will participate in all subsequent discussions of the candidate and have the right to vote with the standing APT Committee on the candidate’s promotion and/or tenure. Subsequent phases of the tenure decision process will follow in all respects the University procedures as outlined in the Faculty Handbook.

B1. Procedures Related to Promotion and Tenure of Cross Appointments

In the case of a Joint Appointment, the composition of the Appointment, Promotion and Tenure Committee must include members of both schools. Both schools must vote on the Report, with the Guidelines herein outlined concerning procedures and reporting applying to both. Each APT Chair should forward their school’s recommendation to each relevant Dean only after consultation with the other school. If the school’s arrive at significantly different judgments, the Deans will confer and establish a cross-school process to review the case.

In the case of Associated or Affiliated Appointments written evaluations on the secondary appointment are recommended but not required.
C. Charge to the APT Committee
The APT Committee is a standing committee of NYU Meyers. The APT Committee reviews credentials and makes recommendations to the Dean for appointments, promotions and tenure of all tenured and tenure track faculty who serve on a full time basis. This committee will, as necessary, review the guidelines for appointment, promotion and tenure and, when indicated, will recommend changes to the guidelines to the Dean of NYU Meyers who will forward a recommendation to the University for final determination. In addition, the committee will have the responsibility of communicating to the faculty, on an annual basis, the procedures and policies for promotion and tenure.

The NYU Meyers Faculty Council elects APT Committee members whose names are given to the Dean as recommendations for staggered two year terms. The Dean appoints members of the committee who may or may not be those recommended by the faculty. Members may serve for up to a total of two consecutive terms. If a faculty member has been on the committee for a total of five years, that person may not be on the ballot the year immediately after the five-year term. Vacancies on the committee will be replaced by the Dean for the duration of the vacated term of appointment. APT members serve to advise the Dean.

Grievance Procedures Regarding Appointment, Promotion, and Tenure

Tenured and tenure track faculty can seek redress for a grievance with respect to appointment, reappointment, promotion and/or tenure through the grievance procedures of NYU Meyers that are stated in the Essential Bylaws of Faculty Governance (https://intranet.nursing.nyu.edu/faculty-affairs/documents-forms). A grievant must be a faculty member at NYU Meyers when he or she initiates a grievance.

Grievances of the faculty can be submitted only on the basis of process, on the grounds: a) That the procedures used to reach the decision were improper, or that the case received inadequate consideration; b) That the decisions violated the academic freedom of the person in question, in which case the burden of proof is on that person.

In the case of all grievances, attempts shall be made to settle the dispute by informal discussions; and that if the grievance is not settled informally at a level below the dean, or by the dean, the faculty member may appeal to the dean to convoke the grievance committee of the school or faculty. The dean shall do so within 15 working days. The Grievance Committee shall be constituted of five (5) full time faculty members elected from the faculty council, three of whom shall be tenured members of the NYU Meyers faculty and two holding a senior clinical appointment (associate clinical professor or clinical professor) at NYU Meyers. The committee shall not include a faculty member whose primary assignment is administrative. Terms of service are staggered two year terms. The Grievance Committee will review the evidence and make a recommendation to the Dean. The Dean shall notify the concerned parties and the Grievance Committee of his or her decision together with reasons. If the grievant wishes to he or she can then follow the procedures specified in the NYU Faculty Handbook to appeal the Dean’s decision to the Provost. The NYU Meyers grievance procedures for tenured/tenure track faculty align with the NYU Faculty Handbook, which and can be found at https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/policies-applicable-to-tenured-and-tenure-track-
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faculty/additional-faculty-policies-applicable-to-tenured-and-tenure-track/faculty-grievance-procedures.html

APT Policies v18 02-05.18 CTK ESM Clean 9
Memorandum to: Mary Killilea, C-FSC Chairperson
Wen K. Ling, T-FSC Chairperson

From: Carol Morrow

Subject: Professor Emeriti

Cc: Provost Katherine E. Fleming
Those Addressed

On behalf of the Provost, I am writing in response to the faculty senators councils’ recommendations about the professor emeriti policy. On December 13, 2017, the C-FSC asked the Provost to permit emeritus status to be granted to eligible continuing contract full professors. The C-FSC affirms that the C-Faculty are “a distinct and important part of the University academic community and contribute significantly to the University’s academic missions” and include members who complete long years of distinguished service to NYU. The T-FSC endorsed the C-FSC resolution on March 22, 2018.

