MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF DECEMBER 15, 2016

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, December 15, 2016 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Amkpa, Appiah, Cappell, Davila, Economides, Fenton, Figlewski, Garabedian, Lapiner, Ling, Livingston, Logan, Longuenesse, Merritt, Parekh, Porfiri, Ramey, Shapley, Smoke, Sundararajan, Tranchina, Van Devanter, Watson; Active Alternate Bello; Alternate Senators Alter (for Weinberg), Anker (for Duncombe), Daughtry (for Mincer), Regaignon (for Jamieson), Schlick, Seeman (for Uleman), and Tannenbaum.


Upon a motion duly made and seconded, the minutes of the November 3, 2016 meeting were approved unanimously.

ELECTION OF T-FSC CHAIRPERSON 2017-2018

Vice Chairperson Amkpa acknowledged his withdrawal from the list of candidates for the position of Chairperson, 2017-2018.

Senator Cappell, on behalf of the Nominating Committee, confirmed the Committee currently presents one candidate, Senator Wen Ling of the Steinhardt School, and opened the floor for nominations. A Senator nominated Alternate Senator Carol Reiss. It was confirmed, as an Alternate Senator, Reiss is not eligible to run for the position of Chairperson. There were no additional nominations from the floor. The Council approved a vote by acclamation. Wen Ling will serve as Chairperson for academic year 2017-2018.

REPORT FROM THE CHAIRPERSON: AWAM AMKPA (ON BEHALF OF ALLEN MINCER)

Vice Chairperson Amkpa reported the Executive Committee met with both the President and the Provost and discussed the topics of governance and integration across the GNU and the potential impact of the impending U.S. administration. The President sent two statements to the NYU Community regarding the U.S. election and met with several other interest groups on the subject.

T-FSC COMMITTEE REPORTS

Faculty Benefits & Housing: Co-Chair Wen Ling

Retirement Funds

Senator Ling reported the selection of retirement funds is conducted by a university-wide retirement committee, which is assisted by a consulting firm. The nine members of the University retirement committee include the Washington Square Senior Director of Global Benefits, NYU Chief Financial
Officer, NYU Chief Investment Officer, the Provost, NYU Vice President of Human Resources, and from the Medical School: the Senior Director of Benefits, Senior Vice President of Finance, Senior Vice President of Human Resources, and Vice President for Finance. There is no faculty representation on the committee at this time. The T-FSC Committee noted there are faculty with expertise in this area and are in the process of getting these faculty members’ input in the decision-making process.

The T-FSC Committee asked how the funds are selected, why the criteria they use is selected, and how the fees are determined. The Retirement Committee, with assistance from the consulting firm, reviews all investment portfolios every three months. The criteria they use in evaluation includes performance versus peer group, performance versus standard benchmark risk, risk adjusted performance fees, along with other factors. The Committee also will review funds brought to their attention by faculty or administrators. NYU negotiates fees that employees pay as participants of the retirement funds. NYU currently only has two record keepers, TIAA CREF and Vanguard, but is moving towards having only one record keeper to lower costs and streamline the reporting mechanism. With one record keeper, employees will only need to go to one website to view investments. The record keeper also provides financial counseling sessions.

A Senator inquired on penalties for withdrawing funds prior to retirement. He commented that the tax penalties are IRS determined, however NYU sets the rule that does not allow loans and hardship distributions from the NYU Retirement Plan.

A Senator suggested inviting the members of the Retirement Committee to attend a Council meeting to address the group. The T-FSC Committee agreed to invite them to a future meeting.

Administration & Technology: Co-Chair Arun Sundararajan

Personal Digital Content Policy

See attached Document B: PDC Policy.

Senator Sundararajan discussed the main points addressed since the last version of this policy. The Committee requested clarity on the statement about NYU’s monitoring of the personal digital content of NYU faculty, students, and staff, specifically on page 3 and the language around reasons for access.

The Committee felt it important to clarify that NYU does not monitor the PDC of a specific NYU faculty member, student, or staff member, and recommended removing the word “routinely” before monitor on page 3 of the document. NYU may obtain access to PDC, but only for a legitimate institutional purpose, as set forth in the policy.

There was a discussion on grievances and a request to include grievance policies in the set of related NYU policies.

The third recommendation was to include the following line in the Scope of Access section:

To the extent un-encryption of any such PDC may be required, the protocols for un-encryption are legal in nature and beyond the scope of this policy.

Sundararajan reported this draft of the policy has been approved by the C-FSC, Dean’s Council, and the AMC.

A Senator expressed his issue with the following line on page 2:

This policy does not create rights in any individual or entity to seek legal redress for action inconsistent with the policy.

He commented this takes away the right to sue and should be deleted.
A Committee member disagreed and commented it states this document does not create rights that an individual does not already have. Individuals have extensive rights already in relation to this matter, this states one can sue on the basis of abuse of privacy, but cannot sue on the basis of this document alone. He commented this is a reasonable statement to make.

