MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF MARCH 23, 2017

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, March 23, 2017 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Cappell, Davila, Duncombe, Fenton, Figlewski, Frankl, Hoffman, Jacobs, Jamieson, Lapiner, Ling, Logan, Merritt, Mincer, Shapley, Smoke, Van Devanter, Weslake; Active Alternate Bello; Alternate Senators Allgood (for Watson), Alter (for Weinberg), Dasanyake (for Kamer), Jennifer Manuel, Ompad (for Parekh), Reiss (for Appiah), Schlick (for Tranchina), Seeman (for Uleman), and Tannenbaum.

APPROVAL OF THE MINUTES OF THE MEETING HELD FEBRUARY 23, 2017

Upon a motion duly made and seconded, the minutes of the February 23, 2017 meeting were approved unanimously.

ANNOUNCEMENT OF THE LIST OF CANDIDATES

Senator Cappell, on behalf of the Nominating Committee, announced the list of candidates for the positions of T-FSC Vice Chairperson and T-FSC Secretary 2017-2018. For the position of Vice Chairperson, the candidate is Nick Economides of the Stern School of Business. For the position of Secretary, the candidates include Arvind Rajagopal of the Steinhardt School and Robert Lapiner of the School of Professional Studies. He asked for additional nominations, including self-nominations from the floor. No additional nominations were made.

Additional nominations may be made from the floor the day of the election.

Chairperson Mincer thanked the candidates and reminded them to submit their candidate statement prior to the next Council meeting.

REPORT FROM THE CHAIRPERSON: ALLEN MINCER

Executive Committee (EC) Meeting with President Hamilton

Chairperson Mincer reported the EC discussed with President Hamilton ways the faculty might help in the face of unknown challenges. Hamilton suggested considering academic efficiencies and offered two examples to consider. One modification is having students begin their studies in the spring to even out resource usage. Currently there are more students in the fall in New York, than the spring. In global sites the case is the reverse. The second idea to consider is moving to an eleven month calendar with faculty teaching 2 of 3 semesters. These issues are being examined by the Affordability Steering Committee.

Mincer encouraged Senators to communicate any other ideas related to affordability.

Communication with Board of Trustees (BOT)
There have been discussions in various venues with President Hamilton and the Board of Trustees about more communication between the Board of Trustees and the various constituents at NYU. Representatives of the Student Senators Council passed a resolution regarding student representation on the Board of Trustees and will attend today’s meeting to present on this issue. Mincer noted there has been recognition by the BOT that there is a need for more formal means of communication.

Senators discussed the possibility of the T-FSC exploring a similar resolution regarding faculty representation. The Council charged the T-FSC Governance Committee with adding this item to their agenda. It was noted this issue will also be on the Senate Committee on Organization and Governance (SCOG)’s agenda.

**Steinhardt School Election**

Steinhardt has agreed to extend Chair-Elect Wen Ling’s term for an additional year to allow her to serve as T-FSC Chairperson next academic year.

**SPECIAL GUEST PRESENTATION**

**Craig Jolley, Director, Office of Student Conduct and Community Standards**

See attached Document C: Student Conduct Policy Modernization.

Craig Jolley introduced his role as Director of the Office of Student Conduct, which oversees the University’s conduct policies and disciplinary procedures. He stated his Office is currently working on updating the policies and procedures of the university related to student conduct, which have not been updated in almost forty years. The two major documents include The Rules for Maintenance of Public Order, written in 1969, and the University Policy on Student Conduct written in 1978. It was noted these were developed when schools were smaller and they handled their own disciplinary issues. When an incident occurred involving students from different schools the issue was handled under a different process, which had the potential to create unequal outcomes across the University.

In the fall semester a working group with representation from all schools was convened to review and update policies. This spring semester the group merged with the University Senate Judicial Board Committee and representatives from the SSC, T-FSC, C-FSC, and AMC. The group drafted a new NYU non-academic student misconduct policy. There are other policies that cover academic misconduct by school and university-wide policies on discrimination, technology, alcohol and drugs, weapons, and sexual misconduct. This policy addresses all items outside that scope, and addresses items such as bullying and harassment over social media and protest and dissent. He noted NYU does not intervene in most off-campus incidents, unless if it involves an incident between university community members.

