MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF OCTOBER 8, 2015

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, October 8, 2015 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Adelman, Allgood, Amkpa, Antoon, Appiah, Backus, Cappell, Davila, Disotell, Garabedian, Goodwin, Jelinek, Jones-Rooy (by audio-conference), Kamer, Ling, Livingston, Mincer, Porfiri, Rajagopal, Ramey, Smith, Sternhell, Sundaram, Thurston, Uleman, Van Devanter, Weinberg, and Zagzag; Active Alternate Senators Hawkins, Alternate Senators Archer (for Morning), Gunsalus, Lane, and Tannenbaum.

APPROVAL OF THE MINUTES OF THE MEETING HELD SEPTEMBER 17, 2015

Upon a motion duly made and seconded, the minutes of the September 17, 2015 meeting were approved as corrected.

CALL FOR NOMINATIONS: CANDIDATES FOR T-FSC CHAIRPERSON, 2016-2017

Chairperson Mincer announced the Executive Committee (EC) appointed Senators Sylvain Cappell, Michael Garabedian, and Jim Jacobs to the Nominating Committee. He stated under the rules adopted last year, the Council will vote on the T-FSC Chairperson in the fall semester so the incoming Chair joins the Executive Committee earlier in the academic year. He asked Senators to send nominations to Karyn Ridder by November 5. The list of candidates for Chairperson, 2016-17 will be announced at the November 19 T-FSC meeting.

REPORT FROM THE CHAIRPERSON: ALLEN MINCER

Chairperson Mincer raised a few parliamentary procedure points related to the vote regarding the thank you message to President Sexton. He stated, under Robert’s Rules, there are no friendly amendments. Once a proposal is made, the proposer no longer owns the proposal; it is owned by the body and can only be changed by an amendment, which is voted on. Robert’s Rules also state that in order to have a secret ballot, it must be voted on and passed by a majority, unless the bylaws require a secret ballot.

He stated, regarding this vote, that it was an interesting case because it has been the practice of the Council that any vote with respect to people, such as voting for Executive Committee positions, is done by secret ballot. As this was a vote about a person, it could be argued that it should follow the same procedure. He suggested if the Council felt strongly about setting a procedure, the Governance Committee could review how votes dealing with individuals should be handled in the future. He noted the alternative is to state that in general the rule is that a majority vote is required for a secret ballot. He requested Senators to send him an email if they would like the Governance Committee to review. Otherwise, he said, the issue will be taken up on a case-by-case basis.

Mincer thanked the Council for refraining from an email debate during the online voting process. He noted there was one case in which an email was sent out regarding the vote. However this was inadvertent, as it was supposed to come out after the vote was completed.
Mincer noted the EC spoke briefly with the President and Provost regarding the issue of economic security. He stated that it is clear that any such discussion will have to include both rights and responsibilities of tenured faculty, especially in light of the attacks coming from outside academia on the institution of tenure. He also commented that it is clear the discussion will not go far until the new administration is in place. That would support the Executive Committee’s original decision to delay this discussion until that time, he said.

**T-FSC COMMITTEE REPORTS**

*See attached Document A: Committee Agendas, 2015-2016.*

**Administration & Technology: Committee Co-Chairs Kwame Anthony Appiah & Thomas Wisniewski**

Senator Appiah reported the Committee is moving forward with the two items on the agenda, which are the Social Media Policy and the Personal Digital Content Policy. He noted the Committee is meeting with the C-FSC Administration & Technology Committee as well as people from the General Counsel’s Office and IT. He noted the Committee hopes to complete the review this academic year.

A Senator inquired on the status of the Sexual Misconduct, Relationship Violence, and Stalking Policy. Alternate Senator Tannenbaum stated he serves on the Senate Ad Hoc Committee on Sexual Misconduct. He noted the Committee has not yet met this semester, but is in the process of organizing a meeting. He suggested Senators send any comments, questions, or concerns to him or the T-FSC representatives on this Committee: Senators Antoon and Van Devanter.

**Educational Policies & Faculty/Student Relations: Committee Co-Chairs Todd Disotell & James Martin**

Senator Disotell stated that the Committee’s main charge is to gather information on the university-wide admissions data and desegregate it into the different schools and analyze differences in quality, particularly with the large number of transfer students. He noted that the Committee will also examine requests from students and develop a vetting process for these numerous requests.

A Senator asked the Committee to examine the faculty concern related to graduate students being admitted to the University without certain proficiencies in English. He stated that he learned that undergraduates have the opportunity to take a pre-course in the American Language Institute before they are admitted for matriculation. He does not believe such a mechanism exists for graduate students. He asked the Committee to consider looking into this.