The Senator disagreed and explained it states individuals do not have the right to sue the University if the policy is not applied correctly.

The Senator clarified it does not state individuals do not have the right to sue, but that the document does not create rights to sue.

Senators discussed the meaning of the phrase.

A Senator asked if this document provides a mechanism for a person to be accused of being in violation of this policy.

It was noted the Oversight Committee was recommended to handle these issues. In addition the two guiding documents would be the revised grievance and disciplinary action policies.

A motion to amend the policy to remove the clause “This policy does not create rights in any individual or entity to seek legal redress for action inconsistent with the policy” was moved and seconded. Senators discussed the amendment.

A Senator suggested including a conditional approval which includes an affirmation that rights for redress or grievance are not in any way compromised by this new document.

Senators argued to delete the phrase. Senators discussed the ambiguity of the phrase.

The amendment to remove the clause “This policy does not create rights in any individual or entity to seek legal redress for action inconsistent with the policy” was rejected by vote of 11 Senators in favor and 14 Senators opposed with 4 abstentions.

The University Access to Personal Digital Content policy, draft date November 7, 2016, was approved by vote of 16 Senators in favor and 9 Senators opposed with 4 abstentions.

Inclusion, Equity, & Diversity: Co-Chairs Arlene Davila & Darcey Merritt

Proposed resolution

See attached Document C: Proposed Resolution

Senator Davila commented that diversity discussions have been placed late in the agenda at several meetings and formally requested that when diversity issues are on the agenda, that they be placed early to allow more time for discussion.

Vice Chairperson Amkpa stated the EC never undervalues this topic when arranging the agenda. The EC placed the discussions on NYU's policy on admissions and prior criminal records prior to this discussion to coordinate with the broad subject of equity, inclusion, and diversity.

Senator Davila read the proposed resolution:

The NYU Tenured/Tenure Track Faculty Senators Council wants to commend Hamilton's statements in support of Deferred Action for Childhood Arrivals (DACA) and our undocumented students and urge the university to continue taking proactive responses to any possible threats to the civil liberties, personal safety, and academic freedom of NYU community members.
We encourage the university to recognize the symbolic importance of designating NYU a “Sanctuary campus” to bolster NYU’s policies in defense of undocumented members of our community. We encourage administration to continue instilling a zero-tolerance policy to hate crimes and to play a leadership role in opposing a national Muslim Registry, which will greatly imperil NYU’s global position.

A Senator suggested an edit to the last sentence, changing “which will greatly imperil NYU’s global position” to “which runs counter to our values.”

A Senator suggested removing the clause “wants to” in the first sentence.

The following resolution was approved unanimously, with suggested edits, by vote of the Council:

The NYU Tenured/Tenure Track Faculty Senators Council commends President Hamilton’s statements in support of Deferred Action for Childhood Arrivals (DACA) and our undocumented students and urges the university to continue taking proactive responses to any potential threats to the civil liberties, personal safety, and academic freedom of NYU community members.

We encourage the university to recognize the symbolic importance of designating NYU a “Sanctuary campus” to bolster NYU’s policies in defense of undocumented members of our community. We encourage the administration to continue to impose a zero-tolerance policy to hate crimes and to play a leadership role in opposing a national Muslim Registry, which runs counter to our values.

Special Guests

Faculty Committee on NYU’s Global Network: Co-Chairs Eliot Borenstein and Una Chaudhuri

See attached Document D: GNU

Co-Chair Borenstein stated the Faculty Committee on NYU’s Global Network was appointed by the Provost, and consists of members representing the various units throughout NYU including the two portals. In the first year, the Committee developed a report with a set of several recommendations, almost all of which were adopted over the course of the next year.

Co-Chair Chaudhuri stated the Committee has focused on finding ways to involve faculty with the global network organically and systematically. The Committee works with all academic units to communicate developments in the global network and opportunities for involvement as academic units, including curricular development, collaboration, and research. One main issue focused on this year is the relationship between the three standing faculties of the global network: NYU New York, NYU Abu Dhabi, and NYU Shanghai. The relationship involves curriculum and scholarship development, and also the academic life cycle, which includes the search and recruitment phase, development of relationships with units in the other portals, and review, assessment, tenure and promotion.

Chaudhuri referred to Document D and stated the document describes principles and procedures for coordinated hiring. Both portals have developed their own procedures and guidelines for all these processes, and the task now is to make sure that all three of these statements work together and do not contradict. The goal is to have a revised document by the end of the year. She noted the Committee believes the standing faculty at the portals should have a major voice in the process and help to shape the statement.
Chaudhuri referred to Document D and the section on the Global Network Professor Titles. Amkpa noted the T-FSC voted on the Global Network University professorships and they are now included in the Faculty Handbook. He also noted the integrated faculty governance structure, including the establishment of Abu Dhabi and Shanghai Faculty Councils, and representation on the T-FSC and C-FSC.