The timeline for the policy is to present the draft to the University Senate at their first meeting of academic year 2017-2018. Jolley stated he is visiting each of the Councils to field any initial inquiries and questions.

A Senator asked why sexual misconduct is not included in Jolley’s domain. He stated sexual misconduct relates to Title IX, and allegations of sexual misconduct are assessed by the Title IX Coordinator and go through a separate process.

A Senator inquired on the guidelines related to student protest. Jolley stated the University wants students to be able to express themselves, but there may be disciplinary consequences if there is a destruction of property or university operations are forced to shut down. The policy makes the general
statement that where behavior in the course of a demonstration or protest violates the standards established under the policy, student conduct action may be initiated.

A Senator asked how this policy applies at other campuses, such as Abu Dhabi and Shanghai. Jolley responded this is the New York policy and Shanghai and Abu Dhabi have their own codes of conduct.

A Senator recommended educating students on the code of conduct before a speaker attends a campus event. This could make clear the circumstances under which the University is willing to invite a controversial speaker and what is expected from students, and what conduct violates those expectations.

Jolley supported the idea of programming which educates students on topics such as engaging in peaceful protest and other conduct issues related to the new policy.

**T-FSC COMMITTEE REPORTS**

**Governance: Committee Co-Chairs Awam Amkpa & Stephen Duncombe**

**Shared Governance Survey**

Senator Duncombe announced the Committee is preparing a survey to be distributed to all faculty regarding the local application of the principles of shared governance as stated by the Faculty Handbook in schools, departments, and programs. The purpose of this is threefold: to gather information, inform faculty of the principles of shared governance, and to prompt faculty to advocate the principles of shared governance at a local level.

**School of Medicine (SOM) Election Process**

Duncombe reported the Committee was contacted by a faculty member at the SOM on a concern regarding the nomination process for elections to the School of Medicine Grievance Committee. The NYU Faculty Bylaws states that the Grievance Committee should be elected by the voting members of the faculty, but it does not make a specific statement on the nominations. The past practice at the SOM is the Executive Committee solicited nominations from the faculty, vetted them for qualifications, and then put them up to be voted on by the full faculty. However, it was reported in recent elections that the Executive Committee nominated the candidates themselves. Yet, this is allowed by the local bylaws of the School of Medicine. The Governance Committee discussed this issue and concluded that while this recent practice of the Executive Committee of the School of Medicine adhered to the local bylaws, it seems to be against the spirit of university law. To clarify and rectify the situation, the Governance Committee was asked to endorse an amendment to the Faculty Handbook to clarify the election process of the Faculty Grievance Committee so it explicitly includes nominations as well as elections. The Committee will draft a letter to the Executive Committee of the School of Medicine regarding how the Committee reads the Bylaws to implicitly endorse the election of nominees and suggest that they revert to these best practices. The Committee will also study the relevant policies across other schools at NYU to see if this is indicative of a larger problem. If that is the case, then the Committee will likely come back to the Council and ask for an amendment at a later date.

**Educational Policies & Faculty/Student Relations: Committee Co-Chairs Robert Lapiner & Sharon Weinberg**

First Generation Undergraduates Students

Senator Lapiner stated the Committee focused on a topic brought to the attention of the Committee related to first generation undergraduate students. The common application now allows students to self-identify as first generation. 17% of the incoming students across NYU are the first in their families to go onto higher education.

The Committee learned that although every school has an ongoing commitment to supporting incoming students, it appears that only CAS, Tandon, and the Wasserman Center have programs that are specifically targeted to and designed for first generation college students.

Committee members in attendance came away impressed by the CAS program and encouraged to learn more. The Committee’s preliminary goals are to foster greater awareness about the existence, value, need for such efforts across the University, and to bring the voice of the faculty to these programs.