A Senator noted there are minimum TOEFL scores. Another Senator noted the issue is the deficiencies become apparent once the student is already enrolled in the class.

A Senator expressed an interest in minimum standards uniform across the University. He noted in his department there are many students from other schools and disciplines.

A Senator noted it would be useful to examine the level of support services, including tutoring and mentoring services, students receive once they are in a program. She stated she believes there is a lack of mentoring and tutoring in some programs. A Senator noted it would be useful to receive data by school.
Faculty Benefits & Housing: Committee Co-Chairs David Backus & Wen Ling

Senator Ling reported that a survey regarding Housing was sent to all tenured and tenure track faculty last spring to learn about their experience in NYU housing. Questions included inquiries on experiences of leaving housing.

She noted healthcare will be a major discussion this year. The Committee met with members of the Benefits Office. She reported there will be increases to monthly health care contributions, in line with overall increases to healthcare costs. She noted the Committee has tried to advocate to keep the increase of premiums to a minimum.

Ling stated the University spends a certain amount of money every year on benefits for employees, which includes faculty, administrators, clerical staff, union staff, and this year graduate assistants were included. She noted on the annual report of the W2 form, there is a box that lists the University’s share of individual health benefits. If the contribution is over a certain amount, Obamacare designates the plan as a Cadillac Plan. The Benefits Office informed the Committee that NYU qualifies as a Cadillac Plan.

In addition, 2015 is the last year the HMO plan will be offered. Beginning in 2016, HMO plans will no longer be available.

A Senator commented on the importance of a broader discussion on compensation packages and the different ways to compensate based on tax advantages. He noted as the tax law changes, perhaps compensation packages should be changed. For instance, if healthcare benefits decrease, perhaps tuition benefits should increase. He also considered employees may be willing to consider a one or two percent cut in base salary in return for more generous benefits. A Senator supported the idea of examining the whole package and seeing what items are taxable, such as salary, and perhaps move some compensation to benefits which are not taxable.

A Senator commented on the focus on reducing benefits, and asked how we might focus on increasing benefits.

A Senator commented that if the Council has a proposal to increase spending in one area, it should be countered with a proposal on how to save money in another area.

A Senator stated the University is under constraint because of these federal changes and they are faced with the dilemma that healthcare benefits will be taxed more. He stated that health benefits have the most uniform appeal to faculty and he believes the faculty as a whole will be extremely unhappy with too many concessions having to do with health benefits.

A Senator stated the lineage of the baby boom is now 70 years old in 2015. He noted in the last 25 years, the healthcare workforce has grown by 75% with only 5% of that growth being in physicians and the rest being in administrators and non-healthcare providers. This has contributed to increased healthcare costs.

Senators noted the importance of providing the best possible overall set of benefits in order to attract and retain faculty. This will depend to some extent on what NYU competitors are offering. A Senator stated there is still uncertainty with the Affordable Care Act and commented the best thing the Council can do is stayed informed.

A Senator commented during his time on the Benefits Committee, he found the Benefits Office to be very open with the Committee on sharing healthcare data and costs. He noted NYU’s main problem is it is a self-insured organization. As a result, if and when the Cadillac plan tax begins, this will effect the amount the University can pay.

Senator Ling noted the advantages of the new windows in Washington Square Village and Silver Towers.
Senator Smith stated the Committee's agenda this year is largely driven by the realization that it will be a challenge to centralize and aggregate school-level data. As a result, the Committee is trying to help schools communicate to their faculty members in a consistent and transparent way. The Committee has found that schools have been increasingly transparent with their own faculty. The Committee is working on creating a template that schools and departments can use for sharing financial data with their faculty members in a consistent and comprehensible manner.

The Committee is also developing a financial dashboard template using examples from schools that currently use dashboards.

The Committee is also examining questions related to the finances and profits of the Global Network University (GNU) and will ask for data that goes beyond the generic annual reports, etc. found online. He noted the University has demonstrated willingness to share some data with individual committees on certain topics.

Finally, Smith stated the Committee would like to meet with the new President and his administration on the University budget. He commented NYU has a fairly unusual budget process. The Committee will inquire if the new administration is planning a similar process.

Senators suggested the Finance Committee could get involved with the benefits questions regarding reallocation. Smith stated, if the Council requests, the Committee could discuss salaries in the context of benefits.

A Senator asked if the Committee had a transparent budget for all schools, similar to what the Committee is asking for in regards to the GNU.