Chaudhuri noted the importance of governance integration and the goal to identify other opportunities and modes of connectivity for the three standing faculties. She noted the committee hosts faculty forums at each of the portals every year.

Amkpa thanked the Co-Chairs for their work in supporting faculty input in the Global Network University.

Linda Mills, Vice Chancellor and Senior Vice Provost for Global Programs and University Life, and MJ Knoll-Finn, Vice President for Enrollment Management

**NYU’s policy on admissions and prior criminal records**

Linda Mills stated four years ago the Admissions Office was contacted by a group of students and a New York advocacy group that stated they were determined to change the way in which the Common Application treated prior criminal records. In response to these conversations, the Admissions Office developed a mechanism by which the information on the Common Application regarding criminal history would be suppressed in the first round of evaluating a student’s qualifications. NYU also examined the research in the area of the check box, and analyzed what the Admissions Office needed and wanted to know about an applicant’s history. The Office focused on questions related to violent crimes and developed language stating NYU will ignore any answers provided on the Common Application regarding criminal and disciplinary history and instead ask more focused questions relevant to issues of campus safety.

Mills provided a brief background on the research that informed the decision. She noted a study that analyzed whether or not high school crime or disciplinary activity predicted behavioral problems in college. The research showed that it did. She stated they are also interested in examining how an applicant’s relationship to past behavior effects future behavior.

MJ Knoll-Finn provided background on the Common Application. She stated it is a membership organization with over 600 colleges and universities using the Common Application. The administration of the Common Application cannot make decisions on that application, unless it is voted on by the membership. Currently they are asking basic questions of their membership, including how universities use the answers to the questions on criminal history. She noted NYU is also asking for more data, specifically did an applicant check the box, did the applicant go to the university, and were there any disciplinary issues while at the university. She noted the complexity of the landscape, stating some schools have stated they will ignore the question completely and not include follow-up questions, other schools do background checks on every single student. She noted there continues to be some student protests on NYU’s decision.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
Statement from Wen Ling as a Candidate for the Chair of T-FSC

My commitment to New York University, to my colleagues and to the educational access and success of all students has guided my decision to become a candidate for the Chair position. I am currently serving my third term as a senator from the Steinhardt School of Culture, Education and Human Development. As a senator, I have had the opportunity to gain an understanding of the policies, procedures and spirit of the TFSC and the University. I have enjoyed working on a range of committees and task forces that include: benefits and housing, grievance, personnel policies, tenure modification; judicial board, public affairs, tuition remission and portable tuition, sexual misconduct, and protection of minors on campus. Based on these experiences, I feel prepared and/or qualified to lead the TFSC.

With the principles of shared governance in mind, and my profound respect for the NYU family, I believe that a great faculty is absolutely vital for the university of today. My vision for the TFSC is to take a very proactive role in such matters as financial and academic integrity of the NYU global community. Several immediate issues that I want to address are affordability, faculty salary and benefits (e.g. tuition remission and portable tuition), a more engaged, technologically enhanced approach to pedagogy, and the need for building a more diverse faculty and student community.

Through strategic partnerships, I believe the TFSC is poised to tackle the complex global challenges that NYU faces. If elected, I will be committed to helping the TFSC fulfill the University’s promise of access and excellence.
New York University
UNIVERSITY POLICIES

Title: University Access to Personal Digital Content
Effective Date: October 3, November 7, 2016
Supersedes: New Policy
Date of Latest Revision: N/A
Issuing Authority: Executive Vice President, Finance and Information Technology
Responsible Officer: Vice President, Information Technology and Chief Information Officer

Policy

It is the policy of New York University, including its Schools and other units, Global Network University sites, and all University Affiliates (together “NYU”), that NYU limits the circumstances under which NYU will access, disseminate, and use Personal Digital Content, or “PDC” (as defined in this policy) of NYU faculty, students, and staff, and that NYU be transparent about those circumstances and its related procedures.

NYU recognizes that as faculty, students, and staff increasingly create, receive, use, transmit, and store information in digital form — as opposed to traditional media (e.g., print materials, file cabinets) — there is growing concern that such information may be more vulnerable to unintended or inappropriate use. At the same time, NYU appreciates and affirms that NYU faculty, students, and staff have an expectation of privacy. Such privacy is a necessary part of fulfilling NYU’s commitment to academic freedom (as set forth in the Faculty Handbook), and its commitment to respect in its relationships with faculty, students, and staff (as set forth in the New York University Code of Ethical Conduct).

Purpose of this Policy

The purpose of this policy is to establish internal standards and procedures governing NYU’s access to, and dissemination and use of, PDC to achieve the above-stated policy objectives. This policy is grounded on six important principles:

- Access to, and dissemination and use of, PDC of NYU faculty, students, and staff will be authorized only by the PDC Access Panel, and access will be conducted pursuant to NYU’s Policy on Requests to Information Technology (NYU IT) to Support Investigations.
- Access to, and dissemination and use of, PDC of NYU faculty, students, and staff will occur only for a legitimate NYU purpose, as set forth in this policy.
- Except as provided in this policy notice pursuant to the Notice section of this policy will be given to affected NYU faculty, students, and/or staff when their PDC will be, or has been, accessed.
- Access to, and dissemination and use of, PDC of NYU faculty, students, and staff will be limited in scope to the information needed to accomplish the purpose.
• NYU will maintain sufficient records to enable appropriate review of compliance with this policy.
• Access to, and dissemination and use of, PDC will be subject to ongoing, independent oversight by an NYU Committee that will issue regular reports to the University Senate.