The Provost’s Office presented these recommendations and associated amendments to policy to the Deans and Directors, who responded with enthusiastic support. The amendments permit eligible continuing contract full professors to obtain emeritus status, and clarify process that has been practice. The Provost’s Office thanks the C-FSC for bringing these matters to its attention. We are very pleased that there is consensus to move forward.

AMENDMENT TO FACULTY HANDBOOK
The professor emeriti policy resides in the Faculty Handbook. In accordance with the Foreword to the Faculty Handbook, I am inviting council input on the amendments to the policy as cited in the Handbook.

The amended statement on “Professor Emerita; Professor Emeritus” will be listed among Faculty Policies Applicable to All or Most Members of the Faculty Including Tenured/Tenure Track Faculty, Full-Time Continuing Contract Faculty, and Other Faculty. The policy will no longer be listed among Faculty Policies Applicable to Tenured and Tenure Track Faculty. The amendments will be registered in the Faculty Handbook archives.

The amended text reads as follows:

“Professor Emerita; Professor Emeritus. The honorific titles of Professor Emerita and Professor Emeritus are given only to full professors, including full professors with modified titles such as
“Arts,” “Clinical,” “Music,” and “Industry,” who have served New York University with academic distinction for a long enough time prior to retirement to have become identified historically in the profession as New York University professors. Emeritus faculty retain the title held at the time of retirement, modified by the incorporation of the Emeritus or Emerita designation.

This title is given only upon formal retirement from active service, or at least from full-time active service at NYU. A faculty member who is not eligible to retire from NYU under policies in effect at the time is normally not eligible for consideration for emeritus status.

The title is not automatic. Nominations for the emeritus distinction must be recommended by a vote of the faculty member’s (primary) department and endorsed by the department Chair; in schools without department organization, the Dean / Director shall convene an ad hoc committee of at least three full-time faculty members at the level of full professor to consider nominations. The recommendation for emeritus status shall be reviewed by the Dean / Director, who may submit a recommendation and endorsement to the Provost, who makes the final decision.

The redlined amendments to existing text are as follows:

“Professor Emerita; Professor Emeritus. The honorific titles of Professor Emerita and Professor Emeritus are given only to full professors, including full professors with modified titles such as “Arts,” “Clinical,” “Music,” and “Industry,” who have served New York University with academic distinction for a long enough time prior to retirement to have become identified historically in the profession as New York University professors. Emeritus faculty retain the title held at the time of retirement, modified by the incorporation of the Emeritus or Emerita designation. This title is given only upon formal retirement from active service, or at least from full-time active service at NYU. A faculty member who is not eligible to retire from NYU under policies in effect at the time is normally not eligible for consideration for emeritus status. The title is not automatic. Nominations for the emeritus distinction must be recommended by a vote of the faculty member’s (primary) department and endorsed by the department Chair; in schools without department organization, the Dean / Director shall convene an ad hoc committee of at least three full-time faculty members at the level of full professor to consider nominations. The recommendation for emeritus status shall be reviewed by the Dean / Director, who may submit a recommendation and endorsement to the Provost, who makes the final decision. Comparable principles apply to the use of the designation Emerita and Emeritus for administrative personnel.”

Those Addressed:
Ellen Schall, Senior Presidential Fellow
C. Cybele Raver, Deputy Provost
C-FSC: Susan Stehlik; Lauren Davis; John J. Gershman; Leila Jahangiri; Antonios Saravanos; Larry Slater; Beverly Watkins
T-FSC: Nicholas Economides; Robert Lapiner; Allen Mincer; Phyllis Frankl; Nancy Van Devanter
To: T-FSC  
From: Carol Shoshkes Reiss, Co-Chair A&T  
Date: 4/23/18  


The Joint Senate Committee on Administration & Technology met today to consider the revised IP policy. There are 2 companion policies on Copyright and Tangible Research which were not discussed or revised.

The outstanding 3-page summary of the long document points out the specific types of change.

This draft document was developed by a faculty committee [Ken Perlin (Courant), Ted Rappaport (Tandon), Foster Provost (Stern) and Katherine Strandburg (Law)] that was appointed after the 2012 policy was adopted, and was charged with evaluation and recommendation of enhancements.