Smith noted NYU has a decentralized budget process where schools do their own revenues and expenses. The central university receives money through contribution to the common fund. There are actually two mechanisms: indirect cost allocation and contribution to the university fund. The contribution is variously called subvention or tax. This is something the Committee tried to obtain transparency on, but it will not be made widely known. So, given the constraints, the Committee is trying to help schools and departments be more transparent, at least with their faculty.

A Senator stated, at Stern, faculty know exactly how much Stern is contributing in percentage terms.

Senator Backus stated over the last couple of years, the Committee worked with Marty Dorph and received a fairly comprehensive set of aggregate financial data. He noted at the last Senate Financial Affairs Committee (SFAC) meeting, Marty Dorph distributed an updated version. Backus suggested circulating this to the Council and/or posting online.

A Senator noted historically NYU has had a business model where the professional schools fund Arts and Science.

A Senator supported the charge to examine the financials of the GNU. She added it would be useful to see the growth in NYU's overall budget.

A Senator asked how NYU plans to finance the new Coles site building. Smith responded if the Council wants specific numbers on the budgetary impact, this data exists at the SFAC level.

A Senator noted NYU was in the unusual position of being a high quality university that has recruited extraordinary faculty on a relatively slim endowment, but was supported by admitting more students into the undergraduate schools. He commented NYU is putting stress on undergraduate resources, in terms
of space, numbers of students in the classes, etc., which is one of the ways the University makes up for the small endowment.

A Senator predicted that similar to the tension with the cross subsidies between the schools, there will be tension about the balance of resources between teaching and research.

A Senator stressed the importance of these templates the Committee is developing. He noted FAS faculty have received a positive response regarding sharing budget information. He commented faculty were unsure of what questions to ask and stated a template on how budgets are structured, description of categories, etc. would be very useful.

Global Network University (GNU): Committee Co-Chairs Awam Amkpa & Arvind Rajagopal

Vice Chairperson Amkpa stated the GNU Committee hopes to meet soon and plans to collaborate with other committees, such as Finance & Policy Planning, Governance, and Administration & Technology. The Committee’s agenda includes following-up on how the University has responded to the Nardello report. The Committee also wants to follow up on the kinds of implementation or means of improving levels of integration and connectivity between the square, Abu Dhabi, and Shanghai. The Committee seeks to intensify the relationships between faculty governance structures and to stimulate conversations about faculty governance in the study away sites.

Amkpa stated another issue relates to the financial disclosures, and noted it would be beneficial to have a joint session with Finance & Policy Planning to understand the templates, how to ask questions regarding GNU’s finances, and how to integrate that information to the organic structure of NYU. The Committee also wants to follow-up on some of the promises the University made about centralizing information on activities at Abu Dhabi and Shanghai.

The Committee invited Ron Robin, Senior Vice Provost for Global Faculty Development, to visit both the Committee and the T-FSC. The Committee will also be meeting with the Faculty Advisory Committee on NYU’s Global Network. The Committee will work with this University Committee to gain information on the status of the global network university professors. The Committee will explore how these appointments have been implemented and how they enhance the curricular integration between the portals as well as the study away sites.

The Committee is also reviewing two documents: one from the coalition for fair labor and one concerning CRISSP-AD, The Center for Interdisciplinary Studies in Security and Privacy.

A Senator asked for more information regarding the coalition for fair labor. Amkpa responded that the Committee is seeking information on what happened post the Nardello report in terms of monitoring, review process, how transparent the review process is, etc.

A Senator asked about supplementary specification document in the Nardello report. Last year he asked for the release of this document. Amkpa responded that a decision on distributing this document to faculty will be discussed at the next meeting.

Governance: Committee Co-Chairs Awam Amkpa & Jim Uleman

Senator Uleman stated two items on the Governance Committee agenda include restoring the Council’s role in the Faculty Handbook and exploring the erosion of tenure at the School of Medicine.

He made note of the agenda item of a recommendation to SCOG on how many seats to allocate to each Council on the University Senate. He asked if Senators had ideas on how to approach this question to communicate to the Committee.
A Senator commented that he believes the principle is that Council is the representation of the dedication of the University to research. Another Senator stated that the rationale is to promote the research mission of the University.

A Senator asked why the size of the University Senate needed to change. Uleman responded that with the addition of the C-FSC last year, the Senate Executive Committee suggested the Senate number be capped at 100 seats.

A Senator noted the increase in continuing (non-tenured) faculty members, who are doing more of the teaching. An unexpected result is that according to the student viewpoint, a faculty member is a faculty member, regardless of tenure status. Therefore in the negotiations on number of seats, the Student Senators Council (SSC) registered the faculty seats at 63, regardless of T-FSC or C-FSC affiliation. The Dean’s Council suggested a one-for-one equality. He suggested the Council hold its ground if there is an attempt to reduce our size, but not to spend much energy over the issue.