This policy does not create rights in any individual or entity to seek legal redress for action inconsistent with the policy.

Scope of this Policy

This policy affords protections to faculty, students, and staff of NYU with respect to their Personal Digital Content and sets forth NYU’s commitment and processes to effectuate those protections.

Procedures for Implementation

Background

NYU faculty, students, and staff rely on technology in multiple aspects of their work, teaching, research, study, and other activities. In doing so, they often use electronic systems, networks, and devices that NYU owns, provides, or administers. These NYU Systems assist NYU in carrying out certain activities. As used in this policy, “NYU Systems” means all information technology services, networks, and devices owned, provided, or administered by any unit of NYU. Services include, but are not limited to, email services, internet access, file servers, voice message servers, hardware and cloud-based storage devices and/or services, laptop, tablet, desktop, and other computers, phones or other mobile devices, and other outsourced information technology services (e.g., Google NYU Mail or Google Apps for Education).

This policy provides protections to NYU faculty, students, and staff with respect to their “Personal Digital Content” or “PDC,” which means the following content and its associated metadata to the extent stored in files and/or accounts on, or transmitted through, NYU Systems and that are associated with a specific NYU faculty member, student, or staff member:

   (a) digital documents and communications of NYU faculty, students, and staff, such as emails, voice mails, text messages, audio and video files;
   (b) internet search records and internet sites visited for specific NYU faculty, students, or staff;
   (c) manuscripts and other similar works of authorship by NYU faculty, students, or staff that are not publicly available; and
   (d) other scholarly content of NYU faculty, students, and staff that comprises “Traditional Works of Scholarship” under NYU’s Statement of Policy on Intellectual Property, except to the extent such works also qualify as “Instructional Media” under that policy.

Examples of content that are not included within the definition of PDC include: (a) logs or records of access, including video files, to NYU facilities or equipment; (b) “Research Data” as defined in NYU’s Policy on Retention of and Access to Research Data; (c) personal information needed for management of NYU records, such as financial, human resource, and student information system records; and (d) routine uses of NYU instructional management systems (e.g., the statistics section of NYU Classes). If members of the University community have a question about whether specific
data is included within the definition of PDC, they should consult with their Dean or Director who, together with the Responsible Officer for this policy, will provide guidance.

**Reasons for Access**

NYU does not routinely monitor the PDC of a specific NYU faculty member, student, or staff member. However, NYU may obtain access to such PDC in some circumstances, but only for a legitimate institutional purpose, as set forth in this policy. The paragraphs below describe certain purposes for which NYU may access such information. While this list is expected to cover most instances of access, the list is not intended to be exhaustive. NYU may access the PDC of NYU faculty, students, and staff for other comparable reasons that advance a legitimate institutional purpose, as determined pursuant to this policy and subject to review by the Oversight Committee as described below. In evaluating the institutional purpose, the PDC Access Panel will in each case weigh not only the stated reasons for access but also the possible effect of access on NYU values such as academic freedom and internal trust and confidence.

A. System Protection, Maintenance, and Management

NYU Systems require ongoing management, maintenance and inspection to ensure that they are operating properly; to implement new systems; to protect against threats such as attacks, malware, and viruses; and to protect the integrity and security of information. For example, system logs, also known as log files, are created during system operation and contain information about system events that are needed for specific business reasons or to satisfy legal requirements. Business reasons include, but are not limited to, deploying new software, troubleshooting, system testing, collecting metrics on system performance and usage, billing, documentation, electronic discovery, and forensic investigation. No routine network scans of faculty, students, or staff are done that examine content.

B. Business Continuity

NYU may access PDC of NYU faculty, students, and staff for the limited purpose of ensuring continuity in its business operations where the information in question is material to conducting business operations, and where it is reasonably determined that there is no better practicable alternative under the circumstances. This need can arise, for example, if an employee who typically has access to the files or business information in question is unavailable for the time period when the files or information is needed. The term “business continuity” includes University business and administrative data and files, but does not include teaching materials, scholarly works, or other similar academic information.

C. Safety Matters

NYU may access PDC of NYU faculty, students, and staff to deal with exigent situations presenting a threat to campus safety or the life, health, or safety of any person.