NYU is the most generous university in the USA when it comes to sharing patent income with faculty. The new document reinforces this and explicitly permits consulting and entrepreneurship by faculty and students.

NYU provides support for developing IP, licensing it, for entering agreements, and so forth.

Members of the faculty committee that developed the policy are willing to come to T-FSC to provide an opportunity for &A.

In July 2012, the Board of Trustees approved the current NYU Intellectual Property Policy (comprising 3 separate policies on patents, copyrights, and tangible research property (e.g., cell lines). The Board was informed at that time as follows:

“[b]ecause the 2012 IP Policies are the first comprehensive revision of NYU policies in these subject areas for at least two decades, it is likely there will be the need for modifications to and clarifications of some sections of the Policies after implementation. Accordingly, we expect to schedule a review process with representative members of the Faculty Senators Council, other representative faculty, Deans and administrators to begin in September 2013, after which changes are likely to be incorporated into the 2012 IP Policies.”

Pursuant to the above, in September 2013, Dr. Horn appointed a faculty committee to review the 2012 policy and make recommendations for ways in which the policy could be clarified and improved. The IP Committee includes a number of high profile faculty, including Ken Perlin (Courant), Ted Rappaport (Tandon), Foster Provost (Stern) and Katherine Strandburg (Law). The IP Committee has met on over 14 occasions, and has just completed its recommendations for modifications to the patent policy.

Highlights of the recommended changes are as follows:

1. **Promoting Entrepreneurship.** The new draft emphasizes the value of promoting entrepreneurship and creating the kind of culture where startups can flourish.
   a. This language will assist specifically in recruiting new faculty
   b. Language was added expressly encouraging faculty to create startups.
   c. This new language dovetails with the NYU Entrepreneurial Institute, the EI’s Scientist’s Guide to Startups (created for faculty who are interested in pursuing such activities), the new Leslie Entrepreneurship Lab, the Innovation Venture Fund and the NYU Consulting Guide (discussed below). All of these resources promote a strong environment for entrepreneurism and startups.

2. **Facilitating Consulting.** The new draft expressly acknowledges the right of faculty to carve out consulting work, and provides a more clear process and time frames to obtain any necessary approvals. It underscores the overall importance of consulting.
   a. Faculty have emphasized the need to address this, and to provide confidence to companies and faculty that there is a definitive and efficient path to put such relationships in place.
3. **Assist Faculty in Creating Strong Consulting Agreements.** The new draft references a "guide" that we have created to assist faculty in navigating the process of consulting, and how to structure effective consulting agreements that are consistent with the policy.

   a. A draft of this guide has been prepared and can be published at the same time the policy is updated.

4. **Streamlining Simple Consulting Agreements.** The new draft also expressly acknowledges that a large percentage of consulting agreements are very straight-forward, and do not need "pre-approval."

   a. Faculty have shared comments from personal counsel that this option should be clearly spelled out.

5. **Reassuring the Availability of “Carve Outs” for IP.** The new draft clarifies that NYU does not strictly own all IP a faculty member conceives. The new draft defines two categories where NYU maintains ownership rights: a) when an invention is within the scope of one’s employment; and b) where the invention arises from significant use of University resources.

   a. Although this has always been the University’s position, this language was added as reassurance, to address the recurring concern by some faculty that the policy may be construed as “owning a faculty member’s head,” which is not the case.

6. **Providing Clarity of “Scope on Employment.”** The new draft defines the process for determining whether an activity falls within a “scope of employment,” by establishing specific criteria to guide this determination within a college or department.

   a. These criteria are intended to provide a basic framework to a department head and faculty member when discussing whether certain entrepreneurial activities are appropriate.

   b. This section of the policy will also be supplemented by FAQ that include hypothetical fact patterns.