The Committee asked for the support of the Council in strengthening such initiatives and fostering campus-wide coordination in service to this important student population. A favorable response will empower the committee to follow up with Marc Wais, Senior Vice President for Student Affairs, to meet with the campus-wide First Generation Students Working Group, and to identify opportunities for achieving greater impact across every part of NYU. He noted this population captures a high proportion of students of color and students from immigrant families. He commented in light of the threatening environment towards immigrants and the risks of reduction of financial aid from the state for students in need, the Committee thought this could bolster an ongoing activity of the university and be an appropriate response in this environment.

By general consensus, the Council demonstrated their support for the Committee moving forward.

OLD BUSINESS

Social Media Policy

Alternate Senator Reiss reported the review of the Social Media Policy will be presented to the Council at the April meeting. The policy was first developed six years ago, with Ted Magder leading the Council’s discussion with the General Counsel’s Office. Since then, a second policy was developed on personal digital content, which was approved.

SPECIAL GUEST PRESENTATION: STUDENT REPRESENTATIVES

Resolution: Creation of Elected Student Board of Trustee (BOT) Members

See attached Document B: SSC Resolution.

Student representatives Drew Weber, a member of the Student Labor Action Movement (SLAM) and Husniye Cogur, a member of SLAM and the Student Senators Council (SSC) presented on the resolution passed by the SSC regarding the creation of student BOT members. This resolution will next be brought to the University Senate.

Weber discussed the transparency and accountability of NYU’s Board of Trustees as compared to other universities. He noted on the Board of Trustee website of many other universities, in addition to a list of all members, the website provides information on what committees members serve on, contact information, minutes, and open meeting schedules. NYU’s site does not provide this level of information.
Weber reported on the primary backgrounds of NYU’s Trustees and stated the overwhelming portion come from finance and then real estate and law. He commented while the students believe there needs to be board members with significant financial expertise, they feel there is a lack in a wide array of perspectives that is being brought to the governance of the university, particularly as it applies to the perspectives of students.

Cogur reported 70.8% of public universities have student trustees on their board, some of them mandated by state law. 20.1% of private universities have student trustees on their board. The students examined research in this area, particularly research done on four decades of student trustees at University of Massachusetts which showed that the student trustees provide a unique perspective that offers meaningful contributions to the discourse and decision making processes of university boards.

The resolution proposes that each year one graduate student and one undergraduate student be elected by their respective student bodies in an instant run off process. These student trustees will serve two year terms. The first year, they would serve as observers and the second year they would serve as voting members. The resolution also supports the creation of a Student Life and Transparency Committee to facilitate greater communication between the board and the student body. The resolution requires that student trustees attend different action zone trainings and sit on the Senate Ad hoc Task Force on Equity, Diversity, and Inclusion as well as attend Board of Trustees committee meetings.

Senators stated that the student resolution has encouraged the T-FSC to explore the idea of faculty members on the Board of Trustees as well.

A Senator inquired if the students asked for an opportunity to present their concerns directly to the Board of Trustees. Cogur responded the students met with President Hamilton and he stated he preferred for the resolution go through the University Senate, rather than direct to the Board.

A Senator asked if in these public and private models of student representation, if there is also faculty representation.

Weber responded there is more precedence for student representation, but there are universities that have faculty representation. Cornell University is an example.

A Senator suggested making a stronger point on transparency.

A Senator asked about the observer versus voting status. Weber stated that at about half of the universities that have student trustees, they serve as voting members.

A Senator asked about reasons cited by private universities for not appointing student trustees. Weber stated the most commonly cited reason is that it would present a conflict of interest. The argument states students who have a vested stake in the decisions of the university would not be able to operate as objective members of that body. The students stated their disagreement, commenting they view this as representative governance.

A Senator asked about the fiduciary responsibility as a member of the Board. Weber responded he will bring this question to the General Counsel at Cornell University, who he has been communicating with on the issue.
The students stated they are reaching out to the other Councils to discuss their resolution before it is brought to the University Senate. They have also contacted various media outlets for potential opportunities to promote the campaign.