D. Legal and Regulatory Process and Litigation

NYU may access PDC of NYU faculty, students, and staff in connection with pending litigation or a bona fide threat of litigation (as determined by the Office of General Counsel), and to respond to subpoenas and similar lawful requests for information in relevant law enforcement investigations, other government investigations and regulatory processes, and legal and regulatory processes, and as otherwise required by law.
E. Internal Investigations and Audits

NYU may access PDC of NYU faculty, students, and staff: a) in connection with investigations under, and consistent with the requirements of, any applicable NYU policies (such as, for example, claims of discrimination, harassment, sexual misconduct, research misconduct, financial misconduct); b) for purposes of internal audits and audits by NYU’s public accounting firm; and c) in connection with claims relating to public safety, including allegations of criminal conduct, and other circumstances as outlined in policies such as Electronic Communications and Social Media, Missing Student Notification, Appropriate Use of Email at New York University, and Terms of Use for NYU Google Apps for Education. Access may be authorized only when the PDC Access Panel has determined that the investigation advances a legitimate institutional purpose and that there is a sufficient basis for it.

Authorization of Access

Access to PDC of NYU faculty, students, and staff must be authorized by a three-person standing University panel (“PDC Access Panel”) comprising the VP/CIO or his/her designee, a representative of the Office of General Counsel, and the Provost or his/her designee. The PDC Access Panel will develop and approve protocols for approvals. Once authorized by the PDC Access Panel, the VP/CIO or his/her designee will undertake access in accordance with NYU’s Policy on Requests to NYU Information Technology (NYU IT) to Support Investigations.

Any authorization of access by the PDC Access Panel will apply only to the particular situation and specific NYU faculty, students, and/or staff. Any other situation must be separately authorized.

No independent authorization is required for information technology personnel to conduct routine system protection, maintenance, or management in accord with internal protocols and processes. Likewise, requests for access in connection with litigation, legal and regulatory processes, or requirements, or law enforcement investigations, or to preserve PDC for possible subsequent access in accordance with this policy, need no independent authorization if made by the Office of General Counsel.

In exigent situations involving a threat to campus safety or the life, health, or safety of any person where there is no other governing policy, access may be authorized by the Office of General Counsel. If emergency conditions do not allow for prior authorization, the matter will be reported to the Office of General Counsel as promptly as possible.

Notice of Access

When NYU intends to access PDC of current NYU faculty, staff, and students, and except as otherwise provided in this policy, all reasonable efforts will be made to give notice to the affected community member(s) at or before the time of access or, where it is deemed necessary by the PDC Access Panel (e.g., to preserve the integrity of the PDC) as soon thereafter as reasonably possible, and consistent with any applicable laws and university policies. Notice will be provided by the VP/CIO and will ordinarily include a summary of the actions taken (including date and time of access), and the reasons the action was taken. However, the timing, content and scope of notice are often dependent upon unique circumstances, and the PDC Access Panel will establish for the VP/CIO any specific requirements for notice in each situation for which access has been authorized consistent with this policy.
The following are examples of situations where notice is not required:

A. System protection, maintenance, and management — Individual notice is not required for ordinary system protection, maintenance, or management as described in this policy. Notice should be given if the access relates specifically to the activity of an individual faculty member, student, or staff member, unless troubleshooting the individual user’s problem with a system based on a report from the user.

B. Business continuity — Individual notice prior to access normally is not required for access to PDC for purposes of business continuity, in accordance with this policy and established NYU practice, and the common understanding is that individual notice prior to access in such cases typically is not practicable.

C. Legal restrictions — Individual notice is not required where NYU is subject to legal constraints, or with requests by law enforcement or regulators, or similar constraints on NYU’s ability to give notice.

D. Emergencies and other extraordinary cases — Contemporaneous individual notice is not required in cases where there is insufficient time, where giving notice could otherwise interfere with an effective response to an emergency or other compelling need (e.g., at a stage of an internal investigation where giving notice could compromise the investigation, or in exigent situations presenting a threat to campus safety, or the life, health, or safety of any person), or where it is impracticable. The decision not to give contemporaneous notice to an NYU faculty member, student or staff member must be made by the PDC Access Panel. In such cases, notice will ordinarily be given as soon as practical.

E. Policy Restrictions – Notice is not required where providing such notice would be in violation of any other applicable University policies

The PDC Access Panel may decide not to give notice. Any such decision, and the grounds for overcoming the presumption set forth in this policy, will be documented, and available for review by the Oversight Committee, as set forth in this policy.

Scope of Access

NYU will adopt reasonable steps, whenever practicable, to limit access, dissemination, and use of PDC of NYU faculty, students, and staff obtained under this policy to the content that is related to NYU’s documented purpose in obtaining access. These steps will vary depending on the circumstances of the search. Participation in the search, and access to, and dissemination and use of, the PDC in question should be limited to those personnel with a reasonable need to be involved. **To the extent un-encryption of any such PDC may be required, the protocols for un-encryption are legal in nature and beyond the scope of this policy.**

Records of Process

The PDC Access Panel will ensure that reasonable records of the process are preserved, including who requested the access, the purpose for which the access was requested, who undertook any investigation, the process undertaken, and any decision reached. The PDC Access Panel will also ensure that any person involved in accessing PDC signs an acknowledgement that all such PDC will be held in strict confidence in accordance with this policy.
In all instances of access under this policy, records should be maintained that are adequate to permit effective review as described in the Oversight Committee section of this policy. Records will be maintained for a period of time that is consistent with all legal obligations and with custom and practice.