7. **Allowing for “Up Front” IP Ownership Determinations.** The new draft provides a faculty member with the option of timely receiving a determination from NYU “up front” on whether an activity is within the scope of employment.

   a. This process was suggested by a number of faculty, who are consulting with companies who wish to have assurance “up front” that consulting is OK.

   b. This process results in getting an NYU “release” which can facilitate attracting capital to a startup.
8. **Unlicensed IP can be Returned to Faculty.** The new draft expressly provides for the release of IP to a faculty member, and defines a clear process for that to occur.
   a. The policy now includes two separate processes for a release “up front,” as well as a release after a patent application has been filed
   b. With any such release, NYU reserved certain baseline rights

9. **Reassuring Faculty that they can appeal School decisions to Provost.** The new draft provides an appropriate process to resolve disputes among inventors (e.g., faculty and students), who may dispute the appropriate apportionment of royalty.
   a. This process reduces risk to entrepreneurial faculty that they can become dragged into unnecessary litigation over these issues.
   b. The new draft creates an IP Advisory Committee, which we hope will serve as a critical component to resolving issues, disputes, and concerns about IP at the collegial level, before they become 'elevated' to a legal claim, etc.
   c. Faculty involvement in the IP Advisory Committee assures an ongoing shared governance approach to IP issues that may arise

10. **Giving Faculty a Voice in Commercializing.** The new draft expressly gives the faculty a voice in the patenting and commercialization of inventions.
    a. There is also new language clarifying that the time demands placed upon faculty to assist in commercialization activities must be reasonable

11. **Equity Licenses.** The new draft also emphasizes that NYU will consider taking equity in companies to which it has licensed IP, including faculty startups. This policy helps to facilitate startups, most of which are cash poor.
    a. Since the IP Committee first met in early 2013, there have been over twenty (20) new startup companies formed, many of which NYU holds equity in.
The Educational Policies and Faculty/Student Relations Committee during the 2017-18 academic year was comprised of Mark Alter, Anna Harvey, Dara Regaignon, Arthur Tannenbaum, and co-chairs Sharon Weinberg and Robert Lapiner.

In the autumn, we wrapped up one of the previous year’s major initiatives, to promulgate broader university-wide faculty engagement in efforts originally spearheaded in CAS, to support First Generation College Students. We also enlisted the C-FSC to support the initiative. While the Office of the Vice President of Student Affairs has administrative responsibility to coordinate with student affairs staff across campus, the energetic involvement of the T-FSC has been acknowledged as a significant factor in other Schools now having created parallel First Gen programs, and most especially in the increase of faculty members who have volunteered to serve as mentors to these students.

(The knowledge of the affirmative impact of our involvement has sparked interest on the part of the Provost for us to leverage faculty participation in efforts that could be targeted towards other undergraduate student populations which have been identified as vulnerable to not staying the course at NYU.)

Throughout the year, the Ed Pol committee also channeled attention to faculty concerns that had been communicated to us --this time with respect to the information coming from the Office of Enrollment Management about the roll-out of the Spring Admits initiative. This undergraduate admission project is conceived for entering freshmen, who will commence their NYU experience in the spring term. The first cohort is presently in Liberal Studies. Tandon and Steinhardt are slated to follow suit in 2019.

It is presumed that this program will have significant impact on curricular planning, not to mention faculty course-load and summer teaching, and the need for specialized student advising. Yet it appears that these initiatives have been designed and are being implemented without the input of the schools’ faculty leadership (including elected senators). Because the concerns that have been raised are manifest among both tenured and contract faculty, albeit experienced differently, our co-chairs reached out to the counterpart committee of the C-FSC, to explore how we might collaborate.

The two committees subsequently held joint meetings, and in the process, developed a discussion document identifying a range of curricular and academic administrative questions that were subsequently vetted and endorsed by both Councils for follow-up. Before the end of term, with this document as the basis of a conversation, the chairs of both our committees will be meeting directly with the Administration to clarify expectations—with the goal of protecting the essential role of the full-time faculty (tenured and contract faculty together) in shaping, overseeing, and assuring our students’ learning experiences. We expect a constructive discussion and responsive outcome.
T-FSC Governance Committee
2017-2018 Year End Report

Over the 2017-2018 Academic Year, the T-FSC Governance Committee took on the following substantive initiatives:

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

The T-FSC Governance Committee, working in conjunction with the Student Senators Council and the C-FCC Governance Committee, introduced a resolution to the University Senate requesting Faculty Representation on the NYU Board of Trustees. The resolution, along with related ones from the SSC and C-FSC, passed the Senate.

2) Application of Principles of Shared Governance Survey Analysis and Report

Analysis of the T-FSC- and C-FSC-generated survey administered last year was completed and a lengthy report was drafted. However, issues of confidentiality raised by the C-FSC have delayed its distribution to the wider faculty. We will continue working to resolve this issue with the C-FSC so that this report can be shared with the faculty.