The Council thanked the students for their presentation.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
The Committee last met on March 6th, to learn about the CAS School based-initiative, Proud to Be First, directed toward recruitment, retention, and intra-community support to CAS undergraduates who are the first in their families to undertake university study. We learned, among other things, that fully 17% of incoming freshmen at NYU fall into that category, and include high proportions of economically disadvantaged students as well as children of immigrants.

Given the temper of the times, the Committee thought it was especially important to understand more deeply what schools other than CAS are doing to help this population of students succeed. Through our discussions, we have learned that although every school has an ongoing commitment to supporting incoming students, it appears that only CAS, Tandon, and the Wasserman Center have programs that are specifically targeted to and designed for first generation college students.

Our members in attendance came away impressed by the CAS program, and encouraged to learn more. Indeed, from what we have begun to discern, our preliminary goals are to foster greater awareness about the existence, value and need for such efforts across the University — and to bring the voice of the faculty behind them.

Accordingly, the Committee seeks the sense of the Council about strengthening such initiatives and fostering campus-wide coordination in service to this important student population. A favorable response will empower the committee to follow up with Marc Wais, Senior Vice President for Student Affairs, to meet with the campus-wide First Generation Students Working Group, and to identify opportunities for achieving greater impact across every part of NYU.

Sharon Weinberg and Robert Lapiner, Co-Chairs
Creation of Elected Student Board of Trustee Members
Resolution of the Student Senators Council

WHEREAS, the Board of Trustees of New York University act as the primary steward in the effective implementation and usage of University funds, policies, and development;

WHEREAS, minutes for Board of Trustees meetings are not publically released by New York University;

WHEREAS, in a 2010 survey by the Association of Governing Boards of Universities and Colleges, 20.1% of private educational institutions included at least one student as a member on their Board of Trustees, a voting member for close to half of these schools, these schools include Duke University, Cornell University, University of Miami, and Cooper Union;

WHEREAS, the current structure of New York University is insufficient in representing the needs and concerns of the student body as demonstrated from the past year of recentering the university on questions of equity among other principles;

WHEREAS, the concerns moved through the pre-established representative bodies of the Student Senators Council and the University Senate have not been adequately addressed by the Board of Trustees;

THEREFORE, BE IT RESOLVED, the Student Senators Council requests that the NYU student body elect, each year, two students on the NYU Board of Trustees who will serve two-year terms;

FURTHER, BE IT RESOLVED, the elections will be organized through the Student Senators Council Elections Commission;

FURTHER, BE IT RESOLVED, each year one graduate student will be elected by the graduate student body, and one undergraduate student will be elected by the undergraduate student body through an instant runoff process;

FURTHER, BE IT RESOLVED, the student trustees will spend their first year as an observer and their second year as a voting member;

FURTHER, BE IT RESOLVED, the Board of Trustees shall create the Student Life and Transparency committee that shall facilitate greater communication between the Board of Trustees and the student body by hosting a Town Hall each semester in which the committee will present on the state of the Board and hear directly from the student body;

FURTHER, BE IT RESOLVED, the student trustees shall attend safe zone, diversity zone, and disability zone trainings and sit on the The Senate Ad Hoc Advisory Task Force on Equity, Diversity, and Inclusion as well as it be recommended that they attend the Student Senators Council Diversity Committee meetings;

FURTHER, BE IT RESOLVED, the student trustees shall have responsibilities that will include, but are not limited to: 1) sitting as members of the Board of Trustee committees; and 2) serving on the newly created Student Life and Transparency Committee;
FURTHER, BE IT RESOLVED, the student trustees will have the responsibility through student outreach to represent the perspectives of the student body while still acting in the interest of the university as a whole and all its stakeholders;

FURTHER, BE IT RESOLVED, minutes will be published from the full meetings of the Board of Trustees.