**Compliance with Laws**

There are numerous international, federal and state laws related to data privacy, data security, and data transfer. This policy should be understood in light of those laws, including the Family Educational Rights and Privacy Act of 1974, the Electronic Communications Decency Act of 1986, the Healthcare Insurance Portability and Accountability Act of 1996, and implementing regulations.

**Oversight Committee**

This policy, its implementation and protocols, and instances of access under this policy will be subject to review by an Oversight Committee to be constituted by the Provost annually, which will include representatives (or their designees) from each council of the University Senate and appropriate senior administrators. The Oversight Committee will be provided at least annually with a report by NYU IT that categorizes the number of incidents where PDC of NYU faculty, students, and staff was accessed, and for each incident, the date of access, position of the individual(s) whose data was accessed (i.e., faculty, student, staff), the academic or administrative unit that requested access, the purpose for the access, whether there was notice provided, and whether such access, dissemination and use was in compliance with this policy and with NYU’s Policy on Requests to Information Technology Services (NYU IT) to Support Investigations. The report will not contain any actual PDC, and will not directly or indirectly identify individuals whose PDC was accessed. The Oversight Committee will meet at least annually to discuss the report and may make recommendations to the Provost as to the processes set forth in this policy and possible amendments to the policy. The Oversight Committee will also make periodic reports to the University Senate on the implementation of this policy.

**Policy Definitions**

“Personal Digital Content” or “PDC” means the following content, and its associated metadata, to the extent stored in files and/or accounts on, or transmitted through, NYU Systems and that are associated with a specific NYU faculty member, student, or staff member:

- digital documents and communications of NYU faculty, students, and staff, such as emails, voice mails, text messages, audio and video files;
- internet search records and internet sites visited for specific NYU faculty, students, or staff;
- manuscripts and other similar works of authorship by NYU faculty, students, or staff that are not publicly available; and
- other scholarly content of NYU faculty, students, and staff that comprises “Traditional Works of Scholarship” under NYU’s Statement of Policy on Intellectual Property, except to the extent such works also qualify as “Instructional Media” under that policy.

“NYU” means Schools and other units of NYU, NYU’s Global Network University sites, and all University Affiliates.
“NYU Systems” means all information technology services, networks, and devices owned, provided, or administered by any unit of NYU. Services include, but are not limited to email services, internet access, file servers, voice message servers, hardware and cloud-based storage devices and/or services, laptop, tablet, desktop, and other computers, phones or other mobile devices, and other outsourced information technology services (e.g., Google NYU Mail or Google Apps for Education).

“School” means each NYU school, college, and institute that functions similarly to a school or college (e.g., IFA, ISAW, Courant, and CUSP), each NYU portal campus (e.g., New York, Abu Dhabi, and Shanghai), and may include for purposes of this policy other global sites as designated by the Provost.

“University Affiliates” consist of those entities controlled, directly or indirectly, by the University through (a) ownership of more than 50% of the ownership interests in the entity or (b) the power to appoint or elect a majority of the organization’s governing body (e.g., directors or trustees)

Related NYU Policies

- Appropriate Use of Email at New York University [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/appropriate-use-of-e-mail-at-new-york-university.html]
- Data Classification at NYU [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/data-classification.html]
- Electronic Communications and Social Media Policy
- Family Educational Rights and Privacy Act (FERPA)
- HIPAA Policies [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/hipaa-policies.html]
- Missing Student Notification Policy [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/missing-student-notification-policy.html]
- NYU Code of Ethical Conduct [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/code-of-ethical-conduct.html]
- Policy on Personal Identification Numbers [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/policy-on-personal-identification-numbers.html]
- Policy on Requests to Information Technology (NYU IT) to Support Investigations [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/requests-to-its-support-investigation.html]
- Policy on Responsible Use of NYU Computers and Data [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/responsible-use-of-nyu-computers-and-data-policy-on.html]
- Policy on Retention of and Access to Research Data [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/retention-of-and-access-to-research-data.html]
- Principles and Procedures for Dealing with Allegations of Research Misconduct [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/researchmisconduct.html]
• Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/educational-and-research-uses-of-copyrighted-materials-policy-st.html]
• Terms of Use for NYU Google Apps for Education [https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/google-tou.html]
• Faculty Handbook: https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook.html
• Faculty (Continuing Contract Faculty) Grievance Procedures: http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/faculty-policies-applicable-to-full-time-continuing-contract-faculty/grievance-procedures.html
• Student Grievance Procedures: https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/student-grievance-procedure.html
• Student Grievance Procedure (Summary): http://www.nyu.edu/students/student-information-and-resources/student-community-standards/student-grievance-procedure.html
• Employee Handbook [NO GRIEVANCE INFO]: https://www.nyu.edu/employees/hr-at-your-service/employee-handbook.html
Proposed T-FSC Resolution

Presented by the Inclusion, Equity, & Diversity Committee for consideration at the T-Faculty Senators Council Meeting, 12/15/16

Resolution:

The NYU Tenured/Tenure Track Faculty Senators Council wants to commend Hamilton’s statements in support of DACA and our undocumented students and urge the university to continue taking proactive responses to any possible threats to the civil liberties, personal safety, and academic freedom of NYU community members.