A Senator asked for clarification on the issue of the Faculty Handbook. His understanding is now the Provost can improve language in the Faculty Handbook without the consent of the Council. He noted thirty years ago or so, the Faculty Handbook was considered the document concerning tenured and tenure-track faculty. In instances it was offered up in courts of law in terms of disputes. He commented now it is a mix of policy, rules, and rights, and now includes the governance of non-tenured track faculty.

Another Senator stated in regards to the Handbook, in addition to the issue of restoring the Council’s role in approving it, there is also the question on whether or not it is a contract that represents a faculty member’s contract to the University. He stated he believe there is a current court case in which it was argued the Faculty Handbook is not a contract.

A Senator stated the recent judicial ruling is that the Handbook is not a contract and furthermore the University is not required to follow any of its own policies.

A Senator noted there was another recent judicial ruling on another case from the School of Medicine in which the ruling determined the faculty member did not in fact have tenure, but that because the Handbook is a contract, the School of Medicine was bound to pay him his full year salary for one year.

A Senator explained the cases involving the merger with Mount Sinai, and noted these were another instance where the judicial system in New York accepted the fact that the Handbook is a contract.

Chairperson Mincer stated the Executive Committee (EC) has started to approach the subject of the Handbook with the President and the EC believes it is most productive to continue this discussion with the new administration.

The remaining Committee reports from the Inclusion, Equity, & Diversity Committee and the Personnel Policies & Tenure Modifications will be postponed to the next meeting.

SPECIAL GUEST PRESENTATION ON PROVOST SEARCH COMMITTEE

Chairperson Mincer presented Richard Foley, Vice Chancellor for Strategic Planning, who is chairing the Provost Search Committee.

Vice Chancellor Foley thanked the Council for hosting him. He stated Dave McLaughlin has announced he will step down as Provost at the end of this academic year. Incoming President Hamilton asked Foley to chair the search for the new Provost. The Provost Search Committee consists of thirteen faculty members and three deans. In addition to the faculty and deans on the Committee, there are also two delegates, one from the administrative staff and one Ph.D. student. These delegates are not involved in the early parts of the search but they will be involved in the interviews with those who come to the Committee and to President Hamilton.
Members of the Committee have been asked to fan out across the University and to meet with faculty to gather input. This process has already begun. In addition, Foley or other members of the Committee will be meeting with various groups across the University. The Committee has arranged listening sessions, including in Abu Dhabi and Shanghai. Announcements will be sent shortly regarding these open public listening sessions on campus taking place on October 21 and October 29. One will be reserved for faculty and the other will be open to the entire community.

Foley reported there is an email address: provost.search@nyu.edu accepting suggestions for the Committee, including specific names. The Committee has stated there are looking for both internal and external candidates.

He noted the general time table is that the Committee will spend this semester identifying a pool of candidates who will then speak to the Committee. Those conversations with the Committee are projected to take place early in the next semester. After that there will be a secondary, smaller pool that will meet personally with President Hamilton, who will make the final choice.

He noted Senators Allen Mincer and Sylvain Cappell are members of the Committee and noted Council members may contact them, him, or write to the general email address with thoughts and suggestions.

He stated the Committee is seeking names, and it is not necessary to have information on whether the person is interested or not. The Committee is looking to get a talented pool of candidates and would rather receive more names than fewer names.

A Senator asked if the Committee has received guidance from Hamilton.

Foley stated Hamilton made a point of not limiting the search to an internal person. He noted he may have more detailed guidance when he talks to the Committee. He also stated there will be a public document distributed.

The same search firm used for the presidential search, Isaacson, Miller, will be used. He noted the search firm knows NYU, knows Hamilton, and Hamilton knows them well. The firm will be working with the Committee to prepare a position description and a public notice, which will likely be posted by early November.

A Senator asked to what extent is the position of Provost well-defined and to what extent is there freedom on the part of whoever fills that position to define it.

Foley stated there will be an opportunity for the person to define. He stated one of the points incoming President Hamilton will say to the Committee next week is that he wants to use this process to not only identify a talented pool of candidates from which we can choose the next Provost, but he also wants to use the process to examine the structure of the Provost's office, what it does, how it operates, and see if changes should be made.

A Senator asked how the growth of the Global Network University and the addition of Provosts in Shanghai and Abu Dhabi will affect the shape of the position.