As Proposed By Senator Husniye Coghur, drafted in coordination with NYU Student Labor Action Movement. Proposed October 26, 2016

Addendum

ELECTION PROCESS

- Candidates for the Student Board of Trustee position shall submit a petition of candidacy with 300 signatures from their respective student body (i.e. undergraduate and graduate)
- Candidates must be studying on the New York campus during the fall and spring semester for both years of their tenure. An exception will be made for students in 2 year programs who intend on living in the New York City metro area post graduation for the remaining year of their term. This situation will be indicated on the ballot.
- Candidates must be able to commit to attending required Board and committee meetings, along with being able to hold weekly office hours once inaugurated
- Candidates are required to submit a statement regarding their candidacy to be included on the online ballot
- Candidates may not serve on the Elections Commission during the course of the election
- The Election Commission will be charged with setting up a debate between the eligible candidates open to the student body and livestreamed through the appropriate channels
- Student trustees, once their term begins, may only serve exclusively in university governance as a member of the Board of Trustees
- If a student trustee leaves their position part way through their term, their replacement shall be chosen by the Student Senators Council.
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

STUDENT CONDUCT POLICY MODERNIZATION

Presentation to the Tenured/Tenure Track Faculty Senators Council
March 24, 2017

CURRENTLY IN EFFECT

Bylaw #80
Student Discipline
(Date unknown)

Rules for the
Maintenance
of Public Order (1969)

University Policy on
Student Conduct (1978)
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

STUDENT CONDUCT WORKING GROUP

• Commenced in Fall 2016 with monthly meetings
• The group was charged with developing a new University-wide student conduct policy
• Collaborators in the fall included Student Affairs Deans and Directors from most of the academic schools, the Office of Student Conduct, and the Office of General Counsel
• Representatives from the University Senate (SSC, T-FSC, C-FSC, and AMC) have now joined the group for the Spring semester

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NYU NON-ACADEMIC STUDENT MISCONDUCT POLICY
NEW YORK UNIVERSITY
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

TYPES OF MISCONDUCT

Established through
SCHOOL-BASED POLICIES

ACADEMIC
Cheating
Duplicate Submission
Plagiarism
Falsifying Results
Collusion
Improper Use of Online Course Functions
Academic Misrepresentation
Failure to Comply with Instructor’s Directives
Destruction of Lab Equipment or Materials
Failure to Meet Professional Standards

Established by
UNIVERSITY-WIDE POLICIES

DISCRIMINATION & HARASSMENT
INFO TECHNOLOGY
SEXUAL MISCONDUCT
SUBSTANCE ABUSE
WEAPONS

NON-ACADEMIC
Bullying/Threatening Behavior - Violence
Destruction of Property
Disorderly/Disruptive Conduct
Failure to Comply
Fire Safety
Guests and Visitors
Hazing
Misrepresentation (non-academic)
Theft
Misuse of University Property

NEW YORK UNIVERSITY
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

NEW NYU NON-ACADEMIC STUDENT MISCONDUCT POLICY

HIGHLIGHTS

A) Sets forth a logical, modern, and user-friendly code of conduct addressing contemporary campus issues with applicability to all students.

B) Replaces outdated policies to reflect current University structure, definitions, and campus climate.

C) Makes reference to other current existing NYU policies that require more detailed explanation (i.e. Sexual Misconduct, Substances, Weapons, Discrimination)
NEW YORK UNIVERSITY  
OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

NEW NYU NON-ACADEMIC STUDENT MISCONDUCT POLICY

HIGHLIGHTS

D) Updates the University's position regarding "off-campus" conduct to include online activity and social media

E) Clarifies applicability to student organizations

F) Updates language regarding "Demonstration and Protest", recognizing the essential right to engage in peaceful protest while clarifying that the standards of conduct still apply.

HIGHLIGHTS

G) Allows for each school to develop and implement its own model for enforcement/adjudication OR elect to utilize (opt into) a centralized process administered under the Senior Vice-President for Student Affairs.
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ANTICIPATED TIMELINE

March-April 2017
- Presentations to Senate Councils
- Working group continues meeting to finalize policy

October 2017
- Proposal shared at University Senate Meeting

November 2017
- Request for Approval by University Senate

Fall 2018
- New policy in effect

QUESTIONS AND COMMENTS

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