We encourage the university to recognize the symbolic importance of designing NYU a “Sanctuary campus” to bolster’s NYU’s policies in defense of undocumented members of our community. We encourage administration to continue instilling a zero-tolerance policy to hate crimes and to play a leadership role in opposing a national Muslim Registry, which will greatly imperil NYU’s global position.
“BOTH/AND” DECISION MAKING IN SEARCHING FOR, HIRING, AND TENURING FACULTY AT NYU ABU DHABI AND NYU SHANGHAI

The processes that govern searching, hiring, reviewing, and tenuring faculty at the portal campuses embody University-wide “core and essence” principles that ensure appropriate input by the leadership of NYU, the leadership in NYU Abu Dhabi, and the leadership in NYU Shanghai. These principles, which must be reflected in school-level processes, focus on points of “both/and” decision-making, that is, points at which both an approval by the portal campus and New York are required.

These principles apply only to appointments of tenured/tenure-track faculty, Arts Professors and Music Professors at the portals. Other full-time non-tenure track/contract faculty appointments do not require “both/and” decision-making.

1. Search plans

In addition to being approved by the Provost of NYU Abu Dhabi/NYU Shanghai, the annual search plans for the portal campuses must be approved by the Provost of NYU.

It is intended that these search plans be developed by the faculty and academic leadership of the portal campus, with early input from the relevant school or department in New York. The approval process is an extension of the process governing schools in New York; New York deans construct search plans for their schools from departmental/unit search plans, and then submit their proposals for final approval to the Provost of NYU.

2. Searches and Offers

NYU Abu Dhabi/NYU Shanghai partner with a New York school, department, or program on searches for tenured and tenure track faculty, Arts Professors, and Music Professors; an offer is made to a candidate only if both the leadership of the portal campus and the relevant New York unit agree.

The New York school, department, or program must agree to regard the new hire as eligible to participate in scholarly and instructional activities of the unit, including teaching graduate courses and mentoring PhD dissertations and master’s theses. The unit also agrees to participate in the third-year review and tenure process of the tenure-track candidate.

Granting “Global Network Faculty” status is the way for New York units to express their approval of the candidate. This is a title that Faculty Advisory Committee on the University’s...
Global Network has recommended that New York schools use. 1 In the words of the Committee: “The title would be awarded to an NYU Abu Dhabi/NYU Shanghai colleague by an NYU New York unit, to signify that the granting unit regards that colleague as a professionally active and accomplished academic who would be an asset to the unit’s research, training, and teaching agendas, and, as such, is qualified to teach and mentor its students, including graduate students.”

3. Tenure is granted only if both the Vice Chancellor of NYU Abu Dhabi/NYU Shanghai and the Provost of NYU approve.

At each portal, the process begins with a “local” faculty review committee that prepares the docket and makes a recommendation to the portal’s P&T committee. Tenured faculty from the New York partner school, department, or program will have membership in the faculty review committee, and very likely a majority membership during this initial period until the portal campus has a sufficient number of tenured faculty in the discipline. As a part of the process, the docket will be given to the relevant New York school, department or program for review, and its recommendation will be included in the materials considered by the portal’s P&T Committee. The portal’s P&T Committee makes its recommendation to the Provost of NYU Abu Dhabi/NYU Shanghai. If the NYU Abu Dhabi/NYU Shanghai Provost recommends tenure, that recommendation goes to the Vice-Chancellor of NYU Abu Dhabi / NYU Shanghai and the Provost of NYU for final approval through a both/and decision.

The provisions above represent the “core and essence” of the processes involved in searching for, hiring, reviewing, and granting tenure at the portal campuses. There are, of course, a number of other important elements of these processes.