Foley stated that is one of the big questions, and he thinks the idea is for no immediate changes to structure. The New York Provost is called the University Provost, which means he/she provides academic direction and academic leadership for the New York campus and is also involved in the academic profile and the academic actions of the other campuses. He noted it is the University Provost that ultimately signs off on faculty search plans and tenure and promotion decisions in Abu Dhabi and Shanghai, just as in New York.

The Council thanked Foley.
ADJOURNMENT

The meeting adjourned at 2:00 PM.
T-FACULTY SENATORS COUNCIL
A/Y 2015-2016

AGENDA ITEMS

Administration & Technology: Kwame Anthony Appiah & Thomas Wisniewski

- Social Media Policy
- Personal Digital Content Policy

Educational Policies & Faculty/Student Relations: Todd Disotell & James Martin (fall)

- Seek University-wide admissions data to disaggregate it by school for greater transparency. There are perceptions amongst many faculty that students transferring between programs may not be as well prepared for their new programs.
- The Committee also plans to vet the numerous student, faculty, and other petitions and proposals that may affect our educational mission before they are brought to the full Senate for consideration.

Faculty Benefits & Housing: David Backus & Wen Ling

- Housing: Survey results
- Retirement: Evidently offers have been sent to some people in some departments. Is this something we want to look into?
- Portable tuition remission: There's some desire, not unanimous, to expand tuition remission for students attending schools other than NYU. Should we continue to explore options?
- Healthcare: This will almost certainly change in noticeable ways as the Affordable Care Act rolls out. It raises lots of questions because we have what it colloquially called a "Cadillac plan," which the ACA makes much more expensive. If NYU pays the "tax" on such plans, where does the money come from? If we don't, does that free up money for other benefits? Are there more tax-friendly ways to provide benefits?

Finance and Policy Planning: Maurizio Porfiri & Dan Smith

- Creating and sharing a template for presenting and analyzing financial data (in each school)
- Creating a financial dashboard (for each school)
- Obtaining "executive-level" (i.e. Board of Trustees) financial data on the GNU
- Meeting with the new Presidential administration on the university's budget process

Global Network University: Awam Amkpa & Arvind Rajagopal

- Review of governance, research and connectivity within the GNU
- Financial data on GNU is needed; in situ agreements with portal campuses need to permit faculty senate discussion/monitoring
- Incorporate descriptions of the Global Network University Professorships, rights and privileges within the Faculty Handbook
- Liaising with appointed GNU committee and deans council to study and monitor implementations of the GNU professorships
- Following up on key issues and recommendations from the Nardello report and the university's response
- Seeking clarifications on finances and intersections with each portal campus
Specifically, information on the estimated "investment phase" of the global sites, and on the anticipated shift to "revenue-earning phase."

Following up on proposed structures for monitoring the GNU

**Governance: Awam Amkpa & Jim Uleman**

- Restoring the T-FSC role in approving the "Faculty" Handbook;
- Exploring further action on the erosion of tenure at NYU, particularly at the School of Medicine in light of recent court cases
- Seeking principles on which to base a recommendation to SCOOG on the representation of each council on the university senate, now that the C-FSC (Continuing Faculty Senate Council) has been added
- Active monitoring of actual election procedures for the T-FSC in each school of NYU, relative to the "best practices" we adopted last year
- Seeking clarification from the administration on the circumstances in which it attempts to have travel bans imposed by sovereign states on faculty members lifted, when they travel abroad in pursuit of their academic research, and information on what those efforts and their success
- Exploring whether revisions of the Faculty Handbook grievance procedures are called for, in light of the C-FSC's and the GNU portal campus's new status

**Inclusion, Equity, & Diversity: Sinan Antoon & Ann Morning**

- Survey NYU’s current diversity efforts, both university-wide and on a school-by-school basis
- Meet with key actors and units (e.g. Ulrich Baer, Vice Provost for Faculty, Arts, Humanities & Diversity; Office of Equal Opportunity)
- Research other universities’ diversity efforts, with an eye to identifying best practices
- Propose a set of policy recommendations for NYU

**Personnel Policies & Tenure Modifications: Warren Jelinek & Nancy Van Devanter**

- Robert F. Wagner Graduate School of Public Service Appointment and Promotion Standards and Procedures for Full-Time Non-Tenure Track/Contract Faculty
- NYU Stern School of Business Policy on Full-time Non-tenure Track Contract Faculty (FTNTT/CF)
- A number of school-level FTNTT/CF policies are being finalized at this time, and they in turn will also be sent to the T FSC and C FSC for review
- Also anticipated: A P & T policies from the College of Dentistry, the College of Nursing, the College of Global Public Health, and perhaps also a separate policy from the Faculty of Health
- Non-disparagement clause in retirement contracts