3) 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. (Identical language exists in handbooks as far back as 1972) 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, and in need of re-working. Recognizing the purview of the TFC-Grievance Committee, we have asked them to look over the relevant passages and offer their opinions and advice. This issue will be taken up again in the Fall of 2018
T-FSC Nominating Committee
2017-2018 Report

Over the course of the 2017-2018 Academic Year, the T-FSC Nominations Committee solicited nominations and oversaw elections for Chair, Vice Chair and Secretary of the T-FSC.

In the Fall 2017 term, Wen Ling & Michael Ralph made up the slate for Chair of T-FSC.

The election for Chair was held during the T-FSC meeting of December 14, 2017. Wen Ling was re-elected.

In the Spring 2018 term, the slate was made up of Nicholas Economides & Darcey Merritt for Vice Chair, and for Secretary: Robert Lapiner & Amanda Watson.

The election for Vice Chair and Secretary was held during the T-FSC meeting of March 22. Due to a tie in votes cast for Secretary, however, results were not reported at the meeting. To resolve the tie, Senators not attending the meeting were polled over the following week. The final count resulted in the re-election of Nicholas Economides for Vice Chair and the election of Amanda Watson for Secretary.
Summary Report

May 3, 2018

Personnel Practices and Tenure Modification Committee

Committee members: Nancy Van Devanter (Chair), Phyllis Frankl (Co-Chair), Julie Livingston, Susan Waltzman, Jennifer Manuel

Activities
The committee has completed review and made recommendations that were voted on by the TFSC during the 2017-2018 academic year for the following schools:

FAS Language Lecturer  (October 2017)
Stern Revised Tenure and Promotion guidelines (October 2017)
Meyers Tenure Track Tenure and Promotion guidelines (to be voted on May 3, 2017)

In addition the committee reviewed:
School of Professional Studies Guidelines for CCF. A procedural error was identified and these were returned to the Provost Office.

At the recommendation of the PPTM review of the tenure clock stoppage guidelines was assumed by a newly created university wide task force chaired by TFSC representative Sharon Weinberg.
Questions:

Q. Regarding the 529 savings plan: does “tax free” apply to city, state, and/or federal taxes?

Earnings in a 529 plan are not subject to federal tax and generally not subject to state tax when used for the qualified education expenses of the designated beneficiary.

There are no federal tax deductions for contributions to 529 plans. Many states give the account owner a full or partial state income tax deduction for their contributions to the state's section 529 plans. Today, 34 states and the District of Columbia offer such a deduction. For example, in New York, the state's 529 plan, offers a state-tax deduction on contributions. Single taxpayers can deduct up to $5,000 annually and married taxpayers can deduct $10,000.

California, Delaware, Hawaii, Kentucky, Massachusetts, Minnesota, New Jersey, North Carolina and Tennessee currently do not offer a state income tax deduction or tax credit for contributions to the state's 529 college savings plan.

Q. Has University Enrollment Management reached out to the employees utilizing tuition benefits informing them they may need to enroll in FAFSA?

A. Yes, beginning in the fall of 2017, the Financial Aid Office sent letters to applicants who indicated they were eligible for a TR benefit advising them that they may also be eligible for need based aid.

Q. What does the need-based aid cover? Housing? Food? Books?

A. Need-based aid covers anything in regard to the bill. Students are awarded up to their “need” based on their expected family contribution.

Q. Is the age limit for dependent tuition remission an NYU rule or a tax rule? Can we make an exception to the rule for military service, illness, etc.? Will the age limit be modified?

A. A dependent child must be age 23 or younger at of the end of the calendar year to be eligible for tuition benefits in that year, which aligns eligibility with the IRS definition of a dependent child. If a child will be age 24 by the end of the calendar year, he or she is not eligible for tuition benefits in that year.

Any request for an exception with relation to illness or military service would be reviewed on a case-by-case basis. There are no plans in place to modify the age limit on tuition remission.
Q. Does NYU Tuition Remission cover summer courses?

A. Dependents are eligible to receive tuition remission at NYU in the summer, if they are enrolled in an undergraduate degree program at NYU or elsewhere.

While the portable tuition benefit has an 8-semester limit, the annual benefit limit would not exclude the cost of summer courses, employee dependents may use the portable benefit to cover summer courses at another institution, bearing in mind that the limit on portable tuition is 8 semesters.