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1 See Report of the Global Faculty Advisory Committee on the University’s Global Network, Proposal for a New Faculty Title: Global Network Faculty, Appendix B.
GLOBAL NETWORK PROFESSOR TITLES

FACT SHEET AND GUIDELINES FOR ADMINISTRATIVE PROCESSING

I. Eligibility

The Global Network Professor title:

i. Is conferred upon all full-time tenured/tenure track faculty, Arts Professors, and Music Professors at NYUAD and NYUSH by a New York department and school;

ii. May be conferred upon other select full-time non-tenure track/contract faculty at NYUAD and NYUSH upon recommendation of the provost of NYUAD and/or NYUSH and with consent of a New York school and department;

iii. May be offered to select tenured/tenure track faculty members, Arts Professors, and Music Professors at NYU New York who have deep sustained and continuing commitments at NYUAD and/or NYUSH as 'affiliated faculty' upon initial recommendation of the provost at NYUAD and/or NYUSH, with agreement of the school/department in New York, and at the consent of the individual faculty member;

iv. For the New York-based faculty, the title of Global Network Professor will typically be for the duration of the professor’s appointment at NYU. For the Abu Dhabi or Shanghai-based faculty, the title of Global Network Professor will typically be for the duration of the professor’s teaching assignment at that campus; under rare circumstances the title may be revoked upon the request of the faculty member or by NYUAD and/or NYUSH and/or NYU New York;

v. May be held concurrently with additional Associated or Affiliated appointments across the global network.

II. Format

The Global Network Professor title:

i. Is conferred as an additional secondary title;

ii. Has Assistant/Associate/Full Professor ranks, matching the rank of the home unit;

iii. Designates the campus and may designate the discipline; and

iv. Is listed in websites and catalogues of both campuses.

III. Examples of Titles

- For NYUAD-based faculty: Assistant Professor of Biology, NYU Abu Dhabi; Global
Network Assistant Professor of Biology, Faculty of Arts and Science, NYU.

- For NYUNY-based faculty: Professor of Cinema Studies, Tisch School of the Arts, NYU; Global Network Professor of Cinema Studies, NYU Abu Dhabi.
- For NYUNY-based faculty: Professor of History and French, Faculty of Arts and Science, NYU; Global Network Professor of History, NYU Shanghai.

IV. Rights, Duties, and Privileges

For a Global Network Professor title conferred upon a faculty member at NYUSH and/or NYUAD by a unit in New York:

i. The probationary timetable of the tenure track professor is the timetable of the home unit – NYUAD or NYUSH.
ii. The Global Network Professor is eligible to teach and mentor graduate students in the New York unit.
iii. The Global Network Professor participates in faculty governance in the home campus only (at NYUAD or NYUSH) and has no rights or obligations with respect to tenure or governance in New York.

For a Global Network Professor title conferred upon a New York faculty member by NYUAD and/or NYUSH:

i. The Global Network Professor is typically an affiliated faculty member at NYUAD and/or NYUSH with teaching responsibilities.
ii. Global Network Professors are eligible to participate in the faculty governance of NYUAD and/or NYUSH in accordance with the eligibility provisions of each respective campus, but are only eligible to represent their home school in the University Senate, as outlined in the Faculty Handbook.

The Cross Appointments chart summarizes the rights, duties, and privileges associated with the Global Network Professor title, as compared with traditional cross appointments at NYU.

V. Coordinated Appointment, Third Year, Reappointment, Promotion, and Tenure Review

NYUNY units that confer Global Network Faculty status participate in the appointment, third-year, tenure, and promotion review of the tenured/tenure track faculty and the appointment, reappointment and promotion review of Arts and Music Professors, as described in the Provost’s memo regarding Both/And Decision Making in Searching for, Hiring, and Tenuring Faculty at NYU Abu Dhabi and NYU Shanghai, consistent with existing procedures in the schools and campuses for cross appointments, and in accordance with the New York department’s policies.

NYUAD and NYUSH do not participate in reappointment, promotion, tenure, or salary review of the New York-based Global Network Professor.

A full statement about coordinated appointments across the global network may be viewed at Faculty in the Global Network.
VI. Appointment Procedures

All faculty titles at NYU New York, Abu Dhabi, and Shanghai campuses are officially processed through the NYU Office of Academic Appointments (OAA).

For NYUAD and NYUSH faculty receiving the Global Network Professor title:

i. The process typically begins in the recruitment phase, when, in accordance with Both/And Decision Making, relevant academic units in New York, Abu Dhabi, and/or Shanghai cooperate in formulating search plans for approved faculty lines and considering candidates. To propose Global Network Faculty status for a prospective faculty member, NYUAD and/or NYUSH (through the appropriate chair and/or dean) provides the candidate’s full professional dossier to the relevant New York unit. Following its own procedures, the New York unit conducts a discussion, initiates procedure to confer the status of “Global Network Professor” to the candidate, and makes a recommendation to the New York Dean.

ii. NYUAD and NYUSH coordinate with NYU New York to submit the Request for Global Network Professor Title for each appointment. This request form requires signature approvals from NYUAD, NYUSH, and NYU New York. The appointment is not final until it is officially processed in OAA with the request form.

For NYUNY faculty receiving the Global Network Professor title:

i. NYUAD and/or NYUSH initiates the nomination of selected full time members of the New York faculty to receive the Global Network Professor title at that portal. Upon agreement of the New York department, the offer of the appointment is made to the New York faculty member.

ii. NYUAD and/or NYUSH coordinates with the relevant New York department/school to submit a Request for Global Network Professor Title for each appointment. The appointment is not final until it is officially processed in OAA with the